I. **CALL TO ORDER:** Chairman Shaw
   - Pledge of Allegiance: Commissioner Price
   - Roll Call: Commissioners Krick, Briant, Price, Wallace, Chairman Shaw

II. **PUBLIC COMMENTS - On Items Not on the Agenda**

   A five-minute limitation shall apply to each member of the public who wishes to address the Chairman and Commissioners for items not on the agenda. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public. (Usually, any items received under this heading are referred to staff or future study, research, completion and/or future Commissioner Action.) **PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.**

III. **CONSENT CALENDAR ITEMS:**

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

   Minutes of December 7, 2016 Regular Planning Commission meeting……Page 1

IV. **PUBLIC HEARINGS:**

   1. **DISCUSSION AND CONSIDERATION OF A RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OF GENERAL PLAN AMENDMENT NO. 16-2501, AN ADDENDUM TO THE BUTTERFIELD SPECIFIC PLAN FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007091149) AND ASSOCIATED MODIFICATIONS TO THE MITIGATION MONITORING AND REPORTING PROGRAM, AND MINOR MODIFICATIONS TO THE BUTTERFIELD SPECIFIC PLAN.**
APPLICANT REQUEST:

The applicant, Pardee Homes, is requesting approval of General Plan Amendment (GPA) No. 16-2501 to reflect the removal of the proposed extension of Highland Home Road to Brookside Avenue and Cherry Valley Boulevard from the General Plan Circulation Element and certain minor modifications to the Butterfield Specific Plan.

Staff Report

Order of Procedure:
1. Staff report presentation
2. Applicant presentation
3. Planning Commission questions for staff and applicant
4. Open public hearing
5. Close public hearing
6. Planning Commission discussion
7. Motion and Second
8. Planning Commission discussion on motion
9. Call the question (Roll call vote)

RECOMMENDATION:

That the Planning Commission adopt Resolution No. 2017-02 recommending the following:

I. Recommending to the City Council adoption of an Addendum to the previously certified Final Environmental Impact Report (SCH No. 2007091149) for the Butterfield Specific Plan project, assessing the proposed General Plan Amendment and Minor Modifications, and adoption of associated modifications to the Mitigation Monitoring and Reporting Program.

II. Recommending to the City Council the adoption of Resolution 2017-07 approving General Plan Amendment (GPA) No. 16-2501 to reflect the removal of the proposed extension of Highland Home Road to Brookside Avenue and Cherry Valley Boulevard from the General Plan Circulation Element, pursuant to the Settlement Agreement, and providing concurrence with staff approval of proposed minor modifications to the Butterfield Specific Plan.

2. DISCUSSION AND CONSIDERATION OF ZONE TEXT AMENDMENT (ZTA) 16-97502 CONSISTING OF ZONING CODE AMENDMENTS RELATED TO THE DELIVERY, DISPENSING, AND CULTIVATION OF MARIJUANA.

Staff Report
5. Planning Commission discussion
6. Motion and Second
7. Planning Commission discussion on motion
8. Call the question (Roll call vote)

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 2017-01

I. Recommending to the City Council the adoption of a Categorical Exemption for the subject proposal.

II. Recommending to the City Council the adoption of Ordinance No. 1507 approving Zone Text Amendment ZTA No. 16-97502 amending various sections of the Zoning Ordinance (Title 17 of the Banning Municipal Code) related to the delivery, dispensing, and cultivation of marijuana.

3. DISCUSS AND CONSIDER APPROVAL OF CONDITIONAL USE PERMIT NO. 16-8004 AND DESIGN REVIEW NO. 16-7001 BY RESOLUTION NO. 2017-03 FOR THE EXPANSION OF AN EXISTING PRIVATE SCHOOL AND THE INSTALLATION OF FIVE MODULAR BUILDINGS AND ASSOCIATED IMPROVEMENTS TO ACCOMMODATE SAID EXPANSION, LOCATED AT 1325 MOUNTAIN AVENUE (APN 535-422-015); MOUNTAIN AVENUE BAPTIST CHURCH SCHOOL.

APPLICANT’S REQUEST:

The applicant, Mountain Avenue Baptist Church, is requesting approval of a Conditional Use Permit Amendment for the expansion of an existing private school to accommodate up to 100 new students, and Design Review for the installation of 5 modular buildings and associated improvements to accommodate said expansion, for the existing Mountain Avenue Baptist Church located at 1325 Mountain Avenue (APN 535-422-015) within the Low Density Residential (LDR) zoning district.

Staff Report……………………..…………………

Order of Procedure:
1. Staff report presentation
2. Applicant presentation
3. Planning Commission questions for staff and applicant
4. Open public hearing
5. Close public hearing
6. Planning Commission discussion
7. Motion and Second
8. Planning Commission discussion on motion
9. Call the question (Roll call vote)

RECOMMENDATION:
Staff recommends that the Planning Commission adopt Resolution No. 2017-03

I. Finding that the potential environmental effects of the project were addressed in the Mitigated Negative Declaration adopted for CUP #06-802 for a school building and ancillary facilities. The current proposal would be sited in the same location, but with less square footage than was originally analyzed and there have been no substantial changes in the project nor in the circumstances under which the project is undertaken which will require major revisions of the previous Mitigated Negative Declaration; nor is there new information that shows that the project will have a significant environmental effect or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required.

II. Approving Conditional Use Permit (CUP) No. 16-8004 for the expansion of an existing school to accommodate existing and up to 100 new students, subject to the Findings and Conditions of Approval contained therein; and

III. Approving Design Review No. 16-7001 for the installation of 5 modular buildings and associated improvements to accommodate the expansion of an existing school, subject to the Findings and Conditions of Approval contained therein.

V. PLANNING COMMISSIONER COMMENTS:

VI. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

VII. ADJOURMENT:

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of February 3, 2017 starting at 6:30 p.m. in the City Council Chambers.

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

REGULAR PLANNING COMMISSION MEETING MINUTES

December 7, 2016

A regular meeting of the City of Banning Planning Commission was held on Wednesday, December 7, 2016 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Chairman Shaw  
Vice-Chairman Kick  
Commissioner Briant  
Commissioner Price  
Commissioner Wallace

Staff Present: Community Development Director, Brian Guillot  
Interim Assistant City Attorney, Gregg W. Kettles  
Ted Shove, Economic Development Manager  
Senior Planner, Patty Nevins  
Recording Secretary, Sandra Calderon

I. CALL TO ORDER

II. PUBLIC COMMENTS

Inge Schuler resident of Banning commented on a Negative Declaration for a previous project approval, and commented on the lawsuit on the Rancho San Gorgonio Specific Plan project based on CEQA.

III. CONSENT CALENDAR ITEMS

APPROVAL OF MINUTES: Special Meeting - August 31, 2016.  

ACTION (KRICK/PRICE): (Motion Carried 5-0)

IV. PUBLIC HEARINGS

1. DISCUSSION AND CONSIDERATION OF APPROVING CONDITIONAL USE PERMIT NO. 16-8005 BY RESOLUTION NO. 2016-09 PROPOSED CRAFT BREWERY (MICROBREWERY) WITH TASTING ROOM, BREW REBELLION LOCATED AT 33 S. SAN GORGONIO AVENUE (APN 540-204-009)
Senior Planner Patty Nevins presented the staff report; she said the request for the Conditional Use Permit (CUP) is to establish a craft brewery with a tasting room/drinking establishment in the Downtown Commercial (DT) zoning district. There is an existing 1,015 square foot building that occupies the front most portion of the lot. The building space will be divided between 1,267 and about 850 square feet of the bar/tasting area for clients. The operations will include small beer production, a drinking area and sales of beer produced onsite by the applicant. They anticipate some entertainment and food available that could be brought from offsite to the location. The hours would be generally 12:00 noon to 12:00 a.m.

For the approval of the ABC license, they require that the Police Department review the application. A condition of approval was included that the facility meet all local and state regulations. Should there by an anticipated negative effect, a condition of approval was added to the resolution that allows this permit to be brought back to Planning Commission for consideration of additional conditions if needed. The staff recommends approval subject to the findings and conditions listed in the resolution.

Chairman Shaw opened Planning questions for staff and applicant.

Commissioner Price asked the applicant Ed Parker, how many patrons it will hold at one time maximum.

Ed Parker said the location will accommodate forty nine (49) patrons and there is also an outside patio area in the rear of the building. He said the Haven Restaurant will work with them by providing the food.

Ed Parker said it is a one barrel system which is thirty-one (31) gallons, and it's designed to be a specialty product.

Commissioner Wallace asked for the hours of operation.

Ed Parker said during the week will be open at 4:00 p.m. and Friday, Saturday and Sunday will be open at noon. He added that it is legal for parents to bring their children to a brewery where it can be used to celebrate birthday parties, weddings etc.

Commissioner Krick asked about dumpsters/trash enclosures.

Ed Parker said they use a small trash can.

Director Brian Guillot said that the Downtown is very unique. There's not a lot of room for expansion and dumpsters are usually shared with other businesses.

Commissioner Krick asked if the parking lot is also shared, and about the lighting in the rear parking lot and in the front of the building.
Ed Parker said lighting will be installed in the doorway, but the rear parking lot is City owned parking lot.

Economic Development Manager, Ted Shove said the parking lot adjacent to the south is a City owned parking lot. To the rear of the building there’s an alley way used by trash trucks and by moviegoers to the Fox Theater.

Chairman Shaw opened public hearing
None

Chairman Shaw closed public hearing

Chairman Shaw opened for Planning Commission discussion
None

Chairman Shaw opened the floor for a motion

**ACTION (KRICK/PRICE):** A motion was moved, seconded and carried that the Planning Commission take the following action:

That the Planning Commission adopt Resolution No. 2016-09.

I. Adopt a Categorical Exemption, pursuant to Section 15301 (Existing Facilities); and

II. Approve Conditional Use Permit (CUP) No. 16-8005 subject to the Findings and Conditions of Approval.

**MOTION CARRIED 5-0**

2. **DISCUSSION AND CONSIDERATION OF APPROVING CONDITIONAL USE PERMIT NO. 16-8003 BY RESOLUTION NO. 2016-07 PROPOSED TRUCK REPAIR AND SERVICE FACILITY, CRUZ INDUSTRIAL TRUCK, INC. LOCATED AT 1233 E. RAMSEY STREET (APN 541-170-002)**

Senior Planner Patty presented the staff report, cited the location of the proposed project to establish a truck repair and service facility in the Business Park (BP) zoning district. The property has buildings on the property that are currently vacant; they will be used for operation of the truck repair and service facility. There is a small office space in the front of the property and the truck repair facility is located in the rear. The workspace is a 4,800 square-foot service work area and a 670 square foot office. There are four existing bay doors in the service facility and the applicant will eventually have the ability to add two more bay doors for a total of six service stalls. The site used to be a former recycling facility and this proposed project creates a significant improvement to the site.

The proposed site plan provides sixteen (16) parking for large trucks for customers and employees.
The applicant owns the property to the east that will be used to provide maneuvering and entry access on Ramsey Street for large trucks. A condition of approval has been added that will require they either merge the parcels or record a reciprocal access agreement. Site improvements include landscaping in the front and back of the property and to finish a wall that is on the easterly area of the site. The business is relocating his business from another location in the City.

Commissioner Briant asked the applicant Ruben Cruz if he plans to install any signage closer to the freeway, or right at the Ramsey Street intersection.

Ruben Cruz said they currently have a billboard close to the scales in Cabazon in addition to having many existing customers. He said they can display a small sign, but feel that it’s not necessary.

Commissioner Shaw asked if the existing facility will remain in operation.

Cruz said they will be closing the existing location and plan to relocate to the new proposed facility.

Cruz said the proposed site will be updated and enhanced with new paving, new paint to the buildings and include landscape improvements.

Commissioner Briant asked if there are plans to having a large area where the trucks can turn around on-site and exit back to Ramsey Street.

Cruz said he owns the adjacent property which is vacant land that will allow the trucks to turn around and exit the location without any problem.

Commissioner Wallace asked if he anticipates any trucks be parked on the street.

Cruz said many trucks currently park on Ramsey Street, but they are not all his customers. The proposed site will provide five (5) parking spaces to large-trucks.

Commissioner Briant said he visited the formerly recycling facility several times and thinks that the site currently looks great in comparison to how the site was previously maintained.

Commissioner Krick said the small building to the east that will be used for storage by the applicant used to be the City’s Department of Motor Vehicle office.

Commissioner Krick said they are two gates currently in the front of the building and want to know which gate will be used to enter the site.

Harvey Marcell, P.E. said a gate was installed on the east property line to be used as an emergency access only if necessary, but it will normally remain closed.
Commissioner Krick asked if the applicant plans on merging the lots or will be doing a shared agreement.

Marcell said the applicant has a recorded shared agreement and may merge the lot at some point in the future.

Commissioner Wallace said she commends the efforts being done for the community.

Chairman Shaw opened public hearing
None

Chairman Shaw closed public hearing

Chairman Shaw opened for Planning Commission discussion

Commissioner Krick said this proposed project will be good use for the property.

Chairman Shaw opened the floor for a motion

**ACTION (PRICE/WALLACE): A motion was moved, seconded and carried that the Planning Commission take the following action:**

That the Planning Commission adopt Resolution No. 2016-07.

I. Adopt a Categorical Exemption pursuant to Section 15301 (Existing Facilities) and Section 15332 (In-Fill Development Projects); and

II. Approve Conditional Use Permit (CUP) No. 16-8003 subject to the Findings and Conditions of Approval.

*(Motion Carried 5 -0)*

V. **PLANNING COMMISSIONER COMMENTS:**

Commissioner Krick asked if the City is going to take the task of the old San Gorgonio site, because he feels the current temporary fencing should be considered a blight at this time.

Director Guillot said he believes there will be a discussion between the City Manager and the City Council and comments will be conveyed to the City Manager.

Commissioner Wallace asked for more information regarding the public comment made earlier regarding the lawsuit.

Director Guillot said there was a lawsuit was filed on the Rancho San Gorgonio project and there will be closed session meeting between the City’s Attorney and the City Council who will make a determination.
Commissioner Price asked about the Lincoln Street vacant site.

Director Guillot said the vacant building is currently in receivership and anticipates some form of update to the City Council will be given by the Code Enforcement Department. He will be updating the Planning Commission when the report is available.

VI. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS

Director Guillot said he appreciates the work done by the Planning Commission regarding the new stores that are occupying the old K Mart building on Highland Springs Shopping Center.

Party City, Big 5, Marshalls and Hobby Lobby stores are doing better than anticipated.

PAD A that will include Chipotle, T-Mobile and Sleep Train stores, and is currently under development. He added that the developer is currently looking at other sites within the City for future development.

VII. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:13 p.m.

Respectfully submitted,

______________________________
Sandra Calderon
Recording Secretary

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

TO: Planning Commission
FROM: Brian Guillot, Community Development Director
PREPARED BY: Ashley Davis, LSA Associates (Contract)
                      Patty Nevins, Senior Planner
SUBJECT: DISCUSS AND CONSIDER A RECOMMENDATION TO THE CITY
COUNCIL FOR APPROVAL OF GENERAL PLAN AMENDMENT NO. 16-2501, AN
ADDENDUM TO THE BUTTERFIELD SPECIFIC PLAN FINAL
ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007091149) AND
ASSOCIATED MODIFICATIONS TO THE MITIGATION MONITORING
AND REPORTING PROGRAM, AND CONCURRENCE WITH MINOR
MODIFICATIONS TO THE BUTTERFIELD SPECIFIC PLAN

APPLICANT'S REQUEST:
The applicant, Pardee Homes, is requesting approval of General Plan Amendment (GPA) No. 16-2501 to reflect the removal of the proposed extension of Highland Home Road to Brookside Avenue and Cherry Valley Boulevard from the General Plan Circulation Element and certain minor modifications to the Butterfield Specific Plan.

APPLICANT INFORMATION:
Project Location: Butterfield Specific Plan
APN Information: 408-030-001 and 005; 408-060-006, 007, & 008
(portion), 408-120-001 through 020, and 022, 024,
025, 027, and 033; and 531-080-013 and 014
Project Applicant: Pardee Homes
                  1250 Corona Pointe Court, #600
                  Corona, CA 92879
Property Owner: Pardee Homes
RECOMMENDATION:

That the Planning Commission adopts Resolution No. 2017-02 recommending the following:

1. Recommending to the City Council adoption of an Addendum to the previously certified Final Environmental Impact Report (SCH No. 2007091149) for the Butterfield Specific Plan project, assessing the proposed General Plan Amendment and Minor Modifications, and adoption of associated modifications to the Mitigation Monitoring and Reporting Program.

   Please note:
   The Planning Commission must act on the addendum to the final environmental impact report prior to recommending approval of the project to City Council. This is necessary as the Community Development Director may only approve the minor modifications to the project with the concurrence of the Planning Commission and City Council as the addendum to the final environmental impact report supports the findings for that approval.

2. Recommending to the City Council the adoption of Resolution 2017-07 approving General Plan Amendment (GPA) No. 16-2501 to reflect the removal of the proposed extension of Highland Home Road to Brookside Avenue and Cherry Valley Boulevard from the General Plan Circulation Element, pursuant to the Settlement Agreement, and providing concurrence with staff approval of proposed minor modifications to the Butterfield Specific Plan.

BACKGROUND:

The following summarizes the history of the planning process for the Project (originally known as the Deutsch property).

Deutsch Specific Plan 1993

The planning process for the original Deutsch property (as it was identified prior to being renamed Butterfield) began in October 1981 and culminated in the approval of the original Deutsch Property Specific Plan. In April 1984, a comprehensive entitlement program was initiated by Deutsch with the City of Banning (City) to have the City formally adopt the Deutsch Specific Plan. The City’s process required preparation of a General Plan Amendment, a Specific Plan, Zoning, and an Environmental Impact Report (EIR). Those studies were completed in October 1984. On April 18, 1985, the Banning City Council certified the Final EIR, and on June 26, 1985, the City Council approved a General Plan Amendment, Specific Plan, and Zoning and Pre-Zoning for the Deutsch property. A subsequent request (Specific Plan Amendment No. 1992-03) was filed to amend and enlarge the Specific Plan, and the Banning City Council certified a new EIR on October 26, 1993, and adopted the amended Specific Plan on November 9, 1993, by Ordinance No. 1133. A majority of the Specific Plan area was annexed to the City in 1985. The remainder (except 19.1 acres) was annexed to the City in 1995.
As part of the previous entitlement process, a development agreement was entered into between the City and the property owner and its successors that committed both parties to the development program described in the Specific Plan. The agreement is binding, and exempts the Specific Plan from changes to codes, plans, resolutions, and voter-approved initiatives that might yield a different development scenario. The approved and executed Development Agreement outlines the City’s responsibilities and the construction requirements for specified public improvements, facilities, and services. On November 9, 1993, the Banning City Council adopted Ordinance No. 1134, which approved Deutsch Specific Plan Development Agreement No.1992-02.

**Butterfield Specific Plan 2012**

The City received an application on August 20, 2007, from Pardee Homes, the current property owner, for a comprehensive amendment to the Deutsch Specific Plan to provide for an updated plan, renamed the Butterfield Specific Plan, which would allow up to 5,387 dwelling units. A new EIR (SCH No. 2007091149) was prepared for the Butterfield Specific Plan. After public information meetings and the required public review, on March 27, 2012, the Banning City Council approved and adopted Resolution No. 2012-24, certifying the EIR (a copy of the resolution with adopted mitigation measures is contained in the appendix to the Specific Plan). On March 27, 2012, the Banning City Council also held public hearings on the Butterfield Specific Plan, related Development Agreement, and other project considerations. At this meeting, the City Council also adopted Resolution No. 2012-25, approving related General Plan Amendment No. 11-2501 and Zone Change No. 11-3501, and adopted Resolution No. 2012-27 approving the Water Supply Assessment for the Butterfield Specific Plan. On April 10, 2012, the Banning City Council adopted Ordinance No. 1450 for the Butterfield Specific Plan with Conditions of Approval, and Ordinance No. 1451 adopting the Development Agreement. Both ordinances with attached Conditions of Approval and Development Agreement are contained in the appendix to the Specific Plan.

**Butterfield Specific Plan and Settlement Agreement 2015–2016**

In April and June 2012, certain parties filed a legal challenge to the City’s actions on the Butterfield Specific Plan, pursuant to issues regarding compliance with the California Environmental Quality Act (CEQA). This was consolidated into a single matter under Riverside County Superior Court Case No. 1296246. After the County Superior Court issued a preliminary Statement of Decision in December 2013, the City, Pardee Homes, and the other parties in the action filed a Stipulation to Stay the Action to compromise on and settle the claims raised in the action and avoid further litigation. After negotiations, the parties agreed to a settlement agreement in the later part of 2014.

On December 9, 2014, the Banning City Council approved the Settlement Agreement as signed by all parties. The County Superior Court approved the Settlement Agreement on February 9, 2015. The Settlement Agreement allows for Project objectives to be realized, such as a range of quality housing opportunities for residents, additional local job opportunities, increased tax revenues, and a fire station. The
Project, as amended, will provide new housing, new commercial uses, new school sites, new recreational opportunities, new infrastructure, new employment opportunities, and added economic benefits for the community.

**SUMMARY:**

The General Plan Circulation Element Amendment and Butterfield Specific Plan Minor Modifications (Project) proposes to modify the Butterfield Specific Plan to reflect the following provisions, pursuant to the settlement agreement and additional minor modifications:

General Plan Amendment (subject to Planning Commission recommendation and City Council approval required):

- Removal of the proposed extension of Highland Homes Road to Brookside Avenue and Cherry Valley Boulevard

Minor Modifications (Community Development Director approval required, Planning Commission and City Council concurrence requested):

- Reservation of Planning Areas (PAs) 60 and 61 as open space rather than the development of 412 dwelling units.
- Granting a revocable license for hiking, walking, and non-motorized bicycle use and the transport of equipment to the eastern portion of the site.
- Elimination of the proposed golf course in PA 35 and PA 39, and replacement of the golf course with a central open space recreational area to include parks and open space uses.
- Reduction in the number of residential units from 5,387 dwelling units to 4,862 dwelling units.
- Removal of PA 43B in the northwest corner of the Specific Plan area that was outside current Banning city limits and outside of Pardee Homes property ownership, thereby reducing the Specific Plan area from 1,543 acres to 1,528 acres.

**Project Location**

The Project site is approximately 1,528 acres and is located in the northwestern corner of the City of Banning; see Figure 1. The Project site is located in the San Gorgonio Pass area joining Riverside and Perris Valley with Palm Springs and the Coachella Valley lower desert. Several major freeways connect the Project site to western Riverside and San Bernardino County: Interstate (I) 10, State Route (SR) 60, SR-79, and SR-243. Regional access to the site is provided by I-10 from Highland Springs Avenue. The site is generally bounded by Wilson Street to the south, Highland Springs Avenue to the west, Riverside County unincorporated land to the north and northeast, and portions of Highland Home Road to the east. The San Bernardino National Forest is farther north of the Project site. The site transitions from relatively flat land at the
The northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the site is provided by Highland Springs Avenue, Wilson Street, and Highland Home Road.

The Project site is currently designated Specific Plan in the City's General Plan, which includes land use designations of Very Low Density Residential, Medium Density Residential, High Density Residential, Commercial, Active Recreation, and Passive Open Space-Parks.

Figure 1
Butterfield Specific Plan Location Map
PROJECT PROPOSAL / ANALYSIS:

Proposed General Plan Amendment

The applicant is requesting approval of a General Plan Amendment to remove the proposed extension of Highland Home Road to Brookside Avenue and Cherry Valley Boulevard within the project area, pursuant to the previously referenced Settlement Agreement. The General Plan Amendment would implement the changes required by the Settlement Agreement.

Figure 2: Existing General Plan Circulation Element Street System

Figure 3: Proposed General Plan Circulation Element Street System
The affected portion of Highland Home Road is north of Wilson Street and is located entirely within the Butterfield Specific Plan project area. The addendum prepared for the project analyzes traffic related to the proposed General Plan Amendment to the Circulation Element and concludes that there would be no significant effects to traffic resulting from the removal of this road segment.

**Proposed Minor Modifications**

As outlined in the Butterfield Specific Plan, Section 6.1.2, Minor Adjustments and Modifications, a Minor Modification is required when modifications to a Specific Plan would qualify for processing under a Substantial Conformance application instead of a Specific Plan Amendment. The following modifications qualify for a Minor Modification pursuant to the Specific Plan, and are identified below for purposes of the proposed Project’s Minor Modification request:

- Changes in the location of infrastructure and public facilities, such as internal roads or drainage facilities, subject to the review and approval of the Public Works Director/City Engineer.
- Minor change in roadway alignment and grade, subject to the review and approval of the Public Works Director/City Engineer.
- In lieu of the originally planned golf course within PA 35, PA 35 would now consist of open space with active and passive recreational uses, such as walking and biking trails, parks, and native vegetation landscaping.
- The neighborhood mini parks and neighborhood recreation park (PAs 21–34 and 62–72) may be relocated in their respective areas, including into PA 35.
- If determined preferable to locate additional stormwater detention facilities at the south end of the Specific Plan area along Smith Creek, these facilities may be located in PA 9. The boundaries of PAs 7, 8, 12, and 13 may be expanded into PA 35 to offset any proposed residential area displaced in PA 9.
- Additional minor modifications similar to those listed above and determined to be minor by the Community Development Director and in keeping with the intent of the Butterfield Specific Plan.

The Butterfield Specific Plan has been updated as of June 2016 to reflect the applicable provisions of the Settlement Agreement and other minor modifications, including the following adjustments:

- Adjustment of remaining planning areas and the backbone street system in the Specific Plan to accommodate approved Settlement Agreement-directed adjustments.
- Adjustment of the land-use mix as reflected in Table 1, Comparative Land Use Summary, including changes required by the Settlement Agreement
  - Residential use area reduced.
  - Open Space area increased.
- Realignment of the previous proposed “B” Street through the Butterfield Specific Plan area as an easterly extension of Oak Valley Parkway to Highland Home Road.
- Realignment to accommodate the upgrading of the Southern California Gas Company transmission line through the Specific Plan area and maintain it in a roadway area for maintenance and safety purposes. The line would be upgraded to current standards, but not increased in size.
- Adjustment of planning areas and the backbone street system in the southern half of the Specific Plan area to accommodate realignment of Oak Valley Parkway/"B" Street for a gas line.
- Relocate the PA 20 school site pursuant to a School District request.

### Table 1
Comparative Land Use Summary

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<tr>
<th>Land Use</th>
<th>1993 Approved Specific Plan</th>
<th>Deutsch Buttfield Specific Plan</th>
<th>2012 Approved Specific Plan</th>
<th>2016 Buttfield Specific Plan</th>
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<td>Gross Acres (% of Total)</td>
<td>Dwelling Units</td>
<td>Gross Acres (% of Total)</td>
<td>Dwelling Units</td>
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<td></td>
<td></td>
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<td>Low Density 0-5 DU/AC (LDR)</td>
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<td>73.8 (4.8%)</td>
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<td>(0)</td>
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<td>Residential Subtotals</td>
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<td>5,400</td>
<td>937.4 (60.8%)</td>
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<td>Golf Course/Drainage</td>
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<td>Parks</td>
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<td>(0)</td>
<td>108.4</td>
<td>(7.0%)</td>
<td>418.1</td>
</tr>
<tr>
<td>Open Space Subtotals</td>
<td>268.0 (17.3%)</td>
<td>428.8</td>
<td>(27.8%)</td>
<td>496.5</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Office(^1)</td>
<td>25.0 (1.6%)</td>
<td>36.0</td>
<td>(2.3%)</td>
<td>36.7</td>
</tr>
<tr>
<td>Schools(^2)</td>
<td>24.0 (1.5%)</td>
<td>23.0</td>
<td>(1.5%)</td>
<td>27.1</td>
</tr>
<tr>
<td>Utility Substation</td>
<td>(0)</td>
<td>4.2</td>
<td>(0.3%)</td>
<td>4.2</td>
</tr>
<tr>
<td>Fire station(^3)</td>
<td>1.0 (0.06%)</td>
<td>1.6</td>
<td>(0.1%)</td>
<td>1.6</td>
</tr>
<tr>
<td>Backbone Roads</td>
<td>83.0 (5.3%)</td>
<td>113.6</td>
<td>(7.4%)</td>
<td>101.0</td>
</tr>
<tr>
<td>Other Subtotals</td>
<td>133.0 (8.5%)</td>
<td>176.8</td>
<td>(11.4%)</td>
<td>169.0</td>
</tr>
<tr>
<td>Specific Plan Totals</td>
<td>1,522.0 (100%)</td>
<td>5,400</td>
<td>1,543.0 (100%)</td>
<td>5,387</td>
</tr>
</tbody>
</table>
Implementation of the Settlement Agreement would require changes to the roadway system to ensure that Highland Home Road would never connect to either Brookside Avenue or Cherry Valley Boulevard in the future. By redirecting circulation elements, nearly all of the planning areas would be affected both in size and shape, as they were re-planned around the new roadway systems. However, the changes are consistent with the overall vision and uses that were outlined and described in the 2012 Specific Plan Project and Settlement Agreement, and the changes are a result of, and are intended to implement, the Settlement Agreement. Under the Settlement Agreement, the private golf course was removed from PAs 35 and 39. Currently, access to the new public open space is planned through each of the residential planning areas. This would result in recreation and active park spaces being relocated to better accommodate active and passive park uses.

Low-density, medium-density, and high-density residential uses are consistent with the original plan. Commercial acreage and school sites remain consistent with the original plan. Based on recent conversations with the Beaumont Unified School District, what was originally planned as a 12-acre site will now be a 14-acre school site. This Proposed Land Plan (Figure 2) adapts to and implements the mandated changes, and will serve as the foundation for future approvals.
Figure 4:
Approved and Proposed Butterfield SP Land Use Maps
In addition to the above land use changes, staff had questions and/or concerns with the following changes within the Specific Plan document proposed as part of the Minor Modifications. Pardee responses to the comments are provided as follows:

<table>
<thead>
<tr>
<th>City Comments</th>
<th>Pardee Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>City Planning Department Comments</strong></td>
<td>The amount of proposed Central Open Space in the 2016 updated Specific Plan is less than the amount of previously proposed Golf Course open space in the 2012 approved Specific Plan due to the realignments of major proposed streets (Highland Home Rd., “C” Street, “H” Street and “F” Street) and the reconfiguration and enlargement of residential planning areas surrounding the Central Open Space. In addition, portions of area previously included in the golf course area are now part of the enlarged PAs 37 and 38 park area (in SCE easement). The reduced open space in the central open space is offset by an increase in open space in the north due the elimination of residential PAs 60 and 61 and an increase in the amount of proposed park area. A net increase of 68 acres of total open space has occurred in the 2016 updated Specific Plan due to the modifications noted here.</td>
</tr>
<tr>
<td><strong>SP Pages 1-1, 1-2, 1-15, 3-11, others</strong></td>
<td>The amount of proposed High Density Residential (HDR) area and associated units in the 2016 updated Specific Plan has decreased from the 2012 plan; however, the amount of proposed Low Density and Medium Density Residential units (LDR &amp; MDR) as stayed relatively the same or has increased (despite the loss of previous residential PAs 43B, 60 and 61). The remaining residential planning areas surrounding the central open space were enlarged (but not more than the 20% allowed by the Specific Plan) in order to allow for the revised total of 4,862 dwelling units allowed by the Settlement Agreement.</td>
</tr>
<tr>
<td><strong>It is unclear how the new residential and open space acreages were arrived at (e.g. SP acreage has gone from 1,543 to 1,528, presumably based on the annexation area, however that area is identified on page 1-2 as 21 acres; 937 acres of residential development is reduced to 862 acres, approximately 496 acres of open space is proposed however if PAs 60 &amp; 61 at 120 acres were converted to open spaces, why is the increase in open space only 68 acres rather than 120?)</strong></td>
<td>The total amount of area listed in the 2016 updated Butterfield Specific Plan is based on recorded Tract Map No. 34330 that covers the entire Specific plan area, excepting PA 70 (utility substation area) and the previously proposed PA 43B area. The SP area is now based on recent record map information and all interior areas have been recalculated to total the record area. Tract No. 34330 (this tract was for conveyance and financing purposes and not for development purposes) was approved and recorded in May 2008. Tract No. 34330 officially recorded the Specific Plan area (except PAs 43B and 70) as 1,523.4 acres total. With PA 70 at 4.2 acres added in, the current entire Butterfield Specific Plan area is approximately 1,527.6 acres. The draft SP that was ultimately approved in 2012 was essentially prepared prior to the preparation of Tract No. 34330. Even though Tract 34330 recorded before the draft SP was ultimately approved in 2012, a decision was made not to update the SP at that time.</td>
</tr>
<tr>
<td>City Comments</td>
<td>Pardee Response</td>
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<tr>
<td>---------------</td>
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</tr>
<tr>
<td></td>
<td>The differences in area can be attributed to refinements in the accuracies of area calculations and to what degree existing perimeter streets were included in those calculations.</td>
</tr>
<tr>
<td></td>
<td>The differences in the total SP area between the 2016 and the 2012 plans is based on the more recent and accurate record map area information as noted above, as well as the removal of previously proposed PA 43B, resulting in a net decrease in area of 15.4 acres. This explanation is included at the end of Section 1.4 in the 2016 updated Specific Plan.</td>
</tr>
</tbody>
</table>

**SP Page 1-8**

- Last bullet: Elimination of golf course should be replaced with “active recreational use including biking and pedestrian trails, turnouts for exercise, viewing and educational facilities, all linkable to other tracts, parks and open space, landscaping and providing full public access” as required by Section 8.1.3 of the Development Agreement. Applicable to similar text on other pages.

- The text on page 1-8 is part of Section 1.3.3 of the 2016 updated SP that was added to specifically reference the requirements of the Settlement Agreement. The text used here matches the Settlement Agreement. There is full agreement with the comment noted above. The Development Agreement wording relative to the former proposed golf course area, now the Central Open Space, such as noted above, is included in Sections 3.1.1.3, 3.6.3 and 4.3.5 of the 2016 updated SP where the Central Open Space is specifically discussed.

**SP Page 3-10**

- First paragraph: It is unclear why language regarding potential Fire Station was site struck out.

- The text on page 3-10, first partial paragraph, is part of a discussion on residential planning area use, and reference to a potential fire station site in former PA 60 had been noted here because PA 60 was a residential planning area. With the elimination of PA 60 as a residential planning area, the mention of a potential fire station site here is no longer applicable. A new potential fire station site is now noted in Sections 3.1.1.4, 3.6.1.1 and 3.7.1 of the 2016 updated SP, and on Exhibit 3.1, in the PA 72 park area as an optional use. The amount of park area proposed in the 2016 updated SP is greater than that proposed in the 2012 SP, and the amount of park area proposed is greater than the minimum required for the project by the City’s General Plan; therefore, a small portion of this excess park area is proposed as a potential fire station site, if the City and Fire Dept. determine it is needed at this location.

- The proposed optional fire station site in PA 72 is located on Highland Home Rd. in the same area the Fire Dept. previously indicated they would like to have a station, if they decide it is needed. The potential fire station site was previously proposed in the same area on Highland Home Rd. at the southeast corner of former PA 60. The permitted use lists in Section 5.0 of the Specific Plan allow Fire Stations as a permitted use in all residential, commercial and some parks and open space planning areas of the Specific Plan as previously agreed to with the City. Sections 3.1.1.7 and 3.7.1 of the Specific Plan describe this.

**SP Page 3-12**

- It is unclear how golf course and/or natural drainage ways may be replaced with non-natural drainage structures.

- Page 3-12, Section 3.1.1.3, does not appear to include any references to “non-natural drainage structures” in the previous 2012 text or the proposed 2016 updates. Section 3.4.2 of the 2016 SP includes the Specific Plan description of the proposed
<table>
<thead>
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</thead>
<tbody>
<tr>
<td>improvements to the Central Open Space Drainage System and other parts of the project. A more detailed analysis and design of the improvements needed in this area will be completed as a lead in to final engineering.</td>
</tr>
</tbody>
</table>

**SP Page 3-39**

- Second bullet removes trails in numerous locations (text)
  
  Most of the planning areas previously listed with having trails within and adjacent have been restored in the text, consistent with Exhibit 3.4 as updated. PAs 60 and 61 are still shown deleted because these PAs have been eliminated. In addition, numerous additional planning areas have now been listed in the text with having trails within and adjacent, consistent with Exhibit 3.4 as updated. Because the golf course has been eliminated, which prevented having public trails in this area, trails are now proposed throughout the Central Open Space area as depicted on Exhibit 3.4 as revised. The amount of public trails proposed throughout the project has greatly increased from that previously proposed in 2012.

- Reference to meandering sidewalk/trail has been deleted.
  
  The reference to meandering sidewalk/trail is in the fourth bullet. Reference to the Northern Loop and Southern Loop has been deleted because these street names have been deleted. See additional responses on this topic below.

**SP Exhibit 3.4, Backbone Non-Vehicular Circulation Plan, Proposed**

- 5’ Meandering sidewalk next to 5’ decomposed granite meandering trail significantly reduced with respect to locations, eliminated from interior of project.
  
  The amount of 5’ decomposed granite (DG) paths previously proposed adjacent to meandering sidewalks has been reduced in areas next to loop streets that are no longer part of the proposed Specific Plan backbone roadway system due to the roadway reconfiguration required for the other project adjustments. When the golf course was still proposed as part of the project, trail circulation was forced to be along the proposed main roads. With the removal of the golf course, the proposed public trail system has been refocused on the Central Open Space located throughout the Specific Plan area, which is considered preferable for a pedestrian circulation system. All streets will still include 5’ wide public sidewalks on both sides of the street. The updated Specific Plan still allows for side-by-side sidewalk/DG paths adjacent to the main streets where it makes sense and the pathway areas adjacent to streets allow for it (maintenance responsibilities are a concern). Due to the removal of the golf course and its inherent limitations for public access, the amount of public sidewalks, pathways and trails proposed throughout the project, including the Central Open Space, has greatly increased from that previously proposed in 2012.

- Language added to legend does not indicate locations: 5’ MEANDERING SIDEWALK (NEXT TO 5’ DECOMPOSED GRANITE 5’ MEANDERING TRAIL IN SOME LOCATIONS).
  
  This note on exhibit 3.4 is proposed to be revised to read: 5’ MEANDERING SIDEWALK (5’ DECOMPOSED GRANITE 5’ MEANDERING TRAIL MAY ALSO BE PLACED ADJACENT TO THE SIDEWALK). This revision was made to clarify that sidewalks will be in all locations. This note refers to pathway areas adjacent to the main streets. See the further discussion above regarding the proposed trail and pathway system.

**SP Exhibit 3.6A**

- Golf course grading concept plan was eliminated and a replacement central open space grading concept plan was
  
  Pardee was previously committed to the golf course early on and had more detailed grading and drainage design plans prepared
<table>
<thead>
<tr>
<th>City Comments</th>
<th>Pardee Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>not provided.</td>
<td>at risk prior to receiving ultimate approval of the Specific Plan. Those plans are no longer applicable due to the elimination of the golf course. New more detailed Central Open Space grading and drainage plans are currently underway at risk. Commitment to a recreation open space plan is dependent on better understanding how the plan will also function as a flood control facility. Once the more refined drainage plan is defined, we can then accommodate the public open space amenities in locations where they would be outside of the needed floodways or in other areas may be located in areas that would experience some acceptable limited inundation dependent upon the flood plain hydraulic constraints. Pardee will submit the more detailed grading, drainage and recreation open space plan to the City upon completion.</td>
</tr>
</tbody>
</table>

**SP Page 3.53**
- Fourth paragraph – language has been added such that the south channel may now be lined rather than earthen/natural.

| SP Page 3.53 | This section (3.4.2) of the SP gives a Specific Plan description of the proposed master drainage system for the project, including the Central Open Space Drainage System. A more detailed analysis and design of the improvements needed in this area will be completed during final engineering. Further detailed analysis and design may indicate protection measures are needed such as turf reinforcing mat as described in Section 3.4.2 of the SP or similar low impact measures such as riprap lining, slope reinforcement or other such improvements to mitigate against erosive flood flow conditions. |

**SP Exhibit 3.7C**
- Conceptual Golf Course Drainage Plan was eliminated and a replacement central open space drainage plan was not provided.

| SP Exhibit 3.7C | See response to comment on Exhibit 3.6A above. |

**SP Exhibit 3.11, Recreation and Open Space Plan, Proposed**
- Exhibit eliminates trails/pathways and trailheads.

| SP Exhibit 3.11, Recreation and Open Space Plan, Proposed | The proposed trails/pathways and trailheads overlay was left off of the updated Recreation and Open Space Plan, Exhibit 3.11, simply because it is fully depicted specifically on Exhibit 3.4, Backbone Non-Vehicular Circulation Plan. This overlay can be added to Exhibit 3.11 and/or a text reference can be added to the Section 3.6.3 and Exhibit 3.11 referring the reader to Exhibit 3.4 for this information. |

**SP Page 3-85**
- Section 3.6 describing Recreation and Open Space does not incorporate language regarding required recreational open space per the Development Agreement.

| SP Page 3-85 | Language edits were added to the end of SP Section 3.6.3 to reflect language regarding required recreational open space per Section 8.1.3 of the Development Agreement. |

**SP Page 3-89**
- Neighborhood Recreation Parks - Strikeout missing at park acreages.

| SP Page 3-89 | The missing park acreages strikeouts will be added back in. |

**SP Page 4-6**
- Trailhead locations potentially reduced (i.e. now at “specified” locations which are not identified).

<p>| SP Page 4-6 | The only trailheads from the 2012 SP that were removed in the 2016 SP update were the previously proposed trailheads in the more northerly areas, adjacent to PAs 60 and 61, which have been removed by the Settlement Agreement. See Exhibit 3.4 in the 2016 SP. |</p>
<table>
<thead>
<tr>
<th>City Comments</th>
<th>Pardee Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Highland Springs Resort owners (a party to the Settlement Agreement) own the property west, north and east of PAs 34 and 73 as proposed in the 2016 SP. Although it is not specifically included in the Settlement Agreement, the Highland Springs Resort owners previously indicated they would not support trail connections onto their private property. Trails and trailheads in the area of PAs 34 and 73 are not included for this reason and also due to the removal of PAs 60 and 61 development which would have provided access to the trailheads. Pursuant to the Settlement Agreement, Pardee is to deed PA 73 to the Highland Springs Resort for their private use.</td>
<td></td>
</tr>
<tr>
<td>4.3.7.1 - Language added to make 5’ wide dg path along optional along entry streets.</td>
<td>See response above to Exhibit 3.4 comment.</td>
</tr>
<tr>
<td>4.3.7.1 - Language added to potentially remove sidewalks.</td>
<td>There was not intent to add language to potentially remove sidewalks. Additional edits were made to this section to clarify this.</td>
</tr>
<tr>
<td><strong>SP Exhibit 4.11</strong></td>
<td></td>
</tr>
<tr>
<td>* dg Path is missing but deletion is not identified.</td>
<td>See response above to Exhibit 3.4 comment. There was no intent to add “superseded” to this exhibit and it was not noticed.</td>
</tr>
<tr>
<td><strong>SP Exhibit 4.12</strong></td>
<td></td>
</tr>
<tr>
<td>* dg Path is missing but deletion is not identified.</td>
<td>See response above to Exhibit 3.4 comment.</td>
</tr>
<tr>
<td><strong>SP Page 5-1</strong></td>
<td></td>
</tr>
<tr>
<td>* First paragraph, golf course removed and not replaced with recreational open space language.</td>
<td>The intent in this opening introductory paragraph in this section is to list the basic land use components in the SP in just basic 1-3 word terms.</td>
</tr>
<tr>
<td><strong>City Engineering/Public Works Department</strong></td>
<td></td>
</tr>
<tr>
<td><strong>SP Section 3.2, Circulation Plan</strong></td>
<td></td>
</tr>
<tr>
<td>1. All entry points to the development from Highland Springs Avenue, Wilson Street and Highland Home Road shall have raised medians (i.e. Highland Home Road/Highland Springs Ave; H Street/Highland Home Road). Revise exhibits as needed.</td>
<td>The roadway cross sections in Exhibits 3.3B-D of the 2016 updated SP require raised medians on entry streets A Street, B Street at Highland Springs Ave., C Street at Wilson Street, F Street at Highland Springs Ave., H Street at Highland Springs Ave, and Highland Home Road at Wilson Street, consistent with the 2012 SP. The roadway cross sections in Exhibits 3.3B-D of the 2016 updated SP allow painted medians on F Street at Highland Home Rd. and on Highland Home Road at Highland Springs Ave., which is consistent with what was in the 2012 SP; however, notes are included for these sections in both the 2012 and 2016 SPs also allowing for raised medians in these areas. A note is being added to the cross section for H Street at Highland Home Road on Exhibit 3.3C requiring a raised median at this point similar with what was in the 2012 SP.</td>
</tr>
<tr>
<td>2. Exhibit 3.3B: Applicant to construct improvements on the east side of Highland Home Road fronting existing homes. Provide exhibit showing the intersection of Highland Home Road and Wilson Street. There should only be one access road on the north side of this intersection.</td>
<td>A note will be added to the Highland Home Road cross section, southerly portion north of Wilson Street, on Exhibit 3.3B in the 2016 SP that indicates the proposed 20’ frontage road on the east side of Highland Home Road will not have access to Wilson Street. The south end of the 20’ frontage road will be closed off to Wilson Street. This has always been the intent based on previous discussions with the city. The 20’ frontage road, which is proposed to use a portion of the existing roadway, was intended to provide access to the driveways of the existing homes fronting on this road, separate from the future traffic.</td>
</tr>
<tr>
<td>City Comments</td>
<td>Pardee Response</td>
</tr>
<tr>
<td>---------------</td>
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</tr>
<tr>
<td>flow anticipated on the proposed improvements to Highland Home Road. The frontage road would only outlet to W. Hoffer St. and W. Gilman St. both further to the north, which in turn intersect with the future Highland Home Road. As noted, this preliminary design was based on previous discussions with the city. Pardee can prepare and provide a concept plan for how this intersection will work.</td>
<td>The asterisk was an error, it has been removed from Exhibit 3.3C.</td>
</tr>
<tr>
<td>Exhibit 3.3C, Park Adjacent Street PA 34 &amp; 62: Define asterisk behind sidewalk.</td>
<td>This information has been added to Exhibit 3.3E.</td>
</tr>
<tr>
<td>Exhibit 3.3E, Neighborhood Entry: Show 2:1 Min/Max at right of way.</td>
<td>See response above to Exhibit 3.4 Planning comment.</td>
</tr>
<tr>
<td>Exhibit 3.4: Include meandering sidewalk/DG trail along the entire road segments of H Street, B Street, C Street, Highland Home Road and F Street. (Revise exhibits as needed).</td>
<td></td>
</tr>
<tr>
<td><strong>SP Section 3.4, Drainage Plan</strong></td>
<td></td>
</tr>
<tr>
<td>This section needs to include the City’s retention language: <em>At a minimum, all development will make provision to store runoff from rainfall events up to and including the one-hundred-year, 3-hour duration event.</em></td>
<td>The city’s retention language noted in the comment has been added as item 16 of Section 3.4.3, <em>Drainage Plan Development Standards,</em> of the 2016 SP.</td>
</tr>
<tr>
<td>Exhibit 3.6B: It has been expressed in a memo dated November 23, 2016 from John McCarthy (Michael Baker) that the North Basin will be design to “store and detainer upstream drainage from expected 100 year storm events flowing in from Smith Creek and also meet the City’s 100-year, 3-hour storm event retention requirement [from on-site]”. There are no volumetric differences from the previous exhibit (3.7B Superseded). It is unclear if the original exhibit included the required storage for both the Smith Creek 100 year flow and on-site 100 year, 3-hour volume.</td>
<td>The PA 71 - North Basin volumes indicated in Exhibit 3.7B of the Specific Plan represent the anticipated maximum volumes that may be provided based on expected grading limitations for this basin. Pursuant to further refinements in detailed project design and drainage/runoff storage calculations based on project needs and current city requirements, if additional storage is required in addition to what can be achieved in the basin, then additional storage will be designed and located in appropriate areas elsewhere in the development areas of the project as required. It is intend that the project will mitigate flood flows pursuant to the city’s current standards. An updated Hydrology and Hydraulics report describing how the updated project clearly intends to mitigate and conform to the new requirements, including with updated calculations, will be prepared and provided for review once we gain approval of this Minor Modification.</td>
</tr>
<tr>
<td><strong>SP Section 3.5, W, RW, and S Services Plan</strong></td>
<td></td>
</tr>
<tr>
<td>The number of storage tanks and required storage capacity have been revised without submittal of back up documents to justify the revisions. Provide backup information for City review.</td>
<td>The amount of domestic water storage estimated needed for the Specific Plan’s proposed lower Foothill West Pressure Zone and the proposed Zone I pressure zone has not been revised between the 2012 and 2016 SP update. A previously proposed alternative storage tank site for the Foothill West Zone had been shown in the PA 68 school site in the 2012 SP. This had been shown as an alternative to the site proposed and shown on the northeast side of PA 50A. Only one site is needed because both sites would just duplicate the same estimated storage needs (1.6 MG) for the zone. Since 2012, it has been determined that the alternate site in PA 68 is infeasible and undesirable and therefore it was removed in the 2016 SP update. The Zone I storage tank site had been shown in the 2012 SP as consisting of 1 or 2 tanks, but in either case the estimated amount of storage needed for this zone was only 1.4 MG. The 2016 SP (Exhibit 3.7)</td>
</tr>
<tr>
<td>City Comments</td>
<td>Pardee Response</td>
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<td>---------------</td>
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<tr>
<td><strong>9.</strong> A change to the Chromium drinking water standard has occurred since the project’s approval. This section shall include language regarding treatment facilities needed to serve the development. It should also be noted that the proposed WWTP site will also double as a site for Chromium-6 treatment facilities (revise exhibits as needed). Update Section 5.8.1.</td>
<td>Shows only one storage tank for Zone I still at 1.4 MG, but it could be split in to two tanks again depending on what the city and developer agree is best. The 2012 SP included a third higher pressure zone, Zone II, for the project that was needed to serve the proposed northerly and higher elevation residential development proposed in PAs 60 and 61. With this third zone, a higher third storage tank site was proposed with an estimated storage capacity of 0.5 MG to serve PAs 60 and 61. Since the Settlement Agreement eliminated the PAs 60 and 61 development, the need for the third pressure zone, third tank site and additional storage was also eliminated and therefore removed from the 2016 SP update. The Settlement Agreement anticipates only the Zone I tank site in the northerly area and assumes the need for the Zone II tank has been eliminated. These are the reasons for the change in the number of storage tanks noted in Section 3.5 of the 2016 SP and the elimination of need for the Zone II storage is the reason for the change in the total project’s estimated storage need from 3.5 to 3.0 MG. Pardee is currently awaiting the City’s hire of Carollo Engineering to study the citywide water, recycled water and sanitary sewer systems. Through that analysis, there should be a further opportunity to help define the required size and location of the domestic water tanks needed for the Specific Plan area.</td>
</tr>
<tr>
<td><strong>10.</strong> Exhibit 3.9A shows an “Existing SGPWA Spreading Grounds”. Please confirm this. I am unaware of spreading facilities owned by SGPWA.</td>
<td>Language regarding the above will be included in Sections 3.5.1 and 5.8.1 of the 2016 updated SP as requested, and exhibits will be revised as needed.</td>
</tr>
<tr>
<td><strong>11.</strong> <strong>3.5.4:</strong> This section references an average flow at the WWTP of 2.5 MGD. Average flows are approximately 2.1 MGD.</td>
<td>The SGPWA 2010 Urban Water Management Plan (available on the Agency’s website) indicates in Section 3.7.3, Facilities, that that SGPWA operates the Little San Gorgonio Creek Spreading Ponds located on the northwest corner of Orchard St. and Avenida Miravilla in Cherry Valley. This is the same location labeled on Exhibit 3.9A of the Specific Plan. Section 3.5.4 of 2016 SP will be changed to reflect the more recent average flows at the WWTP noted here.</td>
</tr>
</tbody>
</table>

**City Electric Utility Department Comments**

The Electric Utility has noticed a conflict within the Butterfield Specific Plan Amendment as presented. The City purchased land from Pardee Homes and subsequently constructed Sunset Substation in March 2008 that occupies PA70 of the Project. The Utility also anticipates expanding within the City-owned 4.2 acre property to add a 230kV transmission substation to serve future energy needs. In addition to the substation, the Utility has an existing high voltage underground electric duct bank that extends west from the substation at PA 70. The duct bank includes two circuits that will be utilized to serve the Butterfield Project. Section 3.5.2 of the 2016 SP will be revised to remove mention of a potential recycled water tank site on PA 70, the City’s electrical substation site. Exhibits 3.8A and 3.8B in the 2016 SP will also be revised to remove mention of a potential recycled water tank site on PA 70.

If it is determined that recycled water storage tank is needed within the Specific Plan area, an appropriate and feasible site will need to be identified.
<table>
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<td>with electricity. Therefore, the PA70 site would not be a good candidate for a potential Recycled Water Storage Tank site. As a reminder, the Electric Utility will require adequate easements need to service the project. The easement area behind sidewalk may be needed for vaults, conduits, meter pedestals, street lights and pad mounted transformers.</td>
<td></td>
</tr>
<tr>
<td>[Note: Multiple exhibits depict PA 70 as a potential reservoir site]</td>
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</tbody>
</table>

Staff comments and conditions noted above have been incorporated into conditions of approval for the Minor Modification request where applicable.

**Future Discretionary Approvals**

The full entitlement of the Project requires the following discretionary approvals:

- **Subsequent Development Approvals:** Development within the Butterfield Specific Plan area will be based on individual planning areas; each will potentially require a regulatory approval pursuant to the regulatory and development code requirements of the Butterfield Specific Plan. The following is a list of potential/future permits and approvals:
  - Tentative Tract Maps
  - Design Review (site plans)
  - Improvement Plans
  - Rough Grading Plans
  - Streambed Alteration Agreement
  - 404 Permit
  - National Pollution Discharge Elimination System Permit, 401 Certification, Storm Water Pollution Prevention Plan, and Other Water Quality Permits
  - Conditional Letter of Map Revision
  - Encroachment Permits/Easements
  - Community Facilities District
  - Utility Line Relocation California
  - Building Plans/Permits
  - Grading and Infrastructure Plans/Permits
  - Flood Control Facility Review/Acceptance
  - Certificates of Occupancy
  - Conditional Use Permit(s)
  - Annexation, Sphere of Influence Amendment, General Plan Amendment (PA 43B)
  - Individual Waste Discharge Requirements for Discharge of Recycled Water
  - Water Recycling Requirements, Master Recycling Permit
  - Storage Agreement
  - Use of State Water Project Facilities
Environmental Setting

The site is used intermittently for agriculture and livestock grazing, and has been extensively disturbed by human use. Disturbance includes grazing, diskng, and contour farming. Vegetation types within the Project site consist primarily of annual grassland and mixed chaparral. Dominant plant species are non-native, including wild oat and brome grasses.

Smith Creek currently runs from north to south within the Project site boundaries. Within the Project boundary, Smith Creek is a natural earthen channel approximately 30 feet wide and ranges from 3 to 5 feet deep. The channel is mostly barren soil with a sandy bottom and soil sidewalls. Pershing Channel exists along the east boundary in the lower southwest portion of the Specific Plan area.

Existing topography of the site is relatively level due to its past farming and grazing disturbances. However, the site begins to slope upward toward the northeast corner of the site, since the San Bernardino Mountain range has its southern boundary along the edge of the site. The elevation of the southern portion of the Project site is approximately 2,560 feet; at the Project site’s highest point in the northeast corner, the elevation is approximately 3,400 feet.

Vision and Objectives

The proposed Project would result in implementation of and construction related to a Specific Plan that would be consistent with the following goals and objectives established for the 2012 Specific Plan Project; these goals have been slightly updated to reflect adoption of the Butterfield Specific Plan, as modified, and the subsequent Settlement Agreement:

- **Master Planned Community**: Design and implement the development of a creatively designed master-planned community that expresses and embodies the City’s vision of its future as articulated in the fundamental land use principals, policies, and objectives of the City’s General Plan.
- **Proposed Specific Plan per the Settlement Agreement**: Revise the previously approved 2012 Specific Plan Project to reflect the Settlement Agreement, thereby implementing a master-planned community based on current and projected market conditions while maintaining the Specific Plan’s underlying concept of comprehensive and cohesive development planning that allows for the appropriate physical and economic development of the property.
- **Provide a Quality, Livable Community**: Provide a quality, livable community through the implementation of a Specific Plan that will ensure a consistent quality of design, allow for the provision and maintenance of community amenities, and create a collection of cohesive, well-defined neighborhoods that provide residents with a clear sense of place and identity within the diverse fabric of the larger community.
- **Provide a Wide Range of Housing Opportunities**: Provide a range of high-quality housing opportunities by developing a diverse range of housing types
available at a variety of price points, responsive to market demand, varying lifestyles, and the developing economic profile of the community.

- **Promote Sustainability:** Promote the concept of sustainable community development by implementing green building practices in the selection of construction materials, the recycling of construction waste, and the use of energy- and water-efficient building practices.

- **Incorporate Water and Energy Efficiency:** Incorporate energy- and water-efficient design and technology into the homes, commercial buildings, and landscape of the Butterfield development.

- **Conserve Water Resources:** Conserve water resources and reduce demand for potable water within the Specific Plan area by maximizing the use of recycled water wherever appropriate, including the potential development of on-site recycled water treatment capacity, if needed.

- **Increase Employment Opportunities:** Increase local job opportunities through the approximate 30-year build out.

- **Ease of Navigation:** Create a community that is easy to navigate through careful use of landscape, signage, and entry design based on the Specific Plan’s design objectives.

- **Recreational Amenities:** Provide recreational amenities that will serve the needs of neighborhood residents and others in the City of Banning, as well as nearby communities.

- **Safe and Efficient Circulation:** Provide a safe and efficient roadway network, linking all internal elements of the planned community with the surrounding area.

- **Encourage Alternative Transportation:** Encourage alternative transportation choices through the creation of a walkable community with well-defined pedestrian linkages between neighborhoods, amenities, schools, and commercial uses; the provision of bike paths; the creation of LSV/NEV [neighborhood electric vehicle/low-speed vehicle] linkages; and the development of multi-purpose trails.

- **Promote Community Security:** Promote community security and safety through appropriate outdoor lighting, the incorporation of “defensible space” concepts in the design of multifamily developments, and by encouraging community involvement through the area’s master Homeowner’s Association.

- **Address Drainage and Water Quality Issues:** Provide adequate drainage, flood control, and water quality improvements that satisfy applicable local, state, and federal criteria while respecting and enhancing/preserving natural drainage functions and features.

- **Ensure Provision of Public Services:** Ensure provision of adequate public services, utilities, and infrastructure in a timely manner as development occurs.

- **School Facilities:** Ensure provision of adequate education facilities within the planned community, pursuant to applicable school district and state requirements.

The General Plan Amendment and Minor Modification would implement and identify the changes described in and required by the Settlement Agreement. In addition to evaluating the changes noted above required under the Settlement Agreement, the Addendum evaluates the following additional changes:
• Adjustment of the remaining planning areas and backbone street system in the Specific Plan area to accommodate the Settlement Agreement changes.
• Adjustment of the land-use mix as reflected in Table 1, Comparative Land Use Summary, per the Settlement Agreement changes:
  o Reduction in the overall residential area
  o Increase in the overall open space area
• Realignment of the previously proposed “B” Street through the Specific Plan area as an easterly extension of Oak Valley Parkway to Highland Home Road. This realignment was determined to be necessary to accommodate upgrading of the Southern California Gas Company transmission line through the Specific Plan area and maintain it in a roadway area for maintenance and safety purposes. This line would be upgraded to current standards, but not increased in size. The original alignment for the gas line was through the golf course open space with limited public access, but given the elimination of the golf course to public open space, installing the 30-inch-diameter gas main line in a roadway is a more desirable and safe alternative.
• Adjustment of planning areas and backbone street system in the southern half of the Specific Plan area to accommodate realignment of Oak Valley Parkway/“B” Street for the gas line.

ENVIRONMENTAL ANALYSIS:

The Specific Plan EIR remains the valid and certified CEQA documentation for future development on the site, and is used to determine whether future development falls within the size and type of uses analyzed in the Specific Plan EIR.

Pursuant to the provisions of CEQA and the CEQA Guidelines, the City is the lead agency charged with the responsibility of deciding whether to approve the Project. As part of its decision-making process, the City is required to review and consider potential environmental effects that could result from construction and operation of the proposed Project.

The City’s review of the Project and related Project components is limited to examining environmental effects associated with differences between the current Project and the 2012 Butterfield Specific Plan as analyzed in the Butterfield Specific Plan EIR. Pursuant to CEQA and the CEQA Guidelines, the City prepared an Addendum to provide decision-makers with a factual basis for evaluating the environmental impacts associated with the proposed Project. The City determined that there are no changes in circumstances or new information of substantial importance that would require preparation of a subsequent or supplemental EIR.

The Addendum reviews changes to the 2012 Butterfield Specific Plan as would be implemented by the Project and to existing conditions that have occurred since the Butterfield Specific Plan EIR was certified, and compares environmental effects of development of the Project with those previously disclosed in the Specific Plan EIR. The Addendum also reviews new information of substantial importance that was not known and could not have been known with exercise of reasonable diligence at the time the
Specific Plan EIR was certified, and evaluates whether there are new or more severe significant environmental effects associated with changes in circumstances under which the Project is being undertaken. It further examines whether, as a result of any changes or any new information, a subsequent or supplemental EIR may be required. This examination includes an analysis of provisions of Section 21166 of CEQA and Section 15162 of the CEQA Guidelines and their applicability to the Project.

The Addendum compares the environmental effects of the Project with those disclosed in the Specific Plan EIR to review whether any conditions set forth in Section 15162 of the CEQA Guidelines requiring preparation of a subsequent or supplemental EIR are met. Potential environmental effects of the Project including the proposed General Plan Amendment and minor modifications are addressed in the Addendum and compared against the original project for the following areas:

- Aesthetics, Light, and Glare
- Agricultural Resources
- Air Quality
- Biological Resources
- Climate Change
- Cultural and Historic Resources
- Geology, Soils, and Seismicity
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services and Utilities
- Transportation and Traffic
- Water Supply
The following issue areas were found to be less than significant in both the original project and the minor modifications Addendum:

- **Agricultural and Forestry Resources.** The Project would not conflict with existing zoning for or the rezoning of forestland or the loss of forest land or conversion of forest land to a non-forest use.
- **Biological Resources.** The Project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established migratory wildlife corridors, or conflict with local policies or ordinance protecting biological resources, such as a tree preservation policy or ordinance.
- **Geology, Soils, and Seismicity.** The Project would not involve development on soils incapable of supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater.
- **Hazards and Hazardous Materials.** The Project would not result in safety hazards for people residing or working in the Project area due to development located within 2 miles of a public or private airport.
- **Mineral Resources.** The Project would not result in the loss of a known mineral resource or the loss of availability of a locally important mineral resource recovery site.
- **Noise.** The Project would not result in the exposure of people residing or working in the Project area to excessive noise levels related to development located within 2 miles of a public or private airport.
- **Population and Housing.** The Project would not displace substantial numbers of people, necessitating the replacement of housing elsewhere.

The following issue areas were found to be significant and unavoidable in the both the original project and the Addendum:

**Aesthetics, Light, and Glare**

The Project site and surrounding area have not been developed or altered since the Specific Plan EIR was prepared. Due to the size of the proposed Project and the current context of rural, undeveloped conditions, the Project’s impact on light and glare would be significant and unavoidable (although typical of any large-scale residential development, and mitigated to the extent feasible), as was determined in the Specific Plan EIR. All Project Design Features (PDFs) and Mitigation Measures (AES-1 through AES-7) remain applicable to the proposed Project.

**Air Quality**

Construction-Related Emissions: As determined in the Specific Plan EIR, Project-related emissions are anticipated to exceed South Coast Air Quality Management District (SCAQMD) thresholds, and construction-related emissions would be significant and unavoidable.

Regional Operational Emissions: During the operational phase, the Specific Plan EIR determined that the Project would result in a net increase in regional emissions of
reactive organic gas, nitrogen oxides, sulfur dioxide, carbon monoxide, particulate matter 10 micrometers or less in diameter (PM$_{10}$), and particulate matter 2.5 micrometers or less in diameter (PM$_{2.5}$) from operation of stationary and mobile sources. Even with the inclusion of PDFs to reduce potential air quality impacts to the degree feasible, emissions would remain more than the SCAQMD significance thresholds. Therefore, operation of the proposed Project would have a significant and unavoidable impact on regional air quality. Although Project impacts would be slightly reduced compared to the 2012 Specific Plan, impacts would still be significant and unavoidable.

Air Quality Management Plan Consistency: As the Project would exceed SCAQMD thresholds, the Project would potentially result in a long-term impact on the region's ability to meet state and federal air quality standards. The Project would conflict with the region's 2007 Air Quality Management Plan (AQMP), as it would not meet the AQMP's consistency criteria for construction-related emissions. However, the proposed Project is generally consistent with the City of Banning General Plan's assumptions regarding population and housing growth. Therefore, on a regional scale, emissions from the Specific Plan were considered in the forecasts presented in the 2007 AQMP. As with the 2012 Specific Plan, the proposed Project would meet the second AQMP consistency criterion.

All PDFs and Mitigation Measures (AQ-1 through AQ-8) from the 2012 Specific Plan remain applicable to the proposed Project. The Addendum includes minor edits to Mitigation Measure AQ-7 regarding diesel-powered construction equipment to remove references to outdated standards about certification from the Environmental Protection Agency. The current standards are included in the updated Mitigation Measure AQ-7 and remain valid.

Traffic and Circulation

Construction of the recommended road improvements for the Project would achieve applicable level-of-service criteria at all study area intersections; however, as some improvements could result in significant impacts to existing land uses (due to Project right-of-way requirements), certain improvements may either be made in part, be deferred, or not be implemented due to overriding considerations and/or limited funding. Further, many of the recommended improvements are located in jurisdictions outside of the City of Banning. Most of these improvements have been, can be, and should be implemented by other agencies, but successfully completing the improvements in a timely fashion cannot be guaranteed. Therefore, as with the 2012 Specific Plan, the proposed Project would result in significant unavoidable impacts relative to traffic and circulation.

All (PDFs) and Mitigation Measures (TRF-1 through TRF-4) remain applicable to the proposed Project. The Addendum includes minor edits to Mitigation Measures TRF-1, TRF-2, and TRF-4 to refer to updated tables that reflect changes resulting from the Settlement Agreement (i.e., extension of Highland Home Road from its existing terminus just north of Wilson Street through the Project site and connecting to Cougar Way instead of connecting to the existing terminus of Brookside Avenue, as was previously proposed in the 2012 Specific Plan).
Cumulative Impacts

Aesthetics, Light, and Glare

As with the 2012 Specific Plan, the Project would introduce significant sources of light and glare into an existing rural, undeveloped area and result in a significant and unavoidable adverse impact on nighttime views of the Project site in the interim and long-term build-out condition. Mitigation measures can reduce these impacts, but would not reduce them to a level of insignificance due to the nature, size, and scale of the proposed Project and its cumulative significance.

Air Quality

As with the 2012 Specific Plan, emissions from development and operation of the proposed Project would exceed the SCAQMD thresholds, resulting in a significant impact. In accordance with SCAQMD methodology, any project that cannot be mitigated to a level of less than significant is also significant on a cumulative basis.

Climate Change

Although the Project would incorporate reasonable and feasible mitigation measures, the Project's incremental contribution to global climate change would be significant on a cumulatively considerable basis. Although implementation of mitigation measures would reduce the proposed Project's greenhouse gas emissions, such Project-specific mitigation may not be feasibly imposed upon other cumulative projects. Therefore, as with the 2012 Specific Plan, the Project would result in cumulative impacts related to climate change.

Noise

As the Project cannot reasonably or feasibly mitigate for cumulative mobile noise impacts (e.g., constructing sound walls on private property adjacent to sensitive uses surrounding the project site or forcing existing residential uses to change their existing windows), implementation of the proposed Project would result in a significant and unavoidable impact for cumulative mobile noise impacts, as the combined and incremental effects criteria would be exceeded. This conclusion remains the same as analyzed in the 2012 Specific Plan EIR.

Traffic and Circulation

Construction of the recommended circulation improvements would achieve applicable level-of-service performance at all study area intersections; however, as some improvements could also result in significant impacts to existing land uses (due to cumulative right-of-way requirements), certain improvements may either be made in part, be deferred, or not be implemented at all due to overriding considerations and/or limited funding. Further, many of the recommended improvement sites are located in jurisdictions outside of the City of Banning. Most of these improvements could be implemented by other agencies, but successfully completing them in a timely fashion...
cannot be guaranteed because the City has no jurisdiction over other agencies. Therefore, as with the 2012 Specific Plan, the proposed Project would result in significant and unavoidable cumulative traffic impacts.

**Consistency with the General Plan**

To be consistent with the Banning General Plan, the Butterfield Specific Plan must meet the statutory requirements of California Government Code Section 65451, and be legally adequate. Specific Plans function as implementation documents of General Plans. To an extent, the range of issues contained in a Specific Plan is left to the discretion of the decision-making body. However, all specific plans, whether prepared by a city or county, must comply with Sections 65450–65457 of the Government Code. These provisions require that a specific plan be consistent with the adopted general plan of the jurisdiction within which the specific plan area is located. In addition, specific plans must be consistent with any Airport Land Use Plan, pursuant to Public Utilities Code Section 21676. In turn, all subsequent subdivisions, annexations, development agreements, public works projects, and zoning regulations must be consistent with the specific plan.

The Butterfield Specific Plan is consistent with the relevant General Plan, and is legally adequate in that it incorporates the following:

- Maps, diagrams, and/or descriptions to adequately describe the distribution, location, extent, and size of the major infrastructure components needed to serve the project, including energy, water provisions, public services, and solid waste facilities.
- Discussion of the methods to be used for infrastructure financing and a program for implementation, standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
- A detailed statement of the relationship of the Specific Plan to the General Plan, including consistency between both plans and a comparison of goals, objectives, and policies.
- A discussion of how the Specific Plan implements the policies of the General Plan.

**Addendum to the Environmental Impact Report: Butterfield Specific Plan**

Adoption of a general plan amendment is a “project” subject to CEQA. The City of Banning certified an EIR for the Butterfield Specific Plan on March 27, 2012. Although the 2012 Butterfield Specific Plan is no longer proposed to be developed at the same intensity, the Specific Plan EIR remains the valid and certified CEQA documentation for future development on the site, and is used to determine whether future development falls within the size and type of uses analyzed in the Specific Plan EIR.

The City prepared an Addendum to the Butterfield Specific Plan EIR to provide decision-makers with a factual basis for evaluating the environmental impacts associated with the proposed Project, and determined that there are no changes in circumstances or new information of substantial importance that would require preparation of a subsequent or supplemental EIR.
The Addendum reviews changes to the 2012 Butterfield Specific Plan via the proposed Project and to existing conditions that have occurred since the Butterfield Specific Plan EIR was certified, and compares environmental effects of development of the Project with those previously disclosed in the Specific Plan EIR.

**Statement of Overriding Considerations**

The City Council adopted the Statement of Overriding Considerations for the Butterfield Specific Plan EIR on March 27, 2012 (see City Council Resolution No. 2012-24), which is still valid for the proposed Project. The proposed Project would not result in any new or more severe significant environmental effects compared to the Butterfield Specific Plan Final EIR.

**PUBLIC COMMUNICATION:**

The Planning Division mailed notices to surrounding property owners within 300 feet of the Project site in compliance with the City’s noticing requirements for public hearings. As of the date of this report, staff has not received any comments for or against the project.

**ATTACHMENTS:**

1. Planning Commission Resolution

2. City Council Resolution
   a. Exhibit A – Butterfield Specific Plan Addendum dated November 2016 and Adopted Mitigation Monitoring & Reporting Program and Modifications
   b. Exhibit B - General Plan Exhibits
      i. Exhibit III-6
      ii. Page III-61
      iii. Page III-71
   c. Exhibit C – Pardee Revised Butterfield Specific Plan dated November 2016 and associated Minor Modifications conditions of approval

3. Settlement Agreement

4. Public Hearing Notice
Prepared and Recommended By: Patty Nevins
Senior Planner

Reviewed By: Brian Guillot
Community Development Director
Attachment 1
Planning Commission Resolution No. 2017-02
RESOLUTION NO. 2017-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT NO. 16-2501 TO AMEND THE GENERAL PLAN CIRCULATION ELEMENT TO REFLECT THE REMOVAL OF THE PROPOSED EXTENSION OF HIGHLAND HOME ROAD TO BROOKSIDE AVENUE AND CHERRY VALLEY BOULEVARD, AN ADDENDUM TO THE BUTTERFIELD SPECIFIC PLAN FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007091149) AND ASSOCIATED MODIFICATIONS TO THE MITIGATION MONITORING AND REPORTING PROGRAM, AND MINOR MODIFICATIONS TO THE BUTTERFIELD SPECIFIC PLAN LOCATED AT THE NORTHEAST CORNER OF HIGHLAND SPRINGS AVENUE AND WILSON STREET, APNs 408-030-001 and 005; 408-120-001 through 020, and 022, 024, 025, 027, and 033; and 531-080-013 and 014

WHEREAS, an application for a General Plan Amendment to amend the City of Banning General Plan Circulation Element and for Minor Modifications to the Butterfield Specific Plan has been duly filed by:

Applicant / Owner: Pardee Homes
Authorized Agent: Chris Willis
Project Location: Noted Above
APN Number: Noted Above
Lot Area: 1,528 acres

WHEREAS, Pardee Homes submitted applications for a General Plan Amendment to remove the proposed extension of Highland Home Road to Brookside Avenue and Cherry Valley Boulevard from the General Plan Circulation Element, pursuant to a Settlement Agreement, and for minor modifications to the Butterfield Specific Plan for property located at the northeast corner of Highland Springs Avenue and Wilson Street; and an Addendum was prepared to evaluate the proposed project which concluded that that there are no changes in circumstances or new information of substantial importance that would require preparation of a subsequent or supplemental EIR.

WHEREAS, the Planning Commission has the authority to review and make recommendations to the City Council concerning General Plan Amendment No. 16-2501, the Addendum to the previously certified Final Environmental Impact Report (EIR)
(SCH No. 2007091149) and revised Mitigation Monitoring and Reporting Program (MMRP) (Project), and Minor Modifications to the Butterfield Specific Plan.

WHEREAS, on the 23rd of December, 2016 the City gave public notice as required under Chapter 17.68 (Hearings and Appeals) of the City of Banning Municipal Code by advertising in the Record Gazette newspaper of a public hearing at which the General Plan Amendment No. 16-2501, the Addendum to the certified Final EIR and associated modifications to the Mitigation Monitoring and Reporting Program, and the Minor Modifications would be considered. The public hearing notice was also mailed to property owners within 300 feet of the Project site.

WHEREAS, on the 4th day of January, 2017, the Planning Commission held the public hearing at which interested parties had an opportunity to testify in support of or opposition to proposed General Plan Amendment No. 16-2501, Addendum to the certified Final EIR and associated modifications to the Mitigation Monitoring and Reporting Program and the Minor Modifications.

WHEREAS, at this public hearing on January 4, 2017, the Planning Commission considered and heard public comments on and adopted the Resolution recommending that the City Council certify the General Plan Amendment No. 16-2501, the Addendum to the certified Final EIR and associated modifications to the Mitigation Monitoring and Reporting Program and the Minor Modifications.

WHEREAS, the Planning Commission has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the 4th day of January, 2017;

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

SECTION 1: ENVIRONMENTAL FINDINGS

California Environmental Quality Act (CEQA)

That a Final EIR (SCH No. 2007091149) and MMRP were adopted for the 2012 Butterfield Specific Plan on March 27, 2012 in accordance with the requirements of the California Environmental Quality Act (CEQA), in accordance with Public Resources Code Section 21000 et seq., the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.), and the City’s local CEQA Guidelines. City Council Resolution No. 2012-24 incorporated herein by this reference, provides environmental findings in support of that certified Final EIR.

When an EIR or negative declaration has been prepared for a project and changes are subsequently proposed to that project, the City is required to determine whether the
environmental effects of such actions are within the scope of previous environmental documentation, and whether additional environmental analysis is required. If the agency finds that, pursuant to Sections 15162, 15164, and 15183 of the CEQA Guidelines, no new effects would occur, nor would a substantial increase in the severity of previously identified significant effects occur, then no supplemental or subsequent EIR or Mitigated Negative Declaration is required.

Pursuant to CEQA Guidelines Section 15164, an Addendum to the Butterfield Specific Plan Final EIR was prepared to evaluate the potential effects of General Plan Amendment No. 16-2501 and the Butterfield Specific Plan Minor Modifications. Through the analysis described in that Addendum, the City determined that changes associated with the proposed General Plan Amendment are not substantial. No new significant impacts would result from these changes, nor would there be a substantial increase in the severity of previously identified environmental impacts. In addition, the changes with respect to the circumstances under which the Project would be undertaken would not result in new or more severe significant environmental impacts.

The Planning Commission finds that the Addendum, together with the previous Final EIR, reflect its independent judgement, and further finds that these documents satisfy the requirements of CEQA for General Plan Amendment No. 16-2501 and the Butterfield Specific Plan Minor Modifications.

Findings

1. There are no substantial changes to the 2012 Specific Plan that would require major revisions of the Specific Plan EIR due to new significant environmental effects or a substantial increase in severity of impacts identified in the Specific Plan EIR;

2. Substantial changes have not occurred in the circumstances under which the Project is being undertaken that will require major revisions to the Specific Plan EIR to disclose new significant environmental effects or that would result in a substantial increase in severity of impacts identified in the Specific Plan EIR; and

3. There is no new information of substantial importance that was not known at the time the Specific Plan EIR was certified, indicating any of the following:
   - The Project will have one or more new significant effects not discussed in the certified Specific Plan EIR;
   - There are impacts determined to be significant in the Specific Plan EIR that would be substantially more severe;
   - There are additional mitigation measures or alternatives to the Project that would substantially reduce one or more significant effects identified in the Specific Plan EIR; or
   - There are additional mitigation measures or alternatives rejected by the Project proponent that are considerably different from those analyzed in the Specific Plan EIR that would substantially reduce a significant impact identified in that EIR.
SECTION 2. REQUIRED FINDINGS FOR GENERAL PLAN AMENDMENT NO. 16-97501.

Finding No. 1: The proposed General Plan Amendment No. 16-2501 is internally consistent with the General Plan.

Findings of Fact: The current General Plan was adopted in January 2006 and includes various policies that guide development in the City, including roadways. The proposed General Plan Amendment to remove the previously proposed roadway extensions at Brookside Avenue and Cherry Boulevard from the City’s General Plan Circulation Element. Approval of General Plan Amendment No. 16-2501 would ensure consistency between the proposed Project and the Settlement Agreement for the Butterfield Specific Plan project. The proposed Project will not create any conflicts among the various General Plan Elements’ goals, policies, or objectives, including the maps and diagrams of all the Elements in the City’s General Plan. Therefore, proposed General Plan Amendment No. 16-2501 would make the Butterfield Specific Plan consistent with the City's General Plan Circulation Element.

Finding No. 2: The proposed General Plan Amendment No. 16-2501 would not be detrimental to the public interest, health, safety, convenience, or welfare of the community.

Findings of Fact: The proposed General Plan Amendment GPA No. 16-2501 when approved would remove the General Plan Circulation Element’s proposed extension of Highland Home Road to Brookside Avenue and Cherry Valley Boulevard. An Addendum to the certified Final EIR analyzed traffic associated with the proposed change and did not identify any new effects or substantial increases in significant effects arising from the proposed General Plan Amendment. Consequently, General Plan Amendment No. 16-2501 would not be detrimental to the public interest, or health, safety, convenience, or welfare of the community.

Finding No. 3: The proposed General Plan Amendment No. 16-2501 would maintain the appropriate balance of land uses within the City.

Findings of Fact: The proposed amendment would maintain the appropriate balance of land uses within the City in that affects only the City’s street circulation system. The Addendum prepared for the project did not
identify any new effects or substantial increases in significant effects and thus, the proposed amendment would not have an appreciable effect on the balance of land uses within the City.

Finding No. 4
With regard to General Plan Amendments to the General Plan Land Use Map, the subject parcels are physically suitable for the requested land use designations and the anticipated land use development.

Findings of Fact: The proposed General Plan Amendment relates to a change in the Circulation Element. The proposed amendment does not request a change in land use designation or anticipated land use development.

SECTION 3. CONCURRENCE WITH STAFF APPROVAL OF MINOR MODIFICATIONS

The Planning Commission hereby concurs with staff approval of the proposed minor modifications subject to the conditions listed in attached Exhibit “A” and recommends to the City Council concurrence of the proposed minor modifications subject to the conditions listed in attached Exhibit “A”.

SECTION 4. PLANNING COMMISSION ACTION.

The Planning Commission hereby takes the following action:

Adopt Planning Commission Resolution No. 2017-02:

1. Recommending that the City Council adopt the Addendum to the Butterfield Specific Plan Final EIR, and revisions to the Mitigation Monitoring and Reporting Program based on the findings and facts contained herein.

2. Recommending that the City Council approve General Plan Amendment No. 16-2501 based on the findings and facts contained herein.

3. Recommending that the City Council concur with staff approval of the Minor Modification subject to the conditions listed in City Council Resolution 2017-07 Exhibit “A”.

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PASSED, APPROVED, AND ADOPTED this 4th day of January, 2017.

________________________

Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

________________________

Gregg W. Kettes
Interim Assistant City Attorney
City of Banning, California

ATTEST:

________________________

Sandra Calderon, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2017-02, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of January 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

________________________

Sandra Calderon, Recording Secretary
City of Banning, California
ATTACHMENT 2
City Council Resolution
RESOLUTION NO. 2017-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA APPROVING GENERAL PLAN AMENDMENT NO. 16-2501 TO AMEND THE GENERAL PLAN CIRCULATION ELEMENT TO REFLECT THE REMOVAL OF THE PROPOSED EXTENSION OF HIGHLAND HOME ROAD TO BROOKSIDE AVENUE AND CHERRY VALLEY BOULEVARD, APPROVING AN ADDENDUM TO THE BUTTERFIELD SPECIFIC PLAN FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007091149) AND ASSOCIATED MODIFICATIONS TO THE MITIGATION MONITORING AND REPORTING PROGRAM, AND CONCURRING WITH PROPOSED MINOR MODIFICATIONS TO THE BUTTERFIELD SPECIFIC PLAN LOCATED AT THE NORTHEAST CORNER OF HIGHLAND SPRINGS AVENUE AND WILSON STREET, APNs 408-030-001 and 005; 408-120-001 through 020, and 022, 024, 025, 027, and 033; and 531-080-013 and 014

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<thead>
<tr>
<th>Applicant / Owner:</th>
<th>Pardee Homes</th>
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<tbody>
<tr>
<td>Authorized Agent:</td>
<td>Chris Willis</td>
</tr>
<tr>
<td>Project Location:</td>
<td>Noted Above</td>
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WHEREAS, an Addendum was prepared to evaluate the proposed project consisting of both the General Plan Amendment as well as Minor Modifications to the Butterfield Specific Plan, and the Addendum concluded that that there are no changes in circumstances or new information of substantial importance that would require preparation of a subsequent or supplemental EIR.
WHEREAS, on the 4th of January, 2017 the Planning Commission held a noticed public hearing at which time the General Plan Amendment No. 16-2501, the Addendum to the certified Final EIR and associated modifications to the Mitigation Monitoring and Reporting Program, and the Minor Modifications along with the staff report and public testimonies were considered which were followed by the recommendation of approval to the City Council.

WHEREAS, on the [xxth] of [month], 2017 the City gave public notice as required under Chapter 17.68 (Hearings and Appeals) of the City of Banning Municipal Code by advertising in the Record Gazette newspaper of a City Council public hearing at which the General Plan Amendment No. 16-2501, the Addendum to the certified Final EIR and associated modifications to the Mitigation Monitoring and Reporting Program, and the Minor Modifications would be considered. The public hearing notice was also mailed to property owners within 300 feet of the Project site.

WHEREAS, on the [xxth] day of [month], 2017, the City Council held the public hearing at which interested parties had an opportunity to testify in support of or opposition to proposed General Plan Amendment No. 16-2501, Addendum to the certified Final EIR and associated modifications to the Mitigation Monitoring and Reporting Program and the Minor Modifications.

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

SECTION 1: ENVIRONMENTAL FINDINGS

California Environmental Quality Act (CEQA)

That a Final EIR (SCH No. 2007091149) and MMRP were adopted for the 2012 Butterfield Specific Plan on March 27, 2012 in accordance with the requirements of the California Environmental Quality Act (CEQA), in accordance with Public Resources Code Section 21000 et seq., the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.), and the City's local CEQA Guidelines. City Council Resolution No. 2012-24 incorporated herein by this reference, provides environmental findings in support of that certified Final EIR.

When an EIR or negative declaration has been prepared for a project and changes are subsequently proposed to that project, the City is required to determine whether the environmental effects of such actions are within the scope of previous environmental documentation, and whether additional environmental analysis is required. If the agency finds that, pursuant to Sections 15162, 15164, and 15183 of the CEQA Guidelines, no new effects would occur, nor would a substantial increase in the severity of previously identified significant effects occur, then no supplemental or subsequent EIR or Mitigated Negative Declaration is required.
Pursuant to CEQA Guidelines Section 15164, an Addendum to the Butterfield Specific Plan Final EIR was prepared to evaluate the potential effects of General Plan Amendment No. 16-2501 and the Butterfield Specific Plan Minor Modifications. Through the analysis described in that Addendum, the City determined that changes associated with the proposed General Plan Amendment are not substantial. No new significant impacts would result from these changes, nor would there be a substantial increase in the severity of previously identified environmental impacts. In addition, the changes with respect to the circumstances under which the Project would be undertaken would not result in new or more severe significant environmental impacts.

The Planning Commission finds that the Addendum, together with the previous Final EIR, reflect its independent judgement, and further finds that these documents satisfy the requirements of CEQA for General Plan Amendment No. 16-2501 and the Butterfield Specific Plan Minor Modifications.

Findings

1. There are no substantial changes to the 2012 Specific Plan that would require major revisions of the Specific Plan EIR due to new significant environmental effects or a substantial increase in severity of impacts identified in the Specific Plan EIR;

2. Substantial changes have not occurred in the circumstances under which the Project is being undertaken that will require major revisions to the Specific Plan EIR to disclose new significant environmental effects or that would result in a substantial increase in severity of impacts identified in the Specific Plan EIR; and

3. There is no new information of substantial importance that was not known at the time the Specific Plan EIR was certified, indicating any of the following:
   - The Project will have one or more new significant effects not discussed in the certified Specific Plan EIR;
   - There are impacts determined to be significant in the Specific Plan EIR that would be substantially more severe;
   - There are additional mitigation measures or alternatives to the Project that would substantially reduce one or more significant effects identified in the Specific Plan EIR; or
   - There are additional mitigation measures or alternatives rejected by the Project proponent that are considerably different from those analyzed in the Specific Plan EIR that would substantially reduce a significant impact identified in that EIR.

**SECTION 2. REQUIRED FINDINGS FOR GENERAL PLAN AMENDMENT NO. 16-97501.**
Finding No. 1: The proposed General Plan Amendment No. 16-2501 is internally consistent with the General Plan.

Findings of Fact: The current General Plan was adopted in January 2006 and includes various policies that guide development in the City, including roadways. The proposed General Plan Amendment to remove the previously proposed roadway extensions at Brookside Avenue and Cherry Boulevard from the City’s General Plan Circulation Element. Approval of General Plan Amendment No. 16-2501 would ensure consistency between the proposed Project and the Settlement Agreement for the Butterfield Specific Plan project. The proposed Project will not create any conflicts among the various General Plan Elements’ goals, policies, or objectives, including the maps and diagrams of all the Elements in the City’s General Plan. Therefore, proposed General Plan Amendment No. 16-2501 would make the Butterfield Specific Plan consistent with the City’s General Plan Circulation Element.

Finding No. 2: The proposed General Plan Amendment No. 16-2501 would not be detrimental to the public interest, health, safety, convenience, or welfare of the community.

Findings of Fact: The proposed General Plan Amendment GPA No. 16-2501 when approved would remove the General Plan Circulation Element’s proposed extension of Highland Home Road to Brookside Avenue and Cherry Valley Boulevard. An Addendum to the certified Final EIR analyzed traffic associated with the proposed change and did not identify any new effects or substantial increases in significant effects arising from the proposed General Plan Amendment. Consequently, General Plan Amendment No. 16-2501 would not be detrimental to the public interest, or health, safety, convenience, or welfare of the community.

Finding No. 3: The proposed General Plan Amendment No. 16-2501 would maintain the appropriate balance of land uses within the City.

Findings of Fact: The proposed amendment would maintain the appropriate balance of land uses within the City in that affects only the City’s street circulation system. The Addendum prepared for the project did not identify any new effects or substantial increases in significant effects and thus, the proposed amendment would not have an appreciable effect on the balance of land uses within the City.
Finding No. 4: With regard to General Plan Amendments to the General Plan Land Use Map, the subject parcels are physically suitable for the requested land use designations and the anticipated land use development.

Findings of Fact: The proposed General Plan Amendment relates to a change in the Circulation Element. The proposed amendment does not request a change in land use designation or anticipated land use development.

SECTION 3. CONCURRENCE WITH STAFF APPROVAL OF MINOR MODIFICATIONS

The City Council hereby concurs with staff approval of the proposed minor modifications subject to the conditions listed in attached Exhibit “C”.

SECTION 4. CITY COUNCIL ACTION

The City Council hereby takes the following action:

Adopt City Council Resolution No. 2017-07:

1. Adopting the Addendum to the Butterfield Specific Plan Final EIR, and a revised Mitigation Monitoring and Reporting Program based on the findings and facts contained herein and as depicted in Exhibit “A”.

2. Approving General Plan Amendment No. 16-2501 as depicted in Exhibit “B” and based on the findings and facts contained herein.

3. Concurring with staff approval of the Minor Modification subject to the conditions listed in City Council Resolution 2017-07 Exhibit “C”.

PASSED, APPROVED, AND ADOPTED this [xxth] day of [month], 2017.

_____________________________________________________
George Moyer, Mayor
City of Banning
ATTEST:

Marie A. Calderon, City Clerk
City of Banning

APPROVED AS TO FORM
AND LEGAL CONTENT:

John C. Cotti
Interim City Attorney
City of Banning, California

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2017-07, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the [XXth] day of [month], 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Addendum to Butterfield Specific Plan Final EIR, dated November 2016 (under separate cover)
Adopted Mitigation Monitoring & Reporting Program and Modifications
## Butterfield Specific Plan Project
### Mitigation Monitoring and Reporting Program

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<th>Aesthetics, Light and Glare</th>
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<tr>
<td>AES-1: Development or revegetation shall be initiated within three months following initiation of mass grading or clearing activities, so as to limit the time graded surfaces remain in their exposed state, consistent with the Specific Plan's approved landscape design guidelines and landscape plans and the provisions of Title 18.15.020 of the City's Municipal Code. A Revegetation Plan, addressing interim revegetation during construction and for future development areas prior to buildout, shall be submitted for City review and approval as part of each grading permit application.</td>
<td>CDD</td>
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<td>AES-2: The faces of all slopes shall be prepared, protected and maintained to control erosion and to reduce the visual impacts of slope grading. Slopes in excess of ten feet in height shall be graded pursuant to City Code requirements. Devices or procedures for erosion protections shall be installed as prescribed by State law and regulations and Title 18 of the City's Municipal Code and shall be maintained in operable condition by the developer during the duration of the activity for which the grading permit was issued. The use of plastic sheeting for erosion control shall be avoided except where required in emergency conditions to prevent land slippage. Preferred means of erosion and sediment control on slopes and pads shall include hydromulching, placement of straw bales and wind fencing, and the use of straw blankets and similar devices.</td>
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<td>A2,C2</td>
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<td>AES-3: The Project developer shall maintain the site free of debris, which shall be promptly removed from the site when found at least once a quarter and at least daily during construction, and the Project developer shall monitor the site at least once a quarter and at least daily during construction to protect the site from illegal dumping.</td>
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### Responsible Person

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<td>AES-4: The Project developer and its successor(s) in interest inclusive of the HOA or Landscape Lighting and Maintenance District, if any, shall maintain perimeter walls, fencing, irrigation, and landscape in a satisfactory condition at all times. Parkways and other landscape features visible from the public right of way shall be maintained free of weeds and trash and graffiti shall be promptly removed.</td>
<td>CDD, DPW</td>
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| AES-5: Rough Grading Plans, including a sheet detailing the location of the construction staging, shall be approved by the City Engineer, prior to grading permit issuance. The sheet pertaining to the construction staging shall include the following provisions:  
- The construction equipment and supply staging areas shall be at least 500 feet from the nearest residence off site. Staging areas shall be screened.  
- During construction and grading, the construction contractor shall keep the site clear of all trash, weeds, and debris. Compliance with this measure is subject to periodic City inspections.  
- The grading contractor shall minimize creation of large stockpiles of soil (in terms of height) to minimize visual impacts pursuant to the provisions of the grading and/or stockpile permit issued by the City Engineer pursuant to the provisions of MC Section 18.09, Grading Permit Requirements, and the requirements of the City Engineer.  
- All temporary security lighting shall be designed and located so as to avoid intrusive effects on adjacent properties. Proper lighting techniques to direct light onsite and away from other properties shall be required to reduce light and glare impacts (including directional lighting away from reflective surfaces, use of non-reflective glass, low-intensity lighting, use of lighting baffles, and use of appropriate types of lighting fixtures). | CE | C, F | A2, C2 | |
| AES-6: As part of the final design, improvement plan and grading plan review and approval process, the applicant shall design plans to preserve the existing oak tree along Highland Springs Avenue. If during this process it is determined that preservation is not feasible, the Applicant will utilize the following options to mitigate this impact.  
- A certified arborist shall evaluate the viability of transplanting the oak tree. If transplanting is deemed feasible by the arborist, the Project Applicant shall relocate the oak tree to a suitable location as approved by the City and verified by the arborist within the Project boundaries, or | CP | C, D, F | A2, C2 | |

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| • If replacement is selected, the Project Applicant as "Replacement Option #1" shall replace the oak with a single oak tree contained in a minimum of a 60-inch box if readily available and suitable for transplanting at a suitable location approved by the City and verified by the arborist, or  
• If replacement is selected, and Option 1 is not feasible, the Project Applicant shall replace the oak tree with 24-inch box oak trees at a ratio of 3:1 at suitable locations approved by the City and verified by the arborist within the Project boundaries. | | | | |
| **AES-7:** Prior to issuance of building permits, architectural plans, including detailed lighting specifications, shall be submitted for the review and approval by the City of Banning Community Development Director. The specifications shall be consistent with lighting standards included in the Specific Plan and shall meet or exceed the lighting standards contained in the City’s Municipal Code. The lighting plans must demonstrate the following to the satisfaction of the City of Banning Community Development Director:  
• Use of low-sodium lamps of 4,050 lumens (maximum), to provide for adequate public safety and security;  
• A lighting standard that is shielded to direct illumination downward and to limit casting light and glare on adjacent properties;  
• Exterior lighting, including street lights, landscape lighting, parking lot lighting, and lighting of the interior of parks and trails shall be sufficient to establish a sense of well-being for the pedestrian and sufficient to facilitate recognition of persons at a reasonable distance. Type (lighting standard) and placement of lighting shall be to the satisfaction of the Community Development Director or designee and shall be consistent with the requirements of the City’s most current lighting ordinance and the standards of the Specific Plan;  
• A minimum of one foot-candle at ground level overlap provided in all exterior doorways and vehicle parking areas, and on outdoor pedestrian walkways presented on a photometric plan; and  
• Outdoor light fixtures that are not covered by the Specific Plan’s lighting standards shall be subject to the City of Banning Municipal Code. | CDD | C,F,G | A2,C2,D2 (lighting plans) |

**Air Quality**

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| **AQ-1:** Prior to issuance of any Grading Permit, the Director of Public Works and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD's Rules and Regulations. In addition, in accordance with SCAQMD Rule 402, the Applicant shall implement dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures are required:  
- All active portions of the construction site shall be watered at least twice daily to prevent excessive amounts of dust;  
- On-site vehicle speed shall be limited to 15 miles per hour;  
- All on-site permanent roads shall be paved, watered as needed, or chemically stabilized;  
- Visible dust beyond the property line which emanates from the project shall be prevented to the maximum extent feasible through the use of dust suppressant techniques identified above;  
- All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site;  
- Track-out devices shall be used at all construction site access points;  
- All delivery truck tires shall be watered down and/or scraped down prior to departing the job site; and  
- Replace groundcover on disturbed areas within the required timeframes identified in Rule 403. | DPW, BO | C, F | A2, C2 |
| **AQ-2:** All trucks that are to haul excavated or graded material on-site shall comply with State Vehicle Code Section 23114 (Spilling Loads on Highways), with special attention to Sections 23114(b)(f), (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads. Prior to the issuance of grading permits, the Applicant shall coordinate with the appropriate City of Banning Engineer on hauling activities compliance. | DPW, BO | C, F | A2, C2 |
| **AQ-3:** Prior to the issuance of building permits, the City building official shall confirm that construction plans and specifications include the following measures, which shall be implemented to reduce ROG emissions resulting from application of architectural coatings: | DPW, BO | C, F | A2, C2 |

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### Mitigation Measure No./ Implementation Action
- Contractors shall use high-pressure-low-volume (HPLV) paint applicators with a minimum transfer efficiency of at least 50 percent;
- Coatings and solvents with a ROG content lower than required under Rule 1113 shall be used;
- Construction and building materials that do not require painting shall be used where readily available; and
- Pre-painted construction materials shall be used where readily available.

#### AQ-4: Prior to issuance of any Grading Permit, the Director of Public Works and the Building Official shall confirm that the Grading Plan, Building Plans and specifications stipulate that, in compliance with SCAQMD Rule 403, ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer’s specifications, to the satisfaction of the City Engineer. A set of maintenance records shall be provided to the City before grading commences. The City Inspector shall be responsible for ensuring that contractors comply with this measure during construction.

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#### AQ-5: Prior to issuance of any Grading Permit, the grading plan shall indicate dust management measures for review and approval by the City Engineer, to identify viable dust control measures and include a monitoring plan to be implemented throughout the construction phases of the Specific Plan. In accordance with the Specific Plan and City’s Municipal Code, the dust management measures shall minimize wind-blown particles by including:
- All applicable mitigation measures identified in this EIR (related to dust control) and otherwise required by the City or SCAQMD;
- An erosion and sediment control plan to minimize wind or waterborne transport of soil onto adjacent properties, streets, storm drains, or drainages; and
- A Revegetation Plan to address interim conditions between initial grading and final site development. The Revegetation Plan, although focused on the control of wind and water erosion, shall consider compatibility with fuel modification zone requirements, drought tolerant landscape requirements, and potential ongoing livestock grazing. Special techniques such as wind fences shall also be considered, to minimize surface soil and dust during high wind events.

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<th>AQ-6: GPS-controlled &quot;machine-guided grading&quot;, or other equivalent grading techniques, shall be incorporated into Project grading plans, subject to review and approval by the City Engineer. The City Engineer shall approve the areas of the site where this technology shall be used.</th>
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<th>AQ-7: The following measures shall be implemented during construction to substantially reduce NOx related emissions. They shall be included in the Grading Plan, Building Plans, and specifications.</th>
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<td>• Off-road diesel equipment operators shall be required to shut down their engines rather than idle for more than five minutes, and shall ensure that all off-road equipment is compliant with the CARB in-use off-road diesel vehicle regulation and SCAQMD Rule 2449.</td>
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| • The following note shall be included on all grading plans: “The City shall require construction contractors to utilize diesel powered construction equipment that meets EPA-Certified Tier III emissions standards, or higher according to the following:
  | x January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards at a minimum. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. |
  | x Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. |
  | x A copy of each unit’s certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment. |
  | x Encourage construction contractors to apply for AQMD “SOON” funds. |
| DPW, BO | C,F | A2,C2 | |

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Incentives could be provided for those construction contractors who apply for AQMD “SOON” funds. The “SOON” program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website:
http://www.aqmd.gov/tao/Implementation/SOONProgram.htm

- The contractor and applicant, if the applicant’s equipment is used, shall maintain construction equipment engines by keeping them tuned and regularly serviced to minimize exhaust emissions.
- Low sulfur fuel for stationary construction equipment shall be required. This is required by SCAQMD Rules 431.1 and 431.2.
- Existing power sources (i.e., power poles) shall be used when available.
- Construction parking shall be located on-site where possible and shall be configured to minimize traffic interference.
- Obstruction of through-traffic lanes shall be minimized by providing temporary traffic controls such as flag persons, cones and/or signage during all phases of construction when needed to maintain smooth traffic flow. Construction shall be planned so that lane closures on existing streets are kept to a minimum.
- Construction operations affecting traffic shall be scheduled for off-peak hours, except in situations deemed necessary.
- Develop a traffic plan to minimize traffic flow interference from construction activities. The plan shall specify the times during which construction activities will occur and particular times when travel lanes cannot be blocked (e.g., peak traffic periods as directed by the affected City Engineer). The plans shall provide details regarding the placement of traffic control, warning devices and detours. As a supplement to the traffic plan, the construction contractor shall coordinate with the affected agency to determine the need for a public information program which would inform area residents, employers and business owners of the details concerning construction schedules and expected travel delays, detours, and blocking of turning movements lanes at intersections. The public information programs could utilize various media venues (e.g., newspaper, radio, television, telephone hot lines, internet website, etc.) to disseminate information such as:

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<tr>
<td>□ Overview of project information</td>
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<td>□ Weekly updates on location of construction zones;</td>
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<td>□ Identification of street(s) affected by construction;</td>
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<td>□ Times when construction activities will occur and when traffic delays, and blockage of intersection turning movements can be expected; and</td>
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<td>□ Identification of alternate routes which could be used to avoid construction.</td>
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<td>AQ-8: The potential future construction and implementation of an onsite WWTP shall require a Conditional Use Permit (CUP) to be approved by the City of Banning, as well as design review of the proposed site plan and building architecture, landscaping and lighting.</td>
<td>CDD</td>
<td>B,F,G</td>
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<td><strong>Biological Resources</strong></td>
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<td>BIO-1: Prior to the commencement of grading during the nesting season (approximately mid-February through mid-August), all suitable habitat shall be surveyed for the presence of nesting birds by a qualified biologist prior to site disturbance. Should any active nests be located, construction must comply with Migratory Bird Treaty Act requirements, including a 300-foot construction buffer around active nests or avoiding construction during the nesting season if a 300-foot buffer is infeasible.</td>
<td>DPW (verify pre-construction survey), BO (verify monitoring &amp; implementation)</td>
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<td>BIO-2: A preconstruction clearance survey for burrowing owl will be performed within 30 days prior to ground disturbance in potentially suitable habitat within the site, pursuant to CDFG protocols. The preconstruction survey will include a 300-foot buffer if between February 1 and August 31 (nesting season) and a 100-foot buffer if outside of this period. If owls are found within the survey area during the nesting season, construction activities will not occur within 300 feet of the occupied burrows until nesting is completed. A qualified biologist must confirm that the nesting effort has been completed prior to the removal of the work buffer restriction. If owls are found within the disturbance footprint outside of the February 1 through August 31 period, passive relocation (e.g., use of one way doors and collapse of burrows) will occur. These surveys and mitigation for burrowing owl are consistent with Section 6.3.2, Additional Survey Needs and Procedures of the MSHCP.</td>
<td>DPW (verify pre-construction survey), BO (verify monitoring &amp; implementation)</td>
<td>B,C,F</td>
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<td>BIO-3: The applicant shall provide mitigation for the temporary disturbance to 9.22 acres of CDFG jurisdictional waters at a minimum 1:1 ratio, which includes approximately 0.02 acres of vegetated riparian habitat, and the temporary disturbance to 8.65 acres of Regional Board and</td>
<td>DPW (verify pre-construction)</td>
<td>B,C,F</td>
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<td>USACE jurisdiction. The applicant shall provide mitigation for the permanent impact disturbance to 2.47 acres of CDFG jurisdiction, of which 0.41 acre consists of vegetated riparian habitat and the permanent disturbance to 1.17 acres of USACE jurisdiction, of which 0.01 acre consists of jurisdictional wetlands. The mitigation requirements will be determined through applicable regulatory permitting programs of CDFG, RWQCB, and USACE, and shall consist of minimum 1:1 mitigation through onsite restoration of 9.22 acres within the Smith Creek drainage and other onsite areas, which will be performed concurrently with development of the golf course (PAs 35 and 39) or alternative uses within these PAs and 1:1 mitigation through onsite restoration of 2.47 acres of permanent habitat within, or adjacent to, Smith Creek.</td>
<td>BO survey, BO (verify monitoring &amp; implementation)</td>
<td>B,C,D,E,F</td>
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<td>BIO-4: Prior to the issuance of the grading permits the developer shall complete and submit all required protocol and habitat assessment studies required to demonstrate compliance with the MSHCP. Specifically, a DBESP (Determination of Biologically Equivalent or Superior Preservation), following approval of all required permits for the CDFG and USACE, shall be prepared, which shall be reviewed by the CDFG and USFWS and approved by City staff, in compliance with Section 6.1.2 of the MSHCP. The applicant shall implement the approved DBESP as a condition of issuance of a grading permit and comply with all biological mitigation measures contained within the DBESP.</td>
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<td>BIO-5: The following mitigations shall be incorporated into the construction plans and specifications to minimize any potentially adverse construction impacts:</td>
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<td>• Construction areas will be watered regularly to control dust and minimize impacts to adjacent vegetation and wildlife habitat.</td>
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<td>• Short-term stream diversions will be accomplished by use of gravel bags or other methods that will result in minimal in-stream impacts. Short-term diversions will be evaluated through the riparian/riverine component of the MSHCP Consistency analysis (Section 6.1.2) (refer to Mitigation Measure BIO-4) which will require a DBESP analysis to be prepared. In addition the 401, 404, and 1602 permitting processes will evaluate short-term impacts relative to stream diversions. All biological mitigation measures contained within the 401, 404 and 1602 approval conditions and DBESP shall be implemented pursuant to BIO-3 and BIO-4, respectively, which typically require 1:1 onsite restoration. Any mitigation beyond the 1:1 restoration of the original stream will be mitigated onsite through negotiations with CDFG, RWQCB, and</td>
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<td>USACE.</td>
<td>DPW, BO</td>
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<td>• Equipment storage, fueling and staging areas will be sited on non-sensitive upland habitat types with minimal risk of direct discharge into riparian areas or other sensitive habitat types.</td>
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<td>• The limits of jurisdictional disturbance, including the upstream, downstream along Smith Creek and lateral extents that are tributaries to Smith Creek, will be clearly defined and marked in the field. Monitoring personnel will review the limits of disturbance prior to initiation of construction activities.</td>
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<td>• During construction, the placement of equipment within the stream or on adjacent banks or adjacent upland habitats occupied by Covered Species that are outside of the Project footprint will be avoided.</td>
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<td>• Exotic, weedy plant species removed during construction will be properly handled to prevent sprouting or re-growth.</td>
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<td>• Waste, dirt, rubble, or trash shall not be deposited in a conservation area or on native habitat.</td>
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<td>Climate Change</td>
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<td><strong>GHG-1</strong>: Prior to the issuance of building permits, the following measures shall be reflected on applicable tract maps, building permits, improvement plans, landscape plans and/or grading plans:</td>
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<td>a) <strong>Green Building Practices</strong></td>
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<td>1) <strong>Water Conservation</strong> – All appliances such as showerheads, lavatory faucets and sink faucets shall comply with efficiency standards set forth in Title 20, California Administrative Code Section 1604(f). Title 24 of the California Administrative Code Section 1606(b) prohibits the installation of fixtures unless the manufacturer has certified to the California Energy Conservation compliance with the flow rate standards.</td>
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<td>2) <strong>Water Conservation</strong> – Low-flush toilets shall be installed as specified in California State Health and Safety Code Section 17921.3 and the County Green Building Ordinance [as applicable in Riverside County].</td>
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<td>3) <strong>Water Conservation</strong> – All common area irrigation areas shall be operated by a</td>
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<td>computerized irrigation system which includes an on-site weather station/ET gage capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. All common area irrigation controllers shall also include a rain-sensing automatic shutoff.</td>
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<td>4) Water Conservation – Common-area landscaping shall emphasize drought-tolerant vegetation. Plants of similar water use shall be grouped to reduce over-irrigation of low-water-using plants. Those irrigated areas not designed with drought-tolerant vegetation shall be gauged to use the minimum amount of water needed to maintain healthy vegetation.</td>
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<td>5) Water Conservation – Residential occupants shall be informed as to the benefits of low-water-using landscaping and sources of additional information related to water conservation documents.</td>
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<td>6) Water Conservation – Community Center or Recreational Facilities with a pool amenity shall be conditioned to provide and use a pool cover to reduce water evaporation and retain heat.</td>
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<td>7) Water Conservation – Water conservation standards shall be noted in the Tier 1 measures of the 2010 California Green Building Standards.</td>
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<td>8) Energy, Water, and Recycling – The builder shall be conditioned to provide the following:</td>
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<td>• Energy efficient indoor lighting</td>
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<td>• Water efficient smart controllers for landscaping</td>
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<td>• Water efficient plumbing in all buildings</td>
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<td>• Integrate recycling into residential home design. Create areas in the home to promote recycling (additional trash cans in cabinets, etc.)</td>
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<td>• Energy Efficiency standards shall be as noted in the Tier 1 measures of the 2010 California Green Building Standards.</td>
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<td>9) Carbon Sequestration – The builder shall plant an average of approximately</td>
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<td>40 trees per landscaped acre (where landscaping is provided) as a means to capture (sequester) carbon dioxide emissions and to provide shade to the buildings, which can decrease the need for air conditioning.</td>
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<td>10) <strong>Green Education Program</strong> - In order to increase awareness of green building practices and to promote water and energy conservation, the builder(s) shall develop and implement a green educational program. The program shall include but not necessarily be limited to a pamphlet that educates and promotes conservation practices that homeowners can implement, with specific guidance on landscaping with drought tolerant plants, use of efficient irrigation systems, compact fluorescent lighting, and other measures that help lower GHG emissions.</td>
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<td>11) <strong>Energy Efficient Outdoor Lighting</strong> – Lighting for public streets, parking areas, and recreation areas shall utilize energy efficient light and mechanical, computerized or photo cell switching devices to reduce unnecessary energy usage.</td>
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<td>12) <strong>Energy Conservation</strong> – Community Center or Recreational Facilities with a pool amenity shall be conditioned to install energy-efficient pumps and motors, such as variable speed motors.</td>
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<td><strong>b) Solid Waste Measures</strong></td>
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<td>1) Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).</td>
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<td>2) Shall comply with state model ordinance AB 1327, Chapter 18 California Solid Water Reuse and Recycling Access Act of 1991, which requires interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.</td>
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<td><strong>c) Transportation and Motor Vehicles</strong></td>
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<td>1) Limit idling time for commercial vehicles, including delivery and construction vehicles, pursuant to applicable SCAQMD and City requirements.</td>
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<td>2) Promote ride sharing programs e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides.</td>
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<td>percentage of potential ride sharing vehicle spaces will be determined in coordination with the City Planning Director or designee based on square footage and use type (e.g., shopping center, office, fitness center, etc.) prior to approval of a site plan within the commercial land use Planning Areas. 3) Provide adequate bicycle parking near non-residential building entrances to promote cyclist safety, security, and convenience. Provide facilities that encourage bicycle commuting (e.g., locked bicycle storage or covered or indoor bicycle parking). 4) All golf carts and Neighborhood Electric Vehicles (NEVs) shall be electrical powered only.</td>
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<td>GHG-2: The Butterfield Specific Plan shall be conditioned to allow the following uses (as reflected on future tract maps and commercial site plans), to further promote renewable energy resources, including: a) Allowing rooftop solar on all structures, subject to City Municipal Code and related building permit provisions; b) Allowing electric vehicle charging stations at all commercial, park, golf course, multi-family residential, and school areas, subject to a Conditional Use Permit; and c) Allowing hydrogen vehicle fueling stations within the Commercial zone, subject to a Conditional Use Permit.</td>
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<td>GHG-3 As part of future tract map, grading plan, site plan and/or improvement plan submittals, the Applicant shall identify bus stop provisions along arterial streets, through consultation with the City Engineer and Banning Pass Transit, including stops on Highland Springs Road, Wilson Street, Highland Home Road, and F Street as determined appropriate.</td>
<td>CDD</td>
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Cultural Resources

CUL-1: The Project Applicant shall prepare a paleontological resource impact mitigation program (PRIMP) for the grading and excavation phase of the Project, including both on- and off-site activities. The PRIMP shall be submitted for review and approval prior to issuance of any grading permit, and shall conform to the guidelines of the County of Riverside and the Society of Vertebrate Paleontology; including the following:

- A trained paleontological monitor shall be present during initial mass grading or deep trenching activities within the Project in sediment areas determined likely to contain...
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<td>paleontological resources. If paleontological resources are located within excavation, the monitoring program will change to full-time. The monitor shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. The monitor shall be equipped to rapidly remove any large fossil specimens encountered during excavation. During monitoring, samples shall be collected and processed to recover microvertebrate fossils. Processing shall include wet screen washing and microscopic examination of the residual materials to identify small vertebrate remains.</td>
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<td>• Upon encountering a large deposit of bone, salvage of all bone in the area shall be conducted with additional field staff and in accordance with modern paleontological techniques.</td>
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<td>• All fossils collected during the Project shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of all material collected and identified shall be provided to the museum repository along with the specimens.</td>
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<td>• A report documenting the results of the monitoring and salvage activities and the significance of the fossils will be prepared.</td>
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<td>• All fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a museum repository for permanent curation and storage.</td>
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**CUL-2:** Prior to the issuance of a grading permit, an archaeological resource monitoring plan shall be developed by a qualified archaeologist. This plan shall include a grading observation schedule, to be maintained when initial mass grading occurs in upper soils, to identify and further evaluate any cultural resources that may be discovered in the Project area. A qualified archaeologist shall be retained to attend pre-grading meetings and to monitor earth moving activities, including clearing, grubbing, cutting, and trenching at the site. The archaeologist shall carefully inspect these areas to assess the potential for significant prehistoric or historic remains. If potential archaeological and historical resources are uncovered, the construction contractor shall cease grading operations in the vicinity of the find until further evaluation is undertaken to assess the discovery. Further subsurface investigation may be needed if the resource is determined unique or important for its prehistoric or historic information.

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<td><strong>CUL-3:</strong> All earthmoving activity occurring within 30 meters of the on-site refuse scatter (LSA-PDH0601-H-2) shall be monitored by a qualified archaeologist. If archaeological remnants are discovered during monitoring, the archaeologist shall have the authority to divert construction in order to assess the significance of the find. Remnants shall be properly evaluated, documented, and deposited as applicable, consistent with State and local protocols.</td>
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<td><strong>CUL-4:</strong> If previously unknown cultural resources, including human remains, are identified during grading activities, a qualified archaeologist shall be retained to assess the nature and significance of the find. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner shall be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.</td>
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**Geology, Soils, and Seismicity**

| GEO-1: All structures on the Project site shall be constructed pursuant to the most current applicable seismic standards, as determined by the City as part of the tract map, grading plan, and building permit review processes, with building setbacks as recommended by the Project’s Seismic Hazard Analysis (Geocon 2005). Design criteria developed for Project structures shall also be based on the most current standards of practice and design parameters suggested by the Structural Engineers Association of California based on the recommendations and amendments to the CBC by the Division of State Architect for specific types of buildings and occupancies. | DPW, BO | C, F | A2, C2 | |

**GEO-2:** A detailed analysis of site geotechnical conditions, field investigation and slope stability analyses shall be conducted as 40-scale grading plans for mass and fine grading are prepared in the course of the phased development of the Project site. These studies shall be submitted to the City Building Department or Building Official, and their recommendations incorporated into Project design to the satisfaction of the City Engineer, prior to the issuance of any grading permits, including those for mass grading, in areas where slopes of 10 feet or more in height

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<td>GEO-3: The Project site shall be constructed pursuant to the following mitigation measure contained in the City of Banning General Plan EIR, Geotechnical Element:</td>
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<td>• During the site grading, all existing vegetation and debris shall be removed from areas that are to receive compacted fill. Any trees to be removed shall have a minimum of 95 percent of the root systems extracted. Man-made objects shall be over excavated and exported from the site. Removal of unsuitable materials may require excavation to depths ranging from 2 to 4 feet or more below the existing site grade.</td>
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<td>• All fill soil, whether on site or imported, shall be approved by the individual Project soils engineer prior to placement as compaction fill. All fill soil shall be free from vegetation, organic material, cobbles and boulders greater than 6 inches in diameter, and other debris. Approved soil shall be placed in horizontal lifts or appropriate thickness as prescribed by the soils engineer and watered or aerated as necessary to obtain near-optimum moisture-content.</td>
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<td>• Fill materials shall be completely and uniformly compacted to not less than 90 percent of the laboratory maximum density, as determined by American Society for Testing and Materials (ASTM) Test Method D-1557-78, or equivalent test method acceptable to the City Building Department. The project soils engineer shall observe the placement of fill and take sufficient tests to verify the moisture content, uniformity, and degree of compaction obtained. In-place soil density should be determined by the sand-cone method, in accordance with ASTM Test Method D1556-64 (74), or equivalent test method acceptable to the City Building Department.</td>
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<td>• Finish cut slopes generally shall not be inclined steeper than 2:1 (horizontal to vertical). Attempts to excavate near-vertical temporary cuts for retaining walls or utility installation in excess of 5 feet may result in gross failure of the cut and may possibly damage equipment and injure workers. All cut slopes must be inspected during grading to provide additional recommendations for safe construction.</td>
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<td>• Finish fill slopes shall not be inclined steeper than 2:1 (horizontal to vertical). Fill slope surfaces shall be compacted to 90 percent of the laboratory maximum density by either overfilling and cutting back to expose a compacted core or by approved</td>
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### Mitigation Measure No./ Implementation Action

- Mechanical methods.
- Foundation systems that utilize continuous and spread footings are recommended for the support of one- and two-story structures. Foundations for higher structures must be evaluated based on structure design and on-site soil conditions.
- Retaining walls shall be constructed to adopted building code standards and inspected by the Building Inspector.
- Positive site drainage shall be established during finish grading. Finish lot grading shall include a minimum positive gradient of 2 percent away from structures for a minimum distance of 3 feet and a minimum gradient of 1 percent to the street or other approved drainage course.
- Utility trench excavations in slope areas or within the zone of influence of structures should be properly backfilled in accordance with the following:
  - Pipes shall be bedded with a minimum of 6 inches of pea gravel or approved granular soil. Similar material shall be used to provide a cover of at least 1 foot over the pipe. This backfill shall then be uniformly compacted by mechanical means or jetted to a firm and unyielding condition.
  - Remaining backfill may be fine-grained soils. It shall be placed in lifts not exceeding 6 inches in thickness or as determined appropriate, watered, or aerated to near optimum moisture content, and mechanically completed to a minimum of 90 percent of the laboratory maximum density.
  - Pipes in trenches within 5 feet of the top of slopes or on the face of slopes shall be bedded and backfilled with pea gravel or approved granular soils as described above. The remainder of the trench backfill shall comprise typical on-site fill soil mechanically completed as described in the previous paragraph.

### Hazards and Hazardous Materials

**HAZ-1:** The grading plans shall indicate methods to address potential contamination discovered during construction, as well as safety considerations for on-site construction personnel and the general public. Details of the plan shall include, but not be limited, to the following:

- Procedures for identification of contaminated soil during earthmoving operations;

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<td>• Immediate measures to protect workers and the public from exposure to contaminated areas (e.g., fencing or hazard flagging, covering of contaminated soils with plastic, etc.) and prevent migration of the contaminants to the surrounding environment; and • Steps to be taken following initial discovery of contaminated soils. Notification shall be made to the local environmental health officials and the City's construction inspector(s) immediately following identification of previously unknown contamination within the construction area. In the event hazardous substances are encountered during site grading, work shall immediately cease in the area and the property owner/developer shall retain a qualified hazardous materials engineer to assess the impacts and prepare a response plan using risk-based cleanup standards applicable to residential land use. Upon approval of the response plan by the Fire Department or other agency, as applicable, the engineer shall obtain any required permits, oversee the removal of such features and/or conduct the response work to the satisfaction of the Fire Department or other agency, as applicable, until closure status is attained.</td>
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**HAZ-2:** As part of construction specifications, procedures for the fueling and maintenance of construction vehicles shall be required to minimize the potential for accidental release of hazardous materials. This shall include locating refueling and maintenance areas minimum of 500 feet from occupied residential uses. Drip plans shall be placed under motorized equipment when parked on the site to prevent soil contamination from dripping oil or other fluids.

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<td>cannot be reused or recycled shall be disposed of by a licensed hazardous waste hauler.</td>
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<td>2. Wastes shall be stored in sealed containers constructed of suitable material and shall be labeled as required by Title 22 CCR, Division 4.5 and 49 CFR Parts 172, 173, 178, and 179.</td>
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<td>3. Waste containers shall be stored in temporary containment facilities that should comply with the following requirements:</td>
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<td>a. Temporary containment facility shall provide for a spill containment volume equal to 1.5 times the volume of all containers able to contain precipitation from a 25 year storm event plus the greater of 10 percent of the aggregate volume of all containers or 100 percent of the largest tank within its boundary, whichever is greater.</td>
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<td>b. Temporary containment facility shall be impervious to the materials stored there for a minimum contact time of 72 hours.</td>
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<td>c. Temporary containment facilities shall be maintained free of accumulated rainwater and spills. In the event of spills or leaks, accumulated rainwater and spills should be placed into drums after each rainfall. These liquids shall be handled as a hazardous waste unless testing determines them to be non-hazardous.</td>
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<td>d. Sufficient separation shall be provided between stored containers to allow for spill cleanup and emergency response access.</td>
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<td>e. Incompatible materials such as chlorine and ammonia shall not be stored in the same temporary containment facility.</td>
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<td>d. Throughout the rainy season, temporary containment facilities shall be covered during non-working days and prior to rain events.</td>
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<td>4. Storage drums shall not be overfilled and wastes should not be mixed.</td>
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<td>5. Unless watertight, containers of dry waste shall be stored on pallets.</td>
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<td>6. Herbicides and pesticides shall not be over used. Only the amount needed shall be prepared. Apply surface dressings in several small applications as opposed to one large application. Allow time for infiltration and avoid excess material being carried off-site by runoff. Do not apply such chemicals immediately prior to rain events. All persons applying pesticides must be certified in accordance with federal and State laws.</td>
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<td>7. Paint brushes and equipment for water and oil based pants should be cleaned within a contained area and shall not be allowed to contaminate soil, watercourses or drainage systems. Waste paints, thinners, solvents, residues, and sludges that cannot be recycled or reused shall be disposed of as hazardous waste by a licensed hazardous waste hauler.</td>
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<td>8. Hazardous waste storage areas on-site shall be located away from storm drains or water courses and way from moving vehicles and equipment to prevent accidental spills.</td>
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<td>9. Containment berms shall be used in fueling and maintenance areas and where the potential for spills is high.</td>
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<td>10. Potentially hazardous waste shall be segregated from non-hazardous construction site debris.</td>
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<td>11. Liquid or semi-liquid hazardous materials shall be stored in appropriate containers and under cover.</td>
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<td>12. Hazardous waste collection sites shall be designated on-site away from watercourses and drainage systems, and shall be clearly labeled.</td>
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<td>13. Hazardous materials shall be stored in containers and protected from vandalism.</td>
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<td>14. All employees and subcontractors shall receive on-site training in hazardous waste storage and disposal procedures.</td>
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<td>15. Areas treated with chemicals shall be identified with appropriate warning signage</td>
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<td>16. Place a stockpile of spill clean-up materials where it will be readily accessible</td>
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<td>17. Inspect and verify that activity-based BMPs are in place prior to the commencement of associated activities. While activities associated with the BMP are underway, BMPs shall be inspected on a weekly basis.</td>
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<td>18. A copy of hazardous waste manifests shall be maintained on-site for access by City inspectors.</td>
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**HAZ-4** The abandoned well identified in the 2007 Converse Consultant’s Technical Memorandum for the Butterfield Specific Plan shall be properly capped and any associated pipeline abandoned and/or removed from the site pursuant to applicable State and federal Guidelines.

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| HAZ-5 Prior to issuance of grading permits, the following remediation efforts shall occur:  
  - The batteries, auto parts, tires and the diesel engine observed on the concrete pad next to the well and any associated fuel sources shall be removed and disposed of in compliance with all applicable regulations by waste haulers certified by the State for the handling and disposal of such wastes;  
  - Piles of asphalt debris and inert trash observed in various locations throughout the property shall be removed following their inspection by a hazardous waste consultant and, if required, by a cultural resource consultant, and the material removed and disposed of pursuant to all applicable laws and regulations.  
  - Prior to the removal of any potentially hazardous debris, additional environmental assessment and testing shall be completed pursuant to the recommendations of a certified environmental consultant and appropriate methods of handling and disposal shall be identified and implemented pursuant to existing (or then current) regulations and procedures for any particular hazardous waste or toxic material identified. | DPW, BO | C, F, D | A2, C2, D2 |
| HAZ-6 The contractor shall ensure that precautions are taken to avoid the Southern California Gas Company pipeline observed crossing the property diagonally from the west-center of the Project site to the southeast corner and that may be present along the alignments of the proposed off-site infrastructure. Such precautions shall include calling Dig Alert prior to any construction activity to determine and mark the exact location of this pipeline and close coordination with Southern California Gas Company to ensure that appropriate measures are taken by SCGC, including potential reduction in pressure and on-site monitoring, to protect both workers and the pipeline from accidental damage during grading activities. The appropriate identification and setbacks shall be maintained in order to ensure the safety of adjacent properties. | DPW, BO | B, C | A2, C2 |
| HAZ-7: The Applicant shall ensure that the existing high pressure gas line is replaced by the operator with pipeline that is PUC-rated for location in residential areas. Replacement of the pipeline and required relocation shall occur prior to trenching for sewer, water and storm drain within 25 feet of the outer edge of the pipeline easement and/or prior to the issuance of building permits for residences located within 100 feet of the ultimate pipeline alignment and prior to the paving of any roads within the pipeline alignment. Unless directed otherwise by the PUC, wet utility crossings shall observe a minimum ten-foot vertical separation and ten-feet of horizontal separation from the pipeline, given the needed depth of utility services. | DPW, BO | C, D, G | A2, C2 |

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<td>Undergrounded electrical services shall observe a minimum 10 foot horizontal separation from the pipeline. The location of the pipeline shall be indicated with appropriate curbside notation and/or monuments at minimum 50-foot intervals along its route and by ground-level monumentation through the golf course, or at intervals required by the PUC.</td>
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<td><strong>HAZ-8</strong>: A permit shall be obtained from the Riverside County Fire Department (Banning Services Unit) and, if required, from the County Department of Environmental Health, prior to installation of any temporary above ground fuel storage tank on the Project site.</td>
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<td>- A hazardous materials business plan consisting of an owner/operator page, a chemical description/inventory page, and a site map must be submitted with the application for permit.</td>
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<td>- The storage area shall be kept free of weeds and extraneous combustible material.</td>
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<td>- Plans must be submitted for approval prior to installation. Aboveground fuel/mixed liquid tanks(s) shall meet the following standard: Tank must be tested and labeled to UL2865 Protected Tank Standard or SwRI 93-01. The test must include the Projectile Penetration Test and the Heavy Vehicle Impact Test. A sample copy of the tank’s label from an independent test laboratory must be submitted with the tank plans.</td>
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<td>- The tank shall be kept &gt;50 feet from buildings and conspicuously marked with the name DIESEL and COMBUSTIBLE – KEEP FIRE AWAY.</td>
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<td>- The tank shall be located within a secondary containment area such as earthen berms covered from end to end by a thick mil plastic. Concrete or steel may also be used to provide secondary containment. Show calculations for secondary containment on the Site Plan.</td>
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<td>- The tank shall be secured to prevent movement on the containment surface or be mounted on metal skids (not on an elevated stilt rack).</td>
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<td>- The project manager or contractor shall contact the fire department representative for inspections at the time prior to when product is put into the tank to verify compliance, AND at the time when the tank is removed from the site to check for evidence of ground contamination.</td>
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<td><strong>HAZ-9</strong>: Prior to the approval of Final Tract maps, the City Engineer and Riverside County Fire Department (Banning Services Unit) shall discuss with the Applicant approximate locations of work activities and ingress and egress points in and out of the construction site to assure there</td>
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<td>is adequate access and communications protocols for emergency response vehicles during each of the proposed construction phases.</td>
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<td>HAZ-10: Prior to the issuance of grading permits or road encroachment permits, a Traffic Management Plan providing safety control measures for area-wide streets that would be affected by construction traffic and activities must be prepared by a licensed civil or traffic engineer, to the satisfaction of the City Engineer, that would minimize safety hazards and emergency access impacts. The temporary measures in the Traffic Management Plan could include: flaggers, temporary lane restriping, temporary lanes, caution signs, reduced-speed zones, temporary detours, and other safety and traffic control devices.</td>
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<td>HAZ-11: All proposed subdivisions within the Specific Plan project area shall be evaluated by the Fire Department to determine whether the Department’s Urban-Wildland Interface requirements should be implemented as part of the development. If the Department determines that either an interim or permanent condition of high fire risk would be present, a Fuel Modification Plan that meets the then-current requirements of the Fire Department shall be prepared and shall be approved by the Fire Department prior to recordation of a Final Tract Map. Maintenance of interim fuel modification areas shall be the responsibility of the master Homeowners Association and/or the property owner and/or a LLMP and temporary maintenance easements shall be recorded over interim fuel modification areas. Such easements shall be quitclaimed when the Fire Department determines that additional new development has eliminated the need for fuel modification in these areas.</td>
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<td>HAZ-12: Seed mix used for the temporary re-vegetation of graded areas that will remain as undeveloped open space for a period of 6 months or more shall consist primarily of drought-tolerant grasses that may combine native and non-native species. These mixes include grasses that require little maintenance and do not grow tall, but do provide sufficient vegetative coverage to be effective in controlling wind and water-caused erosion. Defensible spaces as defined by the Fire Department pursuant to Chapter 49 of the California Fire Code shall be maintained around the exposed perimeters of subdivisions abutting un-irrigated grassland and/or chaparral through weed abatement, mowing, and other fuel reduction/modification strategies.</td>
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<td>HAZ-13: The applicant shall continue to provide annual fuel modification as required by City code. The annual fuel modification (thinning) shall also be conducted in the future development areas south of Highland Home Road extension as needed (which excludes PAs 50,</td>
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### Hydrology and Water Quality

**HWQ-1:** The following measures shall be reflected in applicable Tentative Tract Maps (TTMs), site plans, grading plans, and/or improvement plans to the satisfaction of the City Engineer, prior to applicable plan/permit approval:

1. All building pads within the Specific Plan shall be constructed so that they are free from flood hazard for the 100-year frequency storm by elevating finished floor elevations above the 100-year level of flood protection.
2. The depths of flow in the Project’s streets shall not exceed top of curb elevations for the 10-year frequency storm event.
3. Streets shall be oriented to allow for maximum potential conveyance of regional flooding during significant storm events to expedite the passage of storm flows through the Specific Plan area.
4. The Specific Plan will be phased so that 100-year flood protection is ensured in all areas of development. Interim improvements (such as temporary debris basin, earthen channels/berms, check dams, sand bag barriers, or other temporary BMP and flood protection measures; refer to Mitigation Measure HWQ-1, bullet #6 and 7 below) shall be provided as development progresses to protect against flooding, erosion, siltation, and water quality impacts.
5. All subdivisions implemented as part of the Specific Plan shall be required to detain any incremental increase in drainage within the Project Boundary until the Riverside County Flood Control and Water Conservation District Master Drainage Plan (“Banning” – Zone 5) is fully implemented downstream of the Project site.
6. Construction of each phase shall include an assessment of the size and flow patterns of the adjacent undeveloped areas of the Specific Plan site. Interim phase on-site facilities shall provide developed phases with required flood protection pursuant to Code.
7. Temporary basins shall be constructed to meet detention requirements and earthen channels/berms shall be used to divert and convey flows during construction phases.

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Noise

**NOI-1**: As a condition of approval of all grading and building permits, the Applicant shall comply with the following list of noise reduction measures, subject to inclusion of additional provisions at the discretion of the Building Official as appropriate:

- Excavation, grading, and other noise-intensive construction activities related to the proposed Project shall be restricted to the hours of operation allowed under Section 8.44.090.E, Noise Prohibited – Unnecessary Noise Standard – Construction, Landscape Maintenance or Repair, of the City Municipal Code. Any deviations from these standards shall require the written approval of the City Building Official. The days and hours shall also apply to any servicing of equipment and to the movement of materials to and from the site.

- The developer shall require, as a condition of contract, that all construction equipment operating on the site be equipped with mufflers and sound control devices (e.g., intake silencers and noise shrouds) no less effective than those provided on the original equipment and no equipment shall have an unmuffled exhaust.

- The developer shall require all contractors, as a condition of contract, to maintain and tune-up all construction equipment to minimize noise emissions.

- Stockpiling and vehicle staging areas shall be located a minimum of 500 feet from occupied residences, and screened from these uses by a solid noise attenuation barrier where necessary to achieve City Municipal Code-required noise attenuation levels.

- Solid noise attenuation barriers (temporary barriers or noise curtains) with a sound transmission coefficient (STC) of at least 20 shall be used along Project boundaries adjacent to sensitive receptors, where noise monitoring, performed by a qualified noise monitor, indicates exceedence of City Municipal Code noise levels for more than 15 minutes in any one hour period.

- Construction activities that occur outside the allowable hours per City standards 6 PM to 7 AM shall require approval of the City Building Official based on demonstration of unusual circumstances and avoidance of significant impacts to neighboring sensitive receptors. Construction noise exceeding City standards (i.e., interior noise in excess of 50 dBA or exterior noise in excess of 65 dBA) and statutory time limits is anticipated.

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<td>shall require implementation of additional noise attenuation measures such as temporary noise &quot;curtains&quot; to reduce construction noise to meet City Standards, or offer the affected sensitive receptors the option of temporary relocation at the Developer’s expense for the duration of the impact.</td>
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<td>• All stationary construction equipment (e.g., air compressor, generators, etc.) shall be operated as far away from the residential and institutional uses as practicable. If necessary to meet the City’s noise standards, the equipment shall be shielded with temporary sound barriers, sound aprons, or sound skins to the satisfaction of the Building Official.</td>
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<td>• In areas subject to potentially significant construction noise impacts, the developer shall be required to monitor and document compliance with all applicable noise level limits.</td>
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<td>• Construction haul routes for large equipment and material import/export shall be specified to minimize the use of routes affecting sensitive receptors (e.g., residential, parks, hospitals, schools, convalescent homes, etc.). Construction phasing for individual subdivisions shall be designed to avoid the need for construction vehicles and related construction traffic to traverse occupied residential neighborhoods. In all cases, trucks shall utilize a route that is least disruptive to sensitive receptors. Construction trucks shall avoid weekday and Saturday AM and PM peak hours (7 AM to 9 AM and 4 PM to 6 PM).</td>
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<td><strong>NOI-2</strong>: Prior to the issuance of each grading or building permit, the Applicant shall submit to the Building Official a proposed Construction Noise Monitoring Program to respond to and track complaints pertaining to construction noise, throughout demolition and/or grading. Throughout and/or grading, these measures shall include the following:</td>
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<td>• A procedure and phone numbers for notifying the City Building and Safety Department staff and Banning Police Department (during regular construction hours and off-hours);</td>
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<td>• A sign prominently posted on-site containing the permitted construction days and hours and complaint procedures and the name and phone number of the person(s) to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor’s telephone numbers (during regular construction hours)</td>
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- The designation of an on-site construction complaint and enforcement manager for the Project. The manager shall act as a liaison between the Project and its neighbors. The manager’s responsibilities and authority shall include the following:
  - An active role in monitoring project compliance with respect to noise;
  - Ability to reschedule noisy construction activities to reduce effects on surrounding sensitive receivers;
  - Site supervision of all potential sources of noise (e.g., material delivery, construction staging areas, construction workers, debris box pick-up and delivery) for all trades;
  - Intervening or discussing mitigation options with contractors; and
  - Conducting a preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

NOI-3: The Applicant shall, through contract specifications, prohibit the use of any on-site construction equipment generating greater than 0.049 RMS (greater than 79 VpD) within 25 feet of any sensitive use or limit the use of equipment exceeding this standard to less than 30 events per day.

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NOI-4: Prior to the issuance of grading permits or encroachment permits for the improvement of Highland Home Road (aka Meridian Street) between future “D Street” and Wilson Street, an acoustical study shall be completed by the Applicant (using construction-level improvement plans and/or more detailed grading plans) and submitted to the City for review and approval. The acoustical study will specify additional specific noise attenuation measures necessary, if any, to ensure that the City of Banning’s exterior and interior noise standards are met at adjacent residential properties. Appropriate attenuation measures could include a solid wall in the landscaped pathway between future Highland Home Road and the existing frontage street.

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NOI-5: Prior to the issuance of building permits for non-residential uses (such as commercial areas, wastewater treatment plant, and the golf course clubhouse), the Applicant shall prepare a site-specific construction level noise analysis, analyzing potential on and off site noise impacts, based upon detailed grading plans, improvement plans and site plans. The grading,

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Site and/or improvement plans for these uses shall include the location of stationary noise sources, such as loading docks, air conditioning units, trash hauling and trash compactors (noise from trash pickup and compaction results from the use of hydraulic equipment to raise and lower the metal trash bins and to compact their contents), and drive-thru lanes. The noise analysis shall evaluate the potential noise impacts to the existing and proposed noise sensitive homes near the commercial areas of the project. In the event the analysis shows that noise levels for any adjacent sensitive receptor(s) would exceed applicable standards, measures shall be required to reduce noise to levels to within applicable standards, including providing enclosures for stationary sources (such as pump stations and air conditioners), and providing walls or sills to attenuate mobile or stationary sources from receptors (such as loading bays). The analysis shall be subject to review and approval by the City Building Official and shall ensure compliance with applicable exterior and interior noise standards.

Public Services and Utilities

PSU-1: Applicant shall communicate and work with the Fire Chief throughout Project development to determine the appropriate timing for a potential addition of a fire response unit (medic squad, fire engine), or the need for a fire station that is conceptually located in PA 60 but could be located in any Planning Area as described within the Specific Plan. When the fire station or a response unit is determined to be necessary, the Applicant shall fund and/or construct the fire response unit and/or fire station and would subsequently be credited the cost of the fire response unit or fire station towards the dedication of fire fees.

PSU-2: The Project shall incorporate the principles of defensible space as defined by the U.S. Department of Housing and Urban Development Office of Policy Development and Research in the design of cluster housing and/or multifamily housing within the proposed Project to reduce the impact of such development on police services. These principles shall be incorporated through inclusion of the following design solutions:
- Orienting the front doors and living area windows to the public street without providing “protection” of walls and fencing while providing back doors in these same units that allow access to more secure play areas and open space.
- Clustering parking in close proximity to units or the must provide enclosed garages or semi-subterranean parking garages that can be secured.
- Providing motion-activated security lighting.

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<td>Clustering multifamily units around shared courtyard spaces with appropriate amenities that draw residents into the common area and encourage the development of relationships between neighbors through interaction in the public domain (See Oscar Newman, <em>Creating Defensible Space</em>, 1996, Institute for Community Design Analysis, US Department of Housing and Urban Development, Office of Policy Development and Research for applicable guidelines and design criteria.)</td>
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<td>PSU-3: The Project shall include potential school sites within the development by designating and setting aside two 11+ acre Planning Areas (i.e., PA 68 for Banning Unified School District and PA 20 for Beaumont Unified School District) to increase available school facilities. (The intent of Mitigation Measure PSU-3 is to initially designate and set aside each of the two 11+ acre Planning Areas, then offer these sites to the School Districts for sale or lease credit. In the event that one or both of the Districts choose not to accept the site, the Applicant may opt to implement the residential overlay on the corresponding school site, which would permit medium-density residential development at 10 du/ac).</td>
<td>CDD</td>
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<td>PSU-4: Offsite infrastructure improvements (identified in Section 3.6.3) shall comply with all of the same mitigation measures for onsite facilities, as applicable. Off-site above-ground facilities shall provide for a general biological assessment by a qualified biologist. If sensitive resources are determined to be present, those resources shall be assessed and/or delineated, mitigation measures shall be developed and imposed.</td>
<td>DPW, BO (fair market compensation), CDD (biological assessment)</td>
<td>B, F</td>
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<td>PSU-5: Prior to the issuance of building permits for an onsite satellite WWTP, the City must prepare a site-specific construction-level noise analysis analyzing potential on- and off-site noise impacts. In addition, the analysis shall evaluate the potential noise impacts to existing and proposed sensitive receptors. Construction and implementation of the wastewater treatment plant would require a Conditional Use Permit (CUP) to be approved by the City of Banning, as well as design review of the proposed site plan and building architecture, landscaping and lighting. Compliance with the existing regulations (specified under Impact 4.8-1) and on-going monitoring of the plant’s operations would reduce potential impacts associated with the routine use, handling, transport, and storage of hazardous materials.</td>
<td>CDD</td>
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<td>PSU-6: The operator of the Butterfield Specific Plan Golf Course shall prepare and implement a Operational Waste Management Plan that incorporates the Best Management Practices for the management of green waste recommended by the Golf Course Superintendent Association of</td>
<td>DPW, BO</td>
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<td>America (GCSAA) including separate collection and recycling of green waste by a licensed hauler and recycling facility, on-site use of green waste for landscape mulching, and other methods acceptable to the City and the SCAQMD so as to reduce the facility's impact on landfill capacity.</td>
<td>DPW, CE</td>
<td>A, D</td>
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<tr>
<td><strong>Traffic and Transportation</strong></td>
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<td><strong>TRF-1:</strong> If not constructed by the City or others, the Applicant shall construct road improvements identified in Table 4.13-9, Summary of Future Improvements (&quot;Existing plus Project&quot; improvements in the City of Banning only). These improvements include portions on Highland Springs Avenue in the City of Beaumont, between I-10 and Brookfield, but exclude locations that are deemed by the affected jurisdiction(s) to be infeasible due to impacts of ROW acquisition. If constructed by the Applicant, the cost of these improvements shall be credited against applicable City fees, and/or shall be eligible for reimbursement agreements with the City and/or third parties. The Improvements listed in Table 4.13-9 shall be consistent with the General Plan Circulation Element.</td>
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<td><strong>TRF-2:</strong> As part of each Final Tract Map, or appropriate group of maps, the Applicant shall prepare a TIA Validation Report (TVR) based on the criteria provided herein for review and approval by the City Engineer. Final Tract Map approvals resulting in less than 500 p.m. peak hour trips (Exempt Maps) shall not require a TVR unless the cumulative total of prior approved Exempt Maps exceeds 1,000 p.m. peak hour trips since the last TVR. The TVR shall identify which of the Existing Plus Project improvements identified in Table 4.13-9, are required to be constructed for the respective Final Tract Map, to ensure adequate emergency access and satisfactory levels of service. &quot;Existing plus Project&quot; improvements in the City of Banning identified in an approved TVR shall be conditions of Final Tract Map approval. To the extent that any of the improvements mentioned above are included in a fee program, the cost for those improvements, if constructed by the Applicant, will be eligible for fee credits. The ongoing traffic impact assessment program will be based on the p.m. peak-hour trip threshold. The Final Tract Maps' total number of p.m. peak hour trips will be established based on the trip generation listed in Table 4.13-7, Project Trip Generation. If a portion of commercial development and some residential development is included in the Final Tract Map, the total number of trips generated by each use (commercial and residential) will be calculated for the p.m. peak hour and compared to a predefined threshold.</td>
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**Mitigation Measure No./ Implementation Action**

Recognizing the variety of land use options, overlays and permitted or conditionally permitted uses, the TVR will also be used to verify, as the Project builds out, that the Project's total peak hour trips are consistent with the assumptions in the Project TIA.

**TRF-3:** Improvement plans shall be prepared for each Project-related offsite traffic improvement and approved by the City Engineer. Improvement plans shall incorporate the following considerations, as applicable:

a) Obtain encroachment permit(s) from the applicable jurisdiction(s) for offsite improvements;

b) Through creative design techniques, where determined appropriate and consistent with City policy, modify roadway geometry to reduce potential impacts to existing developed areas (such as reduced lane widths, reduced or eliminated medians, reduced turn lane transition zones, and/or shifting intersection approaches to widen intersection quadrants where associated impacts would be reduced);

c) Maintain access for existing residences and businesses at all times;

d) Replace landscaped areas within the affected parcel and along the parcel frontage wherever practical;

e) Assist the affected property owner in re-striping affected parking areas and/or reconfiguring affected driveways to avoid or offset improvement-related impacts;

f) Follow applicable Project EIR mitigation measures related to biological resources (i.e., BIO-1 through BIO-5), with respect to minimizing loss of native vegetation, replacement or relocation of mature trees, use of native and/or drought tolerant vegetation in new landscaped areas, and ensuring consistency with applicable MSHCP and regulatory agency permitting provisions; and

g) Compensate the affected property owner based on fair market valuation of the acquired ROW in accordance with applicable local, State and federal regulations.

**TRF-4:** The applicant shall pay a fair share toward cumulative impacts not otherwise captured in existing fee programs, funding sources or in lieu improvements noted above, if such a program is in place at the time of building permit issuance, based on project contribution percentages identified in Table 4.13-16.

**Water Supply**

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| WS-1                   | With respect to the City's Banning, Banning Bench, Banning Canyon, and Cabazon groundwater supplies, the City will:  
1) Periodically, conduct a groundwater audit that evaluates groundwater level trends, production rates, groundwater quality or other aquifer/well/pump considerations from the previous year (through use of a on-going groundwater monitoring and data collection system).  
2) Develop a groundwater model to allow accurate simulation of groundwater flow and groundwater quality (including potential impacts by recharge of recycled water) in the City of Banning groundwater resource area.  
Additionally, to avoid injury to other legal users of the Cabazon Basin, the City will:  
3) Site any new well so as to not result in material interference to existing wells. | DPW             | E                        | D2                    |
| WS-2                   | Additionally, to guard against the potential adverse effects of climate change on the City's water supplies, the City will:  
1) Continue to manage its imported and surface water supplies conjunctively with its groundwater supplies to maximize opportunities for groundwater storage.  
2) Continue to monitor expert technical analyses of the impacts of climate change on surface and groundwater supplies and incorporate any recommendations into the City's water supply planning efforts.  
3) Continue to practice and promote integrated flood management. The City will incorporate climate change findings into infrastructure design and continue to integrate water and land use practices, such as encouraging new developments to capture and treat stormwater onsite. New water infrastructure will be designed to operate under a wide range of conditions and will consider climate change impacts.  
4) Continue to diversify its portfolio through increased water use efficiency and aggressive demand reductions achieved by existing and new conservation programs. The development and use of a new recycled water supply will further diversify the City's portfolio and reduce potable water demands.  
5) Continue to further develop regional alliances with cities, water districts and water agencies to integrate, improve and develop regional water management. | DPW             | E                        | D2                    |

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Butterfield Specific Plan Project

Addendum Modifications to the Mitigation Monitoring and Reporting Program

Project File No.: ____________________ Applicant: ____________________

EIR Prepared by: ____________________ Date: ____________________

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<td><strong>Mitigation Measure AQ-7:</strong> The following measures shall be implemented during construction to substantially reduce nitrogen oxides (NOx)-related emissions. They shall be included in the Grading Plan, Building Plans, and specifications.</td>
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- Off-road diesel equipment operators shall be required to shut down their engines rather than idle for more than 5 minutes, and shall ensure that all off-road equipment is compliant with the California Air Resources Board (ARB) in-use off-road diesel vehicle regulations and SCAQMD Rule 2449.

- The following note shall be included on all grading plans: “The City shall require construction contractors to utilize diesel powered construction equipment that meets EPA-certified Tier III emissions standards, or higher according to the following:

  January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards at a minimum. In addition, all construction equipment shall be outfitted with best available control technology (BACT) devices certified by ARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control.
strategy for a similarly sized engine as defined by ARB regulations.
Post January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by ARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by ARB regulations.

- A copy of each unit’s certified tier specification, BACT documentation, and ARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- Construction contractors are encouraged to apply for AQMD “SOON” funds. Incentives could be provided for those construction contractors who apply for AQMD “SOON” funds. The “SOON” program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: http://www.aqmd.gov/tao/Implementation/SOONProgram.htm.
- The contractor and the Applicant, if the Applicant’s equipment is used, shall maintain construction equipment engines by keeping them tuned and regularly serviced to minimize exhaust emissions, as required by SCAQMD Rules 431.1 and 431.2.
- Existing power sources (i.e., power poles) shall be used when available. This measure would minimize the use of higher polluting gas or diesel generators.
- Construction parking shall be located on the site where possible and shall be configured to minimize traffic interference.
- Obstruction of through-traffic lanes shall be minimized by providing temporary traffic controls such as flag persons, cones, and/or signage during all phases of construction when needed to maintain smooth traffic flow. Construction shall be planned so that lane closures on existing streets are kept to a minimum.

- A traffic plan shall be developed to minimize traffic flow interference from construction activities. The plan shall specify the times during which construction activities would occur and particular times when travel lanes cannot be blocked (e.g., peak traffic periods as directed by the affected City Engineer). The plans shall provide details regarding the placement of traffic control, warning devices, and detours. As a supplement to the traffic plan, the construction contractor shall coordinate with the affected agency to determine the need for a public information program that would inform area residents, employers, and business owners of the details concerning construction schedules and expected travel delays, detours, and blocking of turning movements in lanes at intersections. The public information programs could utilize various media venues (e.g., newspaper, radio, television, telephone hot lines, or internet website, etc.) to disseminate information such as:
  - Overview of project information
  - Weekly updates on location of construction zones;
  - Identification of street(s) affected by construction;
  - Times when construction activities would occur and when traffic delays, and blockage of intersection turning movements can be expected; and
  - Identification of alternate routes that could be used to avoid construction delays.

**Mitigation Measure BIO-3:** The Applicant shall provide compensatory mitigation for the temporary disturbance to CDFW jurisdictional waters, which includes approximately
0.41 acre of vegetated riparian habitat, and the temporary disturbance to RWQCB and USACE jurisdiction, none of which consists of jurisdictional wetlands. The mitigation requirements will be determined through applicable regulatory permitting programs of the CDFW, the RWQCB, and the USACE, and shall consist of minimum 1:1 mitigation primarily through onsite restoration within the Smith Creek drainage and other on-site areas, which will be performed concurrently with development of the golf course (Planning Areas [PAs] 35 and 39) or alternative uses within these Planning Areas 35 and 39 (the golf course/open space PAs uses, including various combinations of parks, trails, native habitat, drainage facilities, water quality improvements, groundwater recharge areas, and wetland mitigation areas).

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<th>Mitigation Measure GHG-2:</th>
<th>The Butterfield Specific Plan shall be conditioned to allow the following uses (as reflected on future tract maps and commercial site plans), to further promote renewable energy resources, including:</th>
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<td>• Allowing rooftop solar on all structures, subject to City Municipal Code and related building permit provisions; allowing electric vehicle charging stations at all commercial, park, golf course, multifamily residential, and school areas, subject to a Conditional Use Permit; and allowing hydrogen vehicle fueling stations</td>
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| Mitigation Measure PSU-6: | The operator of the Butterfield Specific Plan Golf Course shall prepare and implement an Operational Waste Management Plan that incorporates to the extent feasible the Best Management Practices for the management of green waste recommended by the Golf Course Superintendent Association of America (GCSAA) including separate collection and recycling of green waste by a licensed hauler and recycling facility, on-site use of green waste for landscape mulching, and other methods acceptable to the City |
and the SCAQMD so as to reduce the facility's impact on landfill capacity.

**Mitigation Measure TRF-2:** As part of each Final Tract Map, or appropriate group of maps, the Applicant shall prepare a Traffic Impact Analysis Validation Report (TVR) based on the criteria provided herein for review and approval by the City Engineer. Final Tract Map approvals resulting in less than 500 p.m. peak hour trips (Exempt Maps) shall not require a TVR, unless the cumulative total of prior approved Exempt Maps exceeds 1,000 p.m. peak hour trips since the last TVR. The TVR shall identify which of the Existing plus Project improvements identified in Table 4.13-9 are required to be constructed for the respective Final Tract Map, to ensure adequate emergency access and satisfactory levels of service. Improvements identified in an approved TVR shall be conditions of Final Tract Map approval. To the extent that any of the improvements mentioned above are included in a fee program, the cost for those improvements, if constructed by the Applicant, will be eligible for fee credits.

The ongoing traffic impact assessment program will be based on the p.m. peak hour trip threshold. The Final Tract Maps’ total number of p.m. peak hour trips will be established based on the trip generation listed in Table 4.13-7, *Project Trip Generation*, Table 3.1, *Project Trip Generation Comparison*. If a portion of commercial development and some residential development is included in the Final Tract Map, the total number of trips generated by each use (commercial and residential) will be calculated for the p.m. peak hour and compared to a predefined threshold. Recognizing the variety of land use options, overlays and permitted or conditionally permitted uses, the TVR will also be used to verify, as the Project builds out, that the Project’s total peak hour trips are consistent with the assumptions in the project Traffic Impact Analysis.
**Mitigation Measure TRF-4:** The Applicant shall pay a fair share toward cumulative impacts not otherwise captured in existing fee programs, funding sources, or in lieu improvements noted above, if such a program is in place at the time of building permit issuance, based on project contribution percentages identified in Table 4.13-16 of the Specific Plan EIR, with the exception of the intersections included in the Project study area for the 2016 Traffic Impact Analysis, as outlined in Table 4.13-16A.
Exhibit B

General Plan Exhibits
Exhibit III-6
Page III-61
Page III-71
Banning General Plan
Proposed General Plan Street System
<table>
<thead>
<tr>
<th>Roadway Classification</th>
<th>Roadway</th>
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<tr>
<td>Urban Arterial Highway (6 lanes with left turn pockets)</td>
<td>Highland Springs from Cherry Valley to Potrero Blvd.</td>
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<tr>
<td>Major or Arterial Highway (4 lanes with left turn pockets)</td>
<td>Highland Home from Cherry Valley Blvd. to Highland Springs Avenue To Sun Lakes Blvd.</td>
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<td>Highland Springs from Cherry Valley Blvd. to Wilson Street</td>
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<td>Hathaway from Morongo St. to I-10</td>
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<td></td>
<td>Sunset from Wilson to Lincoln</td>
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<td>8th Street from Ramsey to Lincoln</td>
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<td></td>
<td>San Gorgonio from Lincoln to south City Limit</td>
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<td>Hargrave from Ramsey to Lincoln</td>
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<td>Cottonwood (North – South) from Ramsey to Porter</td>
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<tr>
<td></td>
<td>Wilson from Highland Springs to Cottonwood (North – South)</td>
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<td></td>
<td>Ramsey from Highland Springs to Fields Rd.</td>
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<td></td>
<td>Sun Lakes/Lincoln from Highland Springs to Cottonwood (North – South)</td>
</tr>
<tr>
<td>Secondary Highway (4 lanes without left turn pockets)</td>
<td>Porter from Sunset to Cottonwood (North – South)</td>
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<tr>
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<td>Sunset from Wilson to Mesa</td>
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<td></td>
<td>Sunset from Lincoln to Porter</td>
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<td>22nd Street from Ramsey to south of Lincoln</td>
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<td>8th Street from Wilson to Ramsey</td>
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<td>8th Street from Lincoln to Porter</td>
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<td>4th Street from Wilson to Ramsey</td>
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<td>San Gorgonio from Wilson to Lincoln</td>
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<td>Hargrave from Wilson to Porter</td>
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<td>Hathaway from Ramsey to Porter</td>
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<td></td>
<td>Cottonwood (North – South) from Ramsey northward</td>
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<tr>
<td></td>
<td>Cottonwood (North – South) from Porter southward</td>
</tr>
<tr>
<td></td>
<td>Fields Road from end to end</td>
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</tbody>
</table>
Highland Home Road/Cherry Valley Boulevard/Brookside/18th Street/Highland Springs
The General Plan roadway system has shown Highland Home connecting to Cherry Valley Boulevard in the City of Beaumont. The extension of Highland Home however, could connect to the west at Brookside Avenue Cougar Way in Beaumont. Further, Highland Springs is planned to extend to the northeast to Bluff Street, to provide access to the Black Bench area, and a second connection from the Banning Bench to the City. This connection could also be made through the extension of 18th Street to the northeast.

In all cases, traffic flow will not be significantly affected, insofar as traffic volumes on these streets in this area are not expected to be high. The Recommended General Plan Street System shows these streets in their currently envisioned configuration. However, as development occurs and the feasibility of the extensions is considered, flexibility is included in this General Plan to allow changes to the street system in the future.

At Grade Railroad Crossings
The City has two grade separated railroad crossings at streets with I-10 interchanges. The other four existing or planned interchanges must also be improved to include grade separations, in order to maintain acceptable levels of service. A grade separation is included in the Transportation Uniform Mitigation Fee (TUMF) program for the Sunset Avenue interchange. The others are not in the TUMF program.

The City will need to aggressively pursue grade separations for the railroad tracks at all interchanges. This should include the preparation of feasibility studies, the securing of all available funding, and the cooperation of the development community. Although construction of these facilities may not occur in the near term, the planning must be initiated immediately, in order for the City to be able to implement the construction in the future.

Lincoln Street and Westward avenue west of Sunset Avenue
The 1994 Circulation Element included the extension of both Lincoln and Westward from Highland Home to Sunset. Both these roadways occur currently east of Sunset. West of Highland Home, only one roadway, Sun Lakes Boulevard, currently occurs. The traffic study for this General Plan considered the traffic volumes generated south of I-10 on Sunset, and the potential volumes for Lincoln and Westward east of Sunset. The study found that Westward will have sufficiently low volumes so as to require a 2 lane collector east of Sunset. Lincoln is projected as a Major Highway from Highland Home easterly, as is Sun Lakes Boulevard. Traffic volumes will result in LOS C or better for both Lincoln and Westward in this area. Therefore, the elimination of Westward west of Sunset will not have a negative effect on east-west traffic south of I-10.

Level of Service Policy
The traffic study for the 2013 General Plan Amendment to revise the city-wide LOS standards, Amendment found that the City will be able to maintain LOS D on City streets. LOS D does not represent a significant degradation in traffic flow. When balancing the need for an efficient traffic system and the widening of streets to accommodate peak hour traffic, it appears that changing the City’s requirement from LOS C to LOS D will not result in a significant negative effect.
Exhibit C
Butterfield Specific Plan dated November 2016 (under separate cover)
Minor Modifications Conditions of Approval
PARDEE BUTTERFIELD SPECIFIC PLAN MINOR MODIFICATIONS  
CONDITIONS OF APPROVAL

COMMUNITY DEVELOPMENT DEPARTMENT

1. Approved Butterfield Specific Plan minor modifications are based upon the plan dated December 2016. The minor modifications include adjustments to the land use plan including:
   - Reservation of Planning Areas (PAs) 60 and 61 as open space rather than the development of 412 dwelling units.
   - Granting a revocable license for hiking, walking, and non-motorized bicycle use and the transport of equipment to the eastern portion of the site.
   - Elimination of the proposed golf course in PA 35 and PA 39, and replacement of the golf course with a central open space recreational area to include parks and open space uses.
   - Reduction in the number of residential units from 5,387 dwelling units to 4,862 dwelling units.
   - Removal of PA 43B in the northwest corner of the Specific Plan area that was outside current Banning city limits and outside of Pardee Homes property ownership, thereby reducing the Specific Plan area from 1,543 acres to 1,528 acres.

2. All original conditions of approval for the approved Butterfield Specific Plan shall remain in effect except as modified by this minor modification approval.

3. On page 1-8, the last bullet shall state that elimination of golf course should be replaced with "active recreational use including biking and pedestrian trails, turnouts for exercise, viewing and educational facilities, all linkable to other tracts, parks and open space, landscaping and providing full public access" as required by Section 8.1.3 of the Development Agreement. This language shall also be added to Section 3.6, Recreation and Open Space.

4. Drainage facilities in the central open space (former golf course) shall be constructed with natural materials or shall be made to appear natural and shall be subject to Design Review approval.

5. All language removing or making trails optional shall be deleted.

ENGINEERING / PUBLIC WORKS DEPARTMENT

6. All entry points to the development from Highland Springs Avenue, Wilson Street and Highland Home Road shall have raised medians (i.e. Highland Home Road/Highland Springs Ave; H Street/Highland Home Road). Revise exhibits as
needed.

7. Exhibit 3.3B shall indicate that the Applicant will construct improvements on the east side of Highland Home Road fronting existing homes and shall delete the reference to “improvements by others”. The applicant shall provide an exhibit showing the intersection of Highland Home Road and Wilson Street, to the satisfaction of the Public Works Director. There should only be one access road on the north side of this intersection.

8. Meandering sidewalks and dg trails as depicted in the approved plan for the backbone east-west streets shall be provided along the entire road segments of “B” Street, “C” Street, “H” Street, “F” Street, and the east-west portion of Highland Home Road.

9. Exhibit 3.3E, Neighborhood Entry shall show 2:1 Min/Max at right of way.

10. Section 3.4, Drainage Plan, shall include the City’s retention language: At a minimum, all development will make provision to store runoff from rainfall events up to and including the one-hundred-year, 3-hour duration event.

11. The applicant shall provide documentation for the number of proposed storage tanks and storage capacity.

12. The Specific Plan shall include language regarding Chromium treatment facilities needed to serve the development. Section 5.8.1. shall be updated, and it should also be noted that the proposed WWTP site will also double as a site for Chromium-6 treatment facilities (Applicant to revise exhibits as needed).
Attachment 3
Settlement Agreement
SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is made and entered into by and between PARDEE HOMES ("Pardee"), the CITY OF BANNING ("City"), the HIGHLAND SPRINGS RESORT ("Resort"), and CHERRY VALLEY PASS ACRES AND NEIGHBORS and CHERRY VALLEY ENVIRONMENTAL PLANNING GROUP ("CVEPG") (collectively, "CVAN"). The Resort and CVAN may be referred to collectively as "Petitioners." Pardee, City, Resort, and CVAN may be referred to individually as a "Party" or collectively as the "Parties."

RECITALS

A. Pardee filed an application with the City for: General Plan Amendment No. 11-2510; Zone Change No. 11-3501; approval of the Butterfield Specific Plan (SCH No. 2007091149), dated November 21, 2011, which amends and supersedes the Deutsch Property Specific Plan, which was approved and adopted by the City in 1993; and approval of the development agreement for the Butterfield Specific Plan, which amends and supersedes the development agreement for the Deutsche Property Specific Plan. The Butterfield Specific Plan provides for the development of a master planned community consisting of up to 5,387 dwelling units, a golf course and open space, parks and other open space, two school sites, an existing utilities substation, a fire station site, and backbone roadways, among other things.

B. Pursuant to the California Environmental Quality Act ("CEQA"), the City prepared an Environmental Impact Report entitled "Environmental Impact Report for Butterfield Specific Plan" (SCH No. 2007091149).

C. On March 27, 2012, the City passed, approved and adopted Resolution No. 2012-24, certifying the Final Environmental Impact Report for the Butterfield Specific Plan.

D. On April 10, 2012, the City passed, approved and adopted Resolution No. 1450, amending the Deutsch Specific Plan and superseding it with the Butterfield Specific Plan ("Specific Plan"), as well as adopting conditions of approval ("Conditions of Approval") and making certain findings in support thereof. Also on April 10, 2012, the City passed, approved, and adopted Resolution No. 1451, adopting the development agreement for the Specific Plan ("Development Agreement").

E. Together, the General Plan Amendment No. 11-2510, Zone Change No. 11-3501, the Development Agreement, and the Specific Plan, as approved and adopted by the City, are hereinafter referred to collectively as the "Project."

F. On April 26, 2012, the Resort filed a Petition for Writ of Mandate in Riverside County Superior Court (Case No. 1206246) ("Resort Action"), alleging that the City had violated CEQA when it approved the Project. Pardee is named as a real party in interest in the Resort Petition. On April 26, 2012, CVAN filed a Petition for Writ of Mandate in Riverside County Superior Court (Case No. 1206271) ("CVAN Action"), alleging that the City had violated CEQA when it approved the Project. Pardee is named as a real party in interest in the CVAN Action. On May 9, 2012, the Resort and CVAN each filed a Notice of Related Cases. On June 28, 2012, the Parties agreed and stipulated to
consolidate the actions for purposes of trial into a single matter under Riverside County Superior Court Case No. 1206246, which is the lower numbered case. On July 5, 2012, the Court ordered the matters consolidated, and ordered the Resort and CVAN to prepare one administrative record for the consolidated case. The consolidated Resort Action and CVAN Action are hereinafter collectively referred to as the “Action.” On September 20, 2013, and again on December 13, 2013, the Court heard oral argument in the Action and took the matter under submission. On December 23, 2013, the Court issued a Statement of Decision. On January 13, 2014, the Parties filed a Stipulation to Stay the Action and Entry of Judgment to allow the Parties adequate time to informally resolve the Action and avoid further litigation.

G. For the purpose of compromising and settling the claims raised in the Action and avoiding the time and expense of further litigation, including but not limited to appeal, the Parties have agreed to settle the Action on the terms described below.

H. Nothing in this Settlement is construed to require an amendment to the Specific Plan, the Development Agreement or any of the associated approvals.

NOW, THEREFORE, in consideration of the mutual covenants, promises, releases representations and warranties contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

Agreement

1. Request to Delete Cherry Valley Boulevard Road Extension.

1.1 Pardee agrees not to request an extension of Cherry Valley Boulevard from any agency at any time. Pardee agrees to join Petitioners in a comment letter to the County of Riverside which requests the deletion of the Cherry Valley Boulevard road extension from the County’s 2014 General Plan Update (County of Riverside General Plan Amendment No. 960) and any other applicable County plans. A copy of the comment letter regarding the General Plan, which is currently being amended by the County, is attached as Exhibit “A” to this Agreement.

1.2 Pardee agrees to request that the City amend its General Plan to delete the extensions of Brookside Avenue and Cherry Valley Boulevard. Pardee shall apply for the amendment. Because however, the Resort owns some of the property, it acknowledges that it shall cooperate in the processing of the amendment, including but not limited to completing a certified letter of authorization, and any other document required by the City to complete the processing of the amendment. Pardee and Resort agree to share the costs of the application equally and each Party shall bear its own attorneys’ fees associated with the development and processing of the application.

1.3 The City further agrees that the City Council will consider Pardee’s request for a General Plan Amendment within 365 days of execution of this Agreement. However, the Parties acknowledge that the City’s decision about whether to approve the requested General Plan Amendment must comply with all applicable notice and public hearing requirements of the City’s planning and zoning laws, the outcome of which cannot be guaranteed. By approving this Agreement, the City does not prejudge the General Plan Amendment and remains free to take whatever action it deems appropriate without liability thereof. In the event the City Council does

2
not approve the General Plan Amendment despite the Parties' best efforts, Pardee shall not be responsible for re-submitting or taking any further action.

2. **Planning Areas 60 and 61.**

2.1 Pardee shall not develop Specific Plan Planning Area ("PA") 60 (which includes 205 dwelling units) and PA 61 (which includes 207 dwelling units). PA 60 and 61 shall be preserved in an open space condition, except for utility infrastructure (water, sewer, gas, and power) and associated access roads; water tanks; a potential fire station; landscaping, including irrigation; and drainage debris/detention basins and related storm drain appurtenances. Within 90 days of the City's approval of any final map to be recorded for the Project, Pardee shall submit for recording a land use restriction that runs with the land evidencing these development restrictions. Exhibit "B" to this Agreement includes the form of the restrictive covenant to be recorded on Lot 13 of recorded Tract No. 34330, which encompasses PA 60, 61 and 73, but excluding the north half of the proposed extension of Highland Home Road. This form has been approved by the Banning City Attorney.

2.2 The Resort and CVAN acknowledge that standard utilities, including water, sewer, gas, as well as road access, are needed to serve the water tanks and fire station, and that existing power lines may need to be relocated and new, above-ground power lines erected to serve the tanks and fire station. Pardee and the City agree to use their best efforts to locate the water tanks at the approximate latitude of 33.96 north and longitude of 116.93 west, provided that this location meets the City's engineering requirements for the adequate functioning of the water tanks, which determination is subject to confirmation by the City's engineers. In the event that either regulations, geologic features or other limiting factors prohibit placing the water tanks in the identified location, the City will locate the water tanks in the closest feasible location. If more than one alternative location is feasible, preference shall be given to the site that is the farthest north, provided that the costs for construction and operation of the tanks do not significantly exceed that of a site located elsewhere. The City retains authority to make the final decision on tank siting which may be based on factors of utility for the intended purpose and cost.

2.3 Within 120 days of the City's approval of any final map to be recorded for the Project, Pardee it successor(s) or assignee(s) shall convey to the Resort its successor(s) or assignee(s) by recorded deed the land which is the northerly 44 acres more or less of Lot 13 as described in Exhibit "C" and conceptually shown on Exhibit "D". Such conveyance shall be subject to all existing easements and a land use restriction that runs with the land to preserve the land in a primarily natural state limited to passive use recreational amenities. Exhibit "B" to this Agreement includes the form of the restrictive covenant to be recorded on the land conveyed to the Resort its successor(s) or assign(s). Upon transfer of ownership of the land described in Exhibit "C", the Revocable License Agreement set forth in paragraph 3 of this Agreement shall terminate. In the event the final map is challenged, performance is stayed with regard to the deed restriction and property transfer pending final judicial approval of the map.

(a) Within 180 days of recording the grant deed and to the extent allowed under the existing Southern California Edison easement and by the underlying easement holder, Pardee agrees to construct a wood split rail fence along the southern boundary of the land described in Exhibit "C".
3. **Temporary Grant of Hiking Area**. Pardee agrees to grant to the Resort, for the benefit of the Resort, a revocable license for hiking, walking and non-motorized bicycle use and the transport of equipment to the eastern portion of the Resort’s property for security, maintenance and farming purposes over land described in Exhibit “C” and conceptually shown on Exhibit “D”. Exhibit “E” to this Agreement includes the form of the grant of a revocable license which will be recorded within 90 days of entry of judgment dismissing this Action. The Revocable License Agreement shall terminate, if not sooner, upon the recording of a deed transferring ownership of the land described in Exhibit “C” to the Resort or its successor(s) and/or assign(s), subject to the restrictive covenant set forth in Section 2.1, above, and all existing easements. During the term of the license, trail access and use shall not be impaired by the installation of infrastructure within Lot 13 of recorded Tract No. 34330. The Resort and Pardee may agree to an alternative trail alignment if necessary to accommodate allowed infrastructure. In the event the Revocable License Agreement is revoked, Pardee shall have no obligation to provide continuing access or a tie-in trail point.

4. **Planning Area 43B**. Pardee agrees not to purchase or pursue development of PA 43B at any time.

5. **Veteran’s Tree**. Pardee agrees to relocate the “Veteran’s tree” to a prominent location within the Project and near its current location, subject to the City’s review of, and agreement to, the proposed location, which will be done simultaneously with the submittal of plans for the road widening necessary for Highland Springs Avenue. Pardee shall utilize the services of a professional arborist for the relocation. If the Veteran’s tree does not survive for at least 180 days after relocation and replanting, Pardee agrees to replace it with an oak tree contained in a minimum of a 60-inch box, using the services of a professional arborist.

6. **Homeowner-Provided Landscaping**. Pardee and the City agree to impose Covenants, Conditions and Restrictions (“CC&Rs”) on all residential units within the Project, requiring them to comply with Banning Code section 13.16.030 (inclusive of all subsections), as it may be amended from time to time, notwithstanding the fact that section 13.16.030 does not otherwise apply to homeowner-provided landscaping at single-family and multi-family residences. As is required by the Conditions of Approval and Development Agreement, the form of the CC&Rs is subject to approval by the Banning City Attorney within 30 days of submission by Pardee, and shall be enforceable by City.

7. **Non-Potable Project-Related Water Infrastructure**. In conformance with the City’s requirements, Pardee will fund or construct all Project-related infrastructure and facilities required to allow the Project’s use of non-potable water supplies when the City makes non-potable water available to the Project.

8. **Availability of Non-Potable Water**. Pardee agrees that issuance of building permits for any portion or phase of the Project shall be contingent upon the availability of non-potable water supplies to serve any non-potable demands within the City in an amount greater than or equal to the non-potable demands of the portion of the Project for which building permits are requested. For example, if the portion of the Project to be constructed has a non-potable demand of 250 acre-feet per year (AFY), at least 250 AFY of non-potable supply must first be available to serve non-potable demand somewhere within the City.
9. **Elimination of Golf Course.** As permitted by the Development Agreement, the Specific Plan, and the Conditions of Approval, Pardée agrees to eliminate the golf course use from the Project. In the previously defined golf course area (PA 35 and PA 39), Pardée will create a recreational area including parks and natural open space and other uses permitted by the Specific Plan and approved by City. This area may also include areas for flood control, drainage and Project-related groundwater recharge.

10. **Plumbing.** Pardée agrees to install ultra-low flow toilets at 1.28 gallons/flush throughout the Project.

11. **Maximum Number of Dwelling Units.** Pardée agrees that the Project’s total number of dwelling units shall not exceed 4,862.

12. **Solar Voltaic Systems.** Pardée agrees to install solar voltaic systems (or the equivalent renewable energy generating technology) for multi-family residential developments of 18 units per acre or more with a common wall, throughout the Project consistent with City regulations. Such installation shall occur before a certificate of occupancy is issued for any such multi-family residential development.

13. **Electric Vehicle Charging.** Pardée agrees to install electric car charging stations in at least 3% of the parking spaces designated for commercial units and multi-family residential units throughout the Project consistent with City regulations. Pardée also agrees to install “plug slots” suitable for electric vehicle charging in the garages of all single-family residential units consistent with City regulations. Such installation shall occur before a certificate of occupancy is issued for any such multi-family residential units and commercial units.

14. **Efficiency Standards.** Pardée agrees that all developer-installed appliances throughout the Project shall be rated to meet or exceed Energy Star efficiency standards.

15. **Ride Sharing Lot Request.** Pardée agrees to request a ride sharing lot subject to the approval of the responsible transportation agencies including City. Pardée agrees to request a ride sharing lot within the Project before 1,000 units are built. Pardée will coordinate with the responsible transportation agencies, including seeking the necessary City approvals, if any, to determine the appropriate location, size and number of parking spaces and design for the ride sharing lot.

16. **Transportation Coordination.** Pardée agrees to coordinate with the Banning Pass Transit Agency, the Riverside Transit Agency, and the City for service within the Specific Plan area on future bus routes and scheduled bus service, which are based upon demand.

17. **Resort’s and CVAN’s Non-Opposition to the Project.**

17.1 Both the Resort and CVAN, including their principals and officers and agents, agree to all of the following:

(a) Not to object to or oppose, or to assist any other Party to object to or oppose: (1) the Project; (2) any application or request for any further Project approval, including but not limited to: tentative and final maps, verification of an adequate water supply, substantial conformance review, any additional regulatory approval, and any further review of the Project
under CEQA ("Project Approval"); (3) any minor modification or any non-substantive change to the Project ("Minor Modification"); and (4) any amendment of the Development Agreement or Specific Plan, as long as the land uses and development standards included in the amendment substantially conform to the Development Agreement and Specific Plan. Pardee shall provide Resort and CVAN with notice of any amendment to the Development Agreement, Specific Plan or Mitigation and Monitoring Program.

(b) Not to file, participate in, cooperate in (including transmittal of any concepts, legal theories or work product) or contribute money to any legal claim or action challenging the Project, any Project Approval, or any Minor Project Amendment, or otherwise to seek any other form of judicial relief regarding the Project.

17.2 As used in this Section, “Minor Modification” shall have the same definition as used in Section 10.4 of the Development Agreement. As used in this section, “substantially conforms” means that the changes to the Project would not include industrial uses; an increase in the height limit; allow any uses identified as prohibited in the Butterfield Specific Plan or Development Agreement; or eliminate mitigation measures included in the mitigation monitoring and reporting program.

17.3 Resort and CVAN’s right to object, oppose, or challenge any amendment to the Development Agreement or Specific Plan shall be limited to objecting to, opposing, or challenging only that feature or element of the change that does not substantially conform with the Project or is not a Minor Modification. In no event shall the Project, a Project Approval or Minor Modification give Petitioners any right to object to, oppose, or challenge any element or feature of the Project that falls within the approved Project.

17.4 In the event that any person or entity, in any forum, identifies themselves as a member of, representative of, or otherwise is known to be affiliated with the Resort or CVAN, and also objects to, opposes, or files any legal claim or action challenging the Project, contrary to this section (the “objector”), the Party with whom the objector identifies themselves, or with whom the objector is known to be a member of, representative of, or otherwise affiliated with, shall, within 5 business days following a request from Pardee or the City, make their best effort to provide a written disclaimer that such objector’s objection, opposition or challenge is not representative of the Party’s position. Failure to provide such disclaimer within 30 days after a request from Pardee or the City, to the extent it is required, shall constitute a breach of this Agreement.

17.5 The Resort and CVAN further agree each to file a letter of non-opposition to the Project with the Riverside County Superior Court which will have continuing jurisdiction over the Action, as provided in Sections 25-26 of this Agreement. The non-opposition letters will be signed by the Authorized Representative for the Resort and CVAN, respectively, as that term is defined in Section 23 of this Agreement. A copy of the form of both non-opposition letters is attached as Exhibit "F" to this Agreement.

17.6 Resort and CVAN agree to use their best efforts to remove from their websites and any social media pages or systems established or sponsored by them any existing objections or opposition to the Project, with the exception of archived press releases and other contemporaneous communications regarding the Project. In the event material(s) cannot be readily removed, Resort and CVAN will agree to post on their websites that they are no longer
opposed to the Project. Resort and CVAN further, agree not to post or add objections to the Project, Project Approvals or Minor Project Amendments to their websites and any social media pages or systems established or sponsored by Petitioners.

17.7 Pardee shall be entitled to enforce this Section 17 by specific performance. Any claim for breach of this provision shall be reviewable in Riverside County Superior Court for a determination of liability and damages and/or reformation of the Agreement which shall include: the right of Pardee and the City to forego any further performance of the terms to this Agreement not yet accomplished, immediate rescission of the Revocable License Agreement for access to portion of Lot 13 of recorded Tract No. 34330, removing the land use restriction on Lot 13 of recorded Tract No. 34330, and such other remedies as may be necessary and appropriate, including without limitation, injunctive and equitable relief. This provision will only apply if the breach is a contributing factor in substantially delaying or preventing future Project approvals, which shall include but not be limited to federal and state approvals, tentative and final map approvals, and infrastructure plans.

17.8 The Parties further acknowledge and agree that at the time that this Agreement is being entered into, it is difficult to ascertain the actual damages in the event of a breach. Because damages related to a breach of the non-opposition provision may be extremely difficult, if not entirely impracticable, to calculate, the Parties have agreed that there should be a liquidated damages amount that they believe would act as a minimum amount of awardable damages should a breach of the non-opposition provisions of this Agreement occur. The agreed to amount of liquidated damages is $1,000 per occurrence. For purposes of calculating an occurrence, each day that a breach of the non-opposition provision continues, after notice of a breach is given and if it is not eliminated within 7 business days, it shall be counted as a new occurrence each and every following day thereafter. The Parties agree that this minimum amount of liquidated damages represents a reasonable endeavor by the Parties to ascertain what the actual damages would be. No actual damages need to be proved in order to recover liquidated damages.

17.9 Notwithstanding the foregoing, this section shall not prohibit the Resort or CVAN from taking such action as necessary to enforce the terms of this Agreement.

18. Confidentiality.

18.1 Except as provided herein, the Resort and CVAN, including their principals and officers, agree to keep confidential all written copies of this Agreement, including all negotiations leading thereto, all term sheets, and all prior drafts and versions of this Agreement. The Resort and CVAN further agree not to disseminate this Agreement or post it on their respective websites in any manner, whether in writing, or electronically (including, but not limited to internet/social media) by or through any agent, attorney, or other representative, including any attorney work product.

18.2 If a court order compels the production of this Agreement, the Parties agree to request that the Agreement be produced to the court only for in camera review and that it not made a public court record of any kind.
18.3 The Resort and CVAN further agree to expressly forbid, permanently and irrevocably, their counsel from commenting on the terms and contents of this Agreement and the negotiations leading thereto. The Resort and CVAN will require their counsel to maintain this Agreement, and the terms therein, completely confidential and will not permit their counsel to publicize or disclose the conditions, terms, or contents of this Agreement in any manner, whether in writing, electronically (including, but not limited to internet/social media) or orally, to any person (other than their representatives), unless compelled to do so by law provided that (i) the Party to whom any such legal process is directed promptly (and in no event later than 10 business days after receipt of such legal process) provides written notice and a copy of such legal process to the other parties and to their counsel in accordance with Section 29.10 below; and (ii) prior to the date established by such legal process for the requested disclosure or production, none of the Parties to this Agreement obtains an order from a court or other appropriate entity of competent jurisdiction which forbids all or a portion of the disclosure or production requested by such legal process or except as necessary to effectuate the terms of this Agreement.

18.4 If any third party or media entity inquires as to the existence of this Agreement, or its terms, conditions or contents, the Resort and CVAN shall respond only that the "matters have been resolved."

18.5 Pardee shall be entitled to enforce this Section 18 by specific performance. Any claim for breach of this provision shall be reviewable in Riverside County Superior Court for a determination of liability and damages. The Parties further acknowledge and agree that at the time that this Agreement is being entered into, it is difficult to ascertain the actual damages in the event of a breach. Because damages related to a breach of the confidentiality provision may be extremely difficult to calculate, if not entirely impracticable to calculate, the Parties have agreed that there should be a liquidated damages amount that they believe would act as a minimum amount of awardable damages should a breach of the confidentiality provision of this agreement occur. The agreed amount of liquidated damages is $500 per occurrence. For purposes of calculating an occurrence, each day that a breach of the confidentiality provision continues, after notice of a breach is given and if it is not eliminated within 7 business days of the notice to the party alleged to be in breach, it shall be counted as a new occurrence each and every following day thereafter. The Parties agree that this minimum amount of liquidated damages represents a reasonable endeavor by the Parties to ascertain what the actual damages would be. No actual damages need to be proved in order to recover liquidated damages.

19. **City Approval.** The City shall approve this Agreement by way of an agenda item on a public agenda at a regularly noticed City Council meeting in accordance with the Brown Act (Gov. Code, §§ 54950 et seq.), and shall provide copies of the Agreement in accordance therewith, and to persons requesting the Agreement in accordance with the California Public Records Act (Gov. Code, §§ 6250 et seq.)

20. **Mutual Release of Claims.**

20.1 Each Party to this Agreement hereby now and forever expressly releases and discharges the other Parties, their agents, servants, elected and appointed officials, employees, representatives, predecessors, successors, assigns, assignors, attorneys, and independent contractors, from any and all claims, demands, disputes, controversies, causes of action, damages, rights, liabilities, obligations, costs, and expenses, if any, of whatever character and nature arising under federal, state or local laws, regulations, or ordinances, or arising in equity,
known or unknown, suspected or unsuspected, arising out of or related to the Action ("Release"). The Release set forth above in this section is a release of ALL claims, demands, causes of action, obligations, damages, and liabilities of any nature whatsoever that are described in the Release and is intended to encompass all known and unknown, foreseen and unforeseen claims which the Parties may have as a result of the Action, except for any claims which may arise from the terms of this Agreement and any default occurring after the Effective Date (defined below). Nothing herein shall be construed as waiving or limiting any Party’s right to enforce the terms of this Agreement occurring on or after the Effective Date.

20.2 Said Release does not include claims arising from Project build out for any alleged physical property damage, wrongful death or any other personal injury or harm, loss of business or business profits, or emotional distress.

21. Effect of Release; Unknown Claim. The foregoing mutual releases shall be self-executing upon execution of this Agreement and shall extend to all claims, including those that the Parties do not presently know or suspect exist related to the Action. Thus, with respect to the claims that are the subject of the mutual releases set forth in this Agreement, the Parties expressly waive their rights under California Civil Code section 1542, which provides:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR."

The Parties having read and understood Civil Code section 1542, expressly waive and relinquish all rights and benefits afforded by Civil Code section 1542 as it relates to the matters raised in the Action only and do so understanding and acknowledging the significance of this specific waiver.

22. Principals or Officers. To the Parties’ enforcement of the terms and conditions of this Agreement, Pardee, the Resort, and CVAN each shall provide the names of each Party’s principals or officers and such persons shall be listed in Exhibit “G” to this Agreement. In the event there is a change in Pardee’s, the Resort’s, or CVAN’s principals or officers, such Party shall provide written notification of any new principal or officer to all other Parties within 30 days of a written request by a Party to do so.

23. Authorized Representative. Each Party shall designate a person who is authorized to represent that Party for all purposes under this Agreement ("Authorized Representative"), and Exhibit "H" to this Agreement shall include the name, mailing address, email address, and telephone number of each Party’s Authorized Representative. The Resort’s Authorized Representative may be one of the persons identified on Exhibit “G”. In the event the designated person is no longer authorized to represent the Party, the Party shall provide written notification of a new designee to all other Parties within 30 days of any change pursuant to Section 29.10 of this Agreement.
24. **Dispute Resolution.** Any controversies, disputes or claims relating to the interpretation or enforcement of any material provision or respective rights, duties or obligations of the Parties under this Agreement shall be subject to written notification to the Party or Parties alleged to have breached this Agreement. The Party in alleged breach shall have 90 days to cure or address the alleged issue. If, at the end of the 90-day period, the Party claiming a breach does not believe the issue or issues are resolved, the Parties shall have the right to extend the cure period. Alternatively, if there is no agreement to extend this period, the aggrieved Party may seek to resolve the matter through mediation using an agreed upon mediator. If, after 120 days, the Parties are unable to resolve the dispute, only then may the aggrieved Party seek judicial relief. A waiver of a breach, failure of condition, or any right or remedy contained in or granted by the provisions of this Agreement is effective only if it is in writing and signed by the Party waiving the breach, failure, right, or remedy.

25. **Stipulated Judgment (Dismissal of the Action).**

25.1 The Parties agree that the terms of this Agreement, and only the terms of this Agreement, shall constitute the terms of a Stipulated Judgment to be entered in the Action. Within 10 days of the Effective Date, as defined in Section 28 below, the Parties further agree to petition the Riverside County Superior Court jointly for entry of a Stipulated Judgment that is substantially in conformity with the [Proposed] Stipulated Judgment and Order attached as Exhibit "T" to this Agreement. The Stipulated Judgment shall provide that the Action be dismissed with prejudice, and shall provide for the continuing and exclusive jurisdiction of the presiding trial court judge in the Action, Riverside Superior Court Judge Daniel A. Ottolia, with respect to the future performance of the terms of this Agreement pursuant to Code of Civil Procedure section 664.6. (Wacken v. Malis (2002) 97 Cal.App.4th 429, 439-440.) In the event Judge Ottolia is unavailable, the Court shall appoint another Riverside County Superior Court judge who has been appointed to preside over CEQA cases. Counsel for Pardee will coordinate the filing of the [Proposed] Stipulated Judgment and Order and will make available conformed copies to the Resort and CVAN within 3 days of filing. If the court does not enter a stipulated judgment dismissing the Action in substantial conformity with this Agreement, this Agreement shall have no force and effect.

25.2 No Party shall be entitled to file a motion in the Resort Action or CVAN Action pursuant to Code of Civil Procedure section 664.6, except to seek enforcement of the Stipulated Judgment and only after the Party has complied with the dispute resolution provisions provided in Section 24 of this Agreement.

26. **Judicial Enforcement of Judgment.** The Riverside County Superior Court shall retain jurisdiction to enforce this Agreement under Code of Civil Procedure section 664.6.

27. **Compliance with All Laws.** Nothing in this Agreement shall be construed to constrain or limit the City’s ability to comply with the law, including but not limited to the California Public Records Act.

28. **Effective Date.** This Agreement is conditioned upon and will take effect only upon approval by each of the Parties, demonstrated by their respective signatures to this Agreement. The date the last of these events occurs constitutes the “Effective Date” of this Agreement.
29. **General Provisions.**

29.1 **Ambiguity.** The Parties acknowledge that this Agreement was jointly prepared by them, by and through their respective legal counsel, and any uncertainty or ambiguity existing herein shall not be interpreted against any of the Parties, but otherwise shall be interpreted according to the application of the rules on interpretation of contracts.

29.2 **Assistance of Counsel.** The Parties each specifically represent that they have consulted to their satisfaction with and received independent advice from their respective counsel prior to executing this Agreement concerning its terms and conditions.

29.3 **Authority to Sign.** The persons executing this Agreement on behalf of the Parties hereto warrant that (i) such Party is duly organized by law and existing; (ii) the signatories are duly authorized to execute and deliver this Agreement on behalf of said Party and to bind that Party, including its directors, officers, members, managers, agents, successors and assigns; (iii) by so executing this Agreement, such Party is formally bound to its provisions; and (iv) the entering into this Agreement does not violate any provision of any other agreement to which said Party is bound.

29.4 **Counterparts.** This Agreement may be executed in counterparts, including the execution of facsimile, or e-mail portable document format (“PDF”) copies, and the exchange of signatures by facsimile, or e-mail PDF, with the same effect as if all original signatures were placed on one document, and which, when taken together, will constitute one original agreement.

29.5 **Enforcement Costs.** Should any legal action be required to enforce the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys’ fees and costs in addition to any other relief to which that Party may be entitled. As used herein, the “prevailing party” shall be the party determined as such by a court of law pursuant to the definition in Code of Civil Procedure section 1032 (a)(4), as it may be subsequently amended.

29.6 **Entire Agreement.** This Agreement constitutes the entire agreement between the Parties that have executed it, and supersedes any and all other agreements, understandings, negotiations, or discussions, either oral or in writing, express or implied, between the Parties to this Agreement for the Action. The Parties to this Agreement each acknowledge that no representations, inducements, promises, agreements, or warranties, oral or otherwise, have been made by them, or by anyone acting on their behalf, which are not embodied in this Agreement, that they have not executed this Agreement in reliance on any such representation, inducement, promise, agreement or warranty, and that no representation, inducement, promise, agreement or warranty not contained in this Agreement, including, but not limited to, any purported supplements, modifications, waivers, or terminations of this Agreement shall be valid or binding, unless executed in writing by all of the Parties to this Agreement.

29.7 **Governing Law and Venue.** This Agreement is made and entered into in the State of California, and shall in all respects be interpreted, enforced and governed under the laws of said state without giving effect to conflicts of laws principles. Venue for any action to enforce any claim under this Agreement shall lie solely and exclusively in Riverside County Superior Court, located at 4050 Main Street in Riverside, California.
29.8 **Headings.** Headings at the beginning of each numbered section of this Agreement are solely for the convenience of the Parties and are not a substantive part of this Agreement.

29.9 **Non-Admission of Liability.** The Parties acknowledge and agree that this Agreement is a settlement of disputed claims. Neither the fact that the Parties have settled nor the terms of this Agreement shall be construed in any manner as an admission of any liability by any Party hereto, or any of its employees, or an affiliated person(s) or entity/ies.

29.10 **Notices.** Any notice, demand, request, document, consent, approval, or communication that any Party to this Agreement desires or is required to give to the other Parties or any other person or entity regarding this Agreement shall be in writing and either served personally or sent by prepaid, certified first-class mail, with the exception that attorneys may be notified by electronic mail as indicated below to:

**To:** PARDEE

Mike Taylor  
Division President of Inland Empire  
Pardee Homes  
2120 Park Place, Suite 120  
El Segundo, CA 90245  
mike.taylor@pardeehomes.com

**With a copy to:**  
Chris Hallman, General Counsel  
Pardee Homes  
2120 Park Place, Suite 120  
El Segundo, CA 90245  
chris.hallman@pardeehomes.com

**To:** CVAN

Cherry Valley Pass Acres & Neighbors  
P.O. Box 3257  
Beaumont, CA 92223-1204  
ATTN: Ms. Patsy Reeley

**With a copy to:**  
Robert C. Goodman, Esq.  
D. Kevin Shipp, Esq.  
ROGERS JOSEPH O’DONNELL  
311 California Street, 10th Floor  
San Francisco, CA 94104  
rgoodman@jiro.com  
kshipp@jiro.com

**To:** CITY

City Manager  
City of Banning  
99 E. Ramsey Street  
Banning, CA 92220

**With a copy to:**  
David J. Aleshire, Esq.  
Aleshire & Wynder, LLP  
18881 Von Karman Avenue, Suite 1700  
Irvine, CA 92612  
daleshire@awattorneys.com

**To:** RESORT

Tina Kummerle  
President, Highland Springs Resort  
10600 Highland Springs Avenue  
Beaumont, CA 92223  
tina.k@hsresort.com

**With a copy to:**  
Douglas P. Carstens, Esq.  
Amy Minteer, Esq.  
CHATTEN-BROWN & CARSTENS  
2200 Pacific Coast Highway, Suite 318  
Hermosa Beach, CA 90254  
aclm@cbcearthlaw.com  
dpc@cbcearthlaw.com

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To: CVEPG

Cherry Valley Environmental Planning Group
10065 Frontier Trail
Cherry Valley, CA 92223
ATTN: Mr. Patrick Doherty

With a copy to:

Robert C. Goodman, Esq.
D. Kevin Shipp, Esq.
ROGERS JOSEPH O’DONNELL
311 California Street, 10th Floor
San Francisco, CA 94104
rgoodman@rjo.com
kshipp@rjo.com

29.11 Recitals. The Recitals set forth in the beginning of this Agreement are hereby incorporated into the terms of the Agreement as though set forth in full herein.

29.12 Severability. Should any portion, word, clause, phrase, sentence or paragraph of this Agreement be declared void or unenforceable, such portion shall be considered independent and severable from the remainder, the validity of which shall remain unaffected.

29.13 Singular and Plural. Whenever required by the context, as used in this Agreement, the singular shall include the plural, and the masculine gender shall include the feminine and the neuter, and the feminine gender shall include the masculine and the neuter.

29.14 Successors and Assigns. This Agreement and all terms and provisions shall inure to the benefit of and be binding upon the heirs, legal representatives, successors, assignees and delegees of the parties hereto. Any heir, legal representative, successor, assignee or delegee shall be fully bound by each and every applicable term and condition of this Agreement, as though a signatory thereto.

29.15 Waiver. Failure to insist on compliance with any term, covenant or condition contained in this Agreement shall not be deemed a waiver of that term, covenant or condition, nor shall any waiver or relinquishment of any right or power contained in this Agreement at any one time or more times be deemed a waiver or relinquishment of any right or power at any other time or times.
List of Attachments:
A: Parties' Letter in Support of County Amending General Plan
B: Restrictive Covenant on Lot 13 of recorded Tract No. 34330
C: Proposed Resort Deed - Legal Description
D: Proposed Resort Deed – Graphic Depiction
E: Revocable License Agreement
F: Letter of Non-Opposition from the Resort, CVAN and CVPEG to the Court
G: Parties' Officers or Principals
H: Authorized Representatives and Contact Information
I: [Proposed] Stipulated Judgment

[SIGNATURE PAGES FOLLOW]
PARDEE HOMES

Date: __________________________

By: __________________________
Name: Mike Taylor
Title: Division President of Inland Empire

CITY OF BANNING

Date: __________________________

By: __________________________
Name: __________________________
Title: __________________________

HIGHLAND SPRINGS RESORT

Date: __________________________

By: __________________________
Name: Tina Kummerle
Title: President

CHERRY VALLEY PASS ACRES AND NEIGHBORS

Date: __________________________

By: __________________________
Name: Patsy Reeley
Title: President

CHERRY VALLEY ENVIRONMENTAL PLANNING GROUP

Date: __________________________

By: __________________________
Name: Patrick Doherty
Title: President
PARDEE HOMES

Date: ____________________________

By: ______________________________
Name: Mike Taylor
Title: Division President of Inland Empire

CITY OF BANNING

Date: ____________________________

By: ______________________________
Name: ____________________________
Title: ____________________________

HIGHLAND SPRINGS RESORT

Date: ____________________________

By: ______________________________
Name: Tina Kummerle
Title: President

CHERRY VALLEY PASS ACRES AND NEIGHBORS

Date: ____________________________

By: ______________________________
Name: Patsy Reeley
Title: President

CHERRY VALLEY ENVIRONMENTAL PLANNING GROUP

Date: ____________________________

By: ______________________________
Name: Patrick Doherty
Title: President
PARDEE HOMES

Date: ______________________

By: ______________________
Name: Mike Taylor
Title: Division President of Inland Empire

CITY OF BANNING

Date: ______________________

By: ______________________
Name: ______________________
Title: ______________________

HIGHLAND SPRINGS RESORT

By: ______________________
Name: Tina Kummerle
Title: President

CHERRY VALLEY PASS ACRES AND NEIGHBORS

Date: November 3, 2014

By: ______________________
Name: Patsy Reckley
Title: President

CHERRY VALLEY ENVIRONMENTAL PLANNING GROUP

Date: November 3, 2014

By: ______________________
Name: Patrick Doherty
Title: President
EXHIBIT A

Parties' Letter in Support of County Amending General Plan
Via U.S. Mail and E-mail (klovelady@rcrlma.org)

Kristi Lovelady, Principal Planner
County of Riverside
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Re: General Plan Amendment No. 960
Removal of Extension Cherry Valley Boulevard from Circulation Element

Dear Ms. Lovelady,

On behalf of the Highland Springs Resort, Cherry Valley Pass Acres and Neighbors, the Cherry Valley Environmental Planning Group, and Pardee Homes, we submit these comments on General Plan Amendment No. 960 to request the removal of the extension of Cherry Valley Boulevard east of Highland Springs Avenue to Wilson Street from the Circulation Element of the County General Plan.

The Highland Springs Resort is located in the community of Cherry Valley, within the Pass Area of the County’s General Plan. The resort is “a popular conference retreat with a picturesque lodge and convenient connections to surrounding natural features via trail systems.” (General Plan Amendment No. 690, Pass Area Plan, p. 9.) Cherry Valley Acres and Neighbors and the Cherry Valley Environmental Planning Group are citizens groups dedicated to preserving the environmental values and unique character of Cherry Valley. As described in the Pass Area Plan, Cherry Valley is a rural community characterized by charming orchards, large-lot residential, agricultural and animal-keeping uses. (General Plan Amendment No. 690, Pass Area Plan, pp. 8-9.) To retain the rural charm, the County LAFCO has designated Cherry Valley as an unincorporated community.

On March 27, 2012, the City of Banning approved Pardee Homes’ application for the Butterfield Specific Plan. The Butterfield Specific Plan authorizes 5,387 new residences, parks, schools, commercial uses, and open space on 1,522 acres of undeveloped land located in the northern portion of the City of Banning, east of Highland Springs Avenue. The Specific Plan area is adjacent to the community of Cherry Valley and the Resort’s property. The environmental review conducted for the Specific Plan determined that the circulation system approved by the City would satisfy City and County traffic standards, without requiring the future extension of Cherry Valley Boulevard depicted in the Circulation Element. Since its 2012 approval, Pardee Homes has agreed to reduce the number of dwelling units planned for this site to 4,862 units, and remove the proposed golf course from
Ms. Kristi Lovelady  
November __, 2014  
Page 2

the project. Given that the City's traffic analyses had already determined that the future extension of Cherry Valley Boulevard was unnecessary, even with 5,387 homes and the golf course, these reductions ensure that the Specific Plan area will be adequately served without the need for extension of Cherry Valley Boulevard. Further, the circulation system and development plan that was approved for the Specific Plan eliminated the Highland Home Road extension to Brookside Avenue, and re-configured traffic through the center of the Specific Plan area, making the extension of Cherry Valley Boulevard unnecessary to the Butterfield Specific Plan development.

In addition, further development in the area is constrained by land use restrictions, agricultural easements, and the San Bernardino National Forest. Accordingly, the Highland Springs Resort, Cherry Valley Acres and Neighbors, Cherry Valley Environmental Planning Group, and Pardee Homes all respectfully request that the County remove the future extension of Cherry Valley Boulevard between Highland Springs Avenue and Wilson Street from the Circulation Element of the Riverside County General Plan.

Sincerely,

Tina Kummerle  
President  
Highland Springs Resort

Mike Taylor  
Division President of Inland Empire  
Pardee Homes

Patrick Doherty  
President  
Cherry Valley Environmental Planning Group

Patsy Reesley  
President  
Cherry Valley Pass Acres and Neighbors
EXHIBIT B

Restrictive Covenant on Lot 13 of recorded
Tract No. 34330
RECORDING REQUESTED BY
Brownstein Hyatt Farber Schreck, LLP

AND WHEN RECORDED, RETURN TO:
Diana De Felice, Esq.,
Brownstein Hyatt Farber Schreck, LLP
2049 Century Park East, Suite 3550
Los Angeles, CA 90067-3007
Telephone (310) 500-4600

THIS SPACE RESERVED FOR RECORDER ONLY
(Gov. Code § 27351.6)

RESTRICTIVE COVENANT

This RESTRICTIVE COVENANT (this Covenant) is made this _____ day of ___________, by Pardee Homes, a California corporation (the Grantor), in favor of Highland Springs Resort, a corporation organized under the laws of the State of California. The legal name of the entity is Highland Springs Conference and Training Center, which is doing business as (dba) "Highland Springs Resort," "123 Farm," and "Highland Springs Conference and Training Center" (hereinafter the Grantee).

RECITALS

WHEREAS, Grantor received approval from the City of Banning (the City) for a master planned community with residential and commercial development situated on a total of approximately 1,543 acres in the City of Banning, State of California which is sometimes known and referred to as the Butterfield Specific Plan Area and is described with specificity in attached Exhibit A and is depicted graphically in attached Exhibit B (the Development).

WHEREAS, Grantee owns a commercial resort operation on approximately 2,400 acres of land, some of which are adjacent to and adjoin the Development, and is described with specificity in attached Exhibit C and is depicted graphically in attached Exhibit D (the Resort).

WHEREAS, Grantee filed a lawsuit against the City [Highland Springs Resort v. City of Banning, et al. (Riverside County Superior Court Case No RIC1206246, Consolidated with Case No. RIC 1206271)] challenging the City’s approval of the Development on the grounds that the Environmental Impact Report for the Development failed to consider and address certain significant adverse impacts as required by the California Environmental Quality Act (the CEQA Litigation).
WHEREAS, rather than engaging in protracted adversarial proceedings, Grantor and Grantee agreed to settle the CEQA Litigation by, among other things, Grantor’s grant of this Covenant over certain portions of the Development, which areas are described with specificity in attached Exhibit E and are depicted graphically in attached Exhibit F (the Restricted Property).

WHEREAS, this Covenant is Grantor’s agreement to have no structural development on the Restricted Property except as provided in the terms hereinafter:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor covenants and agrees and Grantee accepts as follows:

1. **Covenant.** Except as otherwise provided in Paragraph 4 below, Grantor covenants and agrees to maintain the Restricted Property in an open, natural and scenic condition with passive use recreational amenities (the **Property Attributes**). This Covenant is intended to be a covenant running with the land under California Civil Code section 1460 et seq.

2. **Reserved Rights.** Grantor reserves to itself, and to its successors and assigns, all rights accruing from its ownership of the Restricted Property, including the right to perform any act not specifically prohibited or limited by this Covenant and including the right to use the Restricted Property to meet any open space or similar requirements imposed on Grantor by the County, provided such acts do not substantially diminish or impair the Property Attributes of the Restricted Property. Further, Grantor specifically reserves the right to construct certain utility infrastructure and other appurtenances as specifically set forth in Paragraph 4. Grantor's reserved ownership rights which include, but are not limited to, the right to exclude any member of the public from trespassing on the Restricted Property, the right to honor existing easements across the Restricted Property, the right to grant underground utility easements and the right to engage in or permit or invite others to engage in all uses of the Restricted Property that are not expressly prohibited or restricted herein and that do not substantially diminish or impair the Restricted Property’s Property Attributes. Without limiting the generality of the foregoing, Grantor also reserves the right to engage in all activities which a landowner is entitled, including its' interest in underlying mineral and water rights, and oil, gas, and other hydrocarbon substances, as well as any recreational activities, all of which are to be enjoyed solely by the Grantor, its successors and assigns and their licensees and permittees, so long as they are undertaken in compliance with applicable state and federal laws and regulations and pursued in a manner that does not substantially diminish or impair the Property Attributes of the Restricted Property. Grantor hereby reserves the right to transfer development rights from the Restricted Property to any other portion of the Development (other than the Restricted Property). Additionally, the Restricted Property may be used for the purpose of calculating permissible development density and/or open space/recreational use credits for the Development generally.
3. **Prohibited Acts.** Any activity on or use of the Restricted Property inconsistent with the purpose of this Covenant, subject to the provisions of Paragraph 4 below, is expressly prohibited.

4. **Permitted Acts.** Notwithstanding anything herein to the contrary, Grantor may make the following uses of and improvements to the Restricted Property:

   (a) **Water Storage Tanks.** Grantor may construct on the Restricted Property water storage tanks and public utility facilities as described in the Butterfield Specific Plan. In the event of any contradiction between the terms and provisions of this Covenant and the Butterfield Specific Plan as to public utility and/or infrastructure improvements that exist or to be constructed in the Restricted Property, the terms and provisions of the Butterfield Specific Plan shall supersede and control. Grantor shall use its best efforts to locate the water tanks at the approximate latitude of 33.96 north and longitude of 116.93 west, provided that this location meets the City’s engineering requirements for the adequate functioning of the water tanks, which determination is subject to confirmation by the City’s engineers. In the event that either regulations, geologic features or other limiting factors prohibit placing the water tanks in the identified location, Grantor shall locate the water tanks in the closest feasible location. If more than one alternative location is feasible, preference shall be given to the site that is the farthest north, provided that the costs for construction and operation of the tanks do not significantly exceed that of a site located elsewhere. The City retains authority to make the final decision on tank siting which may be based on factors of utility for the intended purpose and cost.

   (b) **Fire Station.** Grantor may construct a fire station at the southeast corner of the Restricted Property as contemplated under the Butterfield Specific Plan.

   (c) **Service Roads.** Grantor may construct and/or reconstruct service roads in and across the Restricted Property as necessary or appropriate to access the water storage tanks and public utility facilities, the exact location of which shall be at Grantor’s sole discretion.

   (d) **Utilities.** Standard utilities, including water, sewer, gas, as well as road access, are needed to serve the water tanks and fire station.

   (e) **Power Lines.** The existing power transmission lines that cross the Restricted Property may remain and/or be relocated on the Restricted Property. New, above-ground power lines may be erected to serve the tanks and fire station.

   (f) **Drainage Facilities.** Grantor may construct detention basins and other drainage and debris facilities on the Restricted Property as contemplated under the Butterfield Specific Plan.

   (g) **Landscaping/Irrigation.** Grantor anticipates infrastructure will include surrounding landscaping which will include irrigation facilities, and other necessary irrigation as contemplated under the Butterfield Specific Plan.
5. **Rights of Grantee.** To accomplish the purpose of this Covenant, the following rights are hereby conveyed to Grantee:

(a) To enforce the terms of this Covenant to preserve and protect the Property Attributes of the Restricted Property;

(b) To enter upon the Restricted Property at reasonable times in order to monitor Grantor’s compliance with and otherwise enforce the terms of this Covenant; provided that, except in cases of emergency, such entry shall be upon not less than five (5) day prior written notice to Grantor, in which event Grantee shall not unreasonably interfere with Grantor’s use and quiet enjoyment of the Restricted Property; and

(c) To prevent any activity on or use of the Restricted Property that is inconsistent with the purpose of this Covenant.

6. **Enforcement.** If Grantee believes a violation of this Covenant has occurred, Grantee shall notify Grantor in writing of the nature of the alleged violation. Upon receipt of this written notice, Grantor shall either: (a) diligently work to restore the Restricted Property to its condition prior to the violation; or (b) provide a written explanation to Grantee of the reason why the alleged violation should be permitted. If clause (b) above is applicable, the Parties agree to meet as soon as possible to resolve this difference. If a resolution of this difference cannot be achieved at the meeting or within ninety (90) days of written notification of a potential violation, the parties agree to meet with a mediator to attempt to resolve the dispute pursuant to Paragraph 8 of this Covenant below.

(a) **Costs.** Should any legal action be required to enforce the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys’ fees and costs in addition to any other relief to which that party may be entitled. As used herein, the “prevailing party” shall be the party determined as such by a court of law pursuant to the definition in Code of Civil Procedure section 1032 (a)(4), as it may be subsequently amended.

(b) **Acts Beyond Grantor’s Control.** Nothing contained in this Covenant shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Restricted Property resulting from causes beyond Grantor’s control or force majeure events, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Restricted Property or to any person resulting from such causes.

7. **Dispute Resolution.** Any controversies, disputes or claims relating to the interpretation or enforcement of any material provision or respective rights, duties or obligations of the Parties under this Agreement shall be subject to written notification to the party or parties alleged to have breached this Agreement. The party in alleged breach shall have ninety (90) days to cure or address the alleged issue. If, at the end of the 90-day period, the party claiming a breach does not believe the issue or issues are
resolved, the parties shall have the right to extend the cure period. Alternatively, if there is no agreement to extend this period, the aggrieved party may seek to resolve the matter through mediation using an agreed upon mediator. The parties will split the costs for mediation services. If, after one hundred and twenty (120) days, the parties are unable to resolve the dispute, only then may the aggrieved party seek judicial relief. A waiver of a breach, failure of condition, or any right or remedy contained in or granted by the provisions of this Agreement is effective only if it is in writing and signed by the party waiving the breach, failure, right, or remedy.

8. **Transfer of Restricted Property.** Grantor shall have the right to convey the Restricted Property subject to the terms of this Covenant and assign its rights and obligations under this Covenant to such transferee, provided such transferee expressly agrees to assume the responsibility imposed on Grantor by this Covenant.

9. **Perpetual Duration.** The restrictions and obligations created by this Covenant shall be a servitude running with the Restricted Property in perpetuity. Every provision of this Covenant that applies to Grantor or Grantee shall also apply to their respective agents, heirs, executors, administrators, assigns, and all other successors as their interests may appear; provided, however, (i) that either party's rights and obligations under this Covenant shall terminate (as to such party, but not as to such party's successor, who shall be bound as provided herein) upon a transfer of such party's entire interest in this Covenant or the Restricted Property, except that liability of such transferring party for acts or omissions occurring prior to such transfer shall survive the transfer; and (ii) Grantee's rights hereunder are indivisible and may only be assigned to a single person, entity or association, and in no event shall Grantor be responsible and/or liable hereunder to more than one person, entity or association.

10. **Notices.** Any notices required by this Covenant shall be in writing and shall be personally delivered to or sent by certified mail, return receipt requested, to Grantor and Grantee respectively at the following addresses, unless a party has been notified by the other of a change of address:

**Grantor:**
Pardee Homes
Attention: Chris Hallman, General Counsel
2120 Park Place, Suite 120
El Segundo, CA 90245

With a copy to:
Brownstein Hyatt Farber Schreck, LLP
Attention: Diane C. De Felice, Esq.
2049 Century Park East, Suite 3550
Los Angeles, CA 90067-3007
ddefelice@bhfs.com
Grantee: Highland Springs Resort
Attention: Tina Kummerle, President
Highland Springs Resort
10600 Highland Springs Avenue
Beaumont, CA 92223

With a copy to:
Douglas P. Carstens, Esq.
Amy Minteer, Esq.
CHATTEN-BROWN & CARSTENS
2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
acm@cbcearthlaw.com
dpc@cbcearthlaw.com

11. Recording. This Covenant shall be recorded by Grantor in the Official Records of the County of Riverside, State of California.

12. Acceptance. Grantee hereby accepts without reservation the rights and responsibilities conveyed by this Covenant.


(a) Ambiguity. The Parties acknowledge that this Agreement was jointly prepared by them, by and through their respective legal counsel, and any uncertainty or ambiguity existing herein shall not be interpreted against any of the Parties, but otherwise shall be interpreted according to the application of the rules on interpretation of contracts.

(b) Amendment. If the circumstances arise under which an amendment to or modification of this Covenant would be appropriate, Grantor and Grantee are free to jointly amend this Covenant. Any amendment must be in writing, signed by both parties, and recorded in the Official Records of the Recorder of Riverside County, California.

(c) Assistance of Counsel. The Parties each specifically represent that they have consulted to their satisfaction with and received independent advice from their respective counsel prior to executing this Agreement concerning its terms and conditions.

(d) Authority to Sign. The persons executing this Agreement on behalf of the Parties hereto warrant that (i) such party is duly organized by law and existing; (ii) the signatories are duly authorized to execute and deliver this Agreement on behalf of said party and to bind that party, including its directors, officers, members, managers, agents, successors and assigns; (iii) by so executing this Agreement, such party is
formally bound to its provisions; and (iv) the entering into this Agreement does not violate any provision of any other agreement to which said party is bound.

(e) **Captions.** The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

(f) **Change of Conditions.** A change in the potential economic value of any use that is prohibited by or inconsistent with this Covenant, or a change in any current or future uses of neighboring properties, shall not constitute a change in conditions that makes it impossible or impractical for continued use of the Restricted Property for open space purposes and shall not constitute grounds for terminating the Covenant.

(g) **Counterparts.** This Agreement may be executed in counterparts, including the execution of facsimile, or e-mail portable document format ("PDF") copies, and the exchange of signatures by facsimile, or e-mail PDF, with the same effect as if all original signatures were placed on one document, and which, when taken together, will constitute one original agreement.

(h) **Governing Law and Venue.** This Agreement is made and entered into in the State of California, and shall in all respects be interpreted, enforced and governed under the laws of said state without giving effect to conflicts of laws principles. Venue for any action to enforce any claim under this Agreement shall lie solely and exclusively in Riverside County Superior Court, located at 4050 Main Street in Riverside, California.

(i) **Joint Obligations.** If more than one owner owns the Restricted Property at any time, the obligations imposed by this Covenant upon Grantor shall be joint and several.

(j) **No Forfeiture.** Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

(k) **Non-Merger.** No merger shall be deemed to have occurred hereunder or under any documents executed in the future affecting this Covenant or the Restricted Property.

(l) **Recitals.** The Recitals set forth in the beginning of this Agreement are hereby incorporated into the terms of the Agreement as though set forth in full herein.

(m) **Severability.** Should any portion, word, clause, phrase, sentence or paragraph of this Agreement be declared void or unenforceable, such portion shall be considered independent and severable from the remainder; the validity of which shall remain unaffected.
(n) **Successors.** The covenants, terms, conditions, and restrictions of this Covenant shall be binding upon, and inure to the benefit of, the parties hereto, and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Restricted Property.

(o) **Termination of Rights and Obligations.** Although this Covenant shall survive any transfer of the Restricted Property, a party's rights and obligations under this Covenant terminate upon transfer of the party's interest in the Covenant or Restricted Property, except for liability for acts or omissions occurring prior to transfer shall survive transfer.

IN WITNESS WHEREOF, Grantor, intending to legally bind itself, has set its hand on the date first written above.

**GRANTOR:**
Pardee Homes

By: ____________________________
Name: ____________________________
Title: ____________________________

**GRANTEE:**
Highland Springs Resort

By: ____________________________
Name: ____________________________
Title: ____________________________

**ATTACHMENTS:**

Exhibit A – Butterfield Specific Plan Area – Legal Description
Exhibit B – Butterfield Specific Plan Area – Graphic Depiction
Exhibit C – Highland Springs Resort – Legal Description
Exhibit D – Highland Springs Resort – Graphic Depiction
Exhibit E – Restricted Property – Legal Description
Exhibit F – Restricted Property – Graphic Depiction
(n) **Successors.** The covenants, terms, conditions, and restrictions of this Covenant shall be binding upon, and inure to the benefit of, the parties hereto, and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Restricted Property.

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**IN WITNESS WHEREOF,** Grantor, intending to legally bind itself, has set its hand on the date first written above.

**GRANTOR:**

Pardee Homes

By: 

Name: 

Title: 

**GRANTEE:**

Highland Springs Resort

By: 

Name: 

Title: 

**ATTACHMENTS:**

- Exhibit A – Butterfield Specific Plan Area – Legal Description
- Exhibit B – Butterfield Specific Plan Area – Graphic Depiction
- Exhibit C – Highland Springs Resort – Legal Description
- Exhibit D – Highland Springs Resort – Graphic Depiction
- Exhibit E – Restricted Property – Legal Description
- Exhibit F – Restricted Property – Graphic Depiction
(n) **Successors.** The covenants, terms, conditions, and restrictions of this Covenant shall be binding upon, and inure to the benefit of, the parties hereto, and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Restricted Property.

(o) **Termination of Rights and Obligations.** Although this Covenant shall survive any transfer of the Restricted Property, a party's rights and obligations under this Covenant terminate upon transfer of the party's interest in the Covenant or Restricted Property, except for liability for acts or omissions occurring prior to transfer shall survive transfer.

**IN WITNESS WHEREOF,** Grantor, intending to legally bind itself, has set its hand on the date first written above.

**GRANTOR:**

Pardee Homes

**GRANTEE:**

Highland Springs Resort

By: ____________________________
Name: __________________________
Title: __________________________

By: ____________________________
Name: __________________________
Title: __________________________

**ATTACHMENTS:**

- Exhibit A – Butterfield Specific Plan Area – Legal Description
- Exhibit B – Butterfield Specific Plan Area – Graphic Depiction
- Exhibit C – Highland Springs Resort – Legal Description
- Exhibit D – Highland Springs Resort – Graphic Depiction
- Exhibit E – Restricted Property – Legal Description
- Exhibit F – Restricted Property – Graphic Depiction
EXHIBIT "A"

LEGAL DESCRIPTION

BUTTERFIELD SPECIFIC PLAN AREA

ALL OF TRACT NO. 34330 IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA AS SHOWN ON THE MAP FILED IN BOOK 429, PAGES 84 THROUGH 103, INCLUSIVE, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID RIVERSIDE COUNTY, CALIFORNIA.
EXHIBIT B
EXHIBIT “C”

LEGAL DESCRIPTION

HIGHLAND SPRINGS RESORT:

PARCEL 1:

THOSE PORTIONS OF LOTS 19 AND 20 OF GLEN EYRIE HEIGHTS, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 8, PAGE 78 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING SOUTHEASTERLY OF THE SOUTHEASTERLY LINE OF OVERLAND TRAIL (LOT J) NORTHEASTERLY OF THE NORTHEASTERLY LINE OF CHERRY VALLEY BLVD. (LOT S), AS SHOWN BY MAP OF TRACT NO. 4636-1 ON FILE IN BOOK 77, PAGES 90 THROUGH 98 THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

PARCEL 2:

LOTS 25, 26, 27, 28, 39, 40, 41, 42, 43, 44, 45, 48, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61 AND 62 OF GLEN EYRIE HEIGHTS, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 8, PAGE 78 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THAT PORTION OF LOTS 25 AND 26 LYING WITHIN TRACT 14209-1 AS PER MAP RECORDED IN BOOK 133, PAGES 33 THROUGH 38 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ALSO EXCEPT THAT PORTION OF LOTS 27, 28, 39, 40 AND 41 LYING SOUTHWEST OF THE FOLLOWING DESCRIBED LINE.

BEGINNING AT THE CENTERLINE INTERSECTION OF CHERRY VALLEY BOULEVARD AND HIGHLAND SPRINGS AVENUE AS SHOWN ON MAP OF TRACT 4636-1 IN BOOK 11, PAGES 90 TO 98 INCLUSIVE, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE SOUTH 48°25'52" EAST, 1,781.43 FEET TO A POINT ON THE EAST LINE OF LOT 39 IN SAID GLEN EYRIE TRACT, SAID POINT BEING THE SOUTHEAST TERMINUS OF SAID LINE BEING DESCRIBED.

PARCEL 3:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 2 S, RANGE 1 W, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS;

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 25;

THENCE NORTH 89°42'00" EAST, 543.90 FEET ON THE EAST AND WEST CENTERLINE OF SAID SECTION, SAID LINE BEING THE NORTH LINE OF LOT 25 OF GLEN EYRIE HEIGHTS, AS PER MAP RECORDED IN BOOK 8, PAGE 78 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER TO THE SOUTHWEST CORNER OF THAT CERTAIN UN-NUMBERED LOT LYING NORTH AND WEST OF LOT 61 OF SAID GLEN EYRIE HEIGHTS;
THENCE NORTH 28°43'00" EAST, 385.93 FEET ON THE WEST LINE OF SAID UN-NUMBERED LOT TO AN ANGLE POINT THEREON;

THENCE SOUTH 39°00'00" WEST 9.98 FEET;

THENCE SOUTH 89°42'00" WEST, 812.20 FEET TO THE WEST LINE OF SAID SECTION 25;

THENCE SOUTH 01°53'00" WEST, 330.00 FEET ON SAID WEST LINE TO THE POINT OF BEGINNING.

PARCEL 4:

THAT PORTION OF GLEN EYRIE HEIGHTS IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 8, PAGE 78 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING NORTH AND WEST OF LOT 61 OF SAID GLEN EYRIE HEIGHTS AND SHOWN AS AN UN-NUMBERED LOT.

EXCEPT THAT PORTION DESCRIBED BY DEED TO THE GLEN EYRIE MUTUAL WATER COMPANY, A CORPORATION, RECORDED JULY 30, 1934 IN BOOK 181, PAGE 407 OF OFFICIAL RECORDS.

PARCEL 5:

THAT PORTION OF THAT CERTAIN UNNUMBERED LOT LYING NORTH OF LOT 61 OF GLEN EYRIE HEIGHTS, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 8, PAGE 18 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND THAT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

THENCE SOUTH 52°38'10" EAST 140.00 FEET;

THENCE SOUTH 37°21'50" WEST, 100.00 FEET;

THENCE SOUTH 81°40'00" EAST, 90.14 FEET;

THENCE NORTH 02°00'00" WEST, 89.92 FEET;

THENCE NORTH 52°38'10" WEST, 85.00 FEET;

THENCE NORTH 37°21'50" EAST, 85.00 FEET;

THENCE SOUTH 52°38'10" EAST, 65.00 FEET TO THE POINT OF BEGINNING.

PARCEL 6:

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPT ANY PORTION INCLUDED WITHIN THE BOUNDARIES OF GLEN EYRIE HEIGHTS AS PER MAP RECORDED IN BOOK 8, PAGE 76 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDED OF SAID COUNTY.
ALSO EXCEPT THAT PORTION DESCRIBED BY DEED TO THE GLEN EYRIE MUTUAL WATER COMPANY, A CORPORATION, RECORDED JULY 30, 1934 IN BOOK 181, PAGE 407 OF OFFICIAL RECORDS.

PARCEL 7:

GOVERNMENT LOTS 1, 2, 3 AND 4 IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

PARCEL 8:

EXHIBIT D
EXHIBIT “E”

LEGAL DESCRIPTION
RESTRICTED PROPERTY

In the City of Banning, County of Riverside, State of California, being Lot 13 of Tract No. 34330 as shown on the map recorded in Book 429, Pages 84 through 103, inclusive of Maps in the Office of the County Recorder of said Riverside County, California and lying within Sections 25 and 36, Township 2 South, Range 1 West, San Bernardino Meridian.

EXCEPTING therefrom the southerly 50.00 feet.

CONTAINING: 180.96 acres, more or less.

EXHIBIT “F” attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.

[Signature]
Thomas E. Verloop, PLS 5348
Date: 10/23/2014

THOMAS E.
VERLOOP
L.S. 5348

STATE OF CALIFORNIA

LICENSED LAND SURVEYOR

RBF Consulting
3300 East Guasti Road, Suite 100
Ontario, CA 91761

October 20, 2014
JN 138094
Page 1 of 1

RESTRICTIVE COVENANT
EXHIBIT "F"

SEC. 25, T.2S., R.1W., S.B.M.

LOT 13
TRACT NO. 34330
M.B. 429/84-103

CL UTILITY EASEMENT TO
SOUTHERN SIERRAS POWER
COMPANY PER 592/332 Docs.

LICENSED LAND SURVEYOR
THOMAS E. VERA
L.S. 5348

STATE OF CALIFORNIA

RESTRICTED PROPERTY
SECTION 25, T.2S., R.1W., S.B.M.

SCALE: 1"=500'

RBF
CONSULTING
EXHIBIT C

Proposed Resort Deed – Legal Description
EXHIBIT “C”

LEGAL DESCRIPTION
PROPOSED RESORT DEED

In the City of Banning, County of Riverside, State of California, being that portion of Lot 13 of Tract No. 34330 as shown on the map recorded in Book 429, Pages 84 through 103, Inclusive of Maps in the Office of the County Recorder of said Riverside County, California and lying within Sections 25 and 36, Township 2 South, Range 1 West, San Bernardino Meridian, more particularly described as follows:

BEGINNING at the northwest corner of said Lot 13;

Thence along the westerly line of said Parcel 13 South 00°05'41" East 396.35 feet;

Thence leaving said westerly line South 79°46'43" East 325.04 feet to the beginning of a tangent curve concave southwesterly and having a radius of 2790.00 feet;

thence along said curve easterly 315.45 feet through a central angle of 08°28'41";

thence tangent from said curve South 73°16'02" East 493.27 feet to the beginning of a tangent curve concave southwesterly and having a radius of 990.00 feet;

thence along said curve easterly 18.74 feet through a central angle of 01°05'05";

thence tangent from said curve South 72°12'57" East 382.93 feet to the beginning of a tangent curve concave northeasterly and having a radius of 1210.00 feet;

thence along said curve easterly 207.25 feet through a central angle of 09°48'49" to a point of reverse curvature with a curve concave southwesterly and having a radius of 30.00 feet, a radial line of said curve from said point bears South 07°58'14" West;

thence along said curve southeasterly 35.02 feet through central angle of 66°53'01";

thence tangent from said curve South 15°08'45" East 25.41 feet to the beginning of a tangent curve concave northeasterly and having a radius of 55.00 feet;

thence along said curve southeasterly 45.69 feet through a central angle of 47°36'00";

thence tangent from said curve South 62°44'45" East 168.45 feet to the beginning of a tangent curve concave southwesterly and having a radius of 80.00 feet;

thence along said curve southeasterly 57.78 feet through a central angle of 41°22'58";

thence non-tangent from said curve South 89°35'54" East 766.52 feet to the easterly line of said Lot 13;
thence along said easterly line North 00°24'08" East 985.58 feet to the northerly line of said Lot 13;
thence along said northerly line North 89°22'01" West 2649.36 feet to the POINT OF BEGINNING.

CONTAINING: 44.35 acres, more or less.

EXHIBIT "D" attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.

Thomas E. Verloop, PLS 5348

Date: 06/28/2014

THOMAS E. VERLOOP
L.S. 5348
STATE OF CALIFORNIA

LICENSED LAND SURVEYOR
EXHIBIT D

Proposed Resort Deed – Graphic Depiction
EXHIBIT E

Revocable License Agreement
REVOCABLE LICENSE AGREEMENT

(For Hiking Area Use)

THIS REVOCABLE LICENSE AGREEMENT (the Agreement) is made and entered into this ___ day of _____, 2014, by and between Pardee Homes, a California corporation (the Licensor), and Highland Springs Resort (the Licensee). Licensor and Licensee are sometimes in this Agreement referred to individually as a Party and together as the Parties.

RECITALS

WHEREAS, Licensor received approval from the City of Banning (the City) for a master planned community with residential and commercial development situated on a total of approximately 1,543 acres in the City of Banning, State of California, which is sometimes known and referred to as the Butterfield Specific Plan Area and is described with specificity in attached Exhibit A and is depicted graphically in attached Exhibit B (the Development).

WHEREAS, Licensee owns a commercial resort operation on approximately 2,400 acres of land, some of which are adjacent to and adjoin the Development, and is described with specificity in attached Exhibit C and is depicted graphically in attached Exhibit D (the Resort).

WHEREAS, Licensee filed a lawsuit against the City [Highland Springs Resort v. City of Banning, et al. (Riverside County Superior Court Case No RIC1206246, Consolidated with Case No. RIC 1206271)] challenging the City’s approval of the Development on the grounds that the Environmental Impact Report for the Development failed to consider and address certain significant adverse impacts as required by the California Environmental Quality Act (the CEQA Litigation).

WHEREAS, rather than engaging in protracted adversarial proceedings, Licensor and Licensee agreed to settle the CEQA Litigation by, among other things, Licensor’s grant of this Agreement over certain portions of Lot 13 of recorded Tract No. 34330, including an existing dirt road that is in line with portions of a realigned fifty (50)-foot wide unimproved access easement appurtenant to Southern California Edison’s (SCE) easement for public utility purposes and maintenance access. For reference purposes only, the easement area is described with specificity in attached Exhibit E and depicted graphically in attached Exhibit F (the Easement Area). However, while the hiking area includes portions of the Easement Area, the license is limited to the Hiking Area (defined below).
WHEREAS, Licensee desires to obtain permission from Licensor to use portions of the Development and portions of the Easement Area for passive recreational uses, limited to hiking, walking, non-motorized bicycle use and the transport of equipment (the **Hiking Area**) as described with specificity in attached Exhibit G and as depicted graphically in attached Exhibit H, and Licensor desires to grant such permission to use the Hiking Area pursuant to the terms of this Agreement.

NOW, THEREFORE, for valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the Parties agree as follows:

1. **Grant of License.** All recitals are incorporated into this Agreement. Licensor grants to Licensee, and Licensee's employees, agents, guests and invitees, a non-exclusive revocable license pursuant to this Agreement to use the Hiking Area for passive recreational uses, limited to hiking, walking and non-motorized bicycle use and the transport of equipment to the eastern portion of the Licensee's property for security, maintenance and farming purposes. During the term of this Agreement, Licensee shall not install and/or construct any physical improvements, including fencing, landscaping, lighting and/or signage, within the Hiking Area, nor shall it be surfaced or paved.

2. **Licensee's Agreement to Indemnify Licensor.** During the term of this Agreement, Licensee shall indemnify and hold Licensor harmless from any and all costs, loss, damages or expenses, of any kind or nature, arising out of or resulting directly or indirectly from use of the Hiking Area, the entry and/or the activities within or about the Hiking Area by Licensee and/or Licensee's employees, agents, guests and invitees, consistent with California Civil Code 846 which reads as follows:

An owner of any estate or any other interest in real property, whether possessory or nonpossessory, owes no duty of care to keep the premises safe for entry or use by others for any recreational purpose or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purpose, except as provided in this section.

A "recreational purpose," as used in this section, includes such activities as fishing, hunting, camping, water sports, hiking, spelunking, sport parachuting, riding, including animal riding, snowmobiling, and all other types of vehicular riding, rock collecting, sightseeing, picnicking, nature study, nature contacting, recreational gardening, gleanings, hang gliding, winter sports, and viewing or enjoying historical, archaeological, scenic, natural, or scientific sites. [Per this Agreement, Hiking Area uses within the Easement Area are limited to hiking, walking, non-motorized bicycle use and the transport of equipment].

An owner of any estate or any other interest in real property, whether possessory or nonpossessory, who gives permission to another for entry or use for the above purpose upon the premises does not thereby (a) extend any assurance that the premises are safe for such purpose; or (b)
constitute the person to whom permission has been granted the legal status of an invitee or licensee to whom a duty of care is owed; or (c) assume responsibility for or incur liability for any injury to person or property caused by any act of such person to whom permission has been granted except as provided in this section.

This section does not limit the liability which otherwise exists (a) for willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity; or (b) for injury suffered in any case where permission to enter for the above purpose was granted for a consideration other than the consideration, if any, paid to said landowner by the state, or where consideration has been received from others for the same purpose; or (c) to any persons who are expressly invited rather than merely permitted to come upon the premises by the landowner.

Nothing in this section creates a duty of care or ground of liability for injury to person or property.

2.1 In the event the Resort obtains releases from its guests, invitees, employees, or agents for activities taking place on either the Resort Property or Hiking Area, the Resort agrees to include Pardee Homes and SCE, successor in interest to Southern Sierras Powers Company, as named entities being released from any and all liability in the event of any injury, damage, and/or destruction of property.

3. Acceptance. Licensee hereby accepts without reservation the rights and responsibilities conveyed by this Agreement.

4. Termination/Revocability. Although this Agreement shall survive Licensor’s transfer of that portion of the Development containing the Hiking Area to a third party, the Agreement shall terminate on the first to occur: (i) Licensee’s material breach of this Agreement (defined in section 4.1); (ii) transfer of Licensee’s ownership interest in the Resort without the transferee agreeing in a writing delivered to Licensor prior to the date of the transfer, to be unconditionally bound by all of the provisions of this Agreement; or (iii) Licensor’s transfer of the northern portion of Lot 13 of recorded Tract No. 34330 underlying the Hiking Area by recorded deed to Licensee as set forth in section 2.3 of the Settlement Agreement approved by the parties.

4.1 A breach of this Agreement shall be any act derived from use of the Hiking Area by Licensee and /or Licensee’s employees, agents, guests or invitees, which causes or is alleged to cause the personal injury or property damage of another, results in any claim against Pardee for damages or equitable relief, which includes interference with the development of the Project or interference with the existing SCE easement. This provision will only apply if the breach is a contributing factor in substantially delaying or preventing future Project approvals, which shall include but not be limited to federal and state approvals, tentative and final map approvals, and infrastructure plans. (See Settlement Agreement sections 3 and 17.)
5. **Permissive Use.** The right of Licensee, or any person claiming under Licensee who is an employee of Licensee, a documented guest of Licensee or a contractor of Licensee, to make any use whatsoever of the Hiking Area, or any portion thereof (including any uses which are in addition to or other than the use described herein), shall be deemed with permission from, and subject to control of, Licensor.

6. **Miscellaneous Provisions.**

6.1 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of California.

6.2 **Heading and Titles.** The captions of the articles or sections of this Agreement are only to assist the parties in reading this Agreement and shall have no effect upon the construction or interpretation of any part hereof.

6.3 **Agreement Binding of Successors.** The terms and conditions of this Agreement shall be binding upon, and inure to the benefit of, the parties hereto, and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Hiking Area.

6.4 **Interpretation.** Whenever required by the context of this Agreement, the singular shall include the plural and the plural shall include the singular. The masculine, feminine and neuter genders shall each include the other. In any provision relating to the obligations, conduct, acts or omissions of Licensor or Licensee, the terms "Licensor" or "Licensee" shall include Licensor's or Licensee's officers, agents, employees, contractors, successors, subtenants or assigns. This Agreement shall be construed as though mutually drafted by Licensor and Licensee.

6.5 **Severability.** If any term or provision of this Agreement shall be held invalid or unenforceable to any extent under any applicable law by a court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby, and each remaining term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

6.6 **Integration and Amendment.** This instrument constitutes the entire agreement between Licensor and Licensee relative to the use of the Hiking Area for recreational uses. This Agreement supersedes any prior agreements, negotiations and communications, verbal or written, between Licensor and Licensee pertaining to the issues herein and extinguishes any claim to prescriptive rights over the use of the Hiking Area. This instrument may be amended only by an instrument in writing signed by both Licensor and Licensee.

6.7 **Incorporation of Recitals.** The introductory recitals set forth above from the material part of this Agreement are incorporated by reference.
6.8 **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

6.9 **Exhibits.** All exhibits attached to this Agreement are incorporated by reference as though fully set forth herein.

6.10 **Jurisdiction and Venue.** All Parties to this Agreement hereby agree that, unless the other Party consents to or chooses another forum, the state with jurisdiction over any disputes arising out of or relating to this Agreement shall be California, and the sole location for proper venue shall be in Riverside County, California.

6.11 **Dispute Resolution – Mandatory Mediation as the Initial Forum.** The Parties agree to mediate any and all disputes or claims arising between them relating to this Agreement before resorting to arbitration or court action. The Parties shall mutually agree upon the mediator, who shall be a retired judge, attorney or real estate broker with knowledge and experience in real estate and land use matters. The mediation shall be for a minimum period of eight (8) hours. Mediation fees, if any, shall be divided equally between the Parties. If the mediation is not successful, either of the Parties may pursue legal remedies or, if both Parties agree, binding arbitration. If, for any dispute or claim to which this paragraph applies, any Party commences an action without first attempting to resolve the matter through mediation, or refuses to mediate after a request has been made, then that Party shall not be entitled to recover attorneys’ fees or legal fees, pursuant to Section 6.12, or otherwise, even if such attorneys’ fees or legal fees would otherwise be available to that Party in any such action.

6.12 **Attorneys’ Fees and Costs.** If either Party to this Agreement shall bring any action for any relief against the other, declaratory or otherwise, arising out of this Agreement, the losing party shall pay to the prevailing party a reasonable sum for attorney fees incurred in bringing such suit and/or enforcing any judgment granted therein, all of which shall be deemed to have accrued upon the commencement of such action and shall be paid whether or not such action is prosecuted to judgment. Any judgment or order entered in such action shall contain a specific provision providing for the recovery of attorneys’ fees and costs incurred in enforcing such judgment. For the purposes of this section, attorneys’ fees shall include, without limitation, attorneys’ fees and paralegal fees, costs, and expenses incurred in good faith (regardless of the size of the judgment) incurred in the following: (1) post judgment motions; (2) contempt proceedings; (3) garnishment, levy, and debtor and third party examinations; (4) discovery; and (5) bankruptcy litigation.

6.13 **Notices.** Any notices required by this Agreement shall be in writing and shall be personally delivered to or sent by certified mail, return receipt requested, to Licensor and Licensee respectively at the following addresses, unless a Party has been notified by the other of a change of address:
To Licensor:

Pardee Homes
Attention: Christopher J. Hallman
Legal Department
2120 Park Place, Suite 120
El Segundo, CA 90245

With a copy to:

Brownstein Hyatt Farber Schreck, LLP
Attn: Diane C. De Felice, Esq.
2049 Century Park East, Suite 3550
Los Angeles, CA 90067-3007
ddefelice@bhfs.com

To Licensee:

Highland Springs Resort
Attention: Tina Kummerle, President
10600 Highland Springs Avenue
Cherry Valley, CA 92223

With a copy to:

Douglas P. Carstens, Esq.
Amy Minteer, Esq.
CHATTEN-BROWN & CARSTENS
2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
acm@cbcearthlaw.com
dpc@cbcearthlaw.com

Notice of change of address shall be given by written notice in the manner detailed in this section. Rejection or other refusal to accept or the inability to deliver because of changed address of which no notice was given shall be deemed to constitute receipt of the notice, demand, request or communication sent.
IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date and year first above written.

Pardee Homes

By: __________________________
Name: _________________________
Title: _________________________

Highland Springs Resort

By: __________________________
Name: _________________________
Title: _________________________

Attachments:

Exhibit A – Butterfield Specific Plan Area -- Legal Description
Exhibit B – Butterfield Specific Plan Area – Graphic Depiction
Exhibit C – Highland Springs Resort – Legal Description
Exhibit D – Highland Springs Resort – Graphic Depiction
Exhibit E – Easement Area – Legal Description
Exhibit F – Easement Area – Graphic Depiction
Exhibit G – Hiking Area – Legal Description
Exhibit H – Hiking Area – Graphic Depiction
IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date and year first above written.

Pardee Homes

By: ____________________________
Name: __________________________
Title: __________________________

Highland Springs Resort

By: ____________________________
Name: Tina Kummerle
Title: President

Attachments:

Exhibit A – Butterfield Specific Plan Area – Legal Description
Exhibit B – Butterfield Specific Plan Area – Graphic Depiction
Exhibit C – Highland Springs Resort – Legal Description
Exhibit D – Highland Springs Resort – Graphic Depiction
Exhibit E – Easement Area – Legal Description
Exhibit F – Easement Area – Graphic Depiction
Exhibit G – Hiking Area – Legal Description
Exhibit H – Hiking Area – Graphic Depiction
EXHIBIT "A"

LEGAL DESCRIPTION

BUTTERFIELD SPECIFIC PLAN AREA

ALL OF TRACT NO. 34330 IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA AS SHOWN ON THE MAP FILED IN BOOK 429, PAGES 84 THROUGH 103, INCLUSIVE, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID RIVERSIDE COUNTY, CALIFORNIA.
EXHIBIT B
EXHIBIT “C”

LEGAL DESCRIPTION

HIGHLAND SPRINGS RESORT

PARCEL 1:

THOSE PORTIONS OF LOTS 18 AND 20 OF GLEN EYRIE HEIGHTS, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 8, PAGE 76 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING SOUTHEASTERLY OF THE SOUTHEASTERLY LINE OF OVERLAND TRAIL (LOT J) NORTHEASTERLY OF THE NORTHEASTERLY LINE OF CHERRY VALLEY BLVD. (LOT S), AS SHOWN BY MAP OF TRACT NO. 4636-1 ON FILE IN BOOK 77, PAGES 80 THROUGH 99 THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

PARCEL 2:

LOTS 25, 26, 27, 28, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61 AND 62 OF GLEN EYRIE HEIGHTS, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 8, PAGE 76 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THAT PORTION OF LOTS 25 AND 26 LYING WITHIN TRACT 14209-1 AS PER MAP RECORDED IN BOOK 138, PAGES 33 THROUGH 38 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ALSO EXCEPT THAT PORTION OF LOTS 27, 28, 39, 40 AND 41 LYING SOUTHWEST OF THE FOLLOWING DESCRIBED LINE.

BEGINNING AT THE CENTERLINE INTERSECTION OF CHERRY VALLEY BOULEVARD AND HIGHLAND SPRINGS AVENUE AS SHOWN ON MAP OF TRACT 4636-1 IN BOOK 11, PAGES 90 TO 99 INCLUSIVE, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE SOUTH 46°25'52" EAST, 1,731.43 FEET TO A POINT ON THE EAST LINE OF LOT 39 IN SAID GLEN EYRIE TRACT, SAID POINT BEING THE SOUTHEAST TERMINUS OF SAID LINE BEING DESCRIBED.

PARCEL 3:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS;

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 25;

THENCE NORTH 89°42'00" EAST, 543.90 FEET ON THE EAST AND WEST CENTERLINE OF SAID SECTION, SAID LINE BEING THE NORTH LINE OF LOT 25 OF GLEN EYRIE HEIGHTS, AS PER MAP RECORDED IN BOOK 8, PAGE 76 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER TO THE SOUTHWEST CORNER OF THAT CERTAIN UN-NUMBERED LOT LYING NORTH AND WEST OF LOT 61 OF SAID GLEN EYRIE HEIGHTS;
THENCE NORTH 28°43'00" EAST, 385.93 FEET ON THE WEST LINE OF SAID UN-NUMBERED LOT TO AN ANGLE POINT THEREON;

THENCE SOUTH 39°00'00" WEST 9.68 FEET;

THENCE SOUTH 89°42'00" WEST, 812.20 FEET TO THE WEST LINE OF SAID SECTION 25;

THENCE SOUTH 01°53'00" WEST, 330.00 FEET ON SAID WEST LINE TO THE POINT OF BEGINNING.

PARCEL 4:

THAT PORTION OF GLEN EYRIE HEIGHTS IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 8, PAGE 78 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING NORTH AND WEST OF LOT 61 OF SAID GLEN EYRIE HEIGHTS AND SHOWN AS AN UN-NUMBERED LOT.

EXCEPT THAT PORTION DESCRIBED BY DEED TO THE GLEN EYRIE MUTUAL WATER COMPANY, A CORPORATION, RECORDED JULY 30, 1934 IN BOOK 181, PAGE 407 OF OFFICIAL RECORDS.

PARCEL 5:

THAT PORTION OF THAT CERTAIN UNNUMBERED LOT LYING NORTH OF LOT 61 OF GLEN EYRIE HEIGHTS, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 8, PAGE 16 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND THAT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

THENCE SOUTH 52°38'10" EAST 140.00 FEET;

THENCE SOUTH 37°21'50" WEST, 100.00 FEET;

THENCE SOUTH 81°40'00" EAST, 90.14 FEET;

THENCE NORTH 02°00'00" WEST, 89.92 FEET;

THENCE NORTH 52°38'10" WEST, 85.00 FEET;

THENCE NORTH 37°21'50" EAST, 95.00 FEET;

THENCE SOUTH 52°38'10" EAST, 65.00 FEET TO THE POINT OF BEGINNING.

PARCEL 6:

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPT ANY PORTION INCLUDED WITHIN THE BOUNDARIES OF GLEN EYRIE HEIGHTS AS PER MAP RECORDED IN BOOK 8, PAGE 78 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
ALSO EXCEPT THAT PORTION DESCRIBED BY DEED TO THE GLEN EYRIE MUTUAL WATER
COMPANY, A CORPORATION, RECORDED JULY 30, 1934 IN BOOK 181, PAGE 407 OF OFFICIAL
RECORDS.

PARCEL 7:

GOVERNMENT LOTS 1, 2, 3 AND 4 IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 2
SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF
CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

PARCEL 8:

SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE EAST HALF OF THE SOUTHEAST
WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER
EXCEPT THE NORTHEAST QUARTER OF THE NORTHEAST OF SAID SOUTHEAST QUARTER, ALL
OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, IN THE
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.
EXHIBIT "E"

LEGAL DESCRIPTION

EASEMENT AREA

In the City of Banning, County of Riverside, State of California, being that portion of Lot 13 of Tract No. 34330 as shown on the map recorded in Book 429, Pages 84 through 103, inclusive of Maps in the Office of the County Recorder of said Riverside County, California, lying within that certain utility easement, 50.00 feet in width, granted to Southern Sierras Power Company recorded April 28, 1914 in Book 392, Page 332 of Deeds, in the Office of said Riverside County Recorder and also lying within Sections 25 and 36, Township 2 South, Range 1 West, San Bernardino Meridian.

CONTAINING: 4.62 acres, more or less.

EXHIBIT "F" attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.

[Signature]

Date: 10/23/2014

Thomas E. Verloop, PLS 5348

LICENSED LAND SURVEYOR
STATE OF CALIFORNIA

RBF Consulting
3210 East Guasti Road
Ontario, CA 91761

October 20, 2014
JN 138094
Page 1 of 1
EXHIBIT "F"
SEC. 25, T.2S., R.1W., S.B.M.

CL UTILITY EASEMENT TO SOUTHERN SIERRAS POWER COMPANY PER 392/332 Dds.

LOT 13
TRACT NO. 34330
M.B. 429/84-103

LOT 20
LOT 15

EASEMENT AREA
SECTION 25, T.2S., R.1W., S.B.M.

SCALE: 1"=60'

REVOCABLE LICENSE AGREEMENT
EXHIBIT G
EXHIBIT "G"

LEGAL DESCRIPTION
HIKING AREA

In the City of Banning, County of Riverside, State of California, being that portion of Lot 13 of Tract No. 34330 as shown on the map recorded in Book 429, Pages 84 through 103, inclusive of Maps in the Office of the County Recorder of said Riverside County, California and lying within Sections 25 and 36, Township 2 South, Range 1 West, San Bernardino Meridian, more particularly described as follows:

BEGINNING at the northwest corner of said Lot 13;

Thence along the westerly line of said Parcel 13 South 00°05'41" East 396.35 feet;

Thence leaving said westerly line South 79°46'43" East 325.04 feet to the beginning of a tangent curve concave southwesterly and having a radius of 2790.00 feet;

thence along said curve easterly 315.45 feet through a central angle of 06°28'41";

thence tangent from said curve South 73°18'02" East 493.27 feet to the beginning of a tangent curve concave southwesterly and having a radius of 990.00 feet;

thence along said curve easterly 18.74 feet through a central angle of 01°05'05";

thence tangent from said curve South 72°12'57" East 382.93 feet to the beginning of a tangent curve concave northeasterly and having a radius of 1210.00 feet;

thence along said curve easterly 207.25 feet through a central angle of 06°48'49" to a point of reverse curvature with a curve concave southwesterly and having a radius of 30.00 feet, a radial line of said curve from said point bears South 07°58'14" West;

thence along said curve southeasterly 35.02 feet through central angle of 56°53'01";

thence tangent from said curve South 15°08'45" East 25.41 feet to the beginning of a tangent curve concave northeasterly and having a radius of 55.00 feet;

thence along said curve southeasterly 45.69 feet through a central angle of 47°36'00";

thence tangent from said curve South 62°44'45" East 106.45 feet to the beginning of a tangent curve concave southwesterly and having a radius of 80.00 feet;

thence along said curve southeasterly 57.78 feet through a central angle of 41°22'58";

thence non-tangent from said curve South 89°35'54" East 766.52 feet to the easterly line of said Lot 13;

RBF Consulting
3300 East Guasti Road, Suite 100
Ontario, CA 91761

October 20, 2014
JN 138094
Page 1 of 2

REVOCABLE LICENSE AGREEMENT
thence along said easterly line North 00°24'06" East 985.58 feet to the northerly line of said Lot 13;

thence along said northerly line North 89°22'01" West 2649.38 feet to the POINT OF BEGINNING.

CONTAINING: 44.35 acres, more or less.

EXHIBIT "H" attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.

[Signature]

Date: 10/22/2014

Thomas E. Verloop, PLS 5348
EXHIBIT H
EXHIBIT F

Letter of Non-Opposition from the Resort, CVAN and CVPEG to the Court
November ___, 2014

Via Federal Express

Hon. Daniel A. Ottolia
Judge, Superior Court of California, County of Riverside
Historic Courthouse, Department 4
4050 Main Street
Riverside, CA 92501

Re: Highland Springs Resort v. City of Banning, Riverside Superior Court Case No. 1206246, consolidated with Cherry Valley Pass Acres and Neighbors et al. v. City of Banning, Case No. 1206271

Dear Judge Ottolia,

Petitioners Highland Springs Resort, Cherry Valley Pass Acres and Neighbors, and the Cherry Valley Environmental Planning Group have reached an agreement with Respondent City of Banning and Real Party in Interest Pardee Homes (collectively “Parties”) in the above-captioned matter. Pardee Homes has agreed not to construct the proposed golf course and to maintain in an open, natural and scenic condition the northern most portion of the Butterfield Specific Plan identified as Planning Areas 60 and 61, with the exception of a potential fire station, water tanks and utility infrastructure, as more specifically set forth in the Restrictive Covenant attached as Exhibit B to the Settlement Agreement, and to implement the remainder of the Butterfield Specific Plan with measures designed to reduce the project’s water and energy use. Petitioners no longer oppose the Butterfield Specific Plan and agree to dismiss the above-captioned matters pursuant to the Stipulated Judgment filed jointly by the Parties.

Sincerely,

Tina Kummerle
President
Highland Springs Resort

Patsy Reeley
President
Cherry Valley Pass Acres and Neighbors

Patrick Doherty
President
Cherry Valley Environmental Planning Group
EXHIBIT G

Parties' Officers or Principals
EXHIBIT G
Parties' Officers and/or Principals

<table>
<thead>
<tr>
<th>Officer/Principal Name</th>
<th>Title</th>
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<tr>
<td></td>
<td>Pardee</td>
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<tr>
<td>Mike Taylor</td>
<td>Division President of Inland Empire</td>
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<tr>
<td>Chris Hallman</td>
<td>General Counsel</td>
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<td>City of Banning</td>
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<tr>
<td>June Overholt</td>
<td>Assistant City Manager</td>
</tr>
<tr>
<td>Debbie Franklin</td>
<td>Sitting Mayor</td>
</tr>
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<td>Edward Miller</td>
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<td>Art Welch</td>
<td>Sitting Mayor Pro Term</td>
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<td>Don M. Peterson</td>
<td>Sitting Councilmember</td>
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<td>Jerry Westholder</td>
<td>Sitting Councilmember</td>
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<td></td>
<td>Highland Springs Resort</td>
</tr>
<tr>
<td>Tina Kummerle</td>
<td>President</td>
</tr>
<tr>
<td>Dr. Min Chul Han</td>
<td>Director</td>
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<tr>
<td>Dr. Dong Yeon Moon</td>
<td>Director</td>
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<tr>
<td>Michael Ham</td>
<td>Secretary/Treasurer</td>
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<td></td>
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<tr>
<td>Patsy Reeley</td>
<td>President</td>
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<tr>
<td>Marc Sanders</td>
<td>Vice President</td>
</tr>
<tr>
<td>Rhea Weber</td>
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<td>Treasurer</td>
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<td>CVEPG</td>
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<tr>
<td>Pat Doherty</td>
<td>President</td>
</tr>
<tr>
<td>Richard Reeley</td>
<td>Vice President</td>
</tr>
<tr>
<td>Patsy Reeley</td>
<td>Secretary/Treasurer</td>
</tr>
</tbody>
</table>

Updated: 10/30/14
EXHIBIT H

Authorized Representatives and Contact Information
EXHIBIT H

Authorized Representatives and Contact Information

For: PARDEE

Mike Taylor
Division President of Inland Empire
Pardee Homes
2120 Park Place, Suite 120
El Segundo, CA 90245
mike.taylor@pardeehomes.com
Phone: 310-955-3100

Chris Hallman, General Counsel
Pardee Homes
2120 Park Place, Suite 120
El Segundo, CA 90245
chris.hallman@pardeehomes.com
Phone: 310-955-3100

For: CITY OF BANNING

June Overholt
Assistant City Manager
City of Banning
99 E. Ramsey Street
Banning, CA 92220
joverholt@ci.banning.ca
Phone: 951-922-3105

David J. Aleshire, Esq.
Aleshire & Wynder, LLP
18881 Von Karman Avenue, Suite 1700
Irvine, CA 92612
daleshire@awattorneys.com
Phone: 949-223-1170

For: CVAN

Patsy Reeley, President
Cherry Valley Pass Acres & Neighbors
P.O. Box 3257
Beaumont, CA 92223-1204
Email: CVANPRES@gmail.com
Phone: __________________________

Robert C. Goodman, Esq.
D. Kevin Shipp, Esq.
ROGERS JOSEPH O’DONNELL
311 California Street, 10th Floor
San Francisco, CA 94104
rgoodman@rio.com
kship@rio.com
Phone: 415-956-2828

For: RESORT

Tina Kummerle
President, Highland Springs Resort
10500 Highland Springs Ave
Beaumont, CA 92223
tina.k@hsresort.com
Phone: 951-845-1151 ext. 192

Douglas P. Carstens, Esq.
Amy Minteer, Esq.
CHATTEN-BROWN & CARSTENS
2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
acm@cbcearthlaw.com
dpc@cbcearthlaw.com
Phone: 310-798-2400, ext. 3
For: CVEPG

Patrick Doherty, President
Cherry Valley Environmental Planning Group
10065 Frontier Trail
Cherry Valley, CA 92223
Email: CVEPGRPRESENT@gmail.com
Phone: ________________

Robert C. Goodman, Esq.
D. Kevin Shipp, Esq.
ROGERS JOSEPH O’DONNELL
311 California Street, 10th Floor
San Francisco, CA 94104
rgoodman@rjol.com
kshipp@rjol.com
Phone: 415-956-2828
EXHIBIT I

[Proposed] Stipulated Judgment
ALESHIRE & WYNDER, LLP
DAVID J. ALESHIRE (State Bar No. 65022)
JUNE S. AILIN (State Bar No. 109498)
KATHRYN C. PHELAN (State Bar No. 210486)
MICHAEL C. HUSTON (State Bar No. 253303)
Irvine, CA 92612
Telephone: (949) 223-1170
Facsimile: (949) 223-1180
Attorneys for Respondent
CITY OF BANNING

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE

HIGHLAND SPRINGS RESORT,
   Petitioner,
v.
CITY OF BANNING,
   Respondent.

Real Party In Interest
PARDEE HOMES, INC. and Does 1-10
AND CONSOLIDATED CASE

Lead Case No. RIC 1206246
[Consolidated with Cherry Valley Pass Acres and Neighbors v. City of Banning -- Case No. 1206271]

JOINT STIPULATED JUDGMENT AND [PROPOSED] ORDER

[Assigned to the Hon. Daniel A. Ottolia]

Petitions Filed: April 26, 2012

Petitioners Highland Springs Resort, Cherry Valley Pass Acres and Neighbors and Cherry Valley Environmental Planning Group (herein collectively called "Petitioners"), by and through their attorneys of record Chatten-Brown & Carstens LLP and Rogers Joseph O'Donnell,
Respondent City of Banning, by and through its attorneys of record Aleshire & Wynder LLP, and
Real Party in Interest Pardee Homes, Inc. by and through its attorneys of record Brownstein Hyatt Farber Schreck, LLP (Respondent and Real Party in Interest are herein collectively called "Respondents"), hereby stipulate as follows:

///

JOINT STIPULATED JUDGMENT AND [PROPOSED] ORDER
WHEREAS, this matter came on for hearing before the Court on the Petitions for Writ of
Mandate on September 20 and December 13, 2013;
WHEREAS, the Court took the matter under submission;
WHEREAS, the Court issued its Proposed Statement of Decision on December 23, 2013;
WHEREAS, at the request of the parties by stipulation, the Court issued a stay of all
hearings on the Proposed Statement of Decision and the Court’s entry of judgment on January 21,
2014 and again on March 13, 2014 to allow the Parties time to informally resolve the above-
captioned action (“the Action”) and avoid further litigation;
WHEREAS, the Petitioners and Respondents (collectively, “Parties”) have entered into a
Settlement Agreement attached hereto for the purpose of concluding this Action.
NOW, THEREFORE, in light of the foregoing, including the provisions of the Settlement
Agreement, the Parties, through their respective attorneys of record, do REQUEST, AGREE
AND STIPULATE as follows:
1. The Action is dismissed with prejudice;
2. The terms of the Settlement Agreement are hereby incorporated by reference and
constitute the terms of this stipulated judgment;
3. In accordance with provisions of section 664.6 of the Code of Civil Procedure, the
Court retains jurisdiction over the parties to enforce the terms of the Settlement Agreement as part
of this stipulated judgment; and
4. Except as agreed by the parties, each party is to bear its own costs and litigation
expenses incurred in these proceedings.

IT IS REQUESTED, AGREED AND SO STIPULATED.

///

JOINT STIPULATED JUDGMENT AND [PROPOSED] ORDER
Dated: October____, 2014

CHATTEN-BROWN & CARSTENS LLP

By:

JAN CHATTEN-BROWN
DOUGLAS P. CARSTENS
AMY MINTEEK
MICHELLE BLACK
Attorneys for Petitioner
HIGHLAND SPRINGS RESORT

Dated: October____, 2014

ROGERS JOSEPH O\'DONNELL

By:

ROBERT C. GOODMAN
ANN M. BLESSING
D. KEVIN SHIPP
Attorneys for Petitioners
CHERRY VALLEY PASS ACRES AND
NEIGHBORS and CHERRY VALLEY
ENVIRONMENTAL PLANNING
GROUP

Dated: October____, 2014

ALESHER & WYNDER, LLP

By:

DAVID J. ALESHER
JUNE S. AILIN
Attorneys for Respondent
CITY OF BANNING

Dated: October____, 2014

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

By:

DIANE C. DE FELICE
STEPHANIE O. HASTINGS
AMY M. STEINFELD
Attorneys for Real Party in Interest
PARDEE HOMES

JOINT STIPULATED JUDGMENT AND [PROPOSED] ORDER
[PROPOSED] ORDER FOLLOWING JOINT STIPULATED JUDGMENT

FOR GOOD CAUSE SHOWN, the Parties’ Joint Stipulated Judgment as set forth above is APPROVED AND SO ORDERED AND JUDGMENT SHALL BE ENTERED AS STIPULATED. The Court will retain jurisdiction over the terms of the Settlement Agreement under section 664.6 of the Code of Civil Procedure.

DATE: ______________________, 2014

THE HON. DANIEL A. OTTOLIA
Judge of the Superior Court
PROOF OF SERVICE

I, Ivy B. Capili, declare:

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Brownstein Hyatt Farber Schreck, LLP, 2049 Century Park East, Suite 3550, Los Angeles, California 90067-3007. October __, 2014, I served a copy of the within document(s):

JOINT STIPULATED JUDGMENT AND [PROPOSED] ORDER

✓ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Los Angeles, California addressed as set forth below.

✓ By personally transmitting the document(s) via electronic service to the e-mail address(es) set forth below on this date.

See attached Service List

I am readily familiar with the firm’s practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on October __, 2014, at Los Angeles, California.


Ivy B. Capili
SERVICE LIST

Attorneys for Petitioner
HIGHLAND SPRINGS RESORT

Jan Chatten-Brown, Esq.
Douglas P. Carstens, Esq.
Amy Minteer, Esq.
Michelle Black, Esq.
CHATTEN-BROWN & CARSTENS LLP
2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
Phn.: (310) 798-2400
Fax: (310) 798-2402
acm@cbcearthlaw.com
mnb@cbcearthlaw.com

Attorneys for Petitioners
CHERRY VALLEY PASS ACRES
AND NEIGHBORS and CHERRY VALLEY ENVIRONMENTAL PLANNING GROUP

Robert C. Goodman, Esq.
Ann M. Blessing, Esq.
D. Kevin Shipp, Esq.
ROGERS JOSEPH O’DONNELL
311 California Street, 10th Floor
San Francisco, CA 94104
Phn.: (415) 956-2828
Fax: (415) 956-6457
rgoodman@rojo.com
kshipp@rojo.com

Attorneys for Real Party in Interest
PARDEE HOMES, INC.

Diane De Felice, Esq.
Timothy H. Irons, Esq.
BROWNSTEIN HYATT FARBER SCHRECK, LLP
2029 Century Park East, Suite 2100
Los Angeles, California 90067-3007
Phn.: (310) 500-4600
Fax: (310) 500-4602

JOINT STIPULATED JUDGMENT AND [PROPOSED] ORDER
Attachment 4
Public Hearing Notice
NOTICE OF PUBLIC HEARING AND NOTICE OF INTENT TO ADOPT AN ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT AND ASSOCIATED MODIFICATIONS TO THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE BUTTERFIELD SPECIFIC PLAN AND ADOPTION OF GENERAL PLAN AMENDMENT NO. 16-2501 TO REMOVE PLANNED EXTENSIONS OF HIGHLAND HOME ROAD NORTH OF WILSON STREET TO BROOKSIDE AVENUE AND CHERRY VALLEY BOULEVARD FROM THE GENERAL PLAN CIRCULATION ELEMENT WITHIN THE BUTTERFIELD SPECIFIC PLAN NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission to be held on Wednesday, January 4, 2017 at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider a request to approve General Plan Amendment (GPA) No. 16-2501, a proposal to remove the planned extension of Highland Home Road north of Wilson Street to Brookside Avenue and Cherry Valley Boulevard from the City’s General Plan Circulation Element; and minor modifications to the Butterfield Specific Plan, located east of Highland Springs Avenue and north of Wilson Street, as a consequence of a litigation settlement agreement between Highland Springs Resort v. City of Banning (Riverside County Superior Court Case No. RIC-120621, Consolidated with Case No. RIC-1206271). The proposal includes the adoption of an Addendum to the Final Environmental Impact Report and associated modifications to the Mitigation Monitoring and Reporting Program.

Information regarding the General Plan Amendment, Addendum to the Final Environmental Impact Report, modifications to the Mitigation Monitoring and Reporting Program, and minor modifications to the Butterfield Specific Plan, and all relevant materials can be obtained by contacting the City’s Community Development Department at (951) 922-2125, or by visiting the City Hall located at 99 East Ramsey Street, Banning during regular business hours. You may also go to the City of Banning website at http://www.ci.banning.ca.us. All parties interested in speaking either in support of or in opposition of this item are invited to attend said hearing, or to send their written comments to the Community Development Department, City of Banning at P.O. Box 999, Banning, California, 92220.

If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the City Clerk at, or prior to, the time the Planning Commission makes its decision on the proposal or, that you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65022).

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

Bhar Gulati
Community Development Director

Dated: December 20, 2016
Published: December 23, 2016
Published In: The Record Gazette
No.: 139193
122316

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Signed:

Signature:

December 23, 2016

State of California

County of Riverside

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

December 23, 2016

Executed on: 12/23/2016

At Banning, CA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
CITY OF BANNING
Planning Commission Report

TO: Planning Commission
FROM: Brian Guillot, Community Development Director
PREPARED BY: Patty Nevins, Senior Planner
MEETING DATE: January 4, 2017
SUBJECT: DISCUSS AND CONSIDER ZONE TEXT AMENDMENT (ZTA) 16-97502 CONSISTING OF ZONING CODE AMENDMENTS RELATED TO THE DELIVERY, DISPENSING, AND CULTIVATION OF MARIJUANA

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

RECOMMENDATION:
Staff recommends that the Planning Commission adopt Resolution No. 2017-01 (Attachment No. 1):

I. Recommending to the City Council the adoption of a Categorical Exemption for the subject proposal.

II. Recommending to the City Council the adoption of Ordinance No. 1507 (Attachment No. 2) approving Zone Text Amendment ZTA No. 16-97502 amending various sections of the Zoning Ordinance (Title 17 of the Banning Municipal Code) related to the delivery, dispensing, and cultivation of marijuana.
BACKGROUND:

City Council Action:

On December 12, 2016, the City Council adopted Urgency Ordinance No. 1505 amending Section 8.48.330 (Cultivation, Manufacture, or Sale of Drugs) and adding Chapter 5.34 ("Marijuana Cultivation") to regulate the cultivation of marijuana for personal use by creating a Marijuana Cultivation Permit AND amending Chapter 8.68 (Medical Marijuana Prohibited) to conform to state law (see Attachment 4 for Urgency Ordinance No. 1505). The City Council further directed staff to have the Planning Commission review and consider changes to the Zoning Ordinance.

At this time the City's Code of Ordinances prohibits the cultivation and sale of marijuana (Section 8.48.330 – Cultivation, manufacture, or sales of drugs) and, prohibits marijuana dispensaries (Section 8.68.030 – Medical Marijuana Dispensaries Prohibited).

Recent Changes to State Law:

On November 8, 2016, the voters of the State of California passed the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA"). Upon its passage, certain provisions of the AUMA took effect as of November 9, 2016. These provisions include the legalization of the use of nonmedical marijuana by persons 21 years of age or older, and the personal cultivation of up to six (6) marijuana plants. Specifically, the AUMA makes it legal for persons 21 years of age or older to: (1) smoke or ingest marijuana or marijuana products; (2) possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older, without any compensation, 28.5 grams of un-concentrated marijuana or 8 grams of concentrated marijuana; and (3) possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use. Until recently, it was unnecessary for the City’s land use regulations to address the recreational use of marijuana because it was not legal pursuant to federal, state or local law.

Commercial marijuana activities can adversely affect the health, safety and well-being of City residents. For instance, the exterior cultivation of marijuana requires large amounts of space and may result in a large quantity of plants being cultivated on a single parcel of land. As these "crops" begin to flower, they produce a strong odor that is detectable far beyond the property boundaries. Not only is the odor of flowering marijuana plants offensive, it also alerts persons to the location of these valuable plants and creates an increased risk of nuisance activity, including crime. Furthermore, the indoor cultivation and processing of marijuana has also resulted in damages to buildings; such damages include improper and dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, as well as an increase in the

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1 Division II of Title 17 of the Banning Municipal Code ("BMC") does not currently expressly and separately prohibit the cultivation or delivery of marijuana within the City. While Chapter 8.68 prohibits medical marijuana dispensaries and Section 8.48.330 prohibits the cultivation of marijuana within the City, the City's Zoning Code is silent as to these uses.
frequency of home-invasion robberies and similar crimes. The City anticipates that the cultivation of non-medical marijuana exposes itself to the same inherent risks. Marijuana cultivation or other concentration of marijuana in any location or premises without adequate regulations increases the risk that surrounding homes or businesses may be negatively impacted.

Even though the Compassionate Use Act, the Medical Marijuana Program, and the AUMA provide limited immunity from specified State marijuana laws, this immunity does not grant any land use rights or create the right to maintain a public nuisance. With that said, the BMC does not currently expressly and separately prohibit the delivery or mobile dispensing of marijuana within the City. Furthermore, the BMC currently bans personal cultivation of marijuana in contravention to the AUMA.

PROPOSED AMENDMENTS:

On October 9, 2015, Governor Brown signed three bills into law – Assembly Bills 266 and 243, and Senate Bill 643 – collectively referred to as the Medical Marijuana Regulation and Safety Act (MMRSA). The MMRSA became effective on January 1, 2016 and contains provisions that govern the cultivating, processing, transporting, testing, and distributing of medical marijuana to qualified patients. The MMRSA states that if a city or county has not adopted land use regulations to either regulate or ban delivery of marijuana for medicinal purposes, the State will be the sole authority that issues licenses for such purposes in that jurisdiction, meaning no local license will be required.

Within the Counties of Los Angeles and Orange, mobile dispensaries have been the targets of armed robbers seeking cash and drugs. As a result, many drivers reportedly carry weapons or have armed guards as protection. For instance, in June of 2011, a marijuana delivery from a Los Angeles mobile dispensary turned deadly in Orange County when four individuals reportedly ambushed the mobile dispensary driver and his armed security guard and tried to rob them. One of the suspects approached the delivery vehicle and confronted the driver; a struggle ensued. A second suspect, armed with a handgun, approached the security guard, who fired at the suspect shooting him multiple times.

Staff has prepared Resolution No. 2017-01 for the Planning Commission’s consideration. Resolution No. 2017-01 proposes to define “marijuana cultivation” in the City’s Zoning Ordinance in such a way to obviate any distinction between medical and recreational marijuana cultivation and thereby applying the term “marijuana cultivation” to either recreational or medicinal marijuana. Additionally, Resolution No. 2017-01 proposes to define “marijuana dispensaries” to include traditional medical marijuana dispensaries, in addition to recreational marijuana businesses and mobile dispensaries. With these definitions in place, Resolution No. 2017-01 would prohibit marijuana dispensaries within every zone in the City and would permit the personal marijuana cultivation solely within the City’s residential zones.
ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed proposed Zone Text Amendment No. 16-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment No. 16-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP)

The amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP.

REQUIRED FINDINGS OF APPROVAL FOR ZONE TEXT AMENDMENT NO. 16-97502:

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zone Text Amendments meet certain findings prior to the approval by the City Council. The following findings are provided in support of the approval of the Zone Text Amendment No. 16-97502.

REQUIRED FINDINGS FOR ZONE TEXT AMENDMENT ZTA 16-97502

Section 17.116.050 of the City of Banning Zoning Ordinance requires that Zone Text Amendment applications meet certain findings prior to the approval by the City Council.

Finding No. 1: The proposed Amendment is consistent with the goals and policies of the General Plan.

Findings of Fact: The Zoning Ordinance text amendments are consistent with the goals, policies and objectives of the General Plan because it is in the public interest and there are community benefits resulting from...
the regulation of marijuana, such as preventing crime associated with marijuana activities, while still allowing for responsible and lawful access to marijuana in the City.

**Finding No. 2:** The proposed Amendment is internally consistent with the Zoning Ordinance.

**Findings of Fact:** Proposed Zone Text Amendment No. 16-97502 is consistent with the purpose and objective of the Zoning Ordinance to ensure orderly development of all lands within the city to protect the public health, safety, and welfare as the proposed amendments will further that purpose.

**Finding No. 3:** That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

**Findings of Fact:** In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zone Text Amendment No. 16-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. *Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA.* The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment No. 16-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**PUBLIC COMMUNICATION:**

Proposed Zone Text Amendment ZTA 16-97502 was advertised in the Record Gazette newspaper on December 23, 2016 (Attachment No. 3). As of the date of this report, staff has not received any comments for or against the proposal.

**ATTACHMENTS:**

1. Resolution No. 2017-01
2. Ordinance No. 1507
3. Public Hearing Notice
4. Urgency Ordinance No. 1505
Prepared By:
Patty Nevins
Senior Planner

Reviewed and Recommended By:
Brian Guillot
Community Development Director
ATTACHMENT 1
Resolution No. 2017-01
RESOLUTION NO. 2017-01


WHEREAS, the City of Banning initiated amendments to the Zoning Ordinance, Article 17 of the Municipal Code to regulate cultivation of marijuana for personal use, and to expressly prohibit deliveries, dispensaries, mobile dispensaries, and the commercial cultivation of marijuana within the City.

WHEREAS, the Planning Commission has authority per Chapter 17.116 (Zoning Ordinance Amendments) of the City of Banning Municipal Code to make recommendations to the City Council to approve, approve with modifications, or disapprove amendments to the Zoning Ordinance; and

WHEREAS, on the 23rd day of December, 2016, the City gave public notice as required under Chapter 17.68 (Hearings and Appeals) of the City of Banning Municipal Code by advertising in the Record Gazette newspaper of the holding of a public hearing at which the Categorical Exemption and Zone Text Amendment would be considered; and

WHEREAS, on the 4th day of January, 2017, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the proposed amendments, and at which time the Planning Commission considered the Categorical Exemption and Zone Text Amendment No. 16-97502; and

WHEREAS, at this public hearing on the 4th day of January, 2017, the Planning Commission considered and heard public comments on the proposed Categorical Exemption and Zone Text Amendment; and

WHEREAS, the Planning Commission has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the 4th day of January, 2017;
NOW THEREFORE, the Planning Commission of the City of Banning does hereby resolve, determine, find, and order as follows:

SECTION 1. ENVIRONMENTAL FINDINGS.

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

California Environmental Quality Act (CEQA)

In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed proposed Zone Text Amendment No. 16-97502 and has determined that the zone text changes are Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Multiple Species Habitat Conservation Plan (MSHCP)

The amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP. Further, projects that may be subject to this Ordinance will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

SECTION 2. REQUIRED FINDINGS FOR ZONE TEXT AMENDMENT NO. 16-97502.

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zone Text Amendments meet certain findings prior to recommendation of approval by the Planning Commission and approval by the City Council. The Planning Commission hereby makes the following findings, as supported by substantial evidence on the record including and incorporating all facts and evidence in the staff report and its attendant attachments, in support of the recommendation for approval of the Zone Text Amendment No. 16-97502:

Finding No. 1: Proposed Zone Text Amendment No. 16-97502 is consistent with the goals and policies of the General Plan.

Findings of Fact: Proposed Zone Text Amendment No. 16-97502 is consistent with the goals and policies of the General Plan. Commercial marijuana activities can adversely affect the health, safety and well-being of City residents. The cultivation and processing of medical cannabis has resulted in damages to buildings containing indoor medical cannabis cultivation facilities; such damages include improper and
dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, as well as an increase in the frequency of home-invasion robberies and similar crimes. The City anticipates that the cultivation of non-medical marijuana exposes itself to the same inherent risks. Marijuana cultivation or other concentration of marijuana in any location or premises without adequate regulations increases the risk that surrounding homes or businesses may be negatively impacted. The Banning Municipal Code (BMC) does not currently expressly and separately prohibit the delivery or mobile dispensing of marijuana within the City. Furthermore, the BMC currently bans personal cultivation of marijuana in contravention to the Control, Regulate, and Tax Adult Use of Marijuana Act. It is in the public interest and there are community benefits resulting from the regulation of marijuana, while still allowing for responsible and lawful access to marijuana in the City.

**Finding No. 2:** Proposed Zone Text Amendment No. 16-97502 is internally consistent with the Zoning Ordinance.

**Findings of Fact:** Proposed Zone Text Amendment No. 16-97502 is consistent with the purpose and objective of the Zoning Ordinance to ensure orderly development of uses and lands within the city to protect the public health, safety, and welfare. The proposed amendments will protect the public health, safety, and welfare of the residents of the City.

**Finding No. 3:** The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

**Findings of Fact:** In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zone Text Amendment No. 16-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment No. 16-97502 may have a significant adverse effect on the environment, and thus
the adoption of this Ordinance is exempt from CEQA pursuant to
Section 15061(b)(3) of the CEQA Guidelines.

SECTION 3. PLANNING COMMISSION ACTION.

The Planning Commission hereby takes the following action:

Adopts Planning Commission Resolution No. 2017-01:

1. Recommending to the City Council the adoption of a Categorical Exemption for
   Zone Text Amendment No. 16-97502; and

2. Recommending to the City Council the adoption of Ordinance No. 1507 approving
   Zone Text Amendment No. 16-97502.

PASSED, APPROVED and ADOPTED this 4th day of January, 2017.

____________________________
Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

____________________________
Gregg W. Kettles
Interim Assistant City Attorney
Jenkins & Hogin, LLC

ATTEST:

____________________________
Sandra Calderon, Recording Secretary
City of Banning
CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2017-01, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of January 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________________________
Sandra Calderon, Recording Secretary
City of Banning, California
ATTACHMENT 2
Ordinance No. 1507
ORDINANCE NO. 1507

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A CATEGORICAL EXEMPTION AND APPROVING ZONE TEXT AMENDMENT 16-97502 AMENDING THE ZONING ORDINANCE (TITLE 17 ZONING OF THE BANNING MUNICIPAL CODE)

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

WHEREAS, the City of Banning initiated amendments to the Zoning Ordinance, Article 17 of the Municipal Code, to regulate cultivation of marijuana for personal use, and to expressly prohibit deliveries, dispensaries, mobile dispensaries, and the commercial cultivation of marijuana within the City; and

WHEREAS, on January 4, 2017, during a duly advertised public hearing, the Planning Commission adopted Resolution No. 2017-01 recommending to the City Council the adoption of Ordinance No. 1507 approving the Categorical Exemption and Zone Text Amendment No. 16-97502; and

WHEREAS, on the [th] day of [month], 2017, the City gave public notice as required under Chapter 17.68 (Hearings and Appeals) of the City of Banning Municipal Code by advertising in the Record Gazette newspaper of the holding of a public hearing at which the Categorical Exemption and Zone Text Amendment would be considered; and

WHEREAS, on the [th] day of [month], 2017, the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the proposed amendments, and at which time the City Council considered the Categorical Exemption and Zone Text Amendment No. 16-97502; and

WHEREAS, at this public hearing on the [th] day of [month], 2017, the City Council considered and heard public comments on the proposed Categorical Exemption and Zone Text Amendment; and

WHEREAS, the City Council has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the [th] day of [month], 2017;
NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Banning as follows:

SECTION 1. ENVIRONMENTAL.

California Environmental Quality Act (CEQA)

In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zone Text Amendment No. 16-97502 and has determined that the zone text changes are Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Multiple Species Habitat Conservation Plan (MSHCP)

The amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP. Further, projects that may be subject to this Ordinance will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

SECTION 2. REQUIRED FINDINGS

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zone Text Amendments meet certain findings prior to the approval by the City Council. The following findings are provided in support of the approval of the Zone Text Amendment No. 16-97502.

Finding No. 1: Proposed Zone Text Amendment No. 16-97502 is consistent with the goals and policies of the General Plan.

Findings of Fact: Proposed Zone Text Amendment No. 16-97502 is consistent with the goals and policies of the General Plan. Commercial marijuana activities can adversely affect the health, safety and well-being of City residents. The cultivation and processing of medical cannabis has resulted in damages to buildings containing indoor medical cannabis cultivation facilities; such damages include improper and dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, as well as an increase in the frequency of home-invasion robberies and similar crimes. The City anticipates that the cultivation of non-medical marijuana exposes itself to the same inherent risks. Marijuana cultivation or other
concentration of marijuana in any location or premises without adequate regulations increases the risk that surrounding homes or businesses may be negatively impacted. The Banning Municipal Code (BMC) does not currently expressly and separately prohibit the delivery or mobile dispensing of marijuana within the City. Furthermore, the BMC currently bans personal cultivation of marijuana in contravention to the Control, Regulate, and Tax Adult Use of Marijuana Act. It is in the public interest and there are community benefits resulting from the regulation of marijuana, while still allowing for responsible and lawful access to marijuana in the City.

**Finding No. 2:** Proposed Zone Text Amendment No. 16-97502 is internally consistent with the Zoning Ordinance.

**Findings of Fact:** Proposed Zone Text Amendment No. 16-97502 is consistent with the purpose and objective of the Zoning Ordinance to ensure orderly development of uses and lands within the city to protect the public health, safety, and welfare. The proposed amendments will protect the public health, safety, and welfare of the residents of the City.

**Finding No. 3:** The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

**Findings of Fact:** In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zone Text Amendment No. 16-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment No. 16-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.
SECTION 3. CITY COUNCIL ACTION.

The City Council hereby takes the following actions:

1. **Adoption of Categorical Exemption.** In accordance with Public Resources Code Section 21006 and CEQA Guidelines Section 15061 the City Council hereby adopts the Categorical Exemption prepared pursuant to CEQA Guidelines Section 15061(b)(3) for Zone Text Amendment No. 16-97502.

2. **Approve Zone Text Amendment No. 16-97502 as follows:**

Amend Title 17(Zoning) of the Banning Municipal Code as follows:

1. The alphabetized list of definitions provided for in Section 17.04.070 (Definitions) of Chapter 17.04 (Basic Provisions) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following definitions:

   "Marijuana" means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It includes marijuana infused in foodstuff. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant that are incapable of germination.

   "Marijuana Cultivation" shall mean the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof. Marijuana Cultivation shall not exceed six (6) marijuana plants of any size per Marijuana Cultivation Permit holder. See Chapter 5.34 for provisions.

   "Marijuana Dispensary" shall mean any association, cooperative, club, co-op, delivery service, mobile dispensary, dispensary, collective, and any other similar use that manufactures, laboratory tests, labels, distributes, delivers, dispenses, sells or makes marijuana available in the City.

2. Table 17.08.020 of Section 17.08.020 (Permitted, conditional and prohibited uses) of Chapter 17.08 (Residential Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:
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<thead>
<tr>
<th>Zone</th>
<th>R/A</th>
<th>R/A/H</th>
<th>RR</th>
<th>RR/H</th>
<th>VLDG</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR</th>
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<td>Marijuana Cultivation⁶</td>
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⁶ Marijuana Cultivation requires a Marijuana Cultivation License. See Chapter 5.34 for provisions.

3. Table 17.12.020 of Section 17.12.020 (Permitted, conditional and prohibited commercial and industrial uses) of Chapter 17.12 (Commercial and Industrial Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:

<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
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<th>I</th>
<th>AI</th>
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<th>IMR</th>
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<td>Resource and Open Space Uses</td>
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</tbody>
</table>

4. Table 17.16.020 of Section 17.16.020 (Permitted, conditional and prohibited public facilities uses) of Chapter 17.16 (Public Facilities Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:

<table>
<thead>
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<th>Zone</th>
<th>PF-A</th>
<th>PF-G</th>
<th>PF-F</th>
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<tr>
<td>Marijuana Dispensary</td>
<td>X</td>
<td>X</td>
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<td>X</td>
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</table>

5. Table 17.20.020 of Section 17.20.020 (Permitted, conditional and prohibited open space uses) of Chapter 17.20 (Open Space Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:
<table>
<thead>
<tr>
<th>Zone</th>
<th>OS-R</th>
<th>OS-PA</th>
<th>OS-PU</th>
<th>OS-H</th>
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<tr>
<td>Marijuana Dispensary</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

SECTION 4. SEVERABILITY.

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

SECTION 5. PUBLICATION; EFFECTIVE DATE.

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

PASSED, APPROVED, AND ADOPTED this [th] day of [month], 2017.

______________________________
George Moyer, Mayor
City of Banning

ATTEST:

______________________________
Marie A. Calderon, City Clerk
City of Banning, California
APPROVED AS TO FORM AND LEGAL CONTENT:

John C. Cotti
Interim City Attorney
City of Banning

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1507 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the [th] day of [month], 2017, and was duly adopted at a regular meeting of said City Council on the [th] day of [month], 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon, City Clerk
City of Banning, California
ATTACHMENT 3
Public Hearing Notice
Record Gazette  
218 N. Murray St.  
Proof of Publication  
(2015.5 C.C.P.)  
139189 MARIJUANA HEARING  

State of California  
County of Riverside  

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

December 23, 2016  


NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission to be held on Wednesday, January 4, 2017, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider proposed Zoning Text Amendments (ZTA) No. 16-97520 to amend Title 17 of the Banning Municipal Code by amending Sections 17.04.040, 17.08.020, 17.12.020, 17.16.020, and 17.20.020 of the Zoning Code in order to expressly permit personal cultivation solely within the City's residential zones and to expressly prohibit the delivery, dispensing, and non-personal commercial cultivation of marijuana within the City.  

Information regarding the Categorical Exemption, Zoning Text Amendment, and all relevant materials can be obtained by contacting the City's Community Development Department at (951) 822-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning during regular business hours. You may also go to the City of Banning website at http://www.ci.banning.ca.us/. All parties interested in speaking either in support of or in opposition of this item are invited to attend said hearing, or to send their written comments to the Community Development Department, City of Banning at P.O. Box 998, Banning, California, 92220.  

If you challenge any decision regarding the above proposal in court, you may be limited to raising any issue you or someone else raised in written correspondence delivered to the City Clerk at, or prior to, the time the Planning Commission makes its decision on the proposal, or that you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Codes, Section 65022).  

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

Brian Gullot  
Community Development Director  
Dated: December 20, 2016  
Published: December 23, 2016  
Published In  
The Record Gazette  
No. 139189  
12/23/2016  

Executed on: 12/23/2016  
At Banning, CA  

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

__________________________  
Signature
ATTACHMENT 4
Urgency Ordinance No. 1505
ORDINANCE NO. 1505

AN URGENCY ORDINANCE OF THE CITY OF BANNING AMENDING SECTION 8.48.330 ("CULTIVATION, MANUFACTURE, OR SALES OF DRUGS") AND ADDING CHAPTER 5.34 ("MARIJUANA CULTIVATION") TO TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE BANNING MUNICIPAL CODE TO REGULATE THE CULTIVATION OF MARIJUANA FOR PERSONAL USE BY CREATING A MARIJUANA CULTIVATION PERMIT; AND DECLARING THE URGENCY THEREOF.

The City Council of the City of Banning does hereby ordain as follows:

Section 1. A new Chapter 5.34, entitled "Marijuana Cultivation" is added to Title 5 (Business Licenses and Regulations) of the Banning Municipal Code to read as follows:

Chapter 5.34
MARIJUANA CULTIVATION

Sections:
5.34.010 – Purpose
5.34.020 – Definitions
5.34.030 – Site Location, Operation, and Development Standards
5.34.040 – Other Applicable Regulations
5.34.050 – Marijuana Cultivation Permit
5.34.060 – Revocation of Marijuana Cultivation Permit
5.34.070 – Appeals
5.34.080 – Prohibited Activities Declared a Public Nuisance

5.34.010 – Purpose

A. The purpose of this Chapter is to prevent community-wide adverse impacts including, but not limited to, increased criminal activity, fire and chemical hazards, objectionable odors, late night traffic, and the general deterioration of neighborhoods associated with marijuana cultivation.

B. Marijuana cultivation in the City can adversely affect the health, safety and well-being of City residents. Therefore, reasonable regulation of marijuana cultivation is proper and necessary to avoid the concentration of substantial amounts of marijuana in one place and to avoid the risks of criminal activity, degradation of the natural
environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated marijuana cultivation.

5.34.020 – Definitions

For the purposes of this Chapter, the following definition shall apply:

"Childcare Center" shall mean any licensed childcare center, daycare center, childcare home, or any preschool."

"Church" shall mean any structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.

"Commercial Cannabis Activity" shall mean the possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, delivery, dispensing, mobile dispensing, mobile delivery, or sale of more than 28.5 grams of un-concentrated marijuana or more than eight (8) grams of concentrated marijuana.

"Community Center" shall mean any facility open to the public at which classes, social activities, recreational activities, educational activities, support and public information are offered for all residents of the community.

"Detached accessory structure" shall mean a building completely detached from a residence that complies with the California Building Code which is secure against unauthorized entry, and is accessible only through one or more lockable doors, and has a complete roof enclosure supported by connecting walls extending from the ground to the roof; and a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments. Walls and roofs must be constructed of solid materials that cannot be easily broken through, such as two-inch by four-inch or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Exterior walls must be constructed with nontransparent material. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

"Enforcement Officer" shall mean the chief of police, building official, code enforcement official, environmental health department director, public health officer, agricultural commissioner, fire chief, clerk of the board of supervisors, or their designees.

"Indoors" shall mean within a fully enclosed and secure building.
“Marijuana Cultivation” or “Marijuana Cultivation Activities” shall mean the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof.

“Marijuana Cultivation Permit” shall mean a permit issued by the City to a person over the age of 21 for the purposes of engaging in marijuana cultivation activities pursuant to this Chapter.

“Marijuana Cultivation Permit Holder” shall mean the applicant named on the application for a Marijuana Cultivation Permit.

“Marijuana Plant” shall mean any mature or immature marijuana plant, or any marijuana seedling.

“Park” shall mean any public playground, public recreation center or area, and other public areas created, established, designed, maintained, provided, or set aside by the county, and city or any other public entity or agency, for the purposes of public rest, play, recreation, enjoyment or assembly, and all buildings and structures located thereon or therein.

“Person” shall mean an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

“Premises” shall mean a single parcel of property. Where contiguous parcels are under common ownership or control, such contiguous parcels shall be counted as a single “premises” for purposes of this Chapter.

“Primary Caregiver” shall have the same meaning as set forth in Health and Safety Code sections 11362.5 and 11362.7, et seq.

“Qualified Patient” shall have the same meaning as set forth in Health and Safety Code sections 11326.5 and 11362.7, et seq.

“Rear Yard” shall mean the rear open space portion of any premises, whether fenced or unfenced.

“Residential Unit” means any building or portion thereof legally existing which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation.
on a premises or legal parcel located within a residential or agricultural-residential zoning district.

“School” shall mean any institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education; excluding home school, vocational or professional institution of higher education, including a community college, junior college, college or university.

5.34.030 – Site Location, Operation, and Development Standards

Non-commercial cultivation of small amounts of marijuana for personal use is only permitted in the Ranch Agriculture (R/A), Ranch Agriculture – Hillside (R/A/H), Rural Residential (RR), Rural Residential – Hillside (RR/H), Very Low Density Residential (VLDR), Low Density Residential (LDR), Medium Density Residential (MDR) and High Density Residential (HDR) zones when all of the following applicable conditions and standards are met:

A. Generally,

1. Marijuana cultivation is permitted only on parcels with residential units where the Marijuana Cultivation Permit Holder resides full-time. Marijuana Cultivation Permit Holders shall not participate in marijuana cultivation in more than one location within the City. Marijuana cultivation activities may only occur Indoors within a residential unit, garage or Detached Accessory Structure.
2. From the public right-of-way, there shall be no exterior evidence of marijuana cultivation.
3. No person shall commence any marijuana cultivation activities unless and until they have obtained a valid Marijuana Cultivation Permit from the City.
4. Any area set aside for the cultivation of marijuana for personal use shall not adversely affect the health or safety of the nearby residents by creating dust, glare, excessive light, heat, noise, noxious gases, odors, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to the use of storage of materials, processes, products or waste.
5. Cultivation of marijuana for personal use shall not exceed six (6) marijuana plants of any size per Marijuana Cultivation Permit holder. The maximum number of plants shall be limited regardless of the number of qualified patients or primary caregivers residing on the property. Not more
than six (6) living marijuana plants may be cultivated on the Premises at one time.
6. Marijuana cultivation activities shall not be upon any property or parcel containing a childcare center, school or church. Furthermore, marijuana cultivation activities shall not take place within 1,000 feet of any school, childcare center, public park, government building, or church. The 1,000 feet shall be measured from the closest property line of the school, childcare center, public park, government building or church, to the closest property line of the cultivation parcel.
7. Indoor grow lights shall not exceed 1,200 watts and shall comply with the California Building, Electrical and Fire Codes as adopted by the City.
8. Any location used for marijuana cultivation must have a ventilation and filtration system installed that shall prevent marijuana plant odors from exiting the interior of the structure and shall comply with California Building Code section 402.3 (Mechanical Ventilation). The ventilation and filtration system must be approved by the enforcement officer and installed prior to the commencement of any marijuana cultivation activities.
9. Marijuana cultivation activities shall not be accessible to persons under 18 years of age.

B. Marijuana cultivation within residential units, specifically. In addition to those requirements listed in Subsection A of this section, marijuana cultivation activities within a residential unit shall also comply with the following requirements:
1. The residential unit shall, at all times, maintain a kitchen, bathroom and primary bedroom(s) for their intended purpose, and shall not be used for marijuana cultivation.
2. Any marijuana cultivation activities shall not create humidity, mold, or other nuisance condition.

C. Marijuana cultivation within detached accessory structures, specifically. In addition to those requirements listed in Subsection A of this section, marijuana cultivation activities within a detached accessory structure shall also comply with the following requirements:
1. The structure shall be no smaller than 120 square feet in size.
2. The structure shall be located within the rear yard area of any legal parcel or premises.
3. The structure shall maintain a minimum setback of 10-feet from any property line.
4. The structure shall be fully-enclosed and the area surrounding the structure must be enclosed by a solid fence at least six (6) feet in height.
The fence must be adequately secure to prevent unauthorized entry. Bushes, hedgerows, plastic sheeting, tarps or cloth material shall not constitute an adequate fence under this subsection.

5. The structure shall maintain adequate mechanical or electronic security systems, approved by the enforcement officer, and shall install such systems prior to the commencement of cultivation.

6. Any accessory structure used for marijuana cultivation must have a valid building permit issued by the City building official. The building official shall consult with the planning director and enforcement officers in consideration of any building permit application seeking a building permit for the construction or alteration of any detached accessory structure to be used for marijuana cultivation.

5.34.040 – Other Applicable Regulations

A. There shall be no variances or deviations permitted to any standards or requirements within this Chapter.

B. Nothing in this Chapter is intended to authorize the cultivation, possession, or use of marijuana in violation of state or federal law.

5.34.050 – Marijuana Cultivation Permit

A. No person shall commence any marijuana cultivation activities unless and until they have obtained a valid Marijuana Cultivation Permit from the City. The following information will be required with the initial Permit application and subsequent Permit extensions:

1. Adequate proof that the permit holder is 21 years of age or older;
2. Notarized signature from the owner of the property consenting to the cultivation of marijuana at the premises on a form acceptable to the City;
3. The name of each person owning, leasing, occupying or having charge of any legal parcel or premises where marijuana will be cultivated;
4. The physical site address of where marijuana will be cultivated;
5. A signed consent form, acceptable to the City, authorizing enforcement officers to conduct an inspection of the detached accessory structure used for marijuana cultivation upon 24 hours' notice;

B. The Permit shall be valid for no more than one (1) year and may be extended in increments of two (2) years.

C. The enforcement officer may, in his or her discretion, deny any application for a Marijuana Cultivation Permit, or extension thereof, where he or she finds, based on articulated facts, that the issuance of such Permit, or extension thereof, would be
detrimental to the public health, safety, or welfare. The enforcement officer shall deny
an application for a Marijuana Cultivation Permit, or extension thereof, which does not
demonstrate satisfaction of the minimum requirements of this Chapter. The denial of
any Permit application or extension shall be subject to appeal by the City Council.

D. The City Council may establish a fee or fees required to be paid upon filing of
an application for a Marijuana Cultivation Permit, as provided by this Chapter, which
fees shall not exceed the reasonable costs of administering this Chapter.

5.34.060 – Revocation of Marijuana Cultivation Permit

A. Any Marijuana Cultivation Permit granted by the City shall become null and
void if the City receives and substantiates two (2) complaints of noxious odors resulting
from indoor marijuana cultivation within a twelve (12) month period. These complaints
must originate from at least two (2) separate individuals and two (2) separate properties
adjoining, or within proximity to, the property engaging in marijuana cultivation.

B. Upon revocation of a Marijuana Cultivation Permit, the property owner,
tenant, or Permittee shall remove all marijuana plants from the premises within 30 days
of official notice from any enforcement officer.

5.34.070 – Appeals

Any person aggrieved by the requirements of this Chapter may file an appeal
pursuant to the requirements of Chapter 5.04 of the Banning Municipal Code.

5.34.080 – Prohibited Activities Declared a Public Nuisance

A. It is unlawful and a public nuisance for any person owning, leasing, renting,
occupying, or having charge or possession of any legal parcel or premises within any
zoning district in the City to cause or allow such parcel or premises to be used for the
outdoor cultivation of marijuana plants.

B. It is unlawful and a public nuisance for any person to cultivate marijuana
inside any residential building or structure without a marijuana cultivation permit issued
by the City.

C. It is unlawful and a public nuisance for any person to engage in Commercial
Cannabis Activity in any area of the City.

D. It is unlawful and a public nuisance for any person to use gas products, such
as CO2, butane, propane, and natural gas, for the cultivation, extraction, or processing
of marijuana.

E. It is unlawful and a public nuisance for any person to use generators for
marijuana cultivation activities.
F. In addition to the foregoing, any use or condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be and is hereby declared a public nuisance and may be abated by the City or subject to any available legal remedies, including but not limited to, civil injunctions. The prohibitions outlined in this Chapter shall be imposed regardless of the number of qualified patients or primary caregivers residing at the premises or participating directly or indirectly in the cultivation. Further, this prohibition shall be imposed notwithstanding any assertion that the person(s) cultivating marijuana are the primary caregiver(s) for qualified patients or that such person(s) are collectively or cooperatively cultivating marijuana.

Section 2. Section 8.48.330 ("Cultivation, manufacture, or sales of drugs") of Chapter 8.48 (Nuisances), of Title 8 (Health and Safety) of the Banning Municipal Code is hereby amended to read as follows:

8.48.330 – Manufacture or sales of drugs.

Any real or personal property utilized in the manufacture, sales, or storage of any drug which is illegal under any state or federal law, is declared a nuisance.

Section 3. Urgency Findings. On November 8, 2016, the voters of the State of California passed the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA"). Upon its passage, certain provisions of the AUMA took effect as of November 9, 2016. These provisions include the legalization of use of nonmedical marijuana by persons 21 years of age or older, and the personal cultivation of up to six (6) marijuana plants. Specifically, the AUMA makes it legal for persons 21 years of age or older to: (1) smoke or ingest marijuana or marijuana products; (2) possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older, without any compensation, 28.5 grams of un-concentrated marijuana or 8 grams of concentrated marijuana; and (3) possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use. The exterior cultivation of marijuana requires large amounts of space and may result in a large quantity of plants being cultivated on a single parcel of land. As these “crops” begin to flower, they produce a strong odor that is detectable far beyond the property boundaries. Not only is the odor of flowering marijuana plants offensive, it also alerts persons to the location of these valuable plants and creates an increased risk of nuisance activity, including crime. The cultivation and processing of cannabis has also resulted in damages to buildings containing indoor cannabis cultivation facilities; such damages include improper and dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, as well as an increase in the frequency of home-invasion robberies and similar crimes. There exists a current and immediate threat to public health and safety in the absence of the City adopting an
ordinance regulating the personal cultivation of marijuana. The City desires to enact this urgency ordinance to expressly make clear that cultivation for personal use is only permitted in the City’s residential zones and subject to reasonable regulations. This urgency ordinance would confirm that marijuana cultivated for personal use is restricted to six (6) living plants and that marijuana must be grown indoors, in compliance with fire, health and building codes. The prohibitions outlined in this Urgency Ordinance are necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards which may result from personal cultivation of marijuana. This ordinance must be adopted immediately to comply with state law and clarify that personal use and cultivation of marijuana must be conducted safely and subject to reasonable regulations in order to prevent the negative and dangerous secondary effects associated with these uses.

Section 5. Effective Date. This is an urgency ordinance adopted pursuant to Government Code Section 36937 and shall take effect immediately upon adoption.

Section 6. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Banning’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED and ADOPTED this 12th day of December 2016.

[Signature]

George Moyer, Mayor
City of Banning

ATTEST:

[Signature]

Marie A. Calderon, City Clerk
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

[Signature]

John C. Cotti, Interim City Attorney
Jenkins & Hogin, LLC

Ord. 1505
CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Urgency Ordinance No. 1505 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 12th day of December, 2016, and was duly adopted at a regular meeting of said City Council on the 12th day of December, 2016, by the following vote, to wit:

AYES: Councilmembers Andrade, Franklin, Peterson, Welch, Mayor Moyer

NOES: None

ABSENT: None

ABSTAIN: None

[Signature]

Marie A. Calderon, City Clerk
City of Banning, California
CITY OF BANNING
Planning Commission Report

TO: Planning Commission
FROM: Brian Guillot, Community Development Director
PREPARED BY: Patty Nevins, Senior Planner
MEETING DATE: January 4, 2017
SUBJECT: DISCUSS AND CONSIDER APPROVAL OF CONDITIONAL USE PERMIT NO. 16-8004 AND DESIGN REVIEW NO. 16-7001 BY RESOLUTION NO. 2017-03 FOR THE EXPANSION OF AN EXISTING PRIVATE SCHOOL AND THE INSTALLATION OF FIVE MODULAR BUILDINGS AND ASSOCIATED IMPROVEMENTS TO ACCOMMODATE SAID EXPANSION, LOCATED AT 1325 MOUNTAIN AVENUE (APN 535-422-015); MOUNTAIN AVENUE BAPTIST CHURCH SCHOOL

APPLICANT'S REQUEST:
The applicant, Mountain Avenue Baptist Church, is requesting approval of a Conditional Use Permit Amendment for the expansion of an existing private school to accommodate up to 100 new students, and Design Review for the installation of 5 modular buildings and associated improvements to accommodate said expansion, for the existing Mountain Avenue Baptist Church located at 1325 Mountain Avenue (APN 535-422-015) within the Low Density Residential (LDR) zoning district.

APPLICANT INFORMATION:
Project Location: 1325 Mountain Avenue
APN Information: 535-422-015
Project Applicant: Mountain Avenue Baptist Church
1325 Mountain Avenue
Banning, CA 92220
Property Owner: Mountain Avenue Baptist Church
1233 E. Ramsey Street
Banning, CA 92220

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 2017-03 (Attachment No. 1):

I. Finding that the potential environmental effects of the project were addressed in the Negative Declaration adopted for CUP #06-802 for a school building and ancillary facilities. The current proposal would be sited in the same location, but with less square footage than was originally analyzed and there have been no substantial changes in the project nor in the circumstances under which the project is undertaken which will require major revisions of the previous Negative Declaration; nor is there new information that shows that the project will have a significant environmental effect or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required.

II. Approving Conditional Use Permit (CUP) No. 16-8004 for the expansion of an existing school to accommodate existing and up to 100 new students, subject to the Findings and Conditions of Approval contained therein; and

III. Approving Design Review No. 16-7001 for the installation of 5 modular buildings and associated improvements to accommodate the expansion of an existing school, subject to the Findings and Conditions of Approval contained therein.

PROJECT BACKGROUND:

The applicant is requesting approval of a Conditional Use Permit Amendment as required to expand an existing private school, and Design Review as required for the installation of five modular buildings and related site and landscape improvements to accommodate the school expansion.

Planning Department files indicate that in 1976 the Planning Commission approved Conditional Use Permit 1976-02, permitting the establishment of a church building and the Calvary Christian School, a private school for kindergarten through 12th grade (a Design Review application was not required at that time). The approval allowed up to 200 students.

The CUP was amended by the Planning Commission in 1998 under CUP Amendment #06-800 2 and Design Review #06-7017 to allow the construction of a 13,200 sq.ft. single story school building with a multi-purpose room adjacent to the existing church and fellowship hall (again, a Design Review application was not required at that time) as
well as 45,160 sq.ft. of developed open space including lawn and playground area. That school was not constructed.

In May 2007, an amendment was approved to increase the previously approved building's square footage from 13,200 sq. ft. to 26,104 sq.ft. for a two-story building to contain nine classrooms and a multi-purpose room. The footprint of the building was to be 16,760 sq.ft. The approval included increased school enrollment to 300 students. Building permits were obtained and the project site intended to house the new building was graded, additional parking was installed, and the turf playing field was installed, but construction on the approved building did not commence. Both the Conditional Use Permit and the Design Review approvals for the school expansion and remaining improvements have expired based on discontinuance of work.

**PROJECT DESCRIPTION:**

The project proposes the installation of 5 modular buildings along with associated site and landscape improvements within the previously graded pad approved for CUP Amendment #06-802 and Design Review #06-7017. Four of the modular buildings would be used for classrooms to accommodate up to 100 additional students, and one would be used for sanitary facilities.

The summary table below lists the uses surrounding the site:

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
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<tr>
<td>North</td>
<td>Vacant Land and Single Family Residential</td>
<td>Low Density Residential</td>
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<tr>
<td>South</td>
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<td>East</td>
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<tr>
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<td>Vacant Land</td>
<td>Low Density Residential</td>
<td>Low Density Residential</td>
</tr>
</tbody>
</table>

**PROPOSAL AND ANALYSIS**

Existing Buildings and Site

The project site is located at 1325 Mountain Avenue on the west side of Mountain Avenue, north of Red Bluff Lane. The rectangular property is 6.29 acres and is
relatively flat, with the northerly portions of the site, including the proposed building area being situated slightly higher (e.g. two to three feet) than the surrounding areas. Immediately adjacent parcels to the north and south have been graded for construction of single family residences and are largely undeveloped. Property to the west is vacant, and single family homes are located to the east across Mountain Avenue.

The site currently contains an existing single story building that houses the church sanctuary, offices, a nursery, and fourteen classrooms serving kindergarten through twelfth grade. An athletic field/turf area is located at the west end of the property, and the site contains paved and landscaped parking with 159 spaces. Church services take place on Sundays and on Wednesday evenings. Current classes include five kindergarten classrooms, five elementary classrooms, two junior high classrooms, and two high school classrooms; classes are scheduled Monday through Friday from 8:00 a.m. to 3:15 p.m. and the school also offers extended care from 6:30 a.m. – 8:00 a.m. and 3:15 p.m. – 6:00 p.m.

The school has implemented a vehicular circulation plan which directs incoming traffic into the site via the northerly driveway and through a circular flow pattern, exiting the site via the southerly driveway. The drive and parking areas are sufficiently expansive to allow cars dropping off and picking up to wait within the project site and not on Mountain Avenue.

**Conditional Use Permit**

The applicant’s request for expansion of an existing school – the current on-site Calvary Christian School – requires approval of a Conditional Use Permit amendment by the Planning Commission. The existing church campus is approved for up to 200 K-12 students and the school is currently accommodating 205 students. The proposed expansion would allow for up to 100 additional students for a total approved student population of 300.

Existing school operational parameters would remain the same and the proposed school operations remain consistent with the Zoning Code and with the goals and objectives of the General Plan. The site is located within the Low Density Residential zone and private schools are conditionally permitted within all of the City’s residential zones. With respect to the General Plan, preservation and enhancement of the City’s residential neighborhoods is a primary goal. This project provides for the maintenance of a land use that is consistent with these General Plan goals and policies by providing school services within smaller more localized facilities.

Because the expansion of the school use is proposed in facilities that will operate within multiple small buildings with exterior pedestrian circulation rather than a centralized building with interior circulation, noise is a potential concern. Staff has included a condition restricting outdoor noise in the form of public address systems, including classroom bells. There have been no complaints that staff is aware of about the existing school operations, and a standard condition related to calls for service allows
the Conditional Use Permit to be brought back to the Planning Commission for consideration if this, or any other aspect associated with the use, should pose problems to the surrounding neighborhood.

**Design Review**

*Site and Buildings*

The project proposes the installation of five modular buildings to accommodate four classrooms and one sanitary/bathroom building on an existing graded pad. Modular buildings are built off-site as opposed to on-site, and are placed on permanent foundations. Each modular building would measure 24’ x 40’ (960 sq.ft.) and as sited, all are meeting required building setbacks and separation. The buildings would be located along the north and south sides of a central landscaped area. Paved walkways and ramping would provide pathways and access from the existing building and parking areas to the east, west, and south, and landscaping and outdoor seating areas are provided adjacent to the classrooms as amenities to enhance the areas around the modular buildings.

The preconstructed nature of the proposed modular buildings precludes unique architectural design. However, the applicant has proposed to paint the structures in the same primary and accent colors as the existing building, and has used ledger stone to match the stone finishes of the existing church/school building in order to create cohesion between the new structures and the existing building as required by the City’s commercial and industrial architectural guidelines. Staff recommends that the ledger stone be applied as a wainscoting-type treatment similar to the finish seen on the church building and has included a condition to this effect.

Staff has some concern with the rooftlines of the proposed buildings, which are generally flat with minimal pitch. In contrast, the City’s mobile home and manufactured housing design guidelines, which provide the closest architectural direction regarding pre-manufactured structures, require that minimum eave dimensions shall be one foot and all roofs shall have a minimum pitch of 1:4. The proposed structures do not meet the 1:4 requirement, and the applicant has indicated that this may not be possible. In order to be consistent in the application of design standards related to prefabricated buildings, staff has included a condition of approval requiring the minimum pitch of 1:4.

*Parking and Access*

Site parking requirements for both the existing church and classrooms as well as the proposed classroom expansion are as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Zoning Code Requirement</th>
<th>Parking Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Churches/meeting</td>
<td>1 space per each 4 fixed seats or 1</td>
<td>101</td>
</tr>
<tr>
<td>Facilities (Existing = 3,555 sq.ft.)</td>
<td>Space per 35 sq.ft. of non-fixed seating area in the principle sanctuary or auditorium, whichever is greater</td>
<td></td>
</tr>
<tr>
<td>------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Elementary/junior high school (12 existing classrooms + 2 proposed classrooms)</td>
<td>3 spaces per classroom</td>
<td></td>
</tr>
<tr>
<td>High School (2 existing classrooms + 2 proposed classrooms)</td>
<td>8 spaces per classroom</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>175</td>
<td></td>
</tr>
</tbody>
</table>

There are currently 159 parking spaces on site; thus, the existing parking on-site is sixteen spaces short of the total parking required to accommodate the combined school expansion and church parking requirements in accordance with Table 17.28.040B of the Zoning Ordinance. However, in accordance with Section 17.28.060(J) of the Zoning Ordinance, parking facilities may be shared if multiple uses cooperate establish and operate the facilities and if these uses generate parking demands primarily during hours when the remaining uses are not in operation. The applicant has indicated that existing parking significantly outweighs actual usage, and since the church and school uses operating hours do not overlap, staff recommends acceptance of existing site parking as adequate to accommodate both uses. Should the Planning Commission disagree, existing parking to the west, along the perimeter of the playing field, can be expanded northerly to accommodate sixteen additional parking spaces and a condition of approval requiring that the additional parking be provided as required by the Zoning Code could be imposed.

Existing site circulation for the school, including drop-off and pickup, flows in a circular pattern wherein vehicles picking up students enter the northerly site driveway, either park in the parking areas to the south of the buildings or queue up in front of the westerly building area for student pickup, and exit along the south property line and driveway entrance. The system currently works efficiently and staff has noted on site visits that the church has personnel in the parking lot monitoring the site. It is expected that this system will continue to operate efficiently under an expanded enrollment scenario.

**Landscaping**

A concept landscape plan was provided that features a combination of turf, trees, raised planter seating areas, enhanced paving, and concrete walkways within the central area between the modular buildings. A variety of plantings, including palm, ash, and myrtle trees, shrubs and groundcover, and decomposed granite are depicted in conjunction
with concrete pathways around the perimeter of the classrooms. The area just east of
the structures includes an additional seating area, and seating walls will be constructed
adjacent to the southerly parking lot sidewalk and around a raised planter within the
westerly perimeter.

Additional trees and landscaping would also be required to be installed to comply with
zoning ordinance requirements relative to any new parking lot landscaping.

Conclusion

The proposed use, along with proposed and conditioned site improvements, will provide
a desirable service within the City in the form of additional, localized schooling choice.
The proposed use is an expansion of an existing facility within the City and furthers the
goal of business retention. As proposed and conditioned, Staff recommends approval of
the proposed project, subject to conditions contained in Exhibit “A” attached.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

The potential environmental effects of the project were addressed in the Negative
Declaration adopted for CUP #06-802 for a school building and ancillary facilities. The
current proposal would be sited in the same location, but with less square footage than
was originally analyzed and there have been no substantial changes in the project nor
in the circumstances under which the project is undertaken which will require major
revisions of the previous Negative Declaration; nor is there new information that shows
that the project will have a significant environmental effect or an effect more severe than
originally thought. Therefore, in accordance with CEQA Guidelines Section 15162,
Subsequent EIRs and Negative Declarations, a subsequent environmental document is
not required.

Staff has analyzed proposed Conditional Use Permit No. 16-8004 and Design Review
16-7001 and determined that the Project meets the above criteria and no further
environmental review is required. All conditions of the adopted Negative Declaration
(provided under Attachment 3) will apply to the project.

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 Fees.

REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT 16-8004:

Section 17.52.050 of the City of Banning Zoning Ordinance requires that Conditional Use Permit applications meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval for Conditional Use Permit No. 16-8004:

Finding No. 1: The proposed use is consistent with the General Plan.

Findings of Fact: The project site is designated Low Density Residential (LDR), and schools are conditionally permitted within the LDR land use district. The project is consistent with the accomplishment of Residential Goal No. 1 of the General Plan Land Use Element, which calls for the preservation and enhancement of the City’s neighborhoods.

Finding No. 2: The proposed project is conditionally permitted within the subject land district and complies with all of the applicable provisions of this Ordinance.

Findings of Fact: Conditional Use Permit No. 16-8003 is consistent with Section 17.12.020 of the Zoning Ordinance in that private schools are a conditionally permitted use in the Low Density Residential zone. The project as proposed and conditioned will comply with the parking, landscaping, and refuse storage standards.

Finding No. 3: The proposed use would not impair the integrity and character of the land use district in which it is to be located.

Findings of Fact: The subject site as well as surrounding properties is comprised of residential properties. The property meets or exceeds development standards, will operate in a substantially similar manner as the existing facility, and the exterior finishes will be the same as the existing sanctuary and school building.

Finding No. 4: The subject site is physically suitable for the type and intensity of the land use being proposed.

Findings of Fact: The subject site is suitable for the type and intensity of land use proposed in that the site is generally flat, and at 6.3 acres is large enough to accommodate the proposed expansion. The site
circulation and landscaping area is designed in a way that the project is compatible with the character of the surrounding neighborhood and Zoning Ordinance design guidelines.

Finding No. 5: There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

Finding of Fact: The project will construct all necessary on and off-site infrastructure to provide utilities to the proposed project. Water, sanitation, and public utilities and services are available in Mountain Avenue, a public street.

Finding No. 6: There will not be significant harmful effects upon environmental quality; natural resources; or neighborhood characteristics.

Finding of Fact: The proposed project was previously evaluated for environmental impacts under the provisions under California Environmental Quality Act (CEQA) and a Negative Declaration was adopted. The project will be required to adhere to the mitigation measures established therein.

Finding No. 7: The proposed location size, design and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Finding of Fact: The proposed used location, design, and operating characteristics of the proposed use are consistent with the General Plan and zoning ordinance goals and requirements for the Low Density Residential zone. Further, the proposal involved an expansion of an existing use. The project has been designed to meet the required development standards related to setbacks, lot coverage, building height, and parking and landscaping such that it will not be detrimental to the public interests, health, safety, convenience or welfare of the City.

REQUIRED FINDINGS FOR DESIGN REVIEW NO. 16-7001:

Section 17.56.050 of the City of Banning Zoning Ordinance requires that Design Review applications meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval for Design Review No. 16-7001:

Finding No. 1: The proposed use is consistent with the General Plan.
Findings of Fact: The project site is designated Low Density Residential (LDR), and schools are conditionally permitted within the LDR land use district. The project is consistent with the accomplishment of Residential Goal No. 1 of the General Plan Land Use Element, which calls for the preservation and enhancement of the City's neighborhoods. It is further consistent with Goal No. 2, Policy No. 2 which prescribes that projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected. This project maintains an LDR land use designation. The project, as proposed and conditioned, will be complimentary to the existing building and improvements on site and to the neighborhood as a whole.

Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Findings of Fact: Conditional Use Permit No. 16-8003 is consistent with Section 17.08.020 of the Zoning Ordinance in that private schools are a conditionally permitted use in the Low Density Residential zone. The project meets the development standards for the Low Density Residential zone, and as proposed and conditioned will comply with the City's parking, landscaping, and refuse storage standards.

Finding No. 3: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring or existing or future development, and will not result in vehicular and/or pedestrian hazards.

Findings of Fact: The site design of the proposed project is similar to the existing usage and design of the subject site. As proposed and conditioned, it will thus not interfere with the use and enjoyment of neighboring or existing or future development.

Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Findings of Fact: The design of the proposed structures has been enhanced to be compatible with the existing church/school building. The building area has been enhanced with landscaping and outdoor seating, to further blend in with the character of the surrounding neighborhood.
PUBLIC COMMUNICATION:

Proposed Conditional Use Permit No. 16-8004 and Design Review No. 16-7001 were advertised in the Record Gazette newspaper on December 23, 2016 (Attachment No. 3) and notices were mailed to property owners within 300 feet of the Project site in compliance with the City’s noticing requirements for public hearings. As of the date of this report, staff has not received any comments for or against the proposal.

ATTACHMENTS:

1. Resolution No. 2017-03 with Conditions of Approval
2. Exhibits – Plans
3. Adopted Negative Declaration
4. Public Hearing Notice

Prepared By:  

Reviewed and Recommended By:

Patty Nevins  
Senior Planner

Brian Guillot  
Community Development Director
ATTACHMENT 1
Resolution No. 2017-03
with Conditions of Approval
RESOLUTION NO. 2017-03


WHEREAS, an application for a Conditional Use Permit Amendment CUP No. 16-8004 and Design Review No. 16-7001 to expand an existing private school and install modular buildings and associated improvements has been duly filed by:

Project Applicant: Mountain Avenue Baptist Church 1325 Mountain Avenue Banning, CA 92220

Property Address: 1325 Mountain Avenue

APN: 535-422-015

Lot Area: 6.70 acres

WHEREAS, the Planning Commission has the authority per Chapter 17.52 of the Banning Municipal Code to take action on Conditional Use Permit 16-8004 for a private school and per Chapter 17.56 of the Banning Municipal Code to take action on a Design Review application for modular structures and site improvements in the Low Density Residential Zoning District; and

WHEREAS, on December 23, 2016 the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered; and

WHEREAS, on January 4, 2017 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Conditional Use Permit No. 16-8004 and Design Review No. 16-7001; and
WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff determined that potential impacts associated with Conditional Use Permit No. 16-8004 and Design Review No. 16-7001 were adequately analyzed under the previously adopted Negative Declaration for CUP No. 06-802 and DR No. 06-7017 and that pursuant to CEQA Section 15162 no further environmental analysis is required; and

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

SECTION 1. ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

The potential environmental effects of the project were addressed in the Negative Declaration adopted for CUP #06-802 and DR No. 16-7001 for a school building and ancillary facilities. The current proposal would be sited in the same location, but with less square footage than was originally analyzed and there have been no substantial changes in the project nor in the circumstances under which the project is undertaken which will require major revisions of the previous Negative Declaration; nor is there new information that shows that the project will have a significant environmental effect or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required.

Staff has analyzed proposed Conditional Use Permit No. 16-8004 and Design Review 16-7001 and determined that the Project meets the above criteria and no further environmental review is required.

The Planning Commission has analyzed proposed Conditional Use Permit No. 16-8004 and Design Review No. 16-7001 and has determined that pursuant to §15162 of the CEQA Guidelines no further environmental review is required.

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.
REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT 16-8004:

Section 17.52.050 of the City of Banning Zoning Ordinance requires that Conditional Use Permit applications meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval of Conditional Use Permit No. 16-8004:

Finding No. 1: The proposed use is consistent with the General Plan.

Findings of Fact: The project site is designated Low Density Residential (LDR), and schools are conditionally permitted within the LDR land use district. The project is consistent with the accomplishment of Residential Goal No. 1 of the General Plan Land Use Element, which calls for the preservation and enhancement of the City's neighborhoods.

Finding No. 2: The proposed project is conditionally permitted within the subject land district and complies with all of the applicable provision of this Ordinance.

Findings of Fact: Conditional Use Permit No. 16-8004 is consistent with Section 17.12.020 of the Zoning Ordinance in that private schools are a conditionally permitted use in the Low Density Residential zone. The project as proposed and conditioned will comply with the parking, landscaping, and refuse storage standards.

Finding No. 3: The proposed use would not impair the integrity and character of the land use district in which it is to be located.

Findings of Fact: The subject site as well as surrounding properties is comprised of residential properties. The property meets or exceeds development standards, will operate in a substantially similar manner as the existing facility, and the exterior finishes will be the same as the existing sanctuary and school building.

Finding No. 4: The subject site is physically suitable for the type and intensity of the land use being proposed.

Findings of Fact: The subject site is suitable for the type and intensity of land use proposed in that the site is generally flat, and at 6.3 acres is large enough to accommodate the proposed expansion. The site circulation and landscaping area is designed in a way that the project is compatible with the
character of the surrounding neighborhood and Zoning Ordinance design guidelines.

Finding No. 5: There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

Finding of Fact: The project will construct all necessary on and off-site infrastructure to provide utilities to the proposed project. Water, sanitation, and public utilities and services are available in Mountain Avenue, a public street.

Finding No. 6: There will not be significant harmful effects upon environmental quality; natural resources; or neighborhood characteristics.

Finding of Fact: The proposed project was previously evaluated for environmental impacts under the provisions under California Environmental Quality Act (CEQA) and a Negative Declaration was adopted.

Finding No. 7: The proposed location size, design and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Finding of Fact: The proposed used location, design, and operating characteristics of the proposed use are consistent with the General Plan and zoning ordinance goals and requirements for the Low Density Residential zone. Further, the proposal involved an expansion of an existing use. The project has been designed to meet the required development standards related to setbacks, lot coverage, building height, and parking and landscaping such that it will not be detrimental to the public interests, health, safety, convenience or welfare of the City.

REQUIRED FINDINGS FOR DESIGN REVIEW NO. 16-7001:

Section 17.56.050 of the City of Banning Zoning Ordinance requires that Design Review applications meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval for Design Review No. 16-7001:

Finding No. 1: The proposed use is consistent with the General Plan.
Findings of Fact: The project site is designated Low Density Residential (LDR), and schools are conditionally permitted within the LDR land use district. The project is consistent with the accomplishment of Residential Goal No. 1 of the General Plan Land Use Element, which calls for the preservation and enhancement of the City's neighborhoods. It is further consistent with Goal No. 2, Policy No. 2 which prescribes that projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected. This project maintains an LDR land use designation. The project, as proposed and conditioned, will be complimentary to the existing building and improvements on site and to the neighborhood as a whole.

Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Findings of Fact: Conditional Use Permit No. 16-8004 is consistent with Section 17.12.020 of the Zoning Ordinance in that private schools are a conditionally permitted use in the Low Density Residential zone. The project meets the development standards for the Low Density Residential zone, and as proposed and conditioned will comply with the City's parking, landscaping, and refuse storage standards.

Finding No. 3: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring or existing or future development, and will not result in vehicular and/or pedestrian hazards.

Findings of Fact: The site design of the proposed project is similar to the existing usage and design of the subject site. As proposed and conditioned, it will thus not interfere with the use and enjoyment of neighboring or existing or future development.

Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Findings of Fact: The design of the proposed structures has been enhanced to be compatible with the existing church/school building. The building area has been enhanced with landscaping and outdoor seating, to further blend in with the character of the surrounding neighborhood.
SECTION 3. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution No. 2017-03:
   
a. In accordance with CEQA Guidelines Section 15162 the Planning Commission hereby determines that potential environmental impacts associated with the proposed project were analyzed under the Negative Declaration adopted for CUP No. 06-802 and DR No. 06-7017 and no further environmental review is required.

b. Conditional Use Permit No. 16-8004 is approved, subject to Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.

c. Design Review No. 16-7001 is approved, subject to Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.

PASSED, APPROVED AND ADOPTED this 4th day of January, 2017.

__________________________________
Eric Shaw, Chairman  
Banning Planning Commission

APPROVED AS TO FORM  
AND LEGAL CONTENT:

__________________________________
Gregg W. Kettles  
Interim Assistant City Attorney  
Jenkins & Hogin, LLC
ATTEST:

Sandra Calderon, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2016-07, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of January 2017, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
Conditional Use Permit No. 16-8004 and Design Review No. 16-7001

SUBJECT: Conditions of Approval (Planning Commission Resolution No. 2017-03)

APPLICANT: Mountain Avenue Baptist Church

LOCATION: APN: 535-422-015

EXHIBIT A

* All fair share agreements, covenant agreements and agreements subject to
recognition will be subject to review and approval by the City Attorney and will
include appropriate enforcement provisions by the City and be properly
securitized.

Community Development Department

1. This Conditional Use Permit and Design Review is approved for the expansion of
a private school for a maximum enrollment of up to 305 students and the
installation of five modular structures and associated site and landscape
improvements.

2. 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.

3. Approval of this entitlement shall not waive compliance with any sections of the Development Code, other applicable City Ordinances, in effect at the time of building permit issuance.

4. Construction and/or occupancy shall commence within two (2) years from the date of project approval, or the Conditional Use Permit approval shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year the Conditional Use Permit shall become null and void. The Community Development Director may, upon a written application being filed 30 days prior to expiration and for good cause, grant a onetime 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.

5. 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 twelve months. Upon granting of an extension the Community Development director shall ensure that the Conditional Use Permit complies with all current Ordinance provisions.

6. A copy of the signed resolution of approval or Community Development Director's letter of approval and all conditions of approval and any applicable mitigation measures shall be reproduced in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for review and approval as required by the reviewing department.

7. 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.

8. If there more than three calls for service in any six-month period or any future issues that arise with the use that is the subject of this discretionary approval (e.g., complaints from neighboring residents) the Community Development Director or
other appropriate City designee has the authority to require that the Conditional Use Permit be brought back before the Planning Commission for immediate remedy which may include, but not necessarily be limited to, the imposition of additional conditions of approval.

9. The site shall be maintained free of trash and/or debris. The applicant/occupant shall properly dispose of any refuse and bulk trash located on the property.

10. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.

11. Any roof-mounted equipment or utility equipment on the side of the structure, or on the ground, shall not be visible from adjacent properties, the public rights-of-way or the parking lot. Any architectural screening that is proposed to shield the roof-mounted equipment shall be compatible in terms of colors and materials of the building. Landscape screening for ground mounted equipment shall be of sufficient size and quantity to fully screen the equipment.

12. Exterior noise, including any bells, public address system, etc, shall not exceed 65dBA at the property line.

13. The minimum eave dimensions of the modular structures shall be one foot and all roofs shall have a minimum pitch of 1:4.

14. The ledger stone be applied as a wainscoting-type treatment similar to the finish on the church building.

15. A complete landscape/irrigation package prepared by a landscape architect licensed by the State of California shall be reviewed and approved by the Planning Division prior to issuance of building permit. The plans shall include the following elements:

   a. Water conservation concept statement.
   b. Calculation of maximum applied water allowance.
   c. Calculation of estimated total water use.
   d. Landscape design plan.
   e. Irrigation design plan.
   f. Certificate of substantial completion.

The landscape plan shall demonstrate compliance with Zoning Ordinance requirements related to landscaping in parking areas, including required front yard setback landscaping and shall include trees and additional groundcover planting as required by the Zoning Code.
16. Site exterior lighting shall be shielded or recessed so that light is contained within the boundaries of the parcel on which the lighting is located. All lighting shall be directed downward and away from adjoining properties and public rights-of-way.

**Engineering / Public Works Department**

17. The applicant shall submit the revised Grading and Drainage Plan to the Engineering Division for review and approval before any grading activity is allowed. The revised Grading and Drainage Plan shall be drawn on 36" x 24" sheet and at a scale of 1" = 40'. The revised Grading and Drainage Plan must be prepared and signed by a civil engineer licensed to practice in the State of California.

18. 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. 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.

**Building Department**

The following are required at time of plan check submittal:

19. The Site shall be developed in compliance with all current model codes. All plans shall be designed in compliance with the latest editions of the California Building Codes as adopted by the City of Banning.

20. Site development and grading shall be designed to provide access to all entrances and exterior ground floor exits and access to normal paths of travel, and where necessary to provide access. Paths of travel shall incorporate (but not limited to) exterior stairs, landings, walks and sidewalks, pedestrian ramps, curb ramps, warning curbs, detectable warnings, signage, gates, lifts and walking surface material. The accessible route(s) of travel shall be the most practical direct route between accessible building entrances, site facilities, accessible parking, public sidewalks, and the accessible entrance(s) to the site. California Building Code (CBC) 11A and 11B.

   a. City of Banning enforces the State of California provisions of the California Building Code disabled access requirements. The Federal ADA standards differ in some cases from the California State requirements. It is the building owners responsibility to be aware of those differences and comply accordingly.
   b. Disabled access parking shall be located on the shortest accessible route.
21. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.

**Fire Department**

22. The required fire flow shall be available from the existing Super hydrant(s) (6" x 4" x 2½" x 2½") and shall be capable of delivering a fire flow 1500 GPM per minute for two hours duration at 20 psi residual operating pressure, which must be available before any combustible material is placed on the construction site. Fire Flow test will be required to be submitted to the fire marshal office confirming the required fire flow.

23. Install a fire alarm system per CBC 907. Submit plans along with current permit fees, to the Office of the Fire Marshal for review and approval prior to installation.

24. Fire Apparatus access road shall be in compliance with the Riverside County Fire Department Standards. Access lanes will not have an up, or downgrade of more than 15%. Access roads shall have an unobstructed vertical clearance not less than 13 feet and 6 inches. Access lanes will be designed to withstand the weight of 75 thousand pounds. Access will have a turning radius capable of accommodating fire apparatus. Access lane shall be constructed with a surface so as to provide all weather driving capabilities. Access shall be provided to be with 150' of all exterior portions of the structures.

25. An approved Fire Department access key lock box (Minimum Knox Box 3200 series model) shall be installed next to the approved Fire Department access door to the main building. If the buildings are protected with an alarm system, the lock box shall be required to have tampered monitoring. Required order forms and installation standards may be obtained at the Fire Department.

26. Gate(s) shall be automatic or manual operated. Install Knox key operated switches, with dust cover, mounted per recommended standard of the Knox Company. Building plans shall include mounting location/position and operating standards for Fire Department approval.

***END***
ATTACHMENT 2
Exhibits-Plans
Site Plan

Ex. Site Plan and Proposed
Construction area
1"=80'
Elevations
Landscaping
ATTACHMENT 3
Adopted Mitigated Negative Declaration
NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

April 12, 2007

FROM: City of Banning

TO: Responsible and Trustee Agencies/Interested Organizations and Individuals

RE: Notice of Intent to Adopt a Mitigated Negative Declaration, Conditional Use Permit 06-802, Design Review 06-7017

The City of Banning (City), in its capacity as the Lead Agency for this project under CEQA, evaluated the potential environmental impacts of the project under CEQA. The City has determined through the preparation of an Initial Study that although the project has the potential to result in significant environmental effects, these impacts will not be significant in this case because the mitigation measures described in the detailed Initial Study have been added to the project. The Initial Study meets the requirements of the State of California CEQA, the State CEQA Guidelines, and the City of Banning Guidelines for the Implementation of CEQA. A Mitigated Negative Declaration will be prepared.

This constitutes a Notice of Intent (NOI) to adopt the aforementioned Mitigated Negative Declaration.

Project Location/Description:

1325 Mountain Avenue. Assessors Parcels # 535-030-037.

A Conditional Use Permit amendment to add a school to an existing church, and the review of the design of that school building.

Other permits and agreements: N/A

Toxic Sites: No listed toxic sites are present on the project site.

Public Hearing: The Planning Commission meeting has been scheduled for May 1, 2007.

Public Review: The Initial Study and related documents are available for public review daily. Members of the public may view these documents in the Department of Planning, City Hall, 99 E. Ramsey, Banning, and submit written comments at or prior to the Planning Commission or City Council hearing.
If any group challenges the action in court, issues raised may be limited to only those issues raised at the public hearing described in this notice or in written correspondence at, or prior to the Planning Commission hearing.

An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Oscar Orci at 951-922-3125.

**Comment Period:** Based on the time limits defined by CEQA, your response should be sent at the earliest possible date. The public comment period on this project is from **April 12 to May 1, 2007.** All comments and any questions should be directed to:

City of Banning  
Attn: Oscar Orci  
99 E. Ramsey  
Banning, CA 92220  
Telephone: 951-922-3125  
Fax: 951-922-3128
Environmental Checklist Form

1. Project title: Conditional Use Permit 06-802, Design Review 06-7017

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: City-wide

5. Project sponsor's name and address: City of Banning
   99 East Ramsey
   Banning, CA 92220

6. General plan designation: Low Density Residential

7. Zoning: Low Density Residential

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.)

   Conditional Use Permit amendment to allow the construction of added school facilities on an existing church project. The existing facilities total 12,701 square feet. The additional school building, to be built on two stories, will add 26,104 square feet.

   The Design Review request is for the additional school building. Existing facilities on the site are to remain.

   Access to the site will continue to be Mountain Avenue.

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

   North: Vacant
   South: Single family residential and mobile home park
   West: Vacant
   East: Single family residential, vacant

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.

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

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: [Signature]

Date: 4/10/06

-2-
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>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Aerial photograph)</td>
<td></td>
<td></td>
<td>X</td>
<td></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>X</td>
<td></td>
</tr>
</tbody>
</table>

I. a)-d) The proposed school building will rise to a height of 29 feet. The site is located on the uphill sloping Mountain Avenue, with the San Gorgonio mountains located to the north. Vacant land occurs to the north. Single family homes occur to the south and east. Due to distance and the view corridors in the area, the proposed building is not expected to significantly impact scenic vistas for these residential units.

There are no significant trees, rock outcroppings or historic buildings on the project site.

The development of the school will not significantly add to light and glare in the neighborhood. School activities are generally ended by evening. The proposed athletic field is not proposed to be lighted. Although some light can be expected from car headlights when parents pick up children after sunset, this increase is not expected to be significant.

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 with 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 proposed project is located in the north-central portion of the City. Vacant lands to the west have been used for cattle grazing, but are not in active agriculture. There are no Williamson Act contracts on the project site, or on lands immediately adjacent to the project site. The area has been designated for low density residential development in the General Plan for a number of years. There are no agriculturally designated lands in the vicinity. There will be no impact to agricultural resources as a result of the proposed project.
<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</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>implementation of the applicable air</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>quality plan? (SCAQMD CEQA Handbook)</td>
<td></td>
<td></td>
<td></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></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>X</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)-e) Construction of the new school building will result in air emissions associated with construction and long term operation of the facility. Each of these impacts is discussed separately below.

**Construction Emissions**
The proposed project includes the construction of a structure with a 17,000 square foot footprint, landscaping and parking areas. It is estimated that an area of about 3 acres will need to be disturbed to complete the improvements. As a result, and assuming mass grading of this area, the proposed project would result in up to 79.2 pounds of fugitive dust per day during the grading process. This is well below the SCAQMD threshold of 150 pounds per day.

In addition o fugitive dust, grading will generate emissions associated with the equipment utilized to complete grading. Table 1, 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 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>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>8</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>90.21</td>
<td>11.10</td>
<td>74.90</td>
<td>7.78</td>
<td>3.22</td>
</tr>
<tr>
<td><strong>SCAQMD Threshold</strong></td>
<td></td>
<td></td>
<td>550</td>
<td>75</td>
<td>100</td>
<td>150</td>
<td>150</td>
</tr>
</tbody>
</table>

**Operational Emissions**

Once construction is complete, daily operations will result in air emissions from vehicles coming to and from the school. The traffic impact analysis for the project estimated that 620 average daily trips will be generated at the site\(^1\). These trips have the potential to generate the following emissions.

Table 2
Moving Exhaust Emission Projections at Project Buildout (pounds per day)

<table>
<thead>
<tr>
<th>Total No. Vehicle Trips/Day</th>
<th>Avg. Trip Length (miles)</th>
<th>Total miles/day</th>
</tr>
</thead>
<tbody>
<tr>
<td>620</td>
<td>10</td>
<td>6,200</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>79.5</td>
<td>8.4</td>
<td>8.6</td>
<td>0.1</td>
<td>0.7</td>
</tr>
</tbody>
</table>

| SCAQMD Thresholds | 550.0 | 55.0 | 55.0 | 150.0 | 150.0 |

**URBEBMIS Version 2.2**

**Scenario Year 2007 -- Model Years 1965 to 2007**

<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>0.012820</td>
<td>0.001361</td>
<td>0.0001383</td>
<td>0.000099</td>
<td>0.000115</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 proposed project will consist of a school and is not expected to generate any odors. Overall impacts associated with air quality are expected to be less than significant.

---

### IV. BIOLOGICAL RESOURCES -- Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with 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>X</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></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 Biological Resources Element)</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) Development of the proposed project will occur on lands which are currently covered in non-native grasses and ornamental vegetation. The area to be built upon is turfed, is used as athletic field and playfield area, and does not contain native habitats. The site is likely used by common species for foraging habitat. However, no species of concern are expected to occur on the project site. 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 development on two sides, and is not appropriate as a migratory corridor. No impacts associated with biological resources are expected as a result of the proposed project.
<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></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 interred 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. As a previously developed site, the area is not likely to contain either archaeological or paleontological resources. 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>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></td>
<td>X</td>
</tr>
<tr>
<td>ii) Strong seismic ground shaking? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>iii) Seismic-related ground failure, including liquefaction? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>iv) Landslides? (General Plan)</td>
<td></td>
<td></td>
<td>X</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>
</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>
</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>

The proposed project is not located in an Alquist-Priolo Earthquake Fault Zone. The project site is, however, located less than one mile from the Banning Branch of the San Andreas fault, and will experience strong ground shaking during a seismic event. The City, however, implements the building standards for a Zone 5 classification of the Uniform Building Code, and will require that the proposed building be designed to meet or exceed these standards. The standards are designed to lower the potential impacts associated with seismic ground shaking to less than significant levels.

The site will be subject to soil erosion during the grading process. Wind erosion will be reduced by the City’s requirements for PM10 Management Plans, which will be required
of the project. These requirements will reduce 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 stormwater during and after construction. These requirements will assure that impacts associated with water erosion are reduced to less than significant levels.

The site is located in an area of the City which does not have a high groundwater table. It is estimated that water levels are located at a depth of more than 100 feet. As a result, liquefaction potential at the site is negligible. The site is gently sloping, and does not occur adjacent to hillsides, so that there is no potential for landslides. 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>
</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>
</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>
</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>
</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>
</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>
</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>
</tr>
<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (General Plan)</td>
</tr>
<tr>
<td>h) Expose people or structures to a significant risk of loss, injury or death</td>
</tr>
</tbody>
</table>
VII. a)-h) The proposed school building will not transport, store or use hazardous materials. The school will store small quantities of cleaning materials and products, which will be managed by staff to assure safe use. There are no hazardous materials storage or use facilities in the immediate vicinity of the project site which could pose a threat to the proposed school. No impacts are expected.
<table>
<thead>
<tr>
<th>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>
Domestic water is supplied to the project site by the City of Banning. The eventual development of the site will result in the need for domestic water service for the school. Expected water demand from this development will not substantially deplete groundwater supplies, or interfere with groundwater recharge. 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.

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 within the homes.

The proposed project will result in additional impervious surfaces which will create additional runoff. The City will require, prior to the issuance of grading permits, the preparation of a 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. This is likely to be accomplished through the construction of a retention basin on site. Given the location of an athletic field to the west of the proposed project, sufficient lands occur for this facility on the project site. 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.
<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)-c)

The proposed project consists of a church school to be located adjacent to the existing church. The school requires the approval of an amendment to the existing CUP. However, the church has operated for a number of years at this location, and is located in a quiet neighborhood. Schools, parks and churches are compatible with residential development, insofar as they provide services to the residents around them. Although the school will generate a higher level of noise than currently occurs at the site, due to play activities during school recess, the activities are not incompatible with the surrounding development.

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>X. MINERAL RESOURCES -- Would the project:</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>
</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>
</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></td>
<td>X</td>
</tr>
</tbody>
</table>

X. a) & b) The project site is partially developed, and is located in a residential neighborhood. The site is not appropriate for mineral extraction. No impact is expected.
<table>
<thead>
<tr>
<th>XI. NOISE Would the project result in:</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>
</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>
</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>
</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>
</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>
</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>
</tr>
</tbody>
</table>

The proposed project is located in a relatively quiet area of the City. Mountain Avenue will carry more traffic as development occurs to the west and north, but traffic levels are not expected to significantly increase. The school will be located behind the existing church, which will act as a buffer to road noise. Therefore, the school is not expected to be significantly impacted by surrounding traffic noise.

The school will generate noise levels in excess of the noise levels currently experienced in the area. These noise levels will be associated with children at play. These activities...
will occur during the daytime hours, and will be temporary and periodic. Such noise levels are not expected to be significant. The athletic field to the west of the school is not proposed to be lighting, and therefore would not be used during the quieter evening hours.

The site will generate noise during the construction of the school. Noise levels associated with construction equipment can range to 100 dBA CNEL for short periods. However, construction at the site will be limited to the hours prescribed by the Municipal. Also, the adjacent residential development to the south, if constructed at the time the school is under construction, will include block walls along the back yards, which will reduce the noise levels to less than significant levels.

The proposed project site is not located in proximity to the Banning Airport.

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 school will accept students of residents of the community, rather than inducing growth in the community. The site is currently occupied by a church, and will not displace any people or housing units. No impacts are expected.
<table>
<thead>
<tr>
<th>XII. 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>
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<td></td>
</tr>
<tr>
<td>Fire protection? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police protection? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schools? (General Plan EIR)</td>
<td></td>
<td>X</td>
<td></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 marginally increase the need for fire and police services, insofar as the school will likely occasionally require these services. The need, however, is expected to be very small when compared to other land uses in the community. The proposed project will add to the inventory of available school facilities in the area. The site includes an athletic field, and the project is not expected to have any impact on parks.
<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 proposed project includes an athletic field, and will not impact the City’s parks and recreation facilities.
<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></td>
<td>X</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></td>
<td>X</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></td>
<td>X</td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity? (Application materials)</td>
<td></td>
<td></td>
<td></td>
<td>X</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)-g) A traffic impact analysis was prepared for the proposed project\(^2\). The analysis found that the proposed project will generate approximately 620 trips per day, 198 of which will occur in the morning peak hour, and 43 of which will occur during the evening peak hour. The study included the analysis of impacts of the proposed project on surrounding streets and intersections. The study found that the surrounding intersections are all

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operating at least of service B or better. With the addition of the proposed project, as well as ambient growth in the area, area intersections will continue to operate at level of service B or better in the evening peak hour, and level of service C or better during the morning peak hour. The City’s General Plan requires that level of service C be maintained on City streets. Therefore, the proposed project will have a less than significant impact on the area’s roadways.

The proposed project will have a loop access through the site. Circulation will occur through one driveway, which will be reviewed by the City Engineer to assure safe access to Mountain Avenue. The project will be required to conform to the Zoning Ordinance standards for parking. The Fire Department will review the plans for the site to assure adequate emergency access.

Overall impacts 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>Potentially Significant Impact</td>
</tr>
<tr>
<td>--------------------------------</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 have facilities which 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. The construction of the proposed project is expected to have no 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></td>
<td>X</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>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 is turfed and developed, and will not impact biological resources. Similarly previous development of the site, and the area’s lack of significance for cultural resources reduce the potential impacts associated with the project.

XVII. b) The proposed addition of a school in the community adds to the services of a full-service City, as anticipated in the General Plan. The project will not impact long or short term goals of the General Plan.

XVII. c) The proposed project will have no cumulative impacts.

XVII. d) The proposed project will not have significant impacts on human beings. Noise and air quality impacts are identified as being less than significant.
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.
ATTACHMENT 4
Public Hearing Notice
NOTICE OF PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 16-6504 AND DESIGN REVIEW NO. 16-7001 TO CONSIDER A CONDITIONAL USE PERMIT AMENDMENT TO EXPAND AN EXISTING SCHOOL AND DESIGN REVIEW APPLICATION FOR THE INSTALLATION OF FIVE MODULAR BUILDINGS AND ASSOCIATED IMPROVEMENTS TO ACCOMMODATE EXPANSION FOR THE EXISTING MOUNTAIN AVENUE BAPTIST CHURCH PROPERTY (APN 535-423-019) LOCATED AT 1325 MOUNTAIN AVENUE WITHIN THE LOW DENSITY RESIDENTIAL ZONING DISTRICT.

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission to be held on Wednesdays, January 4, 2016, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider a request to approve a Conditional Use Permit Amendment (CUP) and Design Review (DR) application for the installation of modular buildings to accommodate a school expansion for the existing Mountain Avenue Baptist Church property located at 1325 Mountain Avenue (APN 535-423-019) within the Low Density Residential (LDR) zoning district pursuant to Chapter 17.32 (Conditional Use Permit) and Chapter 17.39 (Design Review) of the City of Banning Municipal Code.

The potential environmental effects of the project were addressed in the Mitigated Negative Declaration adopted for CUP No.6002 for a school building and ancillary facilities and there have been no substantiated changes in the project nor in the circumstances under which the project is undertaken which will require major revisions of the previous Mitigated Negative Declaration, nor is there new information that shows that the project will have a significant environmental effect or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15162 a subsequent environmental document is not required.

Information regarding the environmental analysis, project application, and all relevant materials can be obtained by contacting the City’s Community Development Department at 922-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning during regular business hours. You may also go to the City of Banning website at http://www.cityofbanning.ca.us/. All parties interested in speaking either in support of or in opposition of this item are invited to attend said hearing, or to send their written comments to the Community Development Department, City of Banning at P.O. Box 988, Banning, California, 92220. If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the City Clerk at, or prior to, the time the Planning Commission makes its decision on the proposal, or that you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 6506).

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

Brian Guilla
Community Development Director
Date: December 20, 2016
Publish: December 23, 2016
Published in The Record Gazette
No. 139191
12/23/2016
BUTTERFIELD SPECIFIC PLAN

(Amendment and Restatement of the Previously Adopted Deutsch Property Specific Plan)

Approved By Banning City Council on April 10, 2012

Modification of Specific Plan November 2016
Pursuant to Settlement Agreement
and Other Modifications

DRAFT

CITY OF BANNING, CALIFORNIA

Applicant:
PARDEE HOMES
1250 Corona Pointe Court, Suite 600
Corona, CA 92789

Prepared By:
MICHAEL BAKER INTERNATIONAL
3536 Concours St., Suite 100
Ontario, California 91764
Contact: Chip Leslie
Tel 909.974.4900

In conjunction with:
WILLIAM HEZMALHALCH ARCHITECTS, INC. (ARCHITECTURE)
&
SJA, INC. (LANDSCAPE ARCHITECTURE)

This draft of the Specific Plan has text additions underlined and text deletions in strikeout as a comparison to the 2012 approved Specific Plan. Certain tables include the 2012 approved Specific Plan version included for comparison as well as the 2016 updated version. Exhibits that changed include the 2012 approved Specific Plan version included for comparison as well as the 2016 updated version.
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   Specific Plan and adopting Conditions of Approval.

B. City of Banning Ordinance No. 1451 (April 10, 2012) approving the Butterfield
   Specific Plan Development Agreement (with the Agreement).

C. Banning City Council Resolution 2012-24 certifying the Final Environmental Impact
   Report for the Butterfield Specific Plan, including a Mitigation Monitoring and
   Reporting Program, adopted March 27, 2012.

D. Settlement Agreement regarding Butterfield Specific Plan Litigation, approved by
   Banning City Council on December 9, 2014.
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</tbody>
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1.0 INTRODUCTION
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1.0 PROJECT INTRODUCTION

1.1 EXECUTIVE SUMMARY

The Butterfield Specific Plan proposes a 1,543-acre multi-use community within the northwestern corner of the City of Banning. Butterfield is to be predominately residential, comprised of simple, architecturally designed single-family, detached homes. Neighborhood parks, a public golf course option, community parks, schools, open spaces, retail and commercial parcels are also integrated into the community. The Butterfield Specific Plan proposes a variety of residential opportunities including small, medium and standard lot single family detached homes; various configurations of single family detached cluster residences and attached single family or multi-family dwellings.

The community character for Butterfield encompasses the elements of the rustic and natural beauty of the site's surrounding foothill environment. The community landscape concept combines the existing natural character of the site with the historic California ranch vernacular. The theme will be defined and implemented through architectural elements and materials such as stone walls, and other similar materials and finishes throughout the community. The plant palette will further reinforce this concept utilizing drought tolerant species. Butterfield's high profile areas such as monumentation, parks, golf course clubhouse, and other community facilities will be highlighted and reinforce the California ranch theme.

The outdoor lifestyle is an important design concept, one that is supported by residential plan types, the golf course, parks and pedestrian connections linking the neighborhoods of Butterfield and by the community's immediate adjacency to the San Bernardino Mountains. This location provides an ideal setting for an active outdoor lifestyle and for residents to enjoy access to trails and close-up mountain views as their backdrop.

The land itself offers a dynamic setting that transitions from flatland to foothill to the San Bernardino Mountains – all within view of Butterfield residents. The golf course open space plan neatly encompasses natural drainage paths and centrally organizes open spaces within the community. Community landscapes, parks and open spaces include the central open space, waving grasses and wildflowers edging community areas and select specimen trees providing landmark entries to the community. Butterfield’s Design Guidelines are intended to facilitate diverse and varied streetscapes while maintaining a cohesive sense of place. Butterfield's architecture and landscapes are intended to be compatible with the surrounding environmental character. Design elements and landscape will consist of harmonious styles, forms, massing, color, materials, orientation and rooflines.

Proposed Low Density Residential single family lot sizes range from a minimum of 5,000 square feet to a minimum average of 7,500 square feet in some planning areas to a minimum average of over 10,000 square feet in the planning areas in the far north portion of the plan area. Medium Density single family lot sizes range from a minimum of 3,400 square feet to a minimum average of 7,200 square feet. The cluster development to be allowed in the project site is proposed to have lots ranging in minimum size from 2,000 to 2,800 square feet or as detached condominium units. High Density Residential attached townhomes or other types of attached dwellings are also proposed for potential development in three of the Specific Plan planning areas. A total
of up to 4,862.587 residential units are proposed for development within approximately 937.862 acres of the project site.

In addition to the proposed residential development, a total of approximately 4964.28 acres of open space is proposed consisting of parks, natural open space, landscaped slope areas, easement areas, drainage areas, and potentially a golf course. The central open space is integrated with the proposed realigned Smith Creek. To serve the future residents of Butterfield, two commercial sites totaling 36 acres are proposed. Other public facilities uses include two school sites constituting 2723 acres, a 4.2 acre utility substation site, a potential 1.6 acre fire station site and approximately 1011.14 acres reserved for the backbone roadway network. Further discussion of the Butterfield Specific Plan’s proposed land uses is provided in Section 3.1 Land Use Plan, of this Specific Plan.

Approximately 1,522 acres of the total Specific Plan area lies within the current limits City of Banning. In the Specific Plan area’s northwest corner, approximately 21 acres are included in the Specific Plan, which are located on the east side of Highland Springs Avenue and south of the easterly extension of Brookside Avenue. This 21 acre area is located within the City of Banning’s General Plan Planning Area, but is not currently within the City of Banning’s Sphere of Influence or city limits. The Butterfield Specific Plan will apply to the 21 acre Planning Area (PA) 43B area only if and when this area is brought into Banning’s Sphere of Influence and ultimately annexed to the City, if sought by the owners of this 21 acres. The Specific Plan designates the 21 acre area as Planning Area 43B with an area of 19.1 acres. The rest of the 21 acre area would be future Highland Springs Ave. and Brookside Ave. street widening.

The Butterfield Specific Plan aims to fulfill the City of Banning’s development objectives by creating a development that responds to community needs, incorporates existing amenities, and provides a variety of open space amenities and uses. The variety of residential uses provides housing at different affordable price levels for a variety of income levels. Through the use of effective planning, the proposed Butterfield Specific Plan responds to the community’s vision by providing a desirable high-quality planned community that integrates evenly distributed residential development.

1.2 PROJECT LOCATION & SETTING

The Butterfield Specific Plan area is located within the northwest portion of the City of Banning in the County of Riverside. The project site is located in the San Gorgonio Pass area joining Riverside and Perris Valley with Palm Springs and the Coachella Valley lower desert. Several major freeways connect the project site to Western Riverside and San Bernardino County including Interstate 10 (I-10), and State Highways 60 (SR-60), 79 (SR-79), and 243 (SR-243). Regional access to the site is provided by I-10 from Highland Springs Avenue. The site is generally bounded by Wilson Street to the south, Highland Springs Avenue to the west; Riverside County unincorporated land to the north and northeast, and portions of Highland Home Road to the east. The San Bernardino National Forest is further north of the project site. Refer to Exhibit 1.1, Regional Location, and Exhibit 1.2, Vicinity Map.

1 An alternate residential use of the school and commercial sites is permitted, if the school districts determine that the school sites are not needed or if it the commercial sites are found not viable for commercial sites. The school sites could be alternatively developed with single family detached homes at up to 10 DU/AC, and the Commercial designated Planning Areas 17 and 18 could be developed with single family detached homes at up to 4.5 DU/AC and 10 DU/AC respectively as long as total of 5,387.4862 dwellings units are not exceeded for the project. In addition, the Specific Plan allows Commercial as an alternative use for Residential PA’s 3, 4, 96, and 205 and Park PA’s 26 and 27. Please consult Section 3.1 for further details.
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THIS AREA REMOVED IN 2016 SPECIFIC PLAN EXHIBIT PER SETTLEMENT AGREEMENT

BUTTERFIELD SPECIFIC PLAN
(AN AMENDMENT OF DEUTSCH SPECIFIC PLAN)

SOUTHERN CALIFORNIA EDISON EASEMENT

SUNRANGE

GRIDLEY AVE

CO. OF RIVERSIDE
CITY OF BANNING

SAN BERNARDINO NATIONAL FOREST

SMITH CREEK

HIGH TIDE DRIVE

SUNRISE STRIPES

CO. OF RIVERSIDE
CITY OF BANNING

SAN BERNARDINO NTL. FOREST

CO. OF RIVERSIDE
CITY OF BANNING

CO. OF RIVERSIDE
CITY OF BANNING

SOURCE: Google Earth Imagery - NOV. 16, 2009

PARDEE HOMES • BUTTERFIELD SPECIFIC PLAN
Local Vicinity Map

2012 APPROVED SPECIFIC PLAN

EXHIBIT 1.2
SUPERSEDED
2016 UPDATED SPECIFIC PLAN

PARDEE HOMES • BUTTERFIELD SPECIFIC PLAN
Local Vicinity Map

EXHIBIT 1.2
PROPOSED

SOURCE: ESRI World Imagery 2016

NOT TO SCALE

Michael Baker
INTERNATIONAL
5/27/2016 /N192396
1.3 Specific Plan Background

1.3.1 Deutsch Specific Plan 1993

The planning process for the original Deutsch property (as it was identified prior to being renamed Butterfield) began in October of 1981 and culminated in the approval of the original Deutsch Property Specific Plan. In April, 1984, a comprehensive entitlement program was initiated by Deutsch with the City of Banning in order to have the City formally adopt the Deutsch Specific Plan. The City’s process required preparation of General Plan Amendment, Specific Plan, Zoning and Environmental Impact Report (EIR). Those studies were completed in October 1984. On April 18, 1985, the Banning City Council certified the Final EIR and on June 25, 1985 the Council approved a General Plan Amendment, Specific Plan, Zoning and Pre-Zoning for the Deutsch Property. A subsequent request (Specific Plan Amendment No. 1992-03) was filed to amend and enlarge the Specific Plan which the Banning City Council certified a new EIR on October 26, 1993 and adopted the amended Specific Plan on November 9, 1993 by Ordinance No. 1133. A majority of the specific plan area was annexed to the City of Banning in 1985. The remainder (except the 19.1 acres noted above in Section 1.1) was annexed to the City in 1995.

As part of the previous entitlement process, a development agreement was entered into between the City and the property owner and its successors, which committed both parties to the development program described in the Specific Plan. The agreement is binding, and exempts the Specific Plan from changes to codes, plans, resolutions, or voter approved initiatives that might yield a different development scenario. The approved and executed Development Agreement outlines the City responsibilities as well as the construction requirements for specified public improvements, facilities and services. On November 9, 1993, the Banning City Council adopted Ordinance No. 1134, which approved the Deutsch Specific Plan Development Agreement No.1992-02.

1.3.2 Butterfield Specific Plan 2012

The City of Banning received an application on August 20, 2007 from Pardee Homes, the current property owner, for a comprehensive amendment of the Deutsch Specific Plan to provide for an updated plan renamed the Butterfield Specific Plan that would allow up 5,387 dwelling units. A new Environmental Impact Report (EIR) (SCH No. 2007091149) was prepared for the Butterfield Specific Plan. After public information meetings and the required public review, the Banning City Council on March 27, 2012 approved and adopted Resolution No. 2012-24 certifying the EIR (copy of the resolution with adopted mitigation measures is contained in the appendix to this Specific Plan). On March 27, 2012 the Banning City Council also held public hearings on the Butterfield Specific Plan, related Development Agreement and other project considerations. The City Council at this meeting also adopted Resolution No. 2012-25 approving related General Plan Amendment No. 11-2501 and Zone Change No. 11-3501, and adopted Resolution No. 2012-27 approving the Water Supply Assessment for the Butterfield Specific Plan. On April 10, 2012 the Banning City Council adopted Ordinance No. 1450 adopting the Butterfield Specific Plan with Conditions of Approval and Ordinance No. 1451 adopting the Development Agreement. Both ordinances with attached Conditions of Approval and Development Agreement are contained in the appendix to this Specific Plan.
In April and June of 2012 certain parties filed a legal challenge to the City of Banning’s actions on the Butterfield Specific Plan pursuant issues regarding compliance with the California Environmental Quality Act (CEQA) which was consolidated into a single matter under Riverside County Superior Court Case No. 1296246. After the Court issued a preliminary Statement of Decision in December of 2013, the City, Pardee Homes and the other parties in the action filed a Stipulation to Stay the Action for the purpose of compromising and settling the claims raised in the action and avoid further litigation. After negotiations, the parties agreed to a settlement agreement in the later part of 2014. On December 9, 2014 the Banning City Council approved the Settlement Agreement as signed by all parties. The Court approved the Settlement Agreement on February 7, 2015. A copy of the approved Settlement Agreement is contained in the appendix to this Specific Plan.

The approval of the Settlement Agreement allows the development to proceed 30 plus years after the Project site was proposed for development. The Settlement Agreement allows for the multitude of benefits provided by the Project to the City to be realized, such as a wide range of high quality housing opportunities for residents, additional local job opportunities, increased tax revenues and a fire station. The Project, as amended, will provide various new housing opportunities, new commercial uses, new school sites, new recreational opportunities, new infrastructure, new employment opportunities, and added economic benefits for the community.

The key provisions of the Settlement Agreement that have had an effect on the Butterfield Specific Plan can be summarized as follows:

A. Land Use Terms of Settlement Agreement

- **Delete Road Extension to Brookside Ave. or Cherry Valley Blvd.**: The proposed northerly extension of Highland Home Rd. in the Butterfield Specific Plan will not be proposed to be extend to Brookside Ave. or to Cherry Valley Blvd. This provision for eliminating the extension was also included in the City’s 4/10/2012 approval of the Specific Plan (Condition of Approval #86B). The City agrees also to consider amend their General Plan Circulation Element to remove such a connection.

- **Eliminate Planning Areas 60 and 61 and Planning Area 43B**: Planning Areas 60 and 61 were previously proposed in the northerly portion of the Specific Plan were to be eliminated for the purposes of eliminating residential development in this area. This area is to be preserved as open space. Limited development is allowed for utility infrastructure and associated access roads, water tanks, a potential fire station, landscaping, and drainage/debris detention basins and related storm drain appurtenances. Planning Area 43B is removed completely from the Butterfield Specific Plan.

- **Relocation of Veteran’s Tree**: The existing oak tree located along Highland Springs Avenue on the Butterfield property known as the Veteran’s Tree will be relocated to a prominent location within the Project and near its current location.

- **Elimination of Golf Course**: As permitted by the Development Agreement, the Specific Plan, and the Conditions of Approval, the golf course use is eliminated from the Project. Recreational areas including parks and natural open space and
other uses permitted by the Specific Plan and approved by the City are allowed in portions of the area previously proposed for the golf course. This area may also include areas for flood control, drainage and Project-related groundwater recharge.

- Maximum Number of Dwelling Units: The Butterfield Specific Plan total number of dwelling units allowed shall not exceed 4,862 which is 525 units less than what the City previously approved (5,387).

B. Water Conservation Terms of Settlement Agreement

- Homeowner-Provided Landscaping: All residential development in the Specific Plan, through covenants, conditions, and restrictions, will be required to comply with the City’s water conservation measures by applying the xeriscape principles set forth in Banning Municipal Code section 13.16.030 (Water Conservation Using Xeriscape Principles).

- Non-Potable Project-Related Water Infrastructure: Development in the Specific Plan will fund or construct all Project-related infrastructure and facilities required to allow the Project’s use of non-potable water supplies when the City of Banning makes non-potable water available to the Project.

- Availability of Non-Potable Water: Issuance of building permits for any portion or phase of the Project within the Butterfield Specific Plan shall be contingent upon the availability of non-potable water supplies to serve any non-potable demands within the City in an amount greater than or equal to the non-potable demands of the portion of the Project for which building permits are requested.

- Plumbing: Development within the Specific Plan will include ultra-low flow toilets at 1.28 gallons per flush throughout the Project.

C. Energy Conservation Terms of Settlement Agreement

- Solar Photovoltaic Systems: Solar photovoltaic systems (or the equivalent renewable energy generating technology) will be installed on multi-family residential developments of 18 units per acre or more with a common wall.

- Electric Vehicle Charging: Electric car charging stations will be installed in at least 3% of the parking spaces in the commercial units and multi-family residential units within the Project.

- Efficiency Standards: All developer-installed appliances within the Project will meet or exceed Energy Star efficiency standards.

- Ride Sharing Lot Request: A ride sharing lot subject to the approval of the responsible transportation agencies will be provided within the Project before 1,000 units are built.

- Transportation Coordination: Development within the Butterfield Specific Plan will coordinate with the Banning Pass Transit Agency, the Riverside Transit Agency, and the City for service within the Specific Plan area on future bus routes and scheduled bus service, which are based upon demand.
The Butterfield Specific Plan has been updated as of June 2016 to reflect the applicable provisions of the Settlement Agreement, and other minor modifications, including the following adjustments:

- Adjustment of remaining planning areas and backbone street system in Specific Plan to accommodate approved Settlement Agreement directed adjustments.

- Adjustment of land use mix as reflected in Table 1-1, Comparative Land Use Summary, per the Settlement Agreement adjustments.
  - Residential use area reduced.
  - Open Space area increased.

- Realignment of previous proposed “B” Street through Butterfield Specific Plan area as an easterly extension of Oak Valley Parkway to Highland Home Road. Realignment necessary to accommodate the upgrading of the Southern California Gas Co. transmission line through the Specific Plan area and maintain it in a roadway area for maintenance and safety purposes. Line to be upgraded to current standards, but not increased in size.

- Adjustment of planning areas and backbone street system in the southern half of Specific Plan to accommodate realignment of Oak Valley Parkway/“B” Street for gas line.

- Relocate Planning Area 20 school site pursuant to School District request.

The current proposed Butterfield Specific Plan constitutes the first amendment to the Specific Plan and a restatement of the previously approved specific plans and zoning for the property.

1.4 Deutsch Specific Plan and Butterfield Specific Plan Amendment (2012 & 2016) – Comparison of Plans

The Land Use Plan for the Butterfield Specific Plan amendment proposes uses including residential, golf course, parks, open space, school sites, and commercial similar to the previously adopted 1993 Deutsch Specific Plan. The Butterfield Specific Plan amendment has a slightly lower maximum number of dwelling units allowed (5,387 units allowed in the residential planning areas) than that allowed by the previously adopted 1993 Deutsch Specific Plan (5,400 DU’s). The gross density of the Butterfield Specific Plan over the entire site would be nearly identical to the 3.5 dwelling units to the acre for the previously adopted Deutsch Specific Plan.

The following Table 1-1, Comparative Land Use Summary, compares the 2016 Butterfield Specific Plan Land Use Plan update pursuant to the 2015 Settlement Agreement and other modifications with the approved 2011-2012 Butterfield Specific Plan amendment Land Use Plan and with the 1993 adopted Deutsch Specific Plan Land Use Plan. For a graphic comparison representation of the 1993 Specific Plan, the 2012 Specific Plan, and the 2016 Specific Plan Land Use Plans two projects, refer to Exhibit 1.3, 2011 and 1993 Specific Plan Comparison. The gross density of the Butterfield
Specific Plan over the entire site, 3.2 dwelling units to the acre is less than the 3.5 dwelling units to the acre for the previously adopted Deutsch Specific Plan.
### Table 1-1
2016, 2012 and 1993 Specific Plans
Comparative Land Use Summary

<table>
<thead>
<tr>
<th>Land Use</th>
<th>1993 Approved Deutsch Specific Plan</th>
<th>2012 Approved Butterfield Specific Plan</th>
<th>2016 Butterfield Specific Plan</th>
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<td></td>
<td>Gross Acres (% of Total)</td>
<td>Dwelling Units</td>
<td>Gross Acres (% of Total)</td>
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<tr>
<td><strong>Residential</strong></td>
<td></td>
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<td>Low Density 0-5 DU/AC (LDR)</td>
<td>656.0 (42.3%)</td>
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<td>539.2 (35.0%)</td>
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<tr>
<td>Medium Density 0-10 DU/AC (MDR)</td>
<td>390.0 (25.1%)</td>
<td>1,950</td>
<td>324.4 (21.0%)</td>
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<td>High Density 11-18 DU/AC (HDR)</td>
<td>89.0 (5.7%)</td>
<td>1,184</td>
<td>73.8 (4.8%)</td>
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<tr>
<td>Very High Density 18 DU/AC+ (HDR)</td>
<td>16.0 (1.0%)</td>
<td>320</td>
<td>(0)</td>
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<td><strong>Residential Subtotals</strong></td>
<td>1,151.0 (74.2%)</td>
<td>5,400</td>
<td>937.4 (60.8%)</td>
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<td><strong>Open Space</strong></td>
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<td>Golf Course/Drainage</td>
<td>193.0 (12.4%)</td>
<td>253.9</td>
<td>(0)</td>
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<td>Parks</td>
<td>75.0 (4.8%)</td>
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<td>78.4 (5.1%)</td>
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<td>Natural/Landscape/Drainage</td>
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<td>108.4</td>
<td>418.1 (28.0%)</td>
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<td><strong>Open Space Subtotals</strong></td>
<td>268.0 (17.3%)</td>
<td>428.8</td>
<td>496.5 (32.5%)</td>
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<tr>
<td><strong>Other</strong></td>
<td></td>
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<tr>
<td>Commercial Office(^1)</td>
<td>25.0 (1.6%)</td>
<td>36.0</td>
<td>36.7 (2.4%)</td>
</tr>
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<td>Schools(^2)</td>
<td>24.0 (1.5%)</td>
<td>23.0</td>
<td>27.1 (1.8%)</td>
</tr>
<tr>
<td>Utility Substation</td>
<td>(0)</td>
<td>4.2</td>
<td>4.2 (0.3%)</td>
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<tr>
<td>Fire station(^3)</td>
<td>1.0 (0.06%)</td>
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<td>1.6</td>
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<tr>
<td>Backbone Roads</td>
<td>83.0 (5.3%)</td>
<td>113.6</td>
<td>101.0 (6.6%)</td>
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<tr>
<td><strong>Other Subtotals</strong></td>
<td>133.0 (8.5%)</td>
<td>176.8</td>
<td>169.0 (11.1%)</td>
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<td><strong>Specific Plan Totals</strong></td>
<td>1,522.0 (100%)</td>
<td>5,400</td>
<td>1,543.0 (100%)</td>
</tr>
</tbody>
</table>

1. Within the Butterfield Specific Plan, alternate Residential use or mixed use of the Commercial sites is provided, for PA 17 at up to 4.5 DU/AC (LDR) and PA 18 at up to 10 DU/AC (MDR), as long as the overall DU total for the Specific Plan does not exceed 5,387 DU.

2. Alternate Residential use of school sites at up to 10 DU/AC is provided for within the Butterfield Specific Plan as long as the overall DU total for the Specific Plan does not exceed 5,387 DU.

3. A fire station site is designated as a permitted use in any of the Residential, Open Space, Commercial or School Planning Areas, Except PA's 36, 37, 38, 39, 69, 73, 74, and 75 in the Butterfield Specific Plan. The 1.6 acre fire station site area is included in the area of open space land use areas.

4. The 2016 Modified Specific Plan total area is smaller because previous Planning Area 43B was eliminated, which was outside City limits and outside Pardee ownership.
See Table 1-1, Comparative Land Use Summary, for a land use statistical comparison of these two Specific Plans.
See Table 1-1, Comparative Land Use Summary, for a land use statistical comparison of these two Specific Plans.
Even though it reflects a 21-acre addition, the total area of the 2016 Butterfield Specific Plan (1,527.6 acres) is less than that listed in the 1993 Deutsch Specific Plan (1,552 acres) and the 2012 Butterfield Specific Plan. The reasons for this discrepancy are not entirely certain, but it may be in part attributed to a refinement in calculating the Specific Plan area and to what extent perimeter streets are included in the calculations. The 1993 Deutsch Specific Plan included in the boundary shown as part of that document an additional approximately 30 acre area on the northeast side that was not included in the 1995 annexation, and is not currently within the Banning city limits, and is not shown as part of the specific plan area on either the Banning General Plan or Zoning maps. The Butterfield Specific Plan acreage includes anticipated additional street right-of-way dedication on Highland Springs Avenue, Wilson Street and Highland Home Road, but it does not include existing right-of-way on these streets. The 2012 Specific Plan included a proposed Planning Area 43B in the northwest corner of the Specific Plan that was outside current Banning city limits and outside of Pardee Homes property ownership. The Settlement Agreement calls for this previously proposed PA 43B not to be developed in conjunction with the Specific Plan, therefore it was removed in the 2016 Specific Plan. Tract No. 34330 (specifically not for development purposes) was approved and recorded in May 2008 and covered the entire Butterfield Specific Plan area, with the exception of previously proposed PA 43B and PA 70 (PA 70 is now owned by the City of Banning for utility purposes). Tract No. 34330 officially recorded the Specific Plan area (except PAs 43B and 70) as 1,523.4 acres. With PA 70 at 4.2 acres added in, the current entire Butterfield Specific Plan area is approximately 1,527.6 acres. The Assessor Parcels involved in the Specific Plan area add up to 1,549 acres (APNs 408-030-001 & 005, 408-060-006, 007 & 008 (portion), 408-120-001 through 020, 022, 024, 025, 027 & 033, and 531-080-013 & 014).

1.5 **Current Butterfield Specific Plan Project Approach and Objectives**

The Butterfield Specific Plan is designed to ensure that development will occur in a manner responsive to site characteristics and community improvements. Butterfield’s relationship to the General Plan is discussed in greater detail in Section 7.0, *General Plan Consistency*.

The objectives of the Butterfield Specific Plan Project are to:

- **Master Planned Community**: Design and implement the development of a creatively-designed master planned community that expresses and embodies the City’s vision of its future as articulated in the fundamental land use principles, policies, and objectives of the City’s General Plan.

- **Update the Deutsch Specific Plan**: Update the prior approved 1993 Deutsch Property Specific Plan based on current and projected market conditions while maintaining the Plan’s underlying concept of comprehensive and cohesive development planning that allows for the appropriate physical and economic development of the property.

- **Provide a Quality, Livable Community**: Provide a quality, livable community through the implementation of a Specific Plan that will ensure a consistent quality of design, allow for the provision and maintenance of community amenities, and create a collection of cohesive, well-defined neighborhoods that provide residents with a clear sense of place and identity within the diverse fabric of the larger community.
• Provide a Wide Range of Housing Opportunities: Provide a range of high quality housing opportunities by developing a diverse range of housing types available at a variety of price points, responsive to market demand, varying lifestyles, and the developing economic profile of the community.

• Promote Sustainability: Promote the concept of sustainable community development by implementing green building practices in the selection of construction materials, the recycling of construction waste, and the use of energy and water efficient building practices.

• Incorporate Water and Energy Efficiency: Incorporate energy and water efficient design and technology into the homes, commercial buildings, and landscape of the Butterfield development.

• Conserve Water Resources: Conserve water resources and reduce demand for potable water within the Specific Plan area by maximizing the use of recycled water wherever appropriate, including the potential development of onsite recycled water treatment capacity, if needed.

• Increase Employment Opportunities: Increase local job opportunities through the approximate 30 year build out.

• Ease of Navigation: Create a community that is easy to navigate through careful use of landscape, signage, and entry design based on the Specific Plan’s design objectives.

• Recreational Amenities: Provide recreational amenities which will serve the needs of neighborhood residents and others in the City of Banning as well as nearby communities.

• Safe and Efficient Circulation: Provide a safe and efficient roadway network, linking all internal elements of the planned community with the surrounding area.

• Encourage Alternative Transportation: Encourage alternative transportation choices through the creation of a walkable community with well-defined pedestrian linkages between neighborhoods, amenities, schools, and commercial uses, the provision of bike paths, the creation of LSV/NEV linkages, and the development of multi-purpose trails.

• Promote Community Security: Promote community security and safety through appropriate outdoor lighting, the incorporation of “defensible space” concepts in the design of multifamily developments, and by encouraging community involvement through the area’s master homeowners association.

• Address Drainage and Water Quality Issues: Provide adequate drainage, flood control and water quality improvements, which satisfy applicable local, state and federal criteria while respecting and enhancing/preserving natural drainage functions and features.

• Ensure Provision of Public Services: Ensure provision of adequate public services, utilities and infrastructure in a timely manner as development occurs; and
EXHIBIT 1.4

ELIMINATED

Illustrative Land Use Plan

PARDEE HOMES • BUTTERFIELD SPECIFIC PLAN

12/22/10 JN: 65-100290

2012 APPROVED SPECIFIC PLAN

THIS EXHIBIT ELIMINATED IN 2016 SPECIFIC PLAN DUE TO ELIMINATION OF GOLF COURSE AND ADJUSTMENTS TO PLAN

2012 APPROVED SPECIFIC PLAN

EXHIBIT 1.4
ELIMINATED
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• School Facilities: Ensure provision of adequate education facilities within the planned community, pursuant to applicable school district and state requirements.

Refer to Exhibit 1.4, *Illustrative Land Use Plan* for an overview of the project approach in relation to land uses and design features.
1.6 **DOCUMENT PURPOSE AND FORMAT**

The purpose of the Butterfield Specific Plan is to plan and regulate the development of the 1,543-1527.6-acre project site located within the northwestern part of the City of Banning. The Specific Plan will serve as the implementation and regulatory tool for the orderly development of the project. The Specific Plan has been prepared in conformance with the City of Banning’s General Plan and Zoning Code as it relates to the preparation of specific plans and other aspects as applicable. The Specific Plan provides an overall land use concept and defines the development regulations, requirements, and design guidelines for the development of the land uses within the plan. This plan will establish the type, location, intensity, and character of the development, while still allowing for creative and imaginative design concepts.

The original Deutsch Property Specific Plan was accompanied by an Environmental Impact Report (EIR) and supplemental technical studies, which addressed the environmental impacts of the original project. The Butterfield Specific Plan is an amendment and restatement of the Deutsch Property Specific Plan document. A new EIR has been prepared on the 2011-2012 Butterfield Specific Plan which is intended for adoption by the City of Banning. This EIR updates the environmental analysis contained in the previously adopted EIR and complies with the current requirements of the California Environmental Quality Act (CEQA).

Cities are authorized by the State of California Government Code, Title 7, Division 1, Chapter 3, Article 8, Section 65450 to adopt Specific Plans for purposes of implementing the goals and policies of their General Plans. The Government Code specifies that Specific Plans may be adopted by resolution or ordinance and are required to be consistent with the General Plan. The Government Code sets forth the minimum requirements and review procedures for Specific Plans including provisions of a land use plan, a plan for infrastructure and services, criteria and standards for development, and implementation measures. The Government Code also states that Specific Plans may address any other subjects, which in the judgment of the City are necessary or desirable for the implementation of the General Plan. As such, the Butterfield Specific Plan is organized into the following chapters:

**Section 1 – Introduction:** This chapter provides a general overview of the project, including the project location, project background, and the entitlements and actions necessary to adopt and implement the Specific Plan amendment. In addition, this chapter describes the approach and objectives of the Specific Plan in relation to the project vision and community needs.

**Section 2 – Existing Conditions:** This chapter describes the existing land uses of the site and surrounding development, General Plan and Zoning designations, existing landform and topography, and circulation and access points of the project site. Also included is a discussion of the existing infrastructure and utilities, geology and soils, vegetation and wildlife, and the site historic or cultural resources.

**Section 3 – Development Plan:** This chapter establishes plans for the land use, circulation, infrastructure and phasing components of the project. This chapter also establishes the land uses for the project, including residential, open space areas, golf course, commercial uses, and school sites designations.
Section 4 – Development Design Guidelines: This chapter sets forth the design programs and requirements for the project, identifying the characteristics of the architectural theme and landscape program for the project.

Section 5 – Development Regulations: This chapter establishes the land use and development standards for development of the Specific Plan area, such as lot sizes and setbacks, and serves as the zoning regulation for the project site.

Section 6 – Administration and Implementation: This chapter sets forth the mechanisms that govern development within the Specific Plan. These mechanisms include provisions for amendment and modification of the Specific Plan.

Section 7 – General Plan Consistency: This chapter describes the projects consistency with the goals and programs set forth in the City of Banning’s General Plan which are applicable and furthered by the Butterfield Specific Plan.

Appendix: The appendix to the Butterfield Specific Plan includes the following documents:

A. City of Banning Ordinance No. 1450 (April 10, 2012) approving the Butterfield Specific Plan and adopting Conditions of Approval.

B. City of Banning Ordinance No. 1451 (April 10, 2012) approving the Butterfield Specific Plan Development Agreement (with the Agreement).

C. Banning City Council Resolution certifying the Final Environmental Impact Report for the Butterfield Specific Plan, including a Mitigation Monitoring and Reporting Program, adopted March 27, 2012.

D. Settlement Agreement regarding Butterfield Specific Plan Litigation, approved by Banning City Council on December 9, 2014.

1.7 Requirements of the Specific Plan

The Butterfield Specific Plan amendment has been prepared pursuant to the provisions of California Government Code Section 65450 through 65457, which grants local government agencies the authority to prepare specific plans for any area covered by a General Plan. California Government Code Sections 65450 through 65454 establish the authority to adopt a Specific Plan, identify the required contents of a Specific Plan, and mandate that Specific Plans be consistent with the General Plan within which they are included.

According to Section 65451, a Specific Plan shall include a text and a diagram or diagrams, which specify all of the following in detail:

- The distribution, location, and extent of the uses of land, including open space, within the Specific Plan Area.

- The proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities to be located within the Specific Plan area and which are needed to support the land uses described in the Plan.
Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

A program of implementation measures including regulations, public works projects, and financing measures necessary to carry out the project.

A statement of the relationship of the Specific Plan to the General Plan.

1.8 DISCRETIONARY ACTIONS AND APPROVALS

Concurrent with the filing approval of this Specific Plan in 2012, the project applicant applied for and received approval of a General Plan Amendment and Zone Change as necessary and amended Development Agreement, Tentative Tract Maps, and Design Review will be additional requested and required related approvals that may be subsequent or concurrent considerations with the Specific Plan. The General Plan Amendment and Zone Change applications allows Specific Plan land use designations and overlay zones to be established on the project site that reflect the adoption of the amended Specific Plan. The Design Review application allows for the approval of architectural plans for the proposed residential development. The City of Banning is the Lead Agency for preparation of the appropriate California Environmental Quality Act (CEQA) documents in support of approval of these applications as required. The CEQA documentation analyzes the impacts associated with the proposed development and would require certification prior to approval of any discretionary actions.
2.0 EXISTING CONDITIONS
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2.0 EXISTING CONDITIONS

2.1 EXISTING AND SURROUNDING LAND USES

The Butterfield Specific Plan project site is comprised of approximately 4,543,527.6 acres (see description of project site acreage as part of Section 1.4). It is generally bounded by Wilson Street to the south, Highland Springs Avenue to the west; Riverside County unincorporated land to the north and northeast, and portions of Highland Home Avenue to the east. Approximately 1,522 of these acres are All of the Specific Plan area is currently within the Banning city limits. The other approximately 21 acres included in the Specific Plan area are located in the northwest corner of the Specific Plan on the east side of the Highland Springs Avenue and the south side of a proposed easterly extension of Brookside Avenue.

The following is a description of existing conditions as reported for the Specific Plan area as of 2011. No significant change to the project site has been observed or is anticipated to have occurred to the site. The site is used intermittently for agriculture and livestock grazing and has been extensively disturbed by man. Disturbance includes grazing, disking and contour farming. Vegetation types within the project site consist primarily of annual grassland and mixed chaparral. Dominant plant species are non-native, including wild oat and brome grasses.

Smith Creek currently runs from north to south within the project site boundaries. Within the project boundary, Smith Creek is a natural earthen channel approximately 30 feet wide and ranges from three to five feet deep. The channel is mostly barren soil with a sandy bottom and soil sidewalls. Pershing Channel exists along the east boundary in the lower southwest portion of the Specific Plan Area.

The existing topography of the site is relatively level due to its past farming and grazing disturbances. However, the site begins to slope upward towards the northeast corner of the site since the San Bernardino Mountain range has its southern boundary along the edge of the site. The elevation of the southern portion of the project area is approximately 2,560 feet; at the project site’s highest point in the northeast corner, the elevation is approximately 3,400 feet.

Exhibit 2.1, Surrounding Development, depicts the project site in the context of other proposed developments in the vicinity. The lands surrounding the project site to the north and to the east are vacant foothills. Further to the north are portions of the San Bernardino National Forest. The land to the west of the project site is comprised of the Sundance Specific Plan within the City of Beaumont and is currently being developed, with the majority of the remaining undeveloped portions of the site covered with non-native grasses. To the northwest of the site, across Brookside Avenue, the land is developed as the Highland Springs Country Club Golf Course area within the unincorporated County area. There is also existing low-density, single family housing west of Highland Springs Avenue, which is part of the Highland Springs Country Club. Further northwest of the project site, there is the Highland Springs Mobile Home Village.

To the south of the project site, north of Wilson Street, the land is occupied primarily by high-density, multiple-family housing (8.1-16 du/acre), and low-density, single-family
housing (2.4 to 4.1 du/acre). Additionally, south of Wilson Street, and north of I-10, property is designated as Highway and Community Commercial and Residential.

2.2 GENERAL PLAN AND ZONING DESIGNATIONS

The City of Banning General Plan (adopted January, 2006) identified six land use categories for the project site. In conformance with the General Plan, a Specific Plan overlay has been designated for the project site. The 21-acre area in the northwest corner of the project site is located outside of Banning’s city limits, but is located within the City of Banning’s Planning Areas as designated on their General Plan Land Use Map. The previous General Plan designations on the Specific Plan area reflected the Deutsch Specific Plan (1993) approved land uses. Exhibits 2.2 and 2.3 depict the City’s General Plan and zoning designation as amended for the project site as Specific Plan Area and the existing designations for the project vicinity.

2.3 CIRCULATION AND ACCESS

Table 2-1, Existing Circulation Network, provides a description of the existing roadways within the project area. Table 2-1 includes the General Plan designation and number of existing lanes. Roadways in the project vicinity include Highland Springs Avenue to the west of the project boundary, Wilson Street to the south and portions of Highland Homes to the east.

<table>
<thead>
<tr>
<th>Roadway</th>
<th>General Plan Designation</th>
<th>Existing Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highland Springs Ave.</td>
<td>Urban Arterial</td>
<td>4 lanes, undivided</td>
</tr>
<tr>
<td>(south of Wilson Street)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highland Springs Ave.</td>
<td>Arterial or Major Highway</td>
<td>2-4 lanes, undivided</td>
</tr>
<tr>
<td>(north of Wilson Street)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highland Home Road</td>
<td>Arterial or Major Highway</td>
<td>Partial 2 lanes, undivided</td>
</tr>
<tr>
<td>Wilson Street</td>
<td>Arterial or Major Highway</td>
<td>4 lanes, undivided</td>
</tr>
</tbody>
</table>

2.4 GEOLOGY, SEISMICITY, AND SOILS

2.4.1 Soil, Groundwater and Geologic Conditions

The project area is positioned north of the Peninsular Range geologic province of California which includes the San Jacinto Mountains. The San Bernardino Mountains rise to the north and are part of the Transverse Range Province. These mountain ranges rise to 11,000 feet Above Mean Sea Level (AMSL) and are composed of Jurassic and Cretaceous granitic rocks, which contain intruded and metamorphosed older rocks.
Amended City of Banning General Plan Designation

Source: City of Banning General Plan Land Use Map
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NOT TO SCALE

SOURCE: City of Banning Zoning Map

EXHIBIT 2.3
NO CHANGE

PARDEE HOMES • BUTTERFIELD SPECIFIC PLAN
Amended City of Banning Zoning
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The parcel sits at the base of and is separated from the San Bernardino Mountains by the Banning Branch of the San Andreas Fault System. Erosion along the San Andreas Fault is responsible for the development of San Gorgonio Pass. Sediments that range in age from late Miocene, Pliocene, and Holocene crop out in the pass. Younger sediments consist of alluvial debris from the San Bernardino Mountains to the north. A view of project site and area topography is provided in Exhibit 2.4, USGS Topographic Map.

The site is underlain by relatively thick alluvial deposits that have washed down from the foothills of the San Bernardino Mountains, located to the north. The thickness of these materials may range from a few feet within the northeast portion of the site up to approximately 30 to 40 feet along the southern boundary. Alluvial deposits generally consist of silty sand and clayey sand with occasional layers of gravel and cobble. The alluvium is underlain by granitic rock. The alluvium reduces in thickness towards the San Bernardino Mountains.

2.4.2 Geologic/Seismic Hazards

The project site does not lie in an Alquist-Priolo Earthquake Fault Zone. However, the Butterfield Specific Plan area is situated in an earthquake-prone region of Southern California and can be subjected to moderate to strong ground shaking typical of the region. The active faults in the area are the San Gorgonio Pass Fault located within the northern portion of the project site and the Banning Fault located at the north end of the property. The Banning Fault is a right-lateral strike-slip and in two segments. The fault segment that is located within the project site is considered potentially active. The San Gorgonio Pass fault zone is an east-west trending fault zone with the most recently active strands of faults occurring at the base of the Banning Bench, in the central part of Banning. Per the City of Banning General Plan’s EIR, the Highland Scarp along the western edge of the City is considered an active segment of the San Gorgonio Pass Fault Zone. The San Gorgonio active fault has the potential to generate maximum credible earthquakes in the 6.9 to 7.3 range.

No evidence of deep-seated landslides has been identified within the Specific Plan area, which is consistent with the relatively flat to gently sloping topography and the overall uniformity of the site soil conditions (i.e., site is essentially underlain completely by alluvium). Additionally, no historical data indicates the presence of liquefaction in the project area. Liquefaction occurs in loose cohesion- less soils located below water table that are subjected to large accelerations during strong earthquakes.

2.5 DRAINAGE

Most of the Butterfield Specific Plan area currently drains to Smith Creek, which runs north to south down the center of the project site. Only 140 acres (approximately) in the southeast corner of the Specific Plan area drain the Pershing Channel located along Highland Home Road just north of Wilson Street. Smith Creek currently exists as a natural earthen channel that conveys down the center of the site, where it connects to the existing culvert under Wilson Street and the existing channel south of the street. The channel is approximately 30 feet wide and ranges from three to five feet deep and consists of a sandy bottom with soil sidewalls.
Pershing Channel connects with the project site along its southeastern edge and is conveyed along Highland Home Road where it travels under Wilson Street via a culvert and into an existing channel south of the street.

2.6 Biological Resources

2.6.1 Sensitive Resources

In general, the Project site provides only marginally suitable habitat for special status plant species because of its disturbed condition, the result of historic agricultural and grazing uses. No sensitive plant species have been detected on the Project site or within proposed offsite improvement areas; refer to the complete list of special status species and community occurrences in the regional study area, located in Table II of Appendix C1, Biological Resources Assessment, of the Specific Plan EIR. This Table II also provides information regarding sensitive wildlife species in the region.

The site contains marginally suitable habitat for the burrowing owl (*Athene cunicularia*) and many-stemmed dudleya (*Dudleya multicaulis*). Burrowing owls were detected on site during focused surveys in 2007 and 2010. A total of six other special status wildlife species were also observed on the site. These species include double-crested cormorant (*Phalacrocorax auritus*), northern harrier (*Circus cyaneus*), California horned lark (*Eremophila alpestris actia*), loggerhead shrike (*Lanius ludovicianus*), coyote (*Canis latrans*), and San Diego black-tailed jackrabbit (*Lepus californicus bennettii*).

There are a total of seven vegetation communities that exist onsite: agriculture, annual grassland, mixed chaparral, disturbed coastal sage scrub, southern willow scrub, sandy wash, and landscaping. The site also includes approximately 226 acres of disturbed/developed classified lands, in addition to the agriculture. The dominant community is agriculture and consists of 1,220 acres of the project area. Typical species in the agricultural vegetation community consist of brome grasses, Mediterranean barley, goldenbtop, and oats. No special vegetation types were found to be onsite.

2.6.2 Western Riverside County MSHCP Compliance

The Western Riverside County Multi Species Habitat Conservation Plan (MSHCP) was developed to meet the legal requirements of the Federal Endangered Species Act (FESA) and the Natural Communities Conservation Planning (NCCP) Act. The Western Riverside County MSHCP is an effort to conserve open space, nature preserves, and wildlife while streamlining regulatory review related to endangered species. The plan was designed to protect 146 species and conserve over 500,000 acres in Riverside County west of the San Jacinto Mountains. The MSHCP was approved by the County of Riverside in June 2003 and received permitting approval by the USFWS in June 2004.

Areas covered by the MSHCP are divided into 16 units called Area Plans. Portions of each area plan especially important to the MSHCP’s conservation goals are divided into Subunits for which biological issues and considerations and target acreages have been specified. These Subunits, also called Criteria Areas, are further divided into numbered cells of approximately 160 acres in size with additional conservation goals.
The project site is located within the Pass Area Plan but is outside all subunit or criteria cell areas. The site is located within the habitat assessment/survey areas for narrow endemic plant species and the burrowing owl but is outside all other mammal and amphibian survey areas. Focused Surveys for special status plants and burrowing owls were conducted as noted above and in the EIR.

2.6.3 Wetlands and Waterways

Regulatory specialists of Glenn Lukos Associates, Inc (GLA) examined the project site in 2005 and in 2010 to determine the limits of (1) United States Army Corps of Engineers (Corps) jurisdiction pursuant to Section 404 of the Clean Water Act, and (2) California Department of Fish and Game (CDFG) jurisdiction pursuant to Division 2, Chapter 6, Section 1600 of the Fish and Game Code. Corps jurisdiction of the site totals approximately 10.05 acres, none of which consist of jurisdictional wetlands. All drainage features on the Project site are ephemeral and exhibit flow only during severe storm events. A majority of the depressional swale features on site were determined not to be Corps jurisdictional waters since they did not exhibit an Ordinary High Water Mark (OHWM) or other signs of stream flow.

Corps jurisdiction at the site as of 2010 totals approximately 9.82 acres, of which less than 0.01 consist of jurisdictional wetlands. Pursuant to proposed Project grading plans, permanent impacts associated with the Project will total approximately 1.17 acres. Temporary impacts total approximately 8.65 acres, none of which consist of jurisdictional wetlands.

CDFG jurisdiction at the site as of 2010 totals approximately 11.67 acres, of which 0.43 acres consist of vegetated riparian habitat. Pursuant to proposed Project grading plans, permanent impacts to CDFG jurisdiction total approximately 2.47 acres, of which 0.41 acre consist of vegetated riparian habitat. Temporary impacts to CDFG jurisdiction total approximately 9.22 acres, of which 0.02 acre consist of vegetated riparian habitat.

Glenn Lukos Associates, Inc., found site conditions documented in 2005 and 2010 were about the same. GLA in a memorandum dated October 13, 2016 reported that although this jurisdictional delineation is approximately six years old, it is unlikely that site conditions have changed due to the lack of significant rainfall measured in the City of Banning during southern California’s five-year plus drought, a review of historic aerial photography, and recent reviews of the property. GLA will be conducting an updated jurisdictional delineation for the Project site in 2016/2017 for regulatory permitting purposes.

2.7 PALEONTOLOGY AND ARCHAEOLOGY

2.7.1 Prehistoric and Historic

The early inhabitants of the project area are known as Cahuilla. The Cahuilla were not a politically unified group, but did share broad cultural and linguistic traits. The Cahuilla occupied permanent villages sited to take maximum advantage of local animal, vegetable, and water resources. The Cahuilla culture was quite complex and was based on full exploitation of available resources. The use of literally hundreds of plant species has been documented. The Cahuilla were influenced by the appearance of the Spanish,
and they were used by the Spanish on expeditions through the San Gorgonio Pass area and later to carry mail. Two reservations were established in the project vicinity in 1876 and the majority of Cahuilla are living there to date.

The San Gorgonio Pass is believed to be the single most important route connecting the desert hinterlands of California and Arizona with the coastal beaches. Near the project area the pass was mainly a Cahuilla trail.

The San Gabriel Mission established a station at Banning Water Canyon as early as 1821 and cattle were being raised there by 1823. A ranch operated by the San Gabriel Mission called the San Gorgonio Rancho encompassed a large portion of the San Gorgonio Pass. An undivided third of this land was sold to a man named Isaac Smith who built a ranch on what is now occupied by the Highland Springs Resort. The ranch became a stagecoach stop called “Smith’s Station” for the period of 1862-1877. In 1884 Smith’s Station was sold to the Highland Home Company. A three-story building was erected which was eventually sold in 1929 and became the Highland Springs Resort.

In 1875, the Southern Pacific Railroad established tracks through the Pass. With inexpensive railroad transportation available, the raising of hay and grain crops began to replace stock raising on local ranches. The settlements of Cabazon and Beaumont began in 1875 as water stops for the railroad.

2.7.2 Archaeology

An intensive survey of the Butterfield Specific Plan Project in the City of Banning was conducted by LSA Associates, Inc. in 2006. Three previously undocumented historic period cultural resources were identified. These have been evaluated and considered not eligible for the National or California Registers. Therefore, under CEQA, LSA recommends that this project is not likely to have a significant effect on any historical resources; and under NHPA, LSA recommends a finding of no historic properties affected. Historic research has revealed; however, there remains a minimal data potential within the refuse scatter (LSA-PDH0601-H-2). Any earthmoving activity taking place within 30 meters of this resource should be monitored by a qualified archaeologist. If archaeological remnants are discovered during monitoring, the archaeologist will have the authority to divert construction in order to assess the significance of the find.

If any cultural resources are identified during grading activities, a qualified archaeologist should be retained to assess the significance of the find. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.
3.0 DEVELOPMENT PLAN
3.0 DEVELOPMENT PLAN

This section of the Specific Plan presents the plans and standards that will govern the overall development of the Butterfield Specific Plan project in Banning. Presented herein is the land use program and description of major development components, including circulation, grading, drainage, water, sewer, public services, recreation, and open space.

3.1 LAND USE PLAN

The proposed land use plan is comprised of 907 Planning Areas (PAs), including subareas. Table 3-1 is a general summary of the extent of land uses proposed within the Specific Plan. Table 3-2 provides a planning area listing and statistical summary by land use category. In Exhibit 3.1, Land Use Plan, the land use pattern is illustrated.

3.1.1 Land Use Plan Description

The Butterfield Specific Plan is envisioned as a high-quality residential community, integrating low and medium density single family detached, small lot and cluster single family detached, high density single family or multi-family attached, commercial, golf course, parks, schools, roadways, open space and related uses on 1,543 acres. Exhibit 3.1, depicts how these land uses are organized within the Butterfield Specific Plan area.

3.1.1.1 RESIDENTIAL

The area of Butterfield Specific Plan’s basic residential component, 937 acres, constitutes approximately 60% of the project’s total land area. The residential component includes Planning Areas 1A and 1B, which could be used for model homes development, in addition to other areas. The model homes within PA 1B will demonstrate the type of products available per lot size within various density designations.

Forty-one Fifty-four planning areas, including subareas, as reflected on Exhibit 3.1 are allotted for development of residential uses within the project; 2949 Low Density Residential planning areas, 2249 Medium Density Residential planning areas and 3 High Density Residential planning areas. Proposed Low Density Residential single family lot sizes range from a minimum of 5,000 square feet to a minimum average of 7,500 square feet or a minimum average of over 10,000 square feet in selected areas. Medium Density single family lot sizes range from a minimum of 3,400 square feet to a minimum average of 7,200 square feet in selected areas. Cluster Medium Density Residential could be developed in a number of different housing types (described and depicted in Section 5.0 of this Specific Plan) as detached condominium units or for single family homes whose lot sizes would range in minimum size from 2,000 to 2,800 square feet.

1 The Specific Plan Planning Areas are numbered 1 through 75 and include subarea PA’s 1A, 1B, 4C, 2A, 2B, 5A, 5B, 8A, 8B, 9A, 9B, 9C, 15A, 15B, 16A, 16B, 35A, 35B, 35C, 35D, 35E, 35F, 42A, 42B, 43A, 44A, 44B, 47A, 47B, 47C, 48A, 48B, 49A, 49B, 50A, 50B, 52A, 52B, 55A, 55B, 56A and 56B. There are no PAs 60 and 61 designations used due to their removal as development areas per the Settlement Agreement.
The proposed residential density within the Low Density Residential designation is up to 5.0 DU/AC; within the Medium Density Residential designation the density is up to 10.0 DU/AC; and within the High Density Residential designation the density is between 11.0 and 18.0 DU/AC. Each residential land use designation of the Butterfield Specific Plan includes as development options the residential development types permitted in lesser density designations. Therefore, within all PAs designated Medium Density Residential (irrespective of minimum lot size), Low Density Residential uses may be developed. Also, within all PAs designated High Density Residential, Low Density Residential and Medium Density Residential uses may be developed.

**Table 3-1**

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<thead>
<tr>
<th>2016 Butterfield Specific Plan General Land Use Summary</th>
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<tr>
<td>Medium Density 0-10 DU/AC (MDR)</td>
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<tr>
<td>High Density 11-18 DU/AC (HDR)</td>
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<td>Natural/Landscape/Easement</td>
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<td>Drainage</td>
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<td>Open Space Subtotals</td>
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<tr>
<td>Other</td>
</tr>
<tr>
<td>Commercial/Office **</td>
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<td>Schools *</td>
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<tr>
<td>Backbone Roads</td>
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<tr>
<td>Other Subtotals</td>
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<td>SPECIFIC PLAN TOTALS</td>
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Notes:
* Alternate Residential use of school sites at up to 10 DU/AC is provided.
** Alternate Residential use or mixed use of Commercial sites is provided for with PA 17 at up to 4.5 DU/AC (LDR) and PA 18 at up to 10 DU/AC (MDR). The overall dwelling unit total for the Specific Plan shall not exceed 5,384.862 DUs. In addition, Commercial is allowed as an alternate use for all or a portion of Residential PA’s 3, 4, 5, 9B and 20 and Park PA 26 and 27 (approximately 53.0 64.4 acres combined).
### Table 3-1

**2012 Butterfield Specific Plan (Superseded)**

#### General Land Use Summary

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**Notes:**

* Alternate Residential use of school sites at up to 10 DU/AC is provided.
** Alternate Residential use or mixed use of Commercial sites is provided for with PA 17 at up to 4.5 DU/AC (LDR) and PA 18 at up to 10 DU/AC (MDR). The overall dwelling unit total for the Specific Plan shall not exceed 5,387 DUs. In addition, Commercial is allowed as an alternate use for all or a portion of Residential PA’s 3, 4 and 5 (51.4 Acres combined) and Park PA’s 26 and 27 (0.9 acres combined).
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### Table 3-2

#### 2016 Butterfield Specific Plan
Planning Areas Statistical Summary

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<th>Density (DU/AC)</th>
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LDR: Low Density Residential 0-5 DU/AC
MDR: Medium Density Residential 0-10 DU/AC
HDR: High Density Residential 11-18 DU/AC

LDR-7,500: Min. Avg. Lot Size = 7,500 SF
LDR-10,000: Min. Avg. Lot Size = 10,000 SF
MDR-7,200: Min. Avg. Lot Size = 7,200 SF

(Table 3-2 continued on next two pages)
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<tr>
<th>Planning Areas</th>
<th>Land Use</th>
<th>Gross Acres</th>
<th>Dwelling Units</th>
<th>Density (DU/AC)</th>
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LDR: Low Density Residential 0-5 DU/AC
LDR-7,500: Min. Avg. Lot Size = 7,500 SF
LDR-10,000: Min. Avg. Lot Size = 10,000 SF

MDR: Medium Density Residential 0-10 DU/AC
MDR-7,200: Min. Avg. Lot Size = 7,200 SF

HDR: High Density Residential 11-18 DU/AC

(Table 3-2 continued on next two pages)
# Table 3-2 (continued)

## 2012 Butterfield Specific Plan (Superseded)

Planning Areas Statistical Summary

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<th>Planning Areas</th>
<th>Land Use</th>
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<th>Dwelling Units</th>
<th>Density (DU/AC)</th>
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**Residential Totals**

- **RESIDENTIAL TOTALS**: 937.4 acres with 5,387 dwelling units at a density of 5.8 (DU/AC)

### Open Space

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<th>Gross Acres</th>
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<tr>
<td>Golf Course/Club House</td>
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**Subtotal**: 253.9 acres

### Parks

<table>
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**Subtotal**: 66.5 acres

(Table 3-2 continued on next page)
Table 3-2 (continued)
2012 Butterfield Specific Plan (Superseded)
Planning Areas Statistical Summary

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<thead>
<tr>
<th>Planning Areas</th>
<th>Land Use</th>
<th>Gross Acres</th>
<th>Dwelling Units</th>
<th>Density (DU/AC)</th>
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</thead>
<tbody>
<tr>
<td>Natural/Landscape/Easement</td>
<td>69 Open Space/Fuel Mod</td>
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<tr>
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<td>73 Northerly Open Space</td>
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<td>74 Landscape Easement</td>
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<td></td>
<td>75 Open Space/Fuel Mod</td>
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<tr>
<td>Drainage/Open Space</td>
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<tr>
<td></td>
<td>71 North Basin</td>
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<tr>
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<tr>
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<td>18 Commercial Parcel</td>
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</table>

Notes:
1. Alternate Residential use of School sites at up to 10 DU/AC is provided. The overall Dwelling unit total for the Specific Plan shall not exceed 5,387 DU in any case.

Alternate Residential use or mixed use of the Commercial sites is provided with PA 17 at up to 4.5 DU/AC (LDR) and PA 18 at up to 10 DU/AC (MDR). The overall Dwelling Unit total for the Specific Plan shall not exceed 5,387 DU in any case. In addition, Commercial or mixed use Residential and Commercial is allowed as an alternate use for all or a portion of Residential PA’s 3, 4 and 5 and Park PA’s 26 and 27.
Table 3-2 (continued)

2016 Butterfield Specific Plan
Planning Areas Statistical Summary

<table>
<thead>
<tr>
<th>Planning Areas</th>
<th>Land Use</th>
<th>Gross Acres</th>
<th>Dwelling Units</th>
<th>Density (DU/AC)</th>
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<tbody>
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OPEN SPACE

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<td>35B Central Open Space/Drainage</td>
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Parks

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(Table 3-2 continued on next page)
### Table 3-2 (continued)

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<th>Planning Areas</th>
<th>Land Use</th>
<th>Gross Acres</th>
<th>Dwelling Units</th>
<th>Density (DU/AC)</th>
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<tbody>
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<td>71</td>
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<tr>
<td>17</td>
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<td><strong>4,862</strong></td>
<td><strong>3.2</strong></td>
</tr>
</tbody>
</table>

**Notes:**

1. Alternate Residential use of School sites at up to 10 DU/AC is provided. The overall dwelling unit total for the Specific Plan shall not exceed 5,387 DU in any case.

2. Alternate Residential use or mixed use of the Commercial sites is provided with PA 17 at up to 4.5 DU/AC (LDR) and PA 18 at up to 10 DU/AC (MDR). The overall Dwelling Unit total for the Specific Plan shall not exceed 5,387 DU in any case. In addition, Commercial or mixed use Residential and Commercial is allowed as an alternate use for all or a portion of Residential PA’s 3, 4, 5, 6, 7, 9A, 10, 12, 14−16A, 16B, 40, 41, 42A, 42B, 43, 44A, 44B, 45, 46, 47, 48A, 48B, 50A, 50B, 52A, 52B, 55, 56A, 57, 5860 and 5961. A total of 2,2012,222 dwelling units are anticipated in these PAs at an average gross density of 4.54.1 dwelling units per acre. The minimum lot size in this designation is

---

**Low Density Residential (0-5 DU/AC)**

The Low Density Residential (LDR) land use designation within the Butterfield Specific Plan area is proposed at approximately 639.2487.9 acres (31.9%-35.0%) of the Specific Plan area as depicted in Exhibit 3.1. This density category is represented by Planning Areas (PAs) 1A, 1B, 2−2B, 3−6, 7, 9A, 9C, 10, 12, 14−16A, 16B, 40, 41, 42A, 42B, 43, 44A, 44B, 45, 46, 47, 48A, 48B, 50A, 50B, 52A, 52B, 55, 56A, 57, 5860 and 5964. A total of 2,2012,222 dwelling units are anticipated in these PAs at an average gross density of 4.54.1 dwelling units per acre. The minimum lot size in this designation is...
5,000 square feet. Planning Areas 50 and 52 designated LDR-7500 shall have a minimum lot size of 5,000 square feet, with a minimum average (or mean average) lot size of 7,500 square feet. Planning Areas 60 and 61 designated LDR-10,000 shall have a minimum lot size of 6,000 square feet, with a minimum average lot size of 10,000 square feet. The planning areas with a larger minimum or average lot size are located in the north and northeast portions of the Specific Plan area. A potential fire station site (1.6 acres) option has been identified at the southeast corner of PA 60, if the City determinates that an additional station is needed and that this location is appropriate. A fire station site is permitted in most of the Specific Plan Planning areas (see section 5.0 for list of permitted uses in the planning areas). Low Density Residential is also allowed in all Medium Density and High Density Residential planning areas. Section 6.1.2 of the Specific Plan sets forth what are considered Minor Adjustments and Modifications that could be made to the Specific Plan and limitations for such minor adjustments.

**Medium Density Residential (0-10 DU/AC)**

Single family detached homes on individual lots are proposed within the Medium Density Residential (MDR) land use designation of the Butterfield Specific Plan area. The MDR designation is proposed to include approximately 335.8324 acres (22%) of the Specific Plan area as depicted in Exhibit 3.1. This density category is represented by Planning Areas 1B, 1C, 2A, 3, 4, 5A, 5B, 8A, 9B, 40, 11, 12, 13, 14, 42, 43A, 43B, 45, 47A, 47B, 47C, 49A, 49B, 51, 53, 54, 55A, 55B and 56B-57 and 58. A total of 2,095.969 dwelling units are anticipated in the MDR PAs at an average gross density of 6.2 dwelling units per acre. Minimum lot sizes for most MDR-designated planning areas are indicated below, based on the potential development approach chosen.

**Conventional Homes Development:** As may be developed under the Medium Density Residential designation, the conventional home development approach would be single family detached homes on their own individual lots that would have private front and side yards completely separated from adjacent lots. These conventionally-sited homes would be oriented toward the street. The minimum lot size proposed for conventional home development in this designation is 3,400 square feet. However, Planning Area 51 designated MDR-7,200 shall have a minimum lot size for conventionally-sited homes of 4,500 square feet, with a minimum average lot size of 7,200 square feet.

**Cluster Homes Development:** Alternatively, with the exception of Planning Areas 1B, 4C, and 51, the single family detached homes developed under the Medium Density Residential designation can be developed in one of several cluster patterns on small individual lots or possibly detached homes held in condominium ownership. Green court, motor court and stub street court clusters are examples of the type of homes envisioned for cluster development. The arrangement of housing and vehicle access with each cluster product would vary. Green court cluster homes would be oriented on a paseo (green court), with vehicular access to garages taken off an alley. Motor court cluster homes would be oriented on a common driveway, while stub street court cluster homes would be oriented on a short alley or stub street. These homes have private yards at sides or rear. The minimum lot size for cluster home development would be 2,000 square feet for homes proposed on individual lots. PA 51 with a required minimum lot size of 4,500 square feet and a minimum average lot size of 7,200 square feet shall not include cluster development.
Between 2 to 5 acres of the south end of Medium Density Residential-designated Planning Area 11, adjacent to Wilson Street and Highland Home Road, may be developed as a satellite wastewater treatment facility as an alternative for project wastewater treatment (see Section 3.5, Water, Recycled Water and Sewer Service Plan, in this Specific Plan for further description of this alternate use). This southerly area of PA 11 may also be provided as a site for a public community recreation center pursuant to the project Development Agreement.

Low Density Residential development may be developed in the MDR planning areas. MDR development is also allowed in the High Density Residential planning areas.

**High Density Residential (11-18 DU/AC)**

Single family or multi-family attached homes are proposed within the High Density Residential (HDR) land use designation of the Butterfield Specific Plan area and approximately 38.47 acres (2.5%) of the Specific Plan area as depicted in Exhibit 3.1. This density category is represented by Planning Areas 8B, 15A and 15B-16 and 59. A total of 5664 dwelling units are allowed in these PAs at an average gross density of 14.71 dwelling units per acre. Low Density Residential or Medium Density Residential uses may also be developed within the HDR planning areas.

**Age-Restricted Active Adult Residential Alternative**

While the base proposal for Butterfield is that housing in all residential planning areas would be open to all age groups, two other alternative proposals would allow an age-restricted eligibility criterion to apply to certain PAs. Alternative A provides for 13 of the proposed residential planning areas (PAs 40, 41, 42B, 44A&B, 45, 46, 47A-C, 48A&B, 49A&B and 53 and 54-59) in the northwestern part of the Specific Plan area to be designated as exclusively age restricted, “active adult” homes. As shown on the Land Use Plan (See Exhibit 3.1), these age-restricted planning areas would take primary access off of the North Loop Collector Road “F” Street. Under an age-restricted, “active adult” homes scenario, the North Loop Road “F” Street could be proposed as a gated, access-controlled private roadway. Alternative B would expand to the number of planning areas designated age-restricted, including PAs 40-49 and 53-59. This alternative would add PAs on the west side of Highland Home Avenue and north of “F” Street which are situated in the northeastern part of the Specific Plan area. In alternative B the additional age restricted PAs may also have private streets and controlled gated access from “F” Street and Highland Home Road.

**3.1.2 COMMERCIAL**

The Butterfield Specific Plan proposes approximately 36.73 acres (2.4%) of Commercial land use within the Specific Plan area as depicted in Exhibit 3.1. These commercial areas are proposed in Planning Areas 17 and 18, both of which are located on the western edge of the Specific Plan area. Planning Area 17 is a 13.643-acre site situated southeast of the intersection of Highland Springs Avenue and Oak Valley Parkway. Planning Area 18 is a 23.123-acre site positioned at the corner of Wilson Street and Highland Springs Avenue.
If eventual market factors indicate that all or a portion of the commercial designated areas are not needed or viable for commercial use, it is intended that alternate residential uses or mixed use of the commercial sites would be allowed. Under an alternate use scenario, Planning Area 17 could provide up to 4.5 dwelling units per acre within the Low Density Residential land use category and PA 18 could yield up to 10 dwelling units per acre within the Medium Density Residential land use category. This would require an offsetting reduction in dwelling units to be realized elsewhere in the Butterfield project, such that the project total of 4,862.387 DUs is not exceeded. It is envisioned potentially that (1) portions of the commercial planning areas could be converted to residential use, or (2) residential use could be mixed with commercial use, or (3) residential use in commercial areas could include uses such as assisted living facilities for the elderly.

In addition, if demand for commercial space increases, the Specific Plan allows Commercial or mixed use Residential and Commercial as an alternate use for all or portions of Residential PAs 3, 4, 5, 9B and 205 and Park PA 26 and 27 (approximately 530.9 acres combined). If Commercial or mixed use development is proposed in any portions of PAs 3, 4, 5, 20 and 26 and 27, approval of a Conditional Use Permit and/or a Planned Unit Development application will be required subject to Sections 17.52 and 17.92 of the City of Banning Zoning Ordinance. The City Community Development Director will have the discretion of determining which of these applications will be required. A Traffic Validation Report (TVR) will be required to verify that the Project’s total peak hour trips based on this alternative commercial use are consistent with the assumptions of the Butterfield Specific Plan Traffic Impact Analysis, dated December 2010.

3.1.1.3 GOLF COURSE AND CENTRAL OPEN SPACE

The Butterfield Specific Plan proposes an approximately 254-acre 18-hole public golf course and 139.5 acre central open space area (Planning Areas 23, 25, 27, 35A-F, 64 and 66 and 39) that is located throughout the central portions of the Specific Plan area. The areas designated as golf course and open space on the Land Use Plan may include one 18-hole public golf course as an integral part of the Butterfield Specific Plan community. See Section 3.6, Recreation and Open Space Plan, for further description of anticipated uses.

The golf course and central open space areas are designed to take both physical and aesthetic advantages of the site terrain. The proposed realignment of Smith Creek will convey drainage via basins, drainage ways, and culverts and unique golf course design that will eventually connect to the existing Smith Creek culvert under Wilson Street and the existing channel south of this street. The golf course and central open space will accommodate drainage flows in Smith Creek, contain water quality features to treat project-related urban runoff, and provide areas for groundwater recharge. In addition, besides landscaped project amenities, the golf course and central open space will also incorporate native landscaping for biological mitigation purposes which aims to replicate natural conditions. The golf course and central open space uses a fault zone identified with the project in the northern areas (PAs 64 & 66) that is not recommended for residential, but can accommodate portions of the course open space routing.

Potential uses in addition to the golf course include a public golf course clubhouse facility (Planning Area 39). The clubhouse may include a golf operations and
administration area, retail pro shop, food and dining services, meeting rooms, banquet facilities, a driving range, golf cart storage garage and maintenance yard. Separate restaurants with alcohol sales are also to be considered a permitted use within PA 39.

Alternative uses of Planning Areas 23, 25, 27, 35A-F, 64 and 66 shall may include open space with active and passive recreational uses, such as walking or biking trails, turnouts for exercise, viewing and educational facilities, parks and native type vegetation landscaping all linkable to the project’s residential tracts and providing public access in lieu of a golf course.

The availability of adequate water and a course operator will be determining factors as to if a golf course will be developed in the open space.

3.1.1.4 PARKS

Twenty-four park planning areas are proposed within the Butterfield Specific Plan area as depicted on Exhibit 3.1. Ranging in size from 0.4 acres to 1915 acres, these parks are allocated within the Butterfield Specific Plan area to provide recreational opportunities for all residential neighborhoods. The gross park acreage is proposed to total approximately 78.466.5 acres (5.1%4.3%) of the Specific Plan area.

Planning Areas 22, 23–24, 25–26, 27–28, 29, 30, 31, 34, 62, 65, 67 and 72 are neighborhood park sites identified to serve Low and Medium Density Residential neighborhoods. Neighborhood-mini parks within Planning Areas 32 and 33 and 65 would serve the High Density Residential neighborhoods. These parks are expected to include various combinations of tot lots, play areas, sport courts, picnic areas, benches and other basic related facilities. Larger neighborhood recreation parks of 3–84 acres for residents of the project will be located at park sites designated Planning Areas 21 and 63. These larger park areas could also include buildings for community functions and meetings and community swimming pools. The location of proposed neighborhood parks can be adjusted and remain in substantial conformance with the intent of this Specific Plan. The proposed public golf course and clubhouse within the project (Planning Areas 35 and 39) are also expected to serve recreational needs. Larger community park sites are proposed within portions of the existing central SCE easement. Planning Areas 36, 37 and 38 are intended to be used for active and passive recreational use, including ballfields, sports courts, play areas, jogging trails and parking areas. In addition, joint use of school facilities for recreational needs is also anticipated. PA 38 could contain a variety of recreational and agricultural uses. Land use options for Planning Area 38 are covered more fully within Section 3.6 and within the permitted uses of Section 5.0 of this Specific Plan.

The Butterfield Project Development Agreement calls for the development of a site within the project for a public Community Recreation Center and proposes that PA 39 could be the site for such a center. The 3 acre Planning Area 39 site is reserved as a community park site in the Specific Plan and can be used as site for a community recreation center for the City of Banning if the City determines this is appropriate. Other areas in the Specific Plan that allow for development may also be used for the proposed community recreation center site, including the south end of PA 11 as indicated in the Development Agreement.

PA 72 located on the proposed northerly extension of Highland Home Road has been identified as a potential fire station site (1.6 acres) option, if the City determinates that an
additional station is needed and that this location is appropriate, otherwise the site is designated for park use.

3.1.5 OTHER OPEN SPACE

In addition to the golf course/Open Spacecentral open space and park areas, another 278.6 acres (7.0%18.2%) within the Butterfield Specific Plan area is designated as additional open space. In addition to the golf coursecentral open space and parks, open space within the Specific Plan includes natural areas, landscaped areas, easements and open spaces including drainage facilities. The far northern and eastern portions of the Specific Plan area (PAs 34, 69, 73 and 75) are designated natural open space area with hiking trail opportunities using the terrain and/or existence of fault areas. Open space will include landscaped areas throughout the project, fuel modification setback zone locations (PAs 69 and 75), drainage ways with walking paths and park areas (PA 19) and an open water drainage retention basin that can be used as an open space recreational lake (PA 71). In addition, there is approximately 40 acres of additional designated open space proposed to be devoted to landscaped greenbelts and parkways that is not identified by a specific planning area number (see additional green areas on Exhibit 3.1A that does not have a planning area number designation). Golf Course/Central Open Space, Parks, Natural/Landscape/Easement, and Drainage/Open Space categories considered together are approximately 27.8%32.5% (428.8496.5 acres) of the Specific Plan area devoted to open space.

3.1.6 SCHOOLS

Two elementary school sites have been designated in the Butterfield Specific Plan that comprise an approximate total of 23-27.1 acres (1.5%-1.8%) of the Specific Plan area. Planning Area 20, a 1411.7 acre site, is located in the southern portion of the Specific Plan area and within the jurisdiction of the Beaumont Unified School District. Planning Area 68, a 13.111.3 acre site, is located in the easternmost portion of the Specific Plan area, east of Highland Home Road. Planning Area 68 is within the Banning Unified School District’s jurisdiction. Alternatively, if it is determined that one or both of the School Districts do not require an identified school site, it is intended that residential development of the school site(s) at up to a density of 10 dwelling units per acre would be allowed, as long as the overall dwelling unit total for the Specific Plan does not exceed 5,3874,862 DUs. Additional school sites are permitted elsewhere in the Specific Plan area pursuant to State and District location requirements and shall be designated if requested by the School Districts.

3.1.7 UTILITY SUBSTATION AND OTHER POTENTIAL USES

Planning Area 70 is a 4.2 acre site owned by the City of Banning for use as an electrical substation facility. The substation site was acquired by the city in 2008 and they have built an electrical substation facility on a portion of the site. Because this area has been previously designated as a part of the Specific Plan, it has remained in the Specific Plan. This City substation site facilitates interconnection with SCE’s transmission lines because of its location just north and adjacent to the east-west easement that runs through the mid-section of the project site.

Between 2 to 5 acres of the south end of Planning Area 11, adjacent to Wilson Street and Highland Home Road, may be developed as a satellite wastewater treatment as an
alternative for project wastewater treatment (see Section 3.5 in this Specific Plan for further description of this alternate use).

A potential 1.6 acre fire station site is proposed on Planning Area 72 off of the proposed extension of Highland Home Road depicted on Exhibit 3.1 in the southeast corner of Planning Area 60 if the City determines it is needed, and that this location is appropriate, otherwise the site may be used for Low Density Residential is designated for park use. A fire station site is designated as a permitted use in any of the Specific Plan residential, open space commercial or school planning areas, except PA’s 36, 37, 38, 69, 74 and 75.

3.1.8 BACKBONE ROADWAYS

Exhibit 3.1 shows proposed Specific Plan backbone roadways (collector level or larger), which will comprise an approximate total of 443,6101 acres (7.4%6.6%) of the Specific Plan area. All roadways shown on the Land Use Plan are expected to be designed at a collector roadway classification or greater pursuant to the recommendations of the project’s traffic study. The proposed circulation system will provide direct access to individual residential areas as well as access to parks, schools, golf course and commercial areas within the Butterfield Specific Plan area. Refer to Section 3.2, Circulation Plan, of this Specific Plan for a more detailed discussion of the circulation network.

3.1.2 Land Use Plan Development Standards

To ensure the orderly and coordinated development of land uses proposed for the Butterfield Specific Plan, development objectives have been established for implementation of the Specific Plan Land Use Plan, as discussed below. In addition to these general guidelines, specific development standards for each land use are detailed in Section 4, Development Regulations.

1. The Project shall be developed with a range of uses including residential, commercial, parks, potential golf course, and open space pursuant to Exhibit 3.1, Land Use Plan.

2. The Project can be developed with a maximum total of 5,3874,862 dwelling units in the residential planning areas covering approximately 937,4862.1 acres designated within the Specific Plan.

3. Under alternative development assumptions for Planning Areas 17, 18, 20 and 68, these planning areas can be developed with a maximum total of 506-572 dwelling units covering 59-63.9 acres. In no case shall the Specific Plan total of 5,3874,862 DUs be exceeded. If residential use is developed on the commercial or school areas, a like amount of residential units must be reduced in the residually-designated planning areas to avoid exceeding 5,3874,862 DUs.

4. Uses and development standards will be in accordance with this Specific Plan and the City of Banning Zoning Ordinance. Such uses and standards will be applied in future residential subdivision maps, plot plans, and/or conditional use permits.

5. The Project shall provide adequate areas for collection and loading of recyclable materials in accordance with state law. Such areas shall be provided within the
residential areas where solid waste is collected and loaded. The proposed Lower Density and Medium Density Residential homes on individual lots will have individual trash pick up. The Medium Density Residential Cluster homes may have central solid waste collection and pick up areas which serve four or more units.

6. The Project shall satisfy applicable criteria within Title 24, Chapter 2-71, of the California Administrative Code ensuring accessibility for persons with disabilities, where applicable.

7. Development activities to entitle, prepare and develop the site shall conform to City of Banning ordinances applicable state laws.

8. Prior to obtaining subsequent development permit approvals from the City of Banning, the applicant shall document that all pertinent conditions relating to the site under development have been satisfied.

9. Common areas identified in the Butterfield Specific Plan shall be owned and maintained as follows:

   a. Permanent homeowners associations shall be established for the Butterfield Specific Plan area, to assume ownership and maintenance responsibility for all common areas, private streets/drives, recreation areas, open space, and landscaped areas not dedicated to the City/public. Merger with an area-wide or local maintenance district shall be acceptable for any area dedicated to the City for public use provided that such organization is legally and financially capable of assuming the responsibilities for ownership and maintenance. Private neighborhood associations may be established for each residential development, where required, and such associations may assume ownership and maintenance responsibility for neighborhood common areas.

   b. Unless otherwise provided for in these standards, common areas shall be conveyed to the maintenance organizations upon approval of implementing development applications or upon recordation of any appropriate conveyance subdivision.

   c. The maintenance organizations shall be established prior to, or concurrent with, recordation of the first land division or issuance of the first building permit for construction within that land division. The ownership and maintenance responsibility shall be identified for each open space lot upon submittal of the tentative map application, which would create the subject open space lot.

10. An initial study (i.e. environmental assessment) shall be conducted pursuant to CEQA to determine potential environmental impacts attributable to any land use application required to implement the Butterfield Specific Plan.

11. All project lighting plans shall be in accordance with applicable City of Banning standards.

12. Electric vehicle charging and compressed natural gas vehicle filling facilities or stations shall be considered permitted uses in all residential and commercial use
areas of the Specific plan, subject to all applicable State and local regulations for such uses.

12.13. Electric car charging stations will be installed in at least 3% of the parking spaces in the commercial units and multi-family residential units within the Project.

14. Roof mounted panels for solar generation of electricity or water heating shall be considered permitted uses in all residential and commercial use areas of the Specific plan, subject to all applicable State and local regulations for such uses.

15. Solar photovoltaic systems (or the equivalent renewable energy generating technology) will be installed on multi-family residential developments of 18 units per acre or more with a common wall.

16. All developer-installed appliances within the Project will meet or exceed Energy Star efficiency standards.

17. A ride sharing lot subject to the approval of the responsible transportation agencies will be provided within the Project before 1,000 units are built.

18. Development within the Butterfield Specific Plan will coordinate with the Banning Pass Transit Agency, the Riverside Transit Agency, and the City for service within the Specific Plan area on future bus routes and scheduled bus service, which are based upon demand.

19. A maintenance easement shall be recorded over areas designated as required fuel modification zones within private lots adjacent to wildland fire hazard areas that would allow the master homeowners association or maintenance district to enter the property to ensure adequate and uniform maintenance of fuel modification zones.

20. No permanent structures shall be permitted within the Southern California Edison (SCE) transmission line easements within the Specific Plan area. The SCE easements are also not appropriate areas for groundwater recharge facilities, storm water retention facilities, or as environmental mitigation areas.

21. Subsequent more detailed development plans when prepared and involving areas in and immediately adjacent to the SCE easements within the Specific Plan area shall be reviewed by SCE as part of the review process with the City.

22. All residential development in the Specific Plan, through covenants, conditions, and restrictions, will be required to comply with the City’s water conservation measures by applying the xeriscape principles set forth in Banning Municipal Code section 13.16.030 (Water Conservation Using Xeriscape Principles).

23. The Project will include ultra-low flow toilets at 1.28 gallons per flush throughout the Project.
3.2 **CIRCULATION PLAN**

The Circulation Plan of the Butterfield Specific Plan establishes the general layout and design standards for vehicular roadways and non-vehicular paths within the project area. The main objectives of the Circulation Plan are to provide direct and convenient access to the residential project area and other areas, and to substantially implement the Circulation Element of the City of Banning General Plan. The Circulation Plan meets these objectives by extending existing circulation and creating efficient new circulation routes throughout the project site.

Exhibit 3.2, *Vehicular Circulation Plan*, identifies the location and classification of roads, which have been organized under the categories of *Arterial Highway (Modified)*, *Major/Arterial Highway (Modified)*, *Major Highway (Modified)*, *Divided Collector Streets*, and *Local Roadways (Modified)*. Roadway cross-sections are provided on Exhibits 3.3A, 3.3B, 3.3C, 3.3D and 3.3E, *Roadway Cross Sections*, which show travel lane dimensions, sidewalk and parkway widths, and other roadway specific details. Exhibit 3.3F, *Secondary Access Drives*, provides typical concepts for secondary access to neighborhoods where routes other than a local roadway might be used. Exhibit 3.4, *Backbone Non-Vehicular Circulation Plan*, establishes the trail plan with a network of non-vehicular circulation routes.

**3.2.1 Street System**

The vehicular circulation network for the Butterfield Specific Plan includes the following elements, discussed according to relative roadway classification.

**3.2.1.1 ARTERIAL HIGHWAY (MODIFIED)**

The City of Banning General Plan defines Arterial Highways as those primarily for through traffic with limited access. These roadways are planned for 4 lanes in width at buildout. According to the City, arterials should connect residential, shopping, employment and recreational activities, but should not encroach upon neighborhoods.

**Highland Springs Avenue (from Wilson Street to Brookside Avenue)**

Highland Springs Avenue is a north/south roadway, providing regional access to the I-10 freeway. The City of Banning General Plan Circulation Element defines Highland Springs Avenue as an Arterial Highway in this segment adjacent to the project.

Along the project’s western boundary, the Specific Plan assumes Highland Springs to be improved to accommodate an ultimate right-of-way, which will provide a raised median and two travel lanes in each direction, an outside emergency and bike lane on each side, and parkway improvements. The overall total right-of-way width is anticipated to be at least 102 feet encompassing both the Beaumont and Banning sides of the roadway. Due to the constraints of the existing Riverside County flood control channel and right-of-way on the west side of Highland Springs Avenue, it is anticipated the ultimate right-of-way of this roadway will be offset towards the east side or Banning side. As a perimeter roadway to the Specific Plan, Highland Springs Avenue will have restricted access. Three Four main east/west connections are proposed at “A” Street, “H” Street, “F” Street, and the proposed extension of Highland Home Road. The western section of Highland Springs is within the City of Beaumont. The ultimate improvement of the western half of the street should precede the Butterfield project improvement.
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**Note:** Additional offsite improvements are recommended in the Traffic Impact Assessment and the Specific Plan. See the Traffic Impact Assessment for more details.

- Additional offsite improvements are recommended in the Traffic Impact Assessment and the Specific Plan. See the Traffic Impact Assessment for more details.

**Access**

- **Access:**
  - **Main Highway (Modified):** Existing/Reinforced
  - **Major Highway (Modified):** Existing/Reinforced
  - **Existing Roadway Portions:** Existing/Reinforced
  - **Emergency Access:** Existing/Reinforced
  - **Emergency Access:** Existing/Reinforced
  - **Secondary Access:** Existing/Reinforced

**Vehicular Circulation Plan**

- **Vehicular Circulation Plan:**
  - **Main Highway (Modified):** Existing/Reinforced
  - **Major Highway (Modified):** Existing/Reinforced
  - **Existing Roadway Portions:** Existing/Reinforced
  - **Emergency Access:** Existing/Reinforced
  - **Emergency Access:** Existing/Reinforced
  - **Secondary Access:** Existing/Reinforced

**Legend**

- **Legend:**
  - **Existing/Reinforced:** Existing/Reinforced
  - **Emergency Access:** Existing/Reinforced
  - **Secondary Access:** Existing/Reinforced

**Notes**

- **Notes:**
  - **Notes:** Additional offsite improvements are recommended in the Traffic Impact Assessment and the Specific Plan. See the Traffic Impact Assessment for more details.
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Note: All proposed collector streets within the project area may also allow for a designated dual low speed electric vehicle and bike lane. Low speed electric vehicle use to the project area may also allow for a designated dual low speed electric vehicle use to be allowed on all local streets within SPA area.
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**WILSON STREET**  
(HIGHLAND SPRINGS AVENUE TO C STREET)  
MAJOR HIGHWAY (MODIFIED)  
* Raised landscaped median to be provided where appropriate as determined by the City Public Works Director

**HIGHLAND SPRINGS AVENUE**  
ARTERIAL HIGHWAY (MODIFIED)  
* Parkway width may be reduced to allow additional pavement area widening

**CITY OF BEAUMONT**  
80' FROM NORTHERLY BOUNDARY TR. 31893 TO SUNDANCE DRIVE

**CITY OF BANNING**  
70' SOUTHSOUTH OF SUNDANCE DRIVE TO WILSON STREET

**PARDEE HOMES • BUTTERFIELD SPECIFIC PLAN**  
Roadway Cross Sections  
EXHIBIT 3.3A
HIGHLAND HOME ROAD - ALTERNATIVE A
FROM WILSON STREET TO 1/2 A SOUTH OF 40TH STREET
MAJOR/INTERSECTION (MODIFIED)
● MAY BE DESIGNATED AS A DUAL LOW SPEED ELECTRIC VEHICLE AND BIKE LANE

HIGHLAND HOME ROAD - ALTERNATIVE B
FROM 40TH STREET TO 1/2 A SOUTH OF 40TH STREET
MAJOR/INTERSECTION (MODIFIED)
● MAY BE DESIGNATED AS A DUAL LOW SPEED ELECTRIC VEHICLE AND BIKE LANE

HIGHLAND HOME ROAD - ALTERNATIVE B
FROM 40TH STREET TO 1/2 A SOUTH OF 40TH STREET
MAJOR/INTERSECTION (MODIFIED)
● MAY BE DESIGNATED AS A DUAL LOW SPEED ELECTRIC VEHICLE AND BIKE LANE

CONDITION OF APPROVER
#86A, ADOPTED 2012,
SECTION ALTERNATIVE B IS REMOVED.

Pursuant to Specific Plan

2012 APPROVED SPECIFIC PLAN
HIGHLAND HOME ROAD
FROM WILSON ST, TO APPROX, GILMAN RD
MODIFIED MAJOR HIGHWAY

* MAY BE DESIGNATED AS A DUAL LOW SPEED ELECTRIC VEHICLE AND BIKE LANE

HIGHLAND HOME ROAD
(NORTH OF SCE EASEMENT TO HIGHLAND SPRINGS AVE.)
MODIFIED MAJOR HIGHWAY

** A RAISED MEDIAN MAY BE USED IN AREAS

* MAY BE DESIGNATED AS A DUAL LOW SPEED ELECTRIC VEHICLE AND BIKE LANE
INTERIM HALF STREET ONLY WEST OF PA 61
Roadway Cross Sections

**D STREET AND E STREET**

* Modified Divided Collector Street
  - May be designated as a dual low-speed electric vehicle and bike lane

**A STREET, B STREET AND C STREET**

* Modified Divided Collector Street
  - May be designated as a dual low-speed electric vehicle and bike lane

**F STREET**

* (High and Springs Avenue to Northern Loop) Modified Divided Collector Street

**F STREET SOUTH LOOP & NORTH LOOP**

* (East of Northern Loop) Modified Collector Street
  - A raised median may be used in areas
  - May be designated as a dual low-speed electric vehicle and bike lane

**NEIGHBORHOOD ENTRY STREET**

- This option may be used only where the median will not interfere with access to the residential driveways

**MODIFIED LOCAL RESIDENTIAL STREET**

- Sidewalks on local streets may be located adjacent to the curb or set off from the curb, separated by a landscaped strip.
- A "wedge" curb may also be allowed.

**ROADWAY SECTIONS UPDATED PER 2016 UPDATED PLAN**
**EXHIBIT 3.3C**

**PROPOSED ROADWAY CROSS SECTIONS**

**H' STREET**
(HIGHLAND SPRINGS AVE TO STREET L)
MODIFIED DIVIDED COLLECTOR STREET

**'H' STREET**
(STREET L TO HIGHLAND HOME RD)
MODIFIED DIVIDED COLLECTOR STREET

**'F' STREET**
(HIGHLAND SPRINGS AVE TO PA 62)
MODIFIED DIVIDED COLLECTOR STREET

* MAY BE DESIGNATED AS A DUAL LOW SPEED ELECTRIC VEHICLE AND BIKE LANE

**'F' STREET**
(PA 62 TO HIGHLAND HOME RD)
MODIFIED DIVIDED COLLECTOR STREET

* MAY BE DESIGNATED AS A DUAL LOW SPEED ELECTRIC VEHICLE AND BIKE LANE

**PARK ADJACENT STREET PA 34 & 62**
MODIFIED DIVIDED COLLECTOR STREET

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* Original text not completely visible due to image resolution and size.

2016 UPDATED SPECIFIC PLAN

**Exhibit 3.3C**

PROPOSED

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PARDEE HOMES • BUTTERFIELD SPECIFIC PLAN

Roadway Cross Sections

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NEIGHBORHOOD ENTRY STREET
("B", "E", "G", "I" STREETS AND OTHER LOCATIONS)

This option may be used only where the median will not interfere with access to the residential driveways.

SECONDARY GATED ENTRY STREET PA 41 & 44

* Private street when gated

MODIFIED LOCAL RESIDENTIAL STREET

Sidewalks on local streets may be located adjacent to the curb or set off from the curb, separated by a landscape strip. This section shows both options. A median curb may also be allowed.
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3.2.1.2 MAJOR/ARTERIAL HIGHWAY (MODIFIED)

Highland Home Road (from “F” Street to Wilson Street)

The City of Banning General Plan Circulation Element defines Highland Home Avenue in this area as a Major/Arterial Highway.

Highland Home Road is a north/south roadway along the east side of the Butterfield Specific Plan. In the northern part of the project, Highland Home Road is proposed to bend to the west and connect with Brookside Avenue (an east-west street) at Highland Springs Avenue, opposite Cougar Way in the City of Beaumont. The width of the southerly portion of Highland Home Road is limited pursuant to the existing homes on the east side immediately north of Wilson Street and the existing previously approved Tract No. 30906 (Fiesta Development) also on the east side further north. See Exhibit 3.3B for proposed roadway cross sections of Highland Home Road.

From existing Gilman Street to just south of “D” Street the SCE easement area, Highland Home Road is proposed to provide 104’ of right-of-way, to include a 16’ raised median, two travel lanes on each side (13’ travel lane on each side adjacent to the median and 12’ outside travel lanes each side), and a 7’ emergency or bike/NEV lane per side. This street section matches what the section that was approved by the city with Tract No. 30906 located on the east side of this segment of Highland Home Road. From Gilman Street south to Wilson Street, it is anticipated that the existing Highland Home Road pavement will provide in one potential alternative (Alternative ‘A’ in Exhibit 3.3B) a frontage drive access for existing local homeowners on the east side. To separate this existing paved area, a 4’ parkway median separator between the frontage drive and proposed new Highland Home Road will be provided. In this alternative the existing open Pershing Channel running parallel to Highland Home Road is removed and reconstructed as a buried storm drain under the road. This part of Highland Home Road (from “D” Street to Wilson Street) in this alternative would provide a combined 126’-200’ of right-of-way, to include a 16’ raised median, a 13’ lane on each side adjacent to the median, as well as 12’ outside lanes and a 7’ emergency or bike lane per side. The parkway separator in this alternative would contain shrubs to provide a protective barrier.

A second alternative (Alternative ‘B’ in Exhibit 3.3B) is proposed for this southern portion of Highland Home Road in the instance it is determined that the existing Pershing Channel located parallel to Highland Home Road in this location can not be placed underground or relocated. In this alternative the existing open Pershing Channel is maintained in the proposed median of Highland Home Road. Only limited landscaping, if any, would be allowed in the median in this alternative. The channel would be required to be enclosed in a decorative fence. This alternative would not allow for the separate frontage drive serving the existing residences on the east side.

3.2.1.3 MAJOR HIGHWAY (MODIFIED)

Highland Home Road (from Brookside Avenue SCE Easement to “F” Street Highland Springs Ave.)

From the Edison SCE Easement north, Highland Home Road is proposed as a Major Highway (Modified). From Brookside Avenue within the City of Banning to “F” Street the
SCE easement to Highland Springs Ave., Highland Home Road is proposed to provide 100'-108' of right-of-way, including a median area, two through lanes on each side and an parking/emergency and bike lane each side. If a painted median is implemented, consistent with the relatively lighter traffic projected on this stretch of Highland Home Road, then a 12' painted median, two 12' through lanes each side and 8' emergency or bike/NEV lanes will be provided. A raised median could be used in areas where limited side access allows for it.

Wilson Street (Modified)

Wilson Street, from Highland Springs Avenue to Highland Home Road, is designated a Major Highway in the City of Banning General Plan. Butterfield Specific Plan proposes to implement a modified Major Highway cross section along its northern frontage on Wilson Street. From Highland Springs Avenue to the vicinity of “C” Street the project would expand existing Wilson Street to 57’ of right of way half width on the north side for a new total right of way of 105’. This widening of Wilson Street will allow a raised landscaped or painted median and two through lanes and emergency/bike lanes on each side. On Wilson Street just west of Highland Home Road, the project would expand existing Wilson Street to 48’ of right-of-way half width on the north side for a new total right-of-way of 105’, which will allow for a painted median and two through lanes and emergency/bike lanes on each side. Raised landscaped medians will be used where appropriate with consideration given for existing and future driveways on both the north and south side of Wilson Street, subject to the City Public Works Director final determination.

3.2.1.4 Divided Collector Street (Modified)

“A”, “B”, “C”, “F” and “H” Streets

The proposed Specific Plan provides four main project entry streets, in addition to Highland Home Road, that provide access between the project’s interior streets North and South Loop Collector Streets and Highland Springs Avenue, Wilson Street, and Highland Home Road. Project entry streets “A,” “C”, “F” and “H” provide a minimum right-of-way width of 92’ to 116’, with Streets “D” and “E” providing a minimum right-of-way of 108’. All of the project entry roads accommodate one travel lane in each direction, a 16’-wide raised median, or a 12’-wide painted median, 10’ emergency/bike/NEV lanes on each side, and parkways, including meandering sidewalks and landscaping. Total proposed parkway width each side for “A,” “C” (south), and “H” (west) Streets is 26’; for “B”, “C” (north), “F” and “H” (east) Streets, the parkway width is 14’. The proposed “H” Street intersection at Highland Springs Ave. aligns with existing Oak Valley Parkway on the City of Beaumont or west side of Highland Springs Ave., and therefore “H” Street is an easterly extension of Oak Valley Parkway.

Northern Loop Collector and South Loop Collector
The proposed North and South Loop Collector Streets will provide internal circulation and access within the specific plan area as modified collectors with 108’ of right-of-way. The Loop Streets are expected to provide a 12’ painted median, although a raised median may be provided at acceptable locations. Next to the median, a maximum 16’ lane of travel in each direction, and a 10’ bike/NEV lane on each side are proposed.

The parkways on each side of the North and South Loop Streets will vary in width, with one side (30’ in width) containing an expanded trail amenity. The northern/western parkway of the North Loop and the outside parkway of the South Loop will contain a side-by-side 5’ meandering sidewalk and 5’ decomposed granite meandering trail arrangement. The opposite side parkway will contain a 5’ meandering sidewalk.

“F” Street (East of North Loop Intersection)

“F” Street, from east of the North Loop Street to Highland Home Road is also proposed to be constructed within the standards of a modified collector street. This section of “F” Street will be a public modified collector with 108’ of right-of-way. Similar to the North and South Loop Streets, asymmetrical parkway widths of 30’ and 14’ are also proposed for this roadway. This segment of “F” Street is expected to provide a 12’ painted median, although a raised median may be provided at acceptable locations. Next to the median, a maximum 16’ lane of travel in each direction, and a 10’ emergency/bike/NEV lane on each side are proposed. The southern parkway of “F” Street east of the North Loop Street will contain a side-by-side 5’ meandering sidewalk and 5’ decomposed granite meandering trail arrangement. The opposite side parkway will contain a 5’ meandering sidewalk.

3.2.1.5 Local Streets

Local streets provide direct access to and from residential lots in the residential land use areas. The 56’ right-of-way of these local streets accommodates one 10’ travel lane in each direction and 8’ parking lanes on each side in a 36’ curb to curb width. A 5’ sidewalk within a 10’ roadway will be provided on both sides of all streets where homes occur on both sides of the street. Sidewalks on local streets may be located adjacent to the curbs or may be set off from the curbs, separated by a landscape strip. Additionally, a 3’ public utility easement may be on both sides of the road right-of-way. A “wedge” curb may be allowed on Local Streets. Limited local neighborhood entry streets located off of collector streets or larger, may be provided with 70 feet of right-of-way, to accommodate 20’ travel lanes in each direction, separated by a minimum 10’ landscaped median. The local neighborhood entry option may only be utilized where it will not interfere with access to residential driveways. Cluster development within the Medium Density Residential areas may have alternate local street, private street and common drive standards.
3.2.2 Private Street Options

Significant portions of the Specific Plan area have the potential to be designated as private streets with gated access if proposed by project developers for marketing these areas as restricted access communities. Private streets would be maintained by a homeowners association, which would reduce the city’s maintenance responsibilities. Highland Home Road and “F” Street, proposed within the Specific Plan should remain public in any case. Individual planning areas in the Butterfield Specific Plan could be designated with private streets and gated, such as in the medium density cluster product areas as may be proposed. Other potential options could include designating whole groups of planning areas with private streets and gates, such as placing gates on either end of proposed North Loop Collector “F” Street and making this street private, as well as the streets within all planning areas taking access off of “F” Street the North Loop Collector. Exhibits 4.6A and 4.6B, Secondary Community Entry Gate Concept, in the Design Guidelines Section 4.0 of the Specific Plan provides alternative typical concept plans for proposed secondary gated access within the Specific Plan if provided. All streets within the Specific Plan area proposed to be designated private shall be subject to review and approval by the City of Banning for adequacy of circulation, design and gate placement. Public utility easements will be reserved in private streets as necessary.

Secondary vehicle access to some planning areas in the Specific Plan as depicted on Exhibit 3.2, Vehicular Circulation Plan, may use a private drive type access depicted in Exhibit 3.3 FC. These secondary access drives would be maintained by the homeowners association. Daily traffic may be otherwise discouraged on these specific secondary access drives through signage, but they would not be gated in any form and would be open for secondary access when needed. Gated emergency-only access may also be used with some planning areas as depicted in Exhibit 3.2.

3.2.3 Low Speed Electric Vehicle Circulation

The intent of the Butterfield Specific Plan is to allow electric Low Speed Vehicles (LSV’s) on all internal project streets. Section 385.5 of the California Vehicle Code (CVC) defines a Low Speed Vehicle (LSV) as a motor vehicle that is capable of propelling itself at a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour. LSV’s must meet minimum State safety standards. Drivers of LSV’s must possess a valid California Driver License. LSV’s must be registered and licensed with the State Dept. of Motor Vehicles. CVC Section 21266(a) allows LSV’s to travel in the standard vehicle travel lanes of any street with a posted speed limit of 35 miles per hour or less. Because only electric powered LSV’s are predominantly sold in California they are more commonly referred to as Neighborhood Electric Vehicles (NEV’s).

All interior streets in the Butterfield Specific Plan are expected to have posted speed limits of 35 miles per hour or less and would therefore allow NEV’s. Although NEV’s are allowed to travel in the standard vehicle travel lanes, the Butterfield Specific Plan Vehicular Circulation Plan and proposed Roadway Cross Sections allow for striped dual NEV and bike lanes on the outside edge of all proposed Collector Streets in the SP. Highland Home Road may have a posted speed limit of greater than 35 miles per hour. It may be possible to allow NEV’s on Highland Home Road through the SP area in a separate striped lane, which is reflected on the proposed cross sections included in the
SP. Highland Springs Avenue and Wilson Street have posted speed limits of greater than 35 miles per hour. NEV’s are allowed to cross streets with posted speed limits of greater than 35 miles per hour. NEV use will be allowed in all local streets within the SP area within the standard vehicle travel lanes.

3.2.4 Non-vehicular Circulation

The Circulation Plan also includes a non-vehicular walkway and trail network within the Specific Plan. The pedestrian plan identifies proposed walkways, trails, trail heads, and bike lanes. Please see Exhibit 3.4, Backbone Non-vehicular Circulation Plan. The purpose of each trail network feature can be summarized as follows:

- **On-Street Bicycle Lanes**: The Specific Plan proposes on-street bicycle lanes along all project roadways of modified collector classification or higher. These bicycle lanes will assist in providing connections to regional and local facilities, in addition to the residential communities within the project. The on-street bike lanes will be accommodated within the street right-of-way and will be a minimum 7’ wide. On-street bike lanes may be a shared dual use with LSV or NEV vehicles as noted above in Section 3.2.3.

- **Trails/Pathways**: The Specific Plan proposes to include trails throughout the Specific Plan development area, within and adjacent to Planning Areas 50, 68, 51, 52, 65, 60, 61 and within the natural open space area located on the north eastern portion of the project site. These trails will assist in providing connections from the residential communities to the natural open space within and adjacent to the project.

- **Sidewalk**: The Specific Plan proposes these aesthetically pleasing pedestrian ways along the project entry roads, accessing external destinations by also running along the western project edge on Highland Springs Avenue.

- **Combination Meandering Sidewalk & Meandering Trail**: The Specific Plan proposes to allow these minimum 10’ wide treatments within enhanced parkway widths to be found on northern/western parkway of the Northern Loop, outside parkway of the Southern Loop, and southern parkway of “F” Street. The sidewalk component provides safe, attractive access to points within the project. The trail component would be a decomposed granite multi-purpose path for exercise by project residents.

3.2.5 Circulation Plan Development Standards

1. The proposed Butterfield circulation development standards are to be further defined based on the project traffic report. On-site roadway improvements, as illustrated in the cross-sections, will be developed in accordance with this plan. Signalized intersections, stop-controlled intersections and intersection geometry will be identified and modified as warranted within the traffic study.

2. If necessary, additional traffic analyses shall be undertaken as required by the City of Banning, as more detailed development plans are completed to identify specific design parameters, phasing details, and additional mitigation strategies.

3. Improvement Phasing Plans shall be developed and implemented based on the Butterfield Specific Plan Traffic Study to ensure the circulation improvements are
completed consistent with the Specific Plan standards and EIR mitigation requirements.

4. For streets designated as either a Major or Secondary Highway, adequate provision must be made for safe and convenient pedestrian crossings. Special consideration shall be made to accommodate pedestrian traffic to and from schools and parks.

5. Roadway improvements may be implemented through an assessment district or similar financing mechanism.

6. On-street parking shall be prohibited within areas identified for on-street bike or NEV/LSV lanes.

7. City of Banning Pass Transit system and Riverside County Transit Agencies shall be consulted with in conjunction with project development to coordinate with existing and expand scheduled bus service, to implement long-term public transportation projects and to develop vanpools and subscription bus service.

8. Traffic synchronization will be provided where appropriate.

9. County TUMF fees (or other substitute funding mechanism adopted by the City) will be paid where appropriate to fund off-site regional improvements.

10. All streets shall have a maximum grade of 15 percent or less. Wherever feasible, street grades should be kept to 10 percent or less.

11. Street Lights designed and located pursuant to accepted dark sky principals may be given consideration subject to the review and approval of the City Public Works Director or City Engineer and the City’s code regulations.
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3.3 **GRADING PLAN**

This section describes the proposed overall mass grading concept for the Butterfield Specific Plan. The Specific Plan mass grading plan is designed to provide for the proposed development and to take into account the existing topography of the project site.

3.3.1 **Grading Plan Description**

Mass grading of the Specific Plan area will be executed with an emphasis on establishing building envelopes to site the golf course, roadways, drainage ways/basins, future housing tracts, development pads, park areas, school sites, commercial sites, and water reservoirs. The site grading is not expected to significantly raise or lower the overall elevation of the site from current conditions. The estimated volume of basic grading for the entire Butterfield project is anticipated to be approximately 6.2 million cubic yards of cut earthwork and approximately 6.2 million cubic yards of fill earthwork. The grading will also include over excavation as anticipated, and remedial grading (alluvium and colluvium removal and recompaction). The basic grading of the site, including the remedial grading, is anticipated to balance on site (equal cut and fill) without need for import or export. There will be a relatively limited amount of import of special material (sands, gravels, clays) to the site for construction of portions of the golf course, drainage/recharge basins, lakes and road beds.

The Butterfield land use plan incorporates open space planning areas in the far northern and eastern edges of the project site. These open spaces include areas where fuel modification will take place (i.e. control of combustible vegetation within 100 to 150 feet of structures). The fuel modification zones provide a fire protection and transition area to provide a buffer for protection against wildfires and a setback from the more wildland areas. The mass grading activity accounts for the presence of potentially active seismic faults on the Butterfield site, approximately located in portions of Planning Areas 64, 65, 66 and 71, which are in between residential Planning Areas 57, 58 and 59. There is an additional fault area in the north between open space Planning Areas 34 and 73, no residential development is allowed or proposed in these areas. All proposed residential planning areas are located outside of the fault zone setback areas as specified by the project geotechnical engineer, GEOCON, along the southern edge of PA 59 and along the northern edge of PAs 60 and 61. Development area does not extend into northern potential fault area and the golf course has been located in the potential fault area between Planning Areas 58 and 59.

The design of the plan reflects sensitivity to onsite natural landforms and the implementation of grading and drainage Best Management Practices (BMP’s). Refer to Exhibit 3.5A, **Conceptual Mass Grading Plan**. The grading plan was also developed to be consistent with the existing topography and grading concepts proposed for neighboring properties. The site will be graded to allow the current surface drainage pattern to continue. The majority of the Butterfield Specific Plan area contributes drainage flows to Smith Creek; this will still be true of the realigned Smith Creek within the project’s proposed golf course central open space. Only portions of the project area in the proposed graded condition, along the eastern edge of the Specific Plan area, consisting of approximately 140 acres, will drain to Pershing Channel located along Highland Home Road north and south of Wilson Street.
Within Planning Area 71, a large basin is proposed at the north end of the Specific Plan area where Smith Creek enters the site. This basin will be designed to detain upstream drainage flows to the extent that drainage flows leaving the project area at the south end (via Wilson Street), in the developed condition, will be equal to or less than existing conditions. (For more information on the north detention basin and other drainage improvements for the Butterfield Specific Plan site, please refer to Section 3.4, Drainage Plan, of this Specific Plan.)

The grading of the Specific Plan area will be phased to the extent practical to keep impacts from grading to a minimum at any one time. Mass grading is proposed to be done generally from south to north. However, the initial phase of the mass grading should include the entire golf course open space area, realignment of Smith Creek, including all proposed drainage facilities associated with the realigned creek, and the golf course, areas immediately adjacent to all sides of the golf course open space, and the south half of the Specific Plan area, south of “F” Street. Rough grading and fine grading of areas will occur as development takes place in those areas.

**Smith Creek and Golf Course Central Open Space**

Smith Creek through the Specific Plan area is proposed to be realigned to flow through the golf course central open space. The grading of the realigned creek through the project will be done to reflect a vegetated earthen natural channel. The proposed golf course central open space areas within Planning Areas 23, 25, 35A-F, 64 and 66 will be lower in elevation than nearby home sites. This will enhance the open space’s value in providing a channel for Smith Creek flood control and other tributary drainages. Lowering the golf course central open space will also provide more vertical separation, articulation and aesthetic treatments at the interface between homes and the proposed golf course open space. See Exhibits 3.6A and 3.6B for the Golf Course Grading Concept and Golf Course Central Open Space Grading Section Concepts.

All necessary permits will be obtained from appropriate resource agencies for impacts to jurisdictional waterways. Basic grading, including remedial grading, of the Specific Plan Area is anticipated to balance on site, without need for import or export of dirt.
EXHIBIT 3.5
SUPERSEDED

ESTIMATED EARTHWORK QUANTITIES

CUT 6,200,000
FILL 6,200,000

PARDEE HOMES • BUTTERFIELD SPECIFIC PLAN
Conceptual Mass Grading Plan

2012 APPROVED SPECIFIC PLAN
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EXHIBIT 3.5A
PROPOSED Conceptual Mass Grading Plan
PARDEE HOMES • BUTTERFIELD SPECIFIC PLAN
9/6/2016  JN: 152356
NOT TO SCALE

ESTIMATED EARTHWORK QUANTITIES
CUT  6,200,000
FILL  6,200,000

2016 UPDATED SPECIFIC PLAN
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3.3.2 Grading Plan Development Standards

1. All other provisions of this Specific Plan notwithstanding, all grading shall conform to the California Building Code and all other relevant laws, rules and regulations governing grading in the City of Banning.

2. All grading activities shall be in substantial conformance with the Conceptual Grading Plan as determined by the City Engineer and Community Development Director, and shall implement any grading-related mitigation measures outlined in the CEQA documentation.

3. All streets shall have a maximum grade of 15 percent or less. Wherever feasible street grades should be kept to 10 percent or less.

4. Graded slopes shall be oriented to minimize visual impacts to surrounding areas.

5. The overall slope, height and grade of any cut and fill slope shall be developed in concert with the existing natural contours and scale of the natural terrain of a particular site.

6. The toes and tops of all slopes higher than ten feet should be rounded, where possible, with curve radii designed in proportion to the total height of the slope, where drainage and stability permit such rounding.

7. Cut or fill slopes exceeding 100 feet in horizontal length, if any shall be graded to meander at the toe and top of the slope.

8. Slopes exceeding three feet in vertical height shall be protected per City standards prior to the beginning of the wet season (October to March), or as otherwise provided per the approved Erosion Control Plan.

9. Prior to initial grading activities, a soils report and geotechnical study shall be performed with further analyses of on-site soil conditions and appropriate measures to control erosion and dust.

10. Detailed grading plans shall be prepared prior to any on-site grading for each project or group of projects.

11. The applicant shall be responsible for maintenance and upkeep of all planting and irrigation systems until those operations become the responsibility of individual homeowners or the homeowners association.

12. Angular forms shall be discouraged. The graded form shall reflect natural terrain, where possible and shall be reviewed by the City Engineer.

13. Potential brow ditches, terrace drains or other minor swales, determined necessary at future stages of project review, shall be lined with natural erosion control materials or concrete.
14. Grading work shall be balanced on-site, wherever possible. If export is required as a result of the final grading plan, then measures will be taken to be in compliance with the applicable City of Banning Ordinances at time of final grading plan approval. Export of graded material from the site will not be permitted for commercial purposes.

15. Graded, but undeveloped, land shall be maintained weed-free and planted or protected with acceptable plant material and interim erosion control measures within 45 days of completion of grading, unless building permits are obtained. All graded slopes, pad areas and road beds shall be continuously maintained by the Developer or the homeowners association.

16. A grading permit shall be obtained from the City of Banning, as required by the City grading ordinance, prior to grading.

17. If any historic or prehistoric remains are discovered during grading, a qualified archaeologist and paleontologist shall be consulted to ascertain their significance.

18. If human remains are encountered during grading and other construction excavation, work in the immediate vicinity shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5. The city of Banning Planning Department shall also be contacted.

19. In the event that Native American cultural resources are discovered during project development/construction, all work in the immediate vicinity of the find shall cease and a qualified archaeologist meeting Secretary of the Interior standards, and approved by the City of Banning, shall be hired to assess the find. Work on the overall project may continue during this assessment period.

20. If significant Native American cultural resources are discovered, and a Treatment Plan is recommended by the archaeologist, the developer or the archaeologist shall contact the Morongo Band of Mission Indians ("Tribe"). If requested by the Tribe, the developer or the project archaeologist shall, in good faith, consult on the discovery and its disposition (e.g. avoidance, preservation, return of artifacts to tribe, etc). The results of the consultation and disposition shall be forwarded to the City of Banning for retention in the project file.

21. Soil stabilizers and other best management practices shall be used to control dust as required by current SCAQMD and City requirements.

22. Property lines shall be located at the tops of slopes, in rear and sideyard areas when feasible.

23. Maintain moderate grades at a gradient not exceeding 2:1 on new slopes to reduce risk of erosion.

24. Appropriate erosion control measures shall be considered, as determined by the City Engineer as part of the comprehensive grading and drainage plan to reduce erosion.
25. Adequate provisions shall be determined by the City Engineer to prevent surface waters from damaging or interfering with construction activities, public or private property, and cut and fill slopes during and after construction.

26. All project sites shall meet NPDES requirements for urban runoff and erosion control. All sites shall employ Best Management Practices (BMP’s) and meet City of Banning and County of Riverside Standards.

27. Concrete terrace drains, v-ditches, and brow ditches shall use colored concrete that is intended to blend with their surroundings. The design of these facilities shall consider minimization of their view impacts.

28. The height of grading dirt stockpiles shall be minimized and promptly removed as grading allows. Such stockpiles shall be setback from Highland Springs Avenue, Wilson Street and Highland Home Road a minimum of 150 feet.

29. Slope easements, including for maintenance purposes, shall be shown on tentative tract maps.
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4/23/07  JN: 65-100290

Golf Course Grading Concept

PARDEE HOMES    BUTTERFIELD SPECIFIC PLAN

EXHIBIT 3.6A

ELIMINATED

DUE TO GOLF COURSE ELIMINATION.

2012 APPROVED SPECIFIC PLAN
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3.4 DRAINAGE PLAN

This section describes the existing onsite drainage characteristics and improvements proposed within this Specific Plan. Following this description, drainage plan development standards have been created to address drainage improvements proposed by this Specific Plan and to ensure conformance with the City of Banning, County of Riverside, NPDES, and other responsible agency requirements.

3.4.1 Characteristics of Existing Drainages

Smith Creek, the most significant drainage feature in the project vicinity, currently exists as a natural earthen channel that conveys drainage down the center of the site, where it connects to an existing culvert under Wilson Street and the further existing channel south of Wilson Street. The channel’s width on the site averages approximately 30 feet; its depth ranges from three to five feet and consists of a sandy bottom with soil sidewalls. Pershing Channel connects with the project site along its southeastern edge. The channel passes along side of Highland Home Road, travels under Wilson Street via a culvert, and empties into an existing channel south of the street.

Historically the Butterfield site has received surface drainage flows from north to south within the two separate watersheds, Smith Creek and Pershing Channel. Approximately 1,220 acres, an estimated 79% of the project site acreage in the existing condition lies within the larger watershed affecting the Specific Plan area which drains to Smith Creek through the center of the site. An estimated 323 acres, constituting 21% of the project site acreage in the existing condition drains to the Pershing Channel along Highland Home Road just north of Wilson Street.

Southerly portions of the Specific Plan area are currently in a designated 100-year flood zone (Zone A) pursuant to the National Flood Insurance Rate Map. These areas can be removed from this zone, except in the proposed [golf course][central] open space and realigned Smith Creek area, with the improvements described below.

3.4.2 Master Drainage System

The Butterfield Specific Plan proposes a backbone system of drainage improvements which will utilize the capacity of both Smith Creek and Pershing Channel to transport surface flows from and through the project site in its developed condition. The backbone system will also direct first-flush or nuisance flows toward water quality features that will treat the runoff before it enters these major drainages. Basin and channel features at Smith Creek’s site entry and exit points and in the [golf course][central] open space are integrated with the realigned Smith Creek and will help regulate the volume and velocity of flows for the Smith Creek-drained portion of the site. This integrated system would protect the Butterfield development from inundation and help regulate dispersal of flows throughout the project site and exiting the site. Controls are also included for drainage entering Pershing Channel. The following provides a further description of the proposed Specific Plan backbone drainage features.
North Basin

A realignment of Smith Creek is anticipated by this drainage plan. The project drainage to Smith Creek will drain to the proposed realigned creek in the golf course central open space. A large detention basin is proposed within Planning Area 71 at the north end of the Specific Plan area where Smith Creek enters the site. This basin will be designed to detain upstream drainage flows to the extent that drainage flows leaving the project area at the south end (via the existing culvert under Wilson Street), including in the developed condition, will be equal to or less than existing conditions.

The north basin is planned to have the main functions of detaining flows from expected 100 year storm events flowing in from Smith Creek and release this storm water in an acceptable controlled manner; and to detain sediment from off-site upstream flows of Smith Creek. Additionally, the City could potentially elect to use the basin for storing State Water Project (SWP) water for use in groundwater recharge on the project site, if the City was to choose to acquire such water for this purpose via a pipeline extension connecting the existing SWP pipeline with PA 71 in the Specific Plan area. See Section 3.5.3, Groundwater Recharge Plan Description, in this Specific Plan for a further description of this. The City could also potentially elect to store recycled water (generated either at the City of Banning’s main wastewater treatment plant or at onsite satellite wastewater treatment plant) that could be blended with other sources of water in the basin and which could be piped and pumped throughout Butterfield Specific Plan area for irrigation of the golf course and the common landscaped areas of the project, as well as potentially for groundwater recharge if pursued and approved. See Section 3.5.2, Recycled Water Service Plan Description, as well as Section 3.5.3 of this Specific Plan for a further description of this. See Exhibit 3.6B, PA 71 North Basin Schematic Section for an indication of approximate potential water storage volumes proposed in the basin for these purposes. Portions of area surrounding the basin will be suitable for planting native vegetation to create potential native habitat restoration areas. The basin may also be used to establish a passive recreational area, suitable for potential fishing, operation of non-motorized boats, picnicking and hiking and taking in the views offered from vantage points.

The north basin in Planning Area 71 will contain three subparts, a desilting basin to desilt upstream flows, a weir which helps to contain any accumulated materials, and a connected larger part of the basin which receives stormwater overflow from the desilting basin. A much smaller (3+ acres) proposed lake basins in the southern portion of the PA 34 open space and the north central part of the golf course central open space will provide additional limited drainage detention. Please refer to Exhibit 3.6A, Master Drainage Plan, for the overall project drainage concept and location of the PA 71 basin. Please refer to Exhibit 3.6B, PA 71 North Basin Schematic Section for an indication of approximate potential water storage volumes proposed in the basin. A concept landscape plan of the Planning Area 71 north basin can be seen in Section 4.0, Development Design Guidelines, of this Specific Plan as Exhibit 4.8I, PA 71 North Basin Landscape Concept Plan.

Golf Course Central Open Space Drainage System

The main backbone drainage facility for this Specific Plan consists of a large open channel section that will run from north to south for the most part in the golf course central open space realigned as Smith Creek. During significant storm events,
the channel will spread over its top of channel and spread onto the fairways and into other portions of the open space. By spreading the flows, the wetted perimeter is increased resulting in slower velocities. Where necessary, some limited detention along Smith Creek may be designed to further control release of onsite stormwater.

The proposed main channel will could be lined in areas with turf reinforcing mat (TRM), which will be covered in soil and vegetated. The result is a natural, vegetated channel. Where the velocities are significant, drop structures will be utilized to dissipate energy and slow down the flows. These drop structures, constructed to fit within restored natural conditions to the greatest extent possible, will protect the channel from erosion. Culverts will be placed at the proposed street crossings.

Drainage from development areas within the Specific Plan will flow in streets and into storm drains to be taken to either the Smith Creek drainage in the golf coursecentral open space or the Pershing Channel. Before low flow drainage or first flush storm runoff enters either Smith Creek or Pershing Channel, the flows will pass through water quality treatment facilities. These water quality treatment facilities will likely consist of vegetated detention basins or vegetated flow through swales, which will be located in the golf coursecentral open space areas or other open space areas, or may be in the residential areas.

Drainage flows exiting the golf coursecentral open space will flow under the South Loop Roadproposed "C" Street and into the south channel, located within Planning Area 19. This is proposed as an earthen-open channel, vegetated with native plant materials. The channel will be lined where necessary to protect against erosive flow conditions. All flows from the south channel will pass offsite to the south, through an existing culvert under Wilson Street. Please refer to Exhibit 3.6A, Master Drainage Plan. Refer to Exhibit 3.7C, Conceptual Golf Course Drainage Plan, for a more detailed depiction of this concept, including potential water quality feature locations and groundwater recharge areas (discussed in Section 3.5). A conceptual landscape plan of the Planning Area 19 south channel can be seen in Section 4.0, Development Design Guidelines, of this Specific Plan as Exhibit 4.8H, PA 19 South Channel Landscape Concept Plan.

The proposed drainage facilities were designed to replace the systems identified in the County and City Master Plan of Drainage. The proposed drainage system provides the same function as those facilities previously master planned, and could potentially reduce the master planned flow rates at the project boundaries.

3.4.3 Drainage Plan Development Standards

In order to ensure orderly development, the Drainage Plan described above shall be subject to general principles and standards as follows:

1. The Project shall be subject to the requirements indicated in the Riverside County Flood Control District and Water Conservation District Hydrology Manual and the City of Banning flood control standards, including the following provisions:

   a) All building pads shall be free from flood hazard for the 100-year frequency storm by elevating finished floor elevations one foot above the 100-year level of flood protection; and
b) Depths of flow in the streets shall not exceed top of curb elevations for the 10-year frequency.

2. The potential for the conveyance of debris from off-site watersheds shall be taken into account into the design of the proposed facilities.

3. Prior to site development, the proposed interior road infrastructure and grading design shall be coordinated to ensure that there is not any major diversion of drainage areas between watersheds.

4. The design of all interior storm drain conveyances and local storm drain facilities shall be in accordance with the criteria RCFCWCD guidelines. Flood flows used in the design of waterways, channels, and closed conduits shall have minimum average recurrence intervals as follows:
   a) Storm drain systems shall be designed and based on a minimum 10-year frequency.
   b) For sump conditions, a 25-year frequency shall be applied, and a connected system shall be designed to completely convey 100-year runoff, with a secondary outlet to assure the water surface is one foot below the proposed pad elevations.

5. On-site public drainage facilities located outside of the road right-of-way shall be contained in drainage easements.

6. Streets shall be oriented to maximum potential conveyance of regional flooding during significant storms to expedite the flow through the development.

7. The Specific Plan shall be phased such that 100-year flood protection is ensured in all areas of the development. Interim improvements shall be provided as phasing of the development progresses.

8. New development shall be required to prepare a master flood utility plan for storm drainage conveyance.

9. All projects shall be required to retain any increased drainage onsite until such time as a viable drainage plan is implemented. Development proposed following implementation of such a drainage plan shall be implemented in accordance with the approved drainage master plan.

10. Best Management Practices (BMPs) shall be implemented to enhance pollutant removal during storms and to improve the quality of stormwater runoff.

11. Prior to development of upstream areas, the potential for the conveyance of debris by the offsite watershed shall be accounted for in design of onsite drainage facilities in order to avoid abrasive erosion in certain drainage facilities and maintenance problems for facilities located within the floodplain.

12. Inspection and maintenance of public storm drain systems shall be performed by City of Banning.
13. Construction of each phase shall include an assessment of the size and flow patterns of the adjacent undeveloped areas on the Specific Plan area.

14. Each phase shall prepare an erosion control plan that provides the developed phases with the required flood protection. Flood protection shall be determined by the size of the undeveloped areas and the flow patterns.

15. Temporary basins shall be constructed to meet detention requirements and earthen channels/berms shall be used to divert and convey flows during construction phases.
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**BASIN/LAKE STORAGE**

**STORAGE REQUIREMENT**
- Q₁₀₀ DETENTION
- SEDIMENT STORAGE
- IRRIGATION STORAGE
- RECHARGE STORAGE (=TO MAX. PEAK DOMESTIC DEMAND)
- SURPLUS STORAGE

**SOURCE**
- STORM RUN-OFF
- STORM RUN-OFF
- RECYCLED OR SWP WATER (POTENTIAL)
- RECYCLED OR SWP WATER (POTENTIAL)
- RECHARGE OR STORM RUN-OFF

**VOLUME (APPROXIMATE)**
- 100 AC-FT
- 45 AC-FT
- 80 AC-FT
- 25 AC-FT
- 40 AC-FT
- TOTAL 290 AC-FT (190 AC-FT DEAD STORAGE)

Notes:

SWP = Potential State Water Project or other imported water.
Potential use of recycled water or other sources of water for recharge will require appropriate approvals and permits, including the acceptable levels of blending with other water sources.
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### BASIN/LAKE STORAGE

<table>
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<th>VOLUME (APPROXIMATE)</th>
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<tbody>
<tr>
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<tr>
<td>SEDIMENT STORAGE</td>
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<td>RECHARGE STORAGE (=TO MAX. PEAK DOMESTIC DEMAND)</td>
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<tr>
<td>SURPLUS STORAGE</td>
<td>RECHARGE OR STORM RUN-OFF</td>
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#### Notes:

SWP = Potential State Water Project or other imported water. Potential use of recycled water or other sources of water for recharge will require appropriate approvals and permits, including the acceptable levels of blending with other water sources.

BASIN BOTTOM AND STORAGE ELEVATIONS ARE PRELIMINARY ESTIMATES ONLY.
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THIS EXHIBIT ELIMINATED DUE TO GOLF COURSE ELIMINATION.
3.5 **WATER, RECYCLED WATER AND SEWER SERVICES PLAN**

This section outlines domestic water, recycled water, and sewer (wastewater) service provisions in concept to adequately meet future development demands of the Butterfield Specific Plan area. This plan addresses demands of the uses proposed within the Specific Plan as required by applicable City master plans and the Butterfield Specific Plan Water Supply Assessment and develops standards for the development of water, recycled water, and sewer services.

3.5.1 Water Service Plan Description

Butterfield Specific Plan’s projected potable water demand for non-irrigation purposes in the project at buildout is estimated at approximately 1,783,600 acre feet/year with estimated future water conservation reductions. These figures assume a development of 5,387 dwelling units, and in which PAs 17, 18, 20 and 68 are developed according to their primary development designation, commercial and schools. These potable water quantities would be expected to decrease if ultimately fewer dwelling units are built or active-adult dwelling units were part of the product mix constructed, based on an expected lower number of persons/residents per dwelling unit.

The proposed project site is within the City of Banning’s Water Utility Department service area that provides water services to the City. Groundwater basins within the San Gorgonio Pass area, including the Banning, Beaumont and Cabazon areas, serve as the main domestic or potable water sources for the City. The City owns and operates wells, reservoirs and water distribution lines that deliver water to the City as well as to limited unincorporated Riverside County lands outside the City limits. Water from the State Water Project (SWP) system used to help replenish groundwater supplies.

The City of Banning requires developments to provide two points for water main connection tie-ins. The Butterfield Specific Plan area proposes these connection points at minimum at the intersection of Highland Home Road and Wilson Street as well as proposed “C” Street and Wilson Street. Exhibit 3.7 Conceptual Potable Water Plan depicts the proposed main on-site water transmission lines. Looping of water lines throughout the major portions of the Butterfield site as well as within individual planning areas will occur to distribute potable water to the project. Local on-site (in-tract) water transmission lines of 8 inches minimum diameter within project internal streets are proposed to directly serve Butterfield’s residential uses.

Approximate potential tank and pump locations for potable water supply are indicated on Exhibit 3.7, Conceptual Potable Water Plan, and assumed to be onsite within the development area of the site. References to locations and elevations indicated on the exhibit should be interpreted as approximate minimums affecting appropriate service pressure zones and may be subject to adjustment within the proposed development areas. The Project proposes three to four above-ground steel water storage tanks for potable water (with a total potential storage capacity of approximately 3.0 million gallons [MG]), to serve Butterfield residents in the Specific Plan’s lower Foothill West Zone, Zone I, and Zone II. The proposed Foothill West reservoir for the SP is proposed to be located on the east side of PA 50 at a pad elevation of 2,790 feet. A potential alternate location for this reservoir could be buried under the play fields in the PA 68 school site. Both the Zone I and Zone II reservoirs proposed to serve these respective zones in the SP will be located within the east side of PA 73, and at minimum...
pad elevations of 3,038 feet for Zone I and 3,205 feet for Zone II. The proposed Zone I reservoir could be built as a single tank or two side by side tanks. All residential lots in proposed pressure Zone II will be at elevation 3,115 feet or below, allowing them to be served from the proposed Zone II reservoir. The Project proposes three on-site potential pump station locations and in-tract water pipelines, which will connect to the City’s existing system at Highland Home Road and Wilson Street as well as “C” Street and Wilson Street.

Proposed interconnection points between the proposed Banning system serving the Butterfield Specific Plan area and that of the Beaumont-Cherry Valley Water District (BCVWD) are also depicted in Exhibit 3.7. Banning and BCVWD have agreements in place for joint use of certain wells in the BCVWD area. Within the project’s part of City of Banning’s Foothill West Zone, a BCVWD line running along 8th Street from west of Highland Springs Avenue could be tied into the City of Banning’s existing potable water pipeline within Wilson Street. BCVWD’s system also provides an existing line running within Oak Valley Parkway. As a second currently-available interconnect point to the project’s part of the Banning Foothill West Zone, the Oak Valley Parkway line could connect via the proposed “B” Street-Oak Valley Parkway extension into the Butterfield system. A supporting pipeline could also be implemented within Highland Springs Avenue to connect these two current interconnect points. In the future, potential interconnects to the Specific Plan’s Zone 1 system (Banning system) could be made with a planned BCVWD facility to be constructed in the north Sundance project area within Cougar Way, west of Highland Springs Avenue from approximately proposed “F” Street in the Butterfield Specific Plan Planning Areas 41 and 42. For each interconnect opportunity, a potential pump station may be provided.

If made available, the treatment of State Water Project water to acceptable potable use standards might also be a potential option with this project. This treatment might be provided by a treatment facility which receives SWP water via a feed line from a potential SWP pipeline extension before it would enter the proposed north basin in PA 71. See discussion in Section 3.5.3 of this Specific Plan for a further description of this potential pipeline extension and facility.
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3.5.2 Recycled Water Service Plan Description

The City of Banning Wastewater Treatment Plant (WWTP) is located in the southeast section of the City and currently has the capacity to treat 3.6 mgd of wastewater to secondary standards. The wastewater is treated and the effluent is discharged to percolation ponds that overlie the Cabazon groundwater storage unit. The Wastewater Treatment Plant currently has headworks designed for an ultimate capacity of 7.8 mgd.

The City has completed plans for expansion and upgrade (Phase I Upgrade) of the main Wastewater Treatment Plant (WWTP). The upgrade would provide treatment of up to 1.5 mgd of wastewater to tertiary standards, which would allow for the production of approximately 1,680 acre-ft/yr of recycled water. In addition, pursuant to a September 2006 draft Recycled Water Master Plan prepared for the City of Banning by Carollo Engineers, the City owned R-1 well located near to the WWTP can be another direct source of water suitable for use in the City’s recycled water system. The Phase I WWTP upgrade project includes potential retrofitting the R-1 well and proposed recycled water distribution pipelines south of the I-10 Freeway. Environmental review (CEQA compliance) has been completed on the City’s Phase I project. The Banning 2006 Recycled Water Master Plan also projects recycled water demands in the City could total approximately 5.0 mgd in the future, requiring further expansions of the City’s wastewater treatment capabilities.

Butterfield Specific Plan area’s projected total irrigation water demand to serve the project’s common landscaped areas as well as the golf course and open space is estimated at approximately 4,324.1,000 acre feet/year at project buildout. Recycled water, as it is available, is the ultimate required source to meet this demand.

The City of Banning has yet to construct a distribution system to deliver recycled water to irrigation customers. As such, the City requires dry recycled water lines to be constructed concurrently with potable water lines for future use with a recycled water source when available, for irrigation use. Recycled (non-potable) water lines will follow the same alignments as those for potable domestic water as appropriate, connected to storage facilities proposed in the project area. Pump locations are possible along Highland Home Road or elsewhere within the project as appropriate. See Exhibit 3.8A, Conceptual On-site Recycled Water Plan.

In order to supply the Butterfield Specific Plan area with recycled water from the City’s main plant, when made available by the City, off-site recycled water transmission pipelines will need to be constructed from Highland Home Road/Wilson Street intersection eastward along Wilson Street, south on Sunset Avenue, eastward on Lincoln Street, south on Hathaway Street, and eastward on Charles Street to the City’s main wastewater treatment plant. The Banning Wastewater Treatment Plant with the planned upgrades would then send recycled water through the pipeline to the point of connection with the Butterfield site’s onsite distribution system. Pumps would be needed at points along the off-site line to get recycled water to the site. See Exhibit 3.8B, Off-site Recycled Water Transmission.

The project proponent would pay a fair share contribution towards construction or would construct the entire offsite improvement in return for cost reimbursement or project fee credits. In support of this Butterfield service option, improvements to the City’s main wastewater treatment plant both to expand treatment capacity as well as to upgrade to tertiary treatment of wastewater would be necessary by the City. At this writing, these
plant improvements have been proposed to be included as part of the City’s capital improvements program.

As a potential alternative option for generating recycled water for the project, the City could elect to have a satellite wastewater treatment plant sited and constructed within the Butterfield Specific Plan area. To accommodate this alternative, the Specific Plan designates an approximately 2 to 5 acres at the southern end of Planning Area 11 for a satellite treatment plant. At this location, the satellite plant could receive wastewater gravity flow from the project, treat the wastewater and pump back recycled water through Butterfield’s onsite distribution system to be stored in the golf course irrigation lake to be located north of PA 38 or in the north basin in Planning Area 71 potentially a reservoir constructed on the eastern portion of Planning Area 70. Exhibit 3.8A shows the location of this potential satellite treatment plant on the Butterfield project. The potential satellite plant would be owned and operated by the City of Banning.

The City could also elect to potentially have existing wastewater flows from existing homes and businesses south of the project and north of the I-10 Freeway and potentially in a limited area to the east be diverted to the proposed satellite plant to provide essential flows necessary to commence its operation and to generate recycled water for irrigation (i.e., to the golf course) prior to on-site uses in the Butterfield project coming online. Diversion may only be temporary, until such time as development of uses on the Butterfield site would generate sufficient flows on its own for operation. A proposed potential sewer lift station would be located at the corner of Ramsey Street and Omar Street for this alternative. New off-site force main sewers within Omar and Wilson Streets or within Ramsey Street and Highland Home Road would also be potentially be provided to transport diverted wastewater flows to the satellite plant for treatment with this alternative.
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2012 SPECIFIC PLAN
EXHIBIT REPLACED
WITH UPDATED BASE MAP
IN 2016 SPECIFIC PLAN.
ALL OTHER INFORMATION
NO CHANGE

Based on City of Banning 2006 Recycled Water Master Plan by Carollo.

2012 APPROVED SPECIFIC PLAN
Offsite Recycled Water Plan

PARDEE • BUTTERFIELD SPECIFIC PLAN
EXHIBIT 3.9B
SUPERSEDED
Based on City of Banning 2006 Recycled Water Master Plan by Carollo.

2016 UPDATED SPECIFIC PLAN

Off-Site Recycled Water Plan

Legend
- ZONE 2600 BANNING RECYCLED WATER BACKBONE
- ZONE 2840 BANNING RECYCLED WATER BACKBONE
- ZONE 2600 BANNING RECYCLED WATER BACKBONE

Pardee "Butterfield"
Loma Linda
Five Bridges
Sun Lakes
Rancho San Gorgonio

ZONE 2600 BANNING RECYCLED WATER BACKBONE
ZONE 2840 BANNING RECYCLED WATER BACKBONE
ZONE 2600 BANNING RECYCLED WATER BACKBONE
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3.5.3 **Potential Groundwater Recharge Plan Description**

The Butterfield project proposes, as an option, a potential onsite groundwater recharge system, as described below, to provide a potential partial offset to the additional demand for domestic water posed by the development and as replenishment to groundwater supplies.

Butterfield’s potential groundwater recharge system would propose to use a portion of the State Water Project (SWP) water allocation made available to the City of Banning by the San Gorgonio Pass Water Agency (SGPWA), if the City elected to pursue a pipeline connection between the existing SWP pipeline and the Specific Plan site. **Storm water runoff if captured and available could be used for groundwater recharge.** The City might also elect to pursue use of potential surplus recycled water, if available and when it can be acceptably blended with other available water sources, for groundwater recharge within the Specific Plan. Use of recycled water for groundwater recharge in the Butterfield Specific Plan area would require the approval and permits from the Regional Water Quality Control Board, Santa Ana Region, because it overlies the Beaumont (groundwater basin) Management Zone, as well complying with California Department of Public Health Title 22 regulations. Partial groundwater recharge requirements are further discussed below.

The City if it pursues this option could potentially bring available supply of SWP water for the recharge system by a proposed pipeline extension from the existing termination of the State Water Project pipeline at the existing San Gorgonio Pass Water Agency spreading grounds on Little San Gorgonio Creek near Orchard Street. This pipeline extension would proceed eastward near Orchard Street, and cross Oak Glen Road and Noble Creek, turning southward along Noble Street for approximately one-half mile. From Noble Street near the intersection of High Street, the SWP line could follow either of three potential alignments to reach Brookside Avenue near its intersection with Bellflower Avenue. See Exhibit 3.9A, **Potential SWP Water Pipeline Extension.** One option (Alternative A in Exhibit 3.9A) would continue the SWP line southward along Noble Street and eastward along Brookside Avenue. Alternative B represents a Cherry Avenue/Brookside Avenue alignment. Finally, Alternative C documents a potential High Street/Bellflower Avenue alignment. From the Brookside Avenue/ Bellflower Avenue intersection, each alternative would conclude the SWP pipeline extension by continuing easterly along Brookside Avenue to connect with Butterfield’s north basin in Planning Area 71. The City of Banning has had plans for this pipeline extension from the existing SWP line termination to the Banning City limits at the Butterfield project site prepared and could move forward with this as a separate city project, subject to additional environmental review and approval.

The feed line extension from the SWP proposed pipeline would carry SWP water to Planning Area 71 to be stored in the proposed north basin there. As the SWP’s raw water source line feeds into Planning Area 71, a potential SWP turnout facility may provide incidental storage and some degree of treatment. A proposed pipeline system would then be used for distribution of the SWP water to the groundwater recharge infiltration areas within the project. The SWP pipeline extension turnout facility could direct flows as needed to store in PA 71’s north basin, or the facility could direct flows straight into the distribution pipeline system as necessary. The Specific Plan’s groundwater recharge areas would typically be located within Butterfield’s **golf course** open space planning areas. See Exhibit 3.9B, **Conceptual Groundwater Recharge Plan.**
The project’s onsite groundwater recharge system could provide recharge to the Beaumont Basin. For a detailed discussion of water available for extraction from the Beaumont Basin, please consult the Water Supply Assessment, located in the Appendices to this project’s Environmental Impact Report. The City of Banning has currently been recharging SWP water at BCVWD’s existing recharge basins under an agreement with BCVWD.

The Water Quality Control Plans designate beneficial uses for each receiving water body and establish water quality objectives to ensure reasonable protection of the beneficial uses. All recharge operations must be conducted in accordance with applicable recharge standards and recycled water reuse standards. All State Water Project water used to recharge the Beaumont Basin must meet the water quality objectives (for the recharge of water) included in the Santa Ana Region, Region 8 Basin Plan. Recharged water must also be blended on a volume-weighted basis with other sources of recharge to ensure water quality levels achieve 5-year running average concentrations less than or equal to the "maximum benefit" objectives for the affected groundwater management zone (Region 8 Basin Plan, at 5-77).

DWR analyzes water quality samples from the SWP for dissolved solids, nutrients, chloride, sulfate, sodium, trace metals, and other constituents. (See Department of Water Resources, SWP Water Data Library.) Chapter 4 of the Region 8 Basin Plan sets water quality objectives for recharge of groundwater to the Beaumont Basin. Recharge of SWP water must meet the Management Zone TDS and Nitrate-nitrogen Water Quality Objectives (Amended by Resolution No. R8-2004-0001, January 22, 2004). Chapter 5 of the Basin Plan, which includes implementation measures, contains controls on salt loadings from all water uses. The plans include measures to improve water supply quality, including the import of high quality water from the State Water Project and recharge projects.

The Region 8 Basin Plan, at 5-18, supports importation of State Water Project water for recharge. It states, "The use of State Water Project water allows maximum reuse of water supplies without aggravating the mineralization problem. It is also used for recharge and replenishment to improve the quality of local water supply sources, which might otherwise be unusable. Thus, the use of high quality State Water Project water in the Region has water supply benefits that extend far beyond the actual quantity imported."
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2016 UPDATED SPECIFIC PLAN

LEGEND

Potential Groundwater Recharge Infiltration Areas.

Water for potential recharge purposes could be stored in Planning Area 71 basin. Water sources for this purpose include State Water Project water, storm drain runoff and recycled water if blended to acceptable levels with required approvals and permits.
3.5.4 Sewer Service Plan Description

Butterfield Specific Plan’s projected total average wastewater (sewer) flow generation as estimated could be approximately 0.84 million gallons/day at project buildout. This figure assumes a development of 5,387 dwelling units in which PAs 17, 18, 20 and 68 are developed according to their primary development designation, commercial and schools. These wastewater flows would be expected to decrease if ultimately fewer dwelling units are built or active-adult dwelling units were part of the product mix constructed.

The site will be served by the City of Banning’s Wastewater Utility Division. The Wastewater Division provides sanitary wastewater services to the City. The City of Banning’s Wastewater Treatment Plant is located at 2242 East Charles Street and currently has a secondary treatment capacity of 3.6 million gallons per day and has headworks designed to accommodate a future capacity of 7.8 million gallons per day. Currently, the wastewater treatment plant’s average daily flow is approximately 2.5 million gallons per day. Improvements to the City’s main wastewater treatment plant, both to expand treatment capacity by 1.5 mgd as well as to upgrade to tertiary treatment of wastewater, are planned by the City. These plant improvements have been designed by the City and are part of their capital improvement programing. The City has completed plans for an upgrade (Phase I Upgrade) of the main Wastewater Treatment Plant (WWTP). The upgrade would provide treatment of up to 1.5 mgd of wastewater to tertiary standards, which would allow for the production of approximately 1,680 acre-ft/yr of recycled water. Environmental review (CEQA compliance) has been completed on the City’s Phase I project. The City of Banning’s November 2006 Sewer System Study prepared by Carollo Engineers indicates future expansion of the Wastewater Treatment Plant to 5.0 mgd of capacity.

Exhibit 3.10A, Conceptual On-site Sewer Plan, depicts on-site backbone sewer transmission lines. Exhibit 3.10A does not show every potential segment of sewer pipeline service for the Butterfield project. Extensions of sewer lines throughout the major portions of the Butterfield site as well as within individual planning areas will occur to capture and distribute gravity flows of wastewater most effectively towards the project’s southeastern corner. Some low points in the system will have to cross between lots or the open space areas to provide connections to other gravity flow points in the onsite system.

The infrastructure required for wastewater collection in the Specific Plan area includes new off-site transmission pipelines for connection to the existing main treatment plant as one option. To provide sewer service to the Butterfield Specific Plan area from the main treatment plant, wastewater trunk lines would need to be extended from Highland Home Road/Wilson Street intersection eastward along Wilson Street, south on Omar Street, and eastward on Ramsey Street to Sunset Avenue.

From Sunset Avenue, at least two different alignments for the connecting wastewater trunk line could be pursued. One option would require the project proponent to extend the wastewater line down Sunset Avenue to the vicinity of Bobcat Road, where the proposed Five Bridges and BDS Rancho San Gorgonio Dd developments would potentially complete the line extension in Bobcat Road eastward to existing pipelines at South San Gorgonio Avenue, pursuant to the City of Banning’s November 2006 Sewer System Study. The completion of this sewer transmission main by the aforementioned developments would have to happen prior to or concurrent with the Butterfield project. If
the Butterfield Specific Plan is first to be developed, the project could be obligated to complete this entire alignment. See Exhibit 3.10B, Off-site Sewer Plan. The project proponent would pay a fair share contribution towards construction or would construct the entire off-site improvement in return for cost reimbursement or project fee credits.

Five Bridges and BDS developments may not proceed in advance of or concurrently with the Butterfield project. In that case, as another option for an off-site wastewater trunk line extension to the City’s main treatment plant, the connection to the wastewater treatment plant could proceed eastward on Lincoln Street and southward on South San Gorgonio Avenue. This option would provide a fairly direct, efficient route to serve the Butterfield Specific Plan area, but the resulting pipeline extension would not be able to serve the Five Bridges and BDS Developments. The City of Banning would make a determination on which option is preferred.

As a potential alternative option for providing wastewater treatment to the Butterfield project, the City could elect to have a satellite wastewater treatment plant sited and constructed within the Specific Plan area. To accommodate this alternative, the Specific Plan designates an approximately 2 to 5 acres at the southern end of Planning Area 11 in the Specific Plan for a satellite treatment plant. At this location, the satellite plant could receive wastewater gravity flows from the project, treat them to required levels and pump back recycled water into the project’s recycled water system (see Section 3.5.2 above). This would not require the extension of wastewater or recycled water pipelines to or from the City’s main treatment plan to serve the project. The potential satellite plant would be owned and operated by the City of Banning.

The potential plant would use a membrane bioreactor (MMR) process to treat up to approximately 1.5 to 2.0 million gallons per day on average of wastewater to acceptable recycled water levels. All aspects of the treatment operation would take place in fully enclosed buildings. There would not be any outside ponds or storage facilities. All wastewater not turned into recycled water would be diverted into a proposed off-site sewer that will take these flows to existing city sewers at Ramsey and Omar Streets (see Exhibit 3.10B) where it would flow to the City’s main wastewater treatment plant at the southeast end of the City. All buildings on the Project satellite treatment plant site would be fully enclosed, constructed of decorative masonry with residential in appearance roofs. The site would be enclosed by a decorative masonry wall a minimum 6-ft in height with landscaping for screening purposes on the outside perimeter of the wall. All operations and maintenance vehicle parking would be located inside the walled area.

The City could also elect to potentially have existing wastewater flows from existing homes and businesses south of the project and north of the I-10 Freeway and potentially in a limited area to the east be diverted to the plant to provide essential flows necessary to commence its operation and to generate recycled water for irrigation (i.e., to the golf course) prior to on-site uses in the Butterfield project coming online. Diversion may only be temporary, until such time as development of uses on the Butterfield site would generate sufficient flows on its own for operation. A proposed potential sewer lift station would be located at the corner of Ramsey Street and Omar Street for this alternative. New off-site force main sewers within Omar and Wilson Streets or within Ramsey Street and Highland Home Road would also be provided to transport diverted wastewater flows to the satellite plant for treatment. (Refer to Exhibit 3.10B).
### 3.5.5 Water and Sewer Standards

1. All water and sewer lines shall be placed underground.

2. Design and installation of water and sewer disposal facilities shall be in accordance with the requirements and specifications of the State Department of Health Services, Riverside County Environmental Health, and the City of Banning.

3. An assessment district or other similar financing mechanism may be developed to manage the development of required infrastructure.

4. Recycled water will be used for irrigation within project parks, common open space areas and within the golf course as it is available from the City.

5. Above ground water tanks/reservoirs shall be buffered from view and nearby residences by berms and/or landscaping. The tanks will be finished with a colored, matte finish intended to allow the tanks to blend into the surrounding hillsides and environment. Access to the tanks will be provided by easements extending from local roads.

6. In addition to potable water infrastructure, the City requires a recycled water system for irrigation purposes. Recycled (non-potable) water lines will follow the same alignments as those for potable water as appropriate.

7. The potential optional onsite satellite wastewater treatment plant site alternative shall be adequately screened on all sides using an appropriate combination of landscape screening and decorative masonry walls. All treatment processes would be contained within an enclosed structure(s) that incorporates residential design features, including roofing materials. The storage reservoir on the treatment plant site would not exceed 26 feet in height and would have a matte, earth-tone exterior finish to allow the reservoir to blend in more into the surrounding neighborhood. All other structures on the site shall not exceed 35 feet in height, similar to the maximum height allowed for residential structures. The City Public Works Director and Community Development Director shall approve all final plans.

8. The potential optional offsite sewer lift station site alternative shall be adequately screened on all sides using an appropriate combination of landscape screening and decorative masonry walls. The City Public Works Director and Community Development Director shall approve all final plans.

9. All residential development, through covenants, conditions, and restrictions, will be required to comply with the City's water conservation measures by applying the xeriscape principles set forth in Banning Municipal Code section 13.16.030 (Water Conservation Using Xeriscape Principles).

10. Development in the Specific Plan will fund or construct all Project-related infrastructure and facilities required to allow the Project's use of non-potable water supplies when the City of Banning makes non-potable water available to the Project.

11. Issuance of building permits for any portion or phase of the Project within the Butterfield Specific Plan shall be contingent upon the availability of non-potable water.
supplies to serve any non-potable demands within the City in an amount greater than or equal to the non-potable demands of the portion of the Project for which building permits are requested.

8.12. Development within the Specific Plan will include ultra-low flow toilets at 1.28 gallons per flush throughout the Project.
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Based on City of Banning's 2006 Sewer System Study by Carollo.
Pardee "Butterfield"

Background:

Based on City of Banning's 2006 Sewer System Study by Carollo.

**Legend**

- **PARDEE**
- **PROPOSED OFF-SITE TRUNK SEWER**
- **PARDEE - LOMALINDA**
- **PROPOSED OFF-SITE TRUNK SEWER**
- **FIVE BRIDGES - RGS**
- **PROPOSED TRUNK SEWER**
- **EXISTING SEWER SYSTEM**
- **OPTIONAL OFF-SITE TRUNK SEWER ALIGNMENT IF FIVE BRIDGES RGS DEVELOPMENT DO NOT MOVE FORWARD**
- **PROPOSED OPTIONAL SEWER FORCE MAINS (IN RAMSEY ST. AND HIGHLAND HOME RD. OR OMAR ST. AND WILSON ST.) TO DIVERT EXISTING SEWER FLOWS FROM PROPOSED LIFT STATION AT RAMSEY ST. AND OMAR ST. TO PROPOSED BUTTERFIELD SATELLITE TREATMENT PLANT.**
- **A NEW GRAVITY SEWER FROM THE SATELLITE TREATMENT PLANT TO THE EXISTING SEWER DOWNSTREAM OF THE LIFT STATION WOULD FOLLOW THE SAME ALIGNMENT OF THE FORCE MAINS.**

**Off-Site Sewer Plan**

2016 UPDATED SPECIFIC PLAN
3.6 **RECREATION AND OPEN SPACE**

This section of the Specific Plan summarizes the recreational assets and opportunities that will be available to Butterfield residents with development of the Specific Plan. Butterfield Specific Plan’s community character echoes the active lifestyle represented in its design elements and the natural beauty of the site’s surrounding foothills. This environment promises a variety of recreational opportunities, which the Butterfield project will provide.

Recreation is a key lifestyle and design component of the Butterfield Specific Plan. The outdoor lifestyle is an important design concept, one that is supported by residential plan types, the proposed *golf course*, parks and pedestrian linkages between Butterfield’s neighborhoods and by the community’s immediate adjacency to the San Bernardino National Forest. This location provides the ideal context for an active outdoor lifestyle and opportunities for residents to enjoy access to trails and close-up mountain views as their backdrop.

The Butterfield Specific Plan incorporates a functional system of recreational land uses that reinforce the area-wide recreation plans of the City of Banning. The basic project-wide components of the proposed Recreation Plan are the proposed *golf course*, central open space, neighborhood parks, neighborhood recreation parks, community parks, natural and landscaped open space, and the basin/lake area in the north part of the project.

### 3.6.1 Parks Description

Twenty-four (24) park planning areas are proposed within the Butterfield Specific Plan area. These parks are carefully placed within the Butterfield Specific Plan area to serve various residential neighborhood groups. They are tailored to serve the needs of these neighborhoods, and the community at large. The parks within the project site range in size from 0.4 acres to 16.419 acres in area. Mid-sized parks of approximately 3-8 acres for residents of the project will be located on Planning Areas 21 and 63. These mid-sized parks are designated as neighborhood recreation parks and could provide specialized facilities such as community swimming pools, buildings for meetings or community functions, restroom facilities, and on-site parking. In addition, if the northwestern portion of the Specific Plan site was used for active-adult use, Planning Area 63 could serve the surrounding residential neighborhood and this specific age group with a community recreation center. Parks and recreation facilities locations are presented in Exhibit 3.1, *Recreation and Open Space Plan*. For a summary of parks and recreation facilities, please refer to Table 3-3, *Recreation and Open Space Plan Summary*. The location of the proposed neighborhood parks can be adjusted and remain in substantial conformance with the intent of this Specific Plan.
### Table 3-3
Recreation and Open Space Plan Summary

<table>
<thead>
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<th>Planning Area</th>
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# Recreation and Open Space Plan Summary

## 2012 Specific Plan (Superseded)

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<th>Acres</th>
<th>Open Space %</th>
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<td>71</td>
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Legend:
- **CENTRAL OPEN SPACE**
- **NEIGHBORHOOD PARK**
- **NEIGHBORHOOD PARK / RECREATION CENTER**
- **COMMUNITY PARK**
- **OPEN SPACE**
- **OTHER LANDSCAPE AREA**
- **OPEN SPACE, DRAINAGE AND RECREATION AREA**
- **SCHOOL** (Recreation Use of Play Fields)

*See Exhibit 14A - Backbone Non-Motorized Circulation Plan for a complete depiction of all backbone trails, pathways, sidewalks and bike lanes proposed within the project.*

**Project Boundary**
**City Boundary**

**Recreation and Open Space Plan**

**2016 UPDATED SPECIFIC PLAN**

**Exhibit 3.11 - PROPOSED**
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3.6.1.1 Neighborhood Parks

Planning Areas 22, 23–24, 25–26, 27–28, 29, 30, 31, 32, 33, 34–62, 64–65, 66–67 and 72 are neighborhood park sites, which will serve residential neighborhoods. These parks are expected to include in various combinations: tot lots with play equipment, play areas, sport courts, shade structures, picnic areas, passive turf play areas, sandboxes, benches and basic related amenities. On the northeastern edge of the project site, Planning Area 67 will contain passive or active park space and could serve as a connection point for wilderness trails. Facilities vary depending on the location, surrounding uses and function of the park. Typical Neighborhood Park Concepts, in Section 4.0, Development Design Guidelines, Exhibits 4.8A, 4.8B, 4.8C and 4.8D present concepts typical of how neighborhood parks could be implemented. Park Planning Area 26 could be eliminated if the surrounding planning areas are developed as the commercial alternative land use as described in Section 3.1.1. A potential 1.6 acre fire station site is proposed on Planning Area 72 off of the proposed extension of Highland Home Road if the City determines it is needed, and that this location is appropriate, otherwise the site is designated for park use.

3.6.1.2 Neighborhood Recreation Parks

Two neighborhood recreation parks are proposed within Planning Areas 21 and 63, on sites of 3.2 and 8.0 acres respectively. They are intended to serve the active and passive recreation needs of nearby residents, serving as a social focus of the neighborhood. These parks will be located within reasonable walking and bicycling distance of Butterfield residents. The proposed neighborhood parks potentially could include features such as half-size basketball courts, volleyball courts, tennis courts, swimming pools, turf play areas, buildings for meeting areas, and other basic related amenities. Restrooms or off-street parking could also be made available. The PA 63 park site would be designed to meet the needs of an active adult community if the immediate surrounding area develops as such a community (see Age-Restricted Active Adult Residential Alternative in Section 3.1.1.1). The neighborhood recreation parks will be located on collector roads to facilitate convenient access. In Section 4.0, Exhibit 4.8E Neighborhood Recreation Park Concepts, presents a concept typical of how neighborhood recreation parks will be implemented.

3.6.1.3 Community Parks

Larger park sites ranging from 9-16.43-19 acres in area are proposed in portions of the existing approximately 430-foot-wide SCE easement, including Planning Areas 36, 37 and 38. This property is owned by Pardee Homes and the existing SCE easement does not prohibit park use. The community parks will include uses that can be accommodated without constructing buildings, structures or facilities that would conflict with SCE’s use of the easement. The uses proposed within these community parks may include ball fields, sports courts, open play or “tot” lots, parking areas, picnic and barbeque areas, and access or exercise trails (parcourse). Plantings could be concentrated along trails and around utility towers. PA 38 could be developed as a public junior golf course, or there are several other recreational uses that could be implemented. In addition to the uses listed in Section 3.6.1.3 for Community Parks, additional options could include a BMX park, skate park, disc golf, pitch and putt, or even dog parks. Other community agricultural uses have been reserved as development options for PA 38.
Please see Section 5.6, Development Regulations-Active Open Space, of the Specific Plan for further details.

The design intent of a community park is to serve a wider population and area than the neighborhood parks. In Section 4.0, Exhibit 4.8F, Community Park Concept, presents a concept typical of how community easement parks could be implemented.

The Butterfield Project Development Agreement calls for the development of a site within the project for a public Community Recreation Center and proposes that PA 39 could be the site for such a center. The 3 acre Planning Area 39 site is reserved as a community park site in the Specific Plan and can be used as site for a community recreation center for the City of Banning if the City determines this is appropriate. Other areas in the Specific Plan that allow for development may also be used for the proposed community recreation center site, including the south end of PA 11 as indicated in the Development Agreement.

### 3.6.2 OPEN SPACE

Open space within the Butterfield Specific Plan, in addition to the proposed golf course central open space and parks, includes natural areas, landscaped areas, easements and drainage open spaces. The intent of these areas is to provide improvements to allow for walking, hiking, biking and jogging, as well as visual open space.

The far northern part of the Specific Plan area (Planning Areas 34 and 73) is designated natural open space area due to the steep rugged terrain and the existence of potential fault hazard areas. A vista point connected to residential areas to the south by a looping trail system could be included within the south edge of PA 34. The golf course, Planning Area 35, will include landscaped areas woven throughout the project which provide a mixture of landscape themes and materials. Other open space areas will provide in part for fuel modification setbacks (PAs 69 and 75) or for natural or native plant-revegetation and the inclusion of walking paths (PAs 19, 74).

A large multi-purpose basin is proposed at PA 71, where Smith Creek enters the site. This basin will be designed to detain upstream drainage flows and potential water storage for irrigation and other needs, as well as serve as a passive recreational 8 to 10-acre lake potentially for viewing, walking around, fishing or picnicking. An approximate gross total of 429.8496.5 acres (27.833% of the Specific Plan area) is designated as open space, including the golf course central open space and park areas. In Section 4.0, Exhibit 4.8G, Typical Trail Head at Open Space Edge, depicts in plan view and section how a typical trailhead might be implemented. Also in Section 4, Exhibits 4.8H and 4.8I, South Channel and Northern Basin Concept Plans, provide potential concepts for incorporating recreational areas within PAs 19 and 71.

There is approximately 40 acres of additional designated open space proposed to be devoted to landscaped greenbelts and parkways spread throughout the residential planning areas that is not identified by a specific planning area number. The proposed locations of these additional areas are identified on Exhibit 3.11.
In addition, the Butterfield project intends to incorporate joint-use of the two school’s recreational facilities (PAs 20 and 68) into its recreation plan. Contained within these sites are expected facilities such as ball fields, and playgrounds.

3.6.3 **Golf Course and Central Open Space**

The Butterfield Specific Plan proposes a potential approximate 254-acre golf course of 139.5 acres of open space (PAs 23, 25, 27, 35A-F, 64 & 3966) that is located throughout the central portions of the Specific Plan area. The areas designated as golf course and open space on the Specific Plan Land Use Plan may include an 18-hole public golf course as an integral part of the Butterfield Specific Plan community. The golf course areas are designed to take both physical and aesthetic advantages of the site terrain with the realignment of Smith Creek that will convey drainage via basins, natural appearing drainage ways, small culverts and unique golf course design of landscaped areas woven throughout the project which provide a mixture of landscape themes and trail amenities as an integral part of the Butterfield Specific Plan community. The golf course and central open space areas are designed to take both physical and aesthetic advantages of the site terrain with the re-alignment of Smith Creek that will convey drainage via basins, natural appearing drainage ways, small culverts and unique golf course design of landscaped areas woven throughout the project which provide a mixture of landscape themes and trail amenities as an integral part of the Butterfield Specific Plan community. The golf course and central open space areas are designed to take both physical and aesthetic advantages of the site terrain with the re-alignment of Smith Creek that will convey drainage via basins, natural appearing drainage ways, small culverts and unique golf course design of landscaped areas woven throughout the project which provide a mixture of landscape themes and trail amenities as an integral part of the Butterfield Specific Plan community. 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would include a golf operations and administration area, retail pro shop, food and dining services, meeting rooms, banquet facilities, a driving range, and golf cart storage garage. Exhibit 3.14, *Golf Course Clubhouse Concept*, provides a concept of what the golf course’s clubhouse would look like. Portions of the clubhouse site are to be devoted to parking. The clubhouse site is also anticipated to include additional enclosed building space for special events, parties and rental purposes. Additional separate full service restaurants and hotels are also considered a permitted use of the clubhouse site, PA 39.

### 3.6.4 Park Requirements

The Butterfield Specific Plan proposes dedication and development of approximately 428,496.5 acres of open space to provide active, semi-active and passive uses for various levels of recreational activities and landscaping for residents and visitors of the project area.

The City of Banning’s General Plan requires that residential developers provide a minimum of 5.0 net acres of usable local park area for each prospective 1,000 residents.\(^1\) Furthermore, the City currently uses a factor of 2.7 persons per average dwelling unit.\(^2\) Based on these assumptions and using the proposed maximum number of dwelling units allowed in the Butterfield project area, the project could be required to provide a minimum of 7366 acres of park area.

\[
5,3874.862 \text{ DU's} \times 2.7 \text{ persons/household} = 44,54513.128 + 1,000 = 44,5513.13 \times 5 \text{ acres} = 7366 \text{ acres}
\]

All proposed recreational and park facilities are subject to review and acceptance by the City for credit towards City park requirements for new development, as addressed in the Project Development Agreement, as amended.

### 3.6.5 Recreation and Open Space Development Standards

1. Credit against park facility fees shall be granted by the City for all public park land and improvements provided by the developer. These fees shall be paid or facilities provided in lieu of fees for each dwelling unit constructed within the Specific Plan.

2. In order to discharge maintenance responsibilities for the parks, trails, and open space areas within the Butterfield Specific Plan pursuant to Section 3.7.3 of this Specific Plan, maintenance services, private parks and open spaces shall be provided through a Homeowner’s Association to be established that will contract with a qualified maintenance services provider.

3. The Butterfield development shall comply with City of Banning Parks and Recreation Master Plan and other related regulations and ordinances regarding local parks facilities. An amended Development Agreement with the City shall establish the fees to be paid and developed park lands to be dedicated in lieu of fees within the Specific Plan.

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\(^2\) Source: City of Banning Draft Housing Element (Update) of the General Plan, Table III-33, PG. III-12.5, December 2008.
4. Landscaping of parks and open space areas within Butterfield shall comply with the
general standards of Section 4.0, Development Design Guidelines, and Section 5.0,
Development Regulations, of this Butterfield Specific Plan document.

5. A public city community center is permitted or conditionally permitted use in all
Specific Plan planning areas with the exception of PA's 19, 34, 35C, 36, 37, 38, 64,
65, 66, 69, 71, 73, 74 and 75 pursuant to the regulations set forth in Section 5.0 of
this Specific Plan. The provision and development of a city public community center
in this Specific Plan is also subject to the provisions of the project Development
Agreement, as amended. See the Butterfield Specific Plan Conditions of Approval
and Development Agreement for additional requirements concerning the Community
Center.

6. No permanent structures shall be permitted within the Southern California Edison
(SCE) transmission line easements within the Specific Plan area. The SCE
 easements are also not appropriate areas for groundwater recharge facilities, storm
 water retention facilities, or as environmental mitigation areas.

7. Subsequent more detailed development plans when prepared and involving areas in
and immediately adjacent to the SCE easements within the Specific Plan area shall
be reviewed by SCE as part of the review process with the City.
PARDEE HOMES • BUTTERFIELD SPECIFIC PLAN
Central Open Space Typical Concept Plan – South

2016 UPDATED SPECIFIC PLAN

EXHIBIT 3.12A
PROPOSED
Central Open Space Example Features

1. Seating Areas Along Trail
2. Par Course Stations
3. Recreational Trails
Central Open Space Example Features

SMALL GABION DROP STRUCTURE

LARGE DROP STRUCTURE FEATURE

STORM EVENT ENERGY DISSIPATION
This page was intentionally left blank
THIS EXHIBIT ELIMINATED IN 2016 SPECIFIC PLAN DUE TO ELIMINATION OF GOLF COURSE.
THIS EXHIBIT ELIMINATED IN 2016 SPECIFIC PLAN DUE TO GOLF COURSE ELIMINATION.
3.7 **PUBLIC SERVICES AND PROJECT PHASING PLAN**

3.7.1 Public Services and Utilities

Various public and municipal services and utilities will be associated with the development of the planning areas composing the Butterfield Specific Plan area. Below are descriptions of these services and utilities.

**Fire Protection Services.** Fire protection services are provided to the City through a contractual agreement with the Riverside County Fire Department, which in turn contracts with the California Department of Forestry. The contract provides various fire related services, including emergency medical services, fire prevention, disaster preparedness, fire safety inspections, hazardous materials business plan programs and plan reviews. A potential 1.6 acre fire station site has been identified at the southeast corner of PA 60 proposed at PA 72 in the Specific Plan area and will be reserved for that use if the City determines that an additional station is needed and this location is appropriate. PA 72 would be located on the northerly extension of Highland Home Road and would have easy access to Highland Springs Avenue to the west and access to the south on Highland Home Road. Provision of a fire station site in the project area is covered in the Development Agreement (Section 8.4 of the DA). A fire station site is designated as a permitted use in other planning areas of the Specific Plan. See Section 5.0 for fire Station listings as a permitted use in other planning areas.

**Law Enforcement Services.** Policy protection services within City limits are provided by the Banning Police Department. The City has historically maintained a goal of 1.8 police officers per 1,000 residents. Currently, the City maintains a ratio of 1.4 sworn officers for every 1,000 residents. The Riverside County Sheriff’s Department provides police protection services to the City’s Sphere of Influence and Planning area.

**School Services.** The majority of the site is in the Beaumont Unified School District (Beaumont USD), a kindergarten through 12th grade public education district. The Beaumont USD has just recently built two new elementary schools just east of Highland Springs Avenue in the Sundance development. One additional elementary school sites and a middle school site have also been set aside and reserved in the Sundance development. The portion of the Butterfield Specific Plan area east of the northerly extension of Highland Home Road is in the Banning Unified School District.

The Banning Unified School District (Banning USD) provides kindergarten through 12th grade public education services to most of the City of Banning. In 2004, Banning USD schools enrolled an average of 4,700 students in eight schools and an independent study home schooling program. There are four elementary schools, two middle schools, one high school, and one continuation school in the District. The District has been averaging an approximately 5 percent annual growth rate in enrollment, and has maintained a student-teacher ratio of 20-1 in Kindergarten through 3rd grade levels. All of the District’s schools are operating at or beyond capacity, and many use temporary, portable buildings for additional classroom space.

A school site for Beaumont USD is proposed within Planning Area 20 of the Butterfield Specific Plan. A school site for Banning USD is proposed within Planning Area 68. Additional school sites are permitted in the Specific Plan area pursuant to State and District location requirements and shall be designated if requested by the School Districts.
Library Services. The main 9,573 square-foot Banning Public Library, located at 21 W. Nicolet Street, together with its 1,300 sq. ft. Cabazon branch, own approximately 76,000 volumes of books. The library participates in the Inland Library System, an eighteen member cooperative of independent public libraries in Riverside, San Bernardino and Inyo Counties. The library provides internet access, ESL and adult literary classes, and a range of children’s services and materials. The main branch has an extensive collection of historical documents and photographs.

Health Services. San Gorgonio Memorial Hospital, located at 600 North Highland Springs Avenue, provides medical services to the City of Banning. The 85,000 sq. ft. hospital, which opened in 1951, is licensed for 70 beds. The hospital started as a state district hospital, funded by a percentage of property tax from local residents within the hospital district. It is one of the only four non-profit hospitals in Riverside County. It provides general medical-surgical case, intensive care, emergency care, obstetrics, in and outpatient surgery, and a range of ambulatory services including physical therapy and cardiac rehabilitation. Staffing includes the only round-the-clock board certified emergency physicians in the Banning area. The single-story hospital acute care facilities currently meet State-mandated hospital seismic safety requirements.

The hospital recently in (2004) opened a 1,500 sq. ft. state-of-the-art Women’s Center that provides birthing, diagnostic, surgical and preventative medicine services. The hospital has also launched a $6 million capital campaign to fund expansion of the Intensive Care Unit (ICU). The expanded ICU is expected to be operational within three years.

Waste Disposal. The waste hauler currently serving the City of Banning is Waste Management of the Inland Empire through a contract with the City of Banning. Waste Management of the Inland Empire will collect and transport the waste from the project to a County landfill. The Lamb Canyon Landfill is located between the City of Beaumont and City of San Jacinto at 16411 Lamb Canyon Road (State Route 79), south of Interstate 10 and north of Highway 74. The landfill is owned and operated by Riverside County. The landfill encompasses approximately 1,088 acres, of which 144.6 acres are permitted for waste disposal. The landfill is currently permitted to receive 3,000 tons of refuse per day and has a remaining disposal capacity of approximately 13.330 million tons, as of November 6, 2002. As of January 1, 2006, the landfill had a total remaining capacity of12.338 million tons. The current landfill remaining disposal capacity is estimated to last, at a minimum, until approximately 2016. Landfill expansion potential exists at the Lamb Canyon Landfill site. Development within the Specific Plan must comply with City requirements for recycling waste.

Water Service. The City of Banning Water Utility Department provides domestic water services to the City. The various storage units of the San Gorgonio Pass groundwater basins serve as the main water source for the City of Banning. The City owns and operates wells, reservoirs, and a distribution line system to deliver domestic water in the service area. The City of Banning also has plans to upgrade their treatment at their wastewater treatment plant in order to provide recycled water for irrigation purposes. See Section 3.5 of the Specific Plan for a further discussion on water services.

Sewer Service. Sanitary wastewater (sewer) services are provided by the City of Banning Wastewater Utility. The City contracts with United Waters Services for the operation and maintenance of the water reclamation plant. The plant receives an
average flow of a approximately 2.5 million gallons-per-day. The plant has secondary treatment capacity design to 3.6 million gallons-per-day, including the plant headworks, which could accommodate future capacity to approximately 7.8 million gallons-per-day.

Collected wastewater is transported by sewer main lines of 8, 10, 15, and 18 inches in diameter, which are connected to trunk lines. The trunk lines, ranging from 18 to 30 inches in diameter, convey wastewater to the plant. Trunk lines are located within the City major public right-of-ways. See Section 3.5, Water, Recycled Water and Sewer Services Plan, of the Specific Plan for a further discussion of wastewater services.

Sewer services are provided to the City and also to the unincorporated Riverside County lands surrounding the southeastern portion of the City of Banning.

**Electricity.** The City of Banning Electric Utility Department provides electric services and facilities to the City. SCE maintains two easements totaling 430-feet in width running east/west through the middle of the project site, which contains up to 220kV power utility lines and towers. The City of Banning Electric Utility Department procures the majority of its electricity through contracts with the Southern California Public Power Authority. The Department has a combined total of 26 megawatts of capacity, which covers the bulk of its power requirements.

The Butterfield Specific Plan sets aside Planning Area 70 on the east side of the project area as a 4.2 acre electrical substation site for use by the City of Banning’s Electrical Utility Department. The substation site is located immediately north of the existing Edison transmission lines (easement), which will allow the City to pull power from these lines and distribute to the Butterfield Specific Plan and other parts of the City. Electrical lines serving the Specific Plan area, including lines coming from the substation to serve the Specific Plan area, shall be placed underground, when feasible as required by the City.

**Natural Gas.** Natural gas services and facilities are supplied to the City by the Southern California Gas Company. Natural gas supplies originate from out of state, imported from Texas, and transported by two major east-west trending gas lines, including a line across the Butterfield Specific Plan site.

**Telephone.** The project area is within the service area of Verizon. Verizon maintains telephone service to the north, south and west of the Butterfield Specific Plan area. No service is currently provided to the site in its current undeveloped condition.

**Cable.** Time Warner Cable serves the project area for cable television services.

### 3.7.2 Project Phasing

Five-Four main specific plan phases of the Butterfield project have been identified in Exhibit 3.145, Conceptual Phasing Plan, including with potential sub-phases. Each major phase is anticipated to correspond to a potential stage of development within the Specific Plan area. Construction of the Butterfield Specific Plan in its entirety is expected to occur over a thirty year period, with potentially 180 dwelling units on average to be developed per year. The numbering of the major phases do not necessarily indicate the order of their development. The sequences in which each major part will be developed is influenced by market conditions, as well as when appropriate levels of infrastructure and required improvements related to the project are provided.
Individual stages of development may overlap or occur concurrently. A detailed summary of the components of each major specific plan project area phase is provided in Table 3-4, and is depicted graphically in Exhibit 3.145. Section 6 of the Butterfield Project Development Agreement further address project phasing and includes project phasing provisions based on the cumulative residential unit development.

Project Phase IA

Major Project Phase IA consists of potential subparts for the purpose of sequencing project improvements or of further staging development. Improvements will include Planning Area 71’s north basin for flood control and SWP/recycled water storage, the grading and realignment of Smith Creek to provide for flood control. Within Project Phase I, a portion of the Specific Plan site will be mass graded, including the golf course open space necessary drainage and flood control improvements and planning areas within the southwestern corner of the Specific Plan will be developed. These planning areas include PAs 1A, 1B, 2A, 3, 4, 9B 19, 20, 22, 23 and 26 through 17 through 19, 22 through 27, 38, and 71. A detention basin will be constructed in Planning Area 71 where Smith Creek enters the Specific Plan area, and the creek’s course will be realigned in the golf course. Drainage improvements within PA 19 will be built to safely transmit accumulated upstream- and project-originated drainage flows to the existing Smith Creek Channel south of Butterfield Specific Plan and south of Wilson Street.

Alternative uses of Planning Areas 35 and 39 may include open space with active and passive recreational uses, such as walking or biking trails, parks and native-type vegetation landscaping in lieu of a golf course. The availability of adequate water and a course operator will be determining factors as to if a golf course will be developed in the open space and the timing of such. The satellite wastewater treatment plant proposed as an alternative could be constructed in this phase.

Those project entry roadways extending into the Specific Plan area from Highland Springs Avenue and Wilson Street from the South Loop Road to the west and south will be constructed as will “B” Street proposed within the project. Also, “F” Street adjacent to the golf course, as well as the project adjacent portions of Highland Springs Avenue (south of “F” Street/Oak Valley Parkway) and Wilson Street west of “C” Street will be built/improved. The PA 20 proposed school site will be graded with fronting streets improved and utility subs provided.

Project Phase IB I

Within Project Phase IB I, the planning areas north of Phase IA and south of the SCE easement within the southeastern corner of the Specific Plan will be developed. These planning areas include PAs 2B, 5B, 6, 7, 8A, 8B, 13, 24, 25, 35A, 35B and 50B 9 through 16, 20, 21, 28 through 33, 36 and 37.

The initial segment of the proposed easterly extension of Oak Valley Parkway from Highland Springs Avenue South Loop Collector Road’s eastern half will be constructed as needed with this phase. The Smith Creek channel will be realigned and improved in PAs 35A and 35B in a semi-natural appearance. The project entry roadways extending northward and eastward from the South Loop Road will be constructed. Also, the remaining extent of “F” Street from the golf course edge to Highland Home Avenue as well as the project adjacent portion of Highland Home Avenue south of “F” Street will be built.
Project Phase IIAl

Within Project Phase IIAl is proposed to include the development of planning areas in the south east corner of the Specific Plan—the remaining planning areas between Brookside Avenue / Highland Home Avenue and “F” Street (within the northwestern corner of the Specific Plan) will be developed. These planning areas include PAs 5A, 9A, 9C, 10, 11, 12, 28, 29, and 30-34, 40 through 42, 43A, 43B, 44 through 49, 53 through 59, 62 through 66, and 72.

The easterly portion of the proposed extension of Oak Valley Parkway, connecting to Highland Home Road, is proposed to be completed in this phase. In addition, the southerly portion of Highland Home Road adjacent to the project boundary is proposed to be improved north of Wilson Street.

Project Phase IIB

Project Phase IIB is proposed to include the development of planning areas north of Phase III and south of the SCE easement. These planning areas include PAs 14, 15A, 15B, 16A, 16B, 21, 32, 33 and 49B. The southerly portion of Highland Home Road adjacent to this Phase is proposed to be improved. Entirety of the North Loop Road will be built; this roadway could be private with an entry gate at each end. The project adjacent portions of Highland Springs Avenue (north of “F” Street) and of Brookside Avenue / Highland Home Avenue (north of “F” Street and east of Highland Springs Avenue) will also be constructed.
### Table 3-4
Butterfield Specific Plan Summary of Major Project Phases

#### 2012 Specific Plan (Superseded)

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2012 Approved Specific Plan – for Comparison Purposes Only
### 2012 Specific Plan (Superseded)

#### Table 3-4 (continued)

**Butterfield Specific Plan Summary of Major Project Phases**

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### Table 3-4

**2016 Butterfield Specific Plan Summary of Major Project Phases**

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<th>Planning Areas</th>
<th>Land Use</th>
<th>Gross Acres</th>
<th>Dwelling Units</th>
<th>Average Gross Density (DU/AC)</th>
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### Neighborhood Park

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### Other Landscape Open Space

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### Other Landscape Open Space

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<td>ROW</td>
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<td>Banning U.S.D School Site</td>
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<td>Neighborhood Park</td>
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<td></td>
<td>Open Space (SCE Easement)</td>
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<td>Utility (Phase 1 Substation built)</td>
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<td>Open Space/Fuel Mod.</td>
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<td>North Basin/Open Space</td>
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<tr>
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<td>Backbone Roads</td>
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</table>
NOTES:
EACH OF THE MAJOR PROJECT PHASES
SHOWED MAY HAVE SUB-PHASES.
ALL BACKBONE ROADS COULD BE
DEVELOPED WITH PROJECT PHASE I
EXCEPT NORTH LOOP ROAD. NORTH
LOOP ROAD IS ANTICIPATED TO BE
DEVELOPED WITH PHASE III.
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Project Phase IIIA

Project Phase IIIA is proposed to include the development of planning areas north of Phase II, adjacent to the east side of Highland Springs Avenue in the Specific Plan. These planning areas include PAs 35C, 35D, 35E, 38, 40, 41, 42B, 44A, 44B, 45, 47B, 62 and 63. These planning areas are proposed as the potential age-restricted or active adult development in the Specific Plan. Pursuant to the market demand for active adult type homes, the development of this phase could be accelerated.

The portion of Highland Springs Avenue fronting this phase would be improved on the east side at this time. Proposed “F” Street through this phase would be improved, including as a potential gated private street through the active adult development. The northerly extension of Highland Home Road through the project is proposed to bend westerly and connect with Highland Springs Avenue, creating a four-way intersection at his point where Cougar way intersects Highland Springs Avenue on the west side (Beaumont side). The portion of proposed Highland Home Road east of Highland Springs Avenue could be constructed at this time providing secondary access to PAs 41 and 44. The Smith Creek channel will be realigned and improved in PAs 35C, 35D and 35E in a semi-natural appearance in this phase.

Project Phase IIIB

Project Phase IIIB is proposed to include the development of planning areas north of Phase IIB and east of Phase IIIA in the Specific Plan. These planning areas include PAs 31, 36, 46, 47A, 48, 49A, 49B and 53. These planning areas are also proposed as potential additional age-restricted or active adult development in the Specific Plan. Pursuant to the market demand for active adult type homes, the development of this phase could be accelerated.

The easterly remainder of proposed “F” Street through this phase would be improved, including also as a potential gated private street through the active adult development. The portion of Highland Home Road fronting this phase would be improved at this time. The PA 68 proposed school site could be graded with fronting streets improved and utility subs provided with this phase.

Project Phase IVA

Within Project Phase IVA, the planning areas to the east of Highland Home Avenue will be developed. These planning areas include PAs 50A, 51, 52A, 52B, 59, 65, 66, 67, 68, 69, 72, 74, and 75.

Project Phase IVB

Within Project Phase IVB, development of the planning areas in the northwest corner of the Specific Plan will take. These planning areas include PAs 35E, 60, 61 and 73, 35F, 42A, 43, 54, 55A, 55B, 56A, 56B, 57, 58, 64 and 71.

The remainder of the proposed northerly extension of Highland Home Road within the Specific Plan area will be completed. The remainder of the Smith Creek improvements will be realigned and improved in PAs 35F and 71 in this phase. The remainder of the PA 71 basin improvements will be completed with this phase.
3.7.3 Community Facilities Financing and Maintenance

The financing and maintenance of improvements for the Butterfield Specific Plan includes both public and private sources. Table 3-5, \textit{Financing & Maintenance}, outlines the anticipated responsibilities for financing and maintenance of improvements within the Butterfield Specific Plan.

\begin{table}[h]
\centering
\begin{tabular}{|l|l|l|}
\hline
\textbf{IMPROVEMENT} & \textbf{FINANCING} & \textbf{LONG TERM MAINTENANCE} \\
\hline
Water System & Developer / CFD & City of Banning \\
\hline
Sewer System & Developer / CFD & City of Banning \\
\hline
Drainage System & Developer / CFD & Homeowners Association (HOA), City, County \\
\hline
Public Street Improvements - & Developer / CFD & City of Banning \\
Highland Home Avenue & & \\
Highland Springs Avenue & & \\
Wilson Street & & \\
Public Collector Streets & & \\
Public Local Streets & & \\
\hline
Trails (including proposed decomposed granite trails within or adjacent to public street right of ways) & Developer & HOA \\
\hline
Private Internal Streets and Drives & Developer & HOA \\
\hline
Landscaping & Developer & City of Banning oversight \\
Public Right-of-Way & & Landscape Lighting and Maintenance Dist. (LLMD) / HOA \\
Private slopes & Developer & HOA \\
Central Open Space - Golf Course / Drainage & Developer & HOA/Golf Course Operator \\
Open Space - Natural/Landscape / Easement & Developer & HOA/City of Banning oversight \\
Open Space - Drainage & Developer & HOA \\
Fuel Modification Zones & Developer & HOA \\
\hline
Parks & Developer & Public Parks: City of Banning; Private Parks: HOA \\
\hline
Smith Creek Drainage in Golf Course & Developer & HOA/City/County \\
\hline
\end{tabular}
\caption{Butterfield Specific Plan Financing and Maintenance Responsible Parties}
\end{table}

The City of Banning shall maintain improvements that are publicly dedicated and accepted for maintenance, including street improvements to Highland Springs Avenue, Brookside Avenue / Highland Home Avenue, Wilson Street and other streets within the Specific Plan area, also water, sewer and certain storm drain improvements. Landscape improvements on publicly dedicated streets and creek/resource open space areas may be annexed or otherwise included in a City of Banning Lighting and Landscape Maintenance District (LLMD). Construction financing of major infrastructure improvements is intended to include as an option the use of Community Facilities District(s) (CFD), Assessment Districts, or Road and Bridge Benefit Districts (RBBD) as formed through the City of Banning.
A Homeowners Association (HOA) shall maintain improvements that will not to be publicly dedicated, including private project roadways, street lighting improvements along private project roadways, active and passive private open space areas, private drainage facilities and utilities, as well as some landscaping improvements within public right of ways.

3.7.4 Public Services and Project Phasing Standards

1. Prior to approval of grading plans and final subdivision map, improvement plans for the respective landscaped areas and/or plans to mitigate an environmental impact for the respective tract shall be submitted to the City of Banning’s Community Development Department for approval as may be required. The improvement plans may include:

- Final Grading Plan
- Irrigation Plans (certified by a landscape architect)
- Fence Treatment Plans
- Special Treatment/buffer Area Treatment Plans
- Landscape Plans (with seed mixes for mulching, staking methods, and locations, type, size, and quantity of plant materials)

2. Each Planning Area, if applicable, shall include development of adjacent common open space area, landscape development zones, and applicable infrastructure.

3. Construction of the development permitted hereby, including recordation of final subdivision maps, may be done progressively in stages in any order of the major project phases, provided vehicular access, public facilities, and infrastructure are constructed to adequately service the development or as needed for public health and safety in each part of the development and further provided that such part of the development conforms substantially with the intent and purpose of the Specific Plan.

4. Major project phases as identified within this Specific Plan may be further divided into sub-parts as appropriate to provide for coordination of infrastructure improvements and development of the Butterfield project. The numbering of development project phases herein does not denote any specific sequence of development progression. Major project phases or sub-parts consistent with Exhibit 3.12 or Table 3-4 may be developed out of the numbering sequence, provided that the required infrastructure and services are available at the time of development.

5. The development of community parks shall include such uses and activities that are not restricted by the Southern California Edison utility easements. The community parks shall be completed in conjunction with development of Project Phases 411A and 211B, pursuant to the phasing and Development Standards set forth in Sections 3.7 and 4.0 of this Specific Plan for Planning Areas 36, 37 and 38.

6. The development of neighborhood-mini parks and neighborhood recreation parks adjacent to residential planning areas to be served by such parks shall be completed in conjunction with the project phase of the development within which the park is to be located, and pursuant to the Development Standards and timing set forth in Section 3.7 and 4.0 of this Specific Plan.
7. The circulation system shall be implemented concurrently with each associated project phase of the development.

8. The school sites designated in the Butterfield Specific Plan will be dedicated after final tract map recordation in each project phase of the development pursuant to executed agreements with the applicable school districts. The construction of the school facilities will be governed by the appropriate school district.

9. Should the appropriate school district elect not to acquire and use Planning Areas 20 or 68 for public school purposes, single-family residential development may be substituted with a density of up to 10 dwelling units per acre as long as a total of 5,387,486 dwelling units are not exceeded within the Specific Plan area.

10. Electrical lines serving the Specific Plan area, including lines coming from the substation to serve the Specific Plan area, shall be placed underground, when feasible as required by the City.

11. A maintenance easement shall be recorded over areas designated as required fuel modification zones within private lots adjacent to wildland fire hazard areas that would allow the master homeowners association or maintenance district to enter the property to ensure adequate and uniform maintenance of fuel modification zones.
4.0 DEVELOPMENT DESIGN GUIDELINES
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4.0 DEVELOPMENT DESIGN GUIDELINES

4.1 INTRODUCTION

4.1.1 Purpose of the Guidelines

The purpose of the Design Guidelines is to provide guidance to implement the vision of the Butterfield Specific Plan. They are intended to provide an overall framework for future development and to achieve a sense of community identity, character, scale, and sensitivity. These guidelines are intended to provide the means to protect and maintain the long-term quality and value of the community. Accordingly, the Design Guidelines apply to all residential, commercial, and landscape construction within Butterfield.

4.1.2 Organization

These Design Guidelines are organized to blend architecture and landscape themes together for an overview of community vision and character. A portion of these Design Guidelines emphasize architectural guidelines and criteria to which all residential builders must comply in order to build within Butterfield. This includes builder requirements for each architectural style as well as design guidelines specific to non-residential development. Other portions of these Design Guidelines focus on guidelines for landscape architecture with requirements for all aspects of the community.

4.1.3 Other Controlling Criteria

These Design Guidelines supplement rather than supersede any Specific Plan requirements, applicable codes and standards from the City of Banning, Riverside County and the State of California and all applicable Building and Safety Codes.

The design criteria are subject to interpretation by the Master Developer and the City of Banning. To be consistent with the overall vision for Butterfield, the Design Guidelines may be amended or expanded to meet specific site or functional requirements of the property within the community.

4.1.4 Responsibility of Review

Neither the Master Developer nor the Butterfield Design Review Committee (DRC), as may be established by the Master Developer, assumes responsibility for plan review of local codes or ordinances. The Master Developer's Design Review is not for jurisdictional processing, but to ensure that each project meets the vision of Butterfield and complies with the requirements of these Design Guidelines. All projects within Butterfield require review and approval by the Master Developer prior to submittal to the applicable public agencies.

The City of Banning requires design review of all development proposals pursuant to the requirements of the Banning zoning ordinance (see Section 6.2 Administration and Implementation, of this Specific Plan). City of Banning design review will be conducted through the Planning and Building Divisions.
4.2 COMMUNITY CHARACTER

The new community of Butterfield is to be predominately residential, comprised of architecturally designed single-family, detached homes. Neighborhood parks, public golf course with clubhouse facilities, community parks, schools, open spaces, retail and commercial parcels are also integrated into the community. The community character for Butterfield encompasses the elements of the rustic and natural beauty of the site's surrounding foothill environment.

The land itself offers a dynamic setting that transitions from flatland to foothill to the San Bernardino Mountains – all within view of Butterfield residents. The golf course central open space encompasses natural drainage paths and provides a central organization of open spaces within the community. Community landscapes, parks and open spaces include the golf course, with waving grasses and wildflowers edging community areas and select specimen trees providing landmark entries to the community.

The community landscape concept combines the existing natural character of the site with the historic California ranch vernacular. The theme will be defined and implemented through architectural elements and materials such as stone walls and other similar features and finishes throughout the community. The plant palette will further reinforce this concept utilizing drought tolerant species. Butterfield’s high profile areas such as monumentation, parks, golf course facilities central open space and other community facilities will be highlighted and reinforce the California ranch theme.

The outdoor lifestyle is an important design concept, supported by residential plan types, open spaces the golf course, parks and pedestrian connections linking Butterfield’s neighborhoods and by the community’s immediate adjacency to the San Bernardino Mountains. This location provides the ideal setting for an active outdoor lifestyle and opportunities for residents to enjoy access to trails and close-up mountain views as their backdrop.

4.3 COMMUNITY DESIGN

The Design Guidelines for Butterfield are intended to facilitate the creation of diverse and varied streetscapes while also maintaining a cohesive sense of place. The architecture and landscapes within Butterfield are intended to be compatible with the surrounding environmental character. Design elements and landscape will consist of harmonious styles, forms, massing, color, materials, orientation and rooflines. This section contains requirements for architecture and landscapes within the overall Butterfield community.

4.3.1 Community Color and Materials

Colors and materials help to enhance visual variety in the community by providing texture, richness and relief in all elements of design. Thoughtful selection can often highlight and enhance even the simplest elements. An appropriate color palette for the Butterfield community includes natural, earthy tones that have a strong compatibility with the California ranch theme. In addition, the following guidelines should be followed:
• Colors and materials should support the overall community character and the style of the architecture
• Building wall and roof colors and materials should be coordinated.
• Style appropriate color and materials’ palettes are encouraged.

4.3.2 Community Landscape

The following landscape elements shall be provided and installed in each neighborhood by the developer/builder:

• Street trees
• Interior slope landscaping & irrigation
• Block-end walls
• Side yard, rear yard and return fences
• Tubular steel fences

Landscape/irrigation plans for entry treatments, streetscape, interior slopes, parks, recreation areas, and detention basins shall be approved by the City of Banning.

All plantings within the Butterfield Community shall be selected from the Butterfield Plant Palette in this document as provided in Section 4.6.2, Neighborhood Plant List, the proposed plant palette on Exhibit 4.9A, Specific Plan Golf Course Central Open Space Conceptual Landscape Plan, the street trees on Exhibit 4.10, Street Tree Master Plan, and any additional mitigation area plant palette that may be determined by a federal or state resource agency. In addition, the use of quality artificial turf is considered acceptable as a water conservation design consideration.

Street tree size should be a minimum 15-gallon and at least 50 percent of all street trees should be a minimum 24-inch box size. Species and variety to conform to an approved street tree plan.

Following Tentative Tract Map approval, a Conceptual Landscape Plan shall be prepared by a licensed landscape architect that demonstrates the following to the satisfaction of the City of Banning Community Development Director (final landscape improvement plans will be submitted as part of the building permit and/or infrastructure improvement plan review and approval process):

• Landscaping that complies with the General Plan, Specific Plan, and other relevant City of Banning regulations, ordinances, policies and procedures.
• The use of native or drought-tolerant species where practical, proposed plants and palette, size and placement of plants, and irrigation requirements and the landscape guidelines contained in the proposed Specific Plan.
• Development edges are to be landscaped so as to minimize aesthetic impacts by providing appropriate landscaping where possible to screen the views of structures when viewed from lower elevations and adjacent properties; landscape materials may be used in conjunction with berming to accomplish this objective; and in transition areas where native undisturbed vegetation meets a development area, only those species similar to existing native vegetation must be used.
• Landscaping must consider applicable fuel modification zone requirements, including provision for interim and/or permanent irrigation where warranted.
• The density of landscape screening shall be varied, depending upon the visual character of a proposed development; low-density residential projects that convey a rural character shall be featured and views to these areas from streets shall be maintained; landscape shall be subject to review and approval of the City Fire Chief and the Community Development Director.

4.3.3 Community Entries and Monumentation

A main community identification monument, including landscaping and low, stone walls, is planned for the project corner at Highland Springs Avenue and Wilson Avenue. See Exhibit 4.2, Corner Monument Concept Plan View and Elevation, Highland Springs Avenue and Wilson Street.

A landscape theme of water features, stone walls, and shade trees flows throughout the community of Butterfield as one enters the project through numerous entry streets that range in prominence from a primary entry and secondary entries, to neighborhood and other various entries encountered throughout Butterfield. These entries and monumentation unify the Butterfield landscape theme. See Exhibit 4.1, Community Entry Monumentation Locations.

The primary community entry will be located internally on ‘A’ Street and the Southern Loop Collector Street. This entry is to include further enhanced landscaping, water feature(s), monumentation, architectural features and community identification signage. See Exhibit 4.3, Primary Entry Landscape Concept Elevation.

Secondary community entries are to be located on ‘HB’, ‘C’, ‘D’ and ‘F’ Streets. These secondary entries will also include enhanced landscaping, monumentation and community identification signage. Refer to Exhibit 4.4, Secondary Entry Landscape Concept Elevation.

Several neighborhood entries are proposed throughout the entire Butterfield community. The neighborhood entries will include a low stone wall with an area for signage that is consistent with elements and landscape theme in the primary and secondary entries. Also, enhanced landscaping will be provided in areas surrounding the stone wall monumentation. See Exhibits 4.5A – 4.5D, Neighborhood Entry Landscape Concepts.

This Specific Plan allows for a private gated community as a use within the Butterfield Specific Plan area. If it is decided that a private gated community will be provided within the Butterfield Specific Plan area, the entry to the gated community will be themed and landscaped to be consistent with the other entries throughout the Butterfield community. The gated entry may include water features, stone wall monumentation, enhanced landscaping and a raised landscaped median. See Exhibits 4.6A and 4.6B, Secondary Typical Gated-Community Entry Gate Concepts.

Any commercial entries within the Butterfield community will be consistent with the landscape theme that is proposed throughout the Butterfield Specific Plan area. See Exhibit 4.7, Commercial Site Entry Concepts.
4.3.4 Parks and Open Space

4.3.4.1 Neighborhood Parks

Parks within the Butterfield community are to serve as community gathering areas and provide active and passive recreational opportunities for residents. Programming for neighborhood parks may include a varied combination of, tot lots with play equipment, picnic areas, open lawns and turf, shade structures, drinking fountains, shade trees, landscaping and extended pathways from sidewalks into play areas. See Exhibits 4.8A – 4.8D, Typical Neighborhood Park Concepts.

4.3.4.2 Neighborhood Recreation Parks

Community recreation parks are planned for the Butterfield community. The facilities are centrally located and are accessible through a pedestrian system of walkways and paths as well as the local vehicular circulation. The program for the facility could allow for a larger neighborhood park or a recreation facility that may include off street parking, pool, spa, restroom building, picnic facilities, enhanced landscaping, open turf areas, and buildings for community meetings areas. See Exhibit 4.8E, Neighborhood Recreation Park Concept.

4.3.4.3 Community Park

Community parks with sports facilities are proposed to be located within the SCE easement along the southern portion of ‘F’ Street. The community parks are located within the center of the Butterfield Specific Plan area and can be accessed via pedestrian walkways as well as local vehicular circulation. The program for the community parks may include soccer fields, ball courts, shade structures and seating areas. Off-street parking will be provided within the community parks area that could also accommodate overflow parking for a nearby recreation center. See Exhibit 4.8F, Community Park Concept.

4.3.5 Golf Course Central Open Space

A public golf course is proposed as a central recreation and open space element in the Butterfield Specific Plan. Landscaping within the golf course central open space will contain various elements including typical ornamental golf course landscaping and native and, natural re-vegetated landscaping near drainage areas and at other appropriate locations. A detailed golf course concept plan for the central open space landscape plan concept areas is provided on Exhibit 4.9, Specific Plan Golf Course Central Open Space Conceptual Landscape Plan.

See Exhibits 4.9B and 4.9C for conceptual illustrated views of portions of the proposed golf course and surrounding development.

Exhibits 3.12A & B, Central Open Space Typical Concept Plan – South & North, and Exhibits 3.13A & B, Central Open Space Example Features, provide typical concept illustrations of the Central Open Space’s potential implementation. This open space will include active and passive recreational uses, such as walking or biking trails, turnouts for exercise, viewing and educational facilities, parks and native type vegetation landscaping all linkable to the project’s residential tracts and providing public access.
The golf course will include a club house facility and off-street parking areas that will have a landscaped entry with a raised landscaped median and enhanced landscaping to screen parking areas as well as compliment the club house facility building. The entry to the club house will be consistent with the Butterfield entry landscaping and monumentation throughout the Specific Plan area. See Exhibit 3.14, Golf Course Club House Concept Plan View and Elevation.

4.3.6 Other Open Space and Recreational Activities

Other open spaces within the Butterfield community include a lake or drainage storage basin, trails, natural areas, landscaped areas, easements and drainage open spaces.

There is an existing hiking trail system in the foothills north of the Butterfield Specific Plan area. Access to this trail system will be provided at trail head locations throughout the Butterfield Specific Plan area. Low stone wall monumentation, canopy trees and a way finding station will be provided at specified trail head locations. See Exhibit 4.8G, Typical Trail Head at Open Space Edge. Also, see Exhibit 3.4, Backbone Pedestrian Circulation Plan for trail head locations.

Planning Area 19 is the Smith Creek Channel continuation at the south end of the specific plan area and will include a trail that will provide access to the Butterfield community and Wilson Street. The majority of the plant materials surrounding the drainage feature and trail are to be native vegetation. Street trees, small shrubs and turf may be planted within the landscape Parkway areas of ‘C’ Street, adjacent to PA 19. See Exhibit 4.8H, Planning Area 19 South Channel Landscape Concept Plan.

Planning Area 71 with a water drainage storage basin is proposed to be used for some recreational uses. The majority of the plant materials surrounding the basin area are to be native vegetation. There may be some ornamental landscaping (canopy trees and small accent shrubs) in parking and seating areas located around the basinlake. See Exhibit 4.8I, Planning Area 71 North Basin Landscape Concept Plan.

4.3.7 Community Streets

4.3.7.1 Project Entry Streets

- The project entry streets connect the primary and secondary entries off of Highland Springs Avenue, Wilson Avenue, and Highland Home Road with the loop streets in the project interior.
- Landscaped parkways are to be provided on each side of the street. A 5-foot-wide meandering sidewalk will also be provided on one side of the street, along with a potential combination 5-foot-wide concrete and 5-foot-wide decomposed granite path on the other side. The decomposed granite paths will specifically be maintained by the community HOA.
- Landscaped raised medians will be included in all project entry streets except “E” Street, for which a landscaped median is an implementation option.
• Landscape lots, typically located between the pedestrian walkways or right-of-ways and project perimeter walls, will contain evergreen screen and background trees along with an occasional accent tree grouping.

Refer to Exhibit 4.10, Street Tree Master Plan, for guidance on street trees; Exhibit 4.11, Streetscape Concept Plan View and Section of “A” Street; Exhibit 4.12, Typical Streetscape Concept Plan View and Section of “H” Street (west of Highland Springs Ave.) and “C” Street (north of Wilson St.) and Exhibit 4.14, Typical Streetscape Concept Plan View and Section of “F” Street (west of Highland Springs Avenue).

4.3.7.2 Interior Backbone Loop Streets

• These streets, (“B” Street, “C” Street, “H” Street, Highland Home Road, and “F” Street), incorporate collector streets that makes a loop traverse through the project area, connecting the Project Entry Streets and Local Streets into individual Planning Areas.

• The minimum overall right-of-way width for these streets is 92 feet. Landscaped parkways will be provided on the streets Loop Streets. These parkways will include a 5-foot-wide meandering sidewalk on one each side, and a potential meandering combination 5-foot-wide concrete and 5-foot-wide decomposed granite path on one side. The decomposed granite paths will specifically be maintained by the community HOA.

• Additional landscaping will be installed between the back of sidewalk and the perimeter wall.

Refer to Exhibit 4.13, Typical Streetscape Concept Plan View and Section of “H” Street (from “B” Street to Highland Home Rd.), “B” Street, “C” Street (north of “B” Street) and “F” Street (from PA 62 to Highland Home Rd.); and Exhibit 4.20, Highland Home Road (North of SCE Easement to Highland Springs Ave.).

4.3.7.3 Neighborhood Local Streets

• Neighborhood local streets will be tree-lined avenues, and will continue the landscape theme in the residential neighborhoods.

• Landscaped parkway areas will be planted by the developer/builder and be maintained by the Homeowner. Sidewalks on local streets may be located adjacent to the curbs or set off from the curbs, separated by a landscape strip.

• Refer to Exhibits 4.15 and 4.16, Typical Streetscape Concept Plan View and Section of the Local Streets, including for Residential Block End Conditions.

4.3.7.4 Perimeter Roadways

Perimeter roadways providing access to the Butterfield Specific Plan area include Highland Springs Avenue, Wilson Street and Highland Home Road. Landscaping Concepts proposed for the perimeter roadways are as follows:
Highland Springs Avenue

Landscaping on the east side of Highland Springs Avenue, adjacent to the Butterfield Specific Plan frontage on the City of Banning side, shall be similar to the proposed entry landscaping within the Butterfield Specific Plan area and shall include canopy trees, small shrubs and turf or ground cover plantings located in the parkway area that also includes a meandering sidewalk. A raised, landscaped median may be provided if there is sufficient room within the right-of-way of Highland Springs Avenue. See Exhibits 4.17, Typical Streetscape Concept Plan View and Section - Highland Springs Avenue.

Highland Home Road

In one proposed alternative for the southern portion of Highland Home Road from Wilson Street to Gilman Street, a 16’ raised, landscaped median with canopy trees and ground cover is proposed. In this alternative the existing open Pershing Channel running parallel to Highland Home Road is removed and reconstructed as a buried storm drain under the road. A 20’ wide frontage drive is maintained on the east side providing separate access to the existing residences along the east side of this portion of Highland Home Road. A 4’ wide planting area with a hedge is proposed between what will be the new Highland Home Road and this proposed access drive along the existing residential. See Exhibit 4.18, Typical Streetscape Concept Plan View and Section for the southern portion of Highland Home Road.

A second alternative is proposed for the southern portion of Highland Home Road in the instance it is determined that the existing Pershing Channel can not be placed underground or relocated. In this alternative the existing open Pershing Channel is maintained in the proposed median of Highland Home Road. Only limited landscaping, if any, would be allowed in the median in this alternative. The channel would be required to be enclosed in a decorative fence. This alternative would not allow for the separate frontage drive serving the existing residences on the east side. See Exhibit 3.3B – Roadway Cross Sections, for a depiction of this second alternative.

The proposed landscape and streetscape concepts for that portion of Highland Home Road between Gilman Street and the SCE easement, adjacent to approved Tract 30906, located on the east side, is depicted in Exhibit 4.19, Typical Streetscape Concept Plan View and Section - Highland Home Road (Tract 30906).

The proposed landscape and streetscape concepts for Highland Home Road north of “F” Street the SCE easement to Highland Springs Avenue is depicted in Exhibit 4.20, Typical Streetscape Concept Plan View and Section – Highland Home Road. Half-width landscaping, along the south side of Highland Home Road will be provided west of Planning Area 61.

Wilson Street

The proposed landscape and streetscape concept for the north side of Wilson Street adjacent to the Butterfield Specific Plan frontage is depicted in Exhibit 4.21, Typical Streetscape Concept Plan View and Section – Wilson Street. A raised landscaped median will be added to Wilson Street fronting the Specific Plan area where appropriate as determined by the City Public Works Director.
4.3.7.5 STREE T Rees – General

Street trees, including trees in medians, for reduced maintenance purposes, shall not be of a type that will be too large at maturity and shall be spaced to allow for adequate maintenance outside the roadway travel lanes for life safety purposes and to avoid impacts to traffic. There shall not be conflicts between street trees and street lights for adequacy of lighting and safety.
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See Exhibit 4.11 For A Street Plan View

STONE SIGN WALL
STONE PILASTER W/INSET LOGO
CASCADING WATER FROM UPPER POOL

Primary Entry Landscape Concept Elevation

ENTRY KEY MAP

Primary Entry
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ACCENT TREE WITH GROUPINGS ALONG ENTRY SEQUENCE AND MONUMENTATION

STONE PILASTER W/ INSET LOGO

STONE SIGN WALL

LOWERED STONE WALL

STREET

SIDEWALK

ENTRY KEY MAP

Secondary Entry

PARDEE HOMES • BUTTERFIELD SPECIFIC PLAN

Secondary Entry Landscape Concept Elevation

EXHIBIT 4.4
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NOTE:
SIDEWALKS ON LOCAL STREETS AND NEIGHBORHOOD ENTRIES MAY BE LOCATED ADJACENT TO THE CURB OR MAY BE SET OFF OF THE CURB, SEPARATED BY A LANDSCAPED STRIP.

ENTRY STREET CONDITIONS MAY DIFFER AT VARIOUS LOCATIONS. SEE EXHIBITS 4.5C AND 4.5D FOR OTHER POTENTIAL NEIGHBORHOOD ENTRY CONDITIONS.
NOTE:
SIDEWALKS ON LOCAL STREETS AND NEIGHBORHOOD ENTRIES MAY BE LOCATED ADJACENT TO THE CURB OR MAY BE SET OFF OF THE CURB, SEPARATED BY A LANDSCAPED STRIP.

ENTRY STREET CONDITIONS MAY DIFFER AT VARIOUS LOCATIONS. SEE EXHIBITS 4.5B AND 4.5D FOR OTHER POTENTIAL NEIGHBORHOOD ENTRY CONDITIONS.

LEGEND
① PRODUCTION PILASTER
② NEIGHBORHOOD MONUMENT
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NOTE:
SIDEWALKS ON LOCAL STREETS AND NEIGHBORHOOD ENTRIES MAY BE LOCATED ADJACENT TO THE CURB OR MAY BE SET OFF OF THE CURB, SEPARATED BY A LANDSCAPED STRIP.

ENTRY STREET CONDITIONS MAY DIFFER AT VARIOUS LOCATIONS. A LANDSCAPED MEDIAN MAY BE USED WITH THIS ENTRY (SIDE/SIDE) WHERE IT DOES NOT INTERFERE WITH ACCESS TO RESIDENTIAL DRIVEWAYS. SEE EXHIBITS 4.5B AND 4.5C FOR OTHER POTENTIAL NEIGHBORHOOD ENTRY CONDITIONS.

LEGEND

1. PRODUCTION WALL
2. MONUMENT
Adequate separation between inside of gate and driveways shall be provided.

Gate design shall provide adequate vehicle stacking distance between gate and cross street. A minimum of 40' or more shall be provided.
LEGEND

ENTRY DRIVE
STONE WALLS & PILASTERS

PINE TREE - PRIMARY THEME AND BACKGROUND TREE THROUGHOUT NEIGHBORHOOD
INFORMAL DROUGHT TOLERANT SHRUB AND GROUND COVER LAWNS TO BRING A RURAL CHARACTER THROUGHOUT THE COMMUNITY

CALIFORNIA PEPPER TREE AT COMMERCIAL ENTRY POINTS
CALIFORNIA PEPPER TREE AT COMMERCIAL ENTRY POINTS
PINE TREE - PRIMARY THEME AND BACKGROUND TREE THROUGHOUT NEIGHBORHOOD

EXHIBIT 4.7
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PARDEE HOMES • BUTTERFIELD SPECIFIC PLAN

Neighborhood Recreation Park Concept

LEGEND
1. OPEN TURF AREA
2. RESTROOM BLDG. W/ POOL EQUIPMENT & SHOWERS
3. LOW WALL W/ SIGN
4. SHADE STRUCTURE
5. DINING AREA
6. PERIMETER FENCE
7. POOL DECK

Rec. & OS Key Map
Potential Neighborhood Recreation Park
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LEGEND
1. TRAIL
2. TRAILHEAD MONUMENT
3. LOW STONE WALL & PILASTER
4. CONCRETE SIDEWALK

PARDEE HOMES • BUTTERFIELD SPECIFIC PLAN
Typical Trail Head at Open Space Edge - Plan View and Section
EXHIBIT 4.8G
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HIGHLAND HOME RD. PREVIOUSLY PROPOSED NORTHERLY ALIGNMENT REMOVED AND GOLF COURSE REMOVED FROM 2016 EXHIBIT.
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NOTE: ILLUSTRATION REFLECTS A POTENTIAL WET CONDITION IN BASIN FROM SIGNIFICANT STORM EVENT. BASIN MAY BE FREQUENTLY DRY AT OTHER TIMES.
NOTE: THE PLANT PALETTE IN RIPARIAN AND OTHER MITIGATIONS AREAS SHALL BE FURTHER RESTRICTED PURSUANT TO FEDERAL AND STATE PERMITS.
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THIS EXHIBIT ELIMINATED IN 2016 SPECIFIC PLAN DUE TO ELIMINATION OF GOLF COURSE.
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THIS EXHIBIT ELIMINATED IN 2016 SPECIFIC PLAN DUE TO ELIMINATION OF GOLF COURSE.
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Decorative street paving in the form of stamped and/or colored concrete or asphalt (no pavers) shall be provided on “A” Street primary entries at a minimum length of 50’.

LEGEND
- WATER FEATURE
- STONE SIGN WALL
- LOW STONE WALL
- SIDEWALK
- FENCE
- DRY STREAM
- HILLS & MOUNDS
- PERIMETER WALL
- SPECIMEN TREE (TYP.)
- IDENTIFICATION WALL & PILASTER
- BACKGROUND SCREEN TREE

LEGEND
- PERIMETER WALL
- STREET TREES INFORMALLY SPACED ALONG MEDIAN

*LANDSCAPE AND PARKWAY AREAS CAN BE REDUCED TO MINIMUM OF 2:1 BETWEEN THE WALKWAY AND ROADWAY AND BETWEEN THE WALKWAY AND THE RIGHT OF WAY. FOR EXHIBIT 10, BORDERS OR CROSS-SECTIONS TO ALLOW FOR FUTURE SIDEWALK AND ADDITIONAL GROUNDS MOWING. TREES SHALL NOT BE LOCATED IN LANDSCAPED PARKWAY STRIPS LESS THAN 5’ IN WIDTH.

Michael Baker
EXHIBIT 4.11
PARDEE HOMES - BUTTERFIELD SPECIFIC PLAN
Streetscape Concept Plan View and Section - A Street
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PARDEE HOMES • BUTTERFIELD SPECIFIC PLAN

LEGEND

1. SIDEWALK
2. DG PATH
3. PERIMETER WALL
4. STREET TREES INFORMALLY SPACED ALONG MEDIAN
5. Decorative street paving in the form of stamped and/or colored concrete shall be provided on ‘B’, ‘C’ and ‘F’ Streets secondary entries at a minimum length of 35’.

Typical Streetscape Concept Plan View and Section - “H” Street (From Highland Springs Ave to “B” Street)

“C” Street (From Wilson Street to “B” Street)
NOTE: A LANDSCAPED MEDIAN IS PROPOSED FOR IMPLEMENTATION WITHIN D STREET, AND IS PROPOSED AS AN OPTION FOR IMPLEMENTATION WITHIN E STREET.

Decorative street paving in the form of stamped and/or colored concrete or asphalt (no pavers) shall be provided on "D" Street secondary entries at a minimum length of 35'.

LEGEND
- BACKGROUND SCREEN TREE
- PERIMETER WALL
- ENTRY MONUMENT WALL
- MONUMENT SIGN
- SPECIMEN TREES
- SHRUB AREAS
- WALL W/ SIGN
- WALKWAY

STREETS D AND E WERE REPLACED IN 2016 Plan
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Pardee Homes, Butterfield Specific Plan

EXHIBIT 4.13

**Streetscape Concept Plan View and Section**

- "H" Street ("B" Street to Highland Home Rd.)
- "B" Street
- "C" Street ("B" Street to Oak Valley Pkwy.)
- "F" Street (PA 62 to Highland Home Rd.)

*LANDSCAPE AND PAVEMENT AREAS CAN BE REDUCED TO MINIMUM OF 7 BETWEEN THE PAVEMENT AND ROADSIDE AND 8 BETWEEN THE PAVEMENT AND THE RIGHT OF WAY. PAVEMENT TO ROADSIDE CAN BE AS NARROW AS TO ALLOW FOR FURTHER MARGICAL AND ACCESSIBILITY AND TO PROVIDE A MORE AESTHETIC PAVEMENT WHICH LESS TRAVERSE IN METER. SIDEWALK CAN ALSO BE PLACED CURB ADJACENT.*

**PROPOSED 14' SIDEWALK CAN ALSO BE PLACED CURB ADJACENT.**
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NOTE: THIS SECTION APPLIES TO THE SOUTH LOOP ROAD, NORTH LOOP ROAD AND THE PORTION OF F STREET FROM NORTH LOOP TO HIGHLAND HOME ROAD.

LEGEND

1. Median
2. Pedestrian Wall
3. Streetscape
4. Trees
5. Drainage Channel

THESE STREETS CHANGED WITH 2016 PLAN

LEGEND

(1) Pedestrian Wall
(2) Street Trees (Heart-Leaf Spaced Along Median)

*Landscape and Parkway areas can be reduced to minimum of 7 between the sidewalk and street and 5 between the sidewalk and the right of way. The right of way shall be the full right of way. Trees shall not be located in landscaped areas on either side of roadway.
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Typical Streetscape Concept Plan View and Section - "F" Street (From Highland Springs Ave. to PA 62)

**LEGEND**

1. SIDEWALK
2. DG PATH
3. PERIMETER WALL
4. STREET TREES INFORMALLY SPACED ALONG MEDIAN
5. Decorative street paving in the form of stamped and/or colored concrete shall be provided on "B", "C" and "F" Streets secondary entries at a minimum length of 35'.

*LANDSCAPE AND PARKWAY AREAS CAN BE REDUCED TO MINIMUMS OF 2' BETWEEN THE RAILWAY AND MEDIAN, AND BETWEEN THE WALKWAY AND THE RIGHT OF WAY. SEE EXHIBIT 14 FOR NON-CROSS-SECTIONS TO ALLOW FOR FURTHER MINOR WALL AND PATHWAY MEANDERING. TREES SHALL NOT BE LOCATED IN LANDSCAPED PARKWAYS. STREETS LESS THAN 6 IN WIDTH TO BE WOODEN OR METAL FENCING ONLY.*
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NOTE: SIDEWALKS ON LOCAL STREETS MAY BE LOCATED ADJACENT TO THE CURB OR MAY BE SET OFF OF THE CURB, SEPARATED BY A LANDSCAPED STRIP.
NOTE: SIDEWALKS ON LOCAL STREETS MAY BE LOCATED ADJACENT TO THE CURB OR MAY BE SET OFF OF THE CURB, SEPARATED BY A LANDSCAPED STRIP.
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Typical Streetscape Concept Plan and Section - Highland Springs Avenue

EXHIBIT 4.17

*LANDSCAPE AND PARCIRY AREAS CAN BE REDUCED TO MINIMUM OF 2'-7" BETWEEN THE WALKWAY AND ROADWAY AND 7' BETWEEN THE WALKWAY AND THE RIGHT OF WAY. (SEE EXHIBIT 3.38, ROADWAY CROSS SECTIONS) TO ALLOW FOR FURTHER SIDEWALK AND AND PATHWAY MEANDERING. TREES SHALL NOT BE LOCATED IN LANDSCAPED PARCIRY STRIPS LESS THAN 7' IN WIDTH.

**LEGEND**

1. EXISTING R.O.W.
2. MEDIAN
3. SIDEWALK
4. STREET TREES INFORMALLY SPACED
5. PERIMETER WALL

**BUTTERFIELD SPECIFIC PLAN (WEST SIDE)**

**HIGHLAND SPRINGS AVENUE**
NOTES:
This section of Highland Home Road is from north of Wilson Street to south of proposed H Street.

Exhibit 3.3b provides another alternative section for this portion of Highland Home Road (Alternative 0) that maintains existing Pershing Channel in the median and eliminates the frontage drive on the east side.
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FROM PROPOSED H STREET TO SCE EASEMENT.

NOTE: THIS SECTION OF HIGHLAND HOME ROAD IS FROM PROPOSED H STREET TO SCE EASEMENT.
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Typical Streetscape Concept Plan View and Section - Highland Home Road (North of SCE Easement to Highland Springs Ave.)

NOTE: A PAVED PAINTED MEDIAN WILL BE USED WHERE APPROPRIATE DUE TO LIMITS IN MEDIAN WIDTH. A RAISED LANDSCAPED MEDIAN WILL ONLY BE USED WHERE FEASIBLE.

WHERE ADEQUATE RIGHT-OF-WAY EXISTS, SIDEWALKS OFFSET FROM THE CURB MAY BE USED.
NOTES: This section of Wilson Street is the north side from Highland Springs Avenue to proposed C Street.

These dimensions are typical of the main westerly length of Wilson Street within the Specific Plan area. For the easterly extent of Wilson Street, from approximately 475' west of Highland Home Road to Highland Home Road, 3' of landscaping and a 5' sidewalk would be provided between the northerly proposed right-of-way line and the existing curb. Please refer to Exhibit 3.3A for further details.

A raised landscaped median will be added to the Wilson Street fronting the Project site where appropriate as determined by the City Public Works Director.
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4.3.8 MODEL HOME SITES

Preliminary plans for Model Home sites must be submitted for City approval. The following minimum requirements will apply:

- Model Home Sites must comply with all City, State, Federal, and American Disability Act (ADA) requirements.
- All yards, common areas and open spaces within a model home area, including parking areas, shall be fully landscaped.
- Minimum tree size: 24” box.
- At a minimum, five 24-inch box trees and one 36-inch box tree shall be installed in the front of the Model Home sites in addition to other full landscaping of the site.

4.3.8.1 LIGHTING

Lighting design and placement can animate and enliven a community. Appropriate lighting is essential to create an inviting evening atmosphere while protecting nighttime views. Lighting the night environment, using Dark Sky Association (IDA) principles, includes minimizing glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary.

In the Butterfield community consideration shall be taken to respect the rural nature of the area and control sky glow by adhering to the following guidelines:

- All lighting will comply with Dark Sky principles.
- Architectural lighting and landscape accents shall be aesthetically pleasing and non-obtrusive.
- Shielded lights should be utilized throughout the community to reduce light glare.
- All lighting shall be designed and located to reduce power consumption to its lowest practical level, direct light rays toward the unit and be compatible with the lighting on adjacent units.
- Accent lighting should be installed at primary and secondary entry monuments.
- Streetlights shall conform to the overall project theme and City standards.
- All exterior lighting for identification, pools, water features, and landscaping should be subdued and indirect to prevent spillover onto adjacent lots and streets.
- Exposed bulbs, spotlights, and reflectors are prohibited.

4.3.8.2 SIGNAGE

Monument signage containing developer/builder logos and information should be located at the primary entrance. All signage must be compatible with the architectural style of the development and must provide a consistent image that reflects the overall vision of Butterfield. Height and width of the signs should be eye-catching, easy to read and avoid blocking critical lines of sight. Refer to City of Banning Municipal Code for allowed signs within Butterfield.
The following signs will not be permitted:

- Changeable letter signs
- Roof-mounted signs
- Cloth, paper, or fabric signs except as allowed temporary signs

4.3.8.3 Signage Location and Content

- Locate signage for easy viewing from fronting streets.
- Use monument signs to address vehicular traffic.
- Pedestrian scale signs are allowed.
- Limit sign information oriented to vehicular traffic.
- Avoid large amounts of sign information using small letters.

The design and location of all signage within the Butterfield Project shall conform to guidelines to be developed for the Master Marketing Program. All planning area sign designs and specifications must be submitted to the City for approval and shall otherwise comply with the Banning Municipal Code.

4.4 Community Architecture - Non-Residential

The objective of the Non-Residential Design Guidelines is to provide a design framework where developers and designers can express their creativity on individual projects without compromising the overall community character. The key to a successful project is the development of an appropriate architectural image and design palette that conveys that community character. These general guidelines apply to all commercial and community structures within Butterfield.

4.4.1 Guidelines Specific to Community Structures

Community structures, such as the golf clubhouse, recreation buildings and park structures, are considered to be the cornerstones of the community and shall be compatible with the California ranch character of Butterfield. Community structures may use appropriate materials such as, but not limited to, stucco, siding, stone and brick masonry, and decorative wrought iron.

Outdoor trash enclosures, when used, shall be screened from public view and adjacent residences. Trelliswork over the enclosure shall be compatible with the architectural style of the primary building and is encouraged.
4.4.2 Parcels Adjacent to Residential

Commercial and community facility properties adjacent to residential uses should have additional provisions to protect nearby residential uses from excess noise, traffic and glare. The following guidelines will assist in reducing these negative impacts:

- Commercial and community facilities adjacent to residential land use areas may incorporate a six-foot high masonry wall along the property line.
- Solid property line walls are encouraged to have vines or creeping plants.
- Additional landscape is encouraged to be installed as a buffer between the residential and commercial properties.
- When possible, orient buildings and parking lots away from the property line adjacent to the residential lot.
- Deliveries for commercial and community facilities adjacent to residential uses are limited to the hours of 7:00 a.m. to 9:00 p.m.
- Egress points are encouraged to be located away from residential properties.
- Orient architectural and parking lot lighting so that glare is minimized.
- Fuel modification areas or zones shall be created adjacent to residential areas that abut areas designated potential wildland fire areas, including in temporary phased development conditions.

See Exhibits 4.22A – 4.22C for residential interface concepts with commercial, school and open space areas.

4.4.3 Massing

- In general, building forms and masses should be compatible with the architectural style of the building.
- Massing should be compatible with the community theme of California ranch.
- Building massing should express the organization and volumes within the buildings, avoiding artificial layering of elements, pop-outs, false gables, etc. except in the case of very large plan forms that may require the addition of elements to break up long wall and roof planes.
- Building mass is encouraged to create, when possible, at least one significant courtyard or plaza protected from prevailing winds and summer sun.

4.4.4 Roofs

Roofs are a dominant architectural element as viewed from across the street and from the surrounding area. The following guidelines should be applied to roofs:
• Roofs should be compatible with the community theme of California ranch.

• Rooflines should be broken into a variety of planes and forms.

• Parapet roofs are a primary solution for commercial/office buildings to provide opportunities for architectural enhancement and transitional heights between buildings.

• Introduce both gable and shed roof forms, as appropriate to the character of the architecture, to add variety and interest to the street scene.

• Architectural elements that add visual interest to the roofs are encouraged, where appropriate to the style.

• Roof materials such as flat concrete tile are encouraged.

• Roof mounted solar panels are acceptable.

• Roof materials not permitted include:
  o Wood shakes
  o Standard composition shingles
  o Bright or reflective materials (except solar panels)

4.4.5 Façade Treatment and Materials

• Primary façade elements include windows, doors, wall surfaces, pitched roofs and articulated cornices.

• The architectural treatment of the front façade and its major features should be continued around primary exposed sides of the building.

• The use of natural or natural-looking materials that suggest a connection to the land and its history are strongly encouraged.

• Provide a sense of variety and spontaneity in the streetscene to avoid monotony and repetition. For example, glass storefront displays and frequent entries also provide variety and interest.

• Wall materials used in an elevation must be compatible with the architectural style.

• Material changes must occur at logical articulations of the building wall, including inside corners.

• Heavy forged iron details used as handrails, light fixtures or hardware are strongly encouraged.
4.4.6 Windows

- Window styles should be designed in keeping with the architectural character of each building.
- Vary window header and sill heights, patterns, spacing and framing details.
- To a reasonable extent, upper-story windows should be vertically aligned with the location of windows and doors on the ground level.
- Clear and bronze-tinted glass is acceptable. Mirrored surfaces and clear anodized aluminum frames are prohibited.
- Exterior wood may be used but must be finished with paint or solid base stain.
- Horizontal slider windows and mill-finished aluminum are not permitted.
- Window proportions may be square or vertical. Horizontal groupings must be pulled together into compositions of square or vertical forms.
- Size exterior shutters in proportion to the window opening, such that if closed they would cover the window.
- Specialty windows, such as arches, half rounds, quarter circles, diamonds and rounds should be limited in their application.

4.4.7 Awnings/Canopies

- Use awnings or canopies in forms, colors and materials appropriate to the selected building style that add to and enhance the appearance of the streetscape.
- Avoid visual impairment of overall façade composition and unnecessary concealment of architectural features such as cornices, columns, pilasters or decorative details.

4.4.8 Mechanical Equipment

- Exterior components of plumbing, cooling and ventilating systems cannot be mounted on the exterior of any primary building wall.
- Mechanical equipment must be screened by a parapet wall or a similar treatment and be integrated into the architectural design of the building. The screening device must be at least the height of the mechanical equipment.
- Utilitarian drainage pipes on building facades along streets and public spaces must not be exposed. Decorative drainage pipes, where appropriate to the architectural style, are encouraged.
4.4.9 Indoor/Outdoor Spaces

- Indoor/outdoor transitional spaces are a signature element in Butterfield including commercial buildings. Covered, shaded and protected areas create visual depth and interest and provide shelter and appropriate human scaled space for users.

- All buildings, when possible, should utilize one of the following in order to provide for functional outdoor use, gathering and entry places:
  - Arcades
  - Trelliswork
  - Deep overhangs
  - Porches/verandas
  - Courtyards/gardens
  - Plazas/squares

4.5 NEIGHBORHOOD DESIGN

The goal for the design of neighborhoods as set forth in this Specific Plan is to achieve a safe and pleasant neighborhood community featuring varied architecture, and pedestrian-scaled landscapes and walkways that link community elements and amenities.

4.5.1 Neighborhood Plotting

Diversity and variety are important in Butterfield and shall be maintained in the following ways when plotting standard single family homes in the project neighborhoods:

- No home plan may be plotted more than two in a row. Reverse plots of the same plan are acceptable in minimal quantities.
- No adjacent elevations of the same style are permitted.
- Same plans may be plotted on lots across from each other, provided a different elevation style is selected for each unit.
- Identical color schemes must be separated by at least one (preferably two) adjacent lots or across the street.
- Varying the placement of living space and garages in relation to the street can create a more interesting streetscene.

4.5.2 Visible Edges

4.5.2.1 SIDE AND REAR ARTICULATION

The second-story portion of the rear elevation of homes that back onto primary streets, parks, paseos and public open space should include enhanced window treatments and details to avoid a monotonous edge condition. Exterior wall materials, trim and architectural details should be applied to exposed sides of a home that back or side onto a primary street, park, paseo or public open space or golf course.
4.5.2.2 **ROOF FORMS**

Rows of homes seen from a distance or along arterial roads are perceived by their contrast against the skyline or background. The dominant impact is the shape of the building and roofline. Rooflines should include a mix of front-to-rear, side-to-side, gables and hipped roofs and/or by the introduction of a one-story element.

4.6 **RESIDENTIAL DESIGN - BUILDER GUIDELINES**

The development of successful pedestrian-friendly neighborhoods in Butterfield can be achieved by implementing the following goals:

- Give design integrity and character to the composition of building mass.
- Incorporate single-story elements on two-story buildings where appropriate to style.
- Avoid repetitious designs, colors, elevations and footprints.
- Incorporate rear and side architectural details along primary visible edges, as these views are prominent to neighboring areas.

4.6.1 **Residential Landscaping – Front Yard**

- The Developer/Builder will provide the homeowner with the option for full front yard landscaping and automatic irrigation systems for all homes subject to City approval.
- Landscape areas shall be automatically irrigated and planted in an appropriate manner, which meets or exceeds current City standards and regulations, industry standards, and shall comply with the design intent and minimum set forth in these guidelines.
- All landscaping shall conform to Chapter 17.32, Landscape Standards, of the Banning Municipal Code.
- All lots shall provide for a minimum of one, 15-gallon front yard tree, and one, 15-gallon accent tree. See Exhibit 4.23 – *Typical Front Yard Landscape Plan*.
- Quality artificial turf is considered acceptable as one component of a complete multi-component landscape approach.

4.6.2 **Neighborhood Plant List**

The plant list for Butterfield was developed to create varied seasonal interest with a palette of deciduous and evergreen plants, while maintaining a well-balanced landscape. Following is a list of plants chosen for street trees, common area/slope landscape and front yard landscapes.

**Trees**

ALNUS RHOMBIFOLIA (WHITE ALDER)
ARBUTUS UNEDO (STRAWBERRY TREE)
CEDRUS DEODARA (DEODAR CEDAR)
CINNAMOMUM CAMPHORA (CAMPHOR TREE)
CUPRESSUS GLABRA (ARIZONA CYPRESS)
CUPRESSOCYPARIS LEYLANDII (LEYLANDI CYPRESS)
LAGERSTROEMIA INDICA (CRAPE MYRTLE)
LAURUS NOBILIS ‘SARATOGA’ (BAY TREE)
MAGNOLIA SPECIES (MAGNOLIA)
MELALEUCA LINARIFOLIA (FLAXLEAF PAPERBARK)
PINUS ELDARICA (ELDARICA PINE)
PINUS HALEPENSIS (ALEPPO PINE)
PLATANUS ACERIFOLIA ‘BLOODGOOD’ (LONDON PLANE TREE)
PLATANUS RACEMOSA (CALIFORNIA SYCAMORE)
POPULUS SPECIES (POPULAR)
PRUNUS CAROLINIANA (CAROLINA CHERRY)
QUERCUS AGRIFOLIA (COAST LIVE OAK)
QUERCUS VIRGINIANA (LOUISIANA LIVE OAK)
RHUS LANCEA (AFRICAN SUMAC)
SCHINUS MOLLE (CALIFORNIA PEPPER)

**Shrubs/Groundcover**

ACACIA REDOLANS ‘DEsert CARPET’ (PROSTRATE ACACIA)
AGAVE AMERICANA (CENTURY PLANT)
ARBUTUS UNEDO ‘COMPACTA’ (DWARF STRAWBERRY TREE)
BACCHARIS PILULARIS ‘TWIN PEAKS’ (COYOTE BRUSH)
CALLISTEMON ‘LITTLE JOHN’ (DWARF BOTTLEBRUSH)
CISTUS SPECIES (ROCKROSE)
DIETES BICOLOR (FORTNIGHT LILY)
ECHIUM FASTUOSUM (PRIDE OF MADEIRA)
EUONYMUS J. ‘MICROPHYLLA’ (BOXLEAF EUONYMUS)
FESTUCA O. ‘GLAUCAs’ (BLUE FESCUE)
JUNIPERUS SPECIES (JUNIPER)
LAVANDULA SPECIES (LAVENDER)
LAVATERA ASSURGENTIFLORA (TREE MALLOW)
LIGUSTRUM TEXANUM (WAXLEAF PRIVET)
MUEHLENBERGIA RIGENS (DEER GRASS)
PITTOSPORUM SPECIES (TOBIRA)
PYRACANTHA SPECIES (FIRETHORN)
RAPHIOLEPIS SPECIES (INDIA HAWTHORNE)
ROMNEYA COULTERI (MATILJA POPPY)
ROSMARINUS SPECIES (ROSEMARY)
SALVIA SPECIES (SAGE)
SESLEDIA AUTUMNALIS (SESLEDIA)
SISYRINCHIUM BELLUM (BLUE-EYED GRASS)
STYPA (MEXICAN FEATHER GRASS)
TRACHELOSPERMUM JASMINOIDES (STAR JASMINE)

- Quality artificial turf is considered acceptable as one component of a complete multi-component landscape approach.
4.6.3 Area Specific Plant Palettes

4.6.3.1 PLANT PALETTE FOR GOLF COURSE

See Exhibit 4.9A – Golf Course Conceptual Landscape Plan for plant list specific to Golf Course.

4.6.3.1 PLANT PALETTE FOR HABITAT RESTORATION AND MITIGATION AREAS

The plant palette used for native habitat and riparian restoration areas for mitigation purposes is subject to the review and approval of state and federal regulatory agencies pursuant to the permit approvals issued by these agencies.

4.7 NEIGHBORHOOD WALLS AND FENCING

The wall and fence design criteria is intended to provide continuity of design within the Butterfield community. All wall and fence heights are measured from the highest-grade elevation on either side of the wall or fence.

Side yard, rear yard or other privacy walls along block end conditions of a neighborhood, or facing any street, shall be constructed of masonry block. Fence returns from a side property line to the house may be constructed of masonry wall or vinyl fencing. These should occur within the front 50% of the building footprint. Combination retaining and privacy wall at block end conditions may be used. See Exhibit 4.24 – Conceptual Wall & Fence Details.

4.7.1 Front Yard Fencing and Walls

- Fencing and walls may not exceed 42-inches in height when located within the required front yard setback.
- Fencing and walls between the edge of the setback and a dwelling unit shall not exceed (six), 6-feet in height, and may be solid or transparent.

4.7.2 Side Yard Fencing

- Side Yard fencing is permitted to a maximum height of (six) 6-feet between the front yard setback and rear yard property line.

4.7.3 Rear Yard Fencing

- Rear Yard fencing along rear yards and top of slope shall be a maximum of (six), 6 feet in height.

4.7.4 Sound Attenuation Walls

- Solid walls located in side and rear yards may exceed (six) 6-feet in height when sound attenuation is required.
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CANOPY TREE PLANTINGS ON SCHOOL PROPERTY

SLOPE VARIES

PERIMETER WALL

SHRUB MASSES

SCHOOL PAD

HOUSE PAD
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Residential Interface with Open Space (Fuel Modification Zones)

100' OR 100' MIN* FUEL MODIFICATION ZONE / SETBACK

50' MIN (ZONE "A") (WET ZONE) IRREGULAR LANDSCAPE

50' OR 100' MIN (ZONE "B") MODIFIED AND MAINTAINED OPEN SPACE VEGETATION

40' MIN

*EXISTING GROUND SLOPE 30% OR GREATER: MINIMUM 150' FUEL MODIFICATION ZONE
*EXISTING GROUND SLOPE 30% MAX: MINIMUM 100' FUEL MODIFICATION ZONE

VARIES 75' (MIN) RESIDENTIAL PROPERTY LINE SET BACK

Residential Yard Landscape

Proposed Structure

TRACT BOUNDARY EAST SIDE OF PROJECT
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The front yards and side yards visible from the public right-of-way, of all residential subdivisions shall be landscaped with trees, shrubs and groundcover. At minimum, each front yard shall include one 15-gallon front yard tree, one 15-gallon accent tree and sufficient shrubs and groundcover to provide full coverage within 2 years of installation.

Plant materials should be spaced so they do not interfere with lighting, and so they do not restrict access to fire hydrants. Proper spacing should insure unobstructed access for vehicles and pedestrians. The following spacing standards should be used:

- 25 feet from the property corner at a street intersection to the center of the first tree or large shrub
- 15 feet between trees and large shrubs
- 15 feet between trees or large shrubs and fire hydrants
- 5 feet between trees or large shrubs and the edge of any driveway
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Vinyl Fence

Tubular Steel Fence

CMU Block Wall
4.8 RESIDENTIAL ARCHITECTURAL DESIGN

Quality architecture is a key element of great and memorable neighborhoods. Materials, building forms, roofs, colors and materials are inspired by those located in Banning and the surrounding region. The primary elements of an architectural style are its massing and roof forms. In order to accurately represent the selected architectural styles, these and other style elements are described in the Architectural Styles section of these guidelines.

4.8.1 Home Entries

The entry of residential dwellings shall be articulated as a focal point of the building’s front elevation. Entries should be sheltered in order to create a welcoming appearance, promote individuality and increase privacy.

4.8.2 Home Architecture Articulation

Architecture articulation of all sides of homes visible from roadways inside and outside the Specific Plan area is important in creating attractive neighborhoods and street scenes. In these instances there shall be additional architectural features provided such as:

- Enhanced window treatments, and/or
- Continuation of building materials to match the front elevation

4.8.3 Indoor/Outdoor Spaces

Indoor/outdoor transitional spaces are a signature element in Butterfield. Covered, shaded and protected areas create visual depth and interest, as well as providing shelter and appropriate human scaled space for users.

Homes are encouraged to utilize functional outdoor gathering and entry places. Examples of these are:

- Porches or Balconies
- Patio Covers
- Trelliswork
- Arcades

4.8.4 Porches and Balconies

Porches or balconies are encouraged on front elevations to provide transitional spaces and add further visual interest to the street scene. The design of these elements should be consistent with the architectural style of the residence and must meet all setback requirements.

4.8.5 Patio Covers

Patio covers shall be treated in one of the following ways:
• Sloping roof element with roof tile matching the home
• Flat roof with parapet, where appropriate to style
• Trellis element
• Columns should be proportionate to the roof and convey a sense of strength and support.

4.8.6 Courtyards

The use of a courtyard provides the opportunity to enhance outdoor space or provide a semi-enclosed living space outdoors. Courtyards are encouraged as an extension of interior living space or provide a shaded or protected transitional space between the interior and outdoors.

4.8.7 Trellis and Arbors

Trellises and arbors are encouraged to enhance the architectural character of residential and overall community design. When used, they must be designed and constructed with long-term durability and appearance in mind.

4.8.8 Accessory Structures

When provided, all such accessory structures must be compatible in massing, design, materials and color to the primary building or residence. The height of any accessory structure shall not be greater than 14 feet.

4.9 ARCHITECTURAL DETAILS

4.9.1 Shutters

The shape and size of shutters should be proportionate to the window opening.

4.9.2 Chimneys

The design of chimneys should be compatible with the architectural style of the building. Exposed spark arrestors are not an allowed design element and must be provided with a more decorative cap.

4.9.3 Skylights

Skylights are permitted, but should be designed as an integral part of the roof. White "bubble" skylights are not permitted. Skylight frame material should be bronze anodized or match the adjacent roof color as closely as possible.

4.9.4 Gutters and Downspouts

Gutters and downspouts that are utilitarian in design should match the adjacent building surface color as closely as possible. When gutters and downspouts are used as an architectural enhancement, they may contrast in a style-appropriate, color or finish.
4.9.5 Photovoltaics

Photovoltaics or solar panels, if used on the roof, shall be integrated into the roof design.

4.9.6 Mechanical Equipment

Mechanical equipment such as air conditioners, heaters, evaporative coolers, and other such similar devices shall not be mounted on any roofs. Every effort should be taken to conceal television and radio antennas from public view, especially along paseos, golf course and major streets.

4.9.7 Vents

‘B’ type vents for gas appliances, water heaters, and heating units shall be painted to match the roof color. Such elements shall be located to minimize visual impact to building elevations.

4.9.8 Architectural Lighting

- Exterior lighting should only be used for outdoor living spaces, entries porches, courtyards and patios.

- Exterior lighting shall be shielded to minimize glare and light spill onto adjacent properties and streets. All lighting sources shall be stationary and have appropriate intensity for a residential use.

- The type and location of building lighting should preclude direct glare onto adjacent property, streets, or skyward and shall not spill onto adjacent properties

The design of the exterior lighting fixtures shall be appropriate to the style and character of the home. For example, a Craftsman style home shall use a Craftsman style light fixture.

4.10 CLUSTER HOMES (MEDIUM DENSITY RESIDENTIAL)

Cluster homes are higher density, detached, single-family homes oriented toward a common motor court, drive, or ‘green court’ area. These homes have private yards at sides or rear and may share a common vehicular access drive, green court or green belt paseo.

A motor court cluster typically has four to eight homes oriented toward a central “T” motor court. All homes have entries oriented towards the motor court or the front street. The private yards are located to the rear and sides of the home.

A green court cluster typically has four to eight homes oriented toward a common open space, or “green court”. A stub alley at the rear of the home provides vehicular access to these homes. Private yards are located at the rear or sides of the home.
A stub street cluster typically has four to eight homes oriented toward a common stub street at the front of the homes. This provides vehicular and pedestrian access to these homes from the front street side. Private yards are located at the rear or sides of the home.

4.10.1 Additional Guidelines for Cluster and Attached Homes

As cluster and attached homes often share common service elements such as trash enclosures and mailboxes the following additional guidelines are required for these home types.

4.10.2 Trash Enclosures

Where common trash enclosures are used, the following guidelines shall apply:

- Areas used for trash and recycling bins shall be concealed from public view with decorative masonry walls and caps.
- Enclosures shall be provided to accommodate the numbers and type of trash containers as required by the disposal company.
- It is encouraged for enclosures to be positioned away from the edges of the neighborhood to minimize impact on adjacent properties.
- Enclosures shall be consistent with the overall architectural character of the development.
- All trash enclosures shall be gated.
- Lighted pedestrian access is required at each enclosure.

4.10.3 Mail Boxes

All mailboxes must be clustered and screening elements require approval from the local Postmaster.

4.11 ATTACHED HOMES (HIGH DENSITY RESIDENTIAL)

By the very nature of the product, attached home neighborhoods are much like small villages, or communities. The following general concepts should be considered when planning for and designing attached homes: see development standards section for additional criteria.

- Individual elevation or building colors should be selected from an overall community color palette to avoid a clash.
- Wherever possible locate attached housing adjacent to or near public facilities, open space or community amenities.
- Design and site buildings with a strong physical relationship to public areas of the community.
- Emphasize pedestrian access and connections to public sidewalks, trails and open space systems when preparing site plans.
4.11.1  Townhomes

Attached townhomes are higher density, side-attached oriented either toward the street front, a common motor court or common ‘green court’ area. These homes typically have semi-private courtyards and may share a common green court or open space in each module or neighborhood.

4.11.2  Building Massing

- Minimize building “ends” and blank, singular planes oriented toward public views. Provide some architectural elements on primary elevations.
- Consider intended styles in conjunction with the development of building plans, massing forms, elements, details, and color.
- Carefully consider the building massing, details, and color, in developing an appropriate architectural character for the project.

4.11.3  Single Story Elements

Single story elements are encouraged on all homes to establish pedestrian scale and add variety to the street scene. This is especially important on larger attached buildings where inadequate articulation of mass tends to produce monotonous, single planes. Single story elements may include elements such as interior living spaces, porches and entries. The addition of such elements helps to provide a transitional space between public and private space.

4.11.4  Entries

Entries should create an initial impression, locate and frame the doorway, act as an interface between public and private spaces and further identify individual unit entries.

- Wherever possible, site plans should orient the front door image and principal access toward the public street or entry courtyard.
- Incorporate appropriate roof elements, columns, feature windows and/or architectural forms in the entry statement to emphasize the building character and the location of individual doorways.
- If front entry location is not immediately obvious due to building configuration, direct and draw the observer to it with added elements such as lighting and landscape.

4.11.5  Windows

Typically the location of windows is determined by the practical considerations of room layout, furniture placement, views and privacy. Design emphasis here should be of particular concern as windows play an important role in the exterior architectural character of multi-family buildings.

- Within the appropriate style requirements, group and coordinate windows with other design elements to create a composition.
Where appropriate to style and window form, use of multi-paned windows is encouraged. Use appropriate scale and proportion in window design to enhance the elevation style.

4.11.6 Balconies

The inclusion of balconies is encouraged for both aesthetic and practical purposes. They are useful in breaking up large wall planes, offsetting floors, creating visual interest and adding human scale to the building. They provide the practical advantage of creating outdoor living areas and elevated open space.

- Balconies may be covered or open. They may be either recessed into the mass of the building or serve as a projecting element.
- Design balconies as integral elements of the building with details, eaves, supports, and railings in keeping with the architectural style and other elements of the building’s design.
- Avoid designing plans with balconies that attach side by side.

4.11.7 Community Recreation and Common Facilities

Attached home neighborhoods may include common recreation facilities such as pools, spas, club houses, management offices, barbecues or other facilities appropriate to the demographic profiles identified for the community by the master developer.

- If included, common recreation facilities shall be key character elements for the neighborhood.
- Architectural and community elements, such as street furnishings, benches, lighting standards and trash receptacles, shall be consistent with the selected overall character for the neighborhood.
- Colors, massing, roof pitch and materials shall be compatible with the project theme.

4.11.8 Trash Enclosures

Where common trash enclosures are used, the following guidelines shall apply:

- Areas used for trash and recycling bins shall be concealed from public view with decorative masonry walls and caps.
- Enclosures shall be provided to accommodate the numbers and type of trash containers as required by the disposal company.
- It is encouraged for enclosures to be positioned away from the edges of the neighborhood to minimize impact on adjacent properties.
- Enclosures shall be consistent with the overall architectural character of the development.
- All trash enclosures shall be gated.
- Lighted pedestrian access is required at each enclosure.
4.11.9 Mail Boxes

All mailboxes must be clustered and screening elements require approval from the local Postmaster.

4.12 ARCHITECTURAL COLORS AND MATERIALS

The effective use of colors and materials will further define and enhance the community structures and homes in Butterfield. Variety in texture, hue and value is required in harmonious combinations.

Detail elements such as shutters, exposed rafter ends or cross beams, decorative grille work, decorative stucco or clay pipe vents, decorative ceramic tile and/or other similar features should be finished in a color that is consistent with its architectural style. Building details such as flashing, pipes and vents should either be detailed as an enhancement or painted to match the building surface so as to virtually disappear.

4.13 ARCHITECTURAL STYLES

Architecture within Butterfield is intended to reflect the architectural heritage of Southern California and Banning as a distinctive imaging and place-making strategy for the community. An important goal in this community is to develop varied and interesting street scenes.

Neighborhoods will be comprised of a variety of architectural styles. The architectural styles within Butterfield will reflect the heritage of California’s early towns (Including Banning). Below are the selected architectural styles Builders may choose from:

- California Ranch
- Butterfield Americana
- Western Farmhouse
- California Craftsman
- Butterfield Cottage
- Southwest Prairie
- Santa Barbara
- Napa
- Monterey

On the following pages, including Exhibits 4.25 – 4.33, each architectural style is defined by the typical characteristics of that style. Suggested enhancements include elements that help to further define the character of each style and are meant as an elective by the homebuilder.

4.13.1 California Ranch

Typical style characteristics

- One- or two-story asymmetric form
- Low-pitched roof, 4:12 to 5:12
- Gable or hip roof forms
- 6 to 12-inch overhangs at rakes; 12- to 24-inch overhangs at eaves
- Rectangular, multi-light windows
- Simple wood-appearing trim on front and visible windows
- Front porch
- Minimum 6x6 post,
- Shutters on feature windows on front elevations
- Flat, shake-textured concrete tiles
- Stucco finish
- Board and batten siding used as an accent at gable end porch roof
4.13.2 Butterfield Americana

Typical style characteristics

- Rectangular or ‘L’ shaped plan form
- Main gable roof with intersecting gable roofs
- Roof pitch range varies from 4:12 to 12:12
- 6- to 12-inch overhangs at rakes, 18- to 24-inch overhangs at eaves
- Rectangular, vertically-oriented windows
- Decorative brackets on porch posts
- Plank style shutters
- Smooth, flat concrete roof tiles or architectural grade composition shingles
- Stucco finish
- Vertical wood-appearance siding as an accent on first-story front elevation
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Classical style window trim

Vertical siding at gable ends

Simple square porch columns with decorative brackets

Artist concept subject to change
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4.13.3 Western Farmhouse

Typical style characteristics

- Simple plan form massing and simple roof design
- Primary gable roof with intersecting, gable and shed roofs
- 4:12 to 8:12 roof pitch
- 8- to 12-inch overhangs at rakes; 12- to 18-inch overhangs at eaves
- Vertically oriented, multi-light, windows
- All visible and front elevation windows have wood-appearance trim or stucco trim
- Shutters on accent windows
- Covered porch at entry
- Flat, shake-textured concrete roof tiles or architectural grade composition shingles
- Stucco finish
- Horizontal lap siding accent at gable ends, pop-outs and/or second story elements
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Western Farmhouse Elevation and Details

- Horizontal covered porch
- Shutters
- Windows with wood, wood-like or stucco trim
- Horizontal siding accents

Artist concept subject to change
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4.13.4 California Craftsman

Typical style characteristics

- Simple one or two-story massing with vertical and horizontal breaks
- Basic gable roof with cross gables
- 31/2:12 to 5:12 roof pitch
- 12- to 18-inch overhangs at rakes; 18- to 24-inch overhangs at eaves
- Vertically hung upper-divided windows on front elevations
- Covered entry
- Heavy, square or tapered porch columns or posts on piers
- Shaped, wood-appearing header trim at windows and doors
- Architectural grade composition shingles or concrete roof tiles
- Stucco finish
- Wood-appearance siding at gables on front elevation
Gable roof with cross gables

Wood or wood-like siding inside gables

Entry porch with heavy or tapered square columns

Eave overhangs
4.13.5 Butterfield Cottage

Typical style characteristics

- Rectangular or “L” shaped plan form
- Hip roof only on primary focal massing
- Intersecting roofs may be hip or shed
- 5:12 to 12:12 roof pitch
- Tight to 6-inch overhangs at rakes, 12 to 18-inch overhangs at eaves
- Rectangular, vertically oriented windows
- Covered entry
- Shutters on front
- Wood-appearance trim or stucco over foam trim (colored to simulate wood-appearance) surrounding doors, windows and over openings
- Flat, smooth, concrete roof tiles
- Stucco finish
- Rusticated stone veneer accents
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Butterfield Cottage Elevation and Details

Front porch with stucco or stone columns

Shutters

Wood board porch railing

Simple trim surrounding vertical oriented windows

Artist concept subject to change
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4.13.6  Southwest Prairie

Typical Style Characteristics

- One-story massing with recessed second-story where possible
- Strong single-story elements
- Primarily hip roofs
- Low, 3 ½:12 to 5:12 roof pitch
- Overhangs – 18 - 24 inches
- Boxed stucco soffits
- Covered entry element
- Horizontal banding or belt course
- Header trim on primary windows
- Flat, smooth, concrete roof tile
- Stucco finish
- Rusticated brick accents and wainscot
Southwest Prairie Elevation and Details

- Strong horizontal banding
- Grouped windows with mullion pattern and continuous sill
- Covered entry element

Artist concept subject to change
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4.13.7 Santa Barbara

Typical style characteristics

- Simple one- or two-story massing
- 3 ½ :12 to 5:12 roof pitch
- Tight to 12-inch overhangs at rakes; 12- to 18-inch overhangs at eaves
- Multi-light windows on front
- Stucco arched entry feature
- Decorative wrought iron detailing
- Shutters on feature window on front elevations
- Barrel or ‘s’-shaped concrete roof tiles in terra cotta tones or blends with terra cotta
- Stucco finish
This page was intentionally left blank
Strong arch elements

Shutters

Wrought iron detailing

Artist concept subject to change
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4.13.8 Napa

Typical Style Characteristics

- Simple two-story rectangular plan form with a single-story element
- Main hip or gable roof with secondary shed or gable roofs over one-story elements
- 4:12 to 6:12 roof pitch
- 6- to 18-inch overhangs at rakes; 12- to 24-inch overhangs at eaves
- Vertically-oriented, multi-light windows
- Barrel or ‘S’-shaped concrete roof tiles
- Stone veneer accents
- Stucco finish
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4.13.9 Monterey

Typical Style Characteristics

- Simple two-story box-like massing form with balcony
- Main front-to-back gable roof
- 3 ½ :12 to 5:12 roof pitch with optional pitch break at balcony
- 6- to 12-inch overhangs at rakes; 18- to 24-inch overhangs at eaves
- Multi-light windows at front
- Simple header trim over front window
- Round attic tile vents or decorative vents at gable ends on front elevation
- Simple wood-appearance balcony railing
- Shutters on accent windows
- Barrel or ‘s’-shaped concrete roof tiles
- Stucco finish
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Shutters

Wrought iron accents

Prominent front elevation balconies

Artist concept subject to change
5.0 DEVELOPMENT REGULATIONS
5.0 DEVELOPMENT REGULATIONS

This section of the Butterfield Specific Plan has been prepared in accordance with California Government Code Section 65450, et seq. and the City of Banning Zoning Ordinance. This section sets forth standards for all uses allowed for development within the Butterfield Specific Plan. Regulations are provided for low and medium density residential, cluster residential, commercial, golf course, parks, and undeveloped open space land uses. These regulations are based on and help to achieve compliance with the Design Guidelines presented in Section 4 of this Specific Plan.

Application of these regulations is specifically intended to provide for appropriate use of the project site, to create a well-ordered pattern of land uses within this Specific Plan, and to protect the health, safety and welfare of the community.

5.1 GENERAL PROVISIONS

5.1.1 Applicability

Upon adoption of the Butterfield Specific Plan, the development standards contained in this Section shall serve as the zoning regulations applicable to the Specific Plan area, in accordance with the City of Banning Zoning Ordinance. Development plans or agreements, tract or parcel maps, precise development plans or any other action regarding the subject property which requires ministerial or discretionary approval must be consistent with the Specific Plan. Actions deemed to be consistent with the Specific Plan shall be judged consistent with the City of Banning General Plan as mandated in California Government Code, Section 65454.

Should the regulations contained herein differ from the regulations of the City of Banning Zoning Ordinance, the regulations of this Specific Plan shall take precedence.

Development standards contained in this Section are subject to a ten percent deviation, subject to the discretion and approval of the Community Development Director.

5.1.2 Severability

In the event that any regulations, conditions, program, portion or policy of this Specific Plan or the application thereof to any person or circumstance is held to be invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed separate, distinct and independent provisions and shall not affect the validity of the remaining provisions of this Specific Plan or applications thereof which can be implemented without the invalid provision or application.

5.1.3 Determination of Unlisted Uses

Any land use not specifically covered by the provisions contained herein shall not be allowed unless the Community Development Director reviews the proposed use and makes a determination of similarity with allowed uses.
5.1.4 Interpretation

Any ambiguities related to the implementation of this Specific Plan’s provisions shall be resolved by the City of Banning Planning Division. Interpretations of the Planning Division shall take into account the stated goals and intent of the Specific Plan. Any interpretation made by the City of Banning Planning Division may be appealed to the Planning Commission. The decision(s) of the Planning Commission shall be final unless appealed to the City Council.

5.1.5 Definitions

Unless otherwise specified herein, terms used in this document shall be defined as provided in the City of Banning Zoning Ordinance (Municipal Code), Section 17.04.070, Definitions.

5.2 Low Density Residential (LDR)

5.2.1 Low Density Permitted Uses

Per Section 3.1, the Low Density Residential land use designation applies to 517 acres within this Specific Plan. Approximately 235-135 acres of the 539-488 acres designated for Low Density Residential could be developed as age-restricted, or “active adult” homes alternative. Table 5-1 summarizes potential land uses permitted within this designation either by right or which may be conditionally permitted. The areas designated Low Density Residential on the current Specific Plan Land Use Plan (Exhibit 3.1) consist of Planning Areas 1A, 1B, 2B, 6, 7, 9A, 9C, 10, 12, 16A, 16B, 40, 41, 42A, 42B, 43, 44A, 44B, 46, 48A, 48B, 50A, 50B, 52A, 52B, 56A, 57, 58 and 59A, 2, 3, 6, 7, 14, 40, 41, 44, 45, 46, 47, 48, 50, 52, 55, 56, 60 and 61. Please note that the residential uses which may be developed within the PAs listed above may also be developed within the Medium Density Residential and High Density Residential designations of this Specific Plan subject to the Low Density Residential Regulations. Section 6.1.2 in the Administration and Implementation section of this Specific Plan sets forth the allowance of minor adjustments and modifications of these regulations.

Land uses permitted within Low Density Residential planning areas shall comply with the following use and development standards provisions. The City of Banning Planning Division shall analyze all applications for approval of conditional uses for consistency with the intent of the Butterfield Specific Plan. A conditional use permit, if required, shall be subject to the provisions of the Banning Zoning Ordinance, Conditional Use Permits.

5.2.2 Low Density Development Standards

Low Density Residential lots are intended to accommodate detached single-family homes with private yards. These homes may have either street or alley vehicle access to garages. Typically, lots within this land use designation are at least 46 feet wide. Low Density Residential standards are applicable to Low Density Residential-designated Planning Areas 1A, 1B, 2B, 6, 7, 9A, 9C, 10, 12, 16A, 16B, 40, 41, 42A, 42B, 43, 44A, 44B, 46, 48A, 48B, 50A, 50B, 52A, 52B, 56A, 57, 58 and 59A, 2, 3, 6, 7, 14, 40, 41, 44, 45, 46, 47, 48, 50, 52, 55, 56, 60 and 61. Low-density, age-restricted housing is a further option which could be developed in compliance with these standards. These
standards and permitted uses shall also apply in any of the Medium Density or High Density Residential planning areas, as well as in Planning Areas 17, 18, 20 and 68 if alternate Low Density Residential uses are allowed in these areas.

Table 5-1
LDR Permitted, Conditional and Prohibited Land Uses for Planning Areas 1A, 1B, 2B, 6, 7, 9A, 9C, 10, 12, 16A, 16B, 40, 41, 42A, 42B, 43, 44A, 44B, 46, 48A, 48B, 50A, 50B, 52A, 52B, 56A, 57, 58 and 594A, 2, 3, 6, 7, 14, 40, 41, 44, 45, 46, 47, 48, 50, 52, 55, 56, 60 and 61

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Low Density Residential</th>
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</thead>
<tbody>
<tr>
<td>Residential Uses</td>
<td></td>
</tr>
<tr>
<td>Assisted Living Facility</td>
<td>C</td>
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<tr>
<td>Bed &amp; Breakfast</td>
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</tr>
<tr>
<td>Community Care Facility</td>
<td>C</td>
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<tr>
<td>Condominiums</td>
<td>P</td>
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<tr>
<td>Day Care Center</td>
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<tr>
<td>Homeless Shelters</td>
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<tr>
<td>Multi-Family Dwellings</td>
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<tr>
<td>Nursing Home &amp; Congregate Care</td>
<td>P</td>
</tr>
<tr>
<td>Planned Unit Development</td>
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</tr>
<tr>
<td>Residential Care Facilities</td>
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<tr>
<td>Second Dwelling Unit</td>
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<tr>
<td>Single Family Dwelling</td>
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<tr>
<td>Equestrian Uses</td>
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<td>Stables, Private</td>
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<tr>
<td>Stables, Commercial</td>
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<td>Tack &amp; Feed Stores</td>
<td>X</td>
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<td>Veterinary Offices and Hospitals</td>
<td>X</td>
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<tr>
<td>Agricultural Uses</td>
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</tr>
<tr>
<td>Grazing of Animals</td>
<td>C</td>
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<tr>
<td>Kennels and Catteries, Commercial</td>
<td>C</td>
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<td>Locally Adaptive Farming</td>
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<tr>
<td>Factory Farms with Genetic Monocultures</td>
<td>X</td>
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<tr>
<td>Ranching</td>
<td>X</td>
</tr>
<tr>
<td>Recreational Uses</td>
<td></td>
</tr>
<tr>
<td>Clubhouses/Community Centers</td>
<td>C</td>
</tr>
<tr>
<td>Golf Courses and Related Facilities</td>
<td>C</td>
</tr>
<tr>
<td>Swimming Pool/Sports Club</td>
<td>C</td>
</tr>
<tr>
<td>Parks, Sports Courts and Fields</td>
<td>C</td>
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<tr>
<td>Accessory Uses</td>
<td></td>
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<tr>
<td>Telecommunications Antennae</td>
<td>X</td>
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<tr>
<td>Rooftop Solar Energy/Water Heating Panels</td>
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### In-Garage Electric/Compressed Natural Gas Fueling Station

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<tr>
<th>Use Code</th>
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### Garages

<table>
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<tr>
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<tr>
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### Other Uses

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<th>Low Density Residential</th>
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<tr>
<td>Cemeteries</td>
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<td>Churches</td>
<td>C</td>
</tr>
<tr>
<td>Fire Stations</td>
<td>P</td>
</tr>
<tr>
<td>Utility Facilities</td>
<td>C</td>
</tr>
<tr>
<td>Private Schools</td>
<td>C</td>
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<tr>
<td>Neighborhood Oriented Retail Stores 3</td>
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<tr>
<td>Temporary Uses 4</td>
<td>T</td>
</tr>
</tbody>
</table>

**NOTES:**

1. Use Code = Permitted (P); Subject to Conditional Use Permit (C); Prohibited (X) and Temporary (T).
2. Intended for vehicles storage only, except in excess of the parking required under Chapter 17.28 of the Banning Zoning Ordinance.
3. Defined in the Banning General Plan as consisting of "corner store" type development such as convenience stores, grocery or greengrocer, video rental, drug stores, sit down restaurants, coffee shops or coffee or similar uses, less than 5,000 SF in total square footage.
4. Include such uses as model sales complexes and trailers, and construction offices. Temporary uses require a Temporary Use Permit, subject to the requirements of Chapter 17.108 of the Banning Zoning Ordinance, as modified by this Specific Plan.
Table 5-2 below establishes standards for lot dimensions, building setbacks and height, design variation and parking for Butterfield Specific Plan’s Low Density Residential homes. Minimum lot sizes of 5000 square feet are allowed in Planning Areas 1A, 1B, 2B, 6, 7, 9A, 9C, 10, 12, 16A, 16B, 40, 41, 42A, 42B, 43, 44A, 44B, 46, 48A, 48B, 48B, 50B, 52B, 56A, 57, 58 and 591A, 2, 3, 6, 7, 14, 40, 41, 44, 45, 46, 47, 48, 50, 52, 55, 56. For Planning Areas 50A and 52A, designated LDR-7500, the minimum lot size required is 5,000 square feet, with a minimum average (or mean average) lot size of 7,500 square feet (see Table 5.3). Planning Areas 60 and 61, designated LDR-10,000, require a minimum lot size of 6,000 square feet, with a minimum average lot size of 10,000 square feet (see Table 5.4). See Section 5.2.3 for an example of plotting and setback requirements for Low Density Residential areas.

### Table 5-2
Low Density Residential (LDR) Development Standards
for Planning Areas 1A, 1B, 2B, 6, 7, 9A, 9C, 10, 12, 16A, 16B, 40, 41, 42A, 42B, 43, 44A, 44B, 46, 48A, 48B, 50B, 52B, 56A, 57, 58 and 591A, 2, 3, 6, 7, 14, 40, 41, 44, 45, 46, 47, 48, 50, 52, 55, 56

<table>
<thead>
<tr>
<th>Category</th>
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<tr>
<td>Lot Dimensions</td>
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<td>Maximum Density</td>
<td>5 DU/AC</td>
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<tr>
<td>Minimum Lot Area</td>
<td>5,000 square feet</td>
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<tr>
<td>Minimum Lot Width</td>
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</tr>
<tr>
<td>Interior</td>
<td>46’</td>
</tr>
<tr>
<td>Corner</td>
<td>51’</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>20’</td>
</tr>
<tr>
<td>Minimum Setbacks</td>
<td></td>
</tr>
<tr>
<td>Front Setback **</td>
<td></td>
</tr>
<tr>
<td>• Porch</td>
<td>10’</td>
</tr>
<tr>
<td>• Living</td>
<td>10’</td>
</tr>
<tr>
<td>• Front-Facing Garage</td>
<td>20’ door face to back of sidewalk</td>
</tr>
<tr>
<td>• Swing-In Garage</td>
<td>10’</td>
</tr>
<tr>
<td>Side Yard</td>
<td>5’</td>
</tr>
<tr>
<td>Street Side Yard</td>
<td></td>
</tr>
<tr>
<td>• Porch</td>
<td>5’</td>
</tr>
<tr>
<td>• Living</td>
<td>10’</td>
</tr>
<tr>
<td>Rear</td>
<td></td>
</tr>
<tr>
<td>• Living</td>
<td>15’</td>
</tr>
<tr>
<td>• Garage/Patio</td>
<td>5’</td>
</tr>
<tr>
<td>• Living Over Garage</td>
<td>10’</td>
</tr>
<tr>
<td>Maximum Building Height</td>
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<tr>
<td>Main Structure</td>
<td>35’</td>
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<tr>
<td>Projections Into Setbacks</td>
<td>Per Sec. 17.24.120 of the Banning Zoning Ordinance</td>
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<tr>
<td>Others</td>
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<tr>
<td>Lot Coverage</td>
<td>50% two-story; 70% one-story</td>
</tr>
<tr>
<td>Parking</td>
<td></td>
</tr>
<tr>
<td>• Resident</td>
<td>2 spaces per unit within a garage</td>
</tr>
</tbody>
</table>
• Guest

Provided on driveway or street

** Front setbacks shall be measured from the back of sidewalk, not from the property line.
Table 5-3 provides additional required development standards for Planning Areas 50A and 52A that require a minimum lot area of 5,000 square feet and a minimum average lot size of 7,500 square feet in these two planning areas.

**Table 5-3**  
**Low Density Residential (LDR) – 7500**  
**Development Standards for Planning Areas 50A and 52B**

<table>
<thead>
<tr>
<th>Category</th>
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<tbody>
<tr>
<td>Lot Dimensions</td>
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<td>Maximum Density</td>
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<tr>
<td>Minimum Lot Area *</td>
<td>5,000 square feet</td>
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<tr>
<td>Minimum Average Lot Area *</td>
<td>7,500 square feet</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
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<tr>
<td>Interior</td>
<td>50’</td>
</tr>
<tr>
<td>Corner</td>
<td>55’</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>30’</td>
</tr>
<tr>
<td>Minimum Setbacks</td>
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<tr>
<td>Front Setback **</td>
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</tr>
<tr>
<td>• Porch</td>
<td>10’</td>
</tr>
<tr>
<td>• Living</td>
<td>10’</td>
</tr>
<tr>
<td>• Front-Facing Garage</td>
<td>20’ door face to back of sidewalk</td>
</tr>
<tr>
<td>• Swing-In Garage</td>
<td>12’</td>
</tr>
<tr>
<td>Street Side Yard</td>
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<tr>
<td>• Porch</td>
<td>5’</td>
</tr>
<tr>
<td>• Living</td>
<td>10’</td>
</tr>
<tr>
<td>Rear</td>
<td></td>
</tr>
<tr>
<td>• Living</td>
<td>15’</td>
</tr>
<tr>
<td>• Garage/Patio</td>
<td>5’</td>
</tr>
<tr>
<td>• Living Over Garage</td>
<td>10’</td>
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<tr>
<td>Maximum Building Height</td>
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<tr>
<td>Main Structure</td>
<td>35’</td>
</tr>
<tr>
<td>Projections Into Setbacks</td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td></td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>50% two-story; 70% one-story</td>
</tr>
<tr>
<td>Parking</td>
<td></td>
</tr>
<tr>
<td>• Resident</td>
<td>2 spaces per unit within a garage</td>
</tr>
<tr>
<td>• Guest</td>
<td>Provided on driveway or street</td>
</tr>
</tbody>
</table>

* Minimum average lot size shall be calculated as a mean average by dividing the total area of all residential lots in a planning area (excluding street right-of-way and open space lots) by the total number of residential lots in the planning area.

** Front setbacks shall be measured from the back of sidewalk, not from the property line.
Table 5-4
Low-Density Residential (LDR) – 10000
Development Standards for Planning Areas 60 and 61

2012 Specific Plan (Deleted due to the removal of PAs 60 & 61 in 2016 Plan)

<table>
<thead>
<tr>
<th>Category</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Dimensions</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum Density</td>
<td>5 DU/AC</td>
</tr>
<tr>
<td>Minimum Average Lot Area *</td>
<td>10,000 square feet</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>6,000 square feet</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td></td>
</tr>
<tr>
<td>Interior</td>
<td>60’</td>
</tr>
<tr>
<td>Corner</td>
<td>65’</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>35’</td>
</tr>
<tr>
<td><strong>Minimum Setbacks</strong></td>
<td></td>
</tr>
<tr>
<td>Front Setback - ** *</td>
<td></td>
</tr>
<tr>
<td>• Porch</td>
<td>10’</td>
</tr>
<tr>
<td>• Living</td>
<td>10’</td>
</tr>
<tr>
<td>• Front-Facing Garage</td>
<td>20’ – door face to back of sidewalk</td>
</tr>
<tr>
<td>• Swing-In Garage</td>
<td>20’</td>
</tr>
<tr>
<td><strong>Side Yard</strong></td>
<td></td>
</tr>
<tr>
<td>Street Side Yard</td>
<td></td>
</tr>
<tr>
<td>• Porch</td>
<td>5’</td>
</tr>
<tr>
<td>• Living</td>
<td>10’</td>
</tr>
<tr>
<td>Rear</td>
<td></td>
</tr>
<tr>
<td>• Living</td>
<td>15’</td>
</tr>
<tr>
<td>• Garage/Patio</td>
<td>5’</td>
</tr>
<tr>
<td>• Living Over Garage</td>
<td>10’</td>
</tr>
<tr>
<td><strong>Maximum Building Height</strong></td>
<td></td>
</tr>
<tr>
<td>Main Structure</td>
<td>35’</td>
</tr>
<tr>
<td><strong>Projections Into Setbacks</strong></td>
<td>Per Sec. 17.24.120 of the Banning Zoning Ordinance</td>
</tr>
<tr>
<td><strong>Others</strong></td>
<td></td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>50% two-story; 70% one-story</td>
</tr>
<tr>
<td>Parking</td>
<td></td>
</tr>
<tr>
<td>• Resident</td>
<td>2 spaces per unit within a garage</td>
</tr>
<tr>
<td>• Guest</td>
<td>Provided on driveway or street</td>
</tr>
</tbody>
</table>

---

*Minimum average lot size shall be calculated as a mean average by dividing the total area of all residential lots in a planning area (excluding street right-of-way and open space lots) by the total number of residential lots in the planning area.

** Front setbacks shall be measured from the back of sidewalk, not from the property line.
5.2.3 Low Density Residential Lots – Illustrative Plot

Figure 5.1 provides an illustration of a concept plotting for Low Density Residential homes, which is expected to be typical of those developed within the Butterfield Specific Plan.

Figure 5.1  
Low Density Residential Illustrative Plot

5.3 MEDIUM DENSITY RESIDENTIAL (MDR)

5.3.1 Medium Density Permitted Uses

Per Section 3.1, the Medium Density Residential land use designation applies to 324-336 acres within this Specific Plan. Approximately 140-115 acres of the 324-336 acres designated for Medium Density Residential could be developed as age-restricted, or "active adult" homes alternative. Table 5-4 summarizes potential land uses permitted within this designation either by right or which may be conditionally permitted. Areas designated Medium Density Residential consist of Planning Areas 2A, 3, 4, 5A, 5B, 8A, 9B, 11, 13, 45, 47A, 47B, 47C, 49A, 49B, 51, 53, 54, 55A, 55B and 56B-1C, 4, 5, 8-9, 10, 11, 12, 13, 42, 43A, 43B, 49, 51, 53, 54, 57 and 58 per the current Specific Plan Land Use Plan (Exhibit 3.1).
### Table 5-4

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Medium Density Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Assisted Living Facility</td>
<td>C</td>
</tr>
<tr>
<td>Bed &amp; Breakfast</td>
<td>X</td>
</tr>
<tr>
<td>Community Care Facility</td>
<td>C</td>
</tr>
<tr>
<td>Condominiums &amp; Townhouses</td>
<td>P</td>
</tr>
<tr>
<td>Day Care Center</td>
<td>X</td>
</tr>
<tr>
<td>Homeless Shelters</td>
<td>X</td>
</tr>
<tr>
<td>Multi-Family Dwellings</td>
<td>X</td>
</tr>
<tr>
<td>Nursing Home &amp; Congregate Care</td>
<td>P</td>
</tr>
<tr>
<td>Planned Unit Development</td>
<td>P</td>
</tr>
<tr>
<td>Residential Care Facilities</td>
<td>C</td>
</tr>
<tr>
<td>Second Dwelling Unit</td>
<td>X</td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>P</td>
</tr>
<tr>
<td><strong>Equestrian Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Stables, Private</td>
<td>X</td>
</tr>
<tr>
<td>Stables, Commercial</td>
<td>X</td>
</tr>
<tr>
<td>Tack &amp; Feed Stores</td>
<td>X</td>
</tr>
<tr>
<td>Veterinary Offices and Hospitals</td>
<td>X</td>
</tr>
<tr>
<td><strong>Agricultural Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Grazing of Animals</td>
<td>X</td>
</tr>
<tr>
<td>Kennels and Catteries, Commercial</td>
<td>X</td>
</tr>
<tr>
<td>Locally Adaptive Farming</td>
<td>X</td>
</tr>
<tr>
<td>Factory Farms with Genetic Monocultures</td>
<td>X</td>
</tr>
<tr>
<td>Ranching</td>
<td>X</td>
</tr>
<tr>
<td><strong>Recreational Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Clubhouses/Community Centers</td>
<td>C</td>
</tr>
<tr>
<td><strong>Golf Courses and Related Facilities</strong></td>
<td>C</td>
</tr>
<tr>
<td>Swimming Pool/Sports Club</td>
<td>C</td>
</tr>
<tr>
<td>Parks, Sports Courts and Fields</td>
<td>C</td>
</tr>
<tr>
<td><strong>Accessory Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Telecommunications Antennae</td>
<td>X</td>
</tr>
<tr>
<td>Rooftop Solar Energy/Water Heating Panels</td>
<td>P</td>
</tr>
<tr>
<td>In-Garage Electric/Natural Gas Fueling Station</td>
<td>P</td>
</tr>
<tr>
<td>Garages 2</td>
<td>P</td>
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</table>
### Table 5-4 (continued)


<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Medium Density Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Other Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Cemeteries</td>
<td>X</td>
</tr>
<tr>
<td>Churches</td>
<td>C</td>
</tr>
<tr>
<td>Fire Station</td>
<td>P</td>
</tr>
<tr>
<td>Utility Facilities</td>
<td>P</td>
</tr>
<tr>
<td>Private Schools</td>
<td>C</td>
</tr>
<tr>
<td>Neighborhood Oriented Retail Stores</td>
<td>X</td>
</tr>
<tr>
<td>Temporary Uses</td>
<td>T</td>
</tr>
</tbody>
</table>

**NOTES:**

1. Use Code = Permitted (P); Subject to Conditional Use Permit (C); Prohibited (X) and Temporary (T).
2. Intended for vehicles storage only, except in excess of the parking required under Chapter 17.28 of the Banning Zoning Ordinance.
3. This use category shall include development of a wastewater treatment plant to serve the Butterfield Specific Plan area.
4. Defined in the Banning General Plan as consisting of "corner store" type development such as convenience stores, grocery or green grocer, video rental, drug stores, sit down restaurants, coffee shops or coffee bars or similar uses, less that 5,000 in SF in total square footage.
5. Include such uses as model sales complexes and trailers, and construction offices special events. Temporary uses required a Temporary Use Permit, subject to the requirements of Chapter 17.108 of the Banning Zoning Ordinance as modified by this Specific Plan.
Land uses permitted within the Medium Density Residential planning areas shall comply with the following use and development standards provisions. The City of Banning Planning Division shall analyze all applications for approval of conditional uses for consistency with the intent of the Butterfield Specific Plan. A conditional use permit, if required, shall be subject to the provisions of the Banning Zoning Ordinance, *Conditional Use Permits*.

### 5.3.2 Conventional Medium Density Development Standards

Conventionally plotted Medium Density Residential would consist of detached single-family homes on individual lots with private yards. These homes may have either street or alley vehicle access to the garage. Typically, conventional lots within this land use designation range from 38 to 50 feet in width. The standards below can be applied to Planning Areas 2A, 3, 4, 5A, 5B, 8A, 9B, 11, 13, 45, 47A, 47B, 47C, 49A, 49B, 51, 53, 54, 55A, 55B and 56B1B, 1C, 4, 5, 8, 9, 10, 11, 12, 13, 42, 43A, 43B, 49, 51, 53, 54, 57 and 58. Medium-density, age-restricted housing is a further option which could be developed in compliance with these standards. These standards may also be applied in any of the High Density Residential designated planning areas as well as in Planning Areas 18, 20 and 68 if alternative residential uses are allowed in these areas.

Table 5-5 which follows establishes the standards for lot dimensions, building setbacks, building height, design variation and parking for Butterfield Specific Plan’s conventionally-plotted Medium Density Residential homes in Planning Areas 2A, 3, 4, 5A, 5B, 8A, 9B, 11, 13, 45, 47A, 47B, 47C, 49A, 49B, 53, 54, 55A, 55B and 56B1B, 1C, 4, 5, 8, 9, 10, 11, 12, 13, 42, 43A, 43B, 49, 51, 53, 54, 57 and 58. Minimum lot sizes of 3,400 square feet are allowed. See Section 5.3.3 for an example of details on plotting and setback requirements for the Conventional Medium Density Residential areas.

Table 5-6 provides additional required development standards for Planning Area 51 that requires a minimum lot area of 4,500 square feet a minimum average lot size of 7,200 square feet in this particular planning area.
### Table 5-5

<table>
<thead>
<tr>
<th>Category</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Dimensions</td>
<td></td>
</tr>
<tr>
<td>Maximum Density</td>
<td>10 DU/AC</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>3, 400 square feet</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td></td>
</tr>
<tr>
<td>• Interior</td>
<td>38’</td>
</tr>
<tr>
<td>• Corner</td>
<td>43’</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>20’</td>
</tr>
<tr>
<td>Minimum Setbacks</td>
<td></td>
</tr>
<tr>
<td>Front Setback **</td>
<td></td>
</tr>
<tr>
<td>• Porch</td>
<td>10’</td>
</tr>
<tr>
<td>• Living</td>
<td>10’</td>
</tr>
<tr>
<td>• Front-Facing Garage</td>
<td>20’ door face to back of sidewalk</td>
</tr>
<tr>
<td>Side Yard</td>
<td>5’</td>
</tr>
<tr>
<td>Street Side Yard</td>
<td></td>
</tr>
<tr>
<td>• Porch</td>
<td>5’</td>
</tr>
<tr>
<td>• Living Area</td>
<td>10’</td>
</tr>
<tr>
<td>Rear</td>
<td></td>
</tr>
<tr>
<td>• Living Area</td>
<td>10’</td>
</tr>
<tr>
<td>• Garage/Patio</td>
<td>5’</td>
</tr>
<tr>
<td>• Living Over Garage</td>
<td>10’</td>
</tr>
<tr>
<td>Minimum Building Height</td>
<td></td>
</tr>
<tr>
<td>Main Structure</td>
<td>35’</td>
</tr>
<tr>
<td>Maximum Projections</td>
<td></td>
</tr>
<tr>
<td>Main Structure</td>
<td>45’</td>
</tr>
<tr>
<td>Projections Into Setbacks</td>
<td>Per Sec. 17.24.120 of the Banning Zoning Ordinance</td>
</tr>
<tr>
<td>Others</td>
<td></td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>70%</td>
</tr>
<tr>
<td>Parking</td>
<td></td>
</tr>
<tr>
<td>• Resident</td>
<td>2 spaces per unit within a garage</td>
</tr>
<tr>
<td>• Guest</td>
<td>Provided on driveway or street</td>
</tr>
</tbody>
</table>

** * Front setbacks shall be measured from the back of sidewalk, not from the property line.
Table 5-6
Medium Density Residential (MDR) – 7200
Development Standards for Planning Area 51

<table>
<thead>
<tr>
<th>Category</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Dimensions</td>
<td></td>
</tr>
<tr>
<td>Maximum Density</td>
<td>10 DU/AC</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>4,500 square feet</td>
</tr>
<tr>
<td>Minimum Average Lot Area *</td>
<td>7,200 square feet</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td></td>
</tr>
<tr>
<td>• Interior</td>
<td>45’</td>
</tr>
<tr>
<td>• Corner</td>
<td>50’</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>30’</td>
</tr>
<tr>
<td>Minimum Setbacks</td>
<td></td>
</tr>
<tr>
<td>Front Setback **</td>
<td></td>
</tr>
<tr>
<td>• Porch</td>
<td>10’</td>
</tr>
<tr>
<td>• Living Area</td>
<td>10’</td>
</tr>
<tr>
<td>• Front-Facing Garage</td>
<td>20’ door face to back of sidewalk</td>
</tr>
<tr>
<td>Side Yard</td>
<td>5’</td>
</tr>
<tr>
<td>Street Side Yard</td>
<td></td>
</tr>
<tr>
<td>• Porch</td>
<td>5’</td>
</tr>
<tr>
<td>• Living Area</td>
<td>10’</td>
</tr>
<tr>
<td>Rear</td>
<td></td>
</tr>
<tr>
<td>• Living Area</td>
<td>15’</td>
</tr>
<tr>
<td>• Garage/Patio</td>
<td>5’</td>
</tr>
<tr>
<td>• Living Over Garage</td>
<td>10’</td>
</tr>
<tr>
<td>Minimum Building Height</td>
<td></td>
</tr>
<tr>
<td>Main Structure</td>
<td>35’</td>
</tr>
<tr>
<td>Projections Into Setbacks</td>
<td>Per Sec. 17.24.120 of the Banning Zoning Ordinance</td>
</tr>
<tr>
<td>Others</td>
<td></td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>70%</td>
</tr>
<tr>
<td>Parking</td>
<td></td>
</tr>
<tr>
<td>• Resident</td>
<td>2 spaces per unit within a garage</td>
</tr>
<tr>
<td>• Guest</td>
<td>Provided on driveway or street</td>
</tr>
</tbody>
</table>

* Minimum average lot size shall be calculated as a mean average by dividing the total area of all residential lots in a planning area (excluding street right-of-way and open space lots) by the total number of residential lots in the planning area.

** Front setbacks shall be measured from the back of sidewalk, not from the property line.
5.3.3 Conventional Medium Density Residential Lots – Illustrative Plot

Figure 5.2 provides an illustration of a conceptual plotting for Medium Density Residential homes, which is expected to be typical of conventionally developed product within this density category of the Butterfield Specific Plan.

![Conventional Home Illustrative Plot](image)

Notes: Diagram for illustrative plotting purposes only - Minimum setbacks are illustrated except where noted

William Hezmalhalch Architects

5.3.4 Cluster Medium Density Permitted Uses

As an alternative to conventionally-plotted Medium Density Residential development, a cluster approach to developing within the Medium Density Residential land use designation may be applied to Planning Areas 2A, 4, 5A, 5B, 8A, 9B, 11, 13, 45, 47A, 47B, 47C, 49A, 49B, 53, 54, 55A, 55B and 56B4, 5, 8, 9, 10, 11, 12, 13, 42, 43A, 43B, 49, 53, 54, 57 and 58. Table 5-7 summarizes potential land uses to be developed within this designation which are permitted by right or which may be conditionally permitted.

Land uses permitted within the Cluster Medium Density Residential planning areas shall be permitted in accordance with the following use and development standard provisions of this Section. Applications for approval of conditional uses shall be submitted to and analyzed by the City of Banning Planning Division to assure that the application is consistent with the intent of the Butterfield Specific Plan. A conditional use permit, if required, shall be subject to the provisions of the Banning Zoning Ordinance. If required, a land use permit shall be subject to the provisions of the Banning Zoning Ordinance.
<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Green Court Cluster MDR</th>
<th>Motor Court Cluster MDR</th>
<th>Stub St. Court Cluster MDR</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assisted Living Facility</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Bed &amp; Breakfast</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Community Care Facility</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Condominiums &amp; Townhouses</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Day Care Center</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Homeless Shelters</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Multi-Family Dwellings</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Nursing Home &amp; Congregate Care</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Planned Unit Development</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Residential Care Facilities</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Second Dwelling Unit</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td><strong>Equestrian Uses</strong></td>
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<tr>
<td>Stables, Private</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Stables, Commercial</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Tack &amp; Feed Stores</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Veterinary Offices and Hospitals</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>Agricultural Uses</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grazing of Animals</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Kennels and Catteries, Commercial</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Locally Adaptive Farming</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Factory Farms with Genetic Monocultures</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Ranching</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>Recreational Uses</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clubhouses/Community Centers</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td><strong>Golf Courses and Related Facilities</strong></td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Swimming Pool/Sports Club</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Parks, Sports Courts and Fields</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td><strong>Accessory Uses</strong></td>
<td></td>
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</tr>
<tr>
<td>Telecommunications Antennae</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Rooftop Solar Energy/Water Heating Panels</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>In-Garage Electric/Natural Gas Vehicle Fueling</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Garages 2</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
### Table 5-7 (continued)
**Cluster Medium Density Residential Permitted, Conditional and Prohibited Land Uses**

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Green Court Cluster MDR</th>
<th>Motor Court Cluster MDR</th>
<th>Stub St. Court Cluster MDR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Uses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cemeteries</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Churches</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Fire Stations</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Utility Facilities</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Private Schools</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Neighborhood Oriented Retail Stores</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Temporary Uses</td>
<td>T</td>
<td>T</td>
<td>T</td>
</tr>
</tbody>
</table>

**NOTES:**
1 Use Code = Permitted (P); Subject to Conditional Use Permit (C); Prohibited (X) and Temporary (T).
2 Intended for vehicles storage only, except in excess of the parking required under Chapter 17.28, Banning Zoning Ordinance.
3 Defined in the Banning General Plan as consisting of "corner store" type development such as convenience stores, grocery or green grocer, video rental, drug stores, sit down restaurants, coffee shops or coffee bars or similar uses, less than 5,000 SF in total square footage.
4 Include such uses as model sales complexes and trailers, and construction offices. Temporary require a Temporary Use Permit, subject to the requirements of Chapter 17.108 of the Banning Zoning Ordinance, as modified by this Specific Plan.

### 5.3.5 Cluster Medium Density Development Standards

#### 5.3.5.1 Green Court Cluster Development Standards

Table 5-8 establishes the standards for lot dimensions, building setbacks, building height, design variation and parking for Butterfield Specific Plan’s green court cluster Medium Density Residential homes. Minimum lot sizes of 2800 square feet for green court homes are allowed. See Section 5.3.5.2 for an example of plotting and setback requirements.

Green court clusters are intended to accommodate detached single-family homes oriented on a paseo (green court), rather than a street. These homes have vehicular access through an alley, with guest parking provided on the street or in a common parking area. These standards could also be applied to green court-oriented, medium-density, age-restricted housing. The standards below can be applied to Planning Areas 2A, 4, 5A, 5B, 8A, 9B, 11, 13, 45, 47A, 47B, 47C, 49A, 49B, 53, 54, 55A, 55B and 56B4, 5, 8, 9, 10, 11, 12, 13, 42, 43A, 43B, 49, 53, 54, 57 and 58. These standards may also be applied in any of the High Density Residential designated planning areas, as well as in Planning Areas 18, 20 and 68 if residential uses are allowed in these areas.
### Table 5-8
**Green Court Cluster**
Medium Density Residential Development Standards

<table>
<thead>
<tr>
<th>Category</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Dimensions</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum Density</td>
<td>10 DU/AC</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>2,800 square feet</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>40’</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>70’</td>
</tr>
<tr>
<td><strong>Minimum Setbacks</strong></td>
<td></td>
</tr>
<tr>
<td>Street-side yard</td>
<td></td>
</tr>
<tr>
<td>• Living – (Front entry) to back of sidewalk</td>
<td>10’</td>
</tr>
<tr>
<td>• Side (no entry) to back of sidewalk</td>
<td>5’</td>
</tr>
<tr>
<td>• Porch - to back of sidewalk</td>
<td>5’</td>
</tr>
<tr>
<td>Rear yard – to alley edge</td>
<td></td>
</tr>
<tr>
<td>• Living</td>
<td>10’</td>
</tr>
<tr>
<td>• Garage face to Alley (Apron)</td>
<td>3’</td>
</tr>
<tr>
<td>• Garage (Swing-In Side Wall)</td>
<td>4’</td>
</tr>
<tr>
<td>• Living Over Garage</td>
<td>2’ minimum, minimum 3’ from a P/L 3’ maximum cantilever</td>
</tr>
<tr>
<td><strong>Minimum Building Separation</strong></td>
<td></td>
</tr>
<tr>
<td>Front to Front (entries) – at green court</td>
<td>15’</td>
</tr>
<tr>
<td>Side to side (no entries)</td>
<td>10’</td>
</tr>
<tr>
<td>2nd-Story Living Rear to Rear at alley</td>
<td>24’</td>
</tr>
<tr>
<td>Garage Door to Door at alley</td>
<td>30’</td>
</tr>
<tr>
<td><strong>Maximum Building Height</strong></td>
<td></td>
</tr>
<tr>
<td>Main Structure</td>
<td>45’</td>
</tr>
<tr>
<td><strong>Projections Into Setbacks</strong></td>
<td>Per Sec. 17.24.120 of the Banning Zoning Ordinance</td>
</tr>
<tr>
<td><strong>Others</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum Private Yard Area</td>
<td>150 square feet with a minimum 10’ dimension</td>
</tr>
<tr>
<td>Parking</td>
<td></td>
</tr>
<tr>
<td>• Resident</td>
<td>2 spaces per unit within a garage</td>
</tr>
<tr>
<td>• Guest</td>
<td>.33 spaces per unit</td>
</tr>
</tbody>
</table>
5.3.5.2 Green Court Cluster – Typical Illustrative Plot

Figure 5.3 provides an illustration of a conceptual plotting for green court cluster Medium Density Residential homes, which is expected to be typical of cluster developed product of this type within this density category of the Butterfield Specific Plan.

5.3.5.3 Motor Court Cluster Development Standards

Table 5-9 establishes the standards for lot dimensions, building setbacks, building height, design variation and parking for Butterfield Specific Plan’s motor court cluster Medium Density Residential homes. Minimum lot sizes of 2000 square feet for motor court homes are allowed. See Section 5.3.5.4 for an example of plotting and setback requirements.

Motor court clusters are intended to accommodate detached single-family homes on a common driveway, with guest parking provided on the street or in a common parking area. These standards could also be applied to motor court-oriented, medium-density, age-restricted housing. The standards below can be applied to PAs 2A, 4, 5A, 5B, 8A, 9B, 11, 13, 45, 47A, 47B, 47C, 49A, 49B, 53, 54, 55A, 55B and 56B4, 5, 8, 9, 10, 11, 12, 13, 42, 43A, 43B, 49, 53, 54, 57 and 58. These standards may also be applied in any of
the High Density Residential designated planning areas, as well as in Planning Areas 18, 20 and 68 if residential uses are allowed in these areas.

### Table 5-9
Motor Court Cluster
Medium Density Residential Development Standards

<table>
<thead>
<tr>
<th>Category</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Dimensions</td>
<td></td>
</tr>
<tr>
<td>Maximum Density</td>
<td>10 DU/AC</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>2,000 square feet</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>30'</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>60'</td>
</tr>
<tr>
<td>Minimum Setbacks</td>
<td></td>
</tr>
<tr>
<td>Front Setback (From Shared Drive or ROW)</td>
<td></td>
</tr>
<tr>
<td>• Garage</td>
<td>4’</td>
</tr>
<tr>
<td>• Garage to Alley (Apron)</td>
<td>3’</td>
</tr>
<tr>
<td>• Living Over Garage</td>
<td>2’ minimum, 3’ minimum from a P/L 3’ maximum cantilever.</td>
</tr>
<tr>
<td>Street-side Yard</td>
<td></td>
</tr>
<tr>
<td>• Living - to back of sidewalk</td>
<td>10’</td>
</tr>
<tr>
<td>• Porch - to back of sidewalk</td>
<td>5’</td>
</tr>
<tr>
<td>Rear yard – to P/L</td>
<td></td>
</tr>
<tr>
<td>• Living</td>
<td>10’</td>
</tr>
<tr>
<td>• Porch</td>
<td>5’</td>
</tr>
<tr>
<td>Minimum Building Separation</td>
<td></td>
</tr>
<tr>
<td>Front to Front (entries)</td>
<td>15’</td>
</tr>
<tr>
<td>Front to Side (entries)</td>
<td>15’</td>
</tr>
<tr>
<td>Side to Side (no entries)</td>
<td>8’</td>
</tr>
<tr>
<td>2&lt;sup&gt;nd&lt;/sup&gt;-Story Front to Front Living</td>
<td>24’</td>
</tr>
<tr>
<td>Garage Door to Garage Door</td>
<td>30’</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>45’</td>
</tr>
<tr>
<td>Projections Into Setbacks</td>
<td>Per Sec. 17.24.120 of the Banning Zoning Ordinance</td>
</tr>
<tr>
<td>Others</td>
<td></td>
</tr>
<tr>
<td>Minimum Private Yard Area</td>
<td>300 square feet with a minimum 10’ dimension</td>
</tr>
<tr>
<td>Parking</td>
<td></td>
</tr>
<tr>
<td>• Resident</td>
<td>2 spaces per unit within a garage</td>
</tr>
<tr>
<td>• Guest</td>
<td>.33 spaces per unit</td>
</tr>
</tbody>
</table>
5.3.5.4 Motor Court Cluster – Typical Illustrative Plot

Figure 5.4 provides an illustration of a conceptual plotting for motor court cluster Medium Density Residential homes, which is expected to be typical of cluster developed product of this type within this density category of the Butterfield Specific Plan.

Figure 5.4
Motor Court Cluster Home Illustrative Plot
Medium Density Residential

5.3.5.5 Stub Street Court Cluster Development Standards

Tables 5-10 establish the standards for lot dimensions, building setbacks, building height, design variation and parking for Butterfield Specific Plan’s stub street court cluster Medium Density Residential homes. Minimum lot sizes of 2200 square feet for stub street court homes are allowed. See Section 5.3.5.6 for an example of plotting and setback requirements.

Detached condo lots are intended to accommodate detached single-family homes oriented on a short stub street or alley. Guest parking for these homes is provided on the street or in a common parking area. These standards may also be applied to medium density detached condo cluster, age-restricted housing. The standards below are applicable to Planning Areas 2A, 4, 5A, 5B, 8A, 9B, 11, 13, 45, 47A, 47B, 47C, 49A, 49B, 53, 54, 55A, 55B and 56B4, 5, 8, 9, 10, 11, 12, 13, 42, 43A, 43B, 49, 53, 54, 57 and 58. These standards may also be applied in any of the High Density Residential designated planning areas, as well as in Planning Areas 18, 20 and 68 if residential uses are allowed in these areas.
Table 5-10
Stub Street Court Cluster
Medium Density Residential Development Standards

<table>
<thead>
<tr>
<th>Category</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Dimensions</td>
<td></td>
</tr>
<tr>
<td>Maximum Density</td>
<td>10 DU/AC</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>2,200 square feet</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>40’</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>55’</td>
</tr>
<tr>
<td>Minimum Setbacks</td>
<td></td>
</tr>
<tr>
<td>Front Setback (From back of sidewalk or curb)</td>
<td></td>
</tr>
<tr>
<td>• Porch</td>
<td>5’</td>
</tr>
<tr>
<td>• Living</td>
<td>10’</td>
</tr>
<tr>
<td>• Garage</td>
<td>18’</td>
</tr>
<tr>
<td>Side Yard</td>
<td>4’</td>
</tr>
<tr>
<td>Rear</td>
<td>10’</td>
</tr>
<tr>
<td>Minimum Building Separation</td>
<td></td>
</tr>
<tr>
<td>Building to Building</td>
<td>8’</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td></td>
</tr>
<tr>
<td>Main Structure</td>
<td>45’</td>
</tr>
<tr>
<td>Projections Into Setbacks</td>
<td>Per Sec. 17.24.120 of the Banning Zoning Ordinance</td>
</tr>
<tr>
<td>Others</td>
<td></td>
</tr>
<tr>
<td>Minimum Private Yard Area</td>
<td>300 square feet with a minimum 10’ dimension</td>
</tr>
<tr>
<td>Parking</td>
<td></td>
</tr>
<tr>
<td>• Resident</td>
<td>2 spaces per unit, one within a garage</td>
</tr>
<tr>
<td>• Guest</td>
<td>.33 spaces per unit</td>
</tr>
</tbody>
</table>

5.3.5.6 Stub Street Court Cluster – Typical Illustrative Plot

Figure 5.5 provides an illustration of a conceptual plotting for stub street court cluster Medium Density Residential homes, which is expected to be typical of cluster developed product of this type within this density category of the Butterfield Specific Plan.
Figure 5.5
Stub Street Court Cluster Home Illustrative Plot
Medium Density Residential

Notes:  Diagram for illustrative plotting purposes only - Minimum setbacks are illustrated except where noted

William Hezmalhalch Architects
5.4 **HIGH DENSITY RESIDENTIAL (HDR)**

5.4.1 High Density Residential Permitted Uses

Per Section 3.1, the High Density Residential land use designation applies to 73.8 acres within this Specific Plan. Approximately 17.5 acres of the 73.8 acres designated for High Density Residential could be developed as age-restricted, or “active adult” homes. Table 5-11 summarizes potential land uses permitted within this designation either by right or which may be conditionally permitted. Areas designated High Density Residential consists of Planning Areas 8B, 15A16, and 15B59.

Land uses permitted within the High Density Residential planning areas shall comply with the following use and development standards provisions. Single family detached homes (i.e. Low Density Residential or Medium Density Residential uses and development standards) may also be utilized and developed under this development designation. The City of Banning Planning Division shall analyze all applications for approval of conditional uses for consistency with the intent of the Butterfield Specific Plan. A conditional use permit, if required, shall be subject to the provisions of the Banning Zoning Ordinance, *Conditional Use Permits*.

5.4.2 High Density Residential Development Standards

High Density Residential lots are intended to accommodate attached single-family dwellings with semi-private courtyards and common green spaces. These homes may be oriented either toward the street front, a common motor court or common ‘green court’ area. The standards below can be applied to Planning Areas 8B, 15A16 and 15B59. Age-restricted housing is a further option which could be developed in compliance with these standards. Low Density and Medium Density Residential development may be developed in the HDR planning areas.

Table 5-12 which follows establishes the standards for lot dimensions, building setbacks, building height, design variation and parking for Butterfield Specific Plan’s conventionally-plotted High Density Residential homes in Planning Areas 8B, 15A16 and 15B59. See Section 5.4.3 for an example of details on plotting and setback requirements for the High Density Residential areas.
### Table 5-11
HDR Permitted, Conditional and Prohibited Land Uses for Planning Areas 8B, 15A46 and 15B59

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>High Density Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Assisted Living Facility</td>
<td>C</td>
</tr>
<tr>
<td>Bed &amp; Breakfast</td>
<td>X</td>
</tr>
<tr>
<td>Community Care Facility</td>
<td>C</td>
</tr>
<tr>
<td>Condominiums &amp; Townhouses</td>
<td>P</td>
</tr>
<tr>
<td>Day Care Center</td>
<td>C</td>
</tr>
<tr>
<td>Homeless Shelters</td>
<td>X</td>
</tr>
<tr>
<td>Multi-Family Dwellings</td>
<td>P</td>
</tr>
<tr>
<td>Nursing Home &amp; Congregate Care</td>
<td>P</td>
</tr>
<tr>
<td>Planned Unit Development</td>
<td>P</td>
</tr>
<tr>
<td>Residential Care Facilities</td>
<td>C</td>
</tr>
<tr>
<td>Second Dwelling Unit</td>
<td>X</td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>P</td>
</tr>
<tr>
<td><strong>Equestrian Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Stables, Private</td>
<td>X</td>
</tr>
<tr>
<td>Stables, Commercial</td>
<td>X</td>
</tr>
<tr>
<td>Tack &amp; Feed Stores</td>
<td>X</td>
</tr>
<tr>
<td>Veterinary Offices and Hospitals</td>
<td>X</td>
</tr>
<tr>
<td><strong>Agricultural Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Grazing of Animals</td>
<td>X</td>
</tr>
<tr>
<td>Kennels and Catteries, Commercial</td>
<td>X</td>
</tr>
<tr>
<td>Locally Adaptive Farming</td>
<td>X</td>
</tr>
<tr>
<td>Factory Farms with Genetic Monocultures</td>
<td>X</td>
</tr>
<tr>
<td>Ranching</td>
<td>X</td>
</tr>
<tr>
<td><strong>Recreational Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Clubhouses/Community Centers</td>
<td>P</td>
</tr>
<tr>
<td>Golf Courses and Related Facilities</td>
<td>G</td>
</tr>
<tr>
<td>Swimming Pool/Sports Club</td>
<td>P</td>
</tr>
<tr>
<td>Parks, Sports Courts and Fields</td>
<td>P</td>
</tr>
<tr>
<td><strong>Accessory Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Telecommunications Antennae</td>
<td>X</td>
</tr>
<tr>
<td>Rooftop Solar Energy/Water Heating Panels</td>
<td>P</td>
</tr>
<tr>
<td>In-Garage Electric/Natural Gas Fueling Station</td>
<td>P</td>
</tr>
<tr>
<td>Garages 2</td>
<td>X</td>
</tr>
</tbody>
</table>
Table 5-11 (continued)
HDR Permitted, Conditional and Prohibited Land Uses for Planning Areas 8B, 15A16 and 15B59

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>High Density Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Uses</td>
<td></td>
</tr>
<tr>
<td>Cemeteries</td>
<td>X</td>
</tr>
<tr>
<td>Churches</td>
<td>C</td>
</tr>
<tr>
<td>Fire Station</td>
<td>P</td>
</tr>
<tr>
<td>Utility Facilities</td>
<td>C</td>
</tr>
<tr>
<td>Private Schools</td>
<td>C</td>
</tr>
<tr>
<td>Neighborhood Oriented Retail Stores 3</td>
<td>X</td>
</tr>
<tr>
<td>Temporary Uses 4</td>
<td>T</td>
</tr>
</tbody>
</table>

NOTES:
1 Use Code = Permitted (P); Subject to Conditional Use Permit (C); Prohibited (X) and Temporary (T).
2 Intended for vehicles storage only, except in excess of the parking required under Chapter 17.28 of the Banning Zoning Ordinance.
3 Defined in the Banning General Plan as consisting of "corner store" type development such as convenience stores, grocery stores or green grocer, video rental, drug stores, sit down restaurants, coffee shops or coffee bars, or similar uses, less than 5,000 SF in total square footage.
4 Include such uses as model sales complexes and trailers, and construction offices. Temporary uses require a Temporary Use Permit, subject to the requirements of Chapter 17.108 of the Banning Zoning Ordinance, as modified by this Specific Plan.
### Table 5-12
High Density Residential (HDR) Development Standards for Planning Areas 8A, 15A16 and 15B59

<table>
<thead>
<tr>
<th>Category</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Dimensions</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum Density</td>
<td>18 DU/AC</td>
</tr>
<tr>
<td>Minimum Lot Area*</td>
<td>1 acre</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>55’</td>
</tr>
<tr>
<td>Minimum Setbacks</td>
<td></td>
</tr>
<tr>
<td>Street-side Yard</td>
<td></td>
</tr>
<tr>
<td>• Living - to back of sidewalk</td>
<td>10’</td>
</tr>
<tr>
<td>• Porch - to back of sidewalk</td>
<td>5’</td>
</tr>
<tr>
<td>Rear – to alley edge</td>
<td></td>
</tr>
<tr>
<td>• Living Over Garage at alley</td>
<td>3’ maximum cantilever, w/ minimum 3’ from all P/L</td>
</tr>
<tr>
<td>• Garage to Alley (Apron)</td>
<td>3’</td>
</tr>
<tr>
<td><strong>Minimum Building Separation</strong></td>
<td></td>
</tr>
<tr>
<td>Living Front to Front (entries)</td>
<td>20’</td>
</tr>
<tr>
<td>Living Side to Side (no entries)</td>
<td>15’</td>
</tr>
<tr>
<td>Living Front to Side (entry)</td>
<td>15’</td>
</tr>
<tr>
<td>Opposing Porches, Balconies,</td>
<td></td>
</tr>
<tr>
<td>courtyard walls</td>
<td>10’</td>
</tr>
<tr>
<td>Garage Door to Garage Door at</td>
<td></td>
</tr>
<tr>
<td>alley</td>
<td>30’</td>
</tr>
<tr>
<td><strong>Maximum Building Height</strong></td>
<td></td>
</tr>
<tr>
<td>Main Structure</td>
<td>45’</td>
</tr>
<tr>
<td><strong>Projections Into Setbacks</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Per Sec. 17.24.120 of the Banning Zoning Ordinance</td>
</tr>
<tr>
<td><strong>Others</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum Private Yard Area</td>
<td>50 square feet</td>
</tr>
<tr>
<td>Parking</td>
<td></td>
</tr>
<tr>
<td>• Resident</td>
<td>I space per 1 bedroom unit, 2 spaces per 2 or more bedroom units (1 space must be within a garage or carport)</td>
</tr>
<tr>
<td>• Guest</td>
<td>0.5 spaces per unit</td>
</tr>
</tbody>
</table>

* Development of single family detached or cluster homes at proposed densities of less than 10 DU/AC would comply with minimum lot area and other development standards for LDR (Table 5-2), conventional MDR (Table 5-6) or cluster MDR (Table 5-9, 5-10 or 5-11) as applicable.
5.4.3 High Density Residential Lots – Illustrative Plot

Figure 5.6 provides an illustration of a concept plotting for High Density Residential, which is expected to be typical of high density attached homes to be developed within the Butterfield Specific Plan, at a density of 10-18 DU/acre.

**Figure 5.6**

High Density Residential Illustrative Plot

[Diagram of High Density Residential Illustrative Plot]

*William Hezmalhalch Architects*
5.5 COMMERCIAL

5.5.1 Commercial Permitted Uses

Within the Butterfield Specific Plan, 36.7 acres have been designated Commercial in Planning Areas 17 and 18. While conventional retail and office uses are those primarily intended for PA 17, PA 18 may combine a number of uses onsite, some of which may complement those of the expanded Banning Healthcare complex nearby. A senior-oriented residential project, a restaurant, and a community care facility are potential additional elements of a mixed use development.

Table 5-13 summarizes potential land uses to be developed within this designation which are permitted by right or which may be conditionally permitted.

Land uses permitted within the Commercial planning areas shall be permitted in accordance with the following use and development standards provisions. Applications for approval of conditional uses shall be submitted to and analyzed by the City of Banning Planning Division to assure that the application is consistent with the intent of the Butterfield Specific Plan. A conditional use permit, if required, shall be subject to the provisions of the Banning Zoning Ordinance. If required, a land use permit shall be subject to the provisions of the Banning Zoning Ordinance.

5.5.2 Commercial Development Standards

General commercial allows a broad range of uses including food and drug stores, retail stores and services uses that serve the general neighborhood. The design of commercial areas will take into consideration the surrounding use. The standards below can be applied to Planning Areas 17 and 18. These standards shall also apply to Planning Areas 3, 4, 9B, 20 and 26 if alternate commercial use as allowed are proposed in these areas. Table 5-14 which follows establishes the standards for lot dimensions, building setbacks, building height, design variation and parking for Butterfield Specific Plan’s general commercial development.

If Commercial or mixed use development is proposed in any portions of PAs 3, 4, 9B, 20, and 26, approval of a Conditional Use Permit and/or a Planned Unit Development application will be required subject to Sections 17.52 and 17.92 of the City of Banning Zoning Ordinance. The City Community Development Director will have the discretion of determining which of these applications will be required. A Traffic Validation Report (TVR) will be required to verify that the Project’s total peak hour trips based on this alternative commercial use are consistent with the assumptions of the Butterfield Specific Plan Traffic Impact Analysis, dated December 2010.
### Table 5-13
Commercial Permitted, Conditional and Prohibited Land Uses

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Commercial Pas 17, 18</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Recreation / Education / Public Assembly Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Adult entertainment</td>
<td>X</td>
</tr>
<tr>
<td>Adult day care facilities</td>
<td>C</td>
</tr>
<tr>
<td>Automobile race track</td>
<td>X</td>
</tr>
<tr>
<td>Billiard parlors/pool halls</td>
<td>X</td>
</tr>
<tr>
<td>Churches</td>
<td>P</td>
</tr>
<tr>
<td>Community centers</td>
<td>P</td>
</tr>
<tr>
<td>Convention centers</td>
<td>X</td>
</tr>
<tr>
<td>Day Care Centers</td>
<td>C</td>
</tr>
<tr>
<td>Health/fitness facilities</td>
<td>P</td>
</tr>
<tr>
<td>Indoor recreation centers</td>
<td>P</td>
</tr>
<tr>
<td>Libraries</td>
<td>P</td>
</tr>
<tr>
<td>Membership organization facilities</td>
<td>X</td>
</tr>
<tr>
<td>Museums</td>
<td>P</td>
</tr>
<tr>
<td>Outdoor commercial recreation</td>
<td>P</td>
</tr>
<tr>
<td>Public parks and playgrounds</td>
<td>X</td>
</tr>
<tr>
<td>Recreational vehicle (RV) parks</td>
<td>X</td>
</tr>
<tr>
<td>Recreational vehicle (RV) storage</td>
<td>C</td>
</tr>
<tr>
<td>Schools</td>
<td>P</td>
</tr>
<tr>
<td>Sport facilities and outdoor public assembly</td>
<td>C</td>
</tr>
<tr>
<td>Studios for dance, art, music, photography</td>
<td>P</td>
</tr>
<tr>
<td>Theatres and meeting halls</td>
<td>P</td>
</tr>
<tr>
<td><strong>Retail Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Accessory retail uses</td>
<td>P</td>
</tr>
<tr>
<td>Alcoholic Beverage Sales, on- or off-site</td>
<td>C</td>
</tr>
<tr>
<td>Antique stores</td>
<td>P</td>
</tr>
<tr>
<td>Art Galleries</td>
<td>P</td>
</tr>
<tr>
<td>Mobile home &amp; motor vehicle sales, new</td>
<td>X</td>
</tr>
<tr>
<td>Mobile home &amp; motor vehicle sales, new &amp; used</td>
<td>X</td>
</tr>
<tr>
<td>Bakeries, retail</td>
<td>P</td>
</tr>
<tr>
<td>Bars and drinking establishments</td>
<td>X</td>
</tr>
<tr>
<td>Building material stores</td>
<td>X</td>
</tr>
<tr>
<td>Certified farmers’ markets</td>
<td>T</td>
</tr>
<tr>
<td>Convenience Stores</td>
<td>P</td>
</tr>
<tr>
<td>Convenience Stores, no liquor sales</td>
<td>P</td>
</tr>
<tr>
<td>Department stores</td>
<td>P</td>
</tr>
<tr>
<td>Drive-in and drive-through sales</td>
<td>C</td>
</tr>
<tr>
<td>Drug stores</td>
<td></td>
</tr>
</tbody>
</table>
### Table 5-13 (continued)
Commercial Permitted, Conditional and Prohibited Land Uses

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Commercial Pas 17, 18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Factory outlet centers</td>
<td>P</td>
</tr>
<tr>
<td>Farm and ranch supply stores</td>
<td>X</td>
</tr>
<tr>
<td>Furniture, furnishings, home equipment stores</td>
<td>P</td>
</tr>
<tr>
<td>Gift shops</td>
<td>P</td>
</tr>
<tr>
<td>Grocery stores, retail butchers and greengrocers</td>
<td>P</td>
</tr>
<tr>
<td>Hardware/lumber stores</td>
<td>P</td>
</tr>
<tr>
<td>Liquor stores (off-site consumption)</td>
<td>X</td>
</tr>
<tr>
<td>Outdoor retail merchandise display/activities</td>
<td>X</td>
</tr>
<tr>
<td>Outdoor retail sales, temporary</td>
<td>T</td>
</tr>
<tr>
<td>Pawn shops</td>
<td>X</td>
</tr>
<tr>
<td>Pet stores and grooming</td>
<td>P</td>
</tr>
<tr>
<td>Restaurants, no beer, wine or liquor sales</td>
<td>P</td>
</tr>
<tr>
<td>Restaurants, serving beer, wine or liquor</td>
<td>C</td>
</tr>
<tr>
<td>Restaurants, drive-in, take-out, fast food</td>
<td>X</td>
</tr>
<tr>
<td>Retail stores, general merchandise</td>
<td>P</td>
</tr>
<tr>
<td>Second hand/thrift stores</td>
<td>X</td>
</tr>
<tr>
<td>Shopping centers, 15,000 SF +</td>
<td>P</td>
</tr>
<tr>
<td>Video rental stores</td>
<td>P</td>
</tr>
<tr>
<td>Warehouse or club stores</td>
<td>P</td>
</tr>
<tr>
<td><strong>Resource and Open Space Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Plant nurseries, with on-site sales</td>
<td>X</td>
</tr>
<tr>
<td>Plant nurseries, without on-site sales</td>
<td>X</td>
</tr>
<tr>
<td>Surface Mining</td>
<td>X</td>
</tr>
<tr>
<td>Cargo/Storage Containers</td>
<td>P</td>
</tr>
<tr>
<td><strong>Services</strong></td>
<td></td>
</tr>
<tr>
<td>Freestanding ATM Machines</td>
<td>P</td>
</tr>
<tr>
<td>Banks and financial establishments/services</td>
<td>P</td>
</tr>
<tr>
<td>Barber Shops and Beauty Shops</td>
<td>P</td>
</tr>
<tr>
<td>Bed and breakfast establishments</td>
<td>X</td>
</tr>
<tr>
<td>Business support/secretarial services</td>
<td>P</td>
</tr>
<tr>
<td>Car wash</td>
<td>X</td>
</tr>
<tr>
<td>Columbriums and mortuaries</td>
<td>X</td>
</tr>
<tr>
<td>Construction storage (indoor &amp;/or outdoor)</td>
<td>X</td>
</tr>
<tr>
<td>Drive-in and drive-through services</td>
<td>C</td>
</tr>
<tr>
<td>Dry cleaning, retail</td>
<td>P</td>
</tr>
<tr>
<td>Equipment rental yards</td>
<td>X</td>
</tr>
</tbody>
</table>
Table 5-13 (continued)
Commercial Permitted, Conditional and Prohibited Land Uses

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Commercial Pas 17, 18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government offices</td>
<td>P</td>
</tr>
<tr>
<td>Hotels and motels</td>
<td>P</td>
</tr>
<tr>
<td>Laundry, coin operated</td>
<td>X</td>
</tr>
<tr>
<td>Massage Parlors</td>
<td>X</td>
</tr>
<tr>
<td>Medical services, clinics and labs</td>
<td>P</td>
</tr>
<tr>
<td>Vehicle fueling/service stations (gas &amp; electric)</td>
<td>C</td>
</tr>
<tr>
<td>Professional offices</td>
<td>P</td>
</tr>
<tr>
<td>Public parking</td>
<td>C</td>
</tr>
<tr>
<td>Public utility and safety facilities</td>
<td>P</td>
</tr>
<tr>
<td>Real estate offices</td>
<td>P</td>
</tr>
<tr>
<td>Repair/maintenance of consumer products</td>
<td>X</td>
</tr>
<tr>
<td>Repair and maintenance of motor vehicles</td>
<td>X</td>
</tr>
<tr>
<td>Research and development facilities</td>
<td>P</td>
</tr>
<tr>
<td>Storage, accessory, including self-storage</td>
<td>X</td>
</tr>
<tr>
<td>Veterinary clinics, animal hospitals, grooming</td>
<td>C</td>
</tr>
</tbody>
</table>

**Residential Uses**
- Senior Housing: P
- Elder Care Housing: P
- Assisted Living Facility: P

**Other Uses**
- Public Utility Facilities: P
- Fire Stations: P
- Telecommunications Antennae/Towers: P
- Day Care Centers: C
- General Retail / Gift Shops (ancillary use): C
- Restaurants (ancillary use): C
- Group Homes: X
- Social Service Agency Offices: X
- Rooftop Solar Energy/Water Heating Panels: P
- Electric/Natural Gas Vehicle Fueling Station (ancillary use): P
- Temporary Uses ³: T

**NOTES:**
1. Use Code = Permitted (P); Subject to Conditional Use Permit (C); Prohibited (X) and Temporary (T).
2. Parking requirements for commercial and/or other uses shall be determined through a parking demand study provided in connection with processing a development application(s) to approve particular uses for implementation on each of these sites.
3. Include such uses as model sales complexes and trailers, construction offices, Christmas tree sales lots, and special events. Temporary uses require a Temporary Use Permit, subject to the requirements of Chapter 17.108 of the Banning Zoning Ordinance, as modified by this Specific Plan.
### Table 5-14
Commercial Development Standards

<table>
<thead>
<tr>
<th>Category</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Dimensions</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>6,000 square feet</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>60'</td>
</tr>
<tr>
<td><strong>Minimum Setbacks</strong></td>
<td></td>
</tr>
<tr>
<td>Front Setback</td>
<td></td>
</tr>
<tr>
<td>• Parking</td>
<td>10'</td>
</tr>
<tr>
<td>• Building</td>
<td>20'</td>
</tr>
<tr>
<td>Side Yard</td>
<td></td>
</tr>
<tr>
<td>• Parking adj. to Residential</td>
<td>10'</td>
</tr>
<tr>
<td>• Building adj. to Residential</td>
<td>20'</td>
</tr>
<tr>
<td>• Other</td>
<td>0'</td>
</tr>
<tr>
<td>Street Side Yard</td>
<td></td>
</tr>
<tr>
<td>• Parking</td>
<td>10'</td>
</tr>
<tr>
<td>• Building</td>
<td>20'</td>
</tr>
<tr>
<td><strong>Rear</strong></td>
<td></td>
</tr>
<tr>
<td>• Parking adj. to Residential</td>
<td>10'</td>
</tr>
<tr>
<td>• Building adj. to Residential</td>
<td>20'</td>
</tr>
<tr>
<td>• Other</td>
<td>0'</td>
</tr>
<tr>
<td><strong>Maximum Building Height</strong></td>
<td></td>
</tr>
<tr>
<td>Main Structure</td>
<td>50'</td>
</tr>
<tr>
<td><strong>Others</strong></td>
<td></td>
</tr>
<tr>
<td>Lot Coverage by Buildings</td>
<td>35%</td>
</tr>
<tr>
<td>Parking</td>
<td>Per Chapter 17.28, Parking and Loading Standards, of the Banning Zoning Ordinance</td>
</tr>
</tbody>
</table>
5.5.3 General Commercial – Typical Illustrative Plot

Figure 5.7
General Commercial – Typical Illustrative Plot

Notes: Diagram for illustrative plotting purposes only - Minimum setbacks are illustrated except where noted

William Hezmalhalch Architects
5.6 **ACTIVE OPEN SPACE**

5.6.1 Recreational Permitted Uses

Within the Butterfield Specific Plan, approximately **320-210** acres have been designated for active recreational uses, within Planning Areas 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35A-F, 36, 37, 38, 39, 62, 63, 64, 65, 66, 67 and 72. The golf course and its related facilities within Butterfield are located in PAs 35 and 39. Mini-The Central Open Space in the Butterfield Specific Plan includes PAs 23, 25, 27, 35A-F, 64 and 66. Neighborhood, Recreation and Community Parks are proposed for the remaining planning areas. Only Planning Areas 21, 23, 25, 35, 39 and 63, as specified in Section 5.6.2 of the Specific Plan, would are anticipated propose to potentially include buildings to house—any recreational-related uses. Buildings or structures are not allowed in Planning Areas 36, 37 and 38 (SCE easement), portions of Planning Areas 64, 65 and 66 (fault zone setback areas), or in any designated floodways.

Table 5-15 summarizes potential active recreational land uses to be developed within this designation which are permitted by right or which may be conditionally permitted.

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Neighborhood Parks (PA's 22, 24, 26, 28-33, 62, 65, 67, 7222, 34, 62, 64-67, 72)</th>
<th>Neighborhood Recreation Parks (PA's 21, 39, 63)</th>
<th>Community Parks (PA's 36, 37, 38)</th>
<th>Golf Course Central Open Space / Drainage (PA's 23, 25, 27, 35A-F, 64, 6639)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreational Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clubhouses</td>
<td>X</td>
<td>P</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>Community Centers</td>
<td>C</td>
<td>P</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>Golf Courses and Related Facilities</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Interpretive or Visitor Information Centers</td>
<td>X</td>
<td>C</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>Playgrounds</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Buildings/Grounds/Equipment Maintenance</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Restroom Facilities</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>Theatres and Amphitheaters</td>
<td>X</td>
<td>P</td>
<td>X</td>
<td>C</td>
</tr>
<tr>
<td>Trails</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Passive Open Space</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Habitat Conservation Areas</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Parks, Sports Courts and Fields</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Lakes</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Commercial Recreation Facilities</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>CP</td>
</tr>
</tbody>
</table>
### Table 5-15 (continued)
Active Recreational Permitted, Conditional and Prohibited Land Uses

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Neighborhood Parks (PA's 22, 24, 26, 28-33, 62, 65, 67, 72, 74, 62, 64-67, 72)</th>
<th>Neighborhood Recreation Parks (PA's 21, 39, 63)</th>
<th>Community Parks (PA's 36, 37, 38)</th>
<th>Golf Course/Central Open Space/Drainage (PA's 23, 25, 27, 35A-F, 64, 6639)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Offices</td>
<td>X</td>
<td>P</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>Fire Stations</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>Telecommunications Antennae/Towers</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Day Care Centers</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>C</td>
</tr>
<tr>
<td>Swimming Pool/Sports Club</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>C</td>
</tr>
<tr>
<td>Additional Parking</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Rooftop Solar Energy/Heating Panels</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Electric Vehicle Fueling Stations</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Stables</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
</tr>
<tr>
<td>Plant Nurseries and Agriculture</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>Locally Adaptive Farming</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Grazing of Animals</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>X</td>
</tr>
</tbody>
</table>

**NOTES:**
1. Use Code = Permitted (P); Subject to Conditional Use Permit (C); Prohibited (X) and Temporary (T).
2. Parking requirements for recreational and related uses shall be determined through a parking demand study provided in connection with processing a development application(s) to approve particular uses for implementation on each of these sites.
3. In addition to the parking determined to be required for PAs 35 & 39 which is expected to be provided within PA 39, overflow parking for permitted uses as well as special events may be provided on PAs 36, 37 and 38.

Land uses permitted within the Parks or Golf Course/Open Space planning areas shall be permitted in accordance with the use and development standards provisions of Section 5.6. Applications for approval of conditional uses shall be submitted to and analyzed by the City of Banning Planning Division to assure that the application is consistent with the intent of the Butterfield Specific Plan. A conditional use permit, if required, shall be subject to the provisions of the Banning Zoning Ordinance. If required, a land use permit shall be subject to the provisions of the Banning Zoning Ordinance.

#### 5.6.2 Community Recreation Development Standards

Community recreation allows for recreational uses including golf course buildings, clubhouses and other recreational structures that may be found in a park or community recreation complex. The design of these recreation facilities will be compatible with the surrounding residential character and are considered to be the cornerstone of the
community. The standards found in Table 5-16 below shall be applied to buildings that could potentially be erected in Planning Areas 21, 23, 25, 27, 35-A-F, 39, 63, and 64. Landscaping provided to accompany community recreation facilities will be governed by Chapter 4, Design Guidelines, of the Butterfield Specific Plan.

**Table 5-16**

Community Recreation Standards

<table>
<thead>
<tr>
<th>Category</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Dimensions</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>5,000 square feet</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>60’</td>
</tr>
<tr>
<td>Minimum Setbacks</td>
<td></td>
</tr>
<tr>
<td>Front Setback</td>
<td></td>
</tr>
<tr>
<td>• Parking</td>
<td>10’</td>
</tr>
<tr>
<td>• Building</td>
<td>20’</td>
</tr>
<tr>
<td>Side Yard</td>
<td></td>
</tr>
<tr>
<td>• Parking</td>
<td>10’</td>
</tr>
<tr>
<td>• Building</td>
<td>20’</td>
</tr>
<tr>
<td>Street Side Yard</td>
<td></td>
</tr>
<tr>
<td>• Parking</td>
<td>10’</td>
</tr>
<tr>
<td>• Building</td>
<td>20’</td>
</tr>
<tr>
<td>Rear</td>
<td></td>
</tr>
<tr>
<td>• Parking</td>
<td>10’</td>
</tr>
<tr>
<td>• Building</td>
<td>20’</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td></td>
</tr>
<tr>
<td>Main Structure</td>
<td>35’</td>
</tr>
<tr>
<td>Others</td>
<td></td>
</tr>
<tr>
<td>Lot Coverage by Building</td>
<td>35%</td>
</tr>
<tr>
<td>Parking</td>
<td>To be determined through a parking demand study provided during development review</td>
</tr>
</tbody>
</table>

5.7 **PASSIVE OPEN SPACE**

5.7.1 Passive Open Space

The Natural and Landscaped Open Space consists of natural vegetation and hillsides (Planning Areas 34 and 73), landscaped SCE easements (Planning Area 74), fuel modification setback areas (Planning Areas 69 and 75), and drainage facilities Planning Areas 19 and 71). This open space will also include such amenities as trails, vista points, and re-landscaped biological mitigation areas.

Tables 5-17 summarizes potential passive recreational land uses respectively to be developed within this designation which are permitted by right or which may be conditionally permitted.

Land uses permitted within the Natural / Landscape / Easement or Drainage planning areas shall be permitted in accordance with the following use and development...
standards provisions. Applications for approval of conditional uses shall be submitted to
and analyzed by the City of Banning Planning Division to assure that the application is
consistent with the intent of the Butterfield Specific Plan. A conditional use permit, if
required, shall be subject to the provisions of the Banning Zoning Ordinance. If required,
a land use permit shall be subject to the provisions of the Banning Zoning Ordinance.

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Natural / Landscape/Easement (PAs 34, 69, 73, 74, 75)</th>
<th>Drainage (PA's 19, 71)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreational Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clubhouses</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Community Centers</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Golf Courses and Related Facilities</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Interpretive or Visitor Information Centers</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Playgrounds</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Restroom Facilities</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Theatres and Amphitheatres</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Trails</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Passive Open Space</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Lakes</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Habitat Conservation Areas</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Sports Courts and Fields</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Other Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water/Drainage Facilities</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Telecommunications Antennae/Towers</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Campgrounds</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Swimming Pool/Sports Club</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Stables</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Grazing of Animals</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

*Permitted (P); Subject to Conditional Use Permit (C); Prohibited (X) and Temporary (T)*

### 5.7.2 Passive Open Space Development Standards

All recreation facilities shall be designed in accordance with the design requirements of
the City of Banning or any other involved maintenance entity.

All recreational facilities will provide parking in accordance with City standards as applicable.
All recreation and park facilities will be constructed to meet current State and Federal safety and accessibility standards.

All active and passive recreational facilities will be landscaped and, where necessary, irrigated in a manner conducive to the type of plant material and landscape setting.

Landscaping within Passive Open Space areas will be further governed by Chapter 4, Design Guidelines, of the Butterfield Specific Plan.

The project is subject to fees for neighborhood and community park facilities, in accordance with the City’s Parkland Development Fees. These fees shall be paid or facilities provided in lieu of fees for each dwelling unit constructed within the Specific Plan. Credit against these fees shall be granted by the City for all public parkland and improvements provided by the developer of Butterfield.

5.8 PUBLIC FACILITIES

5.8.1 Public Facility Development Standards

The California State Architect, in coordination with the Banning and Beaumont Unified School Districts respectively, has authority over design and permitting requirements for public school construction within PAs 20 and 68 of the Specific Plan area. No permits are required from any local government entity, including the City of Banning. Therefore, no development standards for school facilities are promulgated within Section 5 of this Specific Plan.

Planning Area 70 is a 4.2 acre site for the City of Banning’s use as an electrical substation facility. This City substation site facilitates interconnection with SCE’s transmission lines because of its location just north and adjacent to the east-west easement that runs through the mid-portion of the project site. The site could also be used for a city owned water reservoir tank site. The City’s own technical requirements for this facility will apply.

Approximately 2 to 5 acres of the south end of Planning Area 11, adjacent to Wilson Street and Highland Home Road, may be developed as a satellite wastewater treatment as an alternative for project wastewater treatment. The development of a wastewater treatment facility will comply with California state law and with the plan check requirements of the County Environmental Health Department and/or the City of Banning. The maximum height allowed on all structures associated with the satellite wastewater treatment facility will be 35 feet. The minimum structure setback will be 20 feet from all property lines. Screen walls and landscaping are allowed in the setback.

The Butterfield Project Development Agreement calls for the development of a site within the project for a public Community Recreation Center and proposes that PA 39 could be the site for such a center. The 3 acre Planning Area 39 site is reserved as a community park site in the Specific Plan and can be used as site for a community recreation center for the City of Banning if the City determines this is appropriate. Other areas in the Specific Plan that allow for development may also be used for the proposed community
recreation center site, including the south end of PA 11 as indicated in the Development Agreement.

PA 72 located on the proposed northerly extension of Highland Home Road has been identified as a potential fire station site (1.6 acres) option, if the City determinates that an additional station is needed and that this location is appropriate, otherwise the site is designated for park use.
6.0 ADMINISTRATION AND IMPLEMENTATION
6.0 ADMINISTRATION AND IMPLEMENTATION

6.1 SPECIFIC PLAN ADMINISTRATION

The California Government Code (Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457) grants authority to cities to adopt Specific Plans for purposes of implementing the goals and policies of the city’s General Plan. As with General Plans, the Planning Commission must hold a public hearing before the planning agency can recommend the adoption of a Specific Plan.

The City of Banning’s Community Development Director shall be responsible for administering the provisions of the Butterfield Specific Plan in accordance with the provisions of the Specific Plan, the State of California Government Code, the Subdivision Map Act, and the City of Banning General Plan, Zoning Ordinance and Municipal Code. The Planning Commission may review any administrative interpretation, subject to appeal to the City Council.

6.1.1 Interpretation and Determination of Substantial Conformance

The final plans for each planning area for the project may be adjusted or modified, based upon final engineering and the precise plans of a project developer. A minor modification or adjustment to the Butterfield Specific Plan listed under Section 6.1.2 below would not require a Specific Plan Amendment.

Documentation of the proposed project as modified to support an implementing map, plot plan, or use permit, must be submitted for the review and approval of the Community Development Director. The Community Development Director shall have the authority to identify and approve on behalf of the City minor adjustments or modifications which substantially conform to the adopted Specific Plan. If the project proponent seeks a modification or adjustment to the Butterfield Specific Plan which is deemed to be a substantial modification, the Community Development Director shall have the discretion to refer any such requests to the Planning Commission.

The documentation of substantial conformance may include text and/or maps which describe the nature of all proposed modifications or adjustments to the Specific Plan. This application of substantial conformance with the adopted Specific Plan shall undergo such technical review by City agencies as the Community Development Director deems necessary to provide for updated conditions of project approval.

6.1.2 Minor Adjustments and Modifications

The following minor modifications to the Specific Plan would qualify for processing under a Substantial Conformance application instead of as a Specific Plan Amendment, subject to the review and approval of the Community Development Director:

- Changes in the location of infrastructure and public facilities (such as internal roads, drainage facilities, etc.), subject to the review and approval of the Public Works Director also.
• Minor change in roadway alignment and grade, subject to the review and approval of the Public Works Director also.

• Adjustment of planning area boundaries provided the total acreage of the affected planning area does not increase or decrease by more than 20% of the total stated in the approved Specific Plan, not withstanding the other minor adjustment provisions herein, and except that school, park and open space planning areas may increase more than 20%.

• Revision to the number of dwelling units within a planning area if the total number of units for the Specific Plan area does not exceed the maximum number of units (5,387,462) allowed by the Butterfield Specific Plan and the maximum density allowed in a planning area.

• Revision in the land use density and applicable use standards to Medium Density Residential within all planning areas designated Low Density Residential, and located west and south of Highland Home Road except PAs 50 and 51, so long as the maximum dwelling unit total (5,387,462) for the Specific Plan is not exceeded.

• Minor change of landscaping materials and/or locations, wall materials within those allowed by the Specific Plan, wall alignment, entry design, and streetscape design which are consistent with the conceptual designs set forth in the Specific Plan Design Guidelines.

• Minor changes to the Design Guidelines set forth in Section 4.0, which are intended to be flexible in nature.

• Changes in the sequencing of the development phasing as discussed in Section 3.7 of this Specific Plan.

• Deviations not exceeding 10% are allowed from the development standards set forth in Section 5.0 of this Specific Plan, subject to the discretion and approval of the Community Development Director.

• The allowed number of dwelling units and allowed density designated for Planning Area 43B may be transferred to other planning areas in the Specific Plan subject to the above provisions, if PA 43B is not annexed to the City of Banning and as long as the total number of dwelling units does not exceed 5,387 for the Specific Plan area.

• Alternative uses of Planning Areas 35 and 39 may include open space with active and passive recreational uses, such as walking or biking trails, parks and native type vegetation landscaping in lieu of a golf course.

• The Neighborhood Parks and Neighborhood Recreation Parks (PAs 21-34, 22, 24, 26, 28-33, 39, 63, 65, 67 and 62-72) may be relocated in their respective areas, including into central open space (PA’s 23, 25, 27, 35A-F, 64 and 66) if the golf course is not developed there.

• If it is deemed preferable to locate additional stormwater detention facilities at the south end of the Specific Plan Area along Smith Creek, these facilities may be
located in Planning Area 9. The boundaries of Planning Areas 7, 8, 12 and 13 may be expanded into Planning Area 35, if a golf course is not developed in this area, to offset any proposed residential area displaced in PA 9.

- Alternate uses of PA’s 3, 4, 5, 9B, 17, 18, 20, 26 and 68 as allowed by Section 3.1.1.2 of this Specific Plan. If Commercial or mixed use development is proposed in any portions of PAs 3, 4, 5, 9B, 20, and 26 and 27, as allowed by Section 3.1.1.2, approval of a Conditional Use Permit and/or a Planned Unit Development application will be required subject to Sections 17.52 and 17.92 of the City of Banning Zoning Ordinance. The City Community Development Director will have the discretion of determining which of these applications will be required. A Traffic Validation Report (TVR) will be required to verify that the Project’s total peak hour trips based on this alternative commercial use are consistent with the assumptions of the Butterfield Specific Plan Traffic Impact Analysis, dated December 2010.

- Other minor modifications similar to those listed above and deemed minor by the Community Development Director, which are in keeping with the intent of the Butterfield Specific Plan.

6.1.3 Specific Plan Amendments

Significant amendments may be proposed to the Butterfield Specific Plan using the same process by which it was adopted. In addition, an amendment to this Specific Plan shall demonstrate that it meets the intent of the Specific Plan, or provide a finding that the amendment enhances the Plan or is necessary to implement the Plan. All sections or portions of the Specific Plan to be changed or that may be affected by the change must be included in the Specific Plan Amendment. A concurrent amendment to the General Plan would not be required provided the City Council determines that substantive changes would not influence the goals, objectives, policies or programs of the City of Banning General Plan.

6.2 SPECIFIC PLAN IMPLEMENTATION

The Butterfield Specific Plan is implemented through City approval of a tentative tract map and design review of site development plans. Any development proposal shall be subject to the review procedures established in this Specific Plan.

6.2.1 Subdivision Maps

Subdivision maps implementing the Butterfield Specific Plan shall be prepared and filed in accordance with the Subdivision Map Act and Chapter 22, Subdivisions, of the City of Banning Municipal Code. Approval of the project’s Final Tract Map is required in order to create legal lots for the residential development proposed by this Specific Plan.

The City of Banning Planning Commission will review tentative subdivision maps as required by City of Banning Subdivision Ordinance. This planning body makes recommendations of approval or denial to the Banning City Council, which ultimately takes action on the proposed tentative maps.
For purposes of CEQA, the Butterfield Specific Plan is considered a “project”. Adoption of the Butterfield Specific Plan, for which an environmental determination shall be made and mitigation measures adopted, shall be deemed to have satisfied the environmental review requirements for the build out of the Specific Plan area.

6.2.2 Project Design Review

The City of Banning shall administer all project submittals and approvals for development within the Butterfield Specific Plan with regard to the implementation of the Specific Plan through the Design Review process. The Community Development Director shall evaluate all projects subject to the Design Review process and may make the required findings and take final action. The Director may also refer projects to the Planning Commission for final action at their discretion.

6.3 Mitigation Monitoring

A summary of conditions of project approval shall be prepared to mitigate or avoid significant effects on the environment. An approved Mitigation Monitoring Program shall insure that the Butterfield Specific Plan complies with all applicable environmental mitigation and permit requirements. The final approved Mitigation Monitoring program shall be established upon EIR certification.
7.0 GENERAL PLAN
CONSISTENCY
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### Section 7

**Butterfield Specific Plan**

7.0 **GENERAL PLAN CONSISTENCY**

The Butterfield Specific Plan is required to be found consistent with the City of Banning’s General Plan. This chapter describes the projects consistency with the goals and policies set forth in the City of Banning’s General Plan which are applicable and furthered by the Butterfield Specific Plan. *Section 7.0 currently involves an analysis of the proposed project as anticipated to be approved by the City of Banning technical review staff for its consistency with the Banning General Plan. The Section 7.0 text will be updated for the Butterfield Specific Plan after the draft Specific Plan has been reviewed and approved by City of Banning.* The City’s General Plan is organized into five major chapters: Administration, Community Development, Environmental Resources, Environmental Hazards, and Public Services and Facilities. Within each chapter are the various General Plan Elements and their accompanying goals, policies and programs. The applicable General Plan Goals and Policies listed below follow the organization of the General Plan.

<table>
<thead>
<tr>
<th>General Plan Applicable Goals &amp; Policies</th>
<th>Specific Plan Consistency Analysis</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CITY-WIDE GOALS &amp; POLICIES</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Goal: A balanced, well planned community including businesses which provide a functional pattern of land uses and enhances the quality of life for all Banning residents. | The proposed project consists of predominately residential uses, comprised of simple, architecturally designed single-family, detached homes. Neighborhood parks, a public golf course, community parks, schools, open spaces, retail and commercial parcels are also integrated into the community. Parks and pedestrian connections link the neighborhoods together. | Yes |

| Policy 1 The City maintain a land use map which assures a balance of residential, commercial, industrial, open space and public lands. | Once adopted, the Specific Plan will become part of City land use map. As described above, the Specific Plan includes residential, commercial, school, and open space land uses. | Yes |

| Policy 2 The Planning, Public Works and Economic Development staffs shall be closely coordinated, to assure efficient and cost effective processing of applications. | Policy is not applicable. | Not Applicable |

| Policy 3 Development in all land use categories shall be of the highest quality. | Design Guidelines are intended to provide an overall framework for future development and to achieve a sense of community identity, character, scale, and sensitivity. These guidelines are intended to provide the means to protect and maintain the long-term quality and value of the community. Accordingly, the Design Guidelines apply to all | Yes |
### Specific Plans shall be required for projects proposing one or more of the following:
- a. More than one residential land use designation;
- b. A combination of residential, recreational, commercial and/or industrial land use designation; or
- c. Extension of infrastructure (water, sewer and roadways) into an area where these do not exist.

The Specific Plan includes several residential land use designations. In addition, the Specific Plan includes recreational and commercial uses, as well as educational uses. All necessary infrastructure to support development associated with the Specific Plan is also included and described in detail.

### Policy 5
All land use proposals shall be consistent with the goals, policies and programs of this General Plan, and with the Zoning Ordinance.

The Specific Plan is intended to be consistent with the General Plan (GP). The Specific Plan Development Regulations take precedence over the Zoning Ordinance. The Zoning Ordinance will apply only where not superseded by the Specific Plan.

### Policy 6
The City shall implement a program for Art in Public Places.

Policy is not applicable.

### General Plan Applicable Goals & Policies | Specific Plan Consistency Analysis | Consistent
---|---|---
### COMMERCIAL AND INDUSTRIAL GOALS & POLICIES

**Goal:** Complementary commercial uses which meet the needs of the City’s residents, increase the City’s revenues, and provide a range of employment opportunities.

The Butterfield Specific Plan designates 36.0 acres of Commercial land use within the Specific Plan area and potentially more with allowed alternatives. The proposed commercial sites within the Specific Plan area are anticipated to accommodate retail and service uses for the proposed Project and surrounding areas. Typical commercial uses permitted in the proposed Specific Plan include primarily conventional retail and offices uses, and a broad range of uses including food and drug stores, retail stores, community and religious centers, health and fitness centers, art studios and theaters, and services that serve the general neighborhood.

Policy is not applicable.

**Goal:** A balanced mix of non-polluting industrial land uses which provide local jobs for the City’s residents.
<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
<th>Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The land use map shall include sufficient commercial lands to provide a broad range of products and services to the City and region, while carefully considering compatibility with adjacent residential lands.</td>
<td>The Butterfield Specific Plan designates 36.0 acres of Commercial land use within the Specific Plan area and potentially more with allowed alternatives. The proposed commercial sites within the Specific Plan area are anticipated to accommodate retail and service uses for the proposed Project and surrounding areas. Typical commercial uses permitted in the proposed Specific Plan include primarily conventional retail and offices uses, and a broad range of uses including food and drug stores, retail stores, community and religious centers, health and fitness centers, art studios and theaters, and services that serve the general neighborhood.</td>
</tr>
<tr>
<td>2</td>
<td>In coordination with the Economic Development Element, the City shall maintain market information, including information on the City’s identified service needs, potential sites, Fast Track System and provide information on those sites to the development community.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>3</td>
<td>The Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects.</td>
<td>The Specific Plan is intended to be consistent with the General Plan (GP). The Specific Plan Development Regulations take precedence over the Zoning Ordinance. The Zoning Ordinance will apply only where not superseded by the Specific Plan.</td>
</tr>
<tr>
<td>4</td>
<td>The Zoning Ordinance shall include principles, design standards and guidelines, based on the Downtown Design Charette, which provide for high quality, pedestrian oriented retail development in the Downtown Commercial zoning designation.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>5</td>
<td>The City shall coordinated with the Banning Unified, the Beaumont Unified School Districts and the Mount San Jacinto Community College to provide vocational education to support commercial and industrial businesses in the City and surrounding areas.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 6</td>
<td>The City shall develop and implement a community identification program, including monument signage, directional signs, etc. which provide attractive entry statements for the City, and which direct visitors to local points of interest.</td>
<td>The Specific Plan’s Design Guidelines include monument and other signage requirements</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Policy 7</td>
<td>The land use map shall include sufficient industrial lands for manufacturing, warehousing and distribution, while carefully considering compatibility with adjacent lands.</td>
<td>Industrial uses not included in Specific Plan but provided elsewhere in the City.</td>
</tr>
<tr>
<td>Policy 8</td>
<td>Industrial lands shall be located on major roadways with good access to Interstate 10, to assure that potential traffic impacts associated with tractor-trailers are minimized.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 9</td>
<td>The Redevelopment Agency will consider purchases of residential properties occurring in the industrial land use designations when they are put up for sale.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 10</td>
<td>The Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality industrial projects.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 11</td>
<td>Industrial campuses and master planned projects are encouraged.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 12</td>
<td>The City shall coordinate with developers and the Railroad to secure railroad spurs.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 13</td>
<td>The City shall adequately regulate sand and gravel operations to assure that their impacts to surrounding development are minimized.</td>
<td>Policy is not applicable.</td>
</tr>
</tbody>
</table>
## General Plan Applicable Goals & Policies

<table>
<thead>
<tr>
<th>Specific Plan Consistency Analysis</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ordinance 2011-07-102, Section 7</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### PUBLIC FACILITIES GOALS & POLICIES

<table>
<thead>
<tr>
<th>Goal:</th>
<th>Specific Plan designates two elementary school sites to accommodate schools that may be required by Beaumont Unified School District and Banning Unified School District. Additional school sites are permitted in the Specific Plan if requested by the School Districts. The Specific Plan identifies optional sites for fire station and waste water treatment plant.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 1: The City shall take a leadership role with all providers of public services in the community to assure they provide adequate and quality levels of service based on future demands.</td>
<td>The Specific Plan identifies sites where public facilities may be provided, anticipating potential future needs.</td>
</tr>
<tr>
<td>Policy 2: The City shall review projects, particularly those which propose master planned communities, to assure that public facilities are provided to meet the needs of the project and the surrounding area.</td>
<td>The Specific Plan identifies sites where public facilities may be provided, anticipating potential future needs.</td>
</tr>
</tbody>
</table>

### OPEN SPACE AND CONSERVATION GOALS & POLICIES

<table>
<thead>
<tr>
<th>Goal:</th>
<th>In addition to the golf course open space and parks, open space within the Specific Plan includes natural areas, landscaped areas, easements and open spaces including drainage facilities.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 1: Lands preserved through conservation easements, acquired by private or public agencies, or dedicated for open space shall be designated for the appropriate Open Space land use category on the land use map as they are preserved.</td>
<td>Conservation easements or open space dedicated within the Specific Plan will be designated as the appropriate Open Space land use category on the General Plan land use map.</td>
</tr>
<tr>
<td>Policy 2: The City shall proactively coordinate with private and public agencies so that lands available for conservation are dedicated appropriately to assure their management in perpetuity.</td>
<td>Policy is not applicable.</td>
</tr>
</tbody>
</table>
### Policy 3
The City of Banning shall protect the peaks and ridgelines within the City, and encourage coordination with adjacent jurisdictions to protect the peaks and ridgelines within the City’s area of influence, to protect the historic visual quality of the hillside areas and natural features of the Pass area.

The Specific Plan does not propose any development on the major peaks and/or ridgelines within the City.

<table>
<thead>
<tr>
<th>General Plan</th>
<th>Specific Plan</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicable Goals &amp; Policies</td>
<td>Consistency Analysis</td>
<td></td>
</tr>
<tr>
<td>ECONOMIC DEVELOPMENT GOALS &amp; POLICIES</td>
<td>Yes</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

#### Goal:
A balanced, broadly-based economy that provides a full range of economic and employment opportunities, while maintaining high standards of development and environmental protection.

The Specific Plan provides 36.036.7 acres of Commercial land use within the Specific Plan area. The proposed commercial sites within the Specific Plan area are anticipated to accommodate retail and service uses for the proposed Project and surrounding areas. These commercial uses would generate employment opportunities and provide a range of economic opportunities not only for those residing in the Butterfield area but throughout the City as well.

#### Policy 1
General Plan land use designations and allocations will facilitate a broad range of residential, commercial, industrial and institutional development opportunities.

The Specific Plan includes residential and commercial land uses which provide development opportunities.

#### Policy 2
The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues.

Policy is not applicable.

#### Policy 3
Encourage and promote infill development in orderly and logical development patterns that decrease the costs, and increase the efficiency of new utilities, infrastructure, and public services.

Policy is not applicable.

#### Policy 4
Attract a greater number of commercial retail businesses to the Downtown Core area to develop a safe, vital and consumer-friendly downtown shopping area.

Policy is not applicable.
<table>
<thead>
<tr>
<th>Policy</th>
<th>General Plan Applicable Goals &amp; Policies</th>
<th>Specific Plan Consistency Analysis</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 5</td>
<td>Explore opportunities with private entities to fund Smith Creek Park as a viable recreation area.</td>
<td>Policy is not applicable.</td>
<td></td>
</tr>
<tr>
<td>Policy 6</td>
<td>Encourage and facilitate highway-serving commercial development at appropriate Interstate-10 Interchanges within the City limits.</td>
<td>Policy is not applicable.</td>
<td></td>
</tr>
<tr>
<td>Policy 7</td>
<td>Explore joint funding opportunities for the improvement of existing at-grade rail crossings and investigate necessary infrastructure and funding to extend trail access to lands designated for industrial development.</td>
<td>Policy is not applicable.</td>
<td></td>
</tr>
<tr>
<td>Policy 8</td>
<td>In order to maintain existing economic activities and attract new commercial and industrial development, the City shall assure the provision of adequate utilities, infrastructure, and other capital facilities.</td>
<td>The Specific Plan includes the provision of adequate utilities, infrastructure, and other capital facilities for uses within plan area.</td>
<td></td>
</tr>
<tr>
<td>Policy 9</td>
<td>All development interest, including residential, commercial and industrial project proponents, shall be responsible for their fair share of on-site and off-site improvements required to support their development proposals. Such improvements may include, but are not limited to, street construction and signalization, grade separation, utilities extension, drainage facilities, and parks.</td>
<td>All development proposals submitted under this Specific Plan will be responsible for fair share of both on-site and off-site improvements required to support development.</td>
<td></td>
</tr>
<tr>
<td>Policy 10</td>
<td>Continue to cultivated cooperative relationship with the Morongo Band of Mission Indians and Bureau of Indian Affairs, particularly regarding development of Indian lands within and adjacent to the planning area, and development and enhancement of community facilities that provide join benefit to the Tribe and the City.</td>
<td>Indian lands are not located within or adjacent to the Specific Plan area; however, they are located within proximity to the northeast. The Morongo Band of Mission Indians and the Bureau of Indian Affairs have been notified of the Project.</td>
<td></td>
</tr>
<tr>
<td>Policy 11</td>
<td>The City will have a comprehensive tourism plan.</td>
<td>Policy is not applicable.</td>
<td></td>
</tr>
</tbody>
</table>

### CIRCULATION GOALS & POLICIES

<table>
<thead>
<tr>
<th>Goal:</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td>A safe and efficient transportation system.</td>
<td>The Specific Plan includes a roadway system that extends the City's current circulation system into</td>
</tr>
</tbody>
</table>
Section 7: General Plan Consistency

<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 1</td>
<td>The City’s Recommended General Plan Street System shall be strictly implemented.</td>
<td>Modifications to specifications within the General Plan are assumed for Highland Springs Avenue, adjacent to the Specific Plan area. Modifications to specifications within the General Plan are proposed to Highland Home Road that match street sections approved by the City with Tract No. 30906 on the east side. The Specific Plan also includes an expansion of the existing Wilson Street right-of-way to allow modifications.</td>
</tr>
<tr>
<td>Policy 2</td>
<td>Local streets shall be scaled to encourage neighborhood interaction, pedestrian safety and reduced speeds.</td>
<td>The Specific Plan proposes numerous local roadways as access points to each Planning Area. These roads will have a standard 56’ right-of-way, with one travel lane in each direction, and 5’ sidewalks on either side. Sidewalks on local streets may be located adjacent to the curbs or may be set off from the curbs, separated by a landscape strip. Additionally, a 3’ public utility easement may be located on both sides of the road right-of-way.</td>
</tr>
<tr>
<td>Policy 3</td>
<td>The City shall establish and maintain a 5-Year Capital Improvement Program for streets.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 4</td>
<td>Proactively participate in regional transportation planning.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 5</td>
<td>Consider amendments to the Highland Home/Highland Springs/18th Street/Brookside street configurations based on public safety, design feasibility and area needs.</td>
<td>The Highland Home Road proposed alignment in the Specific Plan allows it to bend to the west and connect to Highland Springs Avenue. The Highland Home Road alignment in the Specific Plan may also allow it to connect with Cherry Valley Blvd. in the future as an alternative. The General Plan discusses these possibilities, saying that “flexibility is included in this General Plan to allow changes to the street system in the future.” (III-71)</td>
</tr>
</tbody>
</table>

and through the Project site and provides efficient circulation routes throughout the Project and this portion of the City. A total of approximately 101 acres are planned for backbone lighted roadways that make up the proposed Project’s basic circulation system.
<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>The City shall maintain peak hour Level of Service C or better on all local intersections, except those on Ramsey Street and at I-10 interchanges, where level of Service D or better shall be maintained.</td>
<td>Signalized intersections, stop-controlled intersections and intersection geometry will be identified and modified as warranted within the traffic study. (Circulation Plan, p. 3-22)</td>
</tr>
<tr>
<td>7</td>
<td>New development proposals shall pay their fair share for the improvement of street within and surrounding their projects on which they have an impact, including roadways, bridges, grade separations and traffic signals.</td>
<td>All development proposals submitted under the Specific Plan will be required pay their fair share for roadway improvements surrounding their projects.</td>
</tr>
<tr>
<td>8</td>
<td>Traffic calming devices shall be integrated into all City streets to the greatest extent possible and all new streets shall be designed to achieve desired speeds.</td>
<td>The Specific Plan includes requirements for traffic calming devices, including traffic lights, signage, and speed limit postings.</td>
</tr>
<tr>
<td>9</td>
<td>Street trees within the City right of way shall be preserved, unless a danger to the public health and safety or if the tree is diseased.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>10</td>
<td>Sidewalks shall be provided on all roadways 66 feet wide or wider. In Rural Residential land use designation pathways shall be provided.</td>
<td>The Specific Plan includes development of sidewalks on all roadways wider than 66 feet. The Specific Plan also proposes pathways within and adjacent to open space Planning Areas 19, 23, 25, 27, 35A-F, 36, 37, 38, 64, 66, 71 and 7450, 68, 65, 60, 61 and within the natural open space area located on the north eastern portion of the project site. These pathways will assist in providing connections from the residential communities to the natural open space within and adjacent to the project.</td>
</tr>
<tr>
<td>11</td>
<td>Sidewalks or other pedestrian walkways shall be required on all streets within all new subdivisions.</td>
<td>Sidewalks will be provided on all Specific Plan highways, arterials and collectors. The Circulation Plan street sections for local and interior streets include sidewalks.</td>
</tr>
<tr>
<td>12</td>
<td>In the absence of a vehicular grade separation, the City shall aggressively pursue a grade separated pedestrian access across San Gorgonio, to assure that high school students do not have to cross the railroad tracks on their way to and from school.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>13</td>
<td>Pedestrian access in the Downtown Commercial designation shall be preserved and enhanced.</td>
<td>Policy is not applicable.</td>
</tr>
</tbody>
</table>
### Policy 14
The City shall aggressively pursue the construction of all weather crossings over General Plan roadways.  
Policy is not applicable.

### Policy 15
The City shall develop a Golf Cart Plan compliant with state requirements.  
Golf cart circulation is included in the Specific Plan Circulation Plan. Golf cart parking is proposed as part of Recreation and Open Space.

### Policy 16
Golf cart paths and facilities shall be funded, to the greatest extent possible, by new development.  
Golf cart circulation is included in the Specific Plan Circulation Plan. Golf cart parking proposed as part of Recreation and Open Space.

### Policy 17
Encourage the expansion of an integrated Pass transit system.  
Specific Plan Circulation Plan Development Standards call for coordination with transit authorities to expand bus service.

### Policy 18
The City shall review its transit service to major regional attractions, and intra-City recreational locations in future planning efforts, based on need.  
Policy is not applicable.

### Policy 19
Bus pullouts shall be designed into all new projects on arterial roadways, to allow buses to leave the flow of traffic and reduce congestion.  
Banning Pass Transit has a stop at Highland Springs and Wilson, with two routes on Highland Springs south of Wilson, and on Wilson between Highland Springs and Sunset. Riverside Transit lines run on Highland Springs south of the 10 and on Ramsey/6th west of Sunset. Specific Plan Circulation Plan Development Standards call for coordination with transit authorities to expand bus service.

### Policy 20
Promote the location of a passenger rail station for long distance and commuter rail service.  
Policy is not applicable.

### Policy 21
Update the Airport Master Plan every five years to meet the needs of the general aviation, business and tourism segments of the community.  
Policy is not applicable.

### Policy 22
Maintain an accurate mapping of all utility corridors.  
The Southern California Edison easement is included within the Specific Plan’s Land Use plan. All future utility corridors will be mapped in accordance with this policy.

### Policy 23
The City shall purchase and/or replace its fleet of vehicles with alternative fuel vehicles when available to the greatest extent possible, and shall encourage other agencies to do the same.  
Policy is not applicable.

### Policy 24
Public alleys throughout the City shall be maintained to be useful and safe at all times.  
Policy is not applicable.
### Section 7: General Plan Consistency

#### Policy 25

**The City shall develop and implement plans for a coordinated and connected bicycle lane networked in the community that allows for safe use of bicycles on City streets.**

<table>
<thead>
<tr>
<th>Specific Plan</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Specific Plan provides bike lanes on all arterial and collector streets.</td>
<td>•</td>
</tr>
</tbody>
</table>

#### Policy 26

**The City should continue to work with the Morongo Band of Mission Indians and neighboring cities and communities to create a regional bicycle and trail network.**

<table>
<thead>
<tr>
<th>Specific Plan</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy is not applicable.</td>
<td>•</td>
</tr>
</tbody>
</table>

#### Policy 27

**The City shall provide for a comprehensive, interconnected recreational trails system suitable for bicycles, equestrians and/or pedestrians.**

<table>
<thead>
<tr>
<th>Specific Plan</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Specific Plan provides for non-vehicular circulation, with bike lanes, sidewalks and trails specified on the Pedestrian Circulation Plan. Decomposed granite multi-purpose trails in this Plan could potentially accommodate equestrians. The Specific Plan proposes trails within and adjacent to seven Planning Areas. It also proposes trails within the natural open space located in the northeastern portion of the Specific Plan area, intended to connect to adjacent open space.</td>
<td>•</td>
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</tbody>
</table>

#### Policy 28

**Motorized vehicles shall be prohibited on City trails.**

<table>
<thead>
<tr>
<th>Specific Plan</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy is not applicable.</td>
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</tr>
</tbody>
</table>

#### General Plan Applicable Goals & Policies | Specific Plan Consistency Analysis | Consistent
<table>
<thead>
<tr>
<th>PARKS GOALS &amp; POLICIES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Goal:</strong> A high quality public park system with adequate land and facilities to provide recreational facilities and activities for the City's residents.</td>
</tr>
<tr>
<td><strong>Goal:</strong> A comprehensive bikeway, trail and walking path system that connects homes to work places, commercial venues and recreational facilities, and which enhances the safety and enjoyment of cyclists, equestrians and pedestrians.</td>
</tr>
<tr>
<td>Policy 1</td>
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<tr>
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<tr>
<td>Policy 2</td>
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<tr>
<td>Policy 3</td>
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<td>Policy 4</td>
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<td>Policy</td>
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<td>9</td>
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</tbody>
</table>
### General Plan Applicable Goals & Policies

<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Goal:</strong></td>
<td>Provide a wide range of housing types to meet the existing and future needs of planning area residents. The City wants to encourage the construction of new housing units that offer a wide range of housing types to ensure that an adequate supply is available to meet existing and future needs. The provision of a balanced inventory of housing in terms of unit type (e.g. single-family, multi-family, etc.), cost, and style will allow the City to fulfill a variety of housing needs.</td>
</tr>
<tr>
<td><strong>Policy 1</strong></td>
<td>Provide a variety of residential development opportunities in Banning, ranging from very low density to high density development as described in the Community Development Element and Plan Map in accordance with the Regional Housing needs Assessment.</td>
</tr>
<tr>
<td><strong>Policy 2</strong></td>
<td>Encourage both the private and public sectors to produce or assist in the production of high quality housing to meet the needs of the handicapped, the elderly, large families, female-headed households and homeless.</td>
</tr>
<tr>
<td><strong>Policy 3</strong></td>
<td>Promote the development of low- and moderate-income, and senior citizen housing by allowing developers density bonuses or other financial incentives for providing units for low- and moderate-income residents. Provide rental assistance vouchers, as available, for some or all of the affordable units provided.</td>
</tr>
<tr>
<td><strong>Policy 4</strong></td>
<td>Require that housing constructed expressly for low- and moderate-income households not be concentrated in any single portion of the City.</td>
</tr>
</tbody>
</table>

### Specific Plan Consistency Analysis

<table>
<thead>
<tr>
<th>Consistent</th>
<th>Yes</th>
<th>Not Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Goal:</strong></td>
<td>The Specific Plan includes the development of residential low, medium, and high density residential development, which would provide a range of housing types for residents. In addition, while the base proposal for Butterfield is that housing in all residential planning areas would be open to all age groups, two other alternative proposals would allow an age-restricted eligibility criterion to apply to certain PAs. Should these alternatives be implemented, the Specific Plan would also provide age restricted senior housing.</td>
<td>●</td>
</tr>
<tr>
<td><strong>Policy 1</strong></td>
<td>The Specific Plan includes the development of residential low, medium, and high density residential development, which would provide a range of housing types for residents.</td>
<td>●</td>
</tr>
<tr>
<td><strong>Policy 2</strong></td>
<td>While the base proposal for Butterfield is that housing in all residential planning areas would be open to all age groups, two other alternative proposals would allow an age-restricted eligibility criterion to apply to certain PAs. Should these alternatives be implemented, the Specific Plan would also provide age restricted senior housing.</td>
<td>●</td>
</tr>
<tr>
<td><strong>Policy 3</strong></td>
<td>While the base proposal for Butterfield is that housing in all residential planning areas would be open to all age groups, two other alternative proposals would allow an age-restricted eligibility criterion to apply to certain PAs. Should these alternatives be implemented, the Specific Plan would also provide age restricted senior housing.</td>
<td>●</td>
</tr>
<tr>
<td><strong>Policy 4</strong></td>
<td>Policy is not applicable.</td>
<td>●</td>
</tr>
<tr>
<td>Policy</td>
<td>Text</td>
<td>Consistency</td>
</tr>
<tr>
<td>--------</td>
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</tr>
<tr>
<td>5</td>
<td>Continue to coordinate with local social service providers, such as HELP, to address the needs of the City’s homeless population. Permit the development of emergency shelters in commercial and industrial zones, and transitional housing in residential zones in locations close to services, subject to a Conditional Use Permit.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>6</td>
<td>Encourage the development of residential in close proximity to public transportation, services and recreation.</td>
<td>The Circulation Plan development standards include consultation with City of Banning and Riverside County Transit to expand scheduled bus service, implement long-term public transportation projects, and to develop vanpools and subscription bus service.</td>
</tr>
<tr>
<td>7</td>
<td>Locate higher density residential development in close proximity to public transportation, services and recreation.</td>
<td>The Circulation Plan development standards include consultation with City of Banning and Riverside County Transit to expand scheduled bus service, implement long-term public transportation projects, and to develop vanpools and subscription bus service.</td>
</tr>
<tr>
<td>8</td>
<td>Permit the development of childcare facilities concurrent with new housing development.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>9</td>
<td>Monitor all regulations, ordinances, departmental processing procedures and fees related to the rehabilitation and/or construction of dwelling units to assess their impact on housing costs.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>10</td>
<td>Encourage the use of energy conservation devices and passive design concepts which make sure of the natural climate to increase energy efficiency and reduce housing costs.</td>
<td>Homes within the Project have the option to participate in Pardee Home’s “Living Smart” program, which meets or exceeds local, State, and national standards for green home building, including the incorporation of features and options that reduce energy demand and promote use of alternative energy sources and non-motorized transportation.</td>
</tr>
<tr>
<td>11</td>
<td>Provide opportunities for move-up housing in Banning.</td>
<td>The Specific Plan includes three types of residential land uses, including low, medium, and high density residential uses, which would allow for various types of move up housing for the residents of Banning.</td>
</tr>
<tr>
<td>Policy 12</td>
<td>Locate higher density residential development in close proximity to public transportation, services and recreation.</td>
<td>The Circulation Plan development standards include consultation with City of Banning and Riverside County Transit to expand scheduled bus service, implement long-term public transportation projects, and to develop vanpools and subscription bus service.</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>Policy 13</td>
<td>Permit the development of childcare facilities concurrent with new housing development.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 14</td>
<td>Monitor all regulations, ordinances, departmental processing procedures and fees related to the rehabilitation and/or construction of dwelling units to assess their impact on housing costs.</td>
<td>Policy is not applicable.</td>
</tr>
</tbody>
</table>

### HOUSING MAINTENANCE AND PRESERVATION GOALS & POLICIES

**Goal:** Enhance the quality of existing residential neighborhoods in Banning.

The goal of housing preservation is to protect the existing and investment in housing and to avoid a degree of physical decline that will require a larger rehabilitation effort to restore quality and value. The housing conditions survey identified a concentrated area of deferred housing maintenance in the City’s central core and East Banning in particular. Housing rehabilitation efforts will continue to be focused in this area to facilitate unit upgrading.

<table>
<thead>
<tr>
<th>Policy 1</th>
<th>Correct housing deficiencies through the development of a residential rehabilitation program.</th>
<th>Policy is not applicable.</th>
<th>Yes</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 2</td>
<td>Continue to utilize the City’s code enforcement program to bring substandard units into compliance with City codes and to improve overall housing conditions in Banning.</td>
<td>Policy is not applicable.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Policy 3</td>
<td>Minimize the displacement impacts occurring as a result of residential demolition.</td>
<td>Policy is not applicable.</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>
### Policy 4
Promote increase awareness among property owners and residents of the importance of property maintenance to long-term housing quality.
Policy is not applicable.

### Policy 5
Encourage the use of rehabilitation funds for room additions to alleviate overcrowding, and for accessibility improvements to address the needs of the handicapped.
Policy is not applicable.

### Policy 6
Educate property owners on the benefits of home repair and remodeling using design and materials consistent with the historic character of the residence.
Policy is not applicable.

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#### General Plan Applicable Goals & Policies

| Goal: Ensure that new housing is sensitive to existing development as well as the natural environment. |
| It is an on-going concern in the City to ensure that residential growth is sensitive to environmental and social needs of the community. Development will be accommodated which is coordinated with available community resources and infrastructure, and which is designed to minimize impacts on the natural environment. |
| The community character for Butterfield encompasses the elements of the rustic and natural beauty of the site’s surrounding foothill environment. The community landscape concept combines the existing natural character of the site with the historic California ranch vernacular. The theme will be defined and implemented through architectural elements and materials such as stone walls, and other similar materials and finishes throughout the community. The plant palette will further reinforce this concept utilizing drought tolerant species. |

#### Specific Plan Consistency Analysis

| Consistent |
| Yes | Not Applicable |

#### HOUSING ENVIRONMENTAL SENSITIVITY GOALS & POLICIES

| Policy 1 | Ensure that multi-family development is compatible in design with single-family residential areas. |
| Design Guidelines for multi-family residential development encourages compatibility with adjacent single-family residential areas. Materials, building forms, roofs, colors and materials promoted in the guidelines are inspired by those located in Banning and the surrounding region. |

| Policy 2 | Regularly examine new residential construction methods and materials, and upgrade the City’s residential building standards as appropriate. |
| Policy is not applicable. |

| Policy 3 | Prohibit new residential development to front on major arterial highways without adequate setbacks and buffering. |
| Development Regulations for residential development provides proper setbacks and buffering between residential structures and major arterial highways. |
### Policy 4

**Prohibit housing development in areas subject to significant geologic, flooding, blows and, noise and fire hazards.**

The central segment of the Banning fault, which traverses the Project site, is comprised of two parallel fault segments (Strands A and B): Strand A is covered by an Alquist Priolo zone while Strand B is also considered active. The Project site is located between the more active Banning fault zone to the east and the inactive Banning fault zone to the west. Setback zones are proposed based on an evaluation of fault character and level of activity observed during the onsite investigation, as well evidence gained through aerial photograph and literature review. The relatively flat to gently sloping topography and the overall uniformity of the site soil conditions indicate that landslides have not occurred on the project site. All drainage features on the Specific Plan area are ephemeral and exhibit flow only during severe storm events.

### Policy 5

**Accommodate new residential development which is coordinated with the provision of infrastructure and public services.**

The Specific Plan’s Public Services and Project Phasing Plan chapter addresses the coordination of infrastructure and public services with the development of new residential units. Construction of the Specific Plan in its entirety is expected to occur over a fifteen to twenty year period. The sequence in which each major part will be developed is influenced by appropriate levels of infrastructure and will be supported by various public services.

### Policy 6

**Encourage the use of energy conservation devices and passive design concepts which make use of the natural climate to increase energy efficiency and reduce housing cost.**

Homes within the Project have the option to participate in Pardee Home’s “Living Smart” program, which meets or exceeds local, State, and national standards for green home building, including the incorporation of features and options that reduce energy demand and promote use of alternative energy sources and non-motorized transportation.

<table>
<thead>
<tr>
<th><strong>General Plan Applicable Goals &amp; Policies</strong></th>
<th><strong>Specific Plan Consistency Analysis</strong></th>
<th><strong>Consistent</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FAIR HOUSING GOALS &amp; POLICIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Goal:</strong> Promote equal opportunity for all residents to reside in the housing of their choice. In order to make adequate provision for the housing needs of all economic segments of</td>
<td>The Specific Plan includes the development of residential low, medium, and high density residential development, which would provide a range of</td>
<td>Yes</td>
</tr>
</tbody>
</table>

City of Banning  
November, 2011  
November, 2016
the community, the City must ensure equal and fair housing opportunities are available to all residents.

Policy 1
Affirm a positive action posture which will assure that unrestricted access is available to the community.

The Specific Plan includes the development of residential low, medium, and high density residential development, which would provide a range of housing types for residents.

Policy 2
Prohibit practices which restrict housing choice by arbitrarily directing prospective buyers and renters to certain neighborhoods or types of housing.

Policy is not applicable.

Policy 3
Continue support and participation in the Riverside County New Horizons’ Fair Housing Program to further spatial deconcentration and fair housing practices.

Policy is not applicable.

<table>
<thead>
<tr>
<th>General Plan Applicable Goals &amp; Policies</th>
<th>Specific Plan Consistency Analysis</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td>WATER GOALS &amp; POLICIES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Goal: A balance of development which assures the maintenance of the water supply and its continued high quality.</td>
<td>The Specific Plan includes the development of residential low, medium, and high density residential development, which would provide a range of housing types for residents.</td>
<td>●</td>
</tr>
<tr>
<td>Policy 1 New development projects proposing 50 units on property whose General Plan Land Use designation would allow 50 units, and/or 10 acres of commercial/industrial/other development, or more, whether through a tract map, Specific Plan or other planning application, shall be required to fund the provision of its entire water supply, either through SWP, recycled water or other means, as a condition of approval.</td>
<td>The City of Banning requires development to provide two points for water main connection tie-ins. The Specific Plan area proposes these connection points at minimum at the intersection of Highland Home Road and Wilson Street as well as C Street and Wilson Street. The City requires dry lines to be constructed concurrently with water lines for future use with a recycled water source, for future irrigation purposes. Recycled water lines will follow the same alignments as those for potable domestic water as appropriate, connected to storage facilities proposed in the Specific Plan area.</td>
<td>●</td>
</tr>
<tr>
<td></td>
<td>In addition, the Project proposes a potential onsite</td>
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</tbody>
</table>
groundwater recharge system to assist the City in replenishing the Beaumont Basin located beneath the Project site. The proposed system would have the capacity to potentially recharge the groundwater basin with a portion of the City’s SWP allocation delivered by the Pass Agency.

As an optional improvement, in lieu of utilizing the Beaumont Cherry Valley Water District’s current recharge facilities, the City may extend the SWP pipeline from its existing termination to the proposed North Basin in PA 71 via Brookside Avenue, to create additional recharge areas within the Project site.

The City is presently pursuing expansion of its main WWTP to provide capacity for the treatment of wastewater to tertiary standards; however, to ensure the availability of recycled water to the Project, the Butterfield Specific Plan allows as an alternative a potential optional onsite “satellite” WWTP to be owned and operated by the City of Banning. Recycled water would be used to irrigate the golf course central open space and the common landscaped areas of the Project, when available, in order to reduce the demand for domestic (potable) water. In addition to onsite infrastructure, the recycled water system would require either pumping reclaimed water from the City’s wastewater treatment plant, or constructing the optional onsite satellite wastewater treatment plant and conveying residuals to the City’s plant.

As such, the Project would provide the necessary infrastructure to meet its entire...
<table>
<thead>
<tr>
<th>Policy 2</th>
<th>The City shall require the use of drought-tolerant, low water consuming landscaping as a means of reducing water demand for new development.</th>
<th>The use of drought-tolerant plants is encouraged in the Specific Plan Design Guidelines. The Project will comply with the City’s 2006 Landscape Standards which set new maximum applied water allowance (MAWA) requirements for new landscapes and require documentation of MAWA calculations. Based on these standards, it is expected that new landscaping for the Project will use 25% less water than that which was typically applied in the City’s previous landscape design requirements. In addition, the 2010 California Green Building Standards Code (CGBSC) now requires use of weather or soil moisture irrigation controllers on all new residential landscaping starting in 2011. Studies have shown that these controllers result in an additional 13% water savings.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 3</td>
<td>The City shall required the use of recycled wastewater for new development, or where it is unavailable, the infrastructure for recycled water when it becomes available, as a means of reducing demand for groundwater resources.</td>
<td>The City will require dry lines to be constructed concurrently with water lines for future use with a recycled water source, for future irrigation purposes. As such, the City is presently pursuing expansion of its main wastewater treatment plant (WWTP) to provide capacity for the treatment of wastewater to tertiary standards. To supply the Butterfield Specific Plan area with recycled water the project will facilitate construction off-site recycled water transmission lines from Highland Home Road/Wilson Street intersection eastward along Wilson Street to this City’s upgraded WWTP. The other option for generating recycled water for the project is</td>
</tr>
<tr>
<td>Requirement</td>
<td>Description</td>
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<td>-----------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Policy 4</td>
<td><strong>Require that all new development be connected to the sewage treatment system, or install dry sewers until such time as that connection is possible.</strong> To provide sewer service to the Specific Plan area from the main WWTP, wastewater lines will be extended from Highland Home Road/Wilson Street intersection eastward along Wilson Street, south on Omar Street, and eastward on Ramsey Street to Sunset Avenue. From Sunset Avenue, at least two different alignments for the connecting wastewater trunk line could be pursued. One option would require the project proponent to extend the wastewater line down Sunset Avenue to the vicinity of Bobcat Road, where the Five Bridges and BDS Developments would potentially complete the line extension in Bobcat Road eastward to existing pipelines at South San Gorgonio Avenue, pursuant to the City of Banning’s November 2006 Sewer System Study. The completion of this sewer transmission main by the aforementioned developments would have to happen prior to or concurrent with the Butterfield project. If the Butterfield Specific Plan is first to be developed, the project could be obligated to complete this entire alignment. See Exhibit 3.10B, Off-site Sewer Plan. Five Bridges and BDS developments may not proceed in advance of or concurrently with the Butterfield project. In that case, as another option for...</td>
<td></td>
</tr>
</tbody>
</table>

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an off-site wastewater trunk line extension to the City’s main WWTP, the connection to the WWTP could proceed eastward on Lincoln Street and southward on South San Gorgonio Avenue. This option would provide a fairly direct, efficient route to serve the Butterfield Specific Plan area, but the resulting pipeline extension would not be able to serve the Five Bridges and BDS Developments. The City of Banning would make a determination on which option is preferred.

An additional option proposal for providing wastewater treatment to the Specific Plan area is to site and construct a satellite treatment plant within the southeastern corner of the plan area. At this location, the satellite plant could receive wastewater gravity flows from the project, treat them to required levels and pump back recycled water into the project’s recycled water system. This would not require the extension of wastewater or recycled water pipelines to or from the City’s main treatment plan to serve the project.

<table>
<thead>
<tr>
<th>Policy 5</th>
<th>The City shall provide guidelines for the development of on-site storm water retention facilities consistent with local and regional drainage plans and community design standards.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The Specific Plan lists development standards for project area’s Drainage Plan, which includes following requirements indicated in the Riverside County Flood Control District and Water Conservation District Hydrology Manual, and the City of Banning flood control standards.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policy 6</th>
<th>Coordinate with the San Gorgonio Pass Water Agency, Banning Heights Mutual Water Company and the Beaumont-Cherry Valley Water District, the California Regional Water Quality Control Board and other appropriate agencies to share information of potential groundwater contaminating sources.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The environmental document for the project to be conducted pursuant to CEQA would require consultation with the aforementioned agencies pertaining to groundwater contaminating sources.</td>
</tr>
</tbody>
</table>
### Policy 7
The City shall ensure that no development proceeds that has potential to create groundwater hazards from point and non-point sources, and shall confer with other appropriate agencies, as necessary, to assure adequate review and mitigation. Environmental assessment conducted pursuant to CEQA determines the potential environmental impacts attributable to any development implemented within the Specific Plan area.  

### Policy 8
Encourage water conservation in existing development. The use of drought-tolerant plants is encouraged in the Specific Plan Design Guidelines.  

### General Plan Applicable Goals & Policies | Specific Plan Consistency Analysis
---|---
**OPEN SPACE AND CONSERVATION GOALS & POLICIES**

| Goal: | Open space conservation land that are preserved and managed in perpetuity for the protection of environmental resources or hazards, and the provisions of enhanced recreational opportunities and scenic qualities in the City. | In addition to the golf course open space and park areas, 408.4418 acres (28.0%) within the Butterfield Specific Plan area is designated as open space. In addition to the golf course and parks, open space within the Specific Plan includes natural areas, landscaped areas, easements and open spaces including drainage facilities. |

| Goal: | A balance between the City’s built and open space environment and local and regional protection and preservation of its unique environment. | In addition to the golf course open space and park areas, 408.4418 acres (28.0%) within the Butterfield Specific Plan area is designated as open space. In addition to the golf course and parks, open space within the Specific Plan includes natural areas, landscaped areas, easements and open spaces including drainage facilities. |

| Policy 1 | Identify and assess lands in the City, its sphere-of-influence and planning area, that are suitable for preservation as public or private, passive or active open space. | In addition to the golf course open space and 24 park areas, 408.4418 acres (28.0%) within the Butterfield Specific Plan area is designated as open space. In addition to the golf course and parks, open space within the Specific Plan includes natural areas, landscaped areas, easements and open spaces including drainage facilities. |
Policy 2
The City shall protect natural hillsides above the toe of slope in perpetuity as undeveloped open space, and shall provide specific parameters under which development can occur within the Rural Residential-Hillside and Ranch/Agriculture Residential-Hillside land use designations. For purposes of this General Plan, the toe of slope is defined as the dividing line between rock formations where there is a noticeable break in the angle of slope from steep to shallow.

The far northern part of the Specific Plan area is designated natural open space area due to rugged terrain and slope.

Policy 3
Ridgelines shall be preserved as permanent open space.

The Specific Plan does not propose any development on the major peaks and/or ridgelines within the City.

Policy 4
The City shall preserve all watercourses and washes necessary for regional flood control, ground water recharge areas and drainage for open space and recreational purposes.

Open space within the Specific Plan area includes natural areas, landscaped areas, easements and drainage open spaces.

Policy 5
The City shall preserve permanent open space edges or greenbelts that define the physical limits of the City and provide physical separation between adjoining neighborhoods.

The Specific Plan area’s network of open space areas and greenbelts will connect and delineate residential areas with trail systems and landscaped areas.

Policy 6
Where practical, new development shall integrate pipeline, above- and under-ground utility corridors and other easements (including electric, cable and telephone distribution lines) into a functional open space network.

Open space within the Specific Plan area includes natural areas, landscaped areas, easements and drainage open spaces. The Specific Plan proposes a functional system of recreational land uses, which includes open space areas.

Policy 7
Drought tolerant landscaping materials and design features shall be incorporated into parks, roadway medians, common areas landscaping, public facilities, and other appropriate open space lands to retain and preserve the natural environment.

The use of drought-tolerant plants is encouraged in the Design Guidelines.

<table>
<thead>
<tr>
<th>General Plan Applicable Goals &amp; Policies</th>
<th>Specific Plan Consistency Analysis</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td>BIOLOGICAL RESOURCES GOALS &amp; POLICIES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Goal: A pattern of community development that supports a functional, productive, harmonious and balanced relationship between the built and natural environment.</td>
<td>The community character for Butterfield encompasses the elements of the rustic and natural beauty of the site’s surrounding foothill environment. The community landscape concept combines the existing natural character of</td>
<td></td>
</tr>
</tbody>
</table>

Consistent Yes Not Applicable

City of Banning

November 2014 November 2016

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## Section 7: General Plan Consistency

<table>
<thead>
<tr>
<th>Policy 1</th>
<th>The City shall continue to participate in the preservation of habitat for endangered, threatened and sensitive species.</th>
<th>The environmental assessment conducted pursuant to CEQA will determine the potential environmental impacts attributable to any development implemented within the Specific Plan area.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 2</td>
<td>As part of the development review process, the City shall evaluate projects based on their impact on existing habitat and wildlife, and for the land’s value as viable open space.</td>
<td>The environmental assessment conducted pursuant to CEQA will determine the potential environmental impacts attributable to any development implemented within the Specific Plan area.</td>
</tr>
<tr>
<td>Policy 3</td>
<td>The City shall encourage and cooperate with other agencies in establishing multiple use corridors that take advantage of drainage channels and utility easements as wildlife corridors, public access and links between open space areas and the built environment.</td>
<td>Open space within the Specific Plan area includes natural areas, landscaped areas, easements and drainage open spaces. A large multi-purpose basin is also proposed, which will be designed to detain upstream drainage flows and water storage for irrigation, as well as serve as a passive recreational lake potentially for viewing, walking around, fishing or picnicking.</td>
</tr>
<tr>
<td>Policy 4</td>
<td>Drainage channels, utility corridors and pipeline easements shall be preserved in natural open space to the greatest extent possible.</td>
<td>Open space within the Specific Plan area includes natural areas, landscaped areas, easements and drainage open spaces.</td>
</tr>
<tr>
<td>Policy 5</td>
<td>The City shall promote the protection of biodiversity and encourage an appreciation of the natural environment and biological resources.</td>
<td>The Specific Plan area’s plan for open space areas encourages location and design that promotes the natural beauty of the site’s surrounding foothills.</td>
</tr>
<tr>
<td>Goal: Documentation, maintenance, preservation, conservation and enhancement of archaeological and historic sites, artifacts, traditions and other elements of the City’s cultural heritage.</td>
<td>The environmental assessment conducted pursuant to CEQA will determine the potential environmental impacts attributable to any development implemented within the Specific Plan area</td>
<td>Yes</td>
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</tr>
<tr>
<td>Policy 1</td>
<td>The City shall exercise its responsibility to identify, document and evaluate archaeological, historical and cultural resources that may be affected by proposed development projects and other activities.</td>
<td>The environmental assessment conducted pursuant to CEQA will determine the potential environmental impacts attributable to any development implemented within the Specific Plan area</td>
</tr>
<tr>
<td>Policy 2</td>
<td>The City shall expand and enhance its historic preservation efforts.</td>
<td>The Specific Plan Design Guidelines promotes the preservation of the area’s historic community character.</td>
</tr>
<tr>
<td>Policy 3</td>
<td>Establish and maintain a confidential inventory of archaeological and historical resources within the City, including those identified by the Eastern Information Center (EIC) at the University of California, Riverside and in focused cultural resources studies.</td>
<td>The environmental assessment conducted pursuant to CEQA will determine the potential environmental impacts attributable to any development implemented within the Specific Plan area</td>
</tr>
<tr>
<td>Policy 4</td>
<td>Sensitive archaeological and historic resources shall be protected from vandalism and illegal collection, to the greatest extent possible.</td>
<td>The environmental assessment conducted pursuant to CEQA will determine the potential environmental impacts attributable to any development implemented within the Specific Plan area</td>
</tr>
<tr>
<td>Policy 5</td>
<td>Encourage public participation in and appreciation of the City’s cultural heritage.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 6</td>
<td>Support the listing of eligible structures or sites as potential historic landmarks and their inclusion in the National Register of Historic Places.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 7</td>
<td>The City shall consider offering economic or other incentives, such as direct subsidies or application/permitting fee reductions of waivers, to property owner to encourage the maintenance and enhancement of significant cultural buildings and sites.</td>
<td>Policy is not applicable.</td>
</tr>
</tbody>
</table>

**ARCHAEOLOGICAL AND CULTURAL RESOURCES GOALS & POLICIES**

Goal: Documentation, maintenance, preservation, conservation and enhancement of archaeological and historic sites, artifacts, traditions and other elements of the City’s cultural heritage. The environmental assessment conducted pursuant to CEQA will determine the potential environmental impacts attributable to any development implemented within the Specific Plan area.
### AIR QUALITY GOALS & POLICIES

<table>
<thead>
<tr>
<th>General Plan Applicable Goals &amp; Policies</th>
<th>Specific Plan Consistency Analysis</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Goal:</strong> To preserve and enhance local and regional air quality for the protection of the health and welfare of the community.</td>
<td>The environmental assessment conducted pursuant to CEQA will determine the potential environmental impacts attributable to any development implemented within the Specific Plan area</td>
<td>Yes</td>
</tr>
</tbody>
</table>

#### Policy 1

**Policy 1**

The City shall be proactive in regulating local pollutant emitters and shall cooperate with the Southern California Association of Governments and the South Coast Air Quality Management District to assure compliance with air quality standards.

Policy is not applicable.

#### Policy 2

**Policy 2**

The City shall continue to coordinate and cooperate with local, regional and federal efforts to monitor, manage and reduce the levels of major pollutants affecting the City and region, with particular emphasis on PM10 and ozone emissions, as well as other emissions associated with diesel-fueled equipment and motor vehicles.

Policy is not applicable.

#### Policy 3

**Policy 3**

City land use planning efforts shall assure that sensitive receptors are separated from polluting point sources.

The Specific Plan’s land use plan separates residential and commercial areas and does not include industrial uses.

#### Policy 4

**Policy 4**

Development proposals brought before the City shall be reviewed from their potential to adversely impact local and regional air quality and shall be required to mitigate any significant impacts.

Environmental assessment conducted pursuant to CEQA determines the potential environmental impacts attributable to any development implemented within the Specific Plan area.

#### Policy 5

**Policy 5**

The City shall promote the use of clean and/or renewable alternative energy sources for transportation, heating and cooling.

Policy is not applicable.

#### Policy 6

**Policy 6**

The City shall support the development of facilities and projects that facilitate and enhance the use of alternative modes of transportation, including pedestrian-oriented retail and activity centers, dedicated bicycle paths and lanes, and community-wide multi-use trails.

The Specific Plan proposes the development of on-street bicycle lanes, trails and pathways, pedestrian walkways, and a combination meandering sidewalk and trail.

Policy is not applicable.
<table>
<thead>
<tr>
<th>General Plan Applicable Goals &amp; Policies</th>
<th>Specific Plan Consistency Analysis</th>
<th>Consistent</th>
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</thead>
<tbody>
<tr>
<td><strong>ENERGY AND MINERAL RESOURCES GOALS &amp; POLICIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Goal:</strong> Efficient, sustainable and environmentally appropriate use and management of energy and mineral resources, assuring their long-term availability and affordability.</td>
<td>Homes within the Project have the option to participate in Pardee Home’s “Living Smart” program, which meets or exceeds local, State, and national standards for green home building, including the incorporation of features and options that reduce energy demand and promote use of alternative energy sources and non-motorized transportation.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Policy 1</strong> Promote energy conservation throughout all areas of the community and sectors of the local economy, including the planning and construction of urban use and in City and regional transportation systems.</td>
<td>Homes within the Project have the option to participate in Pardee Home’s “Living Smart” program, which meets or exceeds local, State, and national standards for green home building, including the incorporation of features and options that reduce energy demand and promote use of alternative energy sources and non-motorized transportation.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Policy 2</strong> Promote the integration of alternative energy systems, including but not limited to solar thermal, photovoltaic and other clean energy systems, directly into building design and construction.</td>
<td>Homes within the Project have the option to participate in Pardee Home’s “Living Smart” program, which meets or exceeds local, State, and national standards for green home building, including the incorporation of features and options that reduce energy demand and promote use of alternative energy sources and non-motorized transportation.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Policy 3</strong> Proactively support long-term strategies, as well as state and federal legislation and regulations that assure affordable and reliable production and delivery of electrical power to the community.</td>
<td>Homes within the Project have the option to participate in Pardee Home’s “Living Smart” program, which meets or exceeds local, State, and national standards for green home building, including the incorporation of features and options that reduce energy demand and promote use of alternative energy sources and non-motorized transportation.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Policy 4</strong> Support public and private efforts to develop and operate alternative systems of wind, solar and other electrical production, which take</td>
<td>Homes within the Project have the option to participate in Pardee Home’s “Living Smart” program, which meets or exceeds local, State, and national standards for green home building, including the incorporation of features and options that reduce energy demand and promote use of alternative energy sources and non-motorized transportation.</td>
<td>Yes</td>
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</tbody>
</table>
advantage of local renewable resources. exceeds local, State, and national standards for green home building, including the incorporation of features and options that reduce energy demand and promote use of alternative energy sources and non-motorized transportation.

<table>
<thead>
<tr>
<th>Policy 5</th>
<th>Assure a balance between the availability of mineral resources and the compatibility of land uses in areas where mineral resources are mined.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Policy is not applicable.</td>
</tr>
</tbody>
</table>

### Geotechnical Goals & Policies

<table>
<thead>
<tr>
<th>General Plan Applicable Goals &amp; Policies</th>
<th>Specific Plan Consistency Analysis</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Goal:</strong> Increased protection and safety of human life, land, and property from the effects of seismic and geotechnical hazards.</td>
<td>The central segment of the Banning fault, which traverses the Project site, is comprised of two parallel fault segments (Strands A and B): Strand A is covered by an Alquist Priolo zone while Strand B is also considered active. The Project site is located between the more active Banning fault zone to the east and the inactive Banning fault zone to the west. Setback zones are proposed based on an evaluation of fault character and level of activity observed during the onsite investigation, as well evidence gained through aerial photograph and literature review. The relatively flat to gently sloping topography and the overall uniformity of the site soil conditions indicate that landslides have not occurred on the project site. All drainage features on the Specific Plan area are ephemeral and exhibit flow only during severe storm events.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Policy 1</strong> The City shall establish and maintain an information database containing maps and other information which describe seismic and other geotechnical hazards occurring within the City boundaries, sphere-of-influence and planning area.</td>
<td>The Specific Plan refers to the City of Banning’s General Plan EIR, which contains information of potential seismic and geotechnical hazards.</td>
<td>Yes</td>
</tr>
<tr>
<td>Policy</td>
<td>Description</td>
<td>Notes</td>
</tr>
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</tr>
<tr>
<td>Policy 2</td>
<td>In accordance with state law, all development proposals within designated Alquist-Priolo Earthquake Fault Zones shall be accompanied by appropriate geotechnical analysis.</td>
<td>The central segment of the Banning fault, which traverses the Project site, is comprised of two parallel fault segments (Strands A and B): Strand A is covered by an Alquist Priolo zone while Strand B is also considered active. The Project site is located between the more active Banning fault zone to the east and the inactive Banning fault zone to the west. Setback zones are proposed based on an evaluation of fault character and level of activity observed during the onsite investigation, as well evidence gained through aerial photograph and literature review.</td>
</tr>
<tr>
<td>Policy 3</td>
<td>Development in areas identified as being susceptible to slope instability shall be avoided unless adequately engineered to eliminate geotechnical hazards.</td>
<td>It has been determined that the relatively flat to gently sloping topography and the overall uniformity of the site soil conditions indicate that landslides have not occurred on the project site. Additionally, no historical data indicates the presence of liquefaction on the project area.</td>
</tr>
<tr>
<td>Policy 4</td>
<td>To minimize the potential impacts of subsidence due to extraction of groundwater, the City shall actively support and participate in local and regional efforts at groundwater conservation and recharge.</td>
<td>The Specific Plan proposes an onsite groundwater recharge system to provide a partial offset to the additional demand for domestic water posed by the development and replenishment to groundwater supplies.</td>
</tr>
<tr>
<td>Policy 5</td>
<td>The City shall coordinate and cooperate with public and quasi-public agencies to assure the continued functionality of major utility systems in the event of a major earthquake.</td>
<td>The Specific Plan encourages coordination with various public and quasi-public agencies to ensure the continued operation of waste disposal, water, sewer, electric, natural gas, and telephone and cable services.</td>
</tr>
<tr>
<td>Policy 6</td>
<td>New septic tank leach fields, seepage pits, drainage facilities, and heavily irrigated areas shall be located away from structural foundations and supports to minimize the potential for localized collapse of soils.</td>
<td>The Specific Plan includes standards and approval procedures for all improvement plans, including grading plans, irrigation plans, and landscape plans.</td>
</tr>
</tbody>
</table>
### FLOODING AND HYDROLOGY GOALS & POLICIES

<table>
<thead>
<tr>
<th>General Plan Applicable Goals &amp; Policies</th>
<th>Specific Plan Consistency Analysis</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Goal:</strong> A comprehensive system of flood control facilities and services effectively protecting lives and property.</td>
<td>The Specific Plan’s drainage plan development standards have been created to ensure conformance with the City of banning, County of Riverside, NPDES and other responsible agency requirements.</td>
<td>![Yes]</td>
</tr>
<tr>
<td><strong>Policy 1</strong> Proactively plan and coordinate with other responsible agencies to upgrade the City’s local and regional drainage system.</td>
<td>The Specific Plan’s drainage plan development standards have been created to ensure conformance with the City of banning, County of Riverside, NPDES and other responsible agency requirements.</td>
<td>![Yes]</td>
</tr>
<tr>
<td><strong>Policy 2</strong> Major drainage facilities, including debris basins and flood control channels, shall be designed to maximize their use as multi-purpose recreational or open space sites, consistent with the functional requirements of these facilities.</td>
<td>Open space within the Specific Plan area includes natural areas, landscaped areas, easements and drainage open spaces. A large multi-purpose basin is also proposed, which will be designed to detain upstream drainage flows and water storage for irrigation, as well as serve as a passive recreational lake potentially for viewing, walking around, fishing or picnicking.</td>
<td>![Yes]</td>
</tr>
<tr>
<td><strong>Policy 3</strong> The City Engineer shall continue to actively participate in regional flood control and drainage improvement efforts and to develop and implement mutually beneficial drainage plans.</td>
<td>Policy is not applicable.</td>
<td>![Yes]</td>
</tr>
<tr>
<td><strong>Policy 4</strong> The City shall cooperate in securing FEMA map amendments, recognizing the importance of re-designation of the 100-year flood plains within the City boundaries and sphere-of-influence as improvements are completed.</td>
<td>It has been determined that the southerly portions of the Specific Plan area are currently in a designated 100-year flood zone. Drainage Plan development standards include provisions to monitor 100-year flood plain designations and elevating finished floors one foot above the 100-year level of flood protection.</td>
<td>![Yes]</td>
</tr>
<tr>
<td><strong>Policy 5</strong> Pursue all credible sources of funding for local and regional drainage improvements needed for adequate flood control protection.</td>
<td>Policy is not applicable.</td>
<td>![Yes]</td>
</tr>
<tr>
<td><strong>Policy 6</strong> All new development shall be required to incorporate adequate flood mitigation measures, such as grading that prevents adverse drainage impacts to adjacent properties, on-site</td>
<td>The Specific Plan Grading Plan promotes appropriate erosion control measures as part of a comprehensive grading and drainage plan to reduce</td>
<td>![Yes]</td>
</tr>
<tr>
<td>Policy 7</td>
<td>Assure that adequate, safe, all-weather crossing over drainage facilities and flood control channels are provided where necessary, and are maintained for passage during major storm events.</td>
<td>The Specific Plan includes Drainage Plan Development Standards that assures adequate, safe, all-weather crossing over drainage facilities and flood control channels. The standards also require periodic inspection and maintenance of these facilities.</td>
</tr>
</tbody>
</table>

| Policy 7 | The City shall coordinate with adjoining jurisdictions to assure noise-compatible land uses across jurisdictional boundaries. | Policy is not applicable. |  ● |

### General Plan Applicable Goals & Policies

| Goal: A noise environment that complements the community’s residential character and its land uses. | Noise is regulated by the City of Banning pursuant to Section 11D-02 of the City’s Municipal Code, Ord. No. 11381, 1004, which the Project would need to be in compliance with. |  ● |

| Policy 1 | The City shall protect noise sensitive land uses, including residential neighborhoods, schools, hospitals, libraries, churches, resorts and community open space, from potentially significant sources of community noise. | The Specific Plan Design Guidelines provide additional guidelines for commercial and community facility properties adjacent to residential properties in order to provide protection from excess noise, traffic and glare. |  ● |

| Policy 2 | The relationship between land use designations in the Land Use Element and changes in the circulations patterns of the City, as well as individual developments, shall be monitored and mitigated. | Project implementation is conditioned on implementation of circulation improvements that would reduce impacts from Project-generated traffic, which would further reduce the level of noise generated. |  ● |

| Policy 3 | Private sector project proposals shall include measures that assure that noise exposures levels comply with State of California noise insulation standards as defined in Title 25 (California Noise Insulation Standards) and/or Banning Ordinances 1138 and 1234, whichever is more restrictive. | Noise is regulated by the City of Banning pursuant to Section 11D-02 of the City’s Municipal Code, Ord. No. 11381, 1004, which the Project would need to be in compliance with. |  ● |

| Policy 4 | The City shall maintain a General Plan Circulation Map and assure low levels of traffic within neighborhoods by assigning truck routes to major roadways only. | Policy is not applicable. |  ● |
### Policy 5
The City shall ensure that flight paths and airport improvements adhere to all local, state and federal noise regulations.

Policy is not applicable.

### Policy 6
All development proposals within the noise impact area of the Interstate and the railroad shall mitigate both noise levels and vibration to acceptable levels through the preparation of focused studies and analysis in the development review and environmental review process.

The environmental assessment conducted pursuant to CEQA determines the potential environmental impacts attributable to any development implemented within the Specific Plan area.

### Policy 7
The City shall coordinate with adjoining jurisdictions to assure noise-compatible land uses across jurisdictional boundaries.

Policy is not applicable.

### Policy 8
The City shall impose and integrate special design features into proposed development that minimize impacts associated with the operation of air conditioning and heating equipment, on-site traffic, and use of parking, loading and trash storage facilities.

The Specific Plan Design Guidelines includes standards that minimize the impacts associated with the operation of air conditioning and heating equipment, loading and trash storage facilities and on-site parking. The Specific Plan Circulation Plan addresses on-site traffic.

### Policy 9
The City shall support development that results in grade separated railroad tracks.

Policy is not applicable.

### General Plan Applicable Goals & Policies

<table>
<thead>
<tr>
<th>Goal: Protect human life, land, and property from the effects of wildland fire hazards.</th>
<th>Specific Plan Consistency Analysis</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed Project includes measures to minimize risks from fires, such as fuel modification zones and other mitigation measures regarding emergency management, that are addressed in the EIR.</td>
<td></td>
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</tr>
</tbody>
</table>

### Specific Plan Consistency Analysis

<table>
<thead>
<tr>
<th>Policy 1</th>
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<tbody>
<tr>
<td>The City shall establish and maintain an information database containing maps and other information which describe fire hazard severity zones, fire threat zone, and other wildfire hazards occurring within the City boundaries, sphere-of-influence and planning area.</td>
</tr>
<tr>
<td>Policy is not applicable.</td>
</tr>
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<td></td>
</tr>
</tbody>
</table>

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### General Plan Policies & Specific Plan Consistency

**Policy 2**

On going coordination between the Banning Fire Department, Beaumont Fire Department, the Riverside County Fire Department, the California Department of Forestry, the Morongo Band of Mission Indians and the US Forest Service in fire prevention programs.

Fire protection services are provided to the City through a contractual agreement with the Riverside County Fire Department, which in turn contract with the California Department of Forestry.

**Policy 3**

Continue to identify wildfire hazard areas, and to enforce special standards for construction in wildland fire hazard areas.

Policy is not applicable.

**Policy 4**

The City shall make every attempt to assure that adequate water supplies and pressures are available during a fire, earthquake or both.

The Specific Plan’s Water Service Plan monitors adequate water supplies and pressure within the project area.

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### HAZARDOUS AND TOXIC MATERIALS GOALS & POLICIES

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<tbody>
<tr>
<td><strong>Goal:</strong> Maintain and promote measures to protect life and property from hazards resulting from human activities and development.</td>
<td>The environmental assessment conducted pursuant to CEQA determines the potential environmental impacts attributable to any development implemented within the Specific Plan area.</td>
</tr>
<tr>
<td><strong>Policy 1</strong> The City shall continue to encourage research on potential and known hazards to public health and safety and make this information available to the general public, commercial interests, and governmental organizations.</td>
<td>The environmental assessment conducted pursuant to CEQA determines the potential environmental impacts attributable to any development implemented within the Specific Plan area.</td>
</tr>
<tr>
<td><strong>Policy 2</strong> The City shall continue to conduct and participate in studies with other agencies to identify existing and potential hazards to public health and safety.</td>
<td>The environmental assessment conducted pursuant to CEQA determines the potential environmental impacts attributable to any development implemented within the Specific Plan area.</td>
</tr>
<tr>
<td><strong>Policy 3</strong> The City shall thoroughly evaluate development proposals for lands directly adjacent to sites known to be contaminated with hazardous or toxic materials, traversed by natural gas transmission lines or fuel lines, or sites that use potentially hazardous or toxic materials.</td>
<td>The environmental assessment conducted pursuant to CEQA determines the potential environmental impacts attributable to any development implemented within the Specific Plan area.</td>
</tr>
<tr>
<td><strong>Policy 4</strong> Require and facilitate the adequate and timely cleanup of contaminated sites identified within the City of Banning and its sphere-of-influence.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 5</td>
<td>The City shall designate appropriate access routes to facilitate the transport of hazardous and toxic materials.</td>
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<tr>
<td>Policy 6</td>
<td>Continue to promote programs that encourage or educate the public in the proper handling and disposal of household hazardous waste or dangerous materials.</td>
</tr>
<tr>
<td>Policy 7</td>
<td>The City shall actively oppose plans to establish hazardous or toxic waste dumps, landfills, or industrial processes that may potentially adversely affect the City and its sphere-of-influence.</td>
</tr>
<tr>
<td>Policy 8</td>
<td>Maintain an inventory and information database, including mapping, of all major natural gas transmission lines and liquid fuel lines within the City limits and sphere-of-influence.</td>
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<tr>
<td><strong>WATER, WASTEWATER AND UTILITIES GOALS &amp; POLICIES</strong></td>
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</tr>
<tr>
<td><strong>Goal:</strong> A comprehensive range of water, wastewater and utility services and facilities that adequately, cost-effectively and safely meet the immediate and long-term needs of the City.</td>
<td>The Specific Plan’s Water, Sewer, and Infrastructure Service Plans propose multiple options and phasing to facilitate the timely and cost-effective extension of services within the project area.</td>
<td>•</td>
</tr>
<tr>
<td><strong>Policy 1:</strong> The City shall coordinate between the City Utility Department-Water Division, Banning Heights Mutual Water Company, Beaumont/Cherry Valley Water Agency, San Gorgonio Pass Water Agency, California Regional Water Quality Control Board and Riverside County Environmental Health to protect and preserve local and regional water resources against overexploitation and contamination.</td>
<td>The Specific Plan’s Water Service Plan encourages coordination with various public and quasi-public agencies to protect and preserve local and regional water sources.</td>
<td>•</td>
</tr>
<tr>
<td><strong>Policy 2:</strong> Sewer connection shall be required at the time a lot is developed when service is available.</td>
<td>From Sunset Avenue, at least two different alignments for the connecting wastewater trunk line could be pursued. One option would require the project proponent to extend the wastewater line down Sunset Avenue to the vicinity of Bobcat Road, where the Five Bridges and BDS Developments would potentially complete the line extension in Bobcat Road eastward to existing pipelines at South San Gorgonio.</td>
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</table>
Avenue, pursuant to the City of Banning’s November 2006 Sewer System Study. The completion of this sewer transmission main by the aforementioned developments would have to happen prior to or concurrent with the Butterfield project.

If the Five Bridges and BDS developments do not proceed in advance of or concurrently with the Butterfield project the connection to the WWTP could proceed eastward on Lincoln Street and southward on South San Gorgonio Avenue. This option would provide a fairly direct, efficient route to serve the Butterfield Specific Plan area, but the resulting pipeline extension would not be able to serve the Five Bridges and BDS Developments. The City of Banning would make a determination on which option is preferred.

An alternative option proposal for providing wastewater treatment to the Specific Plan area is to site and construct a satellite treatment plant within the southeastern corner of the plan area. The satellite plant could receive wastewater gravity flows from the project, treat them to required levels and pump back recycled water into the project’s recycled water system. This would not require the extension of wastewater or recycled water pipelines to or from the City’s main treatment plant to serve the project.

The City of Banning has an adopted Capital Improvement Program that includes upgrades and expansion of the City’s wastewater treatment infrastructure sufficient to accommodate the proposed Project. In addition, the City’s Municipal Code allows the City to require extension of
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<tr>
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<tr>
<td>Policy 3</td>
<td>In the event a sewer line exists in the right-of-way where a for-sale residential unit is served by a septic system, the septic system shall be properly abandoned prior to a sale and/or close of escrow and the unit shall be connected to the sewer system.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 4</td>
<td>The City shall make every effort to assure and assist in facilitating the timely and cost-effective extension and expansion of services that support community development and improved quality of life.</td>
<td>The Specific Plan's Water, Sewer, and Infrastructure Service Plans propose multiple options and phasing to facilitate the timely and cost-effective extension of services within the project area.</td>
</tr>
<tr>
<td>Policy 5</td>
<td>To ensure the timely expansion of facilities in a manner that minimizes environmental impacts and disturbance of existing improvements, the City shall confer and coordinate with service and utility providers in planning, designing and siting of supporting and distribution facilities.</td>
<td>Water and sewer service is provided by the City.</td>
</tr>
<tr>
<td>Policy 6</td>
<td>The City shall proactively support the widespread integration of energy resource conserving technologies throughout the community.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 7</td>
<td>The City shall continue to confer and coordinate with its solid waste service franchisee to maintain and, if possible, exceed the provision of AB 939 by expanding recycling programs that divert valuable resources from the waste stream and returning these materials to productive use.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 8</td>
<td>The City shall support, and to the greatest extent practical, shall encourage commercial and industrial businesses to reduce and limit the amount of packaging and potential waste associated with product sale and production.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 9</td>
<td>Utility lines on scenic roadways, major streets and in the downtown shall have primary consideration for undergrounding.</td>
<td>All utility lines for the project will be located underground.</td>
</tr>
<tr>
<td>Policy 10</td>
<td>Major utility facilities, including power and other transmission towers, cellular communication towers and other view shed intrusions shall be designed and sited to ensure minimal environmental and view sheds impacts and environmental hazards.</td>
<td>Development of major utility facilities within the Specific Plan area will follow the City’s technical requirements.</td>
</tr>
<tr>
<td>Policy 11</td>
<td>The City shall encourage the planning, development and installation of state-of-the-art telecommunications and other broadband communications systems as essential infrastructure.</td>
<td>The project would include the extension of telecommunication lines to the site.</td>
</tr>
<tr>
<td>Policy 12</td>
<td>The City shall encourage in others and itself the use of alternative fuel vehicles.</td>
<td>The intent of the Butterfield Specific Plan is to allow electric Low Speed Vehicles (LSV’s) on all internal project streets.</td>
</tr>
<tr>
<td>Policy 13</td>
<td>The City shall investigate lower cable rates for un-gated neighborhoods.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 14</td>
<td>The City shall encourage alternative energy use for individual property owners and consider developing an incentive program.</td>
<td>Homes within the Project have the option to participate in Pardee Home’s “Living Smart” program, which meets or exceeds local, State, and national standards for green home building, including the incorporation of features and options that reduce energy demand and promote use of alternative energy sources and non-motorized transportation</td>
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<td>PUBLIC BUILDINGS AND FACILITIES GOALS &amp; POLICIES</td>
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<tr>
<td>Goal: The provision of a full range of dependable, cost-effective, and conveniently located public buildings, services and facilities that meet the functional, social and economic needs of the entire community.</td>
<td>The Butterfield Specific Plan proposes approximately 36 acres (2.3%) of Commercial land use throughout the Specific Plan area. In addition, A school site for Beaumont USD is proposed within Planning Area 20 of the Butterfield Specific Plan. A school site for Banning USD is proposed within Planning Area 68.</td>
<td></td>
</tr>
<tr>
<td>Policy 1 The Land Use Element shall consider the long-term availability of sites for future public and quasi-public buildings, infrastructure, and other facilities.</td>
<td>Policy is not applicable.</td>
<td></td>
</tr>
</tbody>
</table>
### Policy 2
Continue to identify and evaluate viable, long-term funding mechanisms that provide for the construction, maintenance and operation of existing and future public buildings and facilities, including assuring that new development funds its fair share of these facilities.

The Specific Plan identifies the anticipated responsible parties for financing and maintenance of improvements within the project area.

### Policy 3
Coordinate with public utility providers and other public/quasi-public agencies to assure that utility buildings and facilities are compatible with the surrounding landscape.

The Specific Plan Design Guidelines sets forth additional standards for community facilities to ensure compatibility with the surrounding landscape.

### Policy 4
All public buildings and facilities shall comply with the same development standards as private development.

Policy is not applicable.

### Policy 5
Encourage the undergrounding of all utility lines and the screening of transformers/facilities.

The Specific Plan Design Guidelines sets forth standards for the screening of mechanical equipment such as transformers and cooling and ventilation systems. In addition, all utility lines would be located underground.

### Policy 6
Critical structures and facilities (including the civic center, hospitals, fire stations, police stations, schools and major communications facilities) shall be restricted from geologically and hydrologically hazardous areas.

It has been determined that the relatively flat to gently sloping topography and the overall uniformity of the site soil conditions indicate that landslides have not occurred on the project site. Additionally, no historical data indicates the presence of liquefaction on the project area.

### Policy 7
The Zoning Ordinance shall be reviewed to facilitate the location of public buildings and offices in a centralized location near the Civic Center.

Policy is not applicable.

### SCHOOLS AND LIBRARIES GOALS & POLICIES

<table>
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<tr>
<th>Goal: The provision of quality school and library facilities in the City that are accessible, safe and conveniently located within the community.</th>
<th>Two elementary school sites are designated in the Butterfield Specific Plan that will comprise an approximate total of 23-27 acres (1.8%) of the Specific Plan area. Additional school sites are permitted in the Specific Plan if requested by the School Districts. The project applicant</th>
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<td>Description</td>
<td>Application</td>
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<tr>
<td>Policy 1</td>
<td>Assist, cooperate and coordinate with the Banning and Beaumont Unified School Districts and state agencies in identifying, acquiring and developing school sites needed to meet future growth demands. Encourage the selection of potential school sites that are centrally located in areas of existing or future residential development.</td>
<td>Two elementary school sites are proposed for the Butterfield Specific Plan that will comprise an approximate total of 2723 acres (1.8%) of the Specific Plan area. Planning Area 20, a 1444.7-acre site, is located in the southern portion of the Specific Plan area and within the jurisdiction of the Beaumont Unified School District. Planning Area 68, a 1314.3-acre site, is located in the easternmost portion of the Specific Plan area, east of Highland Home Road.</td>
</tr>
<tr>
<td>Policy 2</td>
<td>Continue to work with the Banning Unified School District to amend the District’s boundary to encompass all lands within its corporate limits and sphere-of-influence.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 3</td>
<td>Schools and libraries shall be protected from excessive noise and traffic conditions, incompatible land uses, and the threat of on-site disturbance to the greatest extent practicable.</td>
<td>The environmental document for the project to be conducted pursuant to CEQA would require analysis of noise and traffic impacts.</td>
</tr>
<tr>
<td>Policy 4</td>
<td>The City shall cooperate in securing school impact fees from developers, in accordance with state law.</td>
<td>The environmental document for the project to be conducted pursuant to CEQA would require payment of school impact fees by the developer in accordance with State law.</td>
</tr>
<tr>
<td>Policy 5</td>
<td>The City shall proactively work with the Banning Unified School District to improve the level and quality of education wherever possible.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 6</td>
<td>The City shall encourage and support local higher education institutions that enhance general, career and vocational skills, employment opportunities and personal growth.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 7</td>
<td>The City shall cooperate with Banning Unified School District, the Riverside office of Education, and Mt. San Jacinto College to facilitate the establishment of a community education committee, which will develop a mission statement and process of committee activities. The committee’s essential goal shall be to enhance the provision of quality education to all students in the City.</td>
<td>Policy is not applicable.</td>
</tr>
</tbody>
</table>
Policy 8  As appropriate, the City shall pursue agreements with the school districts to assist in the purchase, lease or joint use of land and facilities for school and recreational purposes, and to provide the neighboring community with access to recreational facilities and open space during no-school hours.  The Specific Plan proposes to incorporate joint-use of two school's recreational-use of two school's recreational facilities into its recreation plan. Contained within these sites are expected facilities such as ball fields and playgrounds.

Policy 9  The City shall support and facilitate the development of youth programs to provide quality after-school programs and facilities.  Policy is not applicable.

Policy 10  The City will encourage the Library Board to confer and coordinate with Mt. San Jacinto College to explore the provision of library services, and cooperative efforts with the Banning Public Library, in conjunction with the proposed MSJC Education Center.  Policy is not applicable.

Policy 11  The City shall coordinate with the Banning Public Library to assure that adequate library space, services and resources are provided to meet the educational and literary needs of the community.  The project applicant would be required to pay library development impact fees to offset the increased need for services.

Policy 12  Recognizing the importance of the library system for educational and cultural development within the community, the City shall explore the need for and feasibility of expanded library facilities and resources, including the potential for and appropriateness of accessing on-line resources associated with the Riverside County library system.  The project applicant would be required to pay library development impact fees to offset the increased need for services.

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<td>POLICE AND FIRE PROTECTION GOALS &amp; POLICIES</td>
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</tr>
<tr>
<td>Goal: The highest possible quality and level of service for fire and police protection to preserve and protect the health, welfare and property of residents, business owners, visitors and property owners.</td>
<td>A potential 1.6 acre fire station site has been identified at the southeast corner of PA 60 in the Specific Plan area and will be reserved for that use if the City determines it to be necessary. In addition, the project applicant would be required to pay police and fire development impact fees to offset the increased need for services.</td>
<td>●</td>
</tr>
<tr>
<td>Policy 1 The City shall work closely with the Fire and Police Departments to assure that adequate facilities are constructed and service is provided as</td>
<td>A potential 1.6 acre fire station site has been identified at the southeast corner of PA 7260 in the Specific Plan area and will be reserved for that use if the City determines it to be necessary. In addition, the project applicant would be required to pay police and fire development impact fees to offset the increased need for services.</td>
<td>●</td>
</tr>
<tr>
<td>Policy 2</td>
<td>The City shall review all proposals for new or significant remodeling projects for potential impacts concerning public safety.</td>
<td>Policy is not applicable.</td>
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<tr>
<td>Policy 3</td>
<td>The City shall strictly enforce fire standards and regulations in the course of reviewing development and building plans and conducting building inspections of large multiple family projects, community buildings, commercial structures and motel structures.</td>
<td>Development of the project site would require that the City Fire Chief review all plans prior to ground disturbance for adequate fire safety standards and regulations.</td>
</tr>
<tr>
<td>Policy 4</td>
<td>All proposed development projects shall demonstrate the availability of adequate fire flows prior to approval.</td>
<td>Development of the project site would require that adequate fire flows be available throughout the site.</td>
</tr>
<tr>
<td>Policy 5</td>
<td>Crime prevention design techniques, including the use of &quot;defensible space,&quot; high security hardware, optimal site planning and building orientation, and other design approaches to enhance security shall be incorporated in new and substantially remodeled development.</td>
<td>Development of the project site would require security lighting and site planning and orientation to enhance security.</td>
</tr>
<tr>
<td>Policy 6</td>
<td>The City shall continue to support and promote community-based crime prevention programs as an important augmentation to the provision of professional police protection services.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 7</td>
<td>The City shall periodically review the level, quality, innovation and cost-effectiveness of police and fire protection services, including contract services.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 8</td>
<td>The Police and the Fire Departments shall closely coordinate and cooperate with the City and County emergency preparedness teams and shall assure the most effective emergency response practical.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 9</td>
<td>The Fire Department shall maintain a 5-minute response time.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 10</td>
<td>The Police Department shall maintain a level of service (LOS) goal of 2.0 sworn officers per 1,000 residents.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 11</td>
<td>The Fire Department Ambulance Services shall maintain a 5-minute response time.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 12</td>
<td>The City shall investigate the requirements for an International Organization for Standardization (ISO) rating specifically for the City.</td>
<td>Policy is not applicable.</td>
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<tr>
<td>Policy 13</td>
<td>The City shall continue to pursue grant positions for the Police Department.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 14</td>
<td>The City shall pursue all funding mechanisms to fund the need for police and fire services generated by new development.</td>
<td>Policy is not applicable.</td>
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### EMERGENCY PREPAREDNESS GOALS & POLICIES

**Goal:**
A detailed, integrated and comprehensive emergency preparedness plan for the City, ensuring a high level of readiness and responsiveness to man-made and natural disasters of any scope, and which maximizes response capabilities of the City, County, State and Federal governments.

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<td>Policy 1</td>
<td>The City shall maintain and update its Multi-Hazard Functional Planning Guidance document to ensure maximum operational functionality and to incorporate federal mandates by required deadlines.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 2</td>
<td>The City shall maintain and update the Banning Emergency Plan to keep it updated with staffing and technical capabilities of the City and cooperating agencies.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 3</td>
<td>The City shall identify and establish emergency evacuation and supply routes and plans to preserve or re-establish the use of Highland Springs Avenue, San Gorgonio Avenue, Wilson Street, Ramsey Street, Interstate-10 and other essential transportation routes.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 4</td>
<td>The City shall identify and establish emergency appropriate locations for emergency supply stockpiles.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 5</td>
<td>The City shall cooperate and coordinate with Riverside County Emergency Services, local utility purveyors and other agencies and utilities in the preparation of public information materials to assist residents, visitors and business owners in responding to local disasters and emergencies.</td>
<td>Policy is not applicable.</td>
</tr>
<tr>
<td>Policy 6</td>
<td>The City shall thoroughly consider and assess vulnerability to natural and manmade disasters or emergencies when reviewing proposals for the siting and development of critical and essential public/quasi-public facilities.</td>
<td>The Project would be required by current regulations to provide adequate ingress and egress, street width, turning radius, fire hydrants and adequate fire flow before certificates of occupancy could be issued.</td>
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APPENDICES

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1.0 INTRODUCTION

1.1 PROJECT INTRODUCTION AND BACKGROUND

This Addendum has been prepared to analyze the environmental effects of the revised Butterfield Specific Plan. The Project site is located in the City of Banning (City) and consists of 1,522 undeveloped acres owned by Pardee Homes and an additional 21-acre lot owned by the Highland Springs County Club Owner’s Association.

The existing Project site was previously proposed for development under the Butterfield Specific Plan (Specific Plan). The Specific Plan proposed the development of a master planned community consisting up to 5,387 dwelling units, a golf course and open space, parks and additional open space, two schools, an existing substation, a fire station, and backbone roadways, among other components.

The City, as Lead Agency, prepared an Environmental Impact Report (EIR) for the Specific Plan Project in 2012 (SCH No. 2007091149). The Specific Plan EIR found the following significant unavoidable impacts would remain after implementation of mitigation measures prescribed in the EIR: Aesthetics (Project and Cumulative); Air Quality (Project and Cumulative); Climate Change (Cumulative); Noise (Cumulative); and Traffic and Circulation (Project and Cumulative). The City Council certified the EIR on March 27, 2012, adopted the Mitigation Monitoring and Reporting Program (MMRP), and approved the 2012 Specific Plan Project.

Following the City’s approval of the Specific Plan and its associated Final EIR, the Highland Springs Resort (Resort) and the Cherry Valley Acres and Neighbors and Cherry Valley Environmental Planning Group (CVAN) challenged the legality of the certified EIR in April 2012, which was heard by the Riverside County Superior Court. Ultimately, the City, Pardee, and the Petitioners (Highland Springs Resort and CVAN) reached a settlement agreement in 2014.

The currently proposed modified Project (referred to as the “Project” or “Proposed Project”) reflects the changes required as a result of the settlement agreement and is a less intense development, includes fewer residential units and includes the removal of several roadway extensions. In addition, the Proposed Project would reduce the number of residential units from 5,387 dwelling units to 4,862 dwelling units (a total of 525 fewer units). The proposed golf course in Planning Areas (PAs) 35 and 39 would be eliminated under the Proposed Project and would be replaced with a recreational area to include parks, open space, and other uses permitted under the 2012 Specific Plan Project.

The required changes to the 2012 Specific Plan Project require additional environmental review under the California Environmental Quality Act (CEQA). While the 2012 Specific Plan Project is no longer proposed to be developed at the same intensity, the Specific Plan EIR remains the valid and certified CEQA documentation for future development on the site, and is used to determine whether future development falls within the size and type of uses analyzed in the Specific Plan EIR.

Pursuant to the provisions of CEQA and the State CEQA Guidelines, the City is the Lead Agency charged with the responsibility of deciding whether to approve the Project. As part of its decision-
making process, the City is required to review and consider potential environmental effects that could result from construction and operation of the Proposed Project.

1.1.1 Preparation of Addendum

The City’s review of the Proposed Project and other related project components is limited to examining environmental effects associated with differences between the Proposed Project and the 2012 Specific Plan Project as analyzed in the Specific Plan EIR. Pursuant to CEQA and the State CEQA Guidelines, the City has prepared this Addendum to provide decision-makers with a factual basis for evaluating the specific environmental impacts associated with the Proposed Project and to determine whether there are changes in circumstances or new information of substantial importance that would require preparation of a subsequent or supplemental EIR.

According to Section 21166 of CEQA and Section 15162 of the State CEQA Guidelines, a subsequent EIR is not required for the proposed changes unless the City determines on the basis of substantial evidence that one or more of the following conditions are met:

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

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

3. New information of substantial importance, which was not known and could not have been known with exercise of reasonable diligence at the time the previous EIR was certified, shows any of the following:
   - The Project will have one or more significant effects not discussed in the previous EIR;
   - Significant effects previously examined will be substantially more severe than identified in the previous EIR;
   - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the Project, but the Project proponent declines to adopt the mitigation measures or alternatives; or
   - Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the Project proponent declines to adopt the mitigation measures or alternatives.

Under State CEQA Guidelines, Section 15163, if any of the conditions noted above are present but only minor additions or changes would be necessary to make the previous EIR adequate to apply to the Project in the changed situation, a supplemental EIR may be prepared.

This Addendum reviews changes to the 2012 Specific Plan Project via the Proposed Project and to existing conditions that have occurred since the Specific Plan EIR was certified, and compares environmental effects of development of the Proposed Project with those previously disclosed in the
Specific Plan EIR. It also reviews new information of substantial importance that was not known and could not have been known with exercise of reasonable diligence at the time the Specific Plan EIR was certified and evaluates whether there are new or more severe significant environmental effects associated with changes in circumstances under which project development is being undertaken. It further examines whether, as a result of any changes or any new information, a subsequent or supplemental EIR may be required. This examination includes an analysis of provisions of Section 21166 of CEQA and Section 15162 of the State CEQA Guidelines and their applicability to the Project.

Section 15164 of the State CEQA Guidelines states that an Addendum to an EIR shall be prepared “if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” Thus, if none of the above conditions are met, the City may not require preparation of a subsequent or supplemental EIR. Rather, the City can decide that no further environmental documentation is necessary or can require that an Addendum be prepared.

Based upon review of the facts as presented in the analysis contained in this document, the City finds that an Addendum to the Specific Plan EIR is the appropriate document in compliance with CEQA. The rationale and the facts for this finding are provided in the body of this Addendum.

1.1.2 Evaluation of Environmental Impacts

This Addendum compares the environmental effects of the Project, as revised, with those disclosed in the Specific Plan EIR to review whether any conditions set forth in Section 15162 of the State CEQA Guidelines requiring preparation of a subsequent or supplemental EIR are met. Potential environmental effects of the Project are addressed for each of the following areas:

- Aesthetics, Light, and Glare
- Agricultural Resources
- Air Quality
- Biological Resources
- Climate Change
- Cultural and Historic Resources
- Geology, Soils, and Seismicity
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services and Utilities
- Transportation and Traffic
- Water Supply
In 2012, the City determined that the 2012 Specific Plan Project would require the preparation of an EIR. These impacts are discussed briefly in Chapter 1.0, Executive Summary, in the Impact Summary Table of the Specific Plan EIR. The Proposed Project does not necessitate a change in these determinations as the existing site conditions and nature of the Project have not substantially changed from those analyzed in the Specific Plan EIR.

1.2 PREVIOUS PROJECT APPROVALS

In May 2012, the City certified the Specific Plan EIR and approved the 2012 Specific Plan Project, including the following actions:

- Final EIR Certification
- General Plan Amendment
- Zone Change
- Specific Plan Amendment (amended and restated)
- Amended Development Agreement

1.3 POTENTIAL FUTURE PERMIT/APPROVALS IDENTIFIED

The following potential future permits/approvals required for the 2012 Specific Plan Project were also identified in the Specific Plan EIR:

- Tentative Tract Maps
- Design Review (site plans)
- Improvement Plans
- Rough Grading Plans
- Streambed Alteration Agreement
- 404 Permit
- National Pollution Discharge Elimination System (NPDES) NPDES Permit, 401 Certification, Storm Water Pollution Prevention Plan (SWPPP), and other water quality permits
- Conditional Letter of Map Revision (CLOMR)
- Encroachment Permits/Easements
- Community Facilities District (CFD)
- Utility Line Relocation California
- Building Plans/Permits
- Grading and Infrastructure Plans/Permits
- Flood Control Facility Review/Acceptance
• Certificates of Occupancy
• Conditional Use Permit(s)
• Annexation, Sphere of Influence (SOI) Amendment, General Plan Amendment (GPA) (PA 43B)
• Individual Waste Discharge Requirements (WDR) for discharge of recycled water, Water Recycling Requirements, Master Recycling Permit
• Storage Agreement
• Use of State Water Project Facilities

1.4 FINDINGS OF THIS ADDENDUM

The City is the Lead Agency for the Proposed Project. The City has determined that analyses of project environmental effects are best provided through use of an Addendum and that none of the conditions set forth in Public Resource Code Section 21166 or Section 15162 of the State CEQA Guidelines requiring preparation of a subsequent or supplemental EIR have been met.

1. There are no substantial changes to the 2012 Specific Plan Project that would require major revisions of the Specific Plan EIR due to new significant environmental effects or a substantial increase in severity of impacts identified in the Specific Plan EIR;

2. Substantial changes have not occurred in the circumstances under which the Project is being undertaken that will require major revisions to the Specific Plan EIR to disclose new significant environmental effects or that would result in a substantial increase in severity of impacts identified in the Specific Plan EIR; and

3. There is no new information of substantial importance that was not known at the time the Specific Plan EIR was certified, indicating any of the following:
   • The Project will have one or more new significant effects not discussed in the certified Specific Plan EIR;
   • There are impacts determined to be significant in the Specific Plan EIR that would be substantially more severe;
   • There are additional mitigation measures or alternatives to the Project that would substantially reduce one or more significant effects identified in the Specific Plan EIR; and
   • There are additional mitigation measures or alternatives rejected by the Project proponent that are considerably different from those analyzed in the Specific Plan EIR that would substantially reduce a significant impact identified in that EIR.

The complete evaluation of potential environmental effects of the Project, including rationale and facts supporting the City’s findings, is contained in Chapter 3.0 of this Addendum.
1.5 FORMAT OF ADDENDUM

This Addendum has been organized into three chapters, as described in the sections below.

1.5.1 Chapter 1.0: Introduction

Chapter 1.0 includes a description of the introduction and purpose of the Addendum, previous environmental documentation, project approvals, findings of the Addendum, and existing documents to be incorporated by reference.

1.5.2 Chapter 2.0: Project Description

Chapter 2.0 describes the location and setting of the site, the necessary City discretionary actions to implement the Project, and an overview of the Project. Those project components that have the potential to have a physical effect on the environment are addressed in Chapter 3.0 of this Addendum.

1.5.3 Chapter 3.0: Comparative Evaluation of Environmental Impacts

Chapter 3.0 contains the environmental analyses of the Proposed Project’s impacts compared to the impacts analyzed in the Specific Plan EIR. This comparative analysis has been undertaken pursuant to provisions of CEQA to provide the City of Banning decision-makers with a factual basis for determining whether the Proposed Project, changes in circumstances, or new information since the Specific Plan EIR was certified would require additional environmental review or preparation of a subsequent or supplemental EIR. Chapter 3.0 also contains findings for each environmental topic to determine whether conditions set forth in Public Resource Code Section 21166 or Section 15162 of the State CEQA Guidelines requiring preparation of a subsequent or supplemental EIR have been met.

1.6 EXISTING DOCUMENTS TO BE INCORPORATED BY REFERENCE

As permitted in Section 15150 of the State CEQA Guidelines, this Addendum has referenced several technical studies, analyses, and reports. Information from the documents that has been incorporated by reference has been briefly summarized in the appropriate section(s) of this Addendum. Documents incorporated by reference are available for review at the City of Banning, Community Development Department, located at 99 East Ramsey Street, Banning, CA 92220. Contact Brian Guillot, at (951) 922-3125 for additional information.

Documents incorporated by reference include, but are not limited to:

- Butterfield Specific Plan Draft Environmental Impact Report, 2011 (State Clearinghouse [SCH] No. 2007091149)
- City of Banning General Plan and EIR, 2006 (SCH No. 2005011039)
- Deutsch Specific Plan EIR, 1993 (SCH No. 90020698)
1.7 CONTACT PERSONS

The Lead Agency for the Addendum for the Proposed Project is the City of Banning. Questions regarding preparation of this Addendum, its assumptions, or its conclusions should be referred to:

Brian Guillot  
City of Banning, Community Development Department  
99 East Ramsey Street  
Banning, California 92220  
Phone: (951) 922-3125
2.0 PROJECT DESCRIPTION

2.1 PROJECT HISTORY

The Butterfield Specific Plan Environmental Impact Report (Specific Plan EIR) was certified by the City of Banning (City) on March 27, 2012. The City passed, approved, and adopted an amendment to the Deutsch Specific Plan (the former Specific Plan guiding land use on the Project site), the development agreement for the Butterfield Specific Plan (Specific Plan), and conditions of approval for the Specific Plan in April 2012, subsequent to certifying the Specific Plan EIR one month earlier. The development entitlements granted in the Development Agreement between the City and Pardee allowed for the development of a master planned community consisting of up to 5,387 dwelling units, a golf course and open space, parks and additional open space, two schools, an existing substation, a fire station, and backbone roadways, among other components.

Following the City’s approval of the 2012 Specific Plan Project and its associated EIR, the Highland Springs Resort (Resort) and Cherry Valley Acres and Neighbors and Cherry Valley Environmental Planning Group (CVAN) challenged the legality of the Specific Plan EIR in April 2012, which was heard by the Riverside County Superior Court. Ultimately, the City, Pardee, and the Petitioners (Resort and CVAN) reached a settlement agreement in 2014, which among other things, required the following:

- Request the City to remove the proposed extensions of Brookside Avenue and Cherry Valley Boulevard from the General Plan.
- Reserve Planning Areas (PAs) 60 and 61 in an open space condition (as described further in the Settlement Agreement) rather than the development of 412 dwelling units.
- Grant a revocable license for hiking, walking, and non-motorized bicycle use and the transport of equipment to the eastern portion of the site.
- Relocate the Veteran’s tree to a prominent location within the Project site.
- Fund or construct all project-related infrastructure and facilities to allow for the Project’s use of non-potable water supplies when the City makes non-potable water available.
- Eliminate the proposed golf course in PAs 35 and 39 and replace the golf course with a recreational area to include parks, open space, and other uses permitted under the 2012 Specific Plan Project.
- Reduce the number of residential units from 5,387 dwelling units to 4,862 dwelling units.
- Install ultra-low flow toilets and Energy Star efficiency standard developer-installed appliances throughout the Project, as well as installation of solar voltaic systems (or equivalent) for certain multifamily residential developments and electric car-charging stations in certain areas.
- Request a ride-sharing lot from the City and any applicable transportation agencies before 1,000 dwelling units are built.
2.1.1 Previous 2012 Butterfield Specific Plan Project Characteristics

This section summarizes the Specific Plan and highlights features of the 2012 Butterfield Specific Plan Project. Changes to the 2012 Butterfield Specific Plan Project, and the summary below, are provided in Section 2.5, Project Characteristics and Summary of Project Changes, of this Addendum.

On-site Development Components. The 2012 Specific Plan Project proposed residential, recreational (golf course), parks, open space, educational, and commercial uses similar to those proposed by the previously adopted Deutsch Specific Plan. The 2012 Specific Plan Project area totaled 1,543 acres with a potential maximum of 5,387 dwelling units and a gross density of 3.5 dwelling units/acre (du/ac) over the entire Project site (residential densities vary from 3 du/ac to 18 du/ac throughout the residential Planning Areas). Approximately 937.4 acres, or approximately 60.8 percent of the total land area of the 2012 Specific Plan, was planned for residential development. The 2012 Specific Plan Project allowed for a residential overlay allowing alternative residential uses within certain Planning Areas. These alternatives included clustered housing (development of clustered single-family homes in medium-density residential areas), active adult housing, and mixed-use commercial/residential uses within specific Planning Areas.

The 2012 Specific Plan Project proposed 36.0 acres of commercial uses in two Planning Areas, comprising 2.3 percent of the Specific Plan. Commercial uses proposed as part of the 2012 Specific Plan Project included conventional retail shops, services, retail stores, community and religious centers, health, and fitness centers, art studios and theaters, and assisted living facilities. The 2012 Specific Plan Project also allowed for an overlay allowing residential uses within portions of specified commercial Planning Areas. The Draft EIR analyzed the “worst-case” scenario of 88.3 acres (5.7 percent) of the Specific Plan for general commercial and use. If the Project Applicant opted to implement the Commercial Overlay within PAs 3, 4, 5, 26, or 27, it would require an additional discretionary approval in the form of a Conditional Use Permit (CUP) and/or Planned Unit Development (PUD).

Two approximately 11-acre elementary school sites are provided within Planning Areas 20 and 68 of the Specific Plan. The first is located in PA 20, is 11.7 acres in size, and would be within the Beaumont Unified School District; and the second is located in PA 68, is 11.3 acres in size, and would be within the Banning Unified School District. The Specific Plan provided for residential overlays permitting medium-density residential uses on both school sites in the event that one or both of the schools were not developed.

In addition, the 2012 Specific Plan Project also allows for the development of a 1.6-acre fire station site in the southern portion of PA 60, which is otherwise designated for low-density residential development.

The 2012 Specific Plan Project allows for the creation of 24 park PAs, ranging in size from 0.4 acre to 16.4 acres. The Specific Plan also allows for open space areas within several PAs. Within these open space areas, trails would provide linkages between residential uses and surrounding open space areas. In addition, the 2012 Specific Plan Project proposed a 30.4-acre multi-use basin in PA 71, which would be designed to detain flows from Smith Creek (located on the Project site) and to provide water storage for irrigation and other needs. The 2012 Specific Plan Project also proposed a
254-acre public golf course and clubhouse located in PAs 35 and 39. These uses total approximately 428.8 acres.

The 2012 Specific Plan Project includes a planned backbone circulation system that would extend through the Project site to provide efficient internal circulation and appropriate linkages to the City’s existing external circulation system. The 2012 Specific Plan Project also includes the development of the following on-site infrastructure, including storm drainage including groundwater recharge, water, sanitary sewer, recycled water, and dry utilities (electricity, and natural gas, etc.). Proposed off-site infrastructure improvements include circulation, water supply and distribution, recycled water, drainage, and sewer system improvements.

The 2012 Specific Plan Project would be developed in five primary phases over an estimated 30-year implementation period, assuming an average construction of 180 dwelling units per year. Associated infrastructure would be constructed incrementally to match the needs of development as it occurs. Mass grading of the site would take place in approximately four phases, combining development Phases 1 and 2 in the first mass-grading phase. The development sequence is subject to change over time to respond to various factors including the cyclical nature of the housing market and other variations in demand. Individual Phases may overlap or be developed concurrently.

**Infrastructure Improvements.** Implementation of the 2012 Specific Plan Project required the development of on- and off-site infrastructure including drainage facilities, storm drain, water, sanitary sewer, reclaimed water subsurface pipelines, and dry utilities (e.g., electricity, natural gas, and communications).

- **Electricity.** As part of the Specific Plan, approximately 2,700 linear feet of the existing 115 kilovolt (kV) aboveground transmission line currently located on the site would be relocated within the site to accommodate a new transmission line alignment. The relocated transmission line would be reconstructed aboveground.

- **Natural Gas.** The Specific Plan would also replace the existing 30-inch diameter high-pressure natural gas transmission line, which currently traverses the southern portion of the site from east to west, with a residential grade pipe. The natural gas line easement and pipeline would be realigned under portions of the site that are targeted for roadways or open space to ensure the easement remains within public right-of-way or within open space.

- **Drainage System.** The Specific Plan includes a backbone drainage system that would direct first-flush storm or nuisance flows from developing areas toward water quality features (such as detention/water quality basins) that would treat runoff before it enters existing drainages. The Specific Plan would realign Smith Creek within the site to accommodate the proposed basin and features that would be constructed where Smith Creek enters and exits the site and along its length. The proposed drainage system included as part of the Specific Plan also includes the groundwater recharge areas and detention basins. While the majority of the Specific Plan’s drainage components would be constructed on the site, the Specific Plan would construct off-site drainage improvements, involving off-site grading and construction of debris/desilting basins.

- **Water.** To meet the demand for potable water, the Specific Plan includes three to four aboveground steel water storage tanks with a total storage capacity of 3.5 million gallons. In addition, the Specific Plan includes three pump stations, on-site water distribution pipelines, and
an off-site potable water pipeline within adjacent streets to connect the site to the City’s existing water distribution system.

A groundwater recharge system is also proposed to help replenish groundwater supplies in the Beaumont groundwater basin, from which the City draws a portion of its water supply. This system would be, in part, facilitated by extending the City’s State Water Project (SWP) pipeline from the Nobel Creek Spreading Grounds to the proposed north basin through the Brookside Avenue right-of-way. It is important to note that the City may construct this as part of another project; however, impacts associated with the construction of this pipeline were addressed within the Specific Plan EIR.

- **Wastewater.** The Specific Plan would convey wastewater through an on-site sewer pipeline and an off-site sewer main. Due to the Specific Plan’s increased demand for wastewater treatment facilities, the Specific Plan proposed the construction of an optional or alternative on-site satellite wastewater treatment plan. If constructed, this plant would receive water from the site, and off-site locations treating wastewater to applicable tertiary standards and would pump the recycled water through an on-site recycled water distribution system. The wastewater treatment process would be confined within a fully enclosed building. Biosolids and a portion of the unused partially treated water would be pumped into a new off-site sewer line to be built in Wilson Street and Highlight Home Road or Omar Street as part of the Specific Plan. This line would convey discharge to an existing City sewer trunk line at Ramsey and Omar Streets, where it would ultimately be conveyed to the City’s existing wastewater treatment plan for further treatment and disposal.

### 2.1.2 2012 Specific Plan Project Design Features

The following Design Features were incorporated into the Specific Plan to either avoid, reduce, offset, or otherwise minimize identified potential adverse impacts of the Specific Plan or to serve as “betterments” providing a significant benefit to the community and/or to the physical environment. References to tables, figures, impacts, and mitigation described in the following PDFs are found in the Specific Plan Draft EIR.

**Aesthetics/Light and Glare.**

1. The 2012 Specific Plan Project has been redesigned from the currently approved Deutsch Specific Plan to retain the northern steeper slopes in natural open space. In addition, in response to initial public scoping and discussions with adjacent residents, the Applicant further designed the Land Use Plan to create higher minimum average residential lot sizes in those portions of the Project (PAs 50, 51, 52, 60 and 61) along the east and north side of Highland Home Road.

2. Mass graded areas will be revegetated at the completion of the mass grading process, pursuant to the City’s Municipal Code and the Specific Plan. The vegetation will restore the non-native grassland that currently covers the site in those areas that are not immediately developed. Cattle grazing will continue on the site in various areas as the project develops, allowing the site to retain its rural feel well into the development process.

3. Title 17 of the City’s Municipal Code (Zoning Code) includes development and landscape standards that deal generally with contour grading, preservation of natural open space and scenic
vistas, lighting, setbacks, walls, fences and hedges, and under-grounding of utilities, etc. Landscape design guidelines provide general direction but are not site-specific or exhaustive. The Butterfield Specific Plan contains grading standards and landscape guidelines that both incorporate and exceed the City’s Code design standards by providing detailed plans and standards for landscape plant palettes, architectural guidelines (including colors and materials), streetscape enhancements, park treatments, and perimeter and interior fencing, etc. These guidelines will provide for a well-designed, visually compatible development with enhanced streetscapes and landscaped medians, numerous parks, well-designed slope landscape and edge treatments, enhanced perimeter walls, and other features that will significantly enhance the overall appearance of the project.

4. Common area landscape, including enhanced streetscape, parks, and fuel modification zones will be maintained by a Homeowners Association (HOA) or by a Landscape and Lighting Maintenance District (LLMD) that could be formed as part of the project financing, to ensure a uniform level and high standard of maintenance to maintain the long-term appearance of the community.

5. The project includes realignment, reconstruction, and revegetation of Smith Creek to restore its natural appearance, as well as provision of extensive greenbelt and landscaped groundwater recharge areas within the golf course open space area, creating a positive aesthetic improvement.

6. The aboveground water storage reservoirs will be finished with an earth-toned, matte finish intended to allow the reservoirs to blend into the surrounding hillside areas. The reservoir areas will be further screened by the installation of perimeter landscaping.

7. The optional wastewater treatment facilities would be located at the intersection of Highland Home Road and Wilson Street; refer to Exhibit 3.0-3, Land Use Plan. All treatment processes would be contained within an enclosed structure that incorporates residential design features including roofing materials, surrounded by a decorative masonry wall and landscaping to screen the facility. The 1-million gallon storage reservoir would be a maximum of 26 in height, similar to the height of a residential structure and would have a matte, earth-tone exterior finish and landscape screening to allow the reservoir to blend into the surrounding neighborhood. The treatment plant would observe a building setback of 20 feet for all property lines.

8. The project grading plan reflects the requirements of Municipal Code Section 17.08.240(P) by incorporating contour grading in hillside areas designed to blend the project’s manufactured slopes with existing natural terrain as required by Specific Plan Section 3.3.2, Grading Plan Development Standards.

9. The golf course open space will provide a view corridor to preserve vistas of the San Bernardino Mountain ridgelines and foothills to the north and east and vistas of the San Jacinto Mountains to the south. Open space and parks sited throughout the project will provide scenic viewpoints.

10. The design and development guidelines include specific requirements and restrictions regarding site lighting including:
    • Architectural lighting and landscape accents shall be aesthetically pleasing and non-obtrusive.
    • Shielded lights shall be utilized throughout the community to reduce light glare in compliance with the City’s Municipal Code requirements.
    • All lighting shall be designed and located to reduce power consumption to its lowest practical level, direct light rays toward the unit and be compatible with the lighting on adjacent units.
• Streetlights shall conform to the overall project theme and City standards. On local streets, streetlights shall be located only at street intersections, knuckles, and cul-de-sacs and would not be located at mid-block to reduce nighttime light and glare impacts.

• All exterior lighting for identification, pools, water features, and landscaping shall be subdued and indirect to prevent spillover onto adjacent lots and streets as required by City ordinance.

• Exposed bulbs, spotlights, and reflectors are prohibited.

Agricultural Resources.

1. The phased development of the site will allow small-scale temporary grazing use to continue during a portion of the implementation phase of the project.

Air Quality.

1. The project is proposed to be phased, with the initial Phase IA grading limited to the area necessary to achieve mass balancing and proper drainage of the overall property, leaving approximately 40 percent (over 500 acres) of the site in its current condition until such time the remaining phases begin to develop. This phased development will reduce the overall area being disturbed at any one time, and will reduce the overall annual grading emissions.

2. Project design features incorporate applicable recommendations from the Attorney General and the California Air Resources Board (ARB) Scoping Plan, as discussed in Section 4.5, Climate Change, of the Specific Plan EIR. These measures will not only reduce greenhouse gas (GHG) emissions, but will also reduce criteria pollutant emissions of the project.

3. The project’s water supply sources are focused first on local supplies, which will reduce reliance upon imported water, thereby reducing air emissions associated with pumping and delivering the water to the site.

Biological Resources.

1. The project is proposed to be phased, with the initial Phase IA grading limited to the area necessary to achieve mass balancing and proper drainage of the overall property, leaving approximately 40 percent (over 500 acres) of the site in its current native condition until such time the remaining phases begin to develop. This phased development will create an interim condition of reduced biological resource impact.

2. The proposed project has been planned to avoid all significant indirect impacts associated with drainage, toxics, lighting, noise, barriers, invasive species and brush management that could potentially occur on the site. Mitigation measures and best management practices (BMPs) will be implemented in compliance with Multiple Species Habitat Conservation Plan (MSHCP) Wildlands/Urban Interface policies, thus reducing all indirect impacts on the site to a level that is less than significant; refer to Section 3.0, Development Plan, and 4.0, Design Guidelines, and the analysis and mitigation measures contained in Sections 4.9 (Hydrology and Water Quality), 4.8
(Hazards and Hazardous Materials), 4.1 (Aesthetics, Light, and Glare), 4.11 (Noise), and the Biological Resources Section of the EIR.

3. The project includes approximately 428.8 acres of open space, including a 253.9-acre golf course open space through which Smith Creek flows in addition to approximately 66.5 acres of active recreation, 70.1 acres of passive landscaped and natural open space (56.3 acres in the northeast corner of the project), and 38.3 acres of drainage channel and basin areas as described in the 2012 Specific Plan Project Description. The golf course open space will incorporate native plant materials into its plant palette, particularly in those areas occupied by the Smith Creek alignment, for mitigation of biological impacts occasioned by the realignment of Smith Creek. The plant palette and revegetation associated with Smith Creek is designed to replicate natural conditions and to preserve and enhance biological values. Basin areas will be vegetated and the landscaping of active recreational areas will increase the availability of plant cover and trees on the site, providing habitat for birds and forage for birds of prey.

4. The project incorporates drainage and water quality features that would maintain water quality within the Smith Creek and Pershing Channel drainages and preserve/enhance downstream water quality within the Smith Creek drainage, indirectly protecting the biological resources and functions of the drainage.

5. Project implementation would result in enhanced vegetative cover on the site, including trees and shrubs that could enhance the availability of nesting sites for migratory birds in the project area as compared to the current nearly treeless condition of the Project Site.

6. Following the initial Phase I mass grading of the Project Site, the site will be reseeded and cattle-grazing activities will be allowed to continue in areas prior to future development, which will preserve in an interim condition of the grassland areas that provide foraging habitat for birds of prey and vegetative cover for native species currently using the site.

Climate Change.

1. The project is proposed to be phased, with the initial Phase IA grading limited to the area necessary to achieve mass balancing and proper drainage of the overall property, leaving approximately 40 percent (over 500 acres) of the site in its current native condition until such time the remaining phases begin to develop. This phased development will reduce the overall area being disturbed at any one time, and will reduce the overall annual grading emissions.

2. Project design features incorporate applicable recommendations from the Attorney General and the ARB Scoping Plan, as discussed in Impact 4.5-4 below.

3. The project’s water supply sources are focused first on local supplies, which will reduce reliance upon imported water, thereby reducing GHG emissions associated with energy required for pumping and delivering the water to the site.

4. Tables 4.5-3 and 4.5-41 (of the Specific Plan EIR) identify Design Features that will reduce greenhouse gas emissions, as well as criteria pollutant emissions.

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1 Refer to Section 4.5 of the Specific Plan EIR for Tables 4.5-3 and 4.5-4.
Cultural and Historic Resources.

1. The project has been redesigned from the previously approved Deutsch Specific Plan, which proposed grading the entire Specific Plan property. As such, the preservation of the northeastern portion of the site in permanent open space will reduce the potential for disturbance of previously unidentified paleontological and archaeological resources.

Geology, Soils, and Seismicity.

1. The project has been redesigned from the previously approved Deutsch Specific Plan, which proposed grading the entire Specific Plan property. The redesigned Specific Plan and associated tract maps avoid grading the more steep northern portions of the site, and also have incorporated a setback area to ensure that structures are not placed on the identified fault traces within the Alquist-Priolo Zone identified on the site.
2. In the ultimate condition, the developed site would result in substantially reduced wind and runoff-induced erosion.
3. The project incorporates appropriate setbacks from the Alquist-Priolo zone established for Strand A and assumed for Strand B of the Banning fault.
4. The project would adhere to all of the seismic requirements incorporated into the 2010 California Residential Code and the 2010 California Building Code (or most current building code) and the requirements and standards contained in the applicable chapters of the City of Banning Municipal Code.
5. The project would include the implementation and maintenance of BMPs to reduce or avoid soil loss due to wind and water erosion.
6. Prior to development of any upstream areas of the site, the potential for conveyance of debris originating in the off-site watershed would be accounted for in the design of on-site drainage facilities.
7. The Specific Plan requires that each phase of the development include an erosion control plan, consistent with the requirements of Municipal Code Chapter 18.

Hazards and Hazardous Materials.

1. The project proposes the lower residential density of the project with larger lots in the northern portion of the site to allow incorporation of fuel modification zones into lots abutting wildland areas and to allow for better compatibility with the existing land form. Maintenance of fuel modification/management zones will be the responsibility of individual homeowners on private property; however, a maintenance easement will be recorded over fuel modification zones located within these private lots that will permit either the Master HOA, the LLMD, or other appropriate maintenance agency/entity approved by the City of Banning, to enter into the property to ensure adequate and uniform maintenance. Portions of fuel modification zones on private lots located outside of the lot fence line will be maintained directly by the HOA or the LLMD while those portions of fuel modification zones on private lots located inside the fence line will be maintained by the homeowner but will be inspected by the LLMD or the HOA, which will each have the
ability to enter into the private lot if necessary to ensure appropriate maintenance of the fuel modification zone if the homeowner fails to provide that maintenance.

2. School sites have been relocated in consultation with the local school districts, in part to ensure adequate separation from existing Southern California Edison (SCE) power lines and the Southern California Gas (SoCalGas) 30-inch high pressure gas line. To the extent that this location may change as the project develops, other potential school sites would observe the same required setbacks from the SCE transmission lines and the SoCalGas high-pressure gas line.

3. Portions of the SoCalGas pipeline will be relocated to ensure that the entirety of the pipeline is located within paved streets or within the golf course. No homes will have frontage on the streets where the pipeline will be located, and proposed homes will be further buffered by pathway setbacks, block walls, rear yard setbacks and the golf course to reduce risk in the event of a leak or other upset. Existing pipeline will be replaced with residential grade pipeline by SoCalGas per California Public Utility Commission (CPUC) requirements.

4. The Alternative On-Site Satellite Wastewater Treatment Plant will store all potentially hazardous materials (primarily chlorine) in a separate building with appropriate safeguards as required by law and will provide appropriate signage and inventory control as required by the Fire Department so as to reduce any potential risk of upset.

5. The project will include the construction of a 1.6-million gallon water storage reservoir, a 1.4-million gallon water storage reservoir, a 0.5-million gallon water storage reservoir, a 1-million gallon recycled water storage reservoir and a multi-use basin, which can store water for groundwater recharge. The reservoir sizes are approximate. Three of the water storage reservoirs would be located in the north/northeastern portion of the site, and the multi-use basin would be located in the northwestern portion of the site where Smith Creek enters the property. These reservoirs will provide sources of water available for both structure and wildfire response, as well as potable and irrigation use.

Hydrology and Water Quality.

1. The project shall conform to all of the requirements imposed by the Riverside County Flood Control and Water Conservation District Hydrology Manual, the requirements of the City of Banning’s adopted Storm Water Ordinance (Title 13 of the Municipal Code), the requirements of the Whitewater River Watershed Stormwater Management Plan, and the National Pollutant Discharge Elimination System (NPDES) General Construction Permit.

2. The project has incorporated a comprehensive drainage, water quality, groundwater recharge and biological resource mitigation program into the site, consisting of the surface drainage system, water quality basins, North Basin, realigned Smith Creek, recharge basins, and Smith Creek culvert improvements. This will reduce stormwater runoff volume and velocity, improve stormwater runoff water quality during storm events and low-flow irrigation volumes, improve groundwater recharge, and create biological resource habitat. Key system features are summarized in Section 3, the Draft Butterfield Specific Plan, draft Tentative Tract Maps (TTMs) on file at the City, and are briefly summarized below.\(^1\)

\(^1\) Summary is included in Chapter 3.0, Project Description, of the Specific Plan EIR.
Land Use and Planning.

1. To be more compatible with the existing residential development, the project has designated Planning Area 50 as Low Density Residential, with an average lot size of 7,500 square feet. Furthermore, starting at the back of the closest existing off-site residential lots located south of PA 50, there will be approximately 390 feet (ft) of open space (SCE easement) between the back of these lots and the southern boundary of PA 50.

2. The approved Deutsch Specific Plan included 351 acres of residential land use in Planning Area 1 and 31 acres of park in Planning Area 2. The 2012 Butterfield Specific Plan Project provides 209.2 acres of residential (PAs 50, 51, 52, 60, and 61), 71.8 acres of open space (PAs 67, 69, 73, 74, and 75), 11.3 acres of school site use (PA 68), and 4.2 acres for existing utility (PA 70). This comparison generally covers the same area.

Noise.

1. The project is proposed to be developed in Phases, which include four mass grading phases and five development phases. The initial Phase IA grading would be limited to the area necessary to achieve a balanced site and proper drainage, leaving approximately 40 percent of the site in its natural condition until the later phases of project development, thereby reducing the noise impacts associated with mass grading during the interim implementation phase.

2. The project has been redesigned from the currently approved Deutsch Specific Plan, to retain the northern steeper slopes in natural open space. In addition, in response to initial public scoping and discussions with adjacent residents, the Applicant designed the Land Use Plan to create low-density residential with higher minimum average lot sizes with substantial separation between proposed Project development areas east of Highland Home Road and existing residential areas east of Highland Home Road to the south, reducing potential noise impacts from construction in this area.

3. The project will be constructed in compliance with all applicable provisions of Chapter 8.44 (Noise) of the City’s Municipal Code including, to the extent feasible, observing time limitations on construction noise that exceeds Base Ambient Noise Levels pursuant to statute.

4. All residential structures built on the site shall incorporate design measures to ensure that interior noise levels for residential development do not exceed 45 A-weighted decibels (dBA), in accordance with Title 25 (California Noise Insulation Standards) and the City’s Municipal Code.

5. All development on the site shall comply with State Code requirements for unit-to- unit airborne sound isolation, both laterally and vertically, and for vertical impact sound isolation in multifamily residential construction.

6. During the preparation of construction drawings for project-specific development, the exact acoustical specifications for window glass in buildings with unshielded first and second floor windows shall be determined, pursuant to the requirements of the City’s General Plan and the City’s Municipal Code.

1 Refer to the Butterfield Specific Plan, Exhibit 1.3, Specific Plan Comparison.
Public Services and Utilities.

1. In addition to paying over $7 million in potential City fire facility impact fees, the project proposes to reserve and/or dedicate a site for the construction of a new fire station within the site, currently illustrated in the southeast corner of PA 60, though subject to a location change based on the City’s preference. Reservation of the fire station site would aid towards substantially improving fire services within and beyond the project area and placing additional resources in closer proximity to wildland areas, helping to reduce the risk associated with wildfire for the entire community.

2. The project will include the construction of three aboveground potable water storage tanks with a total storage capacity of approximately 3.5 million gallons, the installation of pump stations, and the installation of water mains, laterals, and hydrants sufficient to provide minimum fire flow at required pressure to all portions of the project, as well as operational and emergency flows.

3. The project will include the construction of an approximate 14-acre multi-use basin within the 30.4-acre PA 71 to detain upstream flows and provide water storage for irrigation and other needs, including emergency water supplies in the event of fire.

4. All homes within the project constructed as of 2011 will include in-house fire protection sprinkler systems per new State regulations, which the City will enforce through its building and occupancy permit process.

5. Prior to approval of any final tract map, the Applicant shall submit a Fire Response Plan consistent with City Municipal Code and Fire Department regulations to insure full compliance with building codes, fuel modification requirements, provision of irrigation, adequacy of water supply and pressure, and adequacy of access and lighting, etc.

6. The project will be developed in phases over a period of approximately 30 years, which would allow the City Fire and Police Departments time to respond to any need for additional facilities, equipment and/or officers that might be required to serve the project area, as funding becomes available. The project will be paying over $4 million in dedicated Police Facility Fees, in addition to all other fees assessed and project contributions toward General Fund revenue through property tax and sales tax.

7. The majority of the residential development within the project consists of traditional single-family homes having frontage on public streets. This type of development provides “eyes on the street,” which is the essence of defensible space design, as required by the City’s General Plan.

8. Based on meetings with City police officials, the Applicant modified Specific Plan design guidelines and sited school facilities to provide dual vehicle access into and out of all development areas, landscaping along project perimeter walls to deter graffiti, and has located schools and parks so that they would have adequate street frontage to facilitate police surveillance.

9. In addition to paying prevailing school impact fees at the time of building permit issuance, the Specific Plan addresses the need for additional school facilities created by its development by setting aside two 11+ acre school sites (i.e., in PA 68 for Banning Unified School District and PA 20 for Beaumont Unified School District) to increase available school facilities.
10. The project will be developed in phases over a period of up to 30 years, which would allow the San Gorgonio Hospital ample time to respond to any need for additional facilities that could be triggered by project development, as funding becomes available.

11. The project includes park, open space and recreational uses that total approximately 428.8 acres or approximately 27.8 percent of the project footprint. Developed park acreage may be credited toward part, or all, of the project’s required parkland fees, which are estimated to be in excess of $10 million.

12. The project would offer two elementary school sites for dedication to the Banning and Beaumont Unified School Districts. These sites, totaling 23 acres, would be located in PA 20 and PA 68. If constructed, both sites could potentially provide joint use of playground/field facilities for neighborhood recreational uses pursuant with the school districts.

13. The project will include 19 neighborhood mini-parks in PAs 22–34, 62, 64, 65–67, and 72 that would include combinations of play equipment, play areas, sport courts, shade structures, picnic areas, passive turf play areas, sand boxes, benches, and basic related amenities.

14. The project will include neighborhood recreation parks in PAs 21 and 63, ranging in size from 3 to 4 acres, to serve the active and passive recreational needs of residents. The parks would be centrally located and would be accessible through a pedestrian system of walkways and paths.

15. The project plans to provide 41 acres of larger community parks with sports facilities within portions of the project’s 430 ft wide SCE easement, specifically in PAs 36, 37, and 38. These parks are intended to be used for fields and sports courts, playgrounds, trails, and off-street parking and can be accessed via pedestrian walkways or public streets.

16. The project would include open space and potentially an 18-hole golf course and clubhouse in the 253.9-acre area that includes PAs 35 and 39, located through the central portion of the project area. Though privately owned, the golf course would be open to the public 7 days per week with the potential for nighttime driving range hours.

17. The project would include the construction and/or extension of trails within and adjacent to open space PAs 19, 50–52, 60–61, 68, 69, 73, 74, and 75, and within the natural open space area located on the northeastern portion of the site. These trails will provide connections between the residential communities and the natural open space areas within and adjacent to the project.

18. The project would also include a 30.4-acre multiuse basin in PA 71, where Smith Creek enters the site. This basin could also serve as a recreational amenity for viewing, hiking, fishing, and/or picnicking.

19. The project’s parks, trails and open space areas would be maintained by an LLMD or other similar entity for use by the project residents and would not impact the City’s General Fund. The project golf course will be specifically open to the general public for a use fee and owned, operated, and maintained by a private operator.

20. Homes within the project have the option to participate in Pardee Home’s “Living Smart” program, which meets or exceeds local, State, and national standards for green home building, including the incorporation of features and options that reduce energy demand and promote use of alternative energy sources and non-motorized transportation (refer to Section 4.5, Climate Change, of the Specific Plan EIR).
21. The “Sunset (Deutsch) Substation,” called for in the City’s 10-Year Electricity Master Plan and as allowed for in PA 70 of the Specific Plan, has already been completed by the City (2009) on the 4.2 acres located within this PA. The substation facilitates interconnection with SCE’s transmission lines and provides for the distribution of electricity to the project and other sites in the City’s northwest area.

22. As part of the City’s standard plan check review and tract map development process, the Applicant will make appropriate provision for telecommunication services.

23. The project has been designed to provide an optional satellite wastewater treatment facility, on-site (southern portion of PA 70), should connection and extensions to the City’s existing wastewater treatment plant be less desirable. This provides the opportunity to divert wastewater from the City’s existing plant, and maximize use of recycled water.

24. The project has been designed to maximize use of recycled water, through provision of a comprehensive on-site recycled water system pursuant to City requirements. In addition, as noted above, the project includes options to either utilize an on-site water treatment plant to deliver recycled water to the site (and thereby diverting wastewater from the City’s treatment plant), or deliver recycled water from the City’s plant should recycled water be available from the existing plant in the future.

25. The optional on-site treatment plant also creates the opportunity to divert additional wastewater flows generated by other (off-site) existing or future uses, to further reduce flows of wastewater to the City’s treatment plant, allowing its new capacity to support additional development, and further maximize use of recycled water in compliance with the City’s General Plan Goals and Policies. These recycled water options are addressed in further detail in Section 4.14, Water Supply, of the Specific Plan EIR.

26. Project homes will be constructed with “standard” and “optional” features pursuant to Pardee Home’s “Living Smart” Program, which includes encouraging, among other things, material conservation and the use of recycled or sustainable resources in new homes.

27. All construction on the site would comply with the solid waste diversion mandate contained in the 2010 California Green Code, which includes provisions requiring the diversion of a minimum of 50 percent of all construction waste.

**Traffic and Transportation.**

1. The project proposes non-vehicular circulation facilities that will include bicycle lanes, trails, pathways, and sidewalks that promote alternative non-vehicular modes of transportation.

2. The project proposes mixed-use commercial, recreational, and school facilities within the Specific Plan, which will reduce vehicle trips to the adjacent City and regional street system.

3. The project incorporates substantial circulation system improvements into the Specific Plan, including the Highland Home Road extension, retention of a local frontage street to serve existing residences along existing Highland Home Road adjacent to the project, and allowance for ultimate right-of-way required for adjacent City streets.

4. The project has provided for secondary and emergency access, at the request of City staff, within PAs 2, 3, 4, 5, 6, 7, 8, 9, and 11.
5. The Butterfield Specific Plan will allow and provide for the use of electric Low Speed Vehicles (LSVs) or Neighborhood Electric Vehicles (NEVs) on all internal Project streets. The Butterfield Specific Plan proposes roadway cross sections that provide striped dual NEV and bike lanes on the right side of all proposed Collector Streets.

6. City of Banning Pass Transit and Riverside County Transit Agencies shall be consulted, in conjunction with Project development, to coordinate the potential for expanded transit/bus service and vanpools, and to discuss and implement potential transit turnout locations within the project area.

Water Supply.

Groundwater Recharge Facilities.

1. The project proposes an on-site groundwater recharge system that could assist the City in replenishing the Beaumont Basin located beneath the site. The proposed system would have the capacity to recharge the basin with a portion of the City’s SWP allocation from the Pass Agency. If approved and permitted, potential surplus recycled water generated by the Project, if available, could be used for recharge purposes. The recharge system would be facilitated in part by extending a pipeline from the existing SWP pipeline at the Pass Agency Little San Gorgonio Creek Spreading Grounds to the proposed north basin in PA 71 via Brookside Avenue (refer to Section 3.6.3, Off-Site Project-Related Infrastructure).\(^1\)

Water Distribution Facilities.

1. The project proposes three to four aboveground steel water storage tanks for potable water. The project proposes three potential pump station locations and in-tract water pipelines, which would connect to the City’s existing system at Highland Home Road and Wilson Street as well as “C” Street and Wilson Street. In addition, the project would also provide opportunities for three potential interconnects (with additional pump stations) with the Beaumont-Cherry Valley Water District along Highland Springs Avenue.

Recycled Water.

1. Recycled water, as it is available, will be used to irrigate the golf course and the common landscaped areas of the project in order to reduce the demand for domestic (potable) water. The City has completed plans and prepared environmental analysis for a 1.5 mgd upgrade, referred to as the Phase I project, of the City’s main treatment plant that will produce and supply recycled water. Funding for the Phase I project has been identified and the upgrade should be completed by year 2015 (see Appendix J, Water Supply Assessment, Section 6.4, for further detail).\(^2\) In addition to on-site infrastructure, the recycled water system for the project would require connecting and pumping recycled water from the City’s wastewater

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\(^1\) Refer to this section of Chapter 3.0, Project Description, of the Specific Plan EIR.

\(^2\) Refer to Appendix J of the Specific Plan EIR.
treatment plant through planned City pipelines to the site. The project also includes the option of constructing an on-site “satellite” wastewater treatment plant to be owned and operated by the City of Banning.

2.2 PROJECT SITE LOCATION AND SETTING

The City of Banning is located in the County of Riverside, within the San Gorgonio Pass. The Project site consists of 20 existing legal lots, covering 1,522 acres, owned by Pardee Homes and an additional 21-acre lot owned by the Highland Springs County Club Owner’s Association. The Project site is generally located north of the Interstate 10 (I-10) Freeway within the northwestern portion of the City of Banning adjacent to the City of Beaumont and unincorporated areas of the County of Riverside. The Project site is surrounded by unincorporated Riverside County and portions of the San Bernardino Mountains to the north and northeast, Highland Home Road, and the Banning Bench to the east, the City of Beaumont and existing residential to the east and south, Wilson Street to the south, and Highland Springs Avenue and the City of Beaumont to the west. Specifically, the Project site is located north of Wilson Street, east of Highland Springs Road, west of Highland Home Road, north and northwest of the present terminus of Highland Home Road, and south of an unincorporated portion of Riverside County, generally north of the extended alignment of Brookside Avenue into the San Bernardino Mountain foothills (refer to Figure 2.1, Project Location, and Figure 2.2, Surrounding Land Uses). Regional access to the Project site is via I-10, located south of the Project site.

2.3 DISCRETIONARY ACTIONS

Discretionary approvals required for the Proposed Project and currently being reviewed for approval by the Lead Agency include the following:

1. Approval of this Addendum to the Specific Plan EIR to address potential environmental effects as a result of changes made since the original City Council approval and EIR certification in March 2012;
2. Approval of the GPA to modify the Circulation Element of the City’s General Plan to reflect the removal of the proposed extensions of Brookside Avenue and Cherry Valley Boulevard; and
3. Approval of the Minor Modification to the Butterfield Specific Plan to implement the settlement agreement.

2.4 POTENTIAL FUTURE PERMIT/APPROVALS IDENTIFIED

Similar to the 2012 Specific Plan Project, the following potential future permits/approvals required for the Proposed Project:

- Tentative Tract Maps
- Design Review (site plans)
- Improvement Plans
- Rough Grading Plans
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FIGURE 2.1

Project Location

Revised Butterfield Specific Plan

SOURCE: Bing Maps (2014)

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LEGEND

Butterfield Specific Plan Area
FIGURE 2.2
Pardee Homes - Butterfield Specific Plan
Existing Land Use

LEGEND
- Butterfly Specific Plan
- Existing Land Use
- Single Family Residential
- Multi-Family Residential
- Mobile Homes and Trailer Parks
- General Office
- Commercial and Services Facilities
- Education
- Industrial
- Transportation, Communications, and Utilities
- Open Space and Recreation
- Agriculture
- Vacant
- Under Construction

SOURCE: Bing (2014); SCAG (2012)
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• Streambed Alteration Agreement
• 404 Permit
• NPDES Permit, 401 Certification, SWPPP, and other water quality permits
• CLOMR
• Encroachment Permits/Easements
• CFD
• Utility Line Relocation California
• Building Plans/Permits
• Grading and Infrastructure Plans/Permits
• Flood Control Facility Review/Acceptance
• Certificates of Occupancy
• CUPs
• Annexation, SOI Amendment, GPA
• Individual WDR for discharge of recycled water, Water Recycling Requirements, Master Recycling Permit
• Storage Agreement
• Use of State Water Project Facilities

2.5 PROPOSED PROJECT OVERVIEW

2.5.1 Project Objectives

The Proposed Project would result in the construction and implementation of a Specific Plan that would be consistent with the following goals and objectives established for the 2012 Specific Plan Project, which have been slightly updated to reflect adoption of the Butterfield Specific Plan, as modified, and subsequent Settlement Agreement:

• Master Planned Community: Design and implement the development of a creatively designed master planned community that expresses and embodies the City’s vision of its future as articulated in the fundamental land use principals, policies, and objectives of the City’s General Plan.

• Proposed Specific Plan per the Settlement Agreement: Revise the previously approved 2012 Specific Plan Project to reflect the Settlement Agreement, thereby implementing a master planned community based on current and projected market conditions while maintaining the Plan’s underlying concept of comprehensive and cohesive development planning that allows for the appropriate physical and economic development of the property.

• Provide a Quality, Livable Community: Provide a quality, livable community through the implementation of a Specific Plan that will ensure a consistent quality of design, allow for the provision and maintenance of community amenities, and create a collection of cohesive, well-
defined neighborhoods that provide residents with a clear sense of place and identity within the diverse fabric of the larger community.

- **Provide a Wide Range of Housing Opportunities:** Provide a range of high quality housing opportunities by developing a diverse range of housing types available at a variety of price points, responsive to market demand, varying lifestyles, and the developing economic profile of the community.

- **Promote Sustainability:** Promote the concept of sustainable community development by implementing green building practices in the selection of construction materials, the recycling of construction waste, and the use of energy and water efficient-building practices.

- **Incorporate Water and Energy Efficiency:** Incorporate energy and water-efficient design and technology into the homes, commercial buildings, and landscape of the Butterfield development;

- **Conserve Water Resources:** Conserve water resources and reduce demand for potable water within the Specific Plan area by maximizing the use of recycled water wherever appropriate, including the potential development of on-site recycled water treatment capacity, if needed.

- **Increase Employment Opportunities:** Increase local job opportunities through the approximate 30-year build out.

- **Ease of Navigation:** Create a community that is easy to navigate through careful use of landscape, signage, and entry design based on the Specific Plan’s design objectives.

- **Recreational Amenities:** Provide recreational amenities, which will serve the needs of neighborhood residents and others in the City of Banning as well as nearby communities.

- **Safe and Efficient Circulation:** Provide a safe and efficient roadway network, linking all internal elements of the planned community with the surrounding area.

- **Encourage Alternative Transportation:** Encourage alternative transportation choices through the creation of a walkable community with well-defined pedestrian linkages between neighborhoods, amenities, schools, and commercial uses, the provision of bike paths, the creation of LSV/NEV linkages, and the development of multi-purpose trails.

- **Promote Community Security:** Promote community security and safety through appropriate outdoor lighting, the incorporation of “defensible space” concepts in the design of multifamily developments, and by encouraging community involvement through the area’s master HOA.

- **Address Drainage and Water Quality Issues:** Provide adequate drainage, flood control and water quality improvements, which satisfy applicable local, State and federal criteria while respecting and enhancing/preserving natural drainage functions and features.

- **Ensure Provision of Public Services:** Ensure provision of adequate public services, utilities, and infrastructure in a timely manner as development occurs.

- **School Facilities:** Ensure provision of adequate education facilities within the planned community, pursuant to applicable School District and State requirements.
2.6 PROJECT CHARACTERISTICS AND SUMMARY OF PROJECT
CHANGES

The implementation of the above Settlement Agreement conditions listed in Section 2.1, Project
History, requires changes to the roadway system to ensure that Highland Home Road would never
connect to either Brookside Avenue or Cherry Valley Boulevard in the future. By redirecting the
circulation elements, nearly all of the planning areas were affected both in size and shape, as they
were re-planned around the new roadway systems. However, the changes are consistent with the
overall vision and uses that were outlined and described in the 2012 Specific Plan Project and
Settlement Agreement and the changes are a result of, and are intended to, implement the Settlement
Agreement. Under the Settlement Agreement, the private golf course was removed from PAs 35 and
39. Currently, access to the new public open space has been planned through each of the residential
planning areas. This has resulted in recreation and active park spaces being relocated to better
accommodate both active and passive park uses. Low-density, medium-density, and high-density
residential uses are consistent with the original plan. Commercial acreage and school sites remain
consistent with the original plan. Based on recent conversations with Beaumont Unified School
District, what was originally planned as a 12-acre site will now be a 14-acre school site. This
Proposed Land Plan (Figure 2.3) adapts well to and implements the mandated changes and will serve
as the foundation for future approvals.

As outlined in the Butterfield Specific Plan, Section 6.1.2, Minor Adjustments and Modifications, a
Minor Modification is required when modifications to the Specific Plan would qualify for processing
under a Substantial Conformance application instead of a Specific Plan Amendment. The following
modifications qualify for a Minor Modification pursuant to the Specific Plan, and have been
identified below for purposes of the Proposed Project’s Minor Modification request:

- Changes in the location of infrastructure and public facilities (such as internal roads, or drainage
  facilities, etc.), subject to the review and approval of the Public Works Director.
- Minor change in roadway alignment and grade, subject to the review and approval of the Public
  Works Director.
- Alternative uses for PAs 35 and 39 may include open space with active and passive recreational
  uses, such as walking or biking trails, parks, and native type vegetation landscaping in lieu of a
golf course.
- The Neighborhood Mini Parks and Neighborhood Recreation Park (PAs 21–34 and 62–72) may
  be relocated in their respective areas, including into PA 35, if the golf course is not developed
  there.
- If determined preferable to locate additional stormwater detention facilities at the south end of the
  Specific Plan Area along Smith Creek, these facilities may be located in PA 9. The boundaries of
  PAs 7, 8, 12, and 13 may be expanded into PA 35, if a golf course is not developed in this area, to
  offset any proposed residential area displaced in PA 9.
- Additional minor modifications similar to those listed above and determined minor by the
  Community Development Director, which are in keeping with the intent of the Butterfield
  Specific Plan.
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The GPA and Minor Modification implement and identify the changes contemplated and required by the Settlement Agreement. In addition to evaluating the changes required under the Settlement Agreement noted above, the Addendum evaluates the following additional changes:

- Adjustment of the remaining planning areas and backbone street system in the Specific Plan to accommodate the Settlement Agreement changes.
- Adjustment of the land use mix as reflected in the attached Comparative Land Use Summary, per the Settlement Agreement changes:
  - Reduction in the overall residential area
  - Increase in the overall open space area
- Realignment of the previously proposed “B” Street through the Specific Plan area as an easterly extension of Oak Valley Parkway to Highland Home Road. This realignment was determined to be necessary to accommodate the upgrading of the SoCalGas transmission line through the Specific Plan area and maintain it in a roadway area for maintenance and safety purposes. This line will be upgraded to current standards, but not increased in size. The original alignment for the gas line was through the golf course open space with limited public access, but given the elimination of the course to public open space, the need to keep the 30-inch gas main line in a roadway is a more desirable and safe alternative.
- Adjustment of planning areas and backbone street system in the southern half of Specific Plan to accommodate realignment of Oak Valley Parkway/”B” Street for the gas line.

2.6.1 Proposed Project Design Features

In addition to the Project Design Features (PDFs) included as part of the 2012 Specific Plan Project that have been updated to reflect new acreages and Project refinements, the Proposed Project would include the following four new PDFs related to transportation and traffic.

1. Constructing Highland Springs Avenue as a 4-lane roadway (easterly half section only) according to City’s General Plan designation between 8th Street-Wilson Street and Brookside Avenue. This would also include constructing single left-turn lanes at signalized intersections on Highland Springs Avenue within the above mentioned limits.

2. Highland Springs Avenue/Brookside Avenue - Addition of a dedicated right-turn lane with overlap phasing.

3. Highland Springs Avenue/16th Street-Cougar Way – Addition of a second southbound left turn lane, a northbound right-turn lane with overlap phasing, two westbound left-turn lanes, and one westbound right-turn with overlap phasing.

4. Highland Home Road/F Street – Installation of a traffic signal and addition of a northbound left-turn lane.

All other DPS described in Section 2.1.1, Previous 2012 Butterfield Specific Plan Project Characteristics, remain the same (as applicable) except as expressly provided herein and will be carried forward as part of the Proposed Project.
A summary of the changes between the 2012 Specific Plan Project and the Proposed Project is provided in Table 2.A. Comparative Land Use Summary: 2012 Butterfield Specific Plan and 2016 Proposed Project, below.

### Table 2.A: Comparative Land Use Summary: 2012 Butterfield Specific Plan and 2016 Proposed Project

<table>
<thead>
<tr>
<th>Land Use</th>
<th>2012 Butterfield SP</th>
<th>2016 Modified SP</th>
<th>2012 Modified SP</th>
<th>2016 Modified SP</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Gross Acres (%)</td>
<td>Gross Acres</td>
<td>Dwelling Units</td>
<td>Dwelling Units</td>
</tr>
<tr>
<td>Residential:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low Density: 0-5du/ac (LDR)</td>
<td>539.2 (35.0 %)</td>
<td>487.9 (31.9 %)</td>
<td>2,222</td>
<td>2,201</td>
</tr>
<tr>
<td>Medium Density: 0-10 du/ac (MDR)</td>
<td>324.4 (21.0 %)</td>
<td>335.8 (22.0 %)</td>
<td>1,960</td>
<td>2,095</td>
</tr>
<tr>
<td>High Density: 11-18 du/ac (HDR)</td>
<td>73.8 (4.8 %)</td>
<td>38.4 (2.5 %)</td>
<td>1,205</td>
<td>566</td>
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<tr>
<td>Residential Total</td>
<td>937.4 (60.8 %)</td>
<td>862.1</td>
<td>5,387</td>
<td>4,862</td>
</tr>
<tr>
<td>Open Space:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf Course/Drainage</td>
<td>253.9 (16.5 %)</td>
<td>0</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Parks</td>
<td>66.5 (4.3 %)</td>
<td>78.4 (5.1 %)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Central, Natural/Landscape/Easement</td>
<td>108.4 (7.0 %)</td>
<td>418.1 (27.4 %)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Open Space Total</td>
<td>428.8 (27.8 %)</td>
<td>496.5 (32.5 %)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Other:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial/Office¹</td>
<td>36.0 (2.3 %)</td>
<td>36.7 (2.4 %)</td>
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</tr>
<tr>
<td>Schools²</td>
<td>23.0 (1.5 %)</td>
<td>27.1 (1.8 %)</td>
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<td>-</td>
</tr>
<tr>
<td>Utility Substation</td>
<td>4.2 (0.3 %)</td>
<td>4.2 (0.3 %)</td>
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<td>-</td>
</tr>
<tr>
<td>Fire Station²</td>
<td>1.6 (0.1 %)</td>
<td>1.6 (0.1 %)</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Backbone Roads</td>
<td>113.6 (7.4 %)</td>
<td>101.0 (6.7 %)</td>
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<td>-</td>
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<tr>
<td>Other Subtotals</td>
<td>176.8 (11.4 %)</td>
<td>169.0 (11.1 %)</td>
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<tr>
<td>SPECIFIC PLAN TOTALS</td>
<td>1,543.0 (100 %)</td>
<td>1,527.6 (100 %)</td>
<td>5,387</td>
<td>4,862</td>
</tr>
</tbody>
</table>

Notes:

¹ Within the Butterfield Specific Plan, alternate Residential use or mixed use of the Commercial sites is provided for PA 17 at up to 4.5 du/ac (LDR) and PA 18 at up to 10 du/ac (MDR), as long as the overall dwelling units total for the Specific Plan does not exceed 4,862 du.

² Alternate Residential use of school sites at up to 10 du/ac is provided for within the Butterfield Specific Plan as long as the overall dwelling units total for the Specific Plan does not exceed 4,862 du.

³ A fire station site is designated as a permitted use in any of the Residential, Open Space, Commercial or School Planning Areas, Except PAs 36, 37, 38, 39, 69, 73, 74, and 75 in the Butterfield Specific Plan. The 1.6-acre fire station site area has been included in the totals for the open space acreage.

⁴ The Proposed Project total area is smaller because previous PA 43B was eliminated, which was outside City limits and outside Pardee ownership.

City = City of Banning
du/ac = dwelling units per acre
PA = Planning Areas
SP = Specific Plan
3.0 COMPARATIVE EVALUATION OF ENVIRONMENTAL IMPACTS

The following pages contain an analysis of the potential impacts of the Proposed Project. The potential impacts of the Proposed Project are compared to potential impacts identified for the 2012 Specific Plan Project in the Specific Plan EIR that was certified by the City of Banning (City) on March 27, 2012. As explained in Chapter 1.0, this comparative analysis has been undertaken pursuant to the California Environmental Quality Act (CEQA) and to provide the City decision-makers with a factual basis for determining whether changes to the 2012 Specific Plan Project, changes in circumstances, or new information since the certification of the Specific Plan EIR require additional environmental review or preparation of a subsequent or supplemental EIR. The basis for each finding is explained in the analysis that follows.
3.1 EFFECTS FOUND NOT TO BE SIGNIFICANT

In the course of evaluating impacts of the 2012 Specific Plan Project, the following effects were found not to be significant in the Specific Plan EIR:

- **Agricultural and Forestry Resources**-conflicts with existing zoning for or the rezoning of forest land and the loss of forest land or conversion of forest land to a non-forest use.

- **Biological Resources**-interference with the movement of any native resident or migratory fish or wildlife species or with established migratory wildlife corridors and conflicts with local policies or ordinance protecting biological resources, such as a tree preservation policy or ordinance.

- **Geology, Soils, and Seismicity**-development on soils incapable of supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater.

- **Hazards and Hazardous Materials**-result in safety hazards for people residing or working in the project area due to development located within two miles of a public or private airport.

- **Mineral Resources**-result in the loss of a known mineral resource and the loss of availability of a locally important mineral resource recovery site.

- **Noise**- result in the exposure of people residing or working in the project area to excessive noise levels related to development located within two miles of a public or private airport.

- **Population and Housing**-displace substantial numbers of people, necessitating the replacement of housing elsewhere.

Because the Project site has remained generally unchanged since the certification of the Specific Plan EIR and because the Proposed Project represents minor modifications to the 2012 Specific Plan Project, these impacts are not evaluated further in this Addendum, with the exception of impacts related to conflicts with a tree ordinance or policy, as such impacts are applicable to modifications and project components included as part of the Proposed Project.
3.2 AESTHETICS, LIGHT, AND GLARE

3.2.1 Existing Environmental Setting

There have been no major changes to the existing setting of the Project site with respect to aesthetics, light, and glare, since the 2012 Specific Plan EIR was prepared. As such, please see Section 4.1 of the Specific Plan EIR for a summary of the existing environmental setting related to Aesthetics, Light, and Glare. The analysis contained in Section 3.1 is based on information compiled from aerial photographs, ground-level photographs of the site and surrounding areas, and site surveys conducted by RBF Consulting personnel in April 2007 and September 18, 2010, as well as the City of Banning Comprehensive General Plan (January 2006) and the City of Banning Comprehensive General Plan EIR, prepared by Terra Nova Planning & Research, Inc. (June 2005), and the Draft Butterfield Specific Plan and its technical appendices.

The Project site is an approximate 1,543-acre undeveloped parcel located in the City of Banning. The Project site is characterized by open space and highly disturbed grassland. There is a single oak tree located along the northwestern edge of the Project site.

Topography on the site ranges from relatively flat to steep foothill terrain. Elevation on the site ranges from 2,560 feet (ft) above mean sea level (amsl) to 3,400 ft amsl, with the elevation gradually increasing over three quarters of the site before rising quickly to its highest elevation on the northern and northeastern portions of the site. The Project site is bisected from east to west by two Southern California Edison (SCE) easements (both easements total 400 ft).

The predominant scenic vista visible from the Project site is the peaks and ridgelines of the San Bernardino Mountains and its foothills. Scenic vistas of Mt. San Jacinto, located south of the site, are also visible from the Project site. Existing urban/suburban development along Wilson Street (which forms the southern boundary of site) is also visible within the immediate vicinity of the Project site.

In its existing and undeveloped condition, the Project site does not generate light or glare. However, nighttime illumination is currently generated by roadway systems and land uses surrounding the Project site. Existing light sources in the immediate vicinity include streetlights, parking lot lighting, interior illumination from residential uses, business signage, security lighting, and vehicle headlights. There are no sources of glare in the vicinity of the Project site, as surrounding buildings have been developed with non-reflective materials.

3.2.2 Specific Plan EIR

Please refer to Section 4.1 of the Specific Plan EIR for analyses of the potential effects of the Proposed Project related to Aesthetics, Light, and Glare.

The Specific Plan EIR concluded that the following impacts related to aesthetics would be less than significant with mitigation incorporated, with the exception of impacts with respect to light and glare, which would remain significant and unavoidable even with implementation of applicable mitigation measures.
Threshold: *Have a substantial adverse effect on a scenic vista?*

**OR**

Threshold: *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?*

**Impact: Scenic Vistas and Scenic Highways—Less than Significant with Mitigation Incorporated.**

As described in the Specific Plan EIR, the most prominent scenic vista in the vicinity of the Project site is the view of the ridgelines and peaks of the San Bernardino Mountains. The Project site was determined to not be visible from Interstate 10 (I-10) westbound due to foreground berms and landscaping and to be only intermittently visible from eastbound lanes. The section of the I-10 that traverses the area of the site is not designated as a State Scenic Highway, but is designated as an “Eligible” scenic corridor. The site was determined to be visible in the distant background from State Route 243 (SR-243), a designated scenic highway that terminates south of I-10.

**Construction Impacts.** The Specific Plan EIR determined that the visual character of the site would be dramatically altered during project construction because construction of the 2012 Specific Plan Project called for the mass grading of the site in four phases and subsequent rough grading of individual tracts followed by the vertical construction of homes and other facilities. Despite the significant change in visual character during construction of the 2012 Specific Plan Project, impacts to scenic vistas during project construction were determined to be less than significant because these activities would not impair views of the San Bernardino Mountains or the San Jacinto Mountains. Furthermore, the Specific Plan EIR determined that impacts to scenic vistas would be less than significant during project construction because the 2012 Specific Plan Project would be required to comply with the City’s grading requirements, which require the revegetation and/or reseeding of exposed soils in the graded area with native plants at the earliest possible time. In addition, the 2012 Specific Plan Project was required to comply with Mitigation Measure AES-1, which requires that development or revegetation occur within 3 months of mass grading or clearing activities and requires preparation of a Revegetation Plan.

**Mitigation Measure AES-1:** Development or revegetation shall be initiated within three months following initiation of mass grading or clearing activities, where feasible, so as to limit the time graded surfaces remain in their exposed state, consistent with the Specific Plan’s approved landscape design guidelines and landscape plans and the provisions of Title 18.15.020 of the City of Banning’s (City) Municipal Code. A Revegetation Plan, addressing interim revegetation during construction and for future development areas prior to build out, shall be submitted for City review and approval as part of each grading permit application.

Construction of the 2012 Specific Plan Project would have required the use and storage of heavy construction equipment and vehicles that may have been visible off-site. As such, the 2012 Specific Plan Project was also required to comply with Mitigation Measure AES-5, which requires the Applicant to identify construction staging areas and a 500 ft setback of the staging area from the nearest residences and the implementation of staging (where feasible), to further minimize impacts to scenic vistas during project construction.
Mitigation Measure AES-5: Rough Grading Plans, including a sheet detailing the location of the construction staging, shall be approved by the City Engineer, prior to grading permit issuance. The sheet pertaining to the construction staging shall include the following provisions:

- The construction equipment and supply staging areas shall be at least 500 feet from the nearest residence off site. Staging areas shall be screened where feasible.
- During construction and grading, the construction contractor shall keep the site clear of all trash, weeds, and debris. Compliance with this measure is subject to periodic City inspections.
- The grading contractor shall minimize creation of large stockpiles of soil (in terms of height) to minimize visual impacts pursuant to the provisions of the grading and/or stockpile permit issued by the City Engineer pursuant to the provisions of the City’s Municipal Code, Section 18.09, Grading Permit Requirements, and the requirements of the City Engineer.
- All temporary security lighting shall be designed and located so as to avoid intrusive effects on adjacent properties. Proper lighting techniques to direct light on site and away from other properties shall be required to reduce light and glare impacts (including directional lighting away from reflective surfaces, use of non-reflective glass, low-intensity lighting, use of lighting baffles, and use of appropriate types of lighting fixtures).

In addition to the planned development on the 1,543-acre undeveloped parcel, the 2012 Specific Plan Project included the construction of off-site infrastructure improvements including drainage, water, wastewater, and recycled water conveyance systems (pipelines and pump stations) which would be constructed in and around the City. Because the proposed on- and off-site pipelines would be located underground, the Specific Plan EIR determined that no long-term impacts to scenic vistas would occur as a result of their construction. Drainage improvements at the Smith Creek would have been revegetated and mitigated in accordance with the 2012 Specific Plan Project’s biological resource permits. The optional sewer lift station to be located at the intersection of Ramsey Street and Omar Street would have limited visibility from the I-10 and would be enclosed and screened.

Long-Term Impacts. Visual impacts of urban development in the lower elevations of the San Bernardino Mountains foothills were considered in the City’s 2005 General Plan EIR and were ultimately determined to be less than significant with implementation of mitigation. Because the 2012 Specific Plan Project would have required an amendment to the previously approved Deutsch Specific Plan and would have been located in an area long planned for urban development, the Specific Plan EIR determined that impacts to a scenic vista would also be less
than significant. Mitigation Measure AES-4 was prescribed in the Specific Plan EIR to further reduce the 2012 Specific Plan Project’s long-term visual impacts by requiring the Applicant to maintain perimeter walls, fencing, irrigation, and landscape in a satisfactory condition at all times. Therefore, although implementation of the 2012 Specific Plan Project would alter the appearance of the site, the Specific Plan EIR determined that the Project would not degrade the visual quality of the site and would not result in a barrier to the designation of the I-10 corridor as a State scenic highway.

Mitigation Measure AES-4: The Project developer and its successor(s), in interest inclusive of the Homeowners Association or Landscape Lighting and Maintenance District, if any, shall maintain perimeter walls, fencing, irrigation, and landscape in a satisfactory condition at all times. Parkways and other landscape features visible from the public right-of-way shall be maintained free of weeds and trash, and graffiti shall be promptly removed.

As part of the 2012 Specific Plan Project, the satellite water treatment facility would have collected and redirected wastewater flows from the Project site and neighboring properties and would have been screened by a 6 ft decorative masonry wall and landscaping. The tallest structure, a 1-million-gallon water storage tank, would have been 36 ft in height, similar to the maximum height of a residential structure and would have been set back 20 ft from the property line. The height of this structure would have been too low for it to be visible from eastbound I-10, and would not have obstructed long-range views of the mountain ridgelines to the north and south of the facility.

The sewer lift station included as part of the 2012 Specific Plan Project would be one story in height and would be located on a less than 1 acre vacant lot in a commercial area. The subsurface force main from the lift station to the site would be installed within existing rights-of-way. The Specific Plan EIR determined that neither of these facilities would result in a long-term impact on visual resources or scenic vistas.

As previously discussed, implementation of the 2012 Specific Plan Project would have included three aboveground water storage reservoirs. These three reservoirs would be located throughout the site, with Reservoir 3 being located at the highest elevation (3,205 amsl) of the three reservoirs\(^1\), making it visible to the surrounding community and/or the eastbound I-10 corridor. A typical reservoir of this type would be 36 ft in height with a 110 ft diameter. As required by the Specific Plan EIR, PDF 7, requires the exterior of the reservoirs to be painted with a matte-finish, earth-toned coating to allow for them to blend into the surrounding hillside and be further screened by perimeter and slope landscape to reduce the plant’s long-term impacts on scenic vistas to a less than significant level.

The Specific Plan EIR determined there would be no long-term visual impacts associated with off-site subsurface pipelines and the relocated power line. Specifically, impacts associated with the relocated power line were determined to be negligible because existing hillside contours and mature windrows in and around the site block views of the power line. Development associated

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\(^1\) Peak elevations on the site are approximately 3,400 amsl.
with implementation of the 2012 Specific Plan Project were determined to further reduce visual impacts from the relocated power line, as such development would further obscure views of the transmission line.

The Project site contains a single oak tree, which is considered a scenic resource. As such, the Specific Plan EIR determined that impacts to this resource would be potentially significant without the implementation of Mitigation Measure AES-6, which requires the Applicant to design plans to preserve the existing oak tree along Highland Springs Avenue. The subsequent Settlement Agreement required that the Veteran’s Tree be relocated to a prominent location within the Project site. Therefore, Mitigation Measure AES-6 is still applicable as the Veteran’s Tree will be relocated or replaced if preservation in place is not feasible.

**Mitigation Measure AES-6:** As part of the final design, improvement plan, and grading plan review and approval process, the Applicant shall design plans to preserve the existing oak tree along Highland Springs Avenue (or in the event preservation is not feasible, relocate or replace at suitable size in a prominent location on the site).

With implementation of PDFs and Mitigation Measures AES-1, AES-4, AES-5, and AES-6, as well as compliance with the City’s grading requirements and landscaping standards, the Specific Plan EIR determined that the 2012 Specific Plan Project’s impacts with respect to scenic vistas and scenic resources would be less than significant.

**Threshold:** Would the proposed project substantially degrade the existing visual character or quality of the site and its surroundings?

**Impact:** Visual Character. Less than Significant with Mitigation Incorporated.

**Construction Impacts.** Implementation of the 2012 Specific Plan Project would have occurred in phases over a 30-year period. As previously discussed, the 2012 Specific Plan Project would have included mass grading on the site in four phases. During the construction phase, exposed, graded surfaces, construction debris, construction equipment, and heavy truck traffic would have been visible on the site, which could have resulted in a temporary degradation of the aesthetic qualities and visual character of the Project site. As such, the Specific Plan EIR determined that Mitigation Measures AES-2, AES-3, and AES-5, in addition to applicable provisions of the City’s Municipal Code and compliance with the 2012 Specific Plan Project’s grading standards, would be required to reduce impacts to the visual quality of the site during construction of the 2012 Specific Plan Project. Specifically, Mitigation Measure AES-2 requires that all slopes be protected and maintained to control erosion and reduce visual impacts associated with slope grading, Mitigation Measure AES-3 requires that the Applicant and its successors maintain the site free of debris, and Mitigation Measure AES-5 requires the preparation of grading plans requiring that construction equipment and supply staging areas be at least 500 ft from the nearest off-site residence and that staging areas be screened where feasible. Furthermore, the 2012 Specific Plan Project called for the gradual installation of permanent landscaping, which the Specific Plan EIR determined would provide further visual relief. Accordingly, visual impacts to the visual character and quality of the
site during project construction were determined to be less than significant with mitigation incorporated.

Construction of the proposed off-site drainage improvements associated with the 2012 Specific Plan Project included off-site excavation, grading, construction of inlet structures, construction of a multi-use basin, realignment of Smith Creek on the site, and channel improvements to the Smith Creek drainage south of the culvert beneath Wilson Street. Short-term visual effects associated with construction of the proposed on- and off-site improvements were determined to be less than significant.

**Mitigation Measure AES-2:** The faces of all slopes shall be prepared, protected and maintained to control erosion and to reduce the visual impacts of slope grading. Slopes in excess of ten feet in height shall be graded pursuant to City Code requirements. Devices or procedures for erosion protections shall be installed as prescribed by State law and regulations and Title 18 of the City’s Municipal Code and shall be maintained in operable condition by the developer during the duration of the activity for which the grading permit was issued. The use of plastic sheeting for erosion control shall be avoided except where required in emergency conditions to prevent land slippage. Preferred means of erosion and sediment control on slopes and pads shall include hydromulching, placement of straw bales and wind fencing, and the use of straw blankets and similar devises.

**Mitigation Measure AES-3:** The Project developer shall maintain the site free of debris, which shall be promptly removed from the site when found at least once per quarter and at least daily during construction, and the Project developer shall monitor the site at least once per quarter and at least daily during construction to protect the site from illegal dumping.

**Mitigation Measure AES-5:** Rough Grading Plans, including a sheet detailing the location of the construction staging, shall be approved by the City Engineer, prior to grading permit issuance. The sheet pertaining to the construction staging shall include the following provisions:

- The construction equipment and supply staging areas shall be at least 500 feet from the nearest residence off site. Staging areas shall be screened where feasible.
- During construction and grading, the construction contractor shall keep the site clear of all trash, weeds, and debris. Compliance with this measure is subject to periodic City inspections.
- The grading contractor shall minimize creation of large stockpiles of soil (in terms of height) to minimize visual
impacts pursuant to the provisions of the grading and/or stockpile permit issued by the City Engineer pursuant to the provisions of the City’s Municipal Code, Section 18.09, Grading Permit Requirements, and the requirements of the City Engineer.

- All temporary security lighting shall be designed and located so as to avoid intrusive effects on adjacent properties. Proper lighting techniques to direct light on site and away from other properties shall be required to reduce light and glare impacts (including directional lighting away from reflective surfaces, use of non-reflective glass, low-intensity lighting, use of lighting baffles, and use of appropriate types of lighting fixtures).

Long-Term Impacts. Implementation of the 2012 Specific Plan Project would have developed the currently vacant Project site with a residential, institutional, commercial, and recreational development. The visual character of the Project site would have been permanently altered as a result of this development; however, the Specific Plan EIR determined that while the Project would alter the visual character of the site, it would not be degraded. In particular, the Specific Plan EIR determined that the 2012 Specific Plan Project was consistent with on-site landforms and would not result in the obstruction of views of ridgelines and foothills. Furthermore, landscaping included as part of the 2012 Specific Plan Project would have been implemented in such a way as to blend into the natural environment and serve as a buffer between the proposed uses and native habitat.

The 2012 Specific Plan Project would have also included easement areas, which would have reduced potential impacts of development on existing residences located near the Project site. Additionally, the Specific Plan EIR determined that the provision of open space on nearly 27 percent of the site, as included as part of the 2012 Specific Plan Project, would substantially enhance the internal appearance of the site and would have further reduced impacts on the visual character of the site and surrounding area.

The Specific Plan EIR determined that the optional on-site wastewater treatment plant would result in a less than significant visual impact as this facility would be designed pursuant to Specific Plan Design Guidelines. Similarly, the Specific Plan EIR determined that the 2012 Specific Plan Project would have resulted in less than significant or negligible visual impacts with respect to the proposed off-site infrastructure improvements, and the relocated 115 kV transmission line.

The installation of on-site drainage facilities and the realignment of Smith Creek on the site would have been followed by revegetation of the drainage and related facilities, thereby minimizing visual impacts to a less than significant level. The Specific Plan EIR also determined that impacts related to the aboveground storage tanks would be less than significant, because such facilities would be required to be designed to be consistent with the surrounding environment (pursuant to PDF 7).
For these reasons, and for the reasons described above, the Specific Plan EIR determined that while the 2012 Specific Plan Project would alter the existing visual character and quality of the site, the 2012 Specific Plan Project would enhance the visual character and quality of the site and surrounding area.

**Threshold:** Would the proposed project create a new source of substantial light or glare, which would adversely affect day and nighttime views in the area?

**Impact: Light and Glare. Significant and Unavoidable Impact.**

The Specific Plan EIR identified a significant and unavoidable impact pertaining to light and glare.

**Construction Impacts.** Short-term construction activities associated with implementation of the 2012 Specific Plan Project would have included nighttime security lighting, which could have affected adjacent residential uses in the Project vicinity. Accordingly, the Specific Plan EIR required that staging areas be located a minimum of 500 ft from the residential uses and that all temporary security lighting be designed and located so as to avoid intrusive effects on adjacent properties (Mitigation Measure AES-5), and required compliance with the City’s lighting ordinance to reduce impacts during construction phases of the 2012 Specific Plan Project. The Specific Plan EIR also determined that screening of construction areas in areas proposed for off-site improvements would be required to reduce temporary impacts related to nighttime lighting. In addition, the Specific Plan EIR required the implementation of Mitigation Measure AES-7, which requires the Applicant to prepare and submit architectural plans consistent with the City’s lighting standards. With implementation of Mitigation Measures AES-5 and AES-7 and adherence with the City’s lighting control provisions, temporary impacts with respect to light and glare were determined to be less than significant.

**Mitigation Measure AES-5:** Rough Grading Plans, including a sheet detailing the location of the construction staging, shall be approved by the City Engineer, prior to grading permit issuance. The sheet pertaining to the construction staging shall include the following provisions:

- The construction equipment and supply staging areas shall be at least 500 feet from the nearest residence off site. Staging areas shall be screened where feasible.
- During construction and grading, the construction contractor shall keep the site clear of all trash, weeds, and debris. Compliance with this measure is subject to periodic City inspections.
- The grading contractor shall minimize creation of large stockpiles of soil (in terms of height) to minimize visual impacts pursuant to the provisions of the grading and/or stockpile permit issued by the City Engineer pursuant to the provisions of the City’s Municipal Code, Section...
18.09, Grading Permit Requirements, and the requirements of the City Engineer.

- All temporary security lighting shall be designed and located so as to avoid intrusive effects on adjacent properties. Proper lighting techniques to direct light on site and away from other properties shall be required to reduce light and glare impacts (including directional lighting away from reflective surfaces, use of non-reflective glass, low-intensity lighting, use of lighting baffles, and use of appropriate types of lighting fixtures).

Mitigation Measure AES-7: Prior to issuance of building permits, architectural plans, including detailed lighting specifications, shall be submitted for the review and approval by the City of Banning Community Development Director. The specifications shall be consistent with lighting standards included in the Specific Plan and shall meet or exceed the lighting standards contained in the City’s Municipal Code. The lighting plans must demonstrate the following to the satisfaction of the City of Banning Community Development Director:

- Use of low-sodium lamps of 4,050 lumens, or less where feasible, to provide for adequate public safety and security;
- A lighting standard that is shielded to direct illumination downward and to limit casting light and glare on adjacent properties;
- Exterior lighting, including streetlights, landscape lighting, parking lot lighting, and lighting of the interior of parks and trails shall be sufficient to establish a sense of well-being for the pedestrian and sufficient to facilitate recognition of persons at a reasonable distance. Type (lighting standard) and placement of lighting shall be to the satisfaction of the Police Department and Department of Public Works and shall be consistent with the requirements of the City’s most current lighting ordinance and the standards of the Specific Plan;
- A minimum of one foot-candle at ground level overlap provided in all exterior doorways and vehicle parking areas, and on outdoor pedestrian walkways presented on a photometric plan; and
- Outdoor light fixtures that are not covered by the Specific Plan’s lighting standards shall be subject to the City’s Municipal Code.
Long-Term Impacts. New development proposed as part of the 2012 Specific Plan Project would have introduced new light sources that could result in glare, light pollution, and light trespass. Because the Project site was undeveloped and vacant, the introduction of lighting proposed as part of the 2012 Specific Plan Project would result in the implementation of substantial new sources of light and security lighting and safety lighting for the proposed uses. These new sources of light would be most visible from development to be located along adjacent roadways. All developed areas and trails would have 24-hour security lighting and all recreational areas would have lighting up to 10:00 p.m., per the City’s Municipal Code. The proposed commercial areas may also have 24-hour lighting.

Implementation of the 2012 Specific Plan Project includes a number of measures (e.g., including design guidelines and PDFs) aimed at reducing impacts with respect to light and glare. Street and sign lighting would be oriented and confined within the site to prevent spill over into adjacent properties. The Specific Plan EIR also determined that implementation of Mitigation Measures AES-5 and AES-7 would be required to reduce potentially significant light and glare impacts. While implementation of Mitigation Measures AES-5 and AES-7 would partially reduce residual light and glare impacts, such impacts were determined to remain significant and unavoidable.

Cumulative Impacts. Significant and Unavoidable Impact. The Specific Plan EIR determined that the 2012 Specific Plan Project would have contributed to the ongoing development of vacant land through the creation of a new residential community. However, development envisioned under the 2012 Specific Plan EIR would have been consistent with buildout of the City’s General Plan, which itself was determined to result in less than significant impacts related to scenic vistas and visual character with adherence to current City standards, mitigation measures outlined in the General Plan EIR and Specific Plan EIR, and the design guidelines contained in the Specific Plan.

Given the size and scale of the 2012 Specific Plan Project relative to future anticipated development in the City, the Specific Plan EIR determined that the 2012 Specific Plan Project would have resulted in a cumulatively significant unavoidable impact with respect to light and glare despite the implementation of applicable mitigation measures.

3.2.3 Analysis of Project Changes

Scenic Vistas and Scenic Highways. Grading associated with Project implementation would be similar to grading proposed under the 2012 Specific Plan Project, as would off-site backbone and off-site infrastructure improvements. Therefore, construction impacts to scenic vistas under the Proposed Project would be consistent with the findings of the Specific Plan EIR.

Similar to the 2012 Specific Plan Project, the Proposed Project would also include an on-site satellite wastewater treatment facility and above-ground water storage reservoirs. Buildings included as part of the Proposed Project would not be taller or more densely developed than the previous 2012 Specific Plan Project, and would therefore be consistent with the findings of the Specific Plan EIR and not have any greater impacts on the scenic vistas. Under the Proposed Project, the existing 115 kV lines located on the site would no longer be undergrounded, as proposed under the 2012 Specific Plan Project because there is no longer development proposed in this area. Therefore, these electrical lines would remain in views on and off the Project site following Project implementation; there would be no change from existing conditions. However, because of the reduction in units and because the
Proposed Project would maintain the same building heights as proposed under the 2012 Specific Plan Project, the Project would be generally consistent with the findings of the Specific Plan EIR. The Proposed Project would result in less than significant impacts to views of the nearby ridgelines of the San Bernardino. Mitigation Measures AES-1 through AES-6 would remain applicable to the Proposed Project. Therefore, the Proposed Project would not result in any new significant environmental effects to scenic vistas or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Scenic Resources.** The Proposed Project is located on the same Project site evaluated in the Specific Plan EIR and is not within or near a State scenic highway, but is visible in the distant background from State Route 243 (SR-243), a designated scenic highway that terminates south of I-10. Although the Proposed Project would develop the currently vacant Project site with a large-scale residential project, the Project site is located in an area long planned for urban development. Furthermore, mitigation measures outlined in the Specific Plan EIR with respect to aesthetics (AES-1 through AES-6) would remain applicable to the Proposed Project and would ensure that Project implementation would not degrade the visual quality of the site and would not result in a barrier to the designation of the I-10 corridor as a State scenic highway.

The Proposed Project includes the relocation of the “Veteran’s Tree” elsewhere on the Project site. While the Veteran’s Tree is not officially designated a scenic resource and is not located within a scenic highway, the relocation of the Veteran’s Tree elsewhere on site would ensure that Project implementation would result in a less than significant impact related to the loss of this tree. The relocation of the Veteran’s Tree would also be required to ensure compliance with Mitigation Measure AES-6 outlined in the Specific Plan EIR. Therefore, the Proposed Project would not result in any new significant environmental effects to the degradation of scenic resources or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Visual Character.** Grading associated with Project implementation would be similar to grading proposed under the 2012 Specific Plan Project, as would off-site backbone and off-site infrastructure improvements. Therefore, construction impacts related to the visual character of the site under the Proposed Project would be consistent with the findings of the Specific Plan EIR.

The visual character of the Proposed Project site has generally remained unchanged since the certification of the Specific Plan EIR. Implementation of the Proposed Project would improve the visual character of the Proposed Project site as compared to the 2012 Specific Plan Project analyzed in the Specific Plan EIR as it would include more open space and trails and would reduce overall development on the Project site. Therefore, the Proposed Project would not result in any new significant environmental effects related to the visual character of the site or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Light and Glare.** Short-term construction activities associated with the Proposed Project would be similar to those included as part of the 2012 Specific Plan Project. Security lighting associated with construction activities would be required to be located away from nearby residential uses to the extend feasible so as to avoid potential impacts on adjacent properties, similar to construction activities occurring under the 2012 Specific Plan Project. Therefore, construction impacts related to
light and glare under the Proposed Project would be consistent with the findings of the Specific Plan EIR.

The Proposed Project is a less intense development that includes 525 fewer residential units and the removal of the golf course. Because of the reduction in units and associated lighting, the Proposed Project would result in fewer impacts related to light and glare than the Specific Plan analyzed in the Specific Plan EIR. The Specific Plan EIR assessed light and glare impacts based on the changes to the existing condition, which is a vacant, undeveloped site. Similarly, because the site conditions have not changed since the time the Specific Plan EIR was prepared, the Proposed Project would likewise introduce new light and glare impacts on adjacent land uses but the impacts would be less than those identified in the Specific Plan EIR. However, because the Proposed Project would result in a 3.2 percent reduction in residential development and a 1.2 percent reduction in non-residential development (i.e., commercial/office, educational, utility, fire station, and roadway improvements), there would be a reduction in the amount of light and glare resulting from new development. The light and glare impacts would be less than those identified in the Specific Plan EIR. The areas no longer proposed for development under the Proposed Project would be identified as open space.

Based on the revised Land Use Plan (Figure 2.3), the extension of Highland Home Road to Brookside Avenue has been removed and PAs 60 and 61 (412 Low Density Residential units) have also been removed, with open space in their place. Therefore, there would be a significant reduction in light and glare in the northern portion of the Proposed Project.

While open space uses would include 24-hour security lighting, lighting associated with open space uses would be significantly reduced as compared to operational and security lighting for the previously proposed residential and non-residential development. Despite the reduction in lighting included as part of the Proposed Project, Mitigation Measure AES-7 would remain applicable to the Proposed Project. Therefore, due to the reduction in the Proposed Project intensity, the Proposed Project would not result in any new significant effects or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR. Overall, light and glare impacts would remain significant and unavoidable due to the development of a currently undeveloped site, as identified in the Specific Plan EIR. Therefore, the Proposed Project would not result in any new significant environmental effects related to light and glare or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Cumulative Impacts.** The cumulative study area for aesthetic impacts analyzed in the Specific Plan EIR and this Addendum is limited to the immediate adjacent area within view of the Project site and with views of the Project site. The Proposed Project would be consistent with the findings of the Specific Plan EIR and would result in a less than significant visual impact. The Proposed Project is part of the City’s larger effort to develop projects on vacant land throughout the City. Accordingly, the City’s General Plan and its corresponding EIR have accounted for the Proposed Project and have prescribed applicable mitigation measures (which have since been incorporated in the City’s Municipal Code), with which the Proposed Project would be required to comply. Therefore, compliance with City standards, mitigation measures imposed under the 2012 Specific Plan Project, and the Specific Plan’s design guidelines, would ensure that implementation of the Proposed Project would result in a less than significant cumulative impact related to scenic vistas, scenic resources and visual character.
Despite the fact that the Proposed Project would result in a less than significant cumulative impact with respect to scenic vistas, scenic resources and visual character, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would result in a significant cumulative impact on the visual environment with respect to light and glare, as the current Project site is undeveloped and does not include existing sources of light or glare. The Proposed Project would comply with applicable lighting provisions of the City’s Municipal Code and Mitigation Measures AES-5 and AES-7; however, similar to the 2012 Specific Plan Project, the proposed improvements would introduce new sources of light and glare on the site that would be cumulatively significant. Therefore, the Proposed Project would not result in any new cumulatively significant environmental effects related to aesthetics or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

3.2.4 Findings Related to Aesthetics

No Substantial Change in Circumstances Requiring Major EIR Revisions. The Project site and surrounding area have not been further developed or altered since the Specific Plan EIR was prepared. There is no information in the record or otherwise available that indicates that there are any substantial changes in circumstances pertaining to Aesthetics that would require major changes to the Specific Plan EIR due to the involvement of significant effects or a substantial increase in the severity of previously identified significant effects.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was certified, indicating that a new significant effect not reported in that document may occur. Based on the information and analyses above, there is no substantial new information which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified indicating that there would be a new significant impact to Aesthetics requiring major revisions to the Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in Previous EIR. There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to Aesthetics identified and considered in the Specific Plan EIR.

3.2.5 Project Design Features

All PDFs included as part of the 2012 Specific Plan Project (also listed in Section 2.1.2 of this Addendum) remain applicable to the aesthetics analysis for the Proposed Project.

3.2.6 Mitigation Measures

In light of the Proposed Project, the Specific Plan EIR was reviewed to determine whether or not changes to the 2012 Specific Plan Project would affect the mitigation measures contained therein. Based on the analysis and information above, no changes to the mitigation measures found in the
Specific Plan EIR are required. Mitigation Measures AES-1 through AES-7 remain applicable to the Proposed Project.

3.2.7 Mitigation Measures No Longer Applicable

All aesthetics mitigation measures identified in the Specific Plan EIR would remain applicable to the Proposed Project.
### 3.3 AGRICULTURE AND FORESTRY RESOURCES

#### 3.3.1 Existing Environmental Setting

There have been no major changes to the existing setting of the Project site with respect to agricultural and forestry resources since the Specific Plan EIR was prepared. As such, please refer to Section 4.2 of the Specific Plan EIR for a summary of the existing environmental setting for Agricultural Resources. The analysis contained in Section 4.2 is based on information compiled from site photographs and visits, the City of Banning General Plan and EIR, the most currently available reports from the California Department of Finance, California Department of Conservation, Riverside County Agricultural Production Report (2008), and the Riverside County General Plan and General Plan EIR.

The Project site has been used for intermittent dry and irrigated farming and livestock grazing. The Deutsch Specific Plan EIR indicates that irrigation on the site ceased in 1981, while cultivation ceased completely around 1988. Following their acquisition of the property, Pardee Homes has allowed the use of the site for small scale, occasional cattle grazing under a private lease agreement with a local rancher.

Soils on the site consist of various types of sandy loam, which are considered prime agricultural soils by the State Department of Conservation. In addition, the 120 acres located in the southwestern corner of the site were considered prime farmland by the State Department of Conservation in 1981, when the area was irrigated and actively cultivated. According to the County of Riverside, sites which are comprised of soils classified as Prime and of Statewide Importance, but which are not irrigated, could be classified as Farmland of Local Importance by both the County of Riverside and the State Department of Conservation.

As described further in the Deutsch Specific Plan EIR (1992), the entire Project site was once under a Williamson Act Contract. As of 1992, approximately 924 acres of land on the site remained under a Williamson Act Contract. The Deutsch Specific Plan EIR also noted that a Notice of Non-renewal was issued for this acreage in 1987 and that the land was removed from its Agricultural Preserve status in 1997. Of the 628 acres within the Project site, approximately 200 acres of land had been removed from the Williamson Act Contract in the late 1970s and an additional 428 acres were removed from the contract in 1985. As of 2011, none of the Project site was under the existence of Agricultural Preserve Contracts nor were there any agricultural cases pending or listed for the site. The State Department of Conservation also did not identify any portion of the site as containing farmland of Prime or Statewide importance in 2011.

#### 3.3.2 Specific Plan EIR

Please see Section 4.2 of the Specific Plan EIR for analyses of potential effects of the 2012 Specific Plan Project related to agricultural resources.

The Specific Plan EIR concluded that the following impacts to agricultural resources would be less than significant.
Threshold: Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Impact: Conversion of Farmland. Less than Significant Impact. As described in the Specific Plan EIR, the Project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. However, implementation of the 2012 Specific Plan Project would have resulted in the conversion of 1,500 acres of State-designated “Farmland of Local Importance” to non-agricultural uses. The Specific Plan EIR determined that soils on the site remained suitable for dry farming and a portion of the site located in the northeastern corner of the site could be irrigated again and used for that purpose. The use of the site for farming was determined to be inconsistent with the City’s General Plan Land Use and Zoning Map, which at the time the Butterfield Specific Plan EIR was prepared, designated the site as the Deutsch Specific Plan. The Deutsch Specific Plan did not propose agricultural uses on the site. The Project site was not currently utilized for agricultural purposes at the time the Specific Plan EIR was being prepared. As such, the Specific Plan EIR determined that implementation of the 2012 Specific Plan Project would result in less than significant impacts related to the conversion of farmland.

Threshold: Would the project conflict with existing zoning for agricultural use, or a Williamson Act Contract?

Impact: Conflict with Existing Zoning or Williamson Act Contracts. Less than Significant Impact. The Williamson Act was established to encourage the conservation of farmland and certain open space uses by way of lower property taxes to landowners of such property. As described in the Specific Plan EIR, none of the parcels comprising the Project site were subject to a Williamson Act Contract at the time the Specific Plan EIR was being prepared, and impacts were determined to be less than significant.

Threshold: Would the project involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Impact: Other Environmental Changes. Less than Significant Impact. As described in the Specific Plan EIR, the Project site was not zoned for, and did not contain, any forest land or timberland uses. In addition, the Project site was not utilized for agricultural purposes or forest land at the time the Specific Plan EIR was being prepared. Furthermore, there was no forest land or timberland within the vicinity of the Project site. While the 2012 Specific Plan Project would have converted land designated as Farmland of Local Importance to a non-agricultural use, the site has not supported agricultural uses, apart from the occasional livestock grazing, since 1988. However, consistent with Right to Farm principles, all real estate transactions for residential and nonresidential uses included as part of the 2012 Specific Plan Project would have included disclosure forms indicating the historic and intended continued small scale, temporary livestock grazing, so as not to hinder ongoing grazing activities on the site. While the Specific Plan EIR did not prescribe mitigation to reduce impacts related to agricultural resources, the Specific Plan EIR did recommend
implementation of Betterment AGRI-1 to ensure impacts to agricultural resources remain less than significant.

**AGRI-1 (Betterment):** As part of the required real estate disclosure process, the Project shall be conditioned to include a disclosure for all property purchases and leases, noting the historic and intended ongoing intermittent livestock grazing, with the intent to avoid or minimize future actions that would limit or preclude ongoing grazing on the Project site. Said real estate disclosures shall be reviewed and approved by the Community Development Director as part of any residential or non-residential site plan approval, and/or prior to any building permit issuance.

For the reasons stated above, the Specific Plan EIR determined that implementation of the 2012 Specific Plan Project would result in less than significant impacts related to conflicts with existing zoning of forest land and impacts related to the conversion of farmland or forest land to non-farmland or non-forest uses.

**Cumulative Impacts Less than Significant Impact.** The geographic setting for cumulative agricultural impacts is Riverside County. As described in the Specific Plan EIR, the 2012 Specific Plan Project would have resulted in a less than significant cumulative impact to agricultural resources despite converting 1,500 acres of Farmland of Local Importance because the site has been planned for urban development since the 1980s. Furthermore, there were no applicable Williamson Act Contracts regulating the Project site and no agricultural activities on the site, with the exception of a small-scale temporary use for livestock grazing that had an incremental impact on the regional agricultural economy. Therefore, the Specific Plan EIR determined that the loss of the Project site as potential farmland would be less than cumulatively significant.

**3.3.3 Analysis of Project Changes**

**Conversion of Farmland.** The Proposed Project is located on the same Project site as addressed in the Specific Plan EIR, and as such, the site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The 1,500 acres that are designated as Farmland of Local Importance have remained unused for agricultural purposes. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant effects or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Conflict with Existing Zoning or Williamson Act Contracts.** The Proposed Project is located on the same Project site as addressed in the Specific Plan EIR, does not involve changes in agricultural uses, and is not subject to a Williamson Act Contract. Because the site is not subject to a Williamson Act Contract and because the site is not zoned for agricultural uses, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant effects or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR. Therefore, the Proposed Project would not result in any new significant
environmental effects related to conflicts with existing zoning or Williamson Act Contracts or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Other Environmental Changes.** The Proposed Project is located on the same Project site as addressed in the Specific Plan EIR, which is not zoned for, and does not contain, agricultural or forest land. While the Proposed Project would convert land designated as Farmland of Local Importance to a non-agricultural use, the site has not supported agricultural uses, apart from the occasional livestock grazing since 1988. Similar to the 2012 Specific Plan Project, the proposed Project would require all real estate transactions for residential and nonresidential transactions included as part of the Project to include disclosure forms indicating the historic and intended continued small scale, temporary livestock grazing, so as not to hinder ongoing grazing activities on the site. Therefore, because the Proposed Project is located on the same Project site as addressed in the Specific Plan EIR, the Proposed Project would be consistent with the findings of the Specific Plan EIR regarding impacts to forestland, timberland and the conversion of farmland to non-agricultural use and would not result in any new significant effects or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Cumulative Impacts.** The Proposed Project is located on the same Project site as addressed in the Specific Plan EIR and the geographic setting for cumulative agricultural impacts is Riverside County. The Proposed Project would result in a less than significant cumulative impact to agricultural resources despite converting 1,500 acres of Farmland of Local Importance because the site has been planned for urban development since the 1980s. Furthermore, there are no applicable Williamson Act Contracts regulating the Project site and there are no agricultural activities on the site. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and cumulative impacts with respect to agricultural resources would be less than significant.

**3.3.4 Findings Related to Agriculture and Forestry Resources**

**No New Significant Effects Requiring Major EIR Revisions.** Based on the foregoing analysis and information, there is no evidence that the Proposed Project requires a major change to the Specific Plan EIR. The proposed Project would not result in new significant environmental impacts to Agricultural Resources, nor is there a substantial increase in the severity of impacts described in the Specific Plan EIR.

**No Substantial Change in Circumstances Requiring Major EIR Revisions.** The Project site and surrounding area have not been further developed or altered since the Specific Plan EIR was prepared. The Project site and surrounding area have not been further developed or altered since the Specific Plan EIR was prepared. There is no information in the record or otherwise available that indicates that there are any substantial changes in circumstances pertaining to Agricultural Resources that would require major changes to the Specific Plan EIR due to the involvement of significant effects or a substantial increase in the severity of previously identified significant effects.
No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was certified, indicating that a new significant effect not reported in that document may occur. Based on the information and analyses above, there is no substantial new information which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified indicating that there would be a new significant impact to Agricultural Resources requiring major revisions to the Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in Previous EIR. There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to Agricultural Resources identified and considered in the Specific Plan EIR.

3.3.5 Project Design Features
All PDFs included as part of the 2012 Specific Plan Project (also listed in Section 2.1.2 of this Addendum) remain applicable to the agricultural resources analysis for the Proposed Project.

3.3.6 Mitigation Measures
In light of the Proposed Project, the Specific Plan EIR was reviewed to determine whether or not changes to the 2012 Specific Plan Project would affect the mitigation measures contained therein. Based on the analysis and information above, no mitigation measures are required. While not required by the Specific Plan EIR to reduce impacts related to agricultural resources, Betterment Measure AGRI-1 would remain applicable to the Proposed Project.

3.3.7 Mitigation Measures No Longer Applicable
No agricultural resources mitigation measures were identified in the Specific Plan EIR and no additional mitigation measures are required.
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3.4 AIR QUALITY

3.4.1 Existing Environmental Setting

There have been no major changes to the existing setting of the Project site with respect to air quality since the Specific Plan EIR was prepared. Please refer to Section 4.3 of the Specific Plan EIR for a summary of the existing environmental setting for Air Quality. The air quality analysis in this section is based primarily on the Air Quality and Greenhouse Gas Analysis Review, (September 2016) prepared by LSA Associates, Inc. (LSA) (Appendix A).

The Project site is located within the City of Banning, which is part of the South Coast Air Basin (Basin) and is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The Basin includes all of Orange County and portions of Los Angeles, Riverside, and San Bernardino Counties. Air quality within the Basin is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAQMD has established an Air Quality Management Plan (AQMP) that contains policies and measures to achieve federal and State standards for improved air quality.

The Project site is currently vacant and consists of gently sloping lands periodically used for livestock. The existing vegetative cover on the site provides some protection from water and wind erosion; however, on-site soil conditions and wind patterns have resulted in occasional severe wind erosion across the site. The site is bordered by existing residential and other sensitive receptors on the southwest, south, and southeast property lines.

3.4.2 Specific Plan EIR

Please see Section 4.3 of the Specific Plan EIR for analyses of potential effects of the 2012 Specific Plan Project related to air quality.

The Specific Plan EIR concluded that the following air quality impacts would be less than significant with implementation of mitigation, with the exception of impacts related to construction-related emissions, regional operational emissions and AQMP consistency. These impacts were determined to remain significant and avoidable despite the implementation of mitigation measures.

**Threshold:** Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

**Impact:** Air Quality Standards. Significant and Unavoidable Impact.

**Short-Term Construction Impacts.** The construction analysis in the Specific Plan EIR concluded the air quality impacts from construction emissions would exceed the established SCAQMD thresholds for particulate matter less than 2.5 microns in size (PM$_{2.5}$), particulate matter less than 2.5 microns in size (PM$_{10}$), reactive organic gases (ROG), carbon monoxide (CO), and nitrogen oxide (NO$_X$). The Specific Plan EIR determined that implementation of Mitigation Measures AQ-1 through AQ-7 would lessen construction-related impacts by requiring measures to reduce air pollutant emissions from construction activities. These measures require the maintenance of construction equipment, the use of non-polluting and non-toxic building
equipment, the minimization of fugitive dust, and the use of machine guided grading equipment. Mitigation Measure AQ-5 also requires the development of a Dust Management Plan prior to the issuance of grading permits to control fugitive dust throughout the five phases of construction over the course of the 2012 Specific Plan Project’s 30-year construction period. In addition, grading activities would be required to comply with the City’s Municipal Code and California Building Code regulations, which include adherence with SCAQMD Rule 403 and City’s Grading Manual, devising a haul route plan, erosion and sediment plan, and slope analysis plan. The 2012 Specific Plan Project was also required to comply with interim erosion control measures (e.g., vegetation and soil stabilizers) to minimize wind-blown dust, as outlined in the Specific Plan. PDFs related to air quality would also be implemented to reduce construction-related emissions. However, even with implementation of Mitigation Measures AQ-1 through AQ-7, construction emissions were determined to exceed SCAQMD thresholds due to the magnitude of the proposed development.

Mitigation Measure AQ-1: Prior to issuance of any Grading Permit, the Director of Public Works and the City Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with the SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD’s Rules and Regulations. In addition, in accordance with SCAQMD Rule 402, the Applicant shall implement dust suppression techniques to prevent fugitive dust from creating a nuisance off the site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:

- All active portions of the construction site shall be watered at least twice daily to prevent excessive amounts of dust;
- On-site vehicle speed shall be limited to 15 miles per hour;
- All on-site roads shall be paved where feasible, watered as needed, or chemically stabilized;
- Visible dust beyond the property line that emanates from the Project shall be prevented to the maximum extent feasible;
- All material transported off the site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site;
- Track-out devices shall be used at all construction site access points;
- All delivery truck tires shall be watered down and/or scraped down prior to departing the job site; and
- Ground cover on disturbed areas shall be replaced quickly.

Mitigation Measure AQ-2: All trucks that are to haul excavated or graded material on the site shall comply with State Vehicle Code Section 23114
(Spilling Loads on Highways), with special attention to Sections 23114(b)(F), (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads. Prior to the issuance of grading permits, the Applicant shall coordinate with the appropriate City Engineer on hauling activities compliance.

**Mitigation Measure AQ-3:**

Prior to the issuance of building permits, the City Building Official shall confirm that construction plans and specifications include the following measures, which shall be implemented to reduce reactive organic gas (ROG) emissions resulting from application of architectural coatings:

- Contractors shall use high-pressure-low-volume (HPLV) paint applicators with a minimum transfer efficiency of at least 50 percent;
- Coatings and solvents with an ROG content lower than required under Rule 1113 shall be used;
- Construction and building materials that do not require painting shall be used to the extent feasible; and
- Pre-painted construction materials shall be used to the extent feasible.

**Mitigation Measure AQ-4:**

Prior to issuance of any Grading Permit, the Director of Public Works and the Building Official shall confirm that the Grading Plan, Building Plans and specifications stipulate that, in compliance with SCAQMD Rule 403, ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturers’ specifications, to the satisfaction of the City Engineer. A set of maintenance records shall be provided to the City before grading commences. The City Inspector shall be responsible for ensuring that contractors comply with this measure during construction.

**Mitigation Measure AQ-5:**

Prior to issuance of any Grading Permit, the grading plan shall indicate dust management measures for review and approval by the City Engineer, to identify viable dust control measures and include a monitoring plan to be implemented throughout the construction phases of the Specific Plan. In accordance with the Specific Plan and the City’s Municipal Code, the dust management measures shall minimize wind-blown particles by including:

a) All applicable mitigation measures identified in this EIR (related to dust control) and otherwise required by the City or by SCAQMD;
b) An erosion and sediment control plan to minimize wind or waterborne transport of soil onto adjacent properties, streets, storm drains, or drainages; and

c) A Revegetation Plan to address interim conditions between initial grading and final site development. The Revegetation Plan, although focused on the control of wind and water erosion, shall consider compatibility with fuel modification zone requirements, drought-tolerant landscape requirements, and potential ongoing livestock grazing. Special techniques such as wind fences shall also be considered, to minimize surface soil and dust during high wind events.

Mitigation Measure AQ-6:
GPS-controlled “machine-guided grading”, or other equivalent grading techniques, shall be incorporated into the Project grading plans, subject to review and approval by the City Engineer. This technology will be utilized on mass grading activities where determined feasible, and shall be used where feasible on subsequent rough or fine grading activities.

Mitigation Measure AQ-7:
The following measures shall be implemented during construction to substantially reduce nitrogen oxides (NO\textsubscript{x})-related emissions. They shall be included in the Grading Plan, Building Plans, and specifications.

- Off-road diesel equipment operators shall be required to shut down their engines rather than idle for more than 5 minutes, and shall ensure that all off-road equipment is compliant with the California Air Resources Board (ARB) in-use off-road diesel vehicle regulations and SCAQMD Rule 2449.

- The following note shall be included on all grading plans: “The City shall require construction contractors to utilize diesel powered construction equipment that meets EPA-certified Tier III emissions standards, or higher according to the following:

January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards at a minimum. In addition, all construction equipment shall be outfitted with best available control technology (BACT) devices certified by ARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by ARB regulations.
Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by ARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by ARB regulations."

- A copy of each unit’s certified tier specification, BACT documentation, and ARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

- Construction contractors are encouraged to apply for AQMD “SOON” funds. Incentives could be provided for those construction contractors who apply for AQMD “SOON” funds. The “SOON” program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: http://www.aqmd.gov/tao/Implementation/SOONProgram.htm.”

- The contractor and the Applicant, if the Applicant’s equipment is used, shall maintain construction equipment engines by keeping them tuned and regularly serviced to minimize exhaust emissions, as required by SCAQMD Rules 431.1 and 431.2.

- Existing power sources (i.e., power poles) shall be used when available. This measure would minimize the use of higher polluting gas or diesel generators.

- Construction parking shall be located on the site where possible and shall be configured to minimize traffic interference.

- Obstruction of through-traffic lanes shall be minimized by providing temporary traffic controls such as flag persons, cones, and/or signage during all phases of construction when needed to maintain smooth traffic flow. Construction shall be planned so that lane closures on existing streets are kept to a minimum.

- A traffic plan shall be developed to minimize traffic flow interference from construction activities. The plan shall specify the times during which construction activities would occur and particular times when travel lanes cannot be blocked (e.g., peak traffic periods as directed by the affected City Engineer). The plans shall provide details regarding the
placement of traffic control, warning devices, and detours. As a supplement to the traffic plan, the construction contractor shall coordinate with the affected agency to determine the need for a public information program that would inform area residents, employers, and business owners of the details concerning construction schedules and expected travel delays, detours, and blocking of turning movements lanes at intersections. The public information programs could utilize various media venues (e.g., newspaper, radio, television, telephone hot lines, or internet website, etc.) to disseminate information such as:

- Overview of project information
- Weekly updates on location of construction zones;
- Identification of street(s) affected by construction;
- Times when construction activities would occur and when traffic delays, and blockage of intersection turning movements can be expected; and
- Identification of alternate routes that could be used to avoid construction delays.

**Long-Term Impacts.** The overall emissions from implementation of the 2012 Specific Plan Project were determined to exceed SCAQMD thresholds for PM$_{2.5}$, PM$_{10}$, ROG, CO, and NO$_X$, resulting in a significant and unavoidable impact.

Long-term air quality impacts would have been regional and not confined to the City limits. Development occurring under the 2012 Specific Plan Project was required to comply with SCAQMD regulations and permitting requirements, as well as Mitigation Measures GHG-1 and GHG-2 (refer to Specific Plan EIR, Global Climate Change). Mitigation Measure GHG-1 requires implementation of building and water efficiency features in new development to reduce area source emissions associated with energy demand. Mitigation Measure GHG-2 would promote renewable energy resources in the Specific Plan project area, such as allowing solar rooftops, allowing electric vehicle charging stations, and allowing hydrogen vehicle fueling stations on the site. However, even with implementation of these measures, emissions resulting from area sources were determined to be significant and unavoidable due to the magnitude of development associated with the 2012 Specific Plan Project.

Mobile sources would be the largest contributor to the annual average air pollutant levels associated with the 2012 Specific Plan Project, and would have exceeded the SCAQMD thresholds. The 2012 Specific Plan Project included a variety of uses on the site, which would have served to reduce vehicle miles traveled (VMT), thereby reducing mobile source air quality emissions. However, due to the magnitude of development under the Specific Plan, the Specific Plan EIR determined that mobile source air quality emissions would remain significant and unavoidable.
At the time the Specific Plan EIR was prepared, the carcinogenic risk from air toxics in the Basin was approximately 1,200 per million, based on average concentrations at fixed monitoring locations. However, the City is located in an area within the basin where concentrations are declining and conditions are continuing to improve. The closest portion of the Project site is more than 2,000 ft away from I-10 and the Southern Pacific Railroad (SPRR), both of which generate toxic compounds that contribute to the carcinogenic risk. Therefore, the Specific Plan EIR determined that the health risk impacts to the 2012 Specific Plan Project would be less than significant.

**Threshold:** Would the project expose sensitive receptors to substantial pollutant concentrations?

**Impact:** Sensitive Receptors (CO Hotspots). Less than Significant Impact. Refer to the impact discussion related to the exceedance of air quality standards, above.

Carbon Monoxide (CO) emissions are a result of vehicle idling time, meteorological conditions, and traffic flow. CO concentrations near a congested roadway or intersection may reach unhealthful levels, which could adversely impact residents, school children, hospital patients, the elderly, and other sensitive receptors in the area. As determined in the Specific Plan EIR, the CO concentrations at the three most congested intersections following project implementation would be well below State and Federal standards. Therefore, impacts in regards to CO hotspots were determined to be less than significant.

**Threshold:** Would the project conflict with or obstruct implementation of the applicable air quality plan?

**Impact:** Air Quality Management Plan. Significant and Unavoidable Impact. As described in the Specific Plan EIR, the 2012 Specific Plan Project was determined to result in significant adverse air quality impacts related to conflicts with the 2012 SCAQMD AQMP or the Draft 2016 SCAQMD AQMP. Specifically, emissions resulting from the 2012 Specific Plan Project were determined to exceed the SCAQMD’s thresholds for ROG, NOx, CO, PM10, and PM2.5, resulting in a significant impact. The 2012 Specific Plan Project was determined to result in less than significant impacts with respect to oxides of sulfur (SOx) emissions exceedances. While the Specific Plan EIR identified mitigation measures and PDFs to reduce potential construction and operational emissions to the extent feasible, it was determined that emissions would remain significant and unavoidable.

The 2012 Specific Plan Project was determined to be consistent with the City’s General Plan and with the previously approved Deutsch Specific Plan; however, given the scale of the 2012 Specific Plan Project, project-related emissions were determined to exacerbate the SCAQMD’s regional efforts to bring the Basin into attainment. On a regional scale, the Project-related air quality emissions were determined to be within the forecasts presented in the 2007 AQMP. However, because the 2012 Specific Plan Project was determined to exceed each of the SCAQMD’s regional thresholds of significance (with the exception of SOx emissions), the 2012 Specific Plan Project was determined to result in a potentially significant long-term impact on the region’s ability to meet State and Federal air quality standards. As such, the 2012 Specific Plan Project was determined to result in a significant unavoidable impact with respect to consistency with the 2012 or 2016 SCAQMD AQMP.
**Threshold:** Would the project result in the creation of objectionable odors affecting a substantial number of people?

**Impact: Odors. Less than Significant Impact with Mitigation Incorporated.** As described in the Specific Plan EIR, the 2012 Specific Plan Project was determined to result in less than significant impacts related to the creation of odors affecting a substantial number of people. Potential odors were determined to arise from construction equipment used on site and the potential satellite wastewater treatment plant included as part of the 2012 Specific Plan Project. As such, the Specific Plan EIR required implementation of Mitigation Measures AQ-7 and AQ-8. Mitigation Measure AQ-7 requires measures to reduce NO\textsubscript{X} emissions during project constructions, which would in turn result in reduced odor impacts during project construction. Mitigation Measure AQ-8 requires a Conditional Use Permit (CUP) for operation of the proposed wastewater treatment plant, thereby ensuring that conditions to address odor impacts emanating from the wastewater treatment plant are incorporated during the CUP process. Implementation of Mitigation Measures AQ-7 and AQ-8 would reduce odor impacts associated with potential odors emanating from project construction and operation to a less than significant level.

**Mitigation Measure AQ-7:** The following measures shall be implemented during construction to substantially reduce nitrogen oxides (NO\textsubscript{X})-related emissions. They shall be included in the Grading Plan, Building Plans, and specifications.

- Off-road diesel equipment operators shall be required to shut down their engines rather than idle for more than 5 minutes, and shall ensure that all off-road equipment is compliant with the California Air Resources Board (ARB) in-use off-road diesel vehicle regulations and SCAQMD Rule 2449.

- The following note shall be included on all grading plans: “The City shall require construction contractors to utilize diesel powered construction equipment that meets EPA-certified Tier III emissions standards, or higher according to the following:

  January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards at a minimum. In addition, all construction equipment shall be outfitted with best available control technology (BACT) devices certified by ARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by ARB regulations.

  Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by ARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be
achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by ARB regulations.

- A copy of each unit’s certified tier specification, BACT documentation, and ARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

- Construction contractors are encouraged to apply for AQMD “SOON” funds. Incentives could be provided for those construction contractors who apply for AQMD “SOON” funds. The “SOON” program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: http://www.aqmd.gov/tao/Implementation/SOONProgram.htm.”

- The contractor and the Applicant, if the Applicant’s equipment is used, shall maintain construction equipment engines by keeping them tuned and regularly serviced to minimize exhaust emissions, as required by SCAQMD Rules 431.1 and 431.2.

- Existing power sources (i.e., power poles) shall be used when available. This measure would minimize the use of higher polluting gas or diesel generators.

- Construction parking shall be located on the site where possible and shall be configured to minimize traffic interference.

- Obstruction of through-traffic lanes shall be minimized by providing temporary traffic controls such as flag persons, cones, and/or signage during all phases of construction when needed to maintain smooth traffic flow. Construction shall be planned so that lane closures on existing streets are kept to a minimum.

- A traffic plan shall be developed to minimize traffic flow interference from construction activities. The plan shall specify the times during which construction activities would occur and particular times when travel lanes cannot be blocked (e.g., peak traffic periods as directed by the affected City Engineer). The plans shall provide details regarding the placement of traffic control, warning devices, and detours. As a supplement to the traffic plan, the construction contractor shall coordinate with the affected agency to determine the need for a public information program that would inform area residents, employers, and business owners of the details concerning construction schedules and expected travel delays, detours, and blocking of turning movements lanes at intersections. The public information programs could utilize various media venues (e.g., newspaper, radio, television, telephone hot lines, or internet website, etc.) to disseminate information such as:
Overview of project information
  o Weekly updates on location of construction zones;
  o Identification of street(s) affected by construction;
  o Times when construction activities would occur and when traffic delays, and blockage of intersection turning movements can be expected; and
  o Identification of alternate routes that could be used to avoid construction delays.

Mitigation Measure AQ-8: Construction and implementation of the wastewater treatment plant shall require a Conditional Use Permit to be approved by the City, as well as design review of the proposed site plan and building architecture, landscaping, and lighting.

Cumulative Impacts. Significant and Unavoidable Impact. Emissions associated with construction and operation of the 2012 Specific Plan Project were determined to exceed the SCAQMD thresholds, resulting in a significant air quality impact. Despite implementation of applicable mitigation measures and PDFs and adherence with applicable rules and regulations, the Project was determined to result in a significant unavoidable air quality impact.

3.4.3 Analysis of Project Changes
As part of the Air Quality and Greenhouse Gas Review prepared for the Proposed Project (Appendix A), LSA reviewed the proposed changes to the 2012 Specific Plan Project. The recommended methodology for quantifying air pollutant emissions from development projects has changed since the air quality analysis in the Specific Plan EIR was prepared. The Specific Plan EIR utilized the URBEMIS model recommended by SCAQMD at the time the Specific Plan EIR was prepared. Since publication and certification of the Specific Plan EIR in 2012, however, the SCAQMD has recommended using California Emissions Estimator Model (CalEEMod) to quantify air pollutant emissions for assessing potential air quality impacts in environmental documents prepared in SCAQMD’s jurisdiction.

Construction Impact Methodology. LSA reviewed the proposed changes to the 2012 Specific Plan Project and estimated emissions from construction-related activities, residential, school, and park land uses area source emissions (including landscaping), and mobile sources associated with the Proposed Project. Emissions for construction-related activities were analyzed using a similar list of equipment as in the 2012 Specific Plan Project. The Specific Plan EIR stated that the development of the 2012 Specific Plan Project would occur within five phases, over approximately a 30-year time period. The 30-year construction schedule for the five phases was previously estimated to begin in year 2012. The construction schedule for the Proposed Project will remain unchanged exempt the start year would begin in 2017. This analysis utilized the lower traffic study trip generation rates based on the results of the Traffic Impact Analysis (TIA) (September 2016) prepared for the Proposed Project.
In addition to the changes in the Proposed Project, the recommended methodology for quantifying air pollutant emissions from development projects has changed since the air quality analysis in the 2012 Specific Plan EIR was prepared. The Specific Plan EIR utilized the URBEMIS model recommended by SCAQMD at the time the Specific Plan EIR was prepared. Therefore, as stated above, the CalEEMod model was used to prepare the updated analysis.

For the mass grading activity in the Specific Plan EIR, the URBEMIS model estimated a total of 825 acres disturbed. The Proposed Project assumed the same total grading area of 825 acres. The SCAQMD has modified the methods for calculating PM$_{10}$ fugitive dust from grading and site preparation in the CalEEMod model. The resultant construction PM$_{10}$ and PM$_{2.5}$ emissions would be lower in the CalEEMod model than what is typically generated in the previous URBEMIS model used in the 2012 Specific Plan EIR. Conversely, the resultant NOx emissions would be higher in the CalEEMod model than the URBEMIS model. Also, the mobile source emission factors currently used in the CalEEMod model (EMFAC2011) includes the Pavley standards and Low Carbon Fuel standards into the mobile source emission factors. Therefore, the resultant operational criteria pollutant emissions are lower in the CalEEMod model than what is generated in the previous URBEMIS model used in the 2012 Specific Plan EIR.

**Air Quality Standards.**

**Short-Term Construction Impacts.** The same number and type of equipment that were listed in the Specific Plan EIR were also used in the construction analysis for the Proposed Project. Therefore, for modeling purposes, the maximum daily construction activities associated with the 2012 Specific Plan Project were assumed to be similar for the Proposed Project. For the mass grading activity, the Proposed Project assumed the same total grading area of 825 acres as used in the Specific Plan EIR analysis. Factors affecting the Proposed Project construction emissions include use of California Ultra-Low Sulfur Diesel fuel (15 parts per million sulfur maximum), as required by state regulation. In addition, the California Air Resources Board studied construction equipment load factors in 2009, finding that equipment is used 33 percent less than was assumed in the URBEMIS model. The 33 percent reduction in load factor for construction equipment is included in CalEEMod, which results in the lowering of construction emissions from those modeled with URBEMIS.

Based on the re-evaluation of potential air quality impacts prepared for the Proposed Project, all criteria pollutant emissions, except for NOx and SOx, during construction activities associated with the Proposed Project are shown to be lower than those reported in the Specific Plan EIR. In large part this is attributable to cleaner off-road engines and on-road vehicles, which are subject to increasingly strict regulatory requirements that were not accounted for in the URBEMIS model. In particular, the Proposed Project’s grading activity VOC, PM$_{10}$ and PM$_{2.5}$ emissions are substantially reduced. In addition, during the development of the CalEEMod model, SCAQMD staff worked with construction and building industries to conduct a construction site survey gathering accurate information to better estimate emissions from construction equipment based on their typical operations. The general trend in CalEEMod as compared to URBEMIS is the net increase in construction VOC, NOx, CO and SOx emissions. The increase in SOx emission is due to better emission estimation techniques and would not cause SOx emission previously identified...
in the Specific Plan EIR to be substantially more severe. The NOx emissions that would occur during construction grading activity are estimated to be higher for the Proposed Project (i.e., 451 pounds/day) due to better NOx emission estimation techniques; similar to the 2012 Specific Plan Project, these emissions would remain significantly above the SCAQMD significance threshold of 100 pounds per day. This construction-related NOx emission increase found the Proposed Project would be consistent with findings in the Specific Plan EIR. In addition, due to the differences in the model calculation rates, CO emissions that would occur during construction grading activity are estimated to be slightly higher for the Proposed Project (i.e., 282 pounds/day) but would remain well below the SCAQMD significance threshold of 550 pounds/day and would not be substantially increased. The Proposed Project construction, architectural coating and paving activities generating NOx, CO, PM10 and PM2.5 emissions are substantially reduced and would now be lower than the SCAQMD significance thresholds. The VOC emissions that would occur during architectural coating activity are estimated to be lower for the Proposed Project (i.e., 248 pounds/day) but they would remain significantly above the SCAQMD significance threshold of 75 pounds/day, similar to the 2012 Specific Plan Project. Tables 3.A.1 and Table 3.A.2 present the comparison of Phase 1 construction emission analysis between the 2012 Specific Plan Project and the Proposed Project.

Table 3.A.1: 2012 Specific Plan Project Phase 1 Construction Activity - Mitigated Emissions (lbs/day)

<table>
<thead>
<tr>
<th>Source</th>
<th>VOC</th>
<th>NOx</th>
<th>CO</th>
<th>SOx</th>
<th>PM10</th>
<th>PM2.5</th>
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</thead>
<tbody>
<tr>
<td>Grading Activity (2012)</td>
<td>43.97</td>
<td><strong>319.87</strong></td>
<td>188.54</td>
<td>0.01</td>
<td>110.80</td>
<td>34.64</td>
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<td>Yes</td>
<td>No</td>
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<td></td>
<td></td>
</tr>
<tr>
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<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Grading, Trenching, and Paving (2013)</td>
<td>42.46</td>
<td><strong>319.87</strong></td>
<td>177.61</td>
<td>0.02</td>
<td>109.67</td>
<td>33.61</td>
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<tr>
<td>Construction Building and Paving (2014)</td>
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<td><strong>310.25</strong></td>
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<td>Yes</td>
<td>No</td>
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</tbody>
</table>

Note: URBEMIS2007 model was used in the Specific Plan EIR. Modeled construction years are provided in parenthesis. Bolded emission values indicates the exceedance of the SCAQMD Significance Threshold Limits.

- CO = carbon monoxide
- CO2 = carbon dioxide
- lbs/day = pounds per day
- NOx = nitrogen oxides
- PM10 = particulate matter less than 10 microns in size
- PM2.5 = particulate matter less than 2.5 microns in size
- SCIAMQD = South Coast Air Quality Management District
- SOx = sulfur oxides
- VOC = volatile organic compounds
Table 3.A.2: Proposed Project Phase 1 Construction Activity - Mitigated Emissions (lbs/day)

<table>
<thead>
<tr>
<th>Source</th>
<th>VOC</th>
<th>NOx</th>
<th>CO</th>
<th>SOx</th>
<th>PM_{10}</th>
<th>PM_{2.5}</th>
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<tr>
<td>Grading Activity (2017)</td>
<td>38.97</td>
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<tr>
<td>Grading, Trenching, and Paving (2018)</td>
<td>34.19</td>
<td>388.16</td>
<td>248.02</td>
<td>0.41</td>
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<td>Construction Building and Paving (2019)</td>
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<td>0.36</td>
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<tr>
<td>Construction Building and Architectural Coating (2020)</td>
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</table>

Source: CalEEMod Model Output in the Attachment to the Air Quality Memorandum (LSA September 2016) (Appendix A).
Note: CalEEMod model was used in the Proposed Project. Modeled construction years are provided in parenthesis. **Bolded** emission values indicates the exceedance of the SCAQMD Significance Threshold Limits.

CO = carbon monoxide  
CO_2 = carbon dioxide  
NOx = nitrogen oxides  
lbs/day = pounds per day  
PM_{10} = particulate matter less than 10 microns in size  
PM_{2.5} = particulate matter less than 2.5 microns in size  
SCAQMD = South Coast Air Quality Management District  
SOx = sulfur oxides  
VOC = volatile organic compounds

In addition, three of the Specific Plan EIR project mitigation measures (MM AQ-1 and MM AQ-7) were applied in CalEEMod: watering three times per day, early paving of roadways, and using diesel particulate traps on all heavy equipment used during construction. As required under SCAQMD Rule 403 – Fugitive Dust Control Measures, these measures would have the effect of lowering the PM_{10} and PM_{2.5} emissions even more, falling even further below the SCAQMD Significance Thresholds. As a result, the emissions that would occur during construction activity would be lower for the Proposed Project. Tables 3.B.1 and 3.B.2 present the comparison of Phase 2 construction emission analysis between the 2012 Specific Plan Project and Proposed Project.
Table 3.B.1: 2012 Specific Plan Phase 2 Construction Activity Mitigated Emissions (lbs/day)

<table>
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<tr>
<th>Source</th>
<th>VOC</th>
<th>NO\textsubscript{x}</th>
<th>CO</th>
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<th>PM\textsubscript{10}</th>
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<tr>
<td>Trenching and Building Activity (2016)</td>
<td>9.36</td>
<td>6.45</td>
<td>201.71</td>
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<td>Building (2017)</td>
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<td>188.72</td>
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<td>176.63</td>
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<td>SCAQMD Threshold</td>
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</table>

Source: URBEMIS2007 Model Output in Appendix from Butterfield Air Quality Impact Analysis in 2012 Specific Plan EIR. Note: URBEMIS2007 model was used in the 2012 Specific Plan EIR. Modeled construction years are provided in parenthesis. Bolded emission values indicates the exceedance of the SCAQMD Significance Threshold Limits.

CO = carbon monoxide
CO\textsubscript{2} = carbon dioxide
SCAQMD = South Coast Air Quality Management District
SO\textsubscript{x} = sulfur oxides
VOC = volatile organic compounds
PM\textsubscript{10} = particulate matter less than 10 microns in size
PM\textsubscript{2.5} = particulate matter less than 2.5 microns in size

Table 3.B.2: Proposed Project Phase 2 Construction Activity Mitigated Emissions (lbs/day)

<table>
<thead>
<tr>
<th>Source</th>
<th>VOC</th>
<th>NO\textsubscript{x}</th>
<th>CO</th>
<th>SO\textsubscript{x}</th>
<th>PM\textsubscript{10}</th>
<th>PM\textsubscript{2.5}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trenching and Building Activity (2021)</td>
<td>4.61</td>
<td>11.56</td>
<td>10.21</td>
<td>0.18</td>
<td>0.37</td>
<td>0.30</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>75</td>
<td>100</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Is Threshold Exceeded?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Building (2022)</td>
<td>5.00</td>
<td>34.34</td>
<td>58.19</td>
<td>0.16</td>
<td>11.21</td>
<td>3.66</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>75</td>
<td>100</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Is Threshold Exceeded?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Construction Building and Architectural Coating (2023)</td>
<td>262.95</td>
<td>34.34</td>
<td>58.19</td>
<td>0.16</td>
<td>11.21</td>
<td>3.66</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>75</td>
<td>100</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Is Threshold Exceeded?</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Source: CalEEMod Model Output in the Attachment to the Air Quality Memorandum (LSA September 2016) (Appendix A). Note: CalEEMod model was used in the Proposed Project. Modeled construction years are provided in parenthesis. Bolded emission values indicates the exceedance of the SCAQMD Significance Threshold Limits.

CO = carbon monoxide
CO\textsubscript{2} = carbon dioxide
SCAQMD = South Coast Air Quality Management District
SO\textsubscript{x} = sulfur oxides
VOC = volatile organic compounds
PM\textsubscript{10} = particulate matter less than 10 microns in size
PM\textsubscript{2.5} = particulate matter less than 2.5 microns in size
All criteria pollutants except for VOC would now be lower than the SCAQMD Significance Threshold. The VOC emissions that would occur during architectural coating activity are estimated to be higher for the Proposed Project (i.e., 263 lbs/day) due to better VOC emission estimation techniques in CalEEMod and they would remain significantly above the SCAQMD significance threshold of 75 lbs/day. However, the VOC emissions would not result in a substantial increase when compared to the previous analysis because there is a calculation error in the CalEEMod model for architectural coating VOC emissions estimations for the recreational park land use. SCAQMD has acknowledged and stated that the CalEEMod model incorrectly assumed the total number of acres of parkland would be painted. The resultant VOC emissions are overestimated for the park land uses and should not be considered as a substantial increase. The NOX and PM10 emissions due to the trenching activities would not result in a substantial increase when compared to the previous analysis. Also, according to the Specific Plan EIR, several mitigation measures were proposed to reduce the construction-related VOC and other criteria pollutant emissions. These mitigation measures are applicable to the Proposed Project and no new mitigation is required.

Tables 3.C.1 and 3.C.2 present the comparison of Phase 3 construction emission analysis between the 2012 Specific Plan Project and the Proposed Project. The Proposed Project grading activity VOC, SOx, PM10 and PM2.5 emissions are substantially reduced. However, the NOx emissions that would occur during construction grading activity are estimated to be higher for the Proposed Project (i.e., 231 lbs/day) due to better NOx emission estimation techniques and they would remain significantly above the SCAQMD significance threshold of 100 pounds per day. This construction related NOx emission increase would be consistent with findings of a significant impact in the 2012 Specific Plan.

Table 3.C.1: 2012 Specific Plan Phase 3 Construction Activity Mitigated Emissions (lbs/day)

<table>
<thead>
<tr>
<th>Source</th>
<th>VOC</th>
<th>NOX</th>
<th>CO</th>
<th>SOX</th>
<th>PM10</th>
<th>PM2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grading Activity (2019)</td>
<td>11.12</td>
<td>25.45</td>
<td>47.71</td>
<td>0.00</td>
<td>488.85</td>
<td>104.30</td>
</tr>
<tr>
<td>Is Threshold Exceeded?</td>
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<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Grading, Trenching, Building, and Paving (2020)</td>
<td>22.48</td>
<td>3.31</td>
<td>183.41</td>
<td>0.48</td>
<td>4.33</td>
<td>2.72</td>
</tr>
<tr>
<td>Is Threshold Exceeded?</td>
<td>No</td>
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<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Construction Building and Architectural Coating (2021 - 2029)</td>
<td>89.45</td>
<td>6.81</td>
<td>136.30</td>
<td>0.48</td>
<td>4.15</td>
<td>2.56</td>
</tr>
<tr>
<td>Is Threshold Exceeded?</td>
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<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Source: URBEMIS2007 Model Output in Appendix from Butterfield Air Quality Impact Analysis in 2012 Specific Plan EIR. Note: URBEMIS2007 model was used in the 2012 Specific Plan EIR. Modeled construction years are provided in parenthesis. Bolded emission values indicates the exceedance of the SCAQMD Significance Threshold Limits.

CO = carbon monoxide  
CO2 = carbon dioxide  
lbs/day = pounds per day  
NOX = nitrogen oxides  
PM10 = particulate matter less than 10 microns in size  
PM2.5 = particulate matter less than 2.5 microns in size  
SCAQMD = South Coast Air Quality Management District  
SOX = sulfur oxides  
VOC = volatile organic compounds

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Table 3.C.2: Proposed Project Phase 3 Construction Activity Mitigated Emissions (lbs/day)

<table>
<thead>
<tr>
<th>Source</th>
<th>VOC</th>
<th>NOx</th>
<th>CO</th>
<th>SOx</th>
<th>PM10</th>
<th>PM2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grading Activity (2024)</td>
<td>12.15</td>
<td>230.59</td>
<td>202.70</td>
<td>0.47</td>
<td>48.68</td>
<td>29.28</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>75</td>
<td>100</td>
<td>550</td>
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<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Is Threshold Exceeded?</td>
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<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Grading, Trenching, Building, and Paving (2025)</td>
<td>13.60</td>
<td>28.10</td>
<td>60.54</td>
<td>0.17</td>
<td>10.65</td>
<td>3.57</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>75</td>
<td>100</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
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<td>Is Threshold Exceeded?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Construction Building and Architectural Coating (2026 - 2034)</td>
<td>13.51</td>
<td>21.56</td>
<td>50.94</td>
<td>0.16</td>
<td>10.65</td>
<td>3.53</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
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<td>550</td>
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<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Is Threshold Exceeded?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Source: CalEEMod Model Output in the Attachment to the Air Quality Memorandum (LSA September 2016) (Appendix A).
Note: CalEEMod model was used in the Proposed Project. Modeled construction years are provided in parenthesis. Bolded emission values indicates the exceedance of the SCAQMD Significance Threshold Limits.

CO = carbon monoxide
CO2 = carbon dioxide
NOx = nitrogen oxides
PM10 = particulate matter less than 10 microns in size
PM2.5 = particulate matter less than 2.5 microns in size
PM = particulate matter less than 1 micron in size
SCAQMD = South Coast Air Quality Management District
SOx = sulfur oxides
VOC = volatile organic compounds

Tables 3.D.1 and 3.D.2 present the comparison of Phase 4 construction emission analysis between the 2012 Specific Plan Project and Proposed Project. All criteria pollutants would be lower than the SCAQMD Significance Threshold.

Table 3.D.1: 2012 Specific Plan Phase 4 Construction Activity Mitigated Emissions (lbs/day)

<table>
<thead>
<tr>
<th>Source</th>
<th>VOC</th>
<th>NOx</th>
<th>CO</th>
<th>SOx</th>
<th>PM10</th>
<th>PM2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grading, Trenching, and Paving (2032)</td>
<td>6.24</td>
<td>6.78</td>
<td>32.51</td>
<td>0.11</td>
<td>109.14</td>
<td>24.02</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>75</td>
<td>100</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
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<tr>
<td>Is Threshold Exceeded?</td>
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<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Construction Building and Paving (2033)</td>
<td>35.31</td>
<td>6.78</td>
<td>30.47</td>
<td>0.11</td>
<td>1.28</td>
<td>0.90</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>75</td>
<td>100</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
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<td>No</td>
<td>No</td>
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<td>No</td>
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<tr>
<td>Construction Building and Architectural Coating (2034)</td>
<td>68.99</td>
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<td>1.00</td>
<td>0.01</td>
<td>0.04</td>
<td>0.02</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
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<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
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<td>No</td>
<td>No</td>
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<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Source: URBEMIS2007 Model Output in Appendix from Butterfield Air Quality Impact Analysis in 2012 Specific Plan EIR.
Note: URBEMIS2007 model was used in the 2012 Specific Plan EIR. Modeled construction years are provided in parenthesis. Bolded emission values indicates the exceedance of the SCAQMD Significance Threshold Limits.

CO = carbon monoxide
CO2 = carbon dioxide
NOx = nitrogen oxides
PM10 = particulate matter less than 10 microns in size
PM2.5 = particulate matter less than 2.5 microns in size
PM = particulate matter less than 1 micron in size
PM10 = particulate matter less than 10 microns in size
SCAQMD = South Coast Air Quality Management District
SOx = sulfur oxides
VOC = volatile organic compounds
Table 3.D.2: Proposed Project Phase 4 Construction Activity Mitigated Emissions (lbs/day)

<table>
<thead>
<tr>
<th>Source</th>
<th>VOC</th>
<th>NOx</th>
<th>CO</th>
<th>SOx</th>
<th>PM10</th>
<th>PM2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grading, Trenching, and Paving (2037)</td>
<td>7.56</td>
<td>39.08</td>
<td>91.28</td>
<td>0.28</td>
<td>22.96</td>
<td>11.69</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>75</td>
<td>100</td>
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<td>No</td>
<td>No</td>
<td>No</td>
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</tr>
<tr>
<td>Construction Building and Paving (2038)</td>
<td>37.31</td>
<td>7.91</td>
<td>17.89</td>
<td>0.03</td>
<td>2.54</td>
<td>0.70</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
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<td>Construction Building and Architectural Coating (2039)</td>
<td>36.10</td>
<td>0.76</td>
<td>1.79</td>
<td>0.01</td>
<td>0.37</td>
<td>0.10</td>
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<tr>
<td>SCAQMD Threshold</td>
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<td>550</td>
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<td>No</td>
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<td>No</td>
<td>No</td>
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</tbody>
</table>

Source: CalEEMod Model Output in the Attachment to the Air Quality Memorandum (LSA September 2016) (Appendix A). Note: CalEEMod model was used in the Proposed Project. Modeled construction years are provided in parenthesis. Bolded emission values indicates the exceedance of the SCAQMD Significance Threshold Limits.

<table>
<thead>
<tr>
<th>Source</th>
<th>VOC</th>
<th>NOx</th>
<th>CO</th>
<th>SOx</th>
<th>PM10</th>
<th>PM2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grading, Trenching, and Paving (2035)</td>
<td>6.24</td>
<td>21.51</td>
<td>32.51</td>
<td>0.10</td>
<td>109.96</td>
<td>24.20</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
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<td>100</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Is Threshold Exceeded?</td>
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<td>No</td>
<td>No</td>
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</tr>
<tr>
<td>Construction Building (2036)</td>
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<td>26.92</td>
<td>0.10</td>
<td>1.21</td>
<td>0.71</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
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<td>100</td>
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<td>Is Threshold Exceeded?</td>
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<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Construction Building and Architectural Coating (2037)</td>
<td>74.31</td>
<td>7.10</td>
<td>26.92</td>
<td>0.03</td>
<td>1.21</td>
<td>0.71</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>75</td>
<td>100</td>
<td>550</td>
<td>150</td>
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</table>

Source: URBEMIS2007 Model Output in Appendix from Butterfield Air Quality Impact Analysis in 2012 Specific Plan EIR. Note: URBEMIS2007 model was used in the 2012 Specific Plan EIR. Modeled construction years are provided in parenthesis. Bolded emission values indicates the exceedance of the SCAQMD Significance Threshold Limits.

Tables 3.E.1 and 3.E.2 present the comparison of Phase 5 construction emission analysis between the 2012 Specific Plan Project and the Proposed Project. All criteria pollutants would be lower than the SCAQMD Significance Threshold.

Table 3.E.1: 2012 Specific Plan Phase 5 Construction Activity Mitigated Emissions (lbs/day)

<table>
<thead>
<tr>
<th>Source</th>
<th>VOC</th>
<th>NOx</th>
<th>CO</th>
<th>SOx</th>
<th>PM10</th>
<th>PM2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grading, Trenching, and Paving (2035)</td>
<td>6.24</td>
<td>21.51</td>
<td>32.51</td>
<td>0.10</td>
<td>109.96</td>
<td>24.20</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
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<td>100</td>
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<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Construction Building (2036)</td>
<td>2.14</td>
<td>6.78</td>
<td>26.92</td>
<td>0.10</td>
<td>1.21</td>
<td>0.71</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>75</td>
<td>100</td>
<td>550</td>
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<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Construction Building and Architectural Coating (2037)</td>
<td>74.31</td>
<td>7.10</td>
<td>26.92</td>
<td>0.03</td>
<td>1.21</td>
<td>0.71</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
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<td>100</td>
<td>550</td>
<td>150</td>
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</tr>
</tbody>
</table>

Source: URBEMIS2007 Model Output in Appendix from Butterfield Air Quality Impact Analysis in 2012 Specific Plan EIR. Note: URBEMIS2007 model was used in the 2012 Specific Plan EIR. Modeled construction years are provided in parenthesis. Bolded emission values indicates the exceedance of the SCAQMD Significance Threshold Limits.

<table>
<thead>
<tr>
<th>Source</th>
<th>VOC</th>
<th>NOx</th>
<th>CO</th>
<th>SOx</th>
<th>PM10</th>
<th>PM2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grading, Trenching, and Paving (2035)</td>
<td>6.24</td>
<td>21.51</td>
<td>32.51</td>
<td>0.10</td>
<td>109.96</td>
<td>24.20</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
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<td>150</td>
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<td>55</td>
</tr>
<tr>
<td>Is Threshold Exceeded?</td>
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<td>No</td>
<td>No</td>
<td>No</td>
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</tr>
<tr>
<td>Construction Building (2036)</td>
<td>2.14</td>
<td>6.78</td>
<td>26.92</td>
<td>0.10</td>
<td>1.21</td>
<td>0.71</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
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<td>150</td>
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</tr>
<tr>
<td>Construction Building and Architectural Coating (2037)</td>
<td>74.31</td>
<td>7.10</td>
<td>26.92</td>
<td>0.03</td>
<td>1.21</td>
<td>0.71</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>75</td>
<td>100</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Is Threshold Exceeded?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Source: URBEMIS2007 Model Output in Appendix from Butterfield Air Quality Impact Analysis in 2012 Specific Plan EIR. Note: URBEMIS2007 model was used in the 2012 Specific Plan EIR. Modeled construction years are provided in parenthesis. Bolded emission values indicates the exceedance of the SCAQMD Significance Threshold Limits.

CO = carbon monoxide
CO2 = carbon dioxide
lbs/day = pounds per day
NOx = nitrogen oxides
PM10 = particulate matter less than 10 microns in size
PM2.5 = particulate matter less than 2.5 microns in size
SCAQMD = South Coast Air Quality Management District
SOx = sulfur oxides
VOC = volatile organic compounds
Table 3.E.2: Proposed Project Phase 5 Construction Activity Mitigated Emissions (lbs/day)

<table>
<thead>
<tr>
<th>Source</th>
<th>VOC</th>
<th>NOx</th>
<th>CO</th>
<th>SOx</th>
<th>PM10</th>
<th>PM2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grading, Trenching, and Paving (2040)</td>
<td>8.24</td>
<td>32.92</td>
<td>101.88</td>
<td>0.30</td>
<td>22.69</td>
<td>11.40</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
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<td>100</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
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<tr>
<td>Is Threshold Exceeded?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Construction Building (2041)</td>
<td>1.08</td>
<td>6.88</td>
<td>17.82</td>
<td>0.03</td>
<td>1.71</td>
<td>0.48</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>75</td>
<td>100</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Is Threshold Exceeded?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Construction Building and Architectural Coating (2042)</td>
<td>44.06</td>
<td>6.88</td>
<td>17.82</td>
<td>0.03</td>
<td>1.71</td>
<td>0.48</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
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<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Source: CalEEMod Model Output in the Attachment to the Air Quality Memorandum (LSA September 2016) (Appendix A).
Note: CalEEMod model was used in the Proposed Project. Modeled construction years are provided in parenthesis. Bolded emission values indicates the exceedance of the SCAQMD Significance Threshold Limits.

As construction emissions would exceed SCAQMD thresholds, the Proposed Project (similar to the 2012 Specific Plan Project) would be consistent with the findings of the Specific Plan EIR, would not result in substantial increases when compared to the 2012 Specific Plan Project, and continue to result in significant and unavoidable construction-related emissions impact despite the implementation of mitigation. Therefore, the Proposed Project would not result in any new significant environmental effects related to short-term air pollutant emissions or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Long-Term Operational Impacts.** All project-related operational criteria pollutant emissions for the Proposed Project are estimated to be lower than those reported in the Specific Plan EIR; see Table 3.F. Building energy efficiency regulations have required new buildings to be more efficient than the requirements in place for the Specific Plan EIR analysis, which reduces natural gas usage and the resulting pollutants during operation. Table 3.F presents the operational emissions for both the 2012 Specific Plan Project and the Proposed Project scenarios. Emissions for the Proposed Project would still exceed the applicable SCAQMD significance thresholds, except in the case of SOx emissions. The projected VOC, NOx, CO, PM10 and PM2.5 emissions, while significantly reduced in the Proposed Project scenario based on CalEEMod, would still be above the significance threshold but are less than the 2012 Specific Plan Project.
Table 3.F: Operational Activity Emissions (lbs/day)

<table>
<thead>
<tr>
<th>Source</th>
<th>VOC</th>
<th>NO_x</th>
<th>CO</th>
<th>SO_x</th>
<th>PM_{10}</th>
<th>PM_{2.5}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specific Plan EIR</td>
<td>805.12</td>
<td>794.22</td>
<td>5,681.94</td>
<td>6.42</td>
<td>1,046.43</td>
<td>204.28</td>
</tr>
<tr>
<td>Proposed Project</td>
<td>366.65</td>
<td>387.17</td>
<td>2,059.88</td>
<td>7.70</td>
<td>512.91</td>
<td>147.08</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>55</td>
<td>55</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Is Threshold Exceeded?</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Source: URBEMIS2007 model was used in the 2012 Specific Plan EIR. CalEEMod model was used in the Proposed Project.

Note: Bolded emission values indicates the exceedance of the SCAQMD Significance Threshold Limits.

CO = carbon monoxide
CO_2 = carbon dioxide
lbf/day = pounds per day
NO_x = nitrogen oxides
PM_{10} = particulate matter less than 10 microns in size
PM_{2.5} = particulate matter less than 2.5 microns in size
SCAQMD = South Coast Air Quality Management District
SO_x = sulfur oxides
VOC = volatile organic compounds

Under the Proposed Project, the emissions of VOC, NO_x, CO, PM_{10}, and PM_{2.5} are lower than previously estimated for the operational emissions. Overall, with a lower trip generation rate, the estimated criteria pollutant emissions for the Proposed Project are slightly lower than the emission for the 2012 Specific Plan Project, as identified in the Specific Plan EIR.

According to the Specific Plan EIR, several PDFs were proposed to reduce the operational-related criteria pollutant emissions. These PDFs are applicable to the Proposed Project and no new mitigation is required. As a result, similar to the 2012 Specific Plan Project, operation of the Proposed Project would have a significant and unavoidable impact on regional air quality. Therefore, the Proposed Project would not result in any new significant environmental effects related to operational air pollutant emissions or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Sensitive Receptors.** The Proposed Project includes the removal of several roadway extensions, and would result in a reduction in 2,176 traffic trips as compared to the 2012 Specific Plan Project based on the reduction in residential dwelling units. Because of the reduction in traffic trips, air quality emissions would be incrementally less than the emissions for the 2012 Specific Plan Project analyzed in the Specific Plan EIR. Therefore, the Proposed Project would not result in any new significant environmental effects related to sensitive receptors or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Air Quality Management Plan.** Despite the measures to be implemented as part of the 2012 Specific Plan Project, the Proposed Project contemplates substantially lower residential development and lower student enrollment intensity than was included in the adopted Butterfield Specific Plan (and by association, the City’s General Plan). Therefore, since the 2012 Specific Plan Project would meet the growth projections for the Project site contained in the City’s General Plan, it would be consistent with the projections in the SCAQMD’s air quality management plan (AQMP), since general plans
partially serve as the basis for the AQMP. However, as discussed in greater detail below, consistent with the 2012 Specific Plan Project, the Proposed Project would result in construction and operational unavoidable significant impacts resulting from project-related air pollutant emissions. As such, implementation of the Proposed Project would not change the result found in the Specific Plan EIR, which is significant unavoidable impacts related to implementation of the SCAQMD significant threshold.

An evaluation of the 2012 Specific Plan Project’s consistency with the applicable goals and policies of the Banning General Plan was addressed in the Specific Plan EIR. Because the Proposed Project would be required to implement CalGreen building standards in future residential and school construction projects, and would also employ a number of other sustainability features, all of which would serve to reduce air quality emissions and help achieve air quality goals, the Proposed Project would not result in conflicts with the applicable policies contained in the Banning General Plan, and therefore impacts in this regard would be considered less than significant. Therefore, the Proposed Project would not result in any new significant environmental effects related to a conflict with an AQMP or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Odors.** Potential sources that may emit odors during construction activities include the use of architectural coatings and solvents and diesel-powered on- and off-road equipment. SCAQMD Rule 1113 limits the amount of volatile organic compounds from architectural coatings and solvents. Via mandatory compliance with SCAQMD Rules, no construction activities or materials are proposed which would create objectionable odors. Therefore, a less than significant impact would occur during construction of the Proposed Project and no mitigation measures would be required.

During construction, the Specific Plan EIR concluded that there may be localized instances when the characteristic diesel exhaust odor is noticeable from construction equipment and asphalt paving, but such transitory exposure is a brief nuisance and would not threaten regional air quality standards. Thus, adverse impact in terms of objectionable odors during construction would continue to be less than significant and impacts associated with the Proposed Project would be similar to those identified in the Specific Plan EIR.

Potential odors from construction equipment used on site and the potential satellite wastewater treatment plant would be similar to, or incrementally less (due to less construction) than those identified in the Specific Plan EIR. Therefore, the Proposed Project’s odor impacts would be similar to the previous project and would not result in any new significant effects or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

Operation of the wastewater treatment plant as part of the Proposed Project has the potential to result in odor impacts because of the nature of the activities at the proposed facility. However, the frequency with which the facility would expose the public to objectionable odors would be minimal based on the control measures planned in the design. All facilities would be covered to avoid uncontrolled odor release. Active odor control units would be located to manage gases from the wet and solids stream treatment processes. All processes and equipment would be housed (or otherwise contained) and ventilation controlled such that no objectionable odors would be discernible at the
Project site boundaries. The odor control design for the facility would be such that no perceptible odors would be detected by nearby residences or other sensitive receptors. Additionally, disposal of biosolids at landfill sites could also contribute to odors and increase air emissions at these end-use facilities. However, the City will only use sites that are properly permitted and that have mitigated all site-specific impacts. Furthermore, the wastewater treatment plant would obtain a Conditional Use Permit (CUP) to ensure that the wastewater treatment plant would not generate significant odors affecting nearby residents and users on the site. Therefore, this impact would be consistent with the findings of the Specific Plan EIR and would be less than significant. Therefore, the Proposed Project would not result in any new significant environmental effects related to odors or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**CO Hot Spots.** Peak CO concentrations in the South Coast Air Basin are due to unusual meteorological and topographical conditions, and not due to the impact of particular intersections. Considering the Basin’s unique meteorological conditions and the increasingly stringent CO emissions standards, CO modeling was performed as part of the CO Attainment Plan and subsequent AQMP updates. According to the CO attainment demonstration in the 2003 AQMP, Wilshire Boulevard and Veteran Avenue is the most congested intersection in the Basin with daily traffic volumes of about 100,000 per day. Reflecting these results, the Basin has been designated as attainment for CO since 2007 and even very busy intersections do not result in exceedances of the CO standard. None of the intersections in the Project area have peak hour traffic volumes that exceed those at the intersections modeled in the 2003 AQMP nor do they have any geometric qualities that would result in higher concentrations than the intersections modeled by the SCAQMD.

The Specific Plan EIR indicated that total trip generation in the Project area would be 62,263 vehicle trips per day. As a result, the Specific Plan EIR determined CO concentrations to be less than 2.8 ppm (1-hour average) or 2.13 ppm (8-hour average), which would not exceed the thresholds of 20 ppm for 1-hour and 9 ppm for 8-hours CO concentrations. The revised TIA for the Proposed Project shows that the net trip generation for Proposed Project is forecast to be 60,087 vehicle trips per day. Thus, this comparison of 62,263 trips to 60,087 trips provides evidence that the Proposed Project would not contribute to the formation of CO hotspots and no further CO analysis is required. Based on the expected peak hour traffic volumes that would occur at Proposed Project buildout, and paralleling conclusions of the CO Attainment Plan and 2003 AQMP, significant concentrations of CO emissions would be less than significant under the Proposed Project. Nor would there be any reason unique to project area meteorology or other factors to conclude that the Project Study Area intersections would yield higher CO concentrations if modeled in detail. Therefore, Proposed Project would result in less than significant impacts with respect to CO hotspots. Therefore, the Proposed Project would not result in any new significant environmental effects related to CO hotspots or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Toxic Air Contaminants.** Construction of the planning areas associated with the Proposed Project would be expected to result in up to 30 years construction emissions of TACs (i.e., DPM) and would be required to implement all mitigation measures of the Specific Plan EIR including Tier 4 engines with Level 3 diesel particulate filters. These emission control device would help reduce DPM exposures to local residences and school children. There will be no additional sources of TAC emissions associated with the proposed residential and school developments for the Butterfield
Specific Plan as established under the Proposed Project. Therefore, the Proposed Project would not result in any new significant environmental effects related to TACs or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Cumulative Impacts.** New development envisioned under the Proposed Project, combined with other anticipated development in the region, would contribute to a cumulative increase in regional air pollutant emissions. The cumulative study area for air quality is the Basin, and air quality conformance is overseen by the SCAQMD. Each project in the Basin is required to comply with SCAQMD rules and regulations. Other projects in the Basin are required to be consistent with the adopted AQMP. The Specific Plan EIR found that the 2012 Specific Plan Project’s contribution of construction and operational emissions would have exceeded the SCAQMD thresholds despite implementation of mitigation measures and PDFs and conformance with applicable rules and regulations. As such, impacts were determined to be cumulatively significant. While the Proposed Project is smaller in scale than the 2012 Specific Plan Project, and with implementation of the same mitigation measures, the Proposed Project would also result in a cumulatively significant air quality impact due to the size and scale of the Project event with implementation of the same mitigation measures. The Proposed Project would not result in significant cumulative environmental impacts with respect to air quality. Therefore, the Proposed Project would not result in any new cumulatively significant environmental effects related to air quality or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

3.4.4  Findings Related to Air Quality

**No New Significant Effects Requiring Major EIR Revisions.** Based on the foregoing analysis and information, there is no evidence that the Proposed Project would require a major change to the certified Specific Plan EIR. The Proposed Project would not result in new significant environmental impacts to Air Quality, nor is there a substantial increase in the severity of impacts described in the certified Specific Plan EIR.

**No Substantial Change in Circumstances Requiring Major EIR Revisions.** The Project site and surrounding area have not been further developed or altered since the Specific Plan EIR was prepared. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Air Quality that would require major changes to the Specific Plan EIR.

**No New Information Showing Greater Significant Effects than the Specific Plan EIR.** This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was certified, indicating that a new significant effect not reported in that document may occur. Based on the information and analyses above, there is no substantial new information which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified indicating that there would be a new significant impact to Air Quality requiring major revisions to the certified Specific Plan EIR.
No New Information Showing Ability to Reduce Significant Effects in Previous EIR. There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to Air Quality identified and considered in the certified Specific Plan EIR.

3.4.5 Project Design Features

All PDFs included as part of the 2012 Specific Plan Project remain applicable to the air quality analysis for the Proposed Project.

3.4.6 Mitigation Measures

In light of the proposed Project, the Specific Plan EIR was reviewed to determine whether or not changes to the 2012 Specific Plan Project would affect the mitigation measures contained therein. Based on the analysis and information above, minor changes to the mitigation measures found in the Specific Plan EIR are required. These changes are shown in strikeout/underline below. Mitigation Measures AQ-1 through AQ-8 remain applicable to the Proposed Project.

Mitigation Measure AQ-7: The following measures shall be implemented during construction to substantially reduce nitrogen oxides (NOₓ)-related emissions. They shall be included in the Grading Plan, Building Plans, and specifications.

- Off-road diesel equipment operators shall be required to shut down their engines rather than idle for more than 5 minutes, and shall ensure that all off-road equipment is compliant with the California Air Resources Board (ARB) in-use off-road diesel vehicle regulations and SCAQMD Rule 2449.

- The following note shall be included on all grading plans: “The City shall require construction contractors to utilize diesel powered construction equipment that meets EPA-certified Tier III emissions standards, or higher according to the following:

  January 1, 2012, to December 31, 2014—All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards at a minimum. In addition, all construction equipment shall be outfitted with best available control technology (BACT) devices certified by ARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by ARB regulations.

  Post January 1, 2015—All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment
shall be outfitted with BACT devices certified by ARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by ARB regulations.”

- A copy of each unit’s certified tier specification, BACT documentation, and ARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

- Construction contractors are encouraged to apply for AQMD “SOON” funds. Incentives could be provided for those construction contractors who apply for AQMD “SOON” funds. The “SOON” program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: http://www.aqmd.gov/tao/Implementation/SOONProgram.htm.”

- The contractor and the Applicant, if the Applicant’s equipment is used, shall maintain construction equipment engines by keeping them tuned and regularly serviced to minimize exhaust emissions, as required by SCAQMD Rules 431.1 and 431.2.

- Existing power sources (i.e., power poles) shall be used when available. This measure would minimize the use of higher polluting gas or diesel generators.

- Construction parking shall be located on the site where possible and shall be configured to minimize traffic interference.

- Obstruction of through-traffic lanes shall be minimized by providing temporary traffic controls such as flag persons, cones, and/or signage during all phases of construction when needed to maintain smooth traffic flow. Construction shall be planned so that lane closures on existing streets are kept to a minimum.

- A traffic plan shall be developed to minimize traffic flow interference from construction activities. The plan shall specify the times during which construction activities would occur and particular times when travel lanes cannot be blocked (e.g., peak traffic periods as directed by the affected City Engineer). The plans shall provide details regarding the placement of traffic control, warning devices, and detours. As a supplement to the traffic plan, the construction contractor shall coordinate with the affected agency to determine the need for a public information program that would inform area residents, employers, and business owners of the details concerning construction schedules and expected travel delays, detours, and blocking of turning movements lanes at intersections. The public information programs could utilize various media venues (e.g.,
newspaper, radio, television, telephone hot lines, or internet website, etc.) to disseminate information such as:

- Overview of project information
- Weekly updates on location of construction zones;
- Identification of street(s) affected by construction;
- Times when construction activities would occur and when traffic delays, and blockage of intersection turning movements can be expected; and
- Identification of alternate routes that could be used to avoid construction delays.

### 3.4.7 Mitigation Measures No Longer Applicable

All air quality mitigation measures identified in the Specific Plan EIR would remain applicable to the Proposed Project.
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3.5 BIOLOGICAL RESOURCES

3.5.1 Existing Environmental Setting

There have been no major changes to the existing setting of the Project site with respect to biological resource since the Specific Plan EIR was prepared. Please see Section 4.4 of the Specific Plan EIR for a summary of the existing environmental setting for Biological Resources. Data presented in Section 4.4 of the Specific Plan EIR was based on the following reports: Biological Resources Assessment of the 1,543-Acre Butterfield Specific Plan Area (Natural Resources Consultants, September 9, 2010), the Burrowing Owl Survey (Natural Resources Consultants, March 2007) and the Jurisdictional Delineation of the 1,543-Acre Butterfield Specific Plan Development Project (Glen Lukos Associates, August 31, 2010). Additional information was obtained from the following sources: the Banning General Plan Updated Biological Report (AMEC 2004), the City of Banning Comprehensive General Plan Update (2006) and General Plan Update EIR (2005) and the Western Riverside Multi-Species Habitat Conservation Plan (2003).

The Project site is largely dominated by sparse vegetation and non-native grasses. The site supports small scale, occasional cattle grazing (described further in Section 3.2, Agricultural Resources, of this Addendum). The topography of the site is primarily flat in the central and southern areas of the property, with low rolling hills and steeper hills located in the northern areas of the property. Elevation on the site ranges from approximately 3,400 ft amsl in the north to 2,560 ft amsl in the south.

**Drainages.** Three drainages are present on the Project site, including Smith Creek, its tributaries, and other minor drainage features. The Smith Creek drainage system occupies 27.9 acres of the Project site. Portions of Smith Creek’s sandy wash are within the jurisdictional purview of the United States Army Corps of Engineers (USACE) and the California Department of Fish and Wildlife (CDFW). Specifically, a tributary drainage to Smith Creek contains approximately 0.2 acre of USACE jurisdictional area. Smith Creek is an ephemeral drainage, which flows in a north/south direction from the adjacent foothills north of the Project site.

Approximately 9.67 acres of the Project site are under the jurisdiction of the USACE, of which less than 0.01 acre consists of jurisdictional wetlands. All USACE jurisdictional waters on the Project site are ephemeral and considered to be Non-Relatively Permanent Waters. The USACE also retains jurisdiction over 0.15 acre in areas targeted for off-site improvements; none of this area includes wetlands. This area is an ephemeral, concrete-lined drainage known as the Pershing Channel, which is located along the west side of Highland Home Avenue along the southeastern boundary of the Project site.

In addition, the CDFW retains jurisdiction over 11.57 acres of the site, of which 0.38 acre is vegetated riparian habitat. The CDFW retains jurisdiction over 0.23 acre (of which 0.08 acre is vegetated riparian habitat) of the 200 ft portion of Smith Creek that extends off-site south to Wilson Street.

The Colorado River Basin Regional Water Quality Control Board (Regional Board) also retains jurisdiction over the site, specifically 10.14 acres (of which less than 0.01 acre is jurisdictional wetlands). The Regional Board also retains jurisdiction off the site, immediately south of the Wilson
Street culvert, where Smith Creek flows enter the site, totaling 0.15 acre (none of which is jurisdictional wetlands).

**Special-Status Species.** There are seven vegetation communities present on the Project site, including (1) non-native grassland used for cattle grazing (approximately 1,200 acres), (2) annual grasslands not used for grazing (approximately 51 acres), (3) mixed chaparral (approximately 12 acres), (4) disturbed coastal sage scrub (approximately 1 acre), (5) southern willow scrub (less than 0.4 acre), (6) sandy wash (approximately 28 acres), and (7) landscaping (approximately 5 acres). The site also includes an additional 226 acres of disturbed/developed vegetation communities.

Approximately 31 special-status plants, 9 sensitive vegetation communities, and 36 species of special-status wildlife have been recorded on the site. The Project site provides only marginally suitable habitat for special-status plant species due to the disturbed condition of the site and the historical agricultural and grazing activities on the site. The site does, however, include marginally suitable habitat for the burrowing owl (*Athene cunicularia*). The western burrowing owl is listed by the CDFW as a California Bird Species of Special Concern. Additionally, site-sensitive wildlife species, including double crested cormorant (*Phalacrocorax auritus*), northern harrier (*Circus cyaneus*), California horned lark (*Eremophila alpestris actia, SC*), loggerhead shrike (*Lanius ludovicianus*), coyote (*canis latrans*), and San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), were observed on or flying over the site during surveys conducted at the time the Specific Plan EIR was prepared.

**Off-Site Biology.** Areas proposed for off-site improvements are characterized by non-native grasslands supporting agricultural (cattle grazing) uses, annual grassland, disturbed coastal sage, mule fat scrub, sandy wash, and disturbed/developed vegetation communities. Off-site agricultural uses primarily consist of cattle grazing, and accordingly, most areas targeted for improvements contain non-native grass species similar to those found on-site: mulefat, California buckwheat (*Eriogonum fasciculatum*), and Palmer’s goldenbush (*Ericameria palmeri*) with openings of non-native grasses.

### 3.5.2 Specific Plan EIR

Please refer to Section 4.4 of the Specific Plan EIR for analysis of potential impacts related to Biological Resources.

The Specific Plan EIR concluded that the following biological impacts would be less than significant with implementation of mitigation measures.

**Threshold:** *Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (CDFG) or U.S. Fish and Wildlife Service (USFWS)?*

**Impact:** *Sensitive Species and Habitats. Less than Significant Impact with Mitigation Incorporated.* Implementation of the 2012 Specific Plan Project would result in the realignment and
reconstruction of the Smith Creek corridor and the development of the entire Project site. The realignment and reconstruction of Smith Creek was determined to result in an increased diversity and amount of native plants and other landscape vegetation along the creek banks and within the flow line.

Development of the Project site was determined to result in less than significant impacts to biological resources. As described in the Specific Plan EIR, 31 species of special-status plants, 9 sensitive vegetation communities, and 36 species of special-status wildlife have been recorded on or within the vicinity of the Project site. Despite the presence of these species on the Project site, the Specific Plan EIR determined that the 2012 Specific Plan Project would result in less than significant impacts related to species identified as a candidate, sensitive, or special-status species with Mitigation Measures BIO-1 and BIO-2 incorporated. Mitigation Measure BIO-1 requires surveys for all suitable habitat for nesting birds prior to grading activities on the site, and Mitigation Measure BIO-2 requires a preconstruction clearing survey for burrowing owls prior to ground-disturbing activities.

**Mitigation Measure BIO-1:** Prior to the commencement of grading during the nesting season (approximately mid-February through mid-August), all suitable habitat shall be surveyed for the presence of nesting birds by a qualified biologist prior to site disturbance. Should any active nests be located, construction must comply with Migratory Bird Treaty Act requirements, including an adequate construction buffer around active nests or avoiding construction during the nesting season if an adequate buffer is infeasible.

**Mitigation Measure BIO-2:** A preconstruction clearance survey for burrowing owl will be performed within 30 days prior to ground disturbance in potentially suitable habitat within the site, pursuant to California Department of Fish and Wildlife (CDFW) protocols. The preconstruction survey will include a 300-foot buffer if between February 1 and August 31 (nesting season) and a 100-foot buffer if outside of this period. If owls are found within the survey area during the nesting season, construction activities would not occur within 300 feet of the occupied burrows until nesting is completed. A qualified biologist must confirm that the nesting effort has been completed prior to the removal of the work buffer restriction. If owls are found within the disturbance footprint outside of the February 1 through August 31 period, passive relocation (e.g., use of one-way doors and collapse of burrows) would occur. These surveys and mitigation for burrowing owl are consistent with Section 6.3.2, Additional Survey Needs and Procedures of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

**Threshold:** Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFG or USFWS?

*OR*
Threshold: Would the Project 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?

Impact: Sensitive Natural Communities and Jurisdictional Impacts. Less than Significant Impact with Mitigation Incorporated. As described in the Specific Plan EIR, implementation of the 2012 Specific Plan Project may have resulted in impacts associated with drainages under the jurisdiction of the USACE, the CDFW, and/or the Regional Board. At the time the Specific Plan EIR was prepared the site supported approximately 0.43 acre riparian/riverine habitat as defined by the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), which was also within the jurisdiction of the CDFW and approximately 0.01 acre of jurisdictional wetland. The following summarizes the 2012 Specific Plan Project’s jurisdictional impacts:

- Potential permanent impacts to USACE jurisdiction associated with the 2012 Specific Plan Project were determined to total 1.17 acres, of which 0.01 acre consisted of wetlands. Potential temporary impacts were determined to total 8.65 acres, none of which consisted of jurisdictional wetlands.

- Potential permanent impacts to CDFW jurisdiction associated with the 2012 Specific Plan Project were determined to total 2.47 acres, of which 0.41 acre consisted of wetlands. Potential temporary impacts were determined to total 0.02 acre of jurisdictional riparian area that would be restored as part of the 2012 Specific Plan Project. Of the total 2.47 acres, potential permanent impacts to off-site jurisdictional areas would have totaled 0.23 acre, of which 0.08 acre were vegetated riparian habitat.

- Potential impacts to isolated waters on the Project site were determined to be 0.40 acre in total, none of which consisted of wetlands.

- Potential impacts to Regional Board jurisdiction were determined to total 1.57 acres, of which 0.01 acre was jurisdictional wetland. Of the 1.57 total acres, permanent impacts to 0.15 acre off the site were identified, none of which consisted of jurisdictional wetlands. Potential temporary impacts to Regional Board jurisdiction on the Project site were determined to total 8.65 acres, none of which consisted of jurisdictional wetlands.

In order to minimize impacts to on- and off-site jurisdictional areas, the Specific Plan EIR required the implementation of Mitigation Measure BIO-3, which requires the Applicant to provide compensatory mitigation for the temporary disturbance to jurisdictional waters and wetlands. Mitigation Measure BIO-3, along with compliance with applicable permit/agreement conditions and mitigation measures imposed by permitting agencies, were determined to reduce impacts associated with the 2012 Specific Plan Project to a less than significant level.

Mitigation Measure BIO-3: The Applicant shall provide compensatory mitigation for the temporary disturbance to CDFW jurisdictional waters, which includes approximately 0.41 acre of vegetated riparian habitat, and the temporary disturbance to Regional Water Quality Control Board (RWQCB) and United States Army Corps of Engineers (USACE) jurisdiction, none of which consists of jurisdictional wetlands. The mitigation requirements will be determined through applicable regulatory permitting programs of the CDFW, the RWQCB, and the
USACE, and shall consist of minimum 1:1 mitigation primarily through on-site restoration within the Smith Creek drainage and other on-site areas, which will be performed concurrently with development of the golf course (Planning Areas [PAs] 35 and 39) or alternative uses within these PAs (the golf course/open space PAs include various combinations of parks, trails, native habitat, drainage facilities, water quality improvements, groundwater recharge areas, and wetland mitigation areas).

Migratory Wildlife-Nesting Birds. Although the Project site is located in an undeveloped area that could serve as a wildlife movement corridor, the Specific Plan EIR determined that the addition of vegetation and trees on site associated with implementation of the 2012 Specific Plan Project would provide additional habitat for migratory nesting birds and other species on the site. The Specific Plan EIR also determined that compliance with Mitigation Measure BIO-1, which requires adherence with applicable provisions in the Migratory Bird Treaty Act, would reduce potentially significant impacts associated with the interference of migratory birds to a less than significant level. Therefore, impacts related to the potential interference with migratory movements were determined to be less than significant.

Threshold: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Impact: Tree Preservation. Less than Significant Impact. The Butterfield Specific Plan EIR determined that implementation of the 2012 Specific Plan Project would result in the implementation of enhanced vegetative cover on the site, including trees and shrubs as compared to the nearly treeless condition of the site. Therefore, the Specific Plan EIR determined that impacts related to conflicts with local policies and ordinances protecting biological resources would be less than significant.

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

Impact: Habitat Conservation Plan or Natural Community Conservation Plan. Less than Significant Impact with Mitigation Incorporated. As described in the Specific Plan EIR, the Project site is located within an area regulated by the MSHCP, which among other things, establishes regulations protecting burrowing owl. As such, the Specific Plan EIR determined that the 2012 Specific Plan Project would be required to comply with Mitigation Measure BIO-2, which requires preconstruction surveys for this species within 30 days prior to grading activities on the site and the passive relocation of any burrowing owls found in the course of those surveys to reduce potential impacts to a less than significant level.

The Specific Plan EIR also determined that because the 2012 Specific Plan Project would result in permanent impacts to 0.41 acre of wetlands, the 2012 Specific Plan Project would be required to comply with Mitigation Measures BIO-3 and BIO-4. Mitigation Measure BIO-3 requires compliance
with the regulations administered by the USACE, the CDFW, and the Regional Water Quality Control Board (RWQCB). Mitigation Measure BIO-4 requires preparation of a Determination of Biologically Equivalent or Superior Preservation (DBESP) report and implementation of its conditions and mitigation measures. The Specific Plan EIR also found that construction activities would potentially impact biological resources, thereby requiring compliance with Mitigation Measure BIO-5. Mitigation Measure BIO-5 requires that construction areas be watered regularly to reduce dust impacts to adjacent wildlife and vegetation, the use of gravel bags or other methods to reduce in-stream impacts, the siting of construction equipment and staging areas away from sensitive habitat, the demarcation of jurisdictional areas to be disturbed during project construction, avoidance of placing equipment within the stream or sensitive habitats, the removal of weeds, and the proper disposal of waste and/or dirt outside of conservation areas or areas containing native habitat. With implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, and BIO-5, the Specific Plan EIR determined that impacts to biological resources would be less than significant.

**Mitigation Measure BIO-1:** Prior to the commencement of grading during the nesting season (approximately mid-February through mid-August), all suitable habitat shall be surveyed for the presence of nesting birds by a qualified biologist prior to site disturbance. Should any active nests be located, construction must comply with Migratory Bird Treaty Act requirements, including an adequate construction buffer around active nests or avoiding construction during the nesting season if an adequate buffer is infeasible.

**Mitigation Measure BIO-2:** A preconstruction clearance survey for burrowing owl will be performed within 30 days prior to ground disturbance in potentially suitable habitat within the site, pursuant to CDFW protocols. The preconstruction survey will include a 300-foot buffer if between February 1 and August 31 (nesting season) and a 100-foot buffer if outside of this period. If owls are found within the survey area during the nesting season, construction activities would not occur within 300 feet of the occupied burrows until nesting is completed. A qualified biologist must confirm that the nesting effort has been completed prior to the removal of the work buffer restriction. If owls are found within the disturbance footprint outside of the February 1 through August 31 period, passive relocation (e.g., use of one-way doors and collapse of burrows) would occur. These surveys and mitigation for burrowing owl are consistent with Section 6.3.2, *Additional Survey Needs and Procedures* of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

**Mitigation Measure BIO-3:** The Applicant shall provide compensatory mitigation for the temporary disturbance to CDFW jurisdictional waters, which includes approximately 0.41 acre of vegetated riparian habitat, and the temporary disturbance to RWQCB and USACE jurisdiction, none of which consists of jurisdictional wetlands. The mitigation requirements will be determined through applicable regulatory permitting programs of the CDFW, the RWQCB, and the USACE.
and shall consist of minimum 1:1 mitigation primarily through on-site restoration within the Smith Creek drainage and other on-site areas, which will be performed concurrently with development of the golf course (Planning Areas [PAs] 35 and 39) or alternative uses within these PAs (the golf course/open space PAs include various combinations of parks, trails, native habitat, drainage facilities, water quality improvements, groundwater recharge areas, and wetland mitigation areas).

**Mitigation Measure BIO-4:**

Prior to the issuance of the grading permits the developer shall complete and submit all required protocol and habitat assessment studies required to demonstrate compliance with the MSHCP. Specifically, a DBESP (Determination of Biologically Equivalent or Superior Preservation), following approval of all required permits from the CDFW and the USACE, shall be prepared, which shall be reviewed by the CDFW and the United States Fish and Wildlife Service (USFWS), and approved by City staff, in compliance with Section 6.1.2 of the MSHCP. The Applicant shall implement the approved DBESP as a condition of the issuance of a grading permit and comply with all biological mitigation measures contained within the DBESP.

**Mitigation Measure BIO-5:**

The following mitigation shall be incorporated into the construction plans and specifications to minimize any potentially adverse construction impacts:

- Construction areas will be watered regularly to control dust and minimize impacts to adjacent vegetation and wildlife habitat.

- Short-term stream diversions would be accomplished by use of gravel bags or other methods that would result in minimal in-stream impacts. Short-term diversions will be evaluated through the riparian/riverine component of the MSHCP Consistency analysis (Section 6.1.2 of the Specific Plan EIR) (refer to Mitigation Measure BIO-4), which will require a DBESP analysis to be prepared. In addition, the 401, 404, and 1602 permitting processes will evaluate short-term impacts relative to stream diversions. All biological mitigation measures contained within the 401, 404 and 1602 approval conditions and the DBESP shall be implemented pursuant to Mitigation Measures BIO-3 and BIO-4, respectively, which typically require 1:1 on-site restoration. Any mitigation beyond the 1:1 restoration of the original stream would be mitigated on the site through negotiations with the CDFW, the RWQCB, and the USACE.

- Equipment storage, fueling and staging areas will be sited on non-sensitive upland habitat types with minimal risk of direct discharge into riparian areas or other sensitive habitat types.
- The limits of jurisdictional disturbance, including the upstream, downstream along Smith Creek and lateral extents that are tributaries to Smith Creek, would be clearly defined and marked in the field. Monitoring personnel will review the limits of disturbance prior to initiation of construction activities.
- During construction, the placement of equipment within the stream or on adjacent banks or adjacent upland habitats occupied by Covered Species that are outside of the Project footprint would be avoided.
- Exotic, weedy plant species removed during construction would be properly handled to prevent sprouting or regrowth.
- Waste, dirt, rubble, or trash shall not be deposited in a conservation area or on native habitat.

**Cumulative Impacts. Less than Significant Impact with Mitigation Incorporated.** The Specific Plan EIR determined that implementation of the Specific Plan would result in less than significant cumulative impacts related to biological resources. Although the 2012 Specific Plan Project would result in the removal of approximately 1,500 acres of existing vegetation, which would contribute to the overall reduction of grassland (which can be used as live-in and/or foraging areas for sensitive species including the burrowing owl), this habitat is not considered sensitive and is widely available throughout the region. The loss of riparian/riverine and wetland habitat associated with implementation of the 2012 Specific Plan Project was determined to result in a less than significant impact with implementation of Mitigation Measure BIO-1 through BIO-5 and compliance with existing regulations and permit conditions. Therefore, the Specific Plan EIR determined that impacts to biological resources would not be cumulatively significant.

### 3.5.3 Analysis of Project Changes

**Sensitive Species and Habitats.** Similar to the Specific Plan Project, the Proposed Project would result in the realignment and reconstruction of the Smith Creek Corridor, which would also result in an increased diversity and amount of native plants and landscape vegetation along the creek banks and within the flow line.

The Proposed Project reduces intensity, includes 525 fewer residential units and includes more open space than the previously approved 2012 Specific Plan Project. Mitigation Measures BIO-1 and BIO-2 would remain applicable to the Proposed Project. Due to the reduction in the Proposed Project intensity and increased open space included as part of the Project, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to sensitive species or habitats or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Sensitive Natural Communities and Jurisdictional Impacts.** The Proposed Project would impact approximately the same amount of jurisdictional area as the 2012 Specific Plan Project; however, the
Proposed Project reduces intensity, includes more open space than the 2012 Specific Plan Project, and would impact approximately the same amount, and no increase of jurisdictional areas as the 2012 Specific Plan Project; however, as allowed for in Mitigation Measure BIO-3, these improvements (primarily the restoration within Smith Creek) would now occur concurrently with development of the “alternative uses within these PAs.” Therefore, no changes to Mitigation Measure BIO-3 are required. Due to the reduction in the Proposed Project intensity, and because all proposed uses are located in the same locations and will impact approximately the same amount of jurisdictional area, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to sensitive natural communities and jurisdictional impacts or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Migratory Wildlife.** The Proposed Project would be located on the same project site as the 2012 Specific Plan Project. Similarly, while the Project site is located in an undeveloped areas that could serve as a wildlife movement corridor, the addition of vegetation and trees on the site would provide additional habitat for nesting birds and other species on the site. Additionally, the Proposed Project reduces intensity and includes more open space than the 2012 Specific Plan Project, which would result in fewer impacts to open space areas and trees on the site that could potentially serve as wildlife movement corridors. Due to the reduction in the Proposed Project intensity, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant effects to wildlife corridors or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Tree Preservation.** Trees in Banning are protected under Section 17.32.060 (Removal or Destruction of Trees) of the City of Banning’s Municipal Code, which regulates the removal of trees in the City. Implementation would involve the removal and relocation of any existing trees on site in areas proposed for development and would include the relocation of the “Veteran’s Tree” within the Project site, in accordance with the Settlement Agreement and subject to the City’s review and approval of the proposed location. The relocation of the Veteran’s Tree would occur simultaneously with the submittal of the plans for the road widening necessary for Highland Springs Avenue. Per the Settlement Agreement, the Applicant shall utilize a professional arborist for the relocation. If the Veteran’s Tree does not survive for at least 180 days after relocation and planting, the Applicant shall replace it with an oak tree contained in a minimum of a 60-inch box, using the services of a professional arborist. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant effects related to conflicts with a tree preservation policy or ordinance or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Habitat Conservation Plan or Natural Community Conservation Plans.** The Proposed Project would be located on the same project site as the 2012 Specific Plan Project. The Project site is regulated by the MSHCP, which among other things, establishes regulations aimed at protecting the burrowing owl. Consequently, the Proposed Project would be required to comply with Mitigation Measures BIO-1 and BIO-2, which requires preconstruction burrowing owl surveys prior to grading...
activities on the site and the passive relocation of any burrowing owls found in the course of these surveys to reduce impacts to burrowing owls.

The Proposed Project reduces intensity and includes more open space than the previously approved project, and therefore would result in fewer impacts to species protected by the MSHCP, including the burrowing owl. Similar to the 2012 Specific Plan Project the Proposed Project would impact 0.41 acre of wetlands. As such, the Proposed Project would also adhere to Mitigation Measures BIO-3 through BIO-4, as required by the Specific Plan EIR.

While the Proposed Project includes an overall reduction in the Proposed Project intensity, and the disturbance of less habitat and acreage, the Proposed Project would also be required to comply with Mitigation Measure BIO-5 to minimize impacts to impacts to wildlife and vegetation on the site during Project construction.

Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant effects related to conflicts with the MSHCP or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Cumulative Impacts.** Potentially significant cumulative impacts resulting from the Proposed Project would result in similar impacts to the 2012 Specific Plan Project, but would reduce impacts incrementally due to the reduction in project intensity and increase in open space. However, despite the reduction in impacts associated with the Proposed Project, implementation of Mitigation Measures BIO-1 through BIO-5 would be required to reduce potential cumulative impacts to a less than significant level. With implementation of these measures, there would be no cumulatively significant impacts to biological resources.

Therefore, in consideration of all of the above, the Proposed Project does not require any major changes to the Specific Plan EIR and would not result in any new significant cumulative environmental effects related to biological resources or a substantial increase in the severity of previously identified significant effects or require new or substantially different mitigation measures.

### 3.5.4 Findings Related to Biological Resources

**No New Significant Effects Requiring Major EIR Revisions.** Based on the foregoing analysis and information, there is no evidence that the Proposed Project would require a major change to the Specific Plan EIR. The Proposed Project would not result in new significant environmental impacts to Biological Resources or a substantial increase in the severity of impacts previously identified in the Specific Plan EIR.

**No Substantial Change in Circumstances Requiring Major EIR Revisions.** The Project site and surrounding area have not been further developed or altered since the Specific Plan EIR was prepared. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Biological Resources that would require major changes to the Specific Plan due to the involvement of significant effects or a substantial increase in the severity of previously identified significant effects.
No New Information Showing Greater Significant Effects than the Certified 2008 EIR. This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was certified, indicating that a new significant effect not reported in that document may occur. Based on the information and analyses above, there is no substantial new information which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified indicating that there would be a new significant impact to Biological Resources requiring major revisions to the Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in Previous EIR. There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to Biological Resources identified and considered in the Specific Plan EIR.

3.5.5 Project Design Features

All PDFs included as part of the 2012 Specific Plan Project remain applicable to the biological resources analysis for the Proposed Project. PDF 3 has been modified to reflect the removal of the Project’s golf course, per the Settlement Agreement. The change is shown in strikeout/underline below.

2. The Proposed Project has been planned to avoid all significant indirect impacts associated with drainage, toxics, lighting, noise, barriers, invasive species and brush management that could potentially occur on the Project site. Mitigation measures and best management practices (BMPs) will be implemented in compliance with MSHCP Wildlands/Urban Interface policies, thus reducing all indirect impacts on the Project site to a level that is less than significant; refer to Section 3.0, Development Plan, and 4.0, Design Guidelines, and the analysis and mitigation measures contained in Sections 4.9 (Hydrology and Water Quality), 4.8 (Hazards and Hazardous Materials), 4.1 (Aesthetics, Light, and Glare), and 4.11 (Noise), of the Specific Plan EIR and the this section Biological Resources Section of the EIR.

3. The Project includes approximately 418.1 acres of open space and drainage areas, in addition to approximately 78.4 acres of active recreation/park uses, 70.1 acres of passive landscaped and natural open space (56.3 acres in the northeast corner of the Project), and 38.3 acres of drainage channel and basin areas as described in the Project Description. The plant palette and revegetation associated with Smith Creek is designed to replicate natural conditions and to preserve and enhance biological values. Basin areas will be vegetated and the landscaping of active recreational areas will increase the availability of plant cover and trees on the site, providing habitat for birds and forage for birds of prey.

3.5.6 Mitigation Measures

In light of the Proposed Project, the Specific Plan EIR was reviewed to determine whether or not changes to the 2012 Specific Plan Project would affect the mitigation measures contained therein. Based on the analysis and information above, minor changes to the mitigation measures found in the
Specific Plan EIR are required. Mitigation Measures BIO-1 through BIO-5 remain applicable to the Proposed Project. These changes are shown in underline/strikeout below.

**Mitigation Measure BIO-3:** The Applicant shall provide compensatory mitigation for the temporary disturbance to CDFW jurisdictional waters, which includes approximately 0.41 acre of vegetated riparian habitat, and the temporary disturbance to RWQCB and USACE jurisdiction, none of which consists of jurisdictional wetlands. The mitigation requirements will be determined through applicable regulatory permitting programs of the CDFW, the RWQCB, and the USACE, and shall consist of minimum 1:1 mitigation primarily through on-site restoration within the Smith Creek drainage and other on-site areas, which will be performed concurrently with development of the golf course (Planning Areas [PAs] 35 and 39) or alternative uses within these Planning Areas 35 and 39 (the golf course/open space PAs uses, including various combinations of parks, trails, native habitat, drainage facilities, water quality improvements, groundwater recharge areas, and wetland mitigation areas).

**3.5.7 Mitigation Measures No Longer Applicable**

All biological resources mitigation measures identified in the Specific Plan EIR would remain applicable to the Proposed Project.
3.6 GLOBAL CLIMATE CHANGE

Global Climate Change (GCC) is the observed increase in the average temperature of the Earth’s atmosphere and oceans along with other significant changes in climate (such as precipitation or wind) that last for an extended time period. The term “global climate change” is often used interchangeably with the term “global warming,” but “global climate change” is preferred to “global warming” because it helps convey that there are other changes in addition to rising temperatures.

3.6.1 Existing Environmental Setting

There have been no major changes to the existing setting of the Project site with respect to global climate change since the Specific Plan EIR was prepared. Please refer to Section 4.5 of the Specific Plan EIR for a summary of the existing environmental setting for Global Climate Change. The analysis contained in Section 4.5 is based on information compiled from the City of Banning General Plan (January 2006), the Environmental Impact Report for the City of Banning Comprehensive General Plan and Zoning Ordinance (June 2005), the City of Banning Municipal Code (codified through January 2010), and Air Quality Data provided by the California Air Resources Board (ARB). Land use and traffic data are based on the proposed Butterfield Specific Plan, and the Project’s Traffic Impact Analysis. These documents are included in Appendix B of the Specific Plan EIR. The Global Climate Change analysis in the following section is based primarily on the Air Quality and Greenhouse Gas Analysis Review, (September 2016) prepared by LSA Associates, Inc. (LSA) (Appendix A).

3.6.2 Specific Plan EIR

Please see Section 4.5 of the Specific Plan EIR for analyses of potential effects of the 2012 Specific Plan Project related to global climate change.

The Specific Plan EIR concluded that the following climate change impacts would be significant and avoidable despite the implementation of mitigation measures.

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

**Impact: GHG Emissions. Significant and Unavoidable Impact.** As described in the Specific Plan EIR, a GHG analysis was also completed to estimate both the construction-related emissions and the annual operational emissions expected to occur after build-out of the 2012 Specific Plan Project. The analysis assumed that all emissions from the 2012 Specific Plan Project would be “new” since there is no current development or activity on the site. Short-term or one-time emissions would be associated with construction-related activities. Based on the build-out of the 2012 Specific Plan Project, the Specific Plan EIR estimated that 104,177 metric tons (MT) of CO₂e would be generated from project construction equipment and emitted over the course of the minimum construction period of 30 years. If these one-time emissions are annualized (assuming a 30-year development life), then the one-time emissions would contribute approximately 3,473 MT CO₂e emissions annually.
The business-as-usual (BAU) analysis was performed in the Specific Plan EIR to determine if the 2012 Specific Plan Project’s GHG emissions would meet the AB32 Statewide reduction target in 2020, which equals a reduction of 28.3%. BAU is an estimate of the GHG emissions expected to occur if none of the foreseeable California’s Scoping Plan measures were implemented. These measures are implemented at the state, regional, and local level. As reported in the Specific Plan EIR, the 2012 Specific Plan Project would result in approximately 161,118.99 MTCO₂eq/year of direct and indirect GHGs without reductions from Project design features. Mitigation Measure GHG-1 and GHG-2 were formulated in order to ensure such GHG Project design features were incorporated into the 2012 Specific Plan Project. Based on the reduction measures in Table 4.5-3 of the Specific Plan EIR, the proposed Specific Plan would reduce its GHG emissions 20.29 percent below the Business as Usual scenario, to 124,024.67 MTCO₂eq/year.

With the advent of legislation mandating GHG reductions from, for example, mobile sources and electricity generation, the way BAU emissions are estimated is not the same in the 2008 and 2014 Scoping Plans. The 2014 First Update to the Climate Change Scoping Plan calls for a 16 percent reduction from BAU, but the way BAU is defined in calculating the 16% goal incorporates legislation was not included in the 2008 Climate Change Scoping Plan BAU.

Therefore, as described in the Specific Plan EIR, implementation of the 2012 Specific Plan Project would result in significant adverse impacts related to the generation of GHG emissions due to the scale of the proposed development even with the implementation of Mitigation Measures GHG-1 through GHG-3, as listed below. These measures are intended to reduce emissions through green building practices, solid waste measures, and transportation and motor vehicle measures. In addition to Mitigation Measures GHG-1 through GHG-3, the 2012 Specific Plan Project would be required to include various design features that would reduce VMTs and promote efficiency and sustainability. Despite the implementation of all reasonable and feasible mitigation measures and PDFs aimed at reducing GHG emissions to the extent feasible, the Specific Plan was determined to result in a significant and unavoidable GHG impact.

Mitigation Measures GHG-1: Prior to the issuance of building permits, the following measures shall be reflected on applicable tract maps, building permits, improvement plans, landscape plans, and/or grading plans:

A) Green Building Practices

1) Water Conservation – All appliances such as showerheads, lavatory faucets and sink faucets shall comply with efficiency standards set forth in Title 20, California Administrative Code Section 1604(f). Title 24 of the California Administrative Code Section 1606(b) prohibits the installation of fixtures unless the manufacturer has certified to the California Energy Conservation compliance with the flow rate standards.

2) Water Conservation – Low-flush toilets shall be installed as specified in California State Health and Safety Code Section 17921.3 and the County Green Building Ordinance (as applicable in Riverside County).
3) **Water Conservation** – All common area irrigation areas shall be capable of being operated by a computerized irrigation system which includes an on-site weather station/evapotranspiration (ET) gage capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain, and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. All common area irrigation controllers shall also include a rain-sensing automatic shutoff.

4) **Water Conservation** – Common-area landscaping shall emphasize drought-tolerant vegetation. Plants of similar water use shall be grouped to reduce over-irrigation of low-water-using plants. Those areas not designed with drought-tolerant vegetation shall be gauged to receive irrigation using the minimal requirements.

5) **Water Conservation** – Residential occupants shall be informed as to the benefits of low-water-using landscaping and sources of additional information related to water conservation.

6) **Water Conservation** – Community center or recreational facilities with a pool amenity shall be conditioned to provide and use a pool cover to reduce water evaporation and retain heat.

7) **Water Conservation** – Water conservation standards shall be as noted in the Tier 1 measures of the 2010 California Green Building Standards.

8) **Energy, Water, and Recycling** – The builder shall be conditioned to provide the following:
   - Energy-efficient appliances
   - Energy-efficient indoor lighting
   - Water-efficient smart controllers for landscaping
   - Water-efficient plumbing in all buildings
   - Integration of recycling into residential home design, creating areas in the home to promote recycling (additional trash cans in cabinets, etc.)
   - Energy Efficiency standards shall be as noted in the Tier 1 measures of the 2010 California Green Building Standards.
9) **Carbon Sequestration** – The builder shall plant an average of approximately 40 trees per landscaped acre (where landscaping is provided) as a means to capture (sequester) carbon dioxide emissions and to provide shade to the buildings, which can decrease the need for air conditioning.

10) **Green Education Program** - In order to increase awareness of green building practices and to promote water and energy conservation, the builder(s) will develop and implement a green educational program. The program will include but not necessarily be limited to a pamphlet that educates and promotes conservation practices that homeowners can implement, with specific guidance on landscaping with drought-tolerant plants, use of efficient irrigation systems, compact florescent lighting, and other measures that help lower greenhouse gas (GHG) emissions.

11) **Energy Efficient Outdoor Lighting** – Lighting for public streets, parking areas, and recreation areas shall utilize energy-efficient light and mechanical, computerized, or photo cell switching devices to reduce unnecessary energy usage.

12) **Energy Conservation** – Community center or recreational facilities with a pool amenity shall be conditioned to install energy-efficient pumps and motors, such as variable speed motors.

**B) Solid Waste Measures**

1) Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).

2) Shall comply with State model ordinance AB 1327, Chapter 18, California Solid Water Reuse and Recycling Access Act of 1991, which requires interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.

**C) Transportation and Motor Vehicles**

1) Limit idling time for commercial vehicles, including delivery and construction vehicles, pursuant to applicable SCAQMD and City requirements.

2) Promote ride-sharing programs (e.g., by designating a certain percentage of parking spaces for ride-sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles, and
providing a website or message board for coordinating rides). The actual percentage of potential ride-sharing vehicle spaces will be determined in coordination with the City Planning Director or designee based on square footage and use type (e.g., shopping center, office, or fitness center, etc.) prior to approval of a site plan within the commercial land use Planning Areas.

3) Provide adequate bicycle parking near non-residential building entrances to promote cyclist safety, security, and convenience. Provide facilities that encourage bicycle commuting (e.g., locked bicycle storage or covered or indoor bicycle parking).

4) All golf carts and Neighborhood Electric Vehicles (NEVs) shall be electrical powered only.

Mitigation Measure GHG-2: The Butterfield Specific Plan shall be conditioned to allow the following uses (as reflected on future tract maps and commercial site plans), to further promote renewable energy resources, including:

- Allowing rooftop solar on all structures, subject to City Municipal Code and related building permit provisions; allowing electric vehicle charging stations at all commercial, park, golf course, multifamily residential, and school areas, subject to a Conditional Use Permit; and allowing hydrogen vehicle fueling stations within the Commercial zone, subject to a Conditional Use Permit.

Mitigation Measure GHG-3: As part of future tract map, grading plan, site plan and/or improvement plan submittals, the Applicant shall identify bus stops along arterial streets, through consultation with the City Engineer and Banning Pass Transit, including stops on Highland Springs Road, Wilson Street, Highland Home Road, and F Street, as determined appropriate.

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

Impact: Conflict with Applicable Plan, Policy, or Regulation. Significant and Unavoidable Impact. There is no adopted plan, policy, or regulation currently regulating GHG emissions in the City; however, there are several applicable regional and State climate change and policy documents, such as Assembly Bill 32 (AB 32) and Senate Bill 375 (SB 375).

As described in the Specific Plan EIR, GHG emissions resulting from implementation of the 2012 Specific Plan Project would be consistent with local and regional growth emissions included in applicable climate change planning and policy documents, including AB 32 and SB 375; however,
measures implementing AB 32 and SB 375 require further action by other State and federal agencies and implementation and effectiveness of these measures is not assured. Therefore, the Specific Plan EIR determined that the 2012 Specific Plan Project’s incremental contribution to climate change was determined to remain significant and unavoidable even with the implementation of Mitigation Measures GHG-1 through GHG-3.

Cumulative Impacts. Significant and Unavoidable Impact. Due to the size and scale of the 2012 Specific Plan Project, emissions associated with construction and operation of the 2012 Specific Plan Project were determined to be significant despite implementation of Mitigation Measures GHG-1 through GHG-3 and applicable PDFs. Therefore, the Specific Plan EIR determined that project-related contributions and cumulative development would cause GHG impacts to remain significant and unavoidable, and could potentially hinder the statewide reduction goals of AB 32.

3.6.3 Analysis of Project Changes

The following analysis is based primarily on the Air Quality and Greenhouse Gas Analysis Review, (September 2016) prepared by LSA Associates, Inc. (LSA) (Appendix A).

An updated GHG emissions inventory to determine both construction and operational GHG emissions was prepared for the Proposed Project by LSA using CalEEMod. The model employs widely accepted calculation methodologies for emission estimates combined with appropriate default data if site-specific information is not available. The model is able to estimate GHG emissions based on project-specific data or, where project-specific data are not available, based on default data specific for building types and regions. CalEEMod incorporates state-of-the-science methods for quantifying mitigation and PDFs not available in URBEMIS and has replaced URBEMIS, the model used in the Specific Plan EIR.

Greenhouse Gas Emission Thresholds of Significance. The City of Banning has not established local CEQA significance thresholds as described in Section 15064.7 of the State CEQA Guidelines. Therefore, significance determinations utilized in this section are from Appendix G of the State CEQA Guidelines. A significant impact will occur if implementation of the proposed Project will:

- **Threshold A:** generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and/or
- **Threshold B:** conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The following thresholds are considered in determining the significance of the Proposed Project impacts from GHG.

- **Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of GHGs (see Threshold A)?**
- **Would the Project conflict with the CARB Scoping Plan and regulations adopted for the purpose of reducing emissions of greenhouse gases (see Threshold B)?**
Threshold A: Would the Project conflict with any applicable plan, policy or regulation of the City adopted for the purpose of reducing the emissions of greenhouse gases?

Per the Newhall Ranch decision, a lead agency may assess the significance of GHG emissions by determining a project’s consistency with a local GHG reduction plan or CAP that qualifies under Section 15183.5 of the CEQA Guidelines. The City of Banning does not have a local GHG reduction plan or CAP; however, they are a member of the Western Riverside Council of Government (WRCOG). The WRCOG Subregional Climate Action Plan serves to fulfill this role.

The City of Banning is one of the twelve cities in the western Riverside County, who has joined efforts to develop the WRCOG Subregional CAP. The CAP sets forth a sub-regional emissions reduction target, emissions reduction measures, and action steps to assist each community to demonstrate consistency with California’s Global Warming Solutions Act of 2006 (AB 32).

The CAP identifies strategies for reducing GHG emissions and prioritizes the implementation of policies that enable the member cities to fulfill the requirements of AB 32. The CARB adopted the State’s strategy for achieving AB 32 targets in its Scoping Plan in 2008. The Scoping Plan GHG reduction goal is to reduce statewide emissions to 1990 levels by 2020. The WRCOG Sub-regional CAP includes strategies that will achieve this target. The strategy will continue to provide reductions past 2020 and includes a roadmap for the City to achieve GHG emissions reductions through the year 2030 and 2050. The CAP will enable the City to surpass its community-wide GHG emissions target for 2020, but more aggressive action by the City, the WRCOG sub-region, and the state is needed to reach the 2030 and 2050 targets. Using the strategies and policies outlined in the CAP, the City is on track with meeting its long-term GHG reduction goal until approximately 2026. After that point, a gap emerges between needed reductions and expected reductions. Additional action at the state and sub-regional level is critical to the City’s ability to attain its long-term GHG targets. However, the City recognizes its vital role in closing the emissions reduction gap through more aggressive local action that is synergistic with state action. Nevertheless, numerous developments in policy, technology and markets must occur for the state to achieve an economy-wide 80% reduction in GHG emissions by the year 2050 from 1990 levels (WRCOG Subregional CAP 2016).

The 2016 Southern California Association of Government (SCAG) Regional Transportation Plan/Sustainable Community Strategies (RTP/SCS) would result in less than significant impacts with respect to its potential to conflict with AB 32 and or any applicable plan, policy or regulation adopted for the purpose of reducing emissions of GHGs. However, in the event of a worst case scenario, e.g., responsible agency implementation activities do not achieve their respective GHG emission reduction goals to the appropriate level, the proposed 2016 Specific Plan Amendment may result in significant cumulative impacts. California’s Sustainable Communities and Climate Protection Act, or Senate Bill (SB) 375, calls for the SCAG RTP to include an SCS that reduces GHG emissions from passenger vehicles by 8 percent per capita by 2020 and 13 percent per capita by 2035 compared to 2005, as set by the California Air Resources Board (ARB). SB 375 enhances the State’s goals of Assembly Bill 32, the Global Warming Solutions Act of 2006. The SCS outlines the plan for integrating the transportation network and land use development strategies with an overall land use pattern that responds to projected growth, housing needs, changing demographics, and transportation demands. The proposed transportation network that emphasizes system preservation, active transportation, and transportation demand management measures outlined in the RTP/SCS would benefit the City with more sustainable planning, integrating transportation and land use decisions to
allow residents to live closer to where they work and play, and to high-quality transit services. Implementation of SCAG Mitigation Measures outlined in the 2016 RTP/SCS and Project-Level Mitigation Measure MM-GHG-1 through MM-GHG-3 will help reduce project impacts related to the potential to conflict with AB 32 and any applicable plan, policy or regulation adopted for the purpose of reducing emissions of GHGs to the maximum extent practicable and feasible. However, similar to the Specific Plan EIR findings, significant and unavoidable cumulative GHG impacts will remain for the Proposed Project after mitigation.

**WRCOG CAP Work-in-Progress CAP Program.** Under CEQA, the effects of GHG emissions are considered a potentially significant environmental impact. CEQA Guidelines recognize this, and include a provision for streamlining the analysis of projects that are consistent with a comprehensive plan for the reduction of GHG emissions (CEQA Guidelines, Section 15183.5).

To meet the requirements of CEQA Guidelines Section 15183.5(b)(1) a qualified CAP must:

1. Quantify existing and projected GHG emissions within the plan area
2. Establish a reduction target based on AB 32’s provisions (a level where GHG emission are not cumulatively considerable)
3. Identify and analyze sector specific GHG emissions from Plan activities
4. Specify policies and actions (measures) that local jurisdictions will enact and implement over time to achieve specified reduction target
5. Establish a tool to monitor progress and amend if necessary
6. Adopt in a public process following environmental review

A development project would demonstrate consistency with the CAP if it is consistent with the CAP assumptions regarding the amount and type of future development, and is consistent with the GHG reduction measures identified in the CAP. Projects consistent with the CAP, including conformance with any performance measures applicable to the project, would not require additional GHG emissions analysis and mitigation under CEQA Guidelines Sections 15064(h) and 1513.5(b)(2).

In a future phase of the WRCOG CAP work program, WRCOG will develop a checklist to assist with determining project consistency with the CAP. The checklist is intended to provide individual projects the opportunity to demonstrate that they are minimizing GHG emissions, while ensuring that new development achieves a proportion of emissions reduction consistent with what is assumed in the CAP. The project review checklist will screen projects for important GHG reduction measures that, when implemented, will facilitate and not impede the subregion’s ability to meet its 2020 GHG emissions target. The checklist will apply to all projects subject to CEQA.

In addition to the WRCOG CAP work program, the City of Banning shall develop a greenhouse gas (GHG) Reduction Plan or Climate Action Plan (CAP) for the proposed project to ensure that the City continues on a trajectory that aligns with the short-term, interim, and long-term state GHG reduction goals of Assembly Bill (AB) 32 (2020 goal), Executive Order (EO) B-30-15 (2030 goal), and EO S-03-05 (2050 goal).
Threshold B: Would the Project be consistent with the CARB Scoping Plan and regulations adopted for the purpose of reducing the emissions of greenhouse gases?

CEQA allows lead agencies to consider whether regulatory programs are adequate to reduce a project’s potentially significant environmental effects. Under AB 32, the State’s emission inventory must be reduced to 1990 levels by 2020. One of the questions in the CEQA Guidelines checklist regarding GHG asks whether a project conflicts with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. The CARB Scoping Plan and its implementing regulations provide the regulatory framework for the State to achieve its target and to track its progress. Moreover, Newhall Ranch describes that a lead agency may assess consistency with AB 32’s goal in whole or in part by looking to compliance with regulatory programs designed to reduce GHG emissions from particular activities … [Newhall, p. 25.] Newhall Ranch further describes that “[t]o the extent a project’s design features comply with or exceed the regulations outlined in the Scoping Plan and adopted by the Air Board or other state agencies, a lead agency could appropriately rely on their use as showing compliance with ‘performance based standards’ adopted to fulfill ‘a statewide . . . plan for the reduction or mitigation of greenhouse gas emissions.’ (CEQA Guidelines § 15064.4(a)(2), (b)(3); see also id., § 15064(h)(3) [determination that impact is not cumulatively considerable may rest on compliance with previously adopted plans or regulations, including ‘plans or regulations for the reduction of greenhouse gas emissions’].)”

An important underlying assumption when making a significance determination based on compliance with regulations is that the regulations are adequate to address the impact to a less than significant level. If compliance with regulations is sufficient to mitigate the impact to a less than significant level, then a project is not required to provide any additional mitigation to further reduce the impact. If, however, regulations are only partially effective in mitigating the impacts, or if the regulatory program is not fully implemented, there may be a gap between the amount that can be reasonably claimed from regulation and the amount needed to achieve the less than significant target.

The CARB 2008 Scoping Plan includes a regulatory strategy that will result in the State achieving the AB 32 target by 2020, accounting for growth projected by 2020. The measures in the 2008 Scoping Plan were in place by 2012. The First Update of the CARB Scoping Plan adopted in May 2014 (CARB 2014) includes no new measures or targets that would require additional consistency analysis.

When the Scoping Plan was first adopted in 2008, most of the regulations to implement it had not been adopted. This resulted in a gap between the reductions achieved by regulations and those reductions required to show consistency with the 2020 BAU percentage reduction. In the Newhall Ranch case, the project was required to determine reductions from its land use design and transportation measures to close the gap and exceed the identified 29 percent reduction below BAU threshold. If that project were analyzed today, the gap would likely be closed by regulations that have since been adopted to reduce GHG emissions from project sources, and possibly no reductions from land use design would be required to meet the 2020 target, at least for portions of the project built prior to 2020.

Specifically, since the adopting of AB 32, the State has embarked on an ambitious regulatory development program to implement the Scoping Plan, which continues today. As explained in the First Update to the Scoping Plan (2014) (2014 Scoping Plan Update), all of the regulations needed to achieve the AB 32 target have now been adopted. The 2014 Scoping Plan Update describes the
progress achieved in adopting the regulations, and establishes that the State is on track to meet the targets accounting for the latest growth forecasts.

Most of the reductions required to reach AB 32’s 2020 reduction target will be achieved by regulations that apply to both existing and new development, including the RPS, Pavley standards, LCFS, landfill regulations, regulations and programs on high global warming potential (GWP) gases, initiatives on water conservation (such as SB X7-7), and the indirect influence of the Cap and Trade system on electricity and transportation fuel prices. These regulations are sufficient to achieve AB 32’s goal to reduce statewide GHG emissions to 1990 levels by 2020.

In summary, the Project is consistent with the goals established under AB 32. The Project provides emission reductions demonstrating consistency with AB 32 targets, and complies with all present and future regulatory measures developed in accordance with AB 32 and CARB’s Scoping Plan, and incorporates a number of mitigation measures (listed as MM GHG-1 through MM GHG-3) that would further minimize GHG emissions, as detailed above. Accordingly, the Project will not conflict with any applicable plan, policy, or regulation for the reduction of GHG emissions. The impacts are considered less than significant with mitigation incorporated under Threshold B. Therefore, the Proposed Project would not result in any new significant environmental effects related to consistency with any plan intended to reduce GHG emissions or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**GHG Emissions.** With both the changes proposed in the Proposed Project and the emissions modeling changes under CalEEMod, it is estimated that approximately 43,660 MT CO₂-e would be generated from project construction of the residential, commercial, and school component of the Proposed Project. If these one-time construction emissions are annualized over a 30-year development life, then the one-time construction emissions would contribute approximately 1,455 MT CO₂-e emissions annually.

In addition, the total annual operational GHG emissions generated from the Proposed Project were estimated to be approximately 93,952 MT CO₂-e per year. As a result, the annualized total project-generated GHG emissions (construction plus operations) were estimated to be 95,407 MT CO₂-e. This represents a reduction of 28,618 MT CO₂-e from the 2012 Specific Plan Project’s estimated approximately 124,025 MT CO₂-e per year.

The Proposed Project will comply with mandatory green building standards code (CalGreen). These comprehensive regulations were adopted by the State of California and went into effect as of January 1, 2011. By adhering to these regulations, the Proposed Project will achieve significant reductions in greenhouse gas emissions, energy consumption and water use. CalGreen, for example, requires that every new residential building constructed in California increase energy efficiency by a minimum of 15 percent, reduce water consumption by minimum of 20 percent, divert 50 percent of construction waste from landfills and install low pollutant-emitting materials.

The CalGreen code addresses energy efficiency, water conservation, material conservation, planning and design, and overall environmental quality. The California Green Building Standards Code was most recently updated in 2016 to include new mandatory measures for residential as well as nonresidential uses; the new measures take effect on January 1, 2017.
Per the Settlement Agreement, the Proposed Project also includes the installation of ultra-low flow toilets and Energy Star efficiency standard developer-installed appliances throughout the Project, as well as installation of solar voltaic systems (or equivalent) for certain multifamily residential developments and electric car-charging stations in certain areas. Per the Settlement Agreement, the Proposed Project would also request a ride-sharing lot from the City and any applicable transportation agencies before 1,000 dwelling units are built, thereby potentially reducing automobile emissions further. While the ride-sharing lot would reduce Project-related traffic, this lot is not necessary to reduce Project-related traffic to less than significant levels. Similarly, the ride-sharing lot would not reduce mobile sources of GHG emissions to a less than significant level.

For these reasons, the Proposed Project would generate fewer GHG emissions than the 2012 Specific Plan Project. Mitigation Measures GHG-1 through GHG-3 would still be applicable to the Proposed Project. Therefore, the Proposed Project would not result in any new significant environmental effects related to GHG emissions or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Cumulative Impacts.** The Proposed Project reduces intensity as compared to the originally proposed Specific Plan. The reduction in project intensity would also result in a reduction in construction emissions due to the reduced scale of development proposed under the Proposed Project. Therefore, the Proposed Project represents an overall reduction in the intensity, scale of development, and traffic trips than the 2012 Specific Plan Project analyzed under the Specific Plan EIR. Similar to the 2012 Specific Plan Project, the Proposed Project would implement applicable PDFs and mitigation measures (Mitigation Measures GHG-1 through GHG-3) aimed at reducing GHG emissions during construction and buildout of the Project. However, similar to the 2012 Specific Plan Project, due to the size and scale of the Proposed Project, the Proposed Project’s climate change impact with regard to GHG emissions would be considered cumulatively considerable because they would not further the AB 32’s statewide GHG reduction goals. Therefore the Proposed Project would not result in any new significant cumulative environmental impacts with respect to global climate change. Therefore, the Proposed Project would not result in any new cumulatively significant environmental effects related to global climate change or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**3.6.4 Findings Related to Global Climate Change**

**No New Significant Effects Requiring Major EIR Revisions.** Based on the foregoing analysis and information, there is no evidence that the Proposed Project would require a major change to the certified Specific Plan EIR. The Proposed Project would not result in a new significant environmental impacts to Global Climate Change or a substantial increase in the severity of impacts previously identified in the Specific Plan EIR.

**No Substantial Change in Circumstances Requiring Major EIR Revisions.** The Project site and surrounding area have not been further developed or altered since the Specific Plan EIR was prepared. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Global Climate Change that would require major
changes to the Specific Plan EIR due to the involvement of significant effects or a substantial increase in the severity of previously identified significant effects.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was certified, indicating that a new significant effect not reported in that document may occur. Based on the information and analyses above, there is no substantial new information which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified indicating that there would be a new significant impact to Global Climate Change requiring major revisions to the certified Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in Previous EIR. There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to Global Climate Change identified and considered in the certified Specific Plan EIR.

3.6.5 Project Design Features

All PDFs included as part of the 2012 Specific Plan Project remain applicable to the global climate change analysis for the Proposed Project. The PDFs listed below reflect only those PDFs where minor text changes have been made due to the approval of the Butterfield Specific Plan in 2012 and the subsequent Settlement Agreement.

7. Project design features incorporate applicable recommendations from the Attorney General and the ARB Scoping Plan, as discussed in Impact 4.5-4 below.
   a. The Project’s water supply sources are focused first on local supplies, which will reduce reliance upon imported water, thereby reducing GHG emissions associated with energy required for pumping and delivering the water to the site.
   b. Tables 4.5-3 and 4.5-4 of Section 4.5, Global Climate Change, of the Specific Plan EIR identify Project Design Features that will reduce GHG emissions, as well as criteria pollutant emissions.

3.6.6 Mitigation Measures

In light of the Proposed Project, the Specific Plan EIR was reviewed to determine whether or not changes to the 2012 Specific Plan Project would affect the mitigation measures contained therein. Based on the analysis and information above, minor changes to the mitigation measures found in the Specific Plan EIR are required. Mitigation Measures GHG-1 through GHG-3 remain applicable to the Proposed Project.

1 Refer to Section 4.5 of the Specific Plan EIR for Tables 4.5-3 and 4.5-4.
Mitigation Measure GHG-2: The Butterfield Specific Plan shall be conditioned to allow the following uses (as reflected on future tract maps and commercial site plans), to further promote renewable energy resources, including:

- Allowing rooftop solar on all structures, subject to City Municipal Code and related building permit provisions; allowing electric vehicle charging stations at all commercial, park, golf course, multifamily residential, and school areas, subject to a Conditional Use Permit; and allowing hydrogen vehicle fueling stations within the Commercial zone, subject to a Conditional Use Permit.

3.6.7 Mitigation Measures No Longer Applicable

All global climate change mitigation measures identified in the Specific Plan EIR would remain applicable to the Proposed Project.
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3.7 CULTURAL RESOURCES

3.7.1 Existing Environmental Setting

There have been no major changes to the existing setting of the Project site with respect to cultural resources since the Specific Plan EIR was prepared. Please see Section 4.6 of the Specific Plan EIR for a summary of the existing environmental setting for Cultural Resources. Section 4.6 addresses the potential for impacts to cultural, historic, archaeological, and paleontological resources that have the potential to occur on the Project site. The cultural resources information is based on several technical studies prepared for the Project site. The reports include Cultural Resource Assessment and Historic Evaluations, prepared by LSA Associates, Inc., April 12, 2006 and Paleontological Resource Assessment, prepared by LSA Associates, Inc., April 10, 2006. Additional investigations were completed by LSA Associates, Inc. for the proposed 21-acre addition to the Butterfield Ranch Specific Plan Area (Cultural Resources Assessment – 21-acre Addition to the Butterfield Ranch Specific Plan, December 19, 2007 and the Paleontological Resources Assessment – 21-acre Addition to the Butterfield Specific Plan, December 19, 2007), as well as for areas where off-site improvements will occur (Cultural Resources Assessment – Butterfield Ranch Specific Plan Off-site Infrastructure, December 11, 2007, and the Paleontological Resources Assessment – Butterfield Ranch Specific Plan Off-site Infrastructure, December 19, 2007). Section 4.6 of the Specific Plan EIR summarizes the findings and recommendations of those assessments, which are incorporated as Appendix D of the Specific Plan EIR.

Paleontological Resources. The Project site falls into the Upper Sonoran Life Zone, which ranges from sea level to an elevation of 5,000 ft amsl. The Banning area contains sediments of Pilo-Pleistocene age, also referred to as the San Timoteo Formation. This formation is overlain by flat-lying, deeply weathered alluvium. Sediments on the Project site are indicative of three depositional events, beginning with the (1) San Timoteo Formation (occurring at the depth of the Project site), with (2) Pleistocene Old Alluvium then being deposited in the area north of the Banning Fault, which was subsequently eroded to crease the flat surface that contains (3) late Pleistocene terrace deposits overlain by soil.

Previous literature searches for the Project site indicate that there is a high paleontological sensitivity for sediments north of the fault where it traverses the site. Furthermore, all subsurface Pleistocene sediments in the Banning-Beaumont area have a high potential to contain significant, non-renewable paleontological resources. Such sediments represented by silty sandstone are present on the Project site at depths ranging from approximately 12 ft in the site’s higher elevations to between 20 and 60 ft below the ground surface in the site’s lower elevations. Near-surface outcroppings of the Pleistocene deposits are present north of the Banning Fault.

Off-Site Paleontological Resources. The paleontological setting for the areas targeted for off-site improvements (construction of utilities within existing roadways) is generally the same as the Project site. Portions of the areas targeted for these improvements potentially contain significant, non-renewable resources. Specifically, there is a high potential for significant paleontological resources to occur within the Pleistocene sediments along the northwestern portion of the off-site infrastructure alignment. The area with the highest potential for significant paleontological
resources to occur within these Pleistocene alluvial deposits is along Nobel Street and High Street, west of Jonathan Avenue and north of Brookside Avenue.

**Archaeological Resources.** The Project site is located in an area that was historically inhabited by the Cahuilla Native American tribe. The Cahuilla established villages in the Banning area, including an ethnographic site southeast of the Project site. This site contained slicks, bedrock mortars, a midden, pictographs, and a small rock shelter.

There are a total of 10 archaeological sites and nine built environment cultural resources within 1 mile of the Project site; however, no sites or resources were identified on the Project site. A field survey conducted on the site found three historic sites, but did not identify any prehistoric archaeological sites. Additionally, representatives from Native American tribes in the project area have indicated that there are no known resources on the site and no monitoring of ground-disturbing activities was recommended.

**Off-Site Archaeological Resources.** There are 24 archeological sites and 119 built environment resources within 1 mile of the site. Additional surveys conducted for these areas determined that there was little potential for disturbance to archaeological resources within these areas given the existing paved condition of the roadways, within which the off-site improvements are proposed.

**Historic Resources.** The Project site occupies land that was administered by Mission San Gabriel Archangel during the Spanish era. During this era, the Franciscan fathers who established the Mission also established ranchos to provide the Mission with food. One of these ranchos was the San Gorgonio Rancho, which due to its distance from the Mission, was primarily utilized for cattle grazing.

In 1838, the San Gorgonio Rancho was abandoned and the area was subsequently acquired by Dr. Isaac Smith in the mid-1800s. Following Smith’s acquisition of the area, a new road was constructed through the San Gorgonio Pass, a portion of which traversed the Project site. By the end of the 1800s, the Smith ranch was sold off and the property became the Highland Acres and has since been utilized for cattle grazing.

There are no historic remains of the Bradshaw Road on the Project site. However, three previously undocumented historic sites and four isolated historic artifacts are present on the site, which have been numbered as follows: LSA-PDH0601-H1-1, H-2, H-3 for the historic sites, and LSA-PDH0601-I-1, I-2, I-3, and I-4 for the isolates.

- **LSA-PDH0601-H1-1:** This resource is a channelized ditch associated with the Smith Creek. Within the Project area, this ditch runs approximately 2 miles from north to south and forms a confluence with an unnamed ditch from the northeast near the southern section of the Project site. This ditch continues south off of the Project site as a culvert under Wilson Street. This ditch would have been a central feature of a historic conveyance system used to drain the Project site and provide water for livestock and was present on the site as early as 1943. The integrity of this resource is considered fair and it is still in good condition, as it is still operational. Previous
evaluations of this resource determined that the ditch did not meet the National Register of Historic Places (National Register) or the California Register of Historical Resources (California Register) criteria.

- **LSA-PDH0601-I-2:** This resource is a refuse deposit located on the edge of an on-site ravine. Items within this deposit are of modern and historic periods and included a rusted horse-drawn wagon leaf spring and a General Electric washing machine. The site is considered to be of poor integrity and condition; however, previous evaluation of this resource determined that there may be a minimal data potential associated with this resource.

- **LSA-PDH0601-I-3:** This resource is a historic transmission corridor dating back to sometime between 1943 and 1953 and includes steel towers, transmission lines, and a dirt access road. This corridor is the southernmost of three adjacent transmission lines. The corridor remains in its operating condition and retains its historical design and use. The transmission corridor meets the age requirement for both the National Register and the California Register; however, because the resource contains a small segment of the corridor within the Project site, it would not be considered eligible for the National Register or the California Registers.

- **LSA-PDH0601-I-1:** This isolate includes a pile of rocks mortared together with concrete, and is of an unknown association, context, or age.

- **LSA-PDH0601-I-2:** This isolate consists of a small section of a rusted steel drum, and the location. The location, stage of decay, and the lack of distinguishable features make it difficult to determine its age.

- **LSA-PDH0601-I-3:** This isolate consists of a small section of corrugated steel pipe, which was popular from the 1940s to the present day. It is difficult to determine whether the pipe is of historic age; however, the pipe does not have integrity as a resource.

- **LSA-PDH0601-I-4:** This isolate consists of a small aqua piece of glass (approximately 1 inch x \(\frac{1}{2}\) inch x \(\frac{1}{16}\) inch in size). While the glass appears historic, the sample is small and its context is unknown. Therefore, the glass has no integrity as a resource.

**Off-Site Archaeological Resources.** The historical setting for the areas targeted for off-site improvements is the same as the Project site. There are 39 historic structures located along the north and south sides of Lincoln Street between Sunset and San Gorgonio Avenues (where the proposed infrastructure improvements would be constructed). However, it is unlikely that these structures remain within the street-right-of-way, which is being improved with new development projects. Potential historic structures are visible at a distance from Lincoln Street, but are not accessible from this roadway.

### 3.7.2 Specific Plan EIR

Please see Section 4.6 of the Specific Plan EIR for analyses of potential effects of the 2012 Specific Plan Project related to cultural resources.

The Specific Plan EIR concluded that the following impacts related to the cultural scientific resources would be less than significant with implementation of mitigation measures.
**Threshold:** Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

**Impact: Paleontological Resources. Less than Significant with Mitigation Incorporated.** As described in the Specific Plan EIR, much of the Project site and areas targeted for off-site improvements are underlain by sediments that have the potential to support paleontological resources that could be impacted by site development activities associated with implementation of the 2012 Specific Plan Project. However, the Specific Plan EIR determined that despite the potential presence of paleontological resources on the Project site and areas targeted for off-site improvements, implementation of the 2012 Specific Plan Project would have resulted in less than significant impacts to known and unknown paleontological resources with incorporation of Mitigation Measure CUL-1, which requires the preparation of a paleontological resource impact mitigation program (PRIMP) incorporated for the grading and excavation phase of the 2012 Specific Plan Project.

**Mitigation Measure CUL-1:** The Project Applicant shall prepare a paleontological resource impact mitigation program (PRIMP) for the grading and excavation phase of the Project, including both on- and off-site activities. The PRIMP shall be submitted for review and approval prior to issuance of any grading permit, and shall conform to the guidelines of the County of Riverside and the Society of Vertebrate Paleontology; including the following:

- A trained paleontological monitor shall be present during initial mass grading or deep trenching activities within the Project in sediment areas determined likely to contain paleontological resources. If paleontological resources are located within excavation, the monitoring program would change to full-time. The monitor shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. The monitor shall be equipped to rapidly remove any large fossil specimens encountered during excavation. During monitoring, samples shall be collected and processed to recover microvertebrate fossils. Processing shall include wet screen washing and microscopic examination of the residual materials to identify small vertebrate remains.

- Upon encountering a large deposit of bone, salvage of all bone in the area shall be conducted with additional field staff and in accordance with modern paleontological techniques.

- All fossils collected during the Project shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of all material collected and identified shall be provided to the museum repository along with the specimens.
• A report documenting the results of the monitoring and salvage activities and the significance of the fossils would be prepared. All fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a museum repository for permanent curation and storage.

• All fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a museum repository for permanent curation and storage.

Threshold: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

Impact: Archaeological Resources. Less than Significant with Mitigation Incorporated. As described in the Specific Plan EIR, no previously recorded cultural sites exist within the Project boundaries; however, 10 archaeological sites and 9 built environment cultural resources have been identified within 1 mile of the Project area. While there are no identified cultural resources on the Project site or within the areas proposed for infrastructure improvements, the Specific Plan EIR determined that there was a potential to discover unknown resources during ground-disturbing activities, such as grading and excavation, on the Project site and in the area proposed for the infrastructure improvements. Accordingly, the Specific Plan EIR required the implementation of Mitigation Measure CUL-2, which requires preparation of an archeological resources monitoring plan, and CUL-3, which requires that all earthmoving activity occurring within 30 meters of the on-site refuse scatter be monitored by a qualified archeologist. With implementation of these mitigation measures, impacts to unknown archaeological resources were determined to be less than significant.

Mitigation Measure CUL-2: Prior to the issuance of a grading permit, an archaeological resource monitoring plan shall be developed by a qualified archaeologist. This plan shall include a grading observation schedule, to be maintained when initial mass grading occurs in upper soils, to identify and further evaluate any cultural resources that may be discovered in the Project area. A qualified archaeologist shall be retained to attend pre-grading meetings and to monitor earth moving activities, including clearing, grubbing, cutting, and trenching at the site. The archaeologist shall carefully inspect these areas to assess the potential for significant prehistoric or historic remains. If potential archaeological and historical resources are uncovered, the construction contractor shall cease grading operations in the vicinity of the find until further evaluation is undertaken to assess the discovery. Further subsurface investigation may be needed if the resource is determined unique or important for its prehistoric or historic information.

Mitigation Measure CUL-3: All earthmoving activity occurring within 30 meters of the on-site refuse scatter (LSA-PDH0601-H-2) shall be monitored by a qualified archaeologist. If archaeological remnants are discovered during monitoring, the archaeologist shall have the authority to divert
construction in order to assess the significance of the find. Remnants shall be properly evaluated, documented, and deposited as applicable, consistent with State and local protocols.

**Threshold:** Would the project cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?

**Impact: Historic Resources. Less than Significant with Mitigation Incorporated.** As described in the Specific Plan EIR, the Project site is located 0.25 mile away from the Highland Springs Resort, which is considered historic. Other historic resources identified on maps of the area included an electrical transmission corridor and a portion of the historic Bradshaw Road. A field survey of the area indicated there are three historic-era sites and four isolated historic era artifacts on the Project site. However, none of these resources meet the required criteria for listing in either the National Register or the California Register. In addition to these resources, the Specific Plan EIR determined that implementation of the 2012 Specific Plan Project may result in potential impacts to unknown historical resources on the site near the known refuse scatter on the property, as the refuse scatter had at least minimal data potential. As such, Mitigation Measure CUL-3, which requires that all earthmoving activities occurring within 30 meters of the discovered resource be monitored by a qualified archaeologist, would be required to reduce impacts to a less than significant level.

**Mitigation Measure CUL-3:** All earthmoving activity occurring within 30 meters of the on-site refuse scatter (LSA-PDH0601-H-2) shall be monitored by a qualified archaeologist. If archaeological remnants are discovered during monitoring, the archaeologist shall have the authority to divert construction in order to assess the significance of the find. Remnants shall be properly evaluated, documented, and deposited as applicable, consistent with State and local protocols.

The records search performed for the areas proposed for the off-site infrastructure improvements identified 39 historic structures along north and south sides of Lincoln Street, between Sunset and San Gorgonio Avenues. A subsequent field investigation determined that there was little evidence of potentially historic resources within this area. Additionally, 119 historic buildings were identified within a 1-mile radius of this area; however, these structures would not be impacted by construction or implementation of the 2012 Specific Plan Project. As such, the Specific Plan EIR determined that there would be less than significant impacts to off-site historic resources.

**Threshold:** Would the project result in the disturbance of any human remains, including those interred outside of formal cemeteries?

**Impact: Human Remains. Less than Significant with Mitigation Incorporated.** As described in the Specific Plan EIR, there are no known human remains interred on the Project site or in the area identified for off-site infrastructure improvements. However, due to the prehistoric use and habitation of the area and the identification of archaeological resources within the area, the Specific Plan EIR determined that the possibility of encountering human remains during earthmoving activities did exist. Therefore, the Specific Plan EIR determined that Mitigation Measure CUL-2, which requires monitoring of all off-site land disturbing activities by a qualified monitor, would be required to
reduce potential off-site impacts to human remains. Mitigation Measure CUL-4 would be required to reduce potential on- and off-site impacts associated with the disturbance of unknown human remains. Mitigation Measure CUL-4 outlines required procedures to be taken in the unlikely event that human remains are found on the site during project construction. Implementation of CUL-2 and CUL-4 were determined to reduce impacts to a less than significant level.

Mitigation Measure CUL-2: Prior to the issuance of a grading permit, an archaeological resource monitoring plan shall be developed by a qualified archaeologist. This plan shall include a grading observation schedule, to be maintained when initial mass grading occurs in upper soils, to identify and further evaluate any cultural resources that may be discovered in the Project area. A qualified archaeologist shall be retained to attend pre-grading meetings and to monitor earthmoving activities, including clearing, grubbing, cutting, and trenching at the site. The archaeologist shall carefully inspect these areas to assess the potential for significant prehistoric or historic remains. If potential archaeological and historical resources are uncovered, the construction contractor shall cease grading operations in the vicinity of the find until further evaluation is undertaken to assess the discovery. Further subsurface investigation may be needed if the resource is determined unique or important for its prehistoric or historic information.

Mitigation Measure CUL-4: If previously unknown cultural resources, including human remains, are identified during grading activities, a qualified archaeologist shall be retained to assess the nature and significance of the find. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner shall be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Cumulative Impacts. Less than Significant with Mitigation Incorporated. The geographic setting for analyzing cumulative impacts to cultural resources is the San Gorgonio Pass region of the County. Due to the rich cultural history of this area and the inhabitation of the area by various indigenous groups, including the Cahuilla, there area has the potential to contain paleontological, archaeological, and historic resources. The City’s General Plan establishes policies, programs, and mitigation measures to address potential impacts. Adherence with these polices, programs, and measures,
combined with Mitigation Measures CUL-1 through CUL-4, would result in a less than significant cumulative impact to cultural resources.

3.7.3 Analysis of Project Changes

Paleontological Resources. The Proposed Project is located on the same site and would not disturb any new areas of sediments. It represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR. Mitigation Measure CUL-1 would remain applicable to the Project. Further, because the Proposed Project is located on the same Project site and includes similar off-site improvements, the Project would be consistent with the findings of the Specific Plan EIR and it would not result in any new significant environmental effects to paleontological resources or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

Archaeological Resources. The Proposed Project is located on the same site and would not disturb any new areas of sediments. The Proposed Project represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR. Therefore, because the Proposed Project is located on the same Project site and does not disturb any new areas not previously assessed, includes similar off-site improvements and would adhere to Mitigation Measures CUL-2 and CUL-3, the Proposed Project would be consistent with the findings of the Specific Plan EIR and it would not result in any new significant environmental effects to archaeological resources or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

Historical Resources. The Proposed Project is located on the same site and would not disturb any new areas potentially containing historic resources. The Proposed Project represents an overall reduction in the intensity and scale of development than the 2012 Specific plan Project analyzed under the Specific Plan EIR. Therefore, because the Proposed Project is located on the same Project site and includes similar off-site improvements there would be no new impact to historic resources and no mitigation beyond what was previously identified in the Specific Plan EIR is required. The Proposed Project would not result in any new significant environmental effects to historical resources or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

Human Remains. The Proposed Project is located on the same site and would not disturb any new areas potentially containing human remains. The Proposed Project represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR. Mitigation Measure CUL-4 would remain applicable to the Project. Further, because the Proposed Project is located on the same Project site and includes similar off-site improvements, and due to the reduction in the 2012 Specific Plan Project’s intensity, the Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects or to human remains a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.
Cumulative Impacts. Because the Project site and the area in which the site (and the areas proposed for off-site infrastructure improvements) is are culturally, paleontologically, and historically sensitive. However, the Proposed Project is located on the same site as that addressed in the Specific Plan EIR and no new lands would be impacted. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR. Mitigation Measures CUL-1 through CUL-4 would continue to apply to the Project. In consideration of all of the above, the Proposed Project would not result in any new significant cumulative impacts to cultural resources. Therefore, the Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant cumulative environmental effects related to cultural resources or to human remains a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

3.7.4 Findings Related to Cultural Resources

No New Significant Effects Requiring Major EIR Revisions. Based on the foregoing analysis and information, there is no evidence that the proposed Project would require a major change to the Specific Plan EIR. The Proposed Project would not result in new significant environmental impacts to Cultural Resources, nor is there a substantial increase in the severity of impacts previously identified in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Major EIR Revisions. The Project site and surrounding area have not been further developed or altered since the Specific Plan EIR was prepared. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Cultural Resources that would require major changes to the Specific Plan EIR due to the involvement of significant effects or a substantial increase in the severity of previously identified significant effects.

No New Information Showing Greater Significant Effects than the Certified 2008 EIR. This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was certified, indicating that a new significant effect not reported in that document may occur. Based on the information and analyses above, there is no substantial new information which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified indicating that there would be a new significant impact to Cultural Resources requiring major revisions to the certified Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in Previous EIR. There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to Cultural Resources identified and considered in the Specific Plan EIR.
3.7.5 Project Design Features

The PDF included as part of the 2012 Specific Plan Project (also listed in Section 2.1.2 of this Addendum) remains applicable to the cultural resources analysis for the Proposed Project. The PDF listed below reflects changes where minor revisions have been made due to the approval of the Butterfield Specific Plan in 2012 and the subsequent Settlement Agreement. The change is shown in underline below.

1. The Project has been redesigned from the previously approved Deutsch Specific Plan, which proposed grading the entire Specific Plan property. Furthermore, the golf course in Pas 35 and 39 has been removed, allowing additional acreage to remain as open space. As such, the preservation of the northeastern portion of the site in permanent open space will reduce the potential for disturbance of previously unidentified paleontological and archaeological resources.

3.7.6 Mitigation Measures

In light of the Proposed Project, the Specific Plan EIR was reviewed to determine whether or not changes to the 2012 Specific Plan Project would affect the mitigation measures contained therein. Based on the analysis and information above, no changes to the mitigation measures found in the Specific Plan EIR are required. Mitigation Measures CUL-1 through CUL-4 remain applicable to the Proposed Project.

3.7.7 Mitigation Measures No Longer Applicable

All cultural resources mitigation measures identified in the Specific Plan EIR would remain applicable to the Proposed Project.
3.8 GEOLOGY, SOILS, AND SEISMICITY

3.8.1 Existing Environmental Setting

There have been no major changes to the existing setting of the project site with respect to geology, soils, and seismicity since the Specific Plan EIR was prepared. Please refer to Section 4.7 of the Specific Plan EIR for a summary of the existing environmental setting for Geology, Soils, and Seismicity. The information contained in Section 4.7 of the Specific Plan EIR is based on the following documents: 2005 Geotechnical Investigation: Deutsch Property, Highland Springs Avenue and Wilson Street, Banning, California prepared for Pardee Homes by Geocon Inland Empire, Inc. (Geocon) and the 2005 Fault Rupture Hazard Investigation: Deutsch Property, Highland Springs Avenue and Wilson Street, Banning, California prepared for Pardee Homes by Geocon. Additional reports were also prepared to evaluate the approximately 21-acre parcel to be included as part of the Specific Plan Area PA 43B in the northwest site corner (Scoping Study, prepared by Geocon dated May 5, 2006) and the proposed off-site improvements (Limited Geotechnical Observation: Proposed Off-site Sewer, Water, and Recycled Water Improvements Associated with Butterfield Property, prepared by Geocon and dated December 11, 2007). These reports can be found in Appendix E of the Specific Plan EIR.

Topography. Elevations on the Project site range from over 3,400 ft amsl in the northeastern portion to 2,560 ft amsl in the southeastern portion of the site. Topography on the site ranges from relatively flat to steeply sloping. The majority of the Project site slopes from north to south with the steepest area located in the northeastern-most portion of the site.

Groundwater. The depth of groundwater presently on the Project site is estimated to be greater than 300 ft below ground surface, with prior estimates ranging from 367 ft below ground surface in 1968 to over 550 ft below ground surface in 2005.

On-Site Soils. Soils on the Project site consist of undocumented fill, modern soil, slope wash, colluvium, recent and older alluvium, and Pleistocene conglomerate. Landslide deposit and shallow debris flow deposits are located along several ridges in the northern portion of the site. The Pleistocene conglomerate is the oldest unit on the site. Depths to these deposits range from 2 ft to over 60 ft below ground surface on the site.

Undocumented Fill (Oudf). Undocumented fill on the site consists of locally derived silty sands that are generally loose-to-medium dense and dry-to-moist. These deposits occur as east-west trending berms, approximately 3 to 5 ft in height. The berms were originally created to minimize on-site erosion.

Modern Soil (Qm). Modern soils on the site occur within the upper 6 to 24 inches and are estimated to be 100 to 1,000 years in age. These soils are loose, dry, olive brown silt coarse sand with horizontal parting surfaces.
Slope Wash (Qsw). Slope wash on the Project site is loose-to-medium dense, damp, dark yellow-brown silty sand with trace gravel, and porous.

Colluvium (Qcol). Colluvium on the Project site occurs along the hillsides and slopes and is present at a depth of 1 to 2 ft. The colluvium clast supported and consists of an olive brown, silty sand matrix that is loose, dry, and porous and consists of semi-rounded, moderately weathered cobbles with a typical diameter of 4 inches.

Recent Alluvium (Qal). Younger alluvium deposits on the site occur in several areas throughout the site and are present at depths ranging from 5 to 19 ft below ground surface. Recent alluvium deposits on the site average 10 ft in depth in the southern area of the site, 5 ft in depth in the north-central portion of the site, 10 ft in depth in the northwestern portion of the site, and 15 ft in depth in the east-central portion of the site. The alluvium is comprised of brown to yellow-brown silty coarse sands that are moist, loose, and porous at a depth of 5 to 9 ft below ground surface, with density increasing with depth.

Older Alluvium (Qoal). Older Alluvium deposits on site occur beneath the Recent Alluvium, particularly between the Central fault zone and the slopes in the northern area of the site. The Older Alluvium deposits consist of dark-yellow silty coarse sands with silt and trace clay and are approximately 40,000 years in age. An older unit, consisting of yellow-red silty sand with trace blocky, cemented clay, also occurs along ridgelines and within the alluvial plain near fault zones and is approximately 10,000 years in age.

Undeveloped Soil. Undeveloped soil occurring on the Project site is located between the two older alluvial units. This soil is loose, moist, dark yellow-brown, and channelized.

Debris Flow Deposits (Qdf). Debris flow deposits occur on the Project site along the hillsides and in several tranches at depths greater than 8 ft. Additional debris flows occur in areas where Pleistocene conglomerate is present. The debris flow deposits consist of a yellow silty coarse sand matrix with saprolitic granitic and gneissic clasts, with boulder to cobble conglomerates and sand/gravel beds.

Palesosol (Qp). Palesosol is characterized by a layer of fossilized soil, usually present beneath layers of rock or more recent soil. On the Project site, these soils are dense, dry to damp, red brown clayey silty sand with trace gravel, are generally massive, and consist of a cemented angular blocky structure.

Pleistocene Conglomerate (Qps). Pleistocene conglomerate on the Project site occurs in the northern portion of the property along the hills and along the fault zone in the southern portion of
the site. These soils were deposited as an alluvial fan from a source originating in the San Bernardino Mountains and have subsequently been faulted, uplifted, and eroded. These deposits consist of yellow, coarse silty sand, with granitic gneissic and gabbroic clasts, which are 3 to 12 inches in diameter with boulders up to 4 ft in diameter.

**Off-Site Soils.** Areas proposed for the infrastructure improvements are underlain by Pleistocene Age alluvia fan deposits. The majority of these deposits consist of sand and gravel of plutonic and gneissic detritus originating from the San Bernardino Mountains. Bedrock is not anticipated to occur along any of the roadways proposed for off-site improvements. The northern portion of these roadways is underlain with dissected sand and gravel alluvial fan deposits. The area where the proposed pipelines are anticipated to meet (on Nobel Street where it connects with existing conveyance systems), the northern portion of the right-of-way, is underlain by alluvial gravel and sand stream channel deposits.

**Geology and Seismicity.** The central segment of the Banning Fault is present within the Project site. This fault is obscured by Quaternary sediments within the vicinity of the site. The central Banning Fault Zone is comprised of two parallel fault segments (referred to as Strands A and B) and incudes the Wildwood Canyon Fault, located northwest of the site. Strand A passes beneath the Banning Bench and is mapped as an Alquist Priolo Earthquake Fault Hazard Zone. Strand B, the northernmost portion of the fault segment, is believed to be an early trace of the San Gorgonio Pass Fault Zone and is considered active; however, this strand is not mapped as an Alquist Priolo Fault Zone. The Highland Springs scarp is believed to be a composite scarp resulting from activity occurring at Strand B on the Wildwood Canyon branch and is not considered active.

The San Gorgonio Pass Fault Zone on the site includes Strands A and B within the northern portion of the site, two small fault scarps 3,000 ft south of the Banning Fault, an unnamed north-south tear fault along the eastern property boundary, and an unnamed fault near the central portion of the site. Other faults are believed to extend from the northwestern portion of the site to the eastern site boundary near 14th Street. An area of transition between the more active fault zone to the east and the inactive zone to the west is also present on the site.

Areas proposed for off-site improvements are anticipated to exhibit geologic characteristics similar to those on the Project site; however, none of these areas are located within an identified Alquist Priolo Earthquake Hazard Fault Zone. No active faults with the potential for surface fault rupture are located within these areas.

**Fault Rupture.** Earthquake Fault Hazard Zones are delineated if they are known to contain active faults. Active faults are defined as one that has experienced surface displacement during the Holocene Epoch, or within the last 11,000 years. The northern portion of the Project site is located within an Earthquake Fault Hazard Zone. In addition, the central segment of the Banning Fault, which passes through the site, is considered to have the potential for future surface ground ruptures.

**Seismic Ground Shaking.** Known active faults on the Project site include Banning Fault Strands A and B and the Highland Springs fault. The Banning Fault is considered active and is part of the larger
San Andreas Fault system. Based on geotechnical studies prepared for the 2012 Specific Plan Project, it is estimated that an earthquake off the Banning Fault could generate a peak ground acceleration of 0.74 g (where “g” is defined as the acceleration due to gravity) at the Project site. As such, it is likely that the Project site would be subjected to significant ground shaking in the event of a major earthquake occurring on the San Andreas or other nearby faults.

**Liquefaction.** Liquefaction occurs when soils loaded by earthquake shaking suddenly transition from a solid to liquefied state. Due to the density of on-site soils and the depth of groundwater, the potential for liquefaction at the Project site is considered to be very low.

**Lateral Spreading.** Lateral spreading occurs as a result of displacement of surficial blocks of sediment due to liquefaction in a subsurface layer. Topography on the Project site is characterized by generally flat to gently sloping terrain. Due to the depth of groundwater at the site and the very low liquefaction potential on the site, the likelihood of lateral spreading on the Project site is low.

**Seismic Densification.** Seismic densification of dry soils occurs when loose, dry soils densify and settle as a result of earthquake-induced ground shaking. Because the Project site is located in an area where potentially ground shaking may occur, and contains medium dense, dry alluvial deposits, portions of the site could be subject to seismic densification of dry soils.

**Landslides and Debris Flows.** Landslides generally occur as a result of slope instability, but can also occur as a result of seismicity (i.e., ground shaking and liquefaction). The norther portion of the Project site extends into the foothills of the San Bernardino Mountains and as such, could be affected by rock falls or other seismically-induced landslides occurring off-site. As previously described, the site has a very low potential for liquefaction, and as such, on-site slopes are unlikely to be affected by liquefaction-induced landslides.

### 3.8.2 Specific Plan EIR

Please see Section 4.7 of the Specific Plan EIR for analyses of potential effects of the 2012 Specific Plan Project related to Geology and Soils. The Division of the State Architect ensures that structural design shall comply with the current edition of the California Building Code (CBC) applicable to structure design and construction in order to minimize the potentially damaging effects of severe ground shaking resulting from earthquakes in the region.

The Specific Plan EIR concluded that the following impacts would be less than significant related to geology and soils with implementation of mitigation measures.
Threshold: Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake faults, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, or a County of Riverside designated Fault Hazard Area, or a County of Riverside designated Potential Fault Hazard Area?

Impact: Surface Fault Rupture-Less than Significant. As described in the Specific Plan EIR, the Project site lies within a seismically active region of southern California that is subject to seismic activity associated with the northwest-trending San Andreas, San Jacinto, and Elsinore fault systems. Additionally, the Project site is located between the active Banning Fault Zone to the east and the inactive Banning Fault Zone to the west. The central segment of the Banning Fault also traverses the northernmost quadrant of the site and is comprised of two parallel fault segments, one of which is governed by an Alquist Priolo Fault Zone while the other is also considered active. The areas proposed for off-site improvements included as part of the 2012 Specific Plan Project are not located within an Alquist-Priolo earthquake fault zone. Despite the proximity of these fault zones to the Project site, the Specific Plan EIR determined that the 2012 Specific Plan Project would result in less than significant impacts related to the exposure of people or structures to adverse impacts associated with the rupture of a known earthquake fault or strong ground shaking associated with an earthquake even given the fact that all buildings developed under the 2012 Specific Plan Project would be developed in accordance with building codes and setbacks established by the State and the City. Therefore, impacts related to surface fault rupture were determined to be less than significant.

Threshold: Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?

Impact: Ground Shaking. Less than Significant Impact with Mitigation Incorporated. Because the Project site lies within the seismically active region of Southern California, the Specific Plan EIR determined that the implementation of Mitigation Measure GEO-1, which mandates that all structures proposed as part of the 2012 Specific Plan Project be constructed to the most current applicable seismic standards, would be required to reduce impacts associated with strong seismic ground shaking to a less than significant level. Furthermore, the Specific Plan EIR determined impacts related to ground shaking would be less than significant through the design of structures in compliance with the requirements contained in the California Building Code and California Residential Code.

Mitigation Measure GEO-1: All structures on the Project site shall be constructed pursuant to the most current applicable seismic standards, as determined by the City of Banning (City) as part of the tract map, grading plan, and building permit review processes, with building setbacks as recommended by the Project’s Seismic Hazard Analysis (Geocon 2005). Design criteria developed for project structures shall also be based on the most current standards of practice and design parameters suggested by the Structural Engineers Association of California based on the recommendations and amendments to the California Building Code (CBC) by the Division of the State Architect for specific types of buildings and occupancies.
Threshold: Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction; subsidence, and lateral spreading?

Impact: Seismically Induced Ground Failure-Liquefaction-Less than Significant Impact. As previously discussed, liquefaction most commonly occurs when three conditions are present simultaneously: (1) high groundwater; (2) relatively loose, cohesionless (sandy) soil; and (3) earthquake-generated seismic waves. The presence of these conditions has the potential to result in a loss of shear strength and ground settlement, causing the soil to behave as a fluid for a short period of time. As described in the Specific Plan EIR, the Project site is located in an area with a low potential for liquefaction. Therefore, impacts associated with seismic-related ground failure were determined to be less than significant.

Threshold: Would the project expose people or structures to potential substantial adverse effects including the risk of loss, injury, or death involving: Landslides?

Impact: Seismically-Induced Ground Failure-Landslides. Less than Significant Impact with Mitigation Incorporated. Landslides are most common where slopes are steep, soils are weak, and groundwater is present. As described in the Specific Plan EIR, the Project site is located in an area with a moderate potential for landslides given the site’s proximity to the foothills of the San Bernardino Mountains. As such, the Specific Plan EIR determined that development occurring under the 2012 Specific Plan Project would be required to comply with the City’s Building Code and would be required to implement Mitigation Measures GEO-2 and GEO-3 to reduce potential impacts related to landslides to a less than significant level. Mitigation Measure GEO-2 requires a detailed analysis of site geological conditions, a field investigation, and a slope stability analysis to be conducted to reduce impacts associated with project development on hillsides. Mitigation Measure GEO-3 requires, among other things, several procedures and requirements related to the development of structures on imported fill to reduce impacts associated with landslides. Therefore, impacts related to seismically-induced ground failure were determined to be less than significant with mitigation incorporated.

Mitigation Measure GEO-2: A detailed analysis of site geotechnical conditions, field investigation and slope stability analyses shall be conducted as 40-scale grading plans for mass- and fine-grading are prepared in the course of the phased development of the Project site. These studies shall be submitted to the City Building Department or Building Official, and their recommendations incorporated into project design to the satisfaction of the City Engineer, prior to the issuance of any grading permits, including those for mass grading, in areas where slopes of 10 feet or more in height are anticipated and/or where evidence of debris flows or past landslides is found.

Mitigation Measure GEO-3: The Project site shall be constructed pursuant to the following mitigation measure contained in the City of Banning General Plan Subsequent EIR, Geotechnical Element:
During the site grading, all existing vegetation and debris shall be removed from areas that are to receive compacted fill. Any trees to be removed shall have a minimum of 95 percent of the root systems extracted. Man-made objects shall be over excavated and exported from the site. Removal of unsuitable materials may require excavation to depths ranging from 2 to 4 feet or more below the existing site grade.

All fill soil, whether on site or imported, shall be approved by the individual project soils engineer prior to placement as compaction fill. All fill soil shall be free from vegetation, organic material, cobbles and boulders greater than 6 inches in diameter, and other debris. Approved soil shall be placed in horizontal lifts or appropriate thickness as prescribed by the soils engineer and watered or aerated as necessary to obtain near-optimum moisture content.

Fill materials shall be completely and uniformly compacted to not less than 90 percent of the laboratory maximum density, as determined by the American Society for Testing and Materials (ASTM) Test Method D-1557-78, or equivalent test method acceptable to the City Building Department.

The Project soils engineer shall observe the placement of fill and take sufficient tests to verify the moisture content, uniformity, and degree of compaction obtained. In-place soil density should be determined by the sand-cone method, in accordance with ASTM Test Method D1556-64 (74), or equivalent test method acceptable to the City Building Department.

Finish cut slopes generally shall not be inclined steeper than 2:1 (horizontal to vertical). Attempts to excavate near-vertical temporary cuts for retaining walls or utility installation in excess of 5 feet may result in gross failure of the cut and may possibly damage equipment and injure workers. All cut slopes must be inspected during grading to provide additional recommendations for safe construction.

Finish fill slopes shall not be inclined steeper than 2:1 (horizontal to vertical). Fill slope surfaces shall be compacted to 90 percent of the laboratory maximum density by either overfilling and cutting back to expose a compacted core or by approved mechanical methods.

Foundation systems that utilize continuous and spread footings are recommended for the support of one- and two-story structures. Foundations for higher structures must be evaluated based on structure design and on-site soil conditions.
• Retaining walls shall be constructed to adopted building code standards and inspected by the Building Inspector.

• Positive site drainage shall be established during finish grading. Finish lot grading shall include a minimum positive gradient of 2 percent away from structures for a minimum distance of 3 feet and a minimum gradient of 1 percent to the street or other approved drainage course.

• Utility trench excavations in slope areas or within the zone of influence of structures should be properly backfilled in accordance with the following:
  
  (a) Pipes shall be bedded with a minimum of 6 inches of pea gravel or approved granular soil. Similar material shall be used to provide a cover of at least 1 foot over the pipe. This backfill shall then be uniformly compacted by mechanical means or jetted to a firm and unyielding condition.

  (b) Remaining backfill may be fine-grained soils. It shall be placed in lifts not exceeding 6 inches in thickness or as determined appropriate, watered, or aerated to near optimum moisture content, and mechanically completed to a minimum of 90 percent of the laboratory maximum density.

  (c) Pipes in trenches within 5 feet of the top of slopes or on the face of slopes shall be bedded and backfilled with pea gravel or approved granular soils as described above. The remainder of the trench backfill shall comprise typical on-site fill soil mechanically completed as described in the previous paragraph.

**Threshold:** *Would the project result in substantial soil erosion or the loss of topsoil?*

**Impact: Soil Erosion-Less than Significant Impact.** Soil erosion occurs naturally by the action of water or wind. The Project site is located in an area that has been subject to soil erosion as a result of precipitation, wind, stormwater runoff, and sedimentation. As described in the Specific Plan EIR, implementation of the 2012 Specific Plan Project could result in a substantial increase in soil erosion resulting from grubbing and clearing of site vegetation in preparation for on-site grading activities. However, the Specific Plan EIR determined that subsequent to development on the site, hydro-mulching and reseeding would support the temporary revegetation of the site and would reduce impacts related to the loss of topsoil. Further, the Specific Plan EIR determined that impacts related to the loss of topsoil would be reduced to a less than significant level with adherence to grading procedures outlined in the City’s Municipal Code and the implementation of Best Management Practices during project construction aimed at minimizing the potential for erosion or sedimentation. Therefore, impacts related to soil erosion were determined to be less than significant with mitigation incorporated.
**Threshold:** Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as the result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

**Impact: Unstable Soils. Less than Significant Impact with Mitigation Incorporated.** As previously stated, impacts related to landslides and liquefaction were determined to be less than significant in the Specific Plan EIR. As described in the Specific Plan EIR, the potential for lateral spreading and ground subsidence on the Project site was anticipated to be low. The Specific Plan EIR also determined that the Project site is not located on soil that is considered unstable or could be unstable as a result of project implementation. However, given the slopes on the Project site, the Specific Plan EIR required the implementation of Mitigation Measure GEO-2, which requires a detailed analysis of site geotechnical conditions, field investigation and a slope-stability analysis, to reduce potential impacts associated with the landslides or slope collapse in these areas of the site. Therefore, impacts related to unstable soils were determined to be less than significant with mitigation incorporated.

**Mitigation Measure GEO-2:** A detailed analysis of site geotechnical conditions, field investigation and slope stability analyses shall be conducted as 40-scale grading plans for mass- and fine-grading are prepared in the course of the phased development of the Project site. These studies shall be submitted to the City Building Department or Building Official, and their recommendations incorporated into project design to the satisfaction of the City Engineer, prior to the issuance of any grading permits, including those for mass grading, in areas where slopes of 10 feet or more in height are anticipated and/or where evidence of debris flows or past landslides is found.

**Threshold:** Would the project 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 or on soils with an expansion index greater than 20 percent?

**Impact: Expansive Soils. Less than Significant Impact with Mitigation Incorporated.** Expansive soils are characterized by their ability to undergo substantial volume changes (shrink or swell) due to variations in moisture content as a result of precipitation, landscape irrigation, utility leakage, roof drainage, perched groundwater, drought, or other factors. As described in the Specific Plan EIR, while the potential for expansive soils on the Project site was determined to be low, new development under the 2012 Specific Plan Project would have been required to comply with the City’s grading standards and design requirements with respect to expansive soils to ensure that potential risks to life and/or property would be less than significant. Additionally, the Specific Plan EIR required that site-specific geotechnical studies be prepared as tracts are developed within the Specific Plan area (Mitigation Measure GEO-2). As part of these studies, expansive soils would have been identified and on-site structures would be designed accordingly. Therefore, the Specific Plan EIR determined that adherence to the City’s grading standards and building code and preparation of site-specific studies would ensure that impact related to expansive soils would be less than significant.
Mitigation Measure GEO-2: A detailed analysis of site geotechnical conditions, field investigation and slope stability analyses shall be conducted as 40-scale grading plans for mass- and fine-grading are prepared in the course of the phased development of the Project site. These studies shall be submitted to the City Building Department or Building Official, and their recommendations incorporated into project design to the satisfaction of the City Engineer, prior to the issuance of any grading permits, including those for mass grading, in areas where slopes of 10 feet or more in height are anticipated and/or where evidence of debris flows or past landslides is found.

Cumulative Impacts. The Project site is located within a seismically active region. Implementation of the 2012 Specific Plan Project would have allowed for the continued urbanization of the region and could result in the exposure of future residents and structures to geologic and seismic-related hazards. The City’s General Plan has identified potential seismic hazards and has prescribed mitigation measures that have since been incorporated into the City’s Municipal Code. Adherence to the City’s Municipal Code was determined to be required to ensure that all development projects within the City would reduce seismic impacts to a less than significant level. Furthermore, because the 2012 Specific Plan Project is an amendment to the previously approved Deutsch Specific Plan, buildout of the 2012 Specific Plan Project was determined to be accounted and mitigated for in the City’s General Plan EIR cumulative analysis. Therefore, with implementation of Mitigation Measures GEO-1 through GEO-3, the Specific Plan EIR determined that the 2012 Specific Plan Project would not result in a cumulatively significant impact with respect to geology and soils.

3.8.3 Analysis of Project Changes

Surface Fault Rupture. The Proposed Project would be located on the same Project site as the 2012 Specific Plan Project, and would be subjected to the same seismic risks as addressed in the Specific Plan EIR. The Proposed Project represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR. The Project site remains substantially unchanged with the exception of the elimination of the golf course in Paseo 35 and 39. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to surface fault rupture or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

Ground Shaking. The Proposed Project represents an overall reduction in the intensity and scale of development, thereby exposing fewer structures and persons to potential seismic shaking than the 2012 Specific Plan Project analyzed under the Specific Plan EIR. The Proposed Project would still be required to construct all structures to the most current seismic standards and adhere to Mitigation Measure GEO-1 to reduce impacts associated with strong seismic ground shaking to a less than significant level. Therefore, the Proposed Project would not result in any new significant environmental effects related to ground shaking or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.
Seismically-Induced Ground Failure. The Proposed Project represents an overall reduction in the intensity and scale of development and exposes fewer people and structures to potential seismic ground failure than the 2012 Specific Plan Project analyzed under the Specific Plan EIR. Because the Proposed Project is located on the same Project site in an area with a low potential for liquefaction and because the Project reserves more Planning Areas for open space, the Proposed Project would not result in any new significant environmental effects related to seismically-induced ground failure or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

Landslides. The Proposed Project represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR. The Proposed Project is located on the same Project site with the same landslide potential and no substantial changes to the proposed grading. Furthermore, Mitigation Measures GEO-2 and GEO-3 would remain applicable to the Proposed Project. Therefore, the Proposed Project would not result in any new significant environmental effects related to landslides or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

Soil Erosion. Due to the reduction in the 2012 Specific Plan Project intensity, the Project would disturb less soil and create less potential for soil erosion and loss of topsoil than the Proposed Project addressed in the Specific Plan EIR. While the Proposed Project would reserve more open space on the site than the 2012 Specific Plan Project, these areas would include landscape improvements or are currently vegetated and would not result in more soil erosion than the 2012 Specific Plan improvements. Therefore, the Proposed Project would not result in any new significant environmental effects related to soil erosion or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

Unstable Soils. Because the Proposed Project is located on the same Project site with the same soil conditions previously analyzed, impacts related to unstable geological conditions would be similar or incrementally fewer than the previous project. The potential for lateral spreading and ground subsidence on the site is low and the site is not located on soil that is considered to be unstable or could be unstable as a result of Project implementation. Similar to the 2012 Specific Plan Project, the Proposed Project would be required to comply with Mitigation Measure GEO-2 to reduce impacts associated with landslides or slope collapse in the areas of the Project site that are characterized by natural slopes. The Proposed Project would not result in any new significant environmental effects related to unstable soils or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

Expansive Soils. Because the Proposed Project is located on the same Project site with the same soil conditions previously analyzed, impacts related to expansive soils would be similar or incrementally fewer than the previous project. The potential for expansive soils on the site is low. However, similar to the 2012 Specific Plan Project, the Proposed Project would be required to comply with the City’s grading standards and design requirements with respect to expansive soils to ensure that potential risks to life and/or property would be less than significant. Similar to the 2012 Specific Plan Project, the Proposed Project would be required to comply with Mitigation Measure GEO-2, which requires
site-specific geotechnical studies to identify expansive soils in areas proposed for on-site structures. Therefore, the Project would not result in any new significant environmental effects related to expansive soils or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Cumulative Impacts.** Although the Proposed Project will develop the currently vacant site, the potential exposure to the effects of seismic activity and/or unstable soil conditions would not increase substantially and project implementation would not result in potential cumulative impacts because structures included as part of the Proposed Project will be required to meet applicable structural design requirements and City standards outlined in the Municipal Code and will not increase beyond those impacts considered in the Specific Plan EIR. Similarly, other development proposed in the City of Banning and elsewhere in the region must also comply with the specific building design parameters prescribed in the applicable regulations to ensure that potential loss of life and structural damage is minimized. Mitigation Measures GEO-1 through GEO-3 would remain applicable to the Proposed Project and would serve to reduce cumulative impacts of the Proposed Project. With implementation of these measures and adherence with applicable regulations, no significant cumulative impacts would occur as a result of project implementation. Therefore, the Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant cumulative environmental effects related to geology, seismicity, and/or soils or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**3.8.4 Findings Related to Geology and Soils**

**No New Significant Effects Requiring Major EIR Revisions.** Based on the foregoing analysis and information, there is no evidence that the Proposed Project would require a major change to the Specific Plan EIR. The Proposed Project would not result in new significant environmental impacts to Geology and Soils, nor is there a substantial increase in the severity of impacts previously identified in the Specific Plan EIR.

**No Substantial Change in Circumstances Requiring Major EIR Revisions.** The Project site and surrounding area have not been further developed or altered since the Specific Plan EIR was prepared. Site conditions related to geology and soils as reported in the Specific Plan EIR have not significantly changed. Therefore, there is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Geology and Soils that would require major changes to the Specific Plan EIR due to the involvement of significant effects or a substantial increase in the severity of previously identified significant effects.

**No New Information Showing Greater Significant Effects than the Specific Plan EIR.** This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was certified, indicating that a new significant effect not reported in that document may occur. Based on the information and analyses above, there is no substantial new information which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified.
indicating that there would be a new significant impact to Geology and Soils requiring major revisions to the Specific Plan EIR.

**No New Information Showing Ability to Reduce Significant Effects in Previous EIR.** There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to Geology and Soils identified and considered in the certified Specific Plan EIR.

### 3.8.5 Project Design Features

All PDFs included as part of the 2012 Specific Plan Project (also listed in Section 2.1.2 of this Addendum) remain applicable to the Geology and Soils analysis for the Proposed Project.

### 3.8.6 Mitigation Measures

In light of the Proposed Project, the Specific Plan EIR was reviewed to determine whether or not changes to the 2012 Specific Plan Project would affect the mitigation measures contained therein. Based on the analysis and information above, no changes to the mitigation measures found in the Specific Plan EIR are required. Mitigation Measures GEO-1 through Geo-3 remain applicable to the Proposed Project.

### 3.8.7 Mitigation Measures No Longer Applicable

All geology and soils mitigation measures identified in the Specific Plan EIR would remain applicable to the Proposed Project.
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3.9 HAZARDS AND HAZARDOUS MATERIALS

3.9.1 Existing Environmental Setting

There have been no major changes to the existing setting of the project site with respect to aesthetics, light, and glare, since the Specific Plan EIR was prepared. Please see Section 4.8 of the Specific Plan EIR for a summary of the existing environmental setting related to Hazards and Hazardous Material. The analysis contained in Section 4.8 is based on information compiled from the Phase I Environmental Site Assessment prepared for the Project site in 2002 by Converse Consultants; the Converse Consultants Technical Memorandum – Hazardous Materials Review for the 21-acre Added Parcel (March 2007); the Converse Consultants Technical Memorandum for the Butterfield Specific Plan site, which updated the original Phase I Environmental Site Assessment (ESA) (March 2007); the Riverside County Operational Area Multi-Jurisdictional Local Hazard Mitigation Plan (LHMP) (updated March 2005); the Riverside County Land Use Compatibility Plan – East County Airports: Banning Municipal Airports and Environs (October 2004); the Comprehensive General Plan of the City of Banning (2005); and the General Plan’s certified EIR. These reports can be found in Appendix F of the Specific Plan EIR, with the exception of the City’s certified EIR, which is on file at the City of Banning.

Physical Setting. The Project site is comprised of 20 parcels covering 1,522 acres, owned by Pardee Homes and an additional 21-acre lot owned by the Highland Springs County Club Owner’s Association, which together form a total of 1,543 acres of undeveloped land. Previous uses on the site included dry and irrigated farming and portions of the site have historically (and are currently) being used for cattle grazing. Topography on the site ranges from flat to gently sloping foothills, with steeper slopes in the northeastern portion of the site. On-site vegetation is comprised of non-native grasses with mixed chaparral in the higher elevations. Smith Creek traverses the central portion of the site and supports limited vegetation along its banks. A portion of the northern boundary of the Project site is formed by the San Bernardino National Forest.

On-Site Utility Easements. A 16.5 ft wide So Cal Gas easement traverses the site diagonally through the western site boundary to the site’s southeastern corner at a depth that ranges from 12 ft below ground surface at the west end to 4 ft below ground surface at the east end.

Three sets of power lines traverse the Project site from east to west within an SCE corridor, which is comprised of two separate easements: (1) a 330 ft wide south easement and, (2) an adjacent north easement that is approximately 100 ft in width. The south easement contains 80 ft high steel frame transmission towers that carry single circuit lines and also contains a second set of transmission lines consisting of steel frame towers approximately 120 ft in height carrying double circuit lines. The north easement is occupied by a set of single circuit power lines strung on 65 ft high wood poles. A 50 ft wide SCE easement containing 115 kV lines strung on wooden poles is located in the northwestern portion of the site. In addition, overhead 12 kV distribution lines are located adjacent to existing residential development on the northern side of Wilson Avenue.

Illegal On-Site Dumping. Field surveys conducted as part of the Phase I ESA and ESA Update prepared for the Specific Plan EIR indicate that some illegal dumping of asphalt, automotive parts,
tires, and other related debris has occurred on the Project site; however, none of this debris appeared to contain toxic materials in any appreciable quantity. Additionally, the refuse deposit containing potential cultural resources on the site near the edge of the ravine does not contain any materials with an appreciable quantity of toxic elements.

**Historical Usage.** The Project site has intermittently been used for agricultural purposes, including the cultivation of wheat and cattle grazing. Irrigation on the Project site ceased in 1982 and dry farming ceased in 1989. As part of the Phase I ESA, no concerns related to herbicides associated with cultivating activities on the site were identified.

Following the termination of agricultural activities on the site, subsequent development of residential, and medical uses (i.e., the hospital located at the southeast corner of Highland Springs Avenue and Wilson Street) began to intensify within the Project area. There is no evidence to suggest potential for hazardous substance/waste contamination on the site nor is there any record of underground storage tanks (USTs) present on the site, or having been on the site, at any time. Furthermore, there is no evidence suggesting that there were prior storage and/or maintenance of diesel or gasoline powered farm equipment on the site.

The area proposed for off-site improvements was also historically used for agricultural activities until 1984 when it was developed as a golf course.

### 3.9.2 Specific Plan EIR

Please refer to Section 4.7 of the Specific Plan EIR for analyses of the potential effects of the proposed Project related to Hazards and Hazardous Materials.

The Specific Plan EIR concluded that the following impacts related to hazards and hazardous materials would be less than significant with implementation of applicable mitigation measures.

**Threshold:** Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

**Impact:** Use and Transport of Hazardous Materials. Less than Significant Impact with Mitigation Incorporated. As described in the Specific Plan EIR, construction and operation of new development included under the Specific Plan would have resulted in less than significant impacts related to the transport, use, and/or disposal of hazardous materials with mitigation incorporated. The 2012 Specific Plan Project included residential, commercial, educational, recreational, open space uses, and a wastewater plant. With the exception of the wastewater treatment plant, uses included as part of the 2012 Specific Plan Project were not anticipated to generate significant quantities of hazardous materials or to generate significant quantities of hazardous wastes requiring transport.

**Wastewater Treatment Plant.** The wastewater treatment plant proposed as part of the Specific Plan Project would be operational 24 hours per day and would involve activities requiring the use of chlorine and other potentially hazardous materials. To ensure the safe handling, storage, use,
and transport of hazardous materials associated with operation of the wastewater treatment plant, the Specific Plan EIR required that the facility comply with Standard Guidelines established by the federal occupational Safety and Health Administration and the California Department of Toxic Substances Control. In addition, the Specific Plan EIR required the wastewater treatment plant to comply with applicable regulations, guidelines, and standards set forth in the County’s Hazardous Waste Management Plan and applicable permitting procedures required by Federal, State, and local agencies regulating hazardous materials and waste. The California Department of Health Services and the State Water Resources Control Board would have also regulated activities at the plant. Accordingly, the Specific Plan EIR determined that compliance with these regulations and on-going monitoring of the plant’s operations would reduce impacts associated with the routine use, handling, transport, and storage of hazardous materials in connection with the operation of the proposed wastewater treatment plant to a less than significant level.

**Short-Term Construction Impacts.** While uses included as part of the 2012 Specific Plan Project would not have generated significant quantities of hazardous materials or hazardous wastes requiring transport, construction on the site would have involved the use of various products that could contain materials classified as hazardous (e.g., oils, cleaning solvent, paint, etc.). Consequently, the Specific Plan EIR required the developer and its contractors/subcontractors to adhere to existing hazardous materials regulations and would be required to implement Mitigation Measures HAZ-1 through HAZ-3. Mitigation Measure HAZ-1 requires the preparation of grading plans that indicate methods to address potential contamination discovered during construction, as well as safety considerations for on-site construction personnel and the general public. Mitigation Measure HAZ-2 requires a 500-foot separation between heavy equipment maintenance and fueling areas and adjacent residential uses, and Mitigation Measure HAZ-3 requires implementation of specific BMPs to contain, manage, and dispose of construction hazardous materials and wastes. With implementation of these measures, the Specific Plan EIR determined that construction associated with the 2012 Specific Plan Project would not generate significant quantities of hazardous materials or to generate significant quantities of hazardous wastes requiring transport.

**Mitigation Measure HAZ-1:** The grading plans shall indicate methods to address potential contamination discovered during construction, as well as safety considerations for on-site construction personnel and the general public. Details of the plan shall include, but not be limited, to the following:

- Procedures for identification of contaminated soil during earthmoving operations;
- Immediate measures to protect workers and the public from exposure to contaminated areas (e.g., fencing or hazard flagging, and covering of contaminated soils with plastic, etc.) and prevent migration of the contaminants to the surrounding environment; and
- Steps to be taken following initial discovery of contaminated soils. Notification shall be made to the local environmental
health officials and the City’s construction inspector(s) immediately following identification of previously unknown contamination within the construction area. In the event hazardous substances are encountered during site grading, work shall immediately cease in the area and the property owner/developer shall retain a qualified hazardous materials engineer to assess the impacts and prepare a response plan using risk-based cleanup standards applicable to residential land use. Upon approval of the response plan by the Riverside County Fire Department or other agency, as applicable, the engineer shall obtain any required permits, oversee the removal of such features and/or conduct the response work to the satisfaction of the Fire Department or other agency, as applicable, until closure status is attained.

**Mitigation Measure HAZ-2:** As part of construction specifications, procedures for the fueling and maintenance of construction vehicles shall be required to minimize the potential for accidental release of hazardous materials. This shall include locating the refueling and maintenance areas a minimum of 500 feet from occupied residential uses. Drip pans shall be placed under motorized equipment when parked on the site to prevent soil contamination from dripping oil or other fluids.

**Mitigation Measure HAZ-3:** Hazardous construction waste management practices are to be implemented pursuant to the BMPs contained in the California Stormwater BMP Handbook (2009) and shall include the following:

1) All hazardous construction wastes as defined by Title 22 Division 4.5, or listed in 40 CFR Parts 110, 117, 261, or 302, including but not limited to, petroleum products, concrete curing compounds, palliatives, septic wastes, stains, wood preservatives, asphalt products, pesticides, acids, paints, solvents, roofing tar, sandblasting grid mixed with lead-, cadmium-, or chromium-based paints, asbestos, or PCBs, that cannot be reused or recycled shall be disposed of by a licensed hazardous waste hauler.

2) Wastes shall be stored in sealed containers constructed of suitable material and shall be labeled as required by Title 22 CCR, Division 4.5 and 49, CFR Parts 172, 173, 178, and 179.

3) Waste containers shall be stored in temporary containment facilities that should comply with the following requirements:
a) Temporary containment facilities shall provide for a spill containment volume equal to 1.5 times the volume of all containers able to contain precipitation from a 25-year storm event plus the greater of 10 percent of the aggregate volume of all containers or 100 percent of the largest tank within its boundary, whichever is greater.

b) Temporary containment facilities shall be impervious to the materials stored at their locations for a minimum contact time of 72 hours.

c) Temporary containment facilities shall be maintained free of accumulated rainwater and spills. In the event of spills or leaks, accumulated rainwater and spills should be placed into drums after each rainfall. These liquids shall be handled as hazardous waste unless testing determines them to be non-hazardous.

d) Sufficient separation shall be provided between stored containers to allow for spill cleanup and emergency response access.

e) Incompatible materials such as chlorine and ammonia shall not be stored in the same temporary containment facility.

f) Throughout the rainy season, temporary containment facilities shall be covered during non-working days and prior to rain events.

4) Storage drums shall not be overfilled and wastes should not be mixed.

5) Unless watertight, containers of dry waste shall be stored on pallets.

6) Herbicides and pesticides shall not be over-used. Only the amount needed shall be prepared. Apply surface dressings in several small applications as opposed to one large application. Allow time for infiltration and avoid excess material being carried off-site by runoff. Do not apply such chemicals immediately prior to rain events. All persons applying pesticides must be certified in accordance with federal and State regulations.

7) Paint brushes and equipment for water and oil-based paints should be cleaned within a contained area and shall not be allowed to contaminate soil, watercourses, or drainage systems. Waste paints, thinners, solvents, residues, and sludges that cannot be recycled or reused shall be disposed of as hazardous waste by a licensed hazardous waste hauler.
8) Hazardous waste storage areas on site shall be located away from storm drains or water courses and away from moving vehicles and equipment to prevent accidental spills.

9) Containment berms shall be used in fueling and maintenance areas and where the potential for spills is high.

10) Potentially hazardous waste shall be segregated from non-hazardous construction site debris.

11) Liquid or semi-liquid hazardous materials shall be stored in appropriate containers and under cover.

12) Hazardous waste collection sites shall be designated on site away from watercourses and drainage systems, and shall be clearly labeled.

13) Hazardous materials shall be stored in containers and protected from vandalism.

14) All employees and subcontractors shall receive on-site training in hazardous waste storage and disposal procedures.

15) Areas treated with chemicals shall be identified with appropriate warning signage.

16) Place a stockpile of spill clean-up materials where it will be readily accessible.

17) Inspect and verify that activity-based BMPs are in place prior to the commencement of associated activities. While activities associated with the BMP are underway, BMPs shall be inspected on a weekly basis.

18) A copy of hazardous waste manifests shall be maintained on-site for access by City inspectors.

**Long-Term Operational Impacts.** Operation of the 2012 Specific Plan Project was determined to result in the potential generation of hazardous materials associated with landscape maintenance activities and operation of residential, commercial, and recreational uses on-site.

Landscape maintenance activities would have included the use of pesticides, herbicides, and fertilizers, as well as the storage and use of toxic fuels and solvents. The use of these materials would have been in accordance with State and federal regulations.

Residential uses included as part of the 2012 Specific Plan Project would have included the storage and use of hazardous materials, including, but not limited to, motor oil, paints, cleaners, aerosols, and pesticides. However, the Specific Plan EIR determined that the risk level associated with the routine transport or disposal of hazardous substances generated by residential uses is not considered significant because the volume and concentration of such materials would be very low.
Commercial uses included as part of the 2012 Specific Plan Project may have included businesses such as dry cleaning establishments, gas stations, auto repair facilities, doctor’s offices, etc., which routinely use and/or dispense hazardous agents. These businesses would have been assigned an Identification Number (in accordance with State law), to identify the hazardous waste handler and to track the waste from its point of origin to its final disposal. Additionally, hazardous waste generated at the Project site would have been handled by licensed hazardous waste handlers and commercial facilities that routinely handle and dispose of hazardous waste would be subject to permitting and inspection by the California Department of Toxic Substances. Accordingly, the Specific Plan EIR determined that compliance with applicable regulations would reduce impacts to a less than significant level.

The golf course originally included as part of the 2012 Specific Plan Project would have utilized pesticides, herbicides, and fertilizers. The routine transport and storage of chemicals for landscape maintenance of the golf course would have occurred during project operation. The handling, use, and disposal of hazardous materials at the golf course would have been subject to regulation by the State Department of Toxic Substances Control. Accordingly, the Specific Plan EIR determined that compliance with applicable regulations would reduce impacts to a less than significant level.

**Threshold:** *Would the Project create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment*

**Impact: Risk of Upset. Less than Significant Impact with Mitigation Incorporated.* As described in the Specific Plan EIR, construction and operation of new development included under the 2012 Specific Plan Project could have resulted in hazards to the public or environment through the accidental upset or release of hazardous materials caused by accidental spillage of hazardous materials during construction or operation, or as a result of the exposure of contaminated soil during grading and trenching activities. Additionally, the high pressure natural gas pipeline currently traversing the site could have posed a risk of explosion and soil contamination in the event of leaks or other pipeline failure.

**Prior Agricultural Use of the Site.** The Phase I ESA prepared for the Specific Plan EIR did not find evidence of the use of herbicides or pesticides in connection with the site’s use for farming. The site has also been intermittently used for cattle grazing, which could result in the generation of nitrates and other chemicals from cattle manure leeching into groundwater. However, given the depth of groundwater at the site (over 300 ft below ground surface), the Specific Plan EIR determined that the potential for contaminated untreated groundwater was considered highly unlikely.

**Existing Abandoned Well.** The Phase I ESA prepared for the Specific Plan EIR identified an abandoned water well on the Project site. Unless properly abandoned and capped, this well could provide a route for the migration of surface contaminants into the groundwater. The capping of the well and removal of the existing pipeline associated with the well or with site irrigation would
have been required prior to grading activities and should be conducted as part of clearing and grubbing on the site to ensure that subsequent construction activity does not result in groundwater soil contamination. Therefore, the Specific Plan EIR determined that implementation of Mitigation Measure HAZ-4 would be required to reduce potentially significant impacts associated with the abandoned well. Mitigation Measure HAZ-4 requires the capping and removal of the abandoned well and any associated pipelines on the site.

**Mitigation Measure HAZ-4:** The abandoned well identified in the 2007 Converse Consultant’s Technical Memorandum for the Butterfield Specific Plan shall be properly capped and any associated pipeline abandoned and/or removed from the site pursuant to applicable State and federal Guidelines.

**Debris Removal, Illegal Dumping, and Abandoned Equipment.** The Phase I ESA prepared for the Specific Plan EIR identified a diesel engine, a water well pump, and five automotive batteries on a concrete pad, along with an abandoned water well on the Project site. Additionally, debris piles containing asphalt debris, tires, automotive parts, and other potentially hazardous materials were identified in various locations on the Project site. Residues from these materials may be present on the site, thereby requiring the removal of solid debris and the removal and/or treatment of contaminated soils in the vicinity of this debris. Due to the depth of groundwater on the site (over 300 ft below ground surface), it was determined to be unlikely that residues had leached into groundwater. It was, however, determined to be possible that residues had been washed into the Smith Creek channel as a result of surface flows. As such, the Specific Plan EIR determined that Mitigation Measure HAZ-5 would be required to reduce impacts associated with on-site debris. Mitigation Measure HAZ-5 would require the removal and disposal of debris; including potentially hazardous waste and any soil that may have been contaminated by this debris. Implementation of Mitigation Measure HAZ-5 would also ensure that removal of the debris would be handled by appropriately licensed and trained contractors and waste haulers. Additionally, removal and disposal of potentially hazardous trash and debris or contaminated soils were determined to potentially require special handling pursuant to applicable regulations. Accordingly, the Specific Plan EIR determined that compliance with applicable regulations and measures would result in less than significant impacts related to on-site debris and abandoned equipment.

**Mitigation Measure HAZ-5:** Prior to issuance of grading permits, the following remediation efforts shall occur:

- The batteries, auto parts, tires, and diesel engine observed on the concrete pad next to the well and any associated fuel sources shall be removed and disposed of in compliance with all applicable regulations by waste haulers certified by the State for the handling and disposal of such wastes;
- Piles of asphalt debris and inert trash observed in various locations throughout the property shall be removed following their inspection by a hazardous waste consultant and, if required, by a cultural resource consultant and the
material removed and disposed of pursuant to all applicable laws and regulations.

- Prior to the removal of any potentially hazardous debris, additional environmental assessment and testing shall be completed pursuant to the recommendations of a certified environmental consultant and appropriate methods of handling and disposal shall be identified and implemented pursuant to existing (or then current) regulations and procedures for any particular hazardous waste or toxic material identified.

**High Pressure Gas Line.** The Phase I ESA prepared for the Specific Plan EIR identified the presence of a high-pressure gas pipeline traversing the Project site. The accidental rupture of the pipeline during construction activities could result in environmental contamination, fire, or explosion. The risk of rupture was determined to be greatest during site clearing and excavation. As such, the Specific Plan EIR determined that Mitigation Measure HAZ-6 would be required to reduce impacts associated with the on-site gas pipeline. Mitigation Measure HAZ-6 requires that the contractor take precautions to avoid the gas pipeline traversing the property, including contacting Dig Alert prior to the start of grading operations and close coordination with SoCalGas prior to and during grading and trenching activities in the vicinity of the pipeline to provide the maximum feasible protection of workers and property.

The majority of the pipeline traversing the Project site is not CPUC-rated residential grade pipe because the pipe was installed when the property was used for agricultural purposes. Development of the Project site associated with the 2012 Specific Plan Project would have increased density surrounding the pipeline and therefore required mitigation to reduce the risk of upset associated with that development. Mitigation Measure HAZ-7 requires that the existing gas pipeline be replaced with a pipeline that is (PUC)-rated for location in residential areas. Mitigation Measure HAZ-7 also requires the Applicant to ensure that the same replacement would occur within the Project site prior to the issuance of building permits for structures located within 100 feet of the outer edge of the pipeline easement and prior to the paving of streets under which the pipeline would be situated. Furthermore, HAZ-7 would require appropriate horizontal and vertical separation between the pipeline and both wet and dry utility installations and crossings and monumentation to mark the location of the pipeline through the developed Project site. School sites included as part of the 2012 Specific Plan Project would have observed a setback from the outer edge of the gas pipeline to further reduce impacts associated with the on-site pipeline. Therefore, the Specific Plan EIR determined that with implementation of Mitigation Measures HAZ-6 and HAZ-7, impacts would be reduced to a less than significant level.

**Mitigation Measure HAZ-6:** The contractor shall ensure that precautions are taken to avoid the Southern California Gas Company pipeline observed crossing the property diagonally from the west-center of the Project site to the southeast corner and that may be present along the alignments of the proposed off-site infrastructure. Such precautions shall include calling Dig Alert prior to any construction activity to determine and mark the exact location of
this pipeline and close coordination with the Southern California Gas Company to ensure that appropriate measures are taken by the Southern California Gas Company, including potential reduction in pressure and on-site monitoring, to protect both workers and the pipeline from accidental damage during grading activities. The appropriate identification and setbacks shall be maintained in order to ensure the safety of adjacent properties.

**Mitigation Measure HAZ-7:** The Applicant shall ensure that the existing high pressure gas line is replaced by the operator with pipeline that is PUC-rated for location in residential areas. Replacement of the pipeline and required relocation shall occur prior to trenching for sewer, water and storm drains within 25 feet of the outer edge of the pipeline easement and/or prior to the issuance of building permits for residences located within 100 feet of the ultimate pipeline alignment and prior to the paving of any roads within the pipeline alignment. Unless directed otherwise by the PUC, wet utility crossings shall observe a minimum 10-foot vertical separation and 10-feet of horizontal separation from the pipeline, to the extent feasible given the needed depth of utility services. Undergrounded electrical services shall observe a minimum 10-foot horizontal separation from the pipeline. The location of the pipeline shall be indicated with appropriate curbside notation and/or monuments at minimum 50-foot intervals along its route and by ground-level monumentation through the golf course, or at intervals required by the PUC.

**Accidental Releases.** The 2012 Specific Plan Project includes four phases of mass grading and multiple phases of rough and precise grading. Grading activities on the site would have involved the use of heavy equipment, which would have had to be fueled and serviced on the site. Fuel may have been stored on the site in temporary aboveground storage tanks and/or may have been supplied by tanker trucks, which could have resulted in accidental spillage on the site. Above ground petroleum storage tanks would be regulated by the Riverside County Certified Program Agency, the Riverside County Fire Department, and the City of Banning. To further minimize impacts that could be created by aboveground fuel storage tanks, the Specific Plan EIR determined that Mitigation Measure HAZ-8 would be required. Mitigation Measure HAZ-8 requires that the Applicant obtain permits from the Riverside County Fire Department prior to the installation of any temporary aboveground fuel storage tank on the site. Additionally, in the event hazardous materials and/or contaminated soil are encountered during site grading, work in the area would cease and the Riverside County Fire Department Hazardous Materials Unit, the County Department of Environmental Health HAZMAT team, and the City Public Works Department would be notified. The Specific Plan EIR also required compliance with Mitigation Measure HAZ-3 to ensure that the Project site is remediated of all existing hazardous materials. With implementation of Mitigation Measures HAZ-3 and HAZ-8, impacts would be reduced to a less than significant level.
Mitigation Measure HAZ-3: Hazardous construction waste management practices are to be implemented pursuant to the BMPs contained in the California Stormwater BMP Handbook (2009) and shall include the following:

1) All hazardous construction wastes as defined by Title 22 Division 4.5, or listed in 40 CFR Parts 110, 117, 261, or 302, including but not limited to, petroleum products, concrete curing compounds, palliatives, septic wastes, stains, wood preservatives, asphalt products, pesticides, acids, paints, solvents, roofing tar, sandblasting grid mixed with lead-, cadmium-, or chromium-based paints, asbestos, or PCBs, that cannot be reused or recycled shall be disposed of by a licensed hazardous waste hauler.

2) Wastes shall be stored in sealed containers constructed of suitable material and shall be labeled as required by Title 22 CCR, Division 4.5 and 49, CFR Parts 172, 173, 178, and 179.

3) Waste containers shall be stored in temporary containment facilities that should comply with the following requirements:
   a) Temporary containment facilities shall provide for a spill containment volume equal to 1.5 times the volume of all containers able to contain precipitation from a 25-year storm event plus the greater of 10 percent of the aggregate volume of all containers or 100 percent of the largest tank within its boundary, whichever is greater.
   b) Temporary containment facilities shall be impervious to the materials stored at their locations for a minimum contact time of 72 hours.
   c) Temporary containment facilities shall be maintained free of accumulated rainwater and spills. In the event of spills or leaks, accumulated rainwater and spills should be placed into drums after each rainfall. These liquids shall be handled as hazardous waste unless testing determines them to be non-hazardous.
   d) Sufficient separation shall be provided between stored containers to allow for spill cleanup and emergency response access.
   e) Incompatible materials such as chlorine and ammonia shall not be stored in the same temporary containment facility.
f) Throughout the rainy season, temporary containment facilities shall be covered during non-working days and prior to rain events.

4) Storage drums shall not be overfilled and wastes should not be mixed.

5) Unless watertight, containers of dry waste shall be stored on pallets.

6) Herbicides and pesticides shall not be over-used. Only the amount needed shall be prepared. Apply surface dressings in several small applications as opposed to one large application. Allow time for infiltration and avoid excess material being carried off-site by runoff. Do not apply such chemicals immediately prior to rain events. All persons applying pesticides must be certified in accordance with federal and State regulations.

7) Paint brushes and equipment for water and oil-based paints should be cleaned within a contained area and shall not be allowed to contaminate soil, watercourses, or drainage systems. Waste paints, thinners, solvents, residues, and sludges that cannot be recycled or reused shall be disposed of as hazardous waste by a licensed hazardous waste hauler.

8) Hazardous waste storage areas on site shall be located away from storm drains or water courses and away from moving vehicles and equipment to prevent accidental spills.

9) Containment berms shall be used in fueling and maintenance areas and where the potential for spills is high.

10) Potentially hazardous waste shall be segregated from non-hazardous construction site debris.

11) Liquid or semi-liquid hazardous materials shall be stored in appropriate containers and under cover.

12) Hazardous waste collection sites shall be designated on site away from watercourses and drainage systems, and shall be clearly labeled.

13) Hazardous materials shall be stored in containers and protected from vandalism.

14) All employees and subcontractors shall receive on-site training in hazardous waste storage and disposal procedures.

15) Areas treated with chemicals shall be identified with appropriate warning signage.

16) Place a stockpile of spill clean-up materials where it will be readily accessible.
17) Inspect and verify that activity-based BMPs are in place prior to the commencement of associated activities. While activities associated with the BMP are underway, BMPs shall be inspected on a weekly basis.

18) A copy of hazardous waste manifests shall be maintained on-site for access by City inspectors.

**Mitigation Measure HAZ- 8:** A permit shall be obtained from the Riverside County Fire Department (Banning Services Unit) and, if required, from the County Department of Environmental Health, prior to installation of any temporary aboveground fuel storage tank on the Project site.

- A hazardous materials business plan consisting of an owner/operator page, a chemical description/inventory page, and a site map must be submitted with the application for permit.
- The storage area shall be kept free of weeds and extraneous combustible material.
- Plans must be submitted for approval prior to installation. Aboveground fuel/mixed liquid tanks(s) shall meet the following standards:
  - Tank must be tested and labeled to UL2085 Protected Tank Standard or SwRI 93-01.
  - The test must include the Projectile Penetration Test and the Heavy Vehicle Impact Test.
  - A sample copy of the tank's label from an independent test laboratory must be submitted with the tank plans.
- The tank shall be kept 50 feet from buildings and conspicuously marked with the following: **DIESEL and COMBUSTIBLE – KEEP FIRE AWAY.**
- The tank shall be located within a secondary containment area such as earthen berms covered from end to end by a thick mil plastic. Concrete or steel may also be used to provide secondary containment. Calculations for secondary containment shall be shown on the Site Plan.
- The tank shall be secured to prevent movement on the containment surface or be mounted on metal skids (not on an elevated stilt rack).
- The project manager or contractor shall contact the fire department representative for inspections at the time prior to when the product is put into the tank to verify compliance, and at the time when the tank is removed from the site to check for evidence of ground contamination.
Threshold: Would the proposed Project result in hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

Impact: School Safety. Less than Significant Impact. As described in the Specific Plan EIR, implementation of the 2012 Specific Plan Project would have resulted in the development of residential, commercial, and park uses within 0.25 mile of a school site. While these uses would have likely stored or used hazardous materials typical to such development, the Specific Plan EIR determined that the small volume and low concentration of hazardous materials for these uses would make the risk of upset less than significant.

As previously discussed, SCE maintains an easement which runs through the middle of the Project site in an east-west direction. The required setback between the SCE easement and the power line would be determined based on the kV size of the power lines. The school sites would have complied with applicable setbacks to minimize impacts associated with the potential risk of upset, thereby reducing impacts to a less than significant level. The proposed schools would not have been located within 1,500 ft of the existing or relocated high-pressure gas line currently present on the site. Therefore, the Specific Plan EIR determined that impacts would be less than significant.

Threshold: Would the proposed Project be located on a site that is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?

Impact: Hazardous Materials Site(s). Less than Significant Impact. As described in the Specific Plan EIR, there are no listed hazardous materials sites on the Project site; however, several sites within the vicinity of the Project site were identified as hazardous materials sites. While these sites were identified as potential sources of hazardous materials, the Specific Plan EIR determined that these sites represented a low risk due to their distance from the Project site.

Threshold: Would implementation of the proposed Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Impact: Emergency Management Plan. Less than Significant Impact with Mitigation Incorporated. As described in the Specific Plan EIR, the Project site is located within an area regulated by the City’s Multi-Hazard Functioning Planning Document (1996) or the City’s Emergency Operations Plan (2007). The Specific Plan EIR determined that implementation of the 2012 Specific Plan Project could result in impacts related to the potential interference with this plan because construction activities could potentially interfere with emergency access and because off-site infrastructure improvements could diminish emergency response times during construction activities. However, the Specific Plan EIR determined that these impacts would be reduced to a less than significant level with Mitigation Measures HAZ-9 and HAZ-10 incorporated. Mitigation Measure HAZ-9 requires the City Engineer and the Riverside County Fire Department to approve ingress and egress points in and out of the construction site to assure there is adequate access and communications protocols for emergency response vehicles during construction. Mitigation Measure
HAZ-10 requires the preparation of a Traffic Management Plan to minimize safety and emergency access impacts during project construction.

Mitigation Measure HAZ-9: Prior to the approval of Final Tract Maps, the City Engineer and Riverside County Fire Department (Banning Services Unit) shall discuss with the Applicant approximate locations of work activities and ingress and egress points in and out of the construction site to assure there is adequate access and communications protocols for emergency response vehicles during each of the proposed construction phases.

Mitigation Measure HAZ-10: Prior to the issuance of grading permits or road encroachment permits, a Traffic Management Plan providing safety control measures for area-wide streets that would be affected by construction traffic and activities must be prepared by a licensed civil or traffic engineer, to the satisfaction of the City Engineer, that would minimize safety hazards and emergency access impacts. The temporary measures in the Traffic Management Plan could include: flaggers, temporary lane restriping, temporary lanes, caution signs, reduced-speed zones, temporary detours, and other safety and traffic control devices.

Threshold: Would implementation of the Project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildland?

Impact: Wildland Fires. Less than Significant Impact with Mitigation Incorporated. As described in the Specific Plan EIR, the Project site is located within an area designated as a High and Very High fire hazard severity zone. The Specific Plan EIR determined that implementation of the 2012 Specific Plan Project would result in less than significant impacts related to wildfires with Mitigation Measures HAZ-11 through HAZ-13 incorporated. Mitigation Measure HAZ-11 requires that all proposed subdivisions be evaluated by the Fire Department to determine whether or not the Urban-Wildland Interface requirements should be implemented and whether or not a fuel modification plan is required; Mitigation Measure HAZ-12 requires that seed mix used for the temporary revegetation of graded areas consist of drought-tolerant grasses; and Mitigation Measure HAZ-13 requires that the Applicant provide an annual fuel modification plan, as required by City code. Therefore, the Specific Plan EIR determined that impacts related to wildland fires would be less than significant with implementation of mitigation.

Mitigation Measure HAZ-11: All proposed subdivisions within the Specific Plan Project area shall be evaluated by the Fire Department to determine whether the Department’s Urban-Wildland Interface requirements should be implemented as part of the development. If the Department determines that either an interim or permanent condition of high fire risk would be present, a Fuel Modification Plan that meets the then-current requirements of the Fire Department shall be prepared and shall be approved by the Fire Department prior to recordation
of a Final Tract Map. Maintenance of interim fuel modification areas shall be the responsibility of the master Homeowners Association and/or the property owner and/or a LLMP and temporary maintenance easements shall be recorded over interim fuel modification areas. Such easements shall be quitclaimed when the Fire Department determines that additional new development has eliminated the need for fuel modification in these areas.

Mitigation Measure HAZ-12: Seed mix used for the temporary revegetation of graded areas that would remain as undeveloped open space for a period of 6 months or more shall consist primarily of drought-tolerant grasses that may combine native and non-native species. These mixes include grasses that require little maintenance and do not grow tall, but do provide sufficient vegetative coverage to be effective in controlling wind and water-caused erosion. Defensible spaces as defined by the Fire Department pursuant to Chapter 49 of the California Fire Code shall be maintained around the exposed perimeters of subdivisions abutting un-irrigated grassland and/or chaparral through weed abatement, mowing, and other fuel reduction/modification strategies.

Mitigation Measure HAZ-13: The Applicant shall continue to provide annual fuel modification as required by City code. The annual fuel modification (thinning) shall also be conducted in the future development areas south of Highland Home Road extension as needed (which excludes Planning Areas 50, 51, 52, 60, 61 and 73, which shall remain natural until such time these areas are developed or require infrastructure improvements).

Cumulative Impacts. Less than Significant Impact with Mitigation Incorporated. As described in the Specific Plan EIR, construction and operation of the 2012 Specific Plan Project would not have resulted in significant impact with respect to hazards and hazardous materials with the implementation of Mitigation Measures HAZ-1 through HAZ-13. Therefore, the Specific Plan EIR determined that cumulative impacts with respect to hazards and hazardous materials would be less than significant with mitigation incorporated.

While development envisioned under the 2012 Specific Plan Project would have increased the number of residential structures located in an urban-wildland interface area, and therefore, increased the number of structures and persons vulnerable to the effects of fire, new development would implement State and local codes and regulations related to the creation of defensible space, creation and maintenance of fuel modification zones, building code requirements, and landscape requirements aimed at reducing impacts associated with wildfires. New development would have also extended streets and water infrastructure and paid applicable fees to enable the future construction of fire stations. Accordingly, the Specific Plan EIR determined that cumulative impacts with respect to wildfires would be less than significant.
3.9.3 **Analysis of Project Changes**

**Use and Transport of Hazardous Materials.** The Proposed Project represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR. With the exception of the previously proposed golf course, the Proposed Project includes the same uses as proposed under the 2012 Specific Plan Project, none which would generate significant quantities of hazardous materials or generate significant quantities of hazardous wastes requiring transport. The wastewater treatment plan would continue to be required to applicable guidelines, regulations, and standards to reduce impacts related to hazardous materials and waste in connection with the proposed wastewater treatment plan. Construction activities proposed as part of the Proposed Project would also continue to be required to comply Mitigation Measures HAZ-1 through HAZ-3 to reduce short-term impacts related to hazardous waste and materials. Furthermore, due to the reduction in project intensity, the Proposed Project would result in fewer operational impacts related to the generation and transportation of hazardous waste and materials associated with landscape maintenance activities, on-site residential and commercial uses, and the golf course (which is no longer included as part of the Project). Because the Project would be required to comply with Mitigation Measures HAZ-1 through HAZ-3, potential impacts related to the transportation of hazardous materials would be reduced. Therefore, the Proposed Project would not result in any new significant environmental effects related to the use and/or transport of hazardous materials or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Risk of Upset.** The Proposed Project is located on the same Project site as the previously proposed 2012 Specific Plan Project. Consequently, the Proposed Project would be required to comply with Mitigation Measure HAZ-4, which requires the capping and removal of the on-site abandoned well and any associated pipelines on the property. The Project would also continue to be required to comply with Mitigation Measure HAZ-5, requiring the removal of potentially hazardous waste, soil, and debris on the site.

The Proposed Project would also be required to comply with Mitigation Measures HAZ-6 and HAZ-7, requiring the contractor to avoid the on-site gas pipeline during construction activities and that the pipeline be replaced with PUC-rated piping in residential areas. The Proposed Project would also continue to be required to comply with Mitigation Measure HAZ-8, which requires permitting, maintenance, and containment of any above-ground fuel storage tanks on the site during project construction. Furthermore, the Proposed Project would result in reduced impacts associated with the 115 kV lines located on the site because unlike the 2012 Specific Plan Project, the Proposed Project would not underground these electrical lines and would allow for the these power lines to remain on the site in their existing condition. Therefore, the Proposed Project would result in fewer impacts related to a risk of upset associated with undergrounding these lines, as proposed in the 2012 Specific Plan Project.

The Proposed Project represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR and would reduce the potential for the accidental release of hazardous materials associated with the operation of on-site uses, as there are no new uses proposed that would increase the use or handling of such materials. Therefore, because the Project would be required to comply with Mitigation Measures HAZ-4 through HAZ-8, and due to the reduction in the Proposed Project intensity, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental
effects related to the risk of upset or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**School Safety.** Because the Proposed Project proposes the same, but fewer, uses as described in the Specific Plan EIR, impacts related to the creation of a significant hazard due to the presence of a hazardous materials site within 2.5 miles of a school the Project would be consistent with the findings of the Specific Plan EIR and would also be less than significant under the Project. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to school safety or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Hazardous Materials Site(s).** Because the Proposed Project is located on the same Project site as described in the Specific Plan EIR and because there would be a similar distance to any recorded off-site hazardous materials sites, impacts related to the creation of a significant hazard due to the presence of a hazardous materials site would also be less than significant under the Project. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to hazardous materials sites or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Emergency Management Plan.** The Proposed Project represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR, and therefore would result in less construction activities on the site than the originally proposed Specific Plan. Although the extension of Highland Home Road has been removed from the Project plans, the plan has substantially fewer homes and does not include a golf course. As described in Section 3.13 of this Addendum, the Proposed Project would result in 2,176 fewer average daily traffic trips than the 2012 Specific Plan Project. Consequently, the Proposed Project would result in reduced circulation impacts as compared to the 2012 Specific Plan Project, thereby reducing impacts to the circulation system during any unforeseen emergency. However, the Proposed Project would continue to be required to comply with Mitigation Measures HAZ-9 and HAZ-10, which require approval by the City Engineer and Riverside County Fire Department of ingress and egress points in and out of the construction site and preparation of a Traffic Management Plan to minimize impacts related to emergency access during Project construction. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to conflicts with an emergency response plan or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Wildland Fires.** The Proposed Project is located on the same Project site as the 2012 Specific Plan Project, is still within a High and Very High Hazard Zone, but would result in less development and fewer homes. Due to the reduction in Project intensity, the Proposed Project would not increase the potential for wildfires or subject more structures or people to such hazards. Mitigation Measures HAZ-11, HAZ-12, and HAZ-13 would continue to be implemented. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new
significant environmental effects related to wildland fires or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Cumulative Impacts.** Similar to the 2012 Specific Plan Project, the Proposed Project would result in less than significant impacts with the implementation of Mitigation Measures HAZ-1 through HAZ-13. Furthermore, any use of hazardous materials (e.g., chemicals and cleaners, etc.) during Project construction and operation would be utilized, stored, and disposed of in compliance with all applicable local, State, and federal regulations. Reduced cumulative impacts related to public health and safety, as well as wildland fires, would occur as the scale of the Project is reduced from that analyzed in the Specific Plan EIR. In consideration of all of the above, the Proposed Project does not require any major changes to the Specific Plan EIR and would not result in any new significant cumulative environmental impacts or a substantial increase in the severity of cumulative impacts or require new or substantially different mitigation measures. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new cumulatively significant environmental effects related to hazards and hazardous materials or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

### 3.9.4 Findings Related to Hazards and Hazardous Materials

**No New Significant Effects Requiring Major EIR Revisions.** Based on the foregoing analysis and information, there is no evidence that the Proposed Project requires a major change to the Specific Plan EIR. The proposed Project would not result in new significant environmental impacts to Hazards or Hazardous Materials, nor is there a substantial increase in the severity of impacts previously identified in the Specific Plan EIR.

**No Substantial Change in Circumstances Requiring Major EIR Revisions.** The Project site and surrounding area have not been further developed or altered since the Specific Plan EIR was prepared. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Hazardous Materials that would require major changes to the Specific Plan EIR due to the involvement of significant effects or a substantial increase in the severity of previously identified significant effects.

**No New Information Showing Greater Significant Effects than the Specific Plan EIR.** This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was certified, indicating that a new significant effect not reported in that document may occur. Based on the information and analyses above, there is no substantial new information which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified indicating that there would be a new significant impact to Hazardous Materials requiring major revisions to the Specific Plan EIR.

**No New Information Showing Ability to Reduce Significant Effects in Previous EIR.** There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or
more significant impacts pertaining to Hazardous Materials identified and considered in the Specific Plan EIR.

3.9.5 Project Design Features

All PDFs included as part of the 2012 Specific Plan Project (refer to Section 1.1.2 of this Addendum) remain applicable to the hazards analysis for the Proposed Project. Minor changes have been made to address changes associated with the Settlement Agreement. These changes are shown below in underline/strikeout.

2. Portions of the SoCalGas pipeline will be relocated to ensure that the entirety of the pipeline is located within paved streets or within the golf course. No homes will have frontage on the streets where the pipeline will be located and proposed homes will be further buffered by parkway setbacks, block walls, rear yard setbacks, and open space the golf course to reduce risk in the event of a leak or other upset. The existing pipeline will be replaced with residential grade pipeline by SoCalGas per CPUC requirements.

3.9.6 Mitigation Measures

In light of the Proposed Project, the Specific Plan EIR was reviewed to determine whether or not changes to the 2012 Specific Plan Project would affect the mitigation measures contained therein. Based on the analysis and information above, there is no evidence that project modifications require new mitigation measures to address impacts related to Hazards and Hazardous Materials. Mitigation Measures HAZ-1 through HAZ-13 would remain applicable to the Proposed Project.

3.9.7 Mitigation Measures No Longer Applicable

All hazards and hazardous materials mitigation measures identified in the Specific Plan EIR would remain applicable to the Proposed Project.
3.10 HYDROLOGY AND WATER QUALITY

3.10.1 Existing Environmental Setting

There have been no major changes to the existing setting of the project site with respect to hydrology and water quality since the Specific Plan EIR was prepared. Please refer to Section 4.9 of the Specific Plan EIR for a summary of the existing environmental setting for Drainage and Hydrology based on documents reviewed and incorporated in the analysis including the City of Banning General Plan (2006); City of Banning General Plan Final Environmental Impact Report (2005); Butterfield Specific Plan prepared by RBF Consulting (May 2011); City of Banning 2010 Urban Water Management Plan (May 2011); Banning/Deutsch Property Backbone Drainage Study prepared by RBF Consulting (August 2006); the Geotechnical Investigation for the Deutsch Property Highland Springs Avenue and Wilson Street, Banning California prepared by Geocon (June 2005); geotechnical data prepared by Geocon (Appendix E); the Maximum Perennial Yield Estimates for the Banning and Cabazon Storage Units and Available Water Supply from the Beaumont Basin prepared by Geoscience Support Services(May 2011); and a suite of regulatory service reports prepared by Glenn Lukos Associates. The analysis and information presented in these documents have been used as the basis for the analysis of potential impacts on the hydrologic conditions that characterize the site and area in which the Project site is located.

Watersheds. The Project site is located in the upper northwest region of the Whitewater River Watershed, which itself is a subunit of the Salton Sea Watershed. The Project site has historically received water flows from Smith Creek and the Pershing Channel. In its existing condition, the site drains to Smith Creek. Approximately 323 acres in the southeastern quadrant of the site drain to Pershing Channel, which is located on the west side of Highland Home Road north of Wilson Street. Flows from this channel are conveyed under Wilson Street via an existing culvert into an existing channel south of the street.

Smith Creek is the primary natural drainage course on the Project site and in its existing condition flows from north to south within the central portion of the site. Smith Creek is characterized on the site as a natural stream approximately 30 ft in width and ranges from three to five feet in depth. The creek is typically dry through the year, with a higher flow of water during heavy rain events. The channel is sparsely vegetated. The Smith Creek watershed is approximately 3,300 acres in size, which includes areas north and east of the site. Smith Creek is routed under Wilson Avenue at the southern boundary of the site.

The Pershing Channel Watershed is approximately 660 acres in size and is located east of Smith Creek. The channel is an unimproved natural stream with the exception of 1,500 linear feet between the on-site SCE easement and Wilson Street, which is concrete-lined. At Wilson Street, flows from Pershing Channel are conveyed through an existing culvert and the channel continues to the San Gorgonio River.

Floodplain and Floodplain Management. A floodplain is a flat or nearly flat area of land adjacent to a stream or river that experiences occasional or periodic flooding. The Project site is prone to flash flooding along Smith Creek and flooding due to sheet flow. According to Flood Insurance Rate Maps (FIRM), the Smith Creek area of the Project site is located in an area of 100-year flooding where base
flood elevations and hazards have been determined. This floodplain area is subject to inundation with a probability of occurrence of 1 percent in a year; however, portions of this area could be inundated more frequently.

3.10.2 Specific Plan EIR

Please see Section 4.9 of the Specific Plan EIR for analyses of the potential effects of the 2012 Specific Plan Project on Hydrology and Water Quality.

The Specific Plan EIR concluded that the following drainage and hydrology impacts would be less than significant with implementation of mitigation.

**Threshold:** Would the Project result in violation of water quality standards or waste discharge requirements?

**Impact: Water Quality. Less than Significant Impact.** The Specific Plan EIR determined that impacts to surface water quality could occur during construction activities, when portions of the site are left fallow with temporary vegetative cover. While impacts could occur both on-and off-site during project construction, the Specific Plan EIR determined that impacts would be limited to the Project site following completion of the off-site facilities.

The Specific Plan EIR also determined that impacts to groundwater quality could occur throughout the life of the 2012 Specific Plan Project. The Project site is underlain by the Beaumont Basin. Additionally, the Project site is a recharge area for the Beaumont Basin and is the result of storm water or snow melt flowing Smith Creek from higher elevations, ponding within the creek channel or the channel’s floodplain, and ponding outside of the creek area due to sheet flow. The recharge function of the Smith Creek would have been retained and enhanced as part of the creek realignment proposed as part of the 2012 Specific Plan Project. The use of recycled water on the site would have introduced a new source of water on the site and would have increased the quantity of water available for groundwater recharge through on-site percolation, as would the potential import of water allocated to the City’s as a result of the State Water Project (SWP). The Specific Plan EIR determined that discharge of recycled water into recharge areas on the site would require the Applicant to meet Individual Waste Discharge Requirements and Water Recycling Requirements and obtain a Master Recycling Permit from the Regional Water Quality Control Board.

**Short-Term Construction Impacts.** The Specific Plan EIR determined that grading and excavation occurring on the site during construction could result in violations of water quality standards due to erosion of exposed soils and the subsequent deposition of particles and pollutants to drainage areas. In general, sedimentation was anticipated to be the primary source of water quality impacts during construction. Impacts associated with sedimentation included excessive sediment entering the Smith Creek drainage and downstream environs, increased sediment load and/or turbidity within Smith Creek which could have impacted plant and animal life within the stream, and the introduction of new constituents into downstream waters which would have changed downstream habitats. Additionally, construction of the 2012 Specific Plan Project could have involved the use of potentially hazardous and/or toxic chemicals and materials that could
enter receiving waters in the event of an accidental spill resulting in soil contamination or storm flow contamination, improper handling, and improper storage. Construction activities could have also resulted in the discharge of pollutants such as soil and grease from equipment, trash from worker and construction activities, nutrients from fertilizers, heavy metals, pathogens, and other substances. Accordingly, the 2012 Specific Plan Project was required to prepare a Storm Water Pollution Prevention Plan (SWPPP), which would have included erosion and sediment BMPs. The project would also be required to implement construction-phase Model Progression Specifications (MPS) aimed at minimizing impacts to water quality. Examples of these BMPs include soil binders, earth dikes and drainage swales, silt fence, sediment basin/trap, gravel bag berms, street sweeping and vacuuming, sand bag/straw bale barriers, vehicle and equipment cleaning, stabilized construction entrance, spill prevention and control, solid waste management, hazardous waste management, concrete waste management, catch basin inserts, good housekeeping practices, and sanitary septic water management. Therefore, the Specific Plan EIR determined that implementation of these required BMPs and compliance with existing ordinances would ensure that construction water quality impacts would be less than significant.

**Long-Term Impacts.** Implementation of the 2012 Specific Plan Project would have converted existing undeveloped lands to urban and open space uses, resulting in an increase in the amount of impervious surfaces on the site, which would have increased stormwater runoff generation and flows while also introducing pollutants associated with the proposed uses that could be carried in runoff and discharged into receiving waters. While sedimentation would have been the primary source of water quality impacts during construction, non-point-source pollutants would have been the primary source of potential water quality degradation during project operation. Examples of these pollutants include maintenance and cleaning supplies, landscape materials, oil grease, and heavy metals from automobiles, and petroleum hydrocarbons from fuels. Accordingly, the 2012 Specific Plan Project was required to prepare a Water Quality Management Plan (WQMP), which would identify site design BMPs, such as minimizing impervious areas, creating reducing discharge areas, and conserving natural areas to the extent feasible. The WQMP would have also incorporated source control and treatment BMPs. To further minimize operational water quality impacts, the 2012 Specific Plan Project included site design BMPs in the Master Drainage Plan and Land Development Plan for the Project. Therefore, the Specific Plan EIR determined that impacts would be less than significant with implementation of BMPs.

**Threshold:** Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, and increase impervious surfaces, which could substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

**Impact: Hydrology and Drainage. Less than Significant Impact with Mitigation Incorporated.** As described in the Specific Plan EIR, the 2012 Specific Plan Project would alter existing drainage patterns on the site; however, these alterations would provide enhanced drainage capacity, eliminate potential downstream impacts associated with an increase of on-site impervious surface, and reduce flooding hazards within the site and downstream of the site. Therefore, the Specific Plan EIR determined that the alteration of the existing drainage pattern on the site would be beneficial. However, the Specific Plan EIR determined that construction and operational BMPs would be
required to reduce potential alterations to drainage patterns resulting from grading and construction activities associated with implementation of the 2012 Specific Plan Project. The Specific Plan EIR also determined that implementation of Mitigation Measure HWQ-1, which requires specific requirements associated with subsequent Tentative Tract Maps, site plans, grading plans, and improvement plans, be adhered to in order to ensure compliance with the Specific Plan’s Drainage Plan Guidelines. With implementation of Mitigation Measure HWQ-1, impacts were determined to be less than significant.

**Mitigation Measure HWQ-1:**

The following measures shall be reflected in applicable Tentative Tract Maps (TTMs), site plans, grading plans, and/or improvement plans to the satisfaction of the City Engineer, prior to applicable plan/permit approval:

1. All building pads within the Specific Plan shall be constructed so that they are free from flood hazard for the 100-year frequency storm by elevating finished floor elevations above the 100-year level of flood protection.

2. The depths of flow in the Project’s streets shall not exceed top of curb elevations for the 10-year frequency storm event.

3. Streets shall be oriented to allow for maximum potential conveyance of regional flooding during significant storm events to expedite the passage of storm flows through the Specific Plan area.

4. The Specific Plan will be phased so that 100-year flood protection is ensured in all areas of development. Interim improvements (such as temporary debris basin, earthen channels/berms, check dams, sand bag barriers, or other temporary best management practices (BMPs) and flood protection measures; refer to Mitigation Measure HWQ-1, bullet Nos. 6 and 7, below) shall be provided as development progresses to protect against flooding, erosion, siltation, and water quality impacts.

5. All subdivisions implemented as part of the Specific Plan shall be required to detain any incremental increase in drainage within the Project boundary until the Riverside County Flood Control and Water Conservation District Master Drainage Plan (“Banning” – Zone 5) is fully implemented downstream of the Project site.

6. Construction of each phase shall include an assessment of the size and flow patterns of the adjacent undeveloped areas of the
Specific Plan site. Interim phase on-site facilities shall provide developed phases with required flood protection pursuant to Code.

7. Temporary basins shall be constructed to meet detention requirements and earthen channels/berms shall be used to divert and convey flows.

**Threshold:** Would the project 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?

**Impact: Runoff Capacity. Less than Significant Impact.** Future development occurring under the 2012 Specific Plan Project, including on- and off-site improvements, was determined to result in changes to the absorption rates, drainage patterns, and the corresponding rate and amount of surface runoff to the existing Project site. The 2012 Specific Plan Project would also result in an increase in impervious surface areas as compared to existing conditions. However, the 2012 Specific Plan Project would have included upgrades to drainage and stormwater facilities that would either prevent site development from exceeding existing downstream capacity or result in an increase in that capacity. Therefore, while the 2012 Specific Plan Project would introduce urban uses into a currently undeveloped area with corresponding increases in potential pollutants that could impact storm water runoff from the site, water quality BMPs would be required to reduce these impacts. Therefore, with implementation of these BMPs, the Specific Plan EIR determined that impacts related to flood control capacity and water quality would be reduced to a less than significant level.

**Threshold:** Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

**Impact: 100-Year Flood Plain. Less than Significant with Mitigation Incorporated.** As described in the Specific Plan EIR, a portion of the Project site is located within a 100-year floodplain. Pursuant to the Specific Plan’s Master Drainage and Grading Plans (and as required by Mitigation Measure HWQ-1) all building pads would be developed to an elevation that would be free from flood hazard for the 100-year frequency storm event. The 2012 Specific Plan Project would have been designed to effectively drain the Project site into Smith Creek and/or Pershing Channel and would have included improvements to reduce the potential for flooding due to sheet flow or flash flood conditions. For example, a backbone drainage system would have been implemented to ensure that effective drainage is provided to further reduce the potential for flooding. The 2012 Specific Plan Project would have also requested a Conditional Letter of Map Revision from the Federal Emergency Management Agency (FEMA) to revise the existing FEMA floodplain maps for the Project site to reflect the “as built” condition. Therefore, the Specific Plan EIR determined that impacts related to flooding within a 100-year floodplain would be less than significant with implementation of Mitigation Measure HWQ-1.
Mitigation Measure HWQ-1: The following measures shall be reflected in applicable Tentative Tract Maps (TTMs), site plans, grading plans, and/or improvement plans to the satisfaction of the City Engineer, prior to applicable plan/permit approval:

1. All building pads within the Specific Plan shall be constructed so that they are free from flood hazard for the 100-year frequency storm by elevating finished floor elevations above the 100-year level of flood protection.

2. The depths of flow in the Project’s streets shall not exceed top of curb elevations for the 10-year frequency storm event.

3. Streets shall be oriented to allow for maximum potential conveyance of regional flooding during significant storm events to expedite the passage of storm flows through the Specific Plan area.

4. The Specific Plan will be phased so that 100-year flood protection is ensured in all areas of development. Interim improvements (such as temporary debris basin, earthen channels/berms, check dams, sand bag barriers, or other temporary best management practices (BMP) and flood protection measures; refer to Mitigation Measure HWQ-1, bullet Nos. 6 and 7, below) shall be provided as development progresses to protect against flooding, erosion, siltation, and water quality impacts.

5. All subdivisions implemented as part of the Specific Plan shall be required to detain any incremental increase in drainage within the Project boundary until the Riverside County Flood Control and Water Conservation District Master Drainage Plan (“Banning” – Zone 5) is fully implemented downstream of the Project site.

6. Construction of each phase shall include an assessment of the size and flow patterns of the adjacent undeveloped areas of the Specific Plan site. Interim phase on-site facilities shall provide developed phases with required flood protection pursuant to Code.

7. Temporary basins shall be constructed to meet detention requirements and earthen channels/berms shall be used to divert and convey flows.

Threshold: Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
**Impact: Flooding. Less than Significant Impact.** As described in the Specific Plan EIR, the Project site is not located within a mapped inundation area of any dam nor are there any levees on or near the site. The proposed North Basin at the northern edge of the Project site was determined to be able to drain approximately 20 acre feet of runoff. In addition, the backbone drainage system associated with the 2012 Specific Plan Project would have included areas for storm drain detention and would have mitigated runoff. However, the Specific Plan EIR required the implementation of Mitigation Measure HWQ-1 mandating the creation of temporary basins to divert and convey flows from the drainage system to minimize potential flooding impacts to a less than significant level.

**Mitigation Measure HWQ-1:** The following measures shall be reflected in applicable Tentative Tract Maps (TTMs), site plans, grading plans, and/or improvement plans to the satisfaction of the City Engineer, prior to applicable plan/permit approval:

1. All building pads within the Specific Plan shall be constructed so that they are free from flood hazard for the 100-year frequency storm by elevating finished floor elevations above the 100-year level of flood protection.

2. The depths of flow in the Project’s streets shall not exceed top of curb elevations for the 10-year frequency storm event.

3. Streets shall be oriented to allow for maximum potential conveyance of regional flooding during significant storm events to expedite the passage of storm flows through the Specific Plan area.

4. The Specific Plan will be phased so that 100-year flood protection is ensured in all areas of development. Interim improvements (such as temporary debris basin, earthen channels/berms, check dams, sand bag barriers, or other temporary best management practices (BMP) and flood protection measures; refer to Mitigation Measure HWQ-1, bullet # 6 and 7, below) shall be provided as development progresses to protect against flooding, erosion, siltation, and water quality impacts.

5. All subdivisions implemented as part of the Specific Plan shall be required to detain any incremental increase in drainage within the Project boundary until the Riverside County Flood Control and Water Conservation District Master Drainage Plan (“Banning” – Zone 5) is fully implemented downstream of the Project site.

6. Construction of each phase shall include an assessment of the size and flow patterns of the adjacent undeveloped areas of the Specific Plan site. Interim phase on-site facilities shall provide developed phases with required flood protection pursuant to Code.
7. Temporary basins shall be constructed to meet detention requirements and earthen channels/berms shall be used to divert and convey flows during construction phases.

**Threshold:** Would the project be subject to inundation by seiche, tsunami, or mudflow?

**Impact: Inundation. Less than Significant Impact.** As described in the Specific Plan EIR, the Project site is not located in an area subject to inundation from a seiche or tsunami. However, the Project site includes several areas that would be subject to the threat of mudflow during storm events. As previously stated, the 2012 Specific Plan Project included a series of debris/detention basins that would mitigate impacts related to mudflow that could occur during a major storm event. The Specific Plan EIR required compliance with flood control measures imposed by regional and local agencies and compliance with the Specific Plan Drainage Plan to further reduce impacts associated with mudflow.

**Cumulative Impacts. Less than Significant Impact with Mitigation Incorporated.** The 2012 Specific Plan Project, in combination with other projects in the City, would represent an incremental change in regional drainage patterns and additional developed permits. The 2012 Specific Plan Project, as well as other project, would be required to construct various on- and off-site facilities to mitigate cumulative drainage and flooding conditions, as well as mitigate potential water quality impacts. Implementation of applicable PDFs and Mitigation Measures HWQ-1 would reduce potentially significant cumulative hydrology and water quality impacts to a less than significant level.

### 3.10.3 Analysis of Project Changes

**Water Quality.** The Proposed Project represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR and would further reduce operational impacts related to the potential for violations of water quality standards due to the increase in pervious area associated with the areas previously proposed for development. The Proposed Project would also reduce the amount of grading and construction activity as compared to the 2012 Specific Plan Project and thereby reduce short-term impacts to water quality due to reduced construction-related erosion and runoff. Although less acreage would be disturbed during construction due to the removal of the golf course and reduction in housing units, overall project implementation requires similar grading equipment and construction activities as the 2012 Specific Plan Project, and would therefore result, overall in similar short-term impacts to water quality. The Project would still be required to adhere to construction and operational BMPs, and the Master Drainage Plan will be updated to reflect the updated Land Use Plan. Due to the reduction in the scale of construction and development, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects to water quality or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Hydrology and Drainage.** The Proposed Project represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR. The Proposed Project would also result in less impervious area as compared to the 2012 Specific Plan,
allowing for more natural absorption of runoff than the areas previously targeted for development (and therefore increased impervious surfaces) under the 2012 Specific Plan Project. Similar to the 2012 Specific Plan Project, the Proposed Project would enhance drainage capacity, eliminate potential downstream impacts associated with an increase of on-site impervious surfaces, and reduce flooding hazards within the site and downstream of the site. Therefore, the Proposed Project would also result in beneficial impacts related to the alteration of the on-site drainage patterns. Although the Project would still alter drainage patterns, the Project would continue to be required to comply with Mitigation Measure HWQ-1 to ensure that drainage and flooding impacts are mitigated to a less than significant level. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to hydrology and drainage or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Runoff Capacity.** Similar to the 2012 Specific Plan Project, future development occurring under the Proposed Project would be required to result in changes to the absorption rates, drainage patterns, and the corresponding rate and amount of surface runoff to the existing site. The Proposed Project would also result in an increased in impervious surface areas as compared to existing conditions; however, because the Proposed Project represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR, the increase in impervious area would be reduced as compared to the previously approved project. Furthermore, the Proposed Project would also include upgrades to drainage and stormwater facilities that would either prevent site development from exceeding downstream capacity or result in an increase in that capacity, similar to the 2012 Specific Plan Project. Because the amount of urban uses and runoff would be reduced, the Proposed Project would not result in any new significant effects related to polluted runoff or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**100-Year Flood Plain.** The Proposed Project is located on the same Project site as the 2012 Specific Plan Project, which includes a portion of the property located within a 100-year floodplain. The Proposed Project represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR, thereby reducing the number of people and structures that could be exposed to flooding during a 100-year frequency storm event. The Proposed Project would also include a master drainage system, similar to the 2012 Specific Plan Project, to ensure that effective drainage is provided to further reduce the potential for flooding. The Project reduces the amount of housing within portions of the floodplain, and still would be required to comply with HWQ-1. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to flooding within a designated floodplain or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Flooding.** The Proposed Project is located on the same Project site as the 2012 Specific Plan Project, which is not located within a mapped inundation area of any dam; additionally there are no levees on

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or near the site. The proposed North Basin included as part of the 2012 Specific Plan Project would also be included as part of the Proposed Project and remain designed to drain approximately 20 acre feet of runoff. The Proposed Project would also include a backbone drainage system, similar to the 2012 Specific Plan Project, which would include areas for storm drain detention to mitigate runoff. The Proposed Project also represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR, thereby reducing the number of people and structures that could be exposed to a drainage system during a flood event on the site. The Proposed Project would continue to be required to comply with HWQ-1 to reduce potential impacts related to flood hazards, but would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to flooding or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Inundation.** The Proposed Project is located on the same Project site as the 2012 Specific Plan Project, which is not located within an area subject to inundation from a seiche or tsunami. The Project site does, however, include several areas that could be subject to the threat of mudflow during storm events. Similar to the 2012 Specific Plan Project, the Proposed Project would include a series of debris/detention basins that would mitigate impacts related to mudflow that could occur during a major storm event. The Proposed Project would comply with flood control measures and the Specific Plan Drainage Plan to further reduce impacts. Because the Proposed Project represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR, the Proposed Project would reduce the number of people and structures that could be exposed to impacts related to inundation on the site. Therefore, the Proposed Project would not result in any new significant environmental effects related to inundation or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Cumulative Impacts.** Although there are currently no impervious surfaces at the proposed Project site impacts to the existing storm drainage systems and the Smith Creek would continue to be minimized through site design features, applicable PDFs, Mitigation Measure HWQ-1, and applicable BMPs, and the Project would be consistent with the findings of the Specific Plan EIR. Therefore, the Project’s contribution to cumulative hydrology impacts would continue to be less than significant with mitigation incorporated. Additionally, because the Proposed Project would not significantly affect peak storm flows, would not adversely impact existing storm drainage systems, and would implement applicable BMPs, it would continue to result in less than significant cumulative water quality impacts. Therefore, the Proposed Project would not result in any new cumulatively significant environmental effects related to hydrology or water quality or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

3.10.4 Findings Related to Hydrology and Water Quality

**No New Significant Effects Requiring Major EIR Revisions.** Based on the foregoing analysis and information, there is no evidence that the Proposed Project would require a major change to the Specific Plan EIR. The Proposed Project would not result in new significant environmental impacts to
Hydrology and Water Quality, nor is there a substantial increase in the severity of impacts previously identified in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Major EIR Revisions. The Project site and surrounding area have not been further developed or altered since the Specific Plan EIR was prepared. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Hydrology and Water Quality that would require major changes to the Specific Plan EIR due to the involvement of significant effects or a substantial increase in the severity of previously identified significant effects.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was certified, indicating that a new significant effect not reported in that document may occur. Based on the information and analyses above, there is no substantial new information which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified indicating that there would be a new significant impact to Hydrology and Water Quality requiring major revisions to the Specific Plan.

No New Information Showing Ability to Reduce Significant Effects in Previous EIR. There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to Drainage and Hydrology identified and considered in the Specific Plan EIR.

3.10.5 Project Design Features

All PDFs included as part of the 2012 Specific Plan Project (also listed in Section 2.1.2 of this Addendum) remain applicable to the Hydrology and Water Quality analysis for the Proposed Project.

2. The Project has incorporated a comprehensive drainage, water quality, groundwater recharge and biological resource mitigation program into the site, consisting of the surface drainage system, water quality basins, North Basin, realigned Smith Creek, recharge basins, and Smith Creek culvert improvements. This will reduce stormwater runoff volume and velocity, improve stormwater runoff water quality during storm events and low-flow irrigation volumes, improve groundwater recharge, and create biological resource habitat. Key system features are summarized in Section 3, of the Draft Butterfield Specific Plan, Tentative Tract Maps (TTMs) on file at the City, and are briefly summarized below.¹

¹ Summary is included in Chapter 3.0, Project Description, of the Specific Plan EIR.
3.10.6 Mitigation Measures
In light of the Proposed Project, the Specific Plan EIR was reviewed to determine whether or not changes to the 2012 Specific Plan Project would affect the mitigation measures contained therein. Based on the analysis and information above, no changes to the mitigation measures found in the Specific Plan EIR are required. Mitigation Measure HYD-1 remains applicable to the Proposed Project.

3.10.7 Mitigation Measures No Longer Applicable
All of the hydrology and water quality mitigation measure identified in the Specific Plan EIR would remain applicable to the Proposed Project.
3.11 LAND USE AND PLANNING

3.11.1 Existing Environmental Setting

There have been no major changes to the existing setting of the project site with respect to land use and planning since the Specific Plan EIR was prepared. Please see Section 4.10 of the Specific Plan EIR for a summary of the existing environmental setting for Land Use.

The Project site encompasses 1,543 acres located within the northwest portion of the City. The City of Beaumont is located directly west of the site. Of the total 1,543 acres, 21 acres are located within unincorporated Riverside County and outside of the City’s Sphere of Influence; however, this area is within the City’s General Plan area. The Project site is generally surrounded by unincorporated Riverside County and the San Bernardino Mountains to the north and northeast, Highland Home Road and the Banning Bench to the east, residential uses to the east and south, and Highland Springs Avenue and the City of Beaumont to the west.

In its existing setting the Project site is undeveloped and has historically been used for farming and livestock grazing. Topography on the site ranges from relatively flat to gentle and steeper slopes in the north. Livestock grazing continues on the site in present day and is expected to continue on undeveloped grassland following mass grading and reseeding of the site. Smith Creek traverses the center of the site from north to south and Pershing Channel is located along the southern portion of the site’s east boundary along Highland Home Road. A 16.5 ft wide So Cal Gas easement, which contains a high-pressure natural gas pipeline, traverses the site from east to west within the southern area of the property. Two adjacent SCE easements (totaling 230 ft) traverse the middle of the site from east to west. Additional overhead SCE power lines on wooden poles are located in the north and northeastern areas of the site. An electrical substation, owned and operated by the City, is located near the north terminus of Highland Home Road within the Project boundaries. An abandoned well is located within the site and debris piles are scattered throughout the property. There are no structures on the site.

The San Bernardino National Forest is adjacent to the northern and eastern boundaries of the site. The Highland Springs Country Club is also present to the north of the site across Brookside Avenue. Northeast of the site is an existing golf course and the Highland Springs Mobile Home Village northeast of the site. Residential uses associated with the Sundance Specific Plan, located in the City of Beaumont, are present on the west site of Highland Springs Avenue. A mix of multi-family residential uses and single-family homes are present along the southern boundary of the site, north of Wilson Street. South of Wilson Street and north of I-10 is property designated Highway and Community Commercial on the City’s General Plan Land Use Map and is developed with a mix of office, hospital, mobile home park, and residential land uses.

3.11.2 Specific Plan EIR

Please refer to Section 4.10 of the Specific Plan EIR for analysis of potential effects of the 2012 Specific Plan Project on Land Use and Planning.

The Specific Plan EIR concluded that the following impacts would be less than significant related to land use and require no mitigation.
**Threshold:** Would the project physically divide an established community?

**Impact: Physically Divide an Established Community. No Impact.** Development on the Project site at the time of the Specific Plan EIR was governed by the Deutsch Specific Plan, which is the primary document regulating land use on the site. The Specific Plan EIR determined that since the Project site was vacant and undeveloped, there was no continuous established community on the site that would be divided as a result of implementation of the 2012 Specific Plan Project. Areas targeted for off-site improvements as part of the 2012 Specific Plan Project (utility improvements within roadways) would not have been governed by the 2012 Specific Plan Project and would not have encroached into existing established communities. Therefore, the Specific Plan EIR determined that the 2012 Specific Plan Project would continue a pattern of existing development surrounding the site. For these reasons, the Specific Plan EIR found that implementation of the 2012 Specific Plan Project would not physically divide an established community.

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**Threshold:** Would the project 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?

**Impact: Conflict with a Land Use Policy or Plan. Less than Significant Impact.** As described in the Specific Plan EIR, approval of the 2012 Specific Plan Project and its associated GPA would have mitigated potential inconsistencies with applicable policies in the City of Banning’s General Plan. The 2012 Specific Plan Project was determined to be consistent with all other planning and policy documents regulating land use on the Project site.

The City’s Zoning Map includes the previously approved specific plan as the guiding land use document on the site. The 2012 Specific Plan Project would have amended the Deutsch Specific Plan approved in 1993. Following the requested zone change included as part of the 2012 Specific Plan Project, the Specific Plan EIR determined that the 2012 Specific Plan Project would not result in conflicts with the City’s Zoning Ordinance. The 2012 Specific Plan Project was also determined to be consistent with goals and policies established in the Southern California Association of Governments (SCAG) Regional Transportation Plan/Compass Growth Vision (RTP). Therefore, the Specific Plan EIR ultimately determined that impacts related to potential conflicts with a land use policy or plan would be less than significant.

**Conflict with a Habitat Conservation Plan or Natural Community Conservation Plan. Less than Significant Impact with Mitigation Incorporated.** The 2012 Specific Plan Project is located in the City of Banning, which is a signatory to the Western Riverside County Multiple Species Conservation Plan (MSHCP). The Specific Plan EIR determined that the Project site was not located within a designated critical cell and did not contain critical habitat for species requiring protection in the MSHCP. Additionally, the Specific Plan EIR determined that the 2012 Specific Plan Project would be required to comply with Mitigation Measures BIO-1 through BIO-5 to reduce impacts to biological species and potential conflicts with the MSHCP. Therefore, the Specific Plan EIR determined that with implementation of Mitigation Measures BIO-1 through BIO-5, impacts related to conflicts with the MSHCP would be reduced to a less than significant level.
Cumulative Impacts. Less than Significant Impact. Future development occurring within the City limits would result in changes to the City’s existing land use environment. The Specific Plan EIR determined that development occurring under the 2012 Specific Plan Project would not have conflicted with the City’s General Plan and Zoning designations for the Project site. With adoption of the GPA, the Specific Plan EIR determined that the 2012 Specific Plan Project would be compatible with existing land uses surrounding the Project site. Furthermore, future development occurring in the City would be required to conduct a separate, project-specific land use consistency analysis pursuant to the State CEQA Guidelines. If found to be inconsistent with the City’s General Plan or Zoning designations, these projects would require an amendment and/or zone change, and upon adoption, would be consistent with the General Plan and Zoning designations. Therefore, the Specific Plan EIR determined that the 2012 Specific Plan Project would not result in a cumulatively significant impact with respect to land use and planning.

3.11.3 Analysis of Project Changes

Physically Divide an Established Community. The Proposed Project represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR. Because the Project is located on the same undeveloped Project site and would not divide a community, the Proposed Project would not result in any new significant environmental effects related to the physical division of an established community or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

Conflict with a Land Use Policy or Plan. Similar to the Specific Plan Project, the approval of the Proposed Project would allow for the Butterfield Specific Plan to be the guiding land use and policy document for the Project site, thereby minimizing potential not conflict with the City’s General Plan and Zoning designations for the site. No new or different land uses are included under the Proposed Project, as compared to the 2012 Specific Plan Project, and there would be no new conflicts with the regulating land use documents. Unlike the 2012 Specific Plan Project, the Proposed Project includes fewer residential units and includes more open space in place of the previously proposed golf course (in Pas 35 and 39). The Proposed Project also includes a GPA to remove the previously proposed roadway extensions at Brookside Avenue and Cherry Boulevard from the City’s General Plan Circulation Element. Approval of the GPA would ensure consistency between the Proposed Project and the Settlement Agreement.

The Project site has long been planned for the development of a master-planned residential community, as proposed under the Deutsch Specific Plan. The current 2016 RTP includes growth projections consistent with General Plans adopted for cities and counties within the SCAG region. Therefore, because the City’s General Plan has included the Deutsch Specific Plan in its Land Use Element since the Specific Plan’s adoption and because the Proposed Project would amend the previously approved Deustch Specific Plan to allow for similar uses proposed under the Project, the Proposed Project would be consistent with the 2016 RTP. Therefore, the Proposed Project would not result in any new significant environmental effects related to conflicts with a land use policy and/or plan or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.
Conflict with a Habitat Conservation Plan or Natural Community Conservation Plan. The Proposed Project represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR, which would result in fewer impacts to biological species and associated conflicts with the MSHCP. The Project would continue to be required to comply with Mitigation Measures BIO-1 through BIO-5, which would ensure that the Proposed Project would not result in any new significant environmental effects related to conflicts with a habitat conservation plan or a natural community conservation plan or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

Cumulative Impacts. The Specific Plan EIR concluded that the 2012 Specific Plan Project, as analyzed, would have a less than significant cumulative impact on land use. Based on the foregoing analysis and information, there is no evidence that the Proposed Project would result in more substantial or new significant cumulative impacts related to Land Use and Planning compared to what was identified in the Specific Plan EIR. Therefore, the Proposed Project would not result in any new cumulatively significant environmental effect related to land use and planning or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

3.11.4 Findings Related to Land Use and Planning

No New Significant Effects Requiring Major EIR Revisions. Based on the foregoing analysis and information, there is no evidence that the Proposed Project would require a major change to the Specific Plan EIR. The Proposed Project would not result in new significant environmental impacts to Land Use and Planning, nor is there a substantial increase in the severity of impacts previously identified in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Major EIR Revisions. The Project site and surrounding area have not been further developed or altered since the Specific Plan EIR was prepared. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Land Use and Planning that would require major changes to the Specific Plan EIR due to the involvement of significant effects or a substantial increase in the severity of previously identified significant effects.

No New Information Showing Greater Significant Effects than the Certified 2008 EIR. This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was certified, indicating that a new significant effect not reported in that document may occur. Based on the information and analyses above, there is no substantial new information which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified indicating that there would be a new significant impact to Land Use and Planning requiring major revisions to the Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in Previous EIR. There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or
more significant impacts pertaining to Land Use and Planning identified and considered in the Specific Plan EIR.

3.11.5 Project Design Features

All PDFs included as part of the 2012 Specific Plan Project (see Section 2.1.2 of this Addendum) remain applicable to the Land Use and Planning analysis for the Proposed Project. The PDFs listed below reflect only those PDFs where minor text changes have been made due to the approval of the Butterfield Specific Plan in 2012 and the subsequent Settlement Agreement. These changes are shown in strikeout/underline below.

1. To be more compatible with the existing residential development, the Project has designated Planning Area 50A as Low Density Residential, with an average lot size of 7,500 square feet. Furthermore, starting at the back of the closest existing off-site residential lots located south of PA 50, there will be approximately 390 ft of open space (SCE easement) between the back of these lots and the southern boundary of Planning Area 50.

2. The approved Deutsch Specific Plan included 351 acres of residential land use in Planning Area 1 and 31 acres of park in Planning Area 2. The proposed Butterfield Specific Plan—Proposed Project provides 209.2 acres of residential (PAs 1 through 16, and PAs 40 through 59, 60, and 61), 496.5 acres of open space (PAs 21 through 39, 62, 63, 65, 67, 69, 72, 73, 74, and 75), 11.3 acres of school site uses (PAs 68 and 20), and 36.7 acres of commercial/office uses (PAs 17 and 18), a 1.6-acre fire station, and 4.2 acres for existing utility (PA 70). This comparison generally covers the same area.

3.11.6 Mitigation Measures

In light of the Proposed Project, the Specific Plan EIR was reviewed to determine whether or not changes to the 2012 Specific Plan Project would require any mitigation measures. Based on the analysis and information above, there is no evidence that project modifications require any changes to the conclusions in the Specific Plan EIR or addition of mitigation measures.

3.11.7 Mitigation Measures No Longer Applicable

There are no land use mitigation measures identified in the Specific Plan EIR and no mitigation is required for the Proposed Project.

1 Refer to the Butterfield Specific Plan, Exhibit 1.3, Specific Plan Comparison.
3.12 NOISE

3.12.1 Existing Environmental Setting

There have been no major changes to the existing setting of the project site with respect to noise since the Specific Plan EIR was prepared. Please refer to Section 4.11 of the Specific Plan EIR for a summary of the existing environmental setting for Noise. The analysis presented in the Specific Plan EIR is based primarily on the City of Banning General Plan (January 2006), the City of Banning Municipal Code (codified through January 2010), the Butterfield Specific Plan Traffic Impact Analysis (September 15, 2010), prepared by LSA Associates, and the Butterfield Specific Plan (August 2010), prepared by RBF Consulting. The noise analysis for the Proposed Project in this section is based primarily on the Noise Analysis (September 2016) prepared by LSA (Appendix C).

Sensitive Receptors. The Project site encompasses approximately 1,543 acres of vacant or undeveloped land. The closest sensitive receptors to the Project site are single-family residential homes, mobile homes, and apartment complexes bordering the site to the northwest, south, east, and west. Also within the proximity of the Project site are hotels, schools, churches, hospitals, and a golf course. The Project proposes the following uses within the site: residential uses, commercial/office, schools, and open space.

Ambient Noise Measurements. Ambient noise measurements for the area were taken as part of the noise analysis included in the Specific Plan EIR in 2010/2011. Because no significant development has occurred within the area since the certification of the Specific Plan EIR, these measurements continue to be used in the baseline for existing noise conditions. As described in the Specific Plan EIR, existing ambient noise levels range from 44.5 A-weighted decibels (dBA) to 62.0 dBA. These noise levels are typical of residential uses in the area.

Mobile Sources. Noise measurements for mobile sources in the area were also taken as part of the noise analysis included in the Specific Plan EIR in 2010/2011. Because no significant development has occurred within the area since the certification of the Specific Plan EIR, these measurements continue to be used in the baseline for existing noise conditions. As described in the Specific Plan EIR, existing noise levels from mobile sources in the area range from 50.9 dBA to 63.0 dBA, with the highest noise levels occurring on Highland Springs Avenue between 8th Street and 6th Street.

Stationary Noise Sources. The area immediately surrounding the site consists of a mix of residential, hotel/motel, commercial/retail, office, school, church, and hospital uses served by a grid system of arterial and collector streets. The primary stationary noise sources in the area include urban-related activities and noises (e.g., delivery trucks unloading and loading, truck movements on driveways, mechanical equipment, grading equipment, trash pick-up, conversations, recreational uses, and parking lot activities).
3.12.2 Specific Plan EIR

Please see Section 4.11 of the Specific Plan EIR for analyses of the potential effects of the 2012 Specific Plan Project regarding Noise.

The Specific Plan EIR concluded that the following impacts would be less than significant related to Noise with implementation of mitigation measures, with the exception of cumulative mobile noise impacts.

**Threshold:** Would the Project result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?

OR

**Threshold:** Would the Project expose persons to, or generate, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

**Impact:** Short-Term Construction-Related Impacts, Less than Significant Impact with Mitigation Incorporated. The Specific Plan EIR determined that construction activities would have resulted in a periodic, temporary increase in ambient noise levels. Construction associated with the 2012 Specific Plan Project would have occurred over a 30-year period. Construction activities would have consisted of grading, trenching, paving, and building construction. Groundborne noise would occur during the initial site preparation activities that occur during earthmoving and soils compaction. High groundborne noise levels and other miscellaneous noise levels could have been generated during these activities due to the operation of heavy-duty equipment. The 2012 Specific Plan Project did not include the use of pile drivers.

The short-term construction noise levels generated during grading, trenching, pacing, and building construction associated with the 2012 Specific Plan Project were estimated to range from 35.1 to 69.0 dBA. A 20 dBA attenuation factor was assumed to account for the noise attenuation achieved through building insulation. The 2012 Specific Plan Project-related noise would have been further buffered from adjacent sensitive receptors by intervening topography or structures, or by adjacent streets and/or drainage channels, and off-site areas including perimeter walls.

The City’s General Plan EIR acknowledges that noise associated with future construction activities would impact adjacent uses; however, such impacts would be short-term. The General Plan EIR also identifies general and construction mitigation measures, which have been incorporated into the City’s Noise Ordinance and included within the Specific Plan EIR as Mitigation Measures NOI-1 through NOI-3.

The City’s Noise Ordinance exempts construction noise between the hours of 7:00 a.m. and 6:00 p.m., but limits exceedance to 15 minutes in any 1-hour period.

In addition to compliance with the City’s Noise Ordinance, the Specific Plan EIR required the 2012 Specific Plan Project to adhere to Mitigation Measures NOI-1 and NOI-2. Mitigation Measure NOI-1 includes both Project-specific mitigations and mitigation measures required by the City’s General Plan EIR to reduce construction noise impacts by requiring the Applicant to submit a Construction Noise Management Plan to the City’s Building Official. Mitigation Measure NOI-1 also notes that
noise attenuation barriers may be required when construction activities would occur adjacent to sensitive receptors. Mitigation Measure NOI-2 requires an Applicant-provided Noise Disturbance Coordinator to enforce noise attenuating construction requirements. Therefore, the Specific Plan EIR determined that impacts with respect to construction noise would be less than significant with adherence to the City’s Noise Ordinance and implementation of mitigation.

Mitigation Measure NOI-1: As a condition of approval of all grading and building permits, the Applicant shall comply with the following list of noise reduction measures subject to inclusion of additional provisions at the discretion of the City Building Official as appropriate:

- Excavation, grading, and other noise-intensive construction activities related to the Proposed Project shall be restricted to the hours of operation allowed under Section 8.44.090.E, Noise Prohibited – Unnecessary Noise Standard – Construction, Landscape Maintenance or Repair, of the City Municipal Code. Any deviations from these standards shall require the written approval of the City Building Official. The days and hours shall also apply to any servicing of equipment and to the movement of materials to and from the site.

- The developer shall require, as a condition of contract, that all construction equipment operating on the site be equipped with mufflers and sound control devices (e.g., intake silencers and noise shrouds) no less effective than those provided on the original equipment, and no equipment shall have an unmuffled exhaust.

- The developer shall require all contractors, as a condition of contract, to maintain and tune-up all construction equipment to minimize noise emissions.

- Stockpiling and vehicle staging areas shall be located a minimum of 500 feet from occupied residences, and screened from these uses by a solid noise attenuation barrier where necessary to achieve City Municipal Code-required noise attenuation levels.

- Solid noise attenuation barriers (temporary barriers or noise curtains) with a sound transmission coefficient (STC) of at least 20 shall be used along project boundaries adjacent to sensitive receptors, where noise monitoring, performed by a qualified noise monitor, indicates exceedance of City Municipal Code noise levels for more than 15 minutes in any 1-hour period.

1 Each doubling of distance reduces the noise by approximately 4.5 dBA, so for peak construction noise such as scrapers, an exterior noise level of 84 dBA at 50 feet reduces to 70.5 dBA at 400 feet, with a 20 dBA typical noise reduction from closed windows, results in an interior noise level of 50.5 dBA, without any further consideration of attenuation by intervening topography, structures, or perimeter walls.
• Construction activities that occur outside the allowable hours per City standards (6 p.m. to 7 a.m.) shall require approval of the City Building Official based on demonstration of unusual circumstances and avoidance of significant impacts to neighboring sensitive receptors. Construction noise exceeding City standards (i.e., interior noise in excess of 50 A-weighted decibels [dBA] or exterior noise in excess of 65 dBA) and statutory time limits is anticipated, and shall require implementation of additional noise attenuation measures such as temporary noise “curtains” to reduce construction noise to meet City Standards, or offer the affected sensitive receptors the option of temporary relocation at the Developer’s expense for the duration of the impact.

• All stationary construction equipment (e.g., air compressors, and generators, etc.) shall be operated as far away from the residential and institutional uses as feasible. If this is not feasible, the equipment shall be shielded with temporary sound barriers, sound aprons, or sound skins to the satisfaction of the Building Official.

• In areas subject to potentially significant construction noise impacts, the developer shall be required to monitor and document compliance with all applicable noise level limits.

• Construction haul routes for large equipment and material import/export shall be specified to minimize the use of routes affecting sensitive receptors (e.g., residential, parks, hospitals, schools, and convalescent homes, etc.). To the extent feasible, construction phasing for individual subdivisions shall be designed to avoid the need for construction vehicles and related construction traffic to traverse occupied residential neighborhoods. In all cases, trucks shall utilize a route that is least disruptive to sensitive receptors. Construction trucks shall, to the extent feasible, avoid weekday and Saturday a.m. and p.m. peak hours (7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.).

Mitigation Measure NOI-2:

Prior to the issuance of each grading or building permit, the Applicant shall submit to the Building Official a proposed Construction Noise Monitoring Program to respond to and track complaints pertaining to construction noise, throughout demolition and/or grading. Throughout and/or grading, these measures shall include the following:

• A procedure and phone numbers for notifying the City Building and Safety Department staff and Banning Police Department (during regular construction hours and off-hours);
• A sign prominently posted on-site containing the permitted construction days and hours and complaint procedures and the name and phone number of the person(s) to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor’s telephone numbers (during regular construction hours and off-hours);

• The designation of an on-site construction complaint and enforcement manager for the Project. The manager shall act as a liaison between the Project and its neighbors. The manager’s responsibilities and authority shall include the following:
  o An active role in monitoring project compliance with respect to noise;
  o Ability to reschedule noisy construction activities to reduce effects on surrounding sensitive receivers;
  o Site supervision of all potential sources of noise (e.g., material delivery, construction staging areas, construction workers, debris box pick-up and delivery) for all trades;
  o Intervening or discussing mitigation options with contractors; and
  o Conducting a preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, and posted signs, etc.) are completed.

**Threshold:** Would the project expose persons to or generate excessive ground borne vibration or ground borne noise levels?

**Impact:** Construction-Related Vibration Impacts. Less than Significant Impact with Mitigation Incorporated. Construction activities associated with the 2012 Specific Plan EIR may have generated varying degrees of groundborne vibration. Groundborne vibration generated by construction activity, particularly grading and excavation, would have been readily perceivable at 25 ft from the source, but would not have exceeded applicable annoyance thresholds. As such, groundborne vibration generated during construction would have primarily impacted sensitive uses within or adjacent to 25 ft of project-related activity. Vibration levels were anticipated to reach up to 87 vibration velocity decibels (VdB) for construction activities generating large earthmoving equipment and heavy trucks. This would have exceeded the 80 VdB threshold for residences and the 83 VdB threshold for institutional uses during infrequent events. Accordingly, Mitigation Measure NOI-3 was determined to be required to reduce construction vibration impacts. Mitigation Measure NOI-3 prohibits the use of on-site construction equipment generating higher than 0.049 root-mean-square velocity (RMS) within 25 ft of any sensitive use and limits the use of equipment exceeding this standard to less than 30 events per day. Therefore, the Specific Plan EIR determined that impacts with respect to construction vibration would be mitigated to a less than significant level.
Mitigation Measure NOI-3: The Applicant shall, through contract specifications, prohibit the use of any on-site construction equipment generating greater than 0.049 RMS (greater than 79 VpD) within 25 feet of any sensitive use or limit the use of equipment exceeding this standard to less than 30 events per day.

Threshold: Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

OR

Threshold: Would the Project expose persons to, or generate, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Impact: Long-Term Mobile Noise Impacts. Less than Significant Impact with Mitigation Incorporated. Long-term development on the project site associated with the 2012 Specific Plan Project would have resulted in additional traffic on adjacent roadways, which would have increased vehicular noise in the area. Following project implementation, noise levels at a distance of 100 ft from the roadway centerline would have ranged from approximately 61.4 to 68.0 dBA. These noise levels did not account for noise attenuation provided by building insulation, intervening topography, setbacks, perimeter block walls, adjacent streets and/or drainage channels, or landscaping. The 2012 Specific Plan Project would have exceeded the allowable noise increase thresholds (3 dBA or greater) on Highland Home Road between D Street and Wilson Street, Highland Springs Avenue between Starlight Avenue and 8th Street, and Highland Springs Avenue between 8th Street and 6th Street.

Improvements associated with future development along Highland Springs Road between Starlight and 8th Street would include perimeter block walls along the frontage to provide sound attenuation, as well as building insulation to future reduce noise impacts to sensitive receptors (residences). Such improvements are not required for the segment of Highland Springs Road between 8th Street and 6th Street because there are no sensitive receptors (residences) along this portion of the roadway.

In addition to the 20 dBA noise attenuation reduction for closed windows, the Specific Plan EIR determined that NOI-4 would be required to reduce mobile noise impacts to sensitive receptors along Highland Home Road between D Street and Wilson Street. Mitigation NOI-4 requires completion of a focused noise study to determine specific noise reduction measures, if required, to ensure the 2012 Specific Plan Project meets the City’s exterior and interior noise standards. Therefore, the Specific Plan EIR determined that the 2012 Specific Plan Project would result in less than significant long-term mobile noise impacts with mitigation incorporated.

Mitigation Measure NOI-4: Prior to the issuance of grading permits or encroachment permits for the improvement of Highland Home Road (aka Meridian Street) between future “D Street” and Wilson Street, an acoustical study shall be completed by the Applicant (using construction-level improvement plans and/or more detailed grading plans) and submitted to the City for review and approval. The acoustical study
will specify additional specific noise attenuation measures necessary, if any, to ensure that the City of Banning’s exterior and interior noise standards are met at adjacent residential properties. Appropriate attenuation measures could include a solid wall in the landscaped parkway between future Highland Home Road and the existing frontage street.

**Threshold: Would the Project result in stationary-source noise impacts on nearby sensitive receptors?**

**Impact: Operational Stationary Noise Source Impacts. Less than Significant Impact with Mitigation Incorporated.**

**Residential Uses.** The 2012 Specific Plan Project would have developed the Project site with new single-family and multi-family residential uses. Noise generated from these uses would have primarily occurred during daytime activity hours. The City’s Municipal Code includes procedures for complaints and enforcement of violations of the City’s noise standards, which provide adequate mitigation for occasional violations of the noise standards by individual homeowners. Therefore, noise impacts to surrounding uses following implementation of the 2012 Specific Plan Project were determined to be less than significant.

**Non-Residential Uses.** New commercial and retail uses, the proposed satellite wastewater treatment plant, the fire station, parks, and schools included as part of the 2012 Specific Plan Project could have increased noise levels in their proximity.

The proposed wastewater treatment plant would have been constructed indoors and was therefore, not anticipated to generate a significant increase in ambient noise. However, Mitigation Measure NOI-5, which requires the wastewater treatment plant to obtain a Conditional Use Permit (CUP) and to perform an acoustical analysis, would be required to ensure that the wastewater treatment plant would adhere to noise level thresholds established by the City.

Activity occurring at loading docks could have generated noise levels around 76.5 dBA at 50 ft. However, the commercial and other non-residential uses included as part of the 2012 Specific Plan were not anticipated to require a significant amount of truck deliveries and the amount of truck trips would have been relatively low. Therefore, noise associated with large truck and smaller cargo van deliveries was determined to be less than significant. In addition, deliveries would have been somewhat infrequent and irregular. However, Mitigation Measure NOI-5, which requires noise from proposed commercial and retail uses to be analyzed in further detail once site-specific plans have been developed, would be required to reduce potential noise impacts. Therefore, noise impacts to surrounding uses following implementation of the 2012 Specific Plan Project were determined to be less than significant with mitigation incorporated.

**Mitigation Measure NOI-5:** Prior to the issuance of building permits for non-residential uses (such as commercial areas, wastewater treatment plant, and the golf course clubhouse), the Applicant shall prepare a site-specific construction level noise analysis, analyzing...
potential on and off site noise impacts, based upon detailed grading plans, improvement plans and site plans. The grading, site and/or improvement plans for these uses shall include the location of stationary noise sources, such as loading docks, air conditioning units, trash hauling and trash compactors (noise from trash pickup and compacting results from the use of hydraulic equipment to raise and lower the metal trash bins and to compact their contents), and drive-through lanes. The noise analysis shall evaluate the potential noise impacts to the existing and proposed noise-sensitive homes near the commercial areas of the Project. In the event the analysis shows that noise levels for any adjacent sensitive receptor(s) would exceed applicable standards, measures shall be required to reduce noise to levels to within applicable standards, including providing enclosures for stationary sources (such as pump stations and air conditioners), and providing walls or siting to attenuate mobile or stationary sources from receptors (such as loading bays). The analysis shall be subject to review and approval by the City of Banning Building Official and shall ensure compliance with applicable exterior and interior noise standards.

Cumulative Impacts. Significant and Unavoidable Impact. Construction-related noise associated with the 2012 Specific Plan Project was determined to be localized. The 2012 Specific Plan Project, as well as other development projects in the City, would have been required to comply with the City’s Noise Ordinance and would have been required to implement mitigation measures (as determined necessary) on a project-specific basis. Accordingly, the Specific Plan EIR determined that compliance with applicable mitigation measures and adherence with the City’s Noise Ordinance would mitigate potential cumulative construction impacts to a less than significant level.

The 2012 Specific Plan Project would have introduced stationary noise sources on the property that would increase noise levels within the Project area; however, operational noise impacts were determined to be less than significant. Future development within the City and adjacent areas would have required separate discretionary approvals and project-specific CEQA assessments. Therefore, the Specific Plan EIR determined that cumulative operational noise impacts would be less than significant.

A cumulative mobile noise impact was determined to occur if both the combined and incremental effects criteria were exceeded. As determined in the Specific Plan EIR, the 2012 Specific Plan Project would result in a cumulatively significant contribution to background noise levels, resulting in a significant unavoidable impact at 13 roadway segments.

3.12.3 Analysis of Project Changes

Short-Term Construction-Related Impacts. The Proposed Project reduces intensity and includes 525 fewer residential units than the 2012 Specific Plan Project. Therefore, the Proposed Project
represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR. Construction of the Proposed Project would disturb approximately 15.4 fewer acres and would require fewer construction vehicles and equipment. Therefore, the Proposed Project would not result in any substantially greater construction noise and vibration impacts or cumulative impacts than were previously identified in the certified EIR. Therefore, the Proposed Project would not result in any new significant environmental effects related to short-term construction noise or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

Construction-Related Vibration Impacts. The Proposed Project reduces intensity, includes 525 fewer residential units and includes more open space than the 2012 Specific Plan Project. The Proposed Project represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR. Construction of the Proposed Project would disturb approximately 15.4 fewer acres and would require fewer construction vehicles and equipment. Therefore, the Proposed Project would not result in any substantially greater construction noise and vibration impacts or cumulative impacts than were previously identified in the certified EIR. The Proposed Project would be required to comply with Mitigation Measure NOI-3. Therefore, the Proposed Project would not result in any new significant environmental effects related to construction vibration or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

Long-Term Mobile Noise Impacts. As shown in Tables 3.G.1 and 3.G.2, under the 2012 Specific Plan EIR, project-related traffic noise would have a significant impact on five of the eight roadway segments, all of which are along Highland Springs Avenue and Highland Home Road. Tables 3.G.1 and 3.G.2 also show the change in noise impacts due to the new traffic analysis as a result of the modified network under the Proposed Project. Under the Proposed Project, project-related traffic noise would have a significant impact on the same five of the eight roadway segments along Highland Springs Avenue and Highland Home Road. Consistent with the Specific Plan EIR, the existing Sundance homes to the west of the Project site are located in the City of Beaumont and already have perimeter block walls along the frontage to provide some sound attenuation. Future Proposed Project development areas along the east side of this stretch of road are within the City of Banning and would be designed to provide adequate attenuation pursuant to the outdoor and indoor noise level requirements, as required in previously adopted Mitigation Measure NOI-4. For roadway segments along Highland Home Road, Mitigation Measure NOi-4 requires a focused noise study for sensitive receptors along Highland Homes Road that would potentially experience noise levels in excess of the City of Banning exterior and interior noise standards. As Mitigation Measure NOI-4 would remain applicable to the Proposed Project, the Project would continue to not result in any substantially greater long-term mobile noise impacts than were previously identified in the Specific Plan EIR or any new significant long-term mobile noise impacts.

In addition to Mitigation Measure NOI-4, Mitigation Measures NOI-1 through NOI-3 would remain applicable to the Proposed Project. With implementation of Mitigation Measures NOI-1 through NOI-4, impacts would continue to be less than significant.
Table 3.G.1: Project Noise Impacts: Comparison of General Plan Build-out Traffic Noise Levels: With Previously Approved Specific Plan and With Proposed Project

<table>
<thead>
<tr>
<th>Roadway Segment</th>
<th>General Plan Build-Out With Approved Project</th>
<th>General Plan Build-Out With Revised Proposed Project</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Increase In Noise Level From No Build To With Project In CNEL (dBA)</td>
<td>Potentially Significant Impact Without Mitigation</td>
</tr>
<tr>
<td>Highland Springs Avenue between Brookside Avenue and 16th Street</td>
<td>0.9</td>
<td>No</td>
</tr>
<tr>
<td>Highland Springs Avenue between 16th Street¹ and F Street</td>
<td>2.0</td>
<td>Yes²</td>
</tr>
<tr>
<td>Highland Springs Avenue between F Street and Oak Valley Parkway</td>
<td>2.8</td>
<td>Yes²</td>
</tr>
<tr>
<td>Highland Springs Avenue between Oak Valley Parkway and Starlight Avenue</td>
<td>2.3</td>
<td>Yes</td>
</tr>
<tr>
<td>Highland Springs Avenue between Starlight Avenue and 8th Street</td>
<td>1.8</td>
<td>Yes</td>
</tr>
<tr>
<td>Wilson Street between Highland Springs Avenue and C Street</td>
<td>1.0</td>
<td>No</td>
</tr>
<tr>
<td>Wilson Street between C Street and Highland Home Road</td>
<td>1.1</td>
<td>No</td>
</tr>
<tr>
<td>Highland Home Road between D Street and Wilson Street</td>
<td>3.1</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Source: *Noise Analysis for the Proposed Project* (September 2016). (Appendix C)

¹ 16th Street is now Cougar Way
² Based on the criteria presented in the approved EIR and the memorandum above, the identification of significant impact has been corrected.

ADT = average daily traffic
CNEL = Community Noise Equivalent Level
dBA = A-weighted decibels
Table 3.G.2: Cumulative Noise Impacts: Comparison of General Plan Build-out Traffic Noise Levels: With Previously Approved Specific Plan and With Proposed Project

<table>
<thead>
<tr>
<th>Roadway Segment</th>
<th>General Plan Build-Out With 2012 Specific Plan Project</th>
<th>General Plan Build-Out With Proposed Project</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Increase In Noise Level From Existing To With Project In CNEL (dBA)</td>
<td>Increase In Noise Level From No Build To With Project In CNEL (dBA)</td>
</tr>
<tr>
<td>Highland Springs Avenue between Brookside Ave and 16th Street</td>
<td>5.9</td>
<td>0.9</td>
</tr>
<tr>
<td>Highland Springs Avenue between 16th Street¹ and F Street</td>
<td>4.9</td>
<td>2.0</td>
</tr>
<tr>
<td>Highland Springs Avenue between F Street and Oak Valley Parkway</td>
<td>7.0</td>
<td>2.8</td>
</tr>
<tr>
<td>Highland Springs Avenue between Oak Valley Parkway and Starlight Avenue</td>
<td>6.2</td>
<td>2.3</td>
</tr>
<tr>
<td>Highland Springs Avenue between Starlight Avenue and 8th Street</td>
<td>5.2</td>
<td>1.8</td>
</tr>
<tr>
<td>Wilson Street between Highland Springs Avenue and C Street</td>
<td>6.5</td>
<td>1.0</td>
</tr>
<tr>
<td>Wilson Street between C Street and Highland Home Road</td>
<td>6.6</td>
<td>1.1</td>
</tr>
<tr>
<td>Highland Home Road between D Street and Wilson Street</td>
<td>--</td>
<td>3.1</td>
</tr>
</tbody>
</table>

Source: *Noise Analysis for the Proposed Project* (September 2016). (Appendix C)

1 16th Street is now Cougar Way

2 Based on the criteria presented in the Specific Plan EIR and the memorandum above, the identification of significant impact has been corrected.

ADT = average daily traffic

CNEL = Community Noise Equivalent Level

dBA = A-weighted decibels
Additionally, due to the design changes in the roadway network required as part of the Proposed Project, the redistribution of some project trips would now travel along segments of Highland Springs Avenue; however, as shown in Table 3.G. However, consistent with the Specific Plan EIR, the Project cannot reasonably or feasibly mitigate for cumulative mobile noise impacts (constructing sound walls along the entire perimeter of the sensitive uses surrounding the Project site; or forcing existing residential uses to change their existing windows; etc.). Therefore, implementation of the Proposed Project would be consistent with the findings of the Specific Plan EIR and would continue to result in a significant and unavoidable impact for cumulative mobile noise impacts, as both the combined and incremental effects criteria have been exceeded; however, such impacts would not be new or substantially more severe than previously identified in the Specific Plan EIR. Therefore, the Proposed Project would not result in any new significant environmental effects related to long-term mobile noise or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

Operational Stationary Noise Source Impacts. The Proposed Project would potentially reduce operational noise impacts within some Planning Areas (PAs), for example, PAs 35 and 39, in which the golf course is being removed and PAs 60 and 61 where residential uses are being removed and replaced with open space. For all other PAs, the operational uses are assumed to be substantially the same and would not result in any new significant noise impacts. Implementation of Mitigation Measure NOI-5, as required by the Specific Plan EIR, would continue to reduce operation-related impacts such that noise levels would comply with City noise requirements. Mitigation Measure NOI-5 would remain applicable to the Proposed Project. Therefore, the Proposed Project would not result in any new significant environmental effects related to operational stationary noise or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

Cumulative Impacts. Potential cumulative noise impacts are associated with both construction and operation of the Proposed Project. Construction-related noise would emanate from the site during construction primarily from stationary sources (e.g., equipment), as well as from mobile sources. However, short-term noise would cease when construction activities are completed. Cumulative long-term noise impacts occur when traffic generated by the Proposed Project is added to future noise levels resulting from cumulative project traffic, and the incremental increase in traffic exceeds noise standards. Despite the reduction in project intensity, cumulative mobile noise impacts as a result of increased traffic volumes on local roadways would continue to occur following implementation of the Proposed Project. Thus, cumulative noise impacts are still considered significant and avoidable.

Mitigation Measures NOI-1 through NOI-5 remain applicable to the Proposed Project and would serve to reduce noise impacts, with the exception of cumulative mobile noise impacts, which would remain significant and unavoidable but would not be substantially increased. Therefore, the Proposed Project would not result in any new cumulatively significant environmental effects related to noise or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.
3.12.4 Findings Related to Noise

No New Significant Effects Requiring Major EIR Revisions. Based on the foregoing analysis and information, there is no evidence that the Proposed Project would require a major change to the Specific Plan EIR. The Proposed Project would not result in new significant environmental impacts to Noise, nor is there a substantial increase in the severity of impacts previously identified in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Major EIR Revisions. The Project site and surrounding area have not been further developed or altered since the Specific Plan EIR was prepared. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Noise that would require major changes to the Specific Plan EIR due to the involvement of significant effects or a substantial increase in the severity of previously identified significant effects.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was certified, indicating whether a new significant effect not reported in that document may occur. Based on the information and analyses above, there is no substantial new information which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified indicating that there would be a new significant impact to noise requiring major revisions to the Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in Previous EIR. There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to Noise identified and considered in the Specific Plan EIR.

3.12.5 Project Design Features

All PDFs included as part of the 2012 Specific Plan Project remain applicable to the Noise analysis for the Proposed Project. The PDF listed below reflects where minor text changes have been made due to the approval of the Butterfield Specific Plan in 2012 and the subsequent Settlement Agreement. The change is shown in strikeout/underline below.

1. The Project has been redesigned from the previously approved Deutsch Specific Plan, to retain the northern steeper slopes in natural open space. In addition, in response to initial public scoping and discussions with adjacent residents, the Applicant designed the Land Use Plan to create low-density residential with higher minimum average lot sizes with substantial separation between Proposed Project development areas east of Highland Home Road and existing residential areas east of Highland Home Road to the south, reducing potential noise impacts from construction in this area.
3.12.6 Mitigation Measures

In light of the Proposed Project, the Specific Plan EIR was reviewed to determine whether or not changes to the 2012 Specific Plan Project would affect the mitigation measures contained therein. Based on the analysis and information above, no changes to the mitigation measures found in the Specific Plan EIR are required. Mitigation Measures NOI-1 through NOI-5 remain applicable to the Proposed Project.

3.12.7 Mitigation Measures No Longer Applicable

All noise mitigation measures remain applicable to the Proposed Project.
3.13 PUBLIC SERVICES AND UTILITIES

3.13.1 Existing Environmental Setting

There have been no major changes to the existing setting of the project site with respect to public services and utilities since the Specific Plan EIR was prepared. Please refer to Section 4.12 of the Specific Plan EIR for a summary of the existing environmental setting for Public Services and Utilities.

Fire Protection Services. Fire protection services are provided to the City by the Riverside County Fire Department (RCFD), which contracts with the California Department of Forestry (Cal Fire). The City is served by the Oak Glen Division of the RCFD and shares services with other surrounding cities in the area. The RCFD Oak Glen Division operates three fire stations within the vicinity of the site, with Station 20 (located in the City of Beaumont) being the closest to the site (0.34 mile from the intersection of Highland Springs Avenue and Wilson Street at the southwestern boundary of the site).

Paramedic services are provided to the City by American Medical Response through the Perris Command Center in coordination with RCFD.

Response Time Objectives. The City has an adopted Fire Services Master Plan. One of the goals in this plan is to have a fire station within five miles of Category III areas. The City’s General Plan Police and Fire Protection Element also establishes a policy that calls for a 5-minute response time. Fire Station 20 has a response time to the nearest portion of the site of approximately 3 to 5 minutes and is 6 to 8 minutes to the northwest portion of the site. The City’s response time goal for medical services is also 5 minutes for the Fire Department Ambulance Services.

The City assesses a Fire Facilities Impact Fee for all new single-family development projects. Monies collected in association with this fee are used to construct additional fire facilities serving the property.

Police Protection Services. The City of Banning Police Department provides police protection services within the City. The Banning Police Department responds to high priority calls within 3 to 7 minutes. The City maintains a ratio of 1.4 sworn officers for every 1,000 residents; however, the City’s General Plan establishes a service goal of 2 officers for every 1,000 residences.

The City imposes a Police Facilities Impact Fee on new development that is used for the acquisition of land, design, and construction and/or expansion of police facilities.

Public School Facilities. The Project site is served by both the Banning Unified School District and the Beaumont Unified School District (USD).

The Beaumont USD serves kindergarten through 12th grade students. The Project site would be served by Sundance Elementary School, San Gorgonio Middle School, and Beaumont High School. Both
elementary and middle schools have excess capacity, but the high school currently exceeds capacity. Beaumont USD is currently pursuing expansion of the high school.

The Banning USD also serves kindergarten through 12th grade students. Several schools within the Banning USD would serve the 2012 Specific Plan Project.

Each school district assesses impact fees for new residential and commercial uses. The payment of these fees is authorized by Senate Bill (SB) 50, which allows the assessment of such fees to mitigate project impacts on school facilities under CEQA. In addition, each school district has passed general obligation bond measures to generate funding for public school capital improvements.

**Library Services.** The boundaries of the Banning and Beaumont Library Districts are congruent with the Banning and Beaumont USD boundaries. Both library districts are a part of the Inland Library System. Neither library district has an adopted library service standard; however, the County seeks to maintain a standard of two volumes and 0.5 square feet of library space per capita, which is consistent with the State standard. The current amount of library space and number of volumes in the Banning and Beaumont facilities fall below the identified minimum standard.

Libraries rely on revenue from federal, State, and local funding sources, as well as private contributions. The Banning Library District’s primary revenue source is property taxes supplemented by investment income, fees, fines, grants, and donations. In recent past, the Banning and Beaumont Library Districts have generated revenue that has exceeded expenditures. Neither library district has established a library impact fee.

**Health Care Services.** The San Gorgonio Memorial Hospital is the closest medical center to the Project site, located at 600 North Highland Springs Avenue (south of the Project site at the corner of Highland Springs Avenue and Wilson Street). This hospital provides medical services to the Cities of Banning and Beaumont.

**Recreation and Parks.** Parks and recreation services are provided by the City of Banning Community Services Department. Park classifications in the City include the following: (1) neighborhood parks located within walking or bicycle distance of residences and ranging in size from 5–10 acres; (3) school parks built adjacent to but separate from educational facilities; (4) community parks that range in size from 20–50 acres designed to serve an area within a 5-mile radius of the park; (5) regional parks that are at least 50 acres in size and serve the entire City or region; and (6) special use parks linked to a specific activity, such as a skate park. The City collects Parkland Impact Fees for new residential and commercial/industrial uses for the purpose of constructing new parks and recreation facilities in the City.

The City has over 60 acres of parks and owns an additional 170 acres of undeveloped property, the majority of which are planned for development as the Smith Creek Ranch Park. The City also owns and operates the City’s community center and senior center, a municipal swimming pool, and a skate park. The City has also established a Joint Use Agreement with the Banning USD that allows the City
to utilize some of the District’s school campus facilities. Additionally, the County owns the 160-acre Gilman Historic Ranch and the Wagon Museum in the City of Banning.

The City has an adopted Master Plan for Recreation and Parks. As described in this plan, the City currently has a deficit of parkland. The top priority of the City as identified in the Master Plan for Recreation and Parks is the establishment of trails, a dog park, sporting fields, picnic areas, and an equestrian center. Neighborhood parks are also identified as the most critical target for development in the western areas of the City. The Master Plan also identifies the 2012 Specific Plan Project area as a potential location for future parks and recreation facilities. Establishment of the 2012 Specific Plan Project was anticipated to address neighborhood park deficiencies in the City.

Bikeways, trails, and pathways are also identified as important recreational resources in the City. There are currently no bikeways in the City; however, several Class II and III bikeways have been proposed. Class II bikeways are signed and striped bicycle lanes within the paved right-of-way of a street, whereas Class III bikeways are designated but unmarked bike routes located on the street amidst vehicular traffic.

Hiking trails are located within the San Bernardino National Forest and the San Jacinto Mountains within the City’s Sphere of Influence. The Master Plan for Recreation and Parks also identifies a proposed trail system that would provide access to the regional trail system.

Energy.

Electricity. Electricity in the City is provided by the Banning Electricity Department. The City-owned utility procures its electricity through contracts with the Southern California Public Power Authority. These contracts include participation in the San Juan coal plant, the Palo Verde nuclear plant, and the Hoover Hydroelectric Uploading project. The City also purchases power from the Western System Power Pool Forward and Over-the-Counter markets to cover its super peak load requirements. The City also has an agreement with SCE to utilize SCE’s subtransmission system. The majority of the City’s electricity demand is associated with existing residential and commercial uses. The City has recently taken several steps to expand its generating capacity and reduce its carbon footprint. Specifically, the City adopted a Renewable Portfolio Standard, which includes a commitment to obtain 20 percent of its electric requirement from renewable resources by December 31, 2017. As of 2011, 21 percent of the City’s electricity requirements were met by energy generated by renewable resources.

The City’s General Plan EIR accounted for the City’s electricity demand at General Plan build out. As described in the General Plan EIR, the total electricity demand is estimated to be 424,637,277 kilowatt-hours (kWh) per year. The 2012 Specific Plan Project’s electricity demand was accounted for within the build out demand projection. The General Plan EIR identified several energy reduction measures to reduce the City’s projected electricity demand. With implementation of these measures, the General Plan EIR determined that build out of the General Plan would not have a significant adverse impact on the availability of electricity or the ability of the Banning Electricity Department to provide electricity at General Plan build out.
The City constructed the 34-12kV “Sunset Substation” near the existing SCE transmission line on the Project site. This substation was constructed on the site and in operation in 2009. The substation currently serves the electricity needs of development surrounding the Project site.

The City collects energy metering and conservation fees for residential uses in the City. Additionally, the City assessed an impact fee for energy conservation and a new electric service fees.

Natural Gas. SoCalGas provides natural gas services and facilities to the City. The majority of the natural gas supply is imported from Texas and is transported via three major east-west trending high pressure pipelines, one of which traverses the site.

Communications.

Phone Service. Verizon California provides telephone service in the City. There is no local Verizon customer service center in the City. Cellular phone service is provided by a growing list of phone providers, all of which are licensed and operated by the CPUC.

Cable and Internet Service. Cable television services are provided to the City by Time Warner Cable. Internet service is provided by several internet service providers, including both Verizon and Time Warner.

Wastewater and Recycled Water.

Wastewater. Sanitary wastewater services are provided to approximately 12,800 service connections by the City’s Water and Wastewater Utility. The City owns, operates, and maintains several gravity sewer mains, four sewer lift stations, and several sewer force mains located within City-owned public right-of-ways.

Wastewater generated within the City is treated at the City’s wastewater treatment plant (WWTP) located at 2242 East Charles Street, which is operated and maintained by United Water Service via an existing contract with the City. The WWTP is designed to treat 7.8 million gallons per day (mgd) of wastewater. As of 2011, the plant received an average flow of 2.5 mgd and was permitted by the Regional Board to receive 3.6 mgd. According to the City of Banning 2015 Urban Water Management Plan (UWMP), approximately 2,207 acre feet/year (1.97 mgd) of wastewater was collected within the City's service area and treated at the WWTP during 2015.¹

The City operates its wastewater treatment and collection systems pursuant to the requirements outlined in Order No. 01-022. The City is also covered by Order 01-077 NPDES No. CAS617002 and Waste Discharge requirements, which prohibits the acceptance of waste in excess of the disposal system’s design treatment capacity.

¹ City of Banning. 2015 Urban Water Management Plan (May 2016).
**Recycled Water.** The City treats wastewater to a secondary standard prior to discharge. The City does not have the treatment capability or infrastructure to provide tertiary-treated recycled water; however, the City is moving forward to complete a 1.5 mgd tertiary upgrade at its main plant to produce recycled water to be used for landscaping irrigation.

**Solid Waste.** Solid waste generated in the City is managed by the City of Banning Public Works Department and is collected and disposed of by Waste Management Inland Empire via an existing contract with the City. Waste Management provides separate containers to residential uses for trash, recycling, and green waste and also provides free pickup of used motor oil and electronic waste.

In 2015, the most current year for which CalRecycle data is available, the City disposed of 22,111.63 tons of solid waste from all sources.\(^1\) Waste generated in the City is disposed of in the following landfills: Antelope Valley Public Landfill, Azusa Land Reclamation Co. Landfill, Badlands Sanitary Landfill, El Sobrante Landfill, Lamb Canyon Sanitary Landfill, Mid-Valley Sanitary Landfill, Olinda Alpha Sanitary Landfill, Prima Deshecha Sanitary Landfill, San Timoteo Sanitary Landfill, and the Simi Valley Landfill and Recycling Center.

### 3.13.2 Specific Plan EIR

Please see Section 4.12 of the Specific Plan EIR for analyses of the potential effects of the 2012 Specific Plan Project regarding Public Services and Utilities.

The Specific Plan EIR concluded that the following impacts would be less than significant related to Public Services and Utilities with implementation of mitigation measures, with the exception of cumulative impacts related to the following: public school facilities, library services and facilities, hospital facilities, use of parks or other recreational facilities, consumption of energy, telecommunication facilities, and wastewater treatment requirements.

**Threshold:** Would the Project result in substantial adverse environmental impacts associated with the provision of new or physically altered fire protection facilities or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance standards?

**Impact: Fire Services and Facilities. Less than Significant Impact with Mitigation Incorporated.** As described in the Specific Plan EIR, the 2012 Specific Plan Project would have resulted in an increased demand for fire services and facilities. The Specific Plan EIR determined that impacts to fire protection would be less than significant with Mitigation Measures PSU-1 and Mitigation Measures HAZ-6 and HAZ-10 through HAZ-12 incorporated. Mitigation Measure PSU-1 addresses potential impacts related to the provision of adequate fire services to all portions of the

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Project site. Mitigation Measure PSU-1 requires the Applicant and the Riverside County Fire Department to work together to determine the appropriate timing for additional fire services. Mitigation Measures HAZ-10, HAZ-11, and HAZ-12 outline required standards and procedures to reduce impacts related to wildfires. Further, the reduction of fire hazards related to the presence of a high pressure natural gas pipeline through the Project site would have been addressed through the replacement of existing pipeline as provided for in Mitigation Measure HAZ-6. Refer to Section 3.8, Hazards and Hazardous Materials, of this Addendum for Mitigation Measure HAZ-6, as well as Mitigation Measures HAZ-10 through HAZ-12. Therefore, the Specific Plan EIR determined that impacts with respect to fire services and facilities would be less than significant with mitigation incorporated.

Mitigation Measure PSU-1: Applicant shall communicate and work with the Fire Chief throughout Project development to determine the appropriate timing for a potential addition of a fire response unit (medic squad, fire engine), or the need for a fire station that is conceptually located in PA 60 but could be located in any Planning Area as described within the Specific Plan. When the fire station or a response unit is determined to be necessary, the Applicant shall fund and/or construct the fire response unit and/or fire station, and would subsequently be credited the cost of the fire response unit or fire station towards the payment of applicable fire fees.

Threshold: Would the Project result in substantial adverse environmental impacts associated with the provision of new or physically altered police protection facilities or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance standards?

Impact: Police Services and Facilities. Less than Significant Impact with Mitigation Incorporated. As described in the Specific Plan EIR, the population increase of roughly 14,168 persons under the 2012 Specific Plan Project could generate a demand for as many as 28 additional sworn officers at full build out, based on the City of Banning’s Police Department adopted officer-to-resident ratio goal. The need for additional officers to meet the City’s officer-to-resident ratio would have occurred slowly and incrementally over time. Accordingly, existing facilities could have remained adequate for the provision of police services to the 2012 Specific Plan Project for much of its development period. To finance any new facilities, or the expansion of existing facilities, the City assesses a Police Facilities Fee on all new development. In addition, the 2012 Specific Plan Project was determined to result in indirect contributions to the City’s General Fund through sales and property taxes and thus provide financial support for expanded police operations. The 2012 Specific Plan Project was also required to comply with Mitigation Measure PSU-2, which requires incorporation of defensible space design elements into the Project’s multifamily and cluster housing developments to maintain compliance with the General Plan and to facilitate policing of the community. With the payment of the Police Facilities Fee and the implementation of Mitigation Measure PSU-2, the impacts to police facilities would be reduced to a less than significant level.
Mitigation Measure PSU-2: The Project shall incorporate the principles of defensible space as defined by the U.S. Department of Housing and Urban Development Office of Policy Development and Research in the design of cluster housing and/or multifamily housing within the Proposed Project to reduce the impact of such development on police services. These principles shall be incorporated through inclusion of the following design solutions:

- Orienting the front doors and living area windows to the public street without providing “protection” of walls and fencing while providing back doors in these same units that allow access to more secure play areas and open space.
- Clustering parking in close proximity to units or the must provide enclosed garages or semi-subterranean parking garages that can be secured.
- Providing motion-activated security lighting.
- Clustering multifamily units around shared courtyard spaces with appropriate amenities that draw residents into the common area and encourage the development of relationships between neighbors through interaction in the public domain.

**Threshold:** Would the Project result in substantial adverse environmental impacts associated with the provision of new or physically altered school facilities?

**Impact:** Public School Facilities. Less than Significant Impact with Mitigation Incorporated. The Specific Plan EIR assumed that approximately 390 of the proposed dwelling units located in Planning Areas (PA) 50, 51, 52 would be located in the Banning Unified School District jurisdiction, with the remaining approximately 4,997 residences located within the Beaumont Unified School District jurisdiction. The total number of students that could be generated by the 2012 Specific Plan Project would have been incremental over time.

The 2012 Specific Plan Project would have complied with Government Code Section 65995 and would have paid prevailing school facility impact fees at the time of building permit issuance, which would have provided full mitigation of the 2012 Specific Plan Project’s impacts on school facilities, pursuant to Senate Bill 50 and the California Government Code. 2012 Specific Plan Project impacts to public schools would also be addressed through the provision of two potential school sites within the development (Mitigation Measure PSU-3). With the payment of the school facility impact fees and the implementation of Mitigation Measure PSU-3, impacts to public school facilities were determined to be less than significant.

**Mitigation Measure PSU-3:** The Project shall include potential school sites within the development by designating and setting aside two 11+ acre Planning Areas (i.e., PA 68 for Banning Unified School District and PA 20 for Beaumont Unified School District) to increase available school facilities.
**Threshold:** Would the Project result in substantial adverse environmental impacts associated with the provision of new or physically altered public library facilities?

**Impact: Library Services and Facilities. Less than Significant Impact.** As described in the Specific Plan EIR, the 2012 Specific Plan Project would have contributed substantially toward overall City General Fund revenue, which would have proportionally increased revenue available to the local library districts that could have been used to expand existing facilities. Future development occurring under the 2012 Specific Plan would have also been required to pay any Library Facilities Fee that could have be levied on new future development. In addition, the 2012 Specific Plan Project would have provided school sites that would have been developed with schools which would have included on-site libraries that could be used jointly with the library districts and would have also provided a location for a new community center that could have been jointly used to increase community access to the internet, a primary function of existing library facilities. Therefore, impacts to library services and facilities following implementation of the 2012 Specific Plan Project were determined to be less than significant.

**Threshold:** Would the Project result in substantial adverse environmental impacts associated with the provision of new or physically altered hospital facilities?

**Impact: Health Care Services and Facilities. Less than Significant Impact.** As described in the Specific Plan EIR, because the Deutsch Specific Plan’s projected contribution to the demand for hospital facilities was considered in the City’s General Plan EIR analysis, and the 2012 Specific Plan Project was determined to be generally consistent with the Deutsch Specific Plan, implementation of the 2012 Specific Plan Project was not expected to have any significant adverse impacts on medical facilities in the area. Therefore, impacts to health care services and facilities following implementation of the 2012 Specific Plan Project were determined to be less than significant.

**Threshold:** Would the Project result in an 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?

**Impact: Parks and Recreation Services and Facilities. Less than Significant Impact** described in the Specific Plan EIR, at full build out, the 2012 Specific Plan Project would include 19 neighborhood/mini parks, 2 neighborhood recreation parks, 3 community park areas, 2 potential joint-use school sites, and a 253.9-acre golf course. The park and recreational needs of residents on the site would have been largely accommodated by the 2012 Specific Plan Project itself based on the currently adopted City standard of 5 acres of park/recreation land for every 1,000 residents. In addition, the 2012 Specific Plan Project would have paid approximately $10 million dollars in City imposed park facilities fees. Therefore, impacts to parks and recreation services and facilities following implementation of the 2012 Specific Plan Project were determined to be less than significant.
**Threshold**: 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?

**Impact: Construction of Recreational Facilities. Less than Significant Impact with Mitigation Incorporated.** As described in the Specific Plan EIR, operation of the parks included as part of the 2012 Specific Plan Project could have resulted in potentially significant impacts to adjacent residential uses within the Project site. In order to reduce impacts associated with park lighting on nearby residential uses, the Specific Plan EIR determined that the 2012 Specific Plan Project would be required to comply with the City’s Municipal Code and Mitigation Measure AES-7. Noise impacts from activities within these parks would not have occurred in the morning or night hours and would not occur during sensitive hours. Additionally, these parks would have been separated from residential uses by block walls, which would attenuate daytime noise. As such, the Specific Plan EIR determined that the parks included as part of the 2012 Specific Plan Project would not have resulted in significant noise impacts and would result in less than significant lighting impacts with the implementation of Mitigation Measure AES-7.

**Threshold**: Would the Project require or result in the construction of new energy production and/or transmission facilities or expansion or existing facilities, the construction of which could cause significant environmental effects?

**OR**

**Threshold**: Would the Project encourage the inefficient, wasteful or unnecessary consumption of energy?

**Impact: Energy. Less than Significant Impact with Mitigation Incorporated.** As described in the Specific Plan EIR, the 2012 Specific Plan Project is an amendment and restatement of the Deutsch Specific Plan, which was included in the City’s 10-year Electric System Master Plan. Because the 2012 Specific Plan Project proposed fewer residential units and similar commercial square footage as compared to the Deutsch Specific Plan, the 2004 Master Plan estimate of demand would remain valid for the 2012 Specific Plan Project. No additional supplies were determined to be required for the 2012 Specific Plan Project and its development would not have required or resulted in the construction of new energy production facilities.

The 2012 Specific Plan Project also included the relocation of certain existing power transmission lines and a portion of the existing high pressure natural gas pipeline, and the installation of underground electrical power lines and natural gas lines throughout the Project site. As required by Mitigation Measure HAZ-6 (refer to Section 3.8, Hazards and Hazardous Materials), precautions would be required to avoid the SoCalGas pipeline observed crossing the property. With implementation of Mitigation Measure HAZ-6, the 2012 Specific Plan Project’s impacts on energy generation and transmission facilities would be less than significant.

**Energy Consumption.** As described in the Specific Plan EIR, all new construction facilitated by the 2012 Specific Plan Project would have been required to comply with California’s Energy Efficiency Standards for Residential and Nonresidential Buildings, contained in Title 24, Part 6,
of the California Code of Regulations as amended in 2008. In addition, Specific Plan Design Guidelines include provision for the use of photovoltaic panels integrated into the roofline of residential structures. Therefore, with compliance to efficiency requirements and green design, the Specific Plan EIR concluded that the 2012 Specific Plan Project would not encourage the wasteful or inefficient use of energy and its impacts relative to this threshold would be less than significant. Therefore, impacts related to energy facilities and consumption following implementation of the 2012 Specific Plan Project were determined to be less than significant.

Threshold: Would the Project result in a need for new systems or substantial alterations to existing communication systems?

Impact-Communications Systems. Less than Significant Impact. As described in the Specific Plan EIR, cable, internet, and phone services would have been extended through the 2012 Specific Plan Project by their providers as part of the dry utility installations. Cell towers to serve the area were in place at the time the Specific Plan EIR was prepared or could have been constructed unobtrusively within the Project site if needed. Installation of facilities and cabling necessary to support telecommunications would have been performed by the service provider as each tract in the Specific Plan was developed. Therefore, impacts to communication systems following implementation of the 2012 Specific Plan Project were determined to be less than significant.

Threshold: Would the Project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

OR

Threshold: Would the Project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

OR

Threshold: Would the Project result in a determination by the wastewater treatment provider which serves or may serve the Project that it has inadequate capacity to serve the Project’s projected demand in addition to the provider’s existing commitments?


Wastewater. As described in the Specific Plan EIR, the 2012 Specific Plan Project was expected to generate approximately 1.34 million gallons per day (mgd) (without conservation) of wastewater at full build out, not including adjustments based on future water demand reductions due to conservation. With completion of the proposed plant expansion, there could be an excess capacity of 1.76 mgd available after all of the 2012 Specific Plan Project’s needs were addressed. Project-generated wastewater would have been handled by either the City’s existing treatment
plant or a potential optional on-site satellite wastewater treatment plant, and impacts were, therefore, identified as less than significant.

Alternatively, or in combination with the planned expansion of the City’s treatment plant, the 2012 Specific Plan Project could have supplemented the City’s wastewater treatment capacity through the construction and operation of a satellite waste water treatment plant on site. The proposed satellite plant would have had the capacity to treat the estimated wastewater generated by the 2012 Specific Plan Project at build out and additional wastewater generated by existing uses located nearby. The proposed on-site water treatment plant would have required a permit from the Regional Water Quality Control Board (RWQCB) and would have been operated pursuant to RWQCB requirements. With payment of required connection fees and compliance with required regulatory agency permits, the Specific Plan EIR concluded project would not have significant impacts related to RWQCB wastewater treatment requirements.

As described in the Specific Plan EIR, the 2012 Specific Plan Project would have required either the expansion of existing City wastewater treatment facilities or the construction of a satellite wastewater treatment facility on site. It was also determined that the potential impacts associated with the proposed off-site expansion would have been less than significant or could have been mitigated to a less than significant level. Mitigation Measure PSU-4 was required to ensure that potential impacts associated with the construction of a sewer lift station at the Omar Street location would be avoided and/or effectively mitigated. Implementation of Mitigation Measures PSU-4 and PSU-5 were determined to result in the reduction of potential impacts of off-site infrastructure, specifically impacts associated with sensitive resources, to less than significant levels.

**Mitigation Measure PSU-4:** Off-site infrastructure improvements shall comply with all of the same mitigation measures for on-site facilities, as applicable. Off-site facilities shall provide for:

a. Fair market compensation for private land acquisition, if City-owned parcels are not available. Such acquisition shall be either through voluntary sale or through eminent domain proceedings in accordance with local and State law.

b. A general biological assessment for off-site above ground infrastructure by a qualified biologist. If sensitive resources are determined to be present, those resources shall be assessed and/or delineated, mitigation measures shall be developed and imposed.

**Mitigation Measure PSU-5:** Prior to the issuance of building permits for the Satellite Wastewater Treatment Plant and wastewater facilities, the Applicant shall prepare a site-specific construction-level noise analysis analyzing potential on- and off-site noise impacts. In addition, the analysis shall evaluate the potential noise impacts to existing and proposed sensitive receptors. Construction and implementation of the wastewater treatment plan would require a Conditional Use Permit (CUP) to be approved by the City of
Banning, as well as design review of the proposed site plan and building architecture, landscaping and lighting. Compliance with the existing regulations (specified under Impact 4.8-1) and ongoing monitoring of the plant’s operations would reduce potential impacts associated with the routine use, handling, transport, and storage of hazardous materials.

Also, refer to Mitigation Measures AQ-8 and NOI-5.

The City has an adopted Capital Improvement Program that includes upgrades and the expansion of the City’s wastewater treatment infrastructure which were determined to be sufficient to accommodate the 2012 Specific Plan Project. Its 2006 Recycled Water Master Plan and its 2009–2010 Rates Study anticipated and included the construction of the 2012 Specific Plan Project. In addition, the City’s Municipal Code allows the City to require extension of wastewater infrastructure to the Project site as a condition of approval for the Specific Plan. Accordingly, the Specific Plan EIR determined the City had and would have the capacity to serve the project as it develops over time. Therefore, impacts were considered less than significant.

**Threshold:** Would the Project be served by a landfill that does not have sufficient permitted capacity for Project’s solid waste disposal needs?

*OR*

**Threshold:** Would the Project fail to comply with federal, State, and local statutes and regulations related to solid waste?

**Impact: Solid Waste. Less than Significant Impact with Mitigation Incorporated.** The Specific Plan EIR determined that build out of the 2012 Specific Plan Project would increase the total citywide generation of solid waste, but with mitigation, impacts to landfill facilities would be less than significant. Specifically, Mitigation Measure PSU-6 requires the operator of the golf course to prepare an Operational Waste Management Plan to reduce green waste from the site. With implementation of Mitigation Measure PSU-6, its impacts with regard to solid waste were determined to be less than significant.

The Specific Plan EIR determined that the project would be fully compliant with all federal, State, and local requirements for solid waste diversion and recycling, and, with mitigation, impacts with regard to solid waste would be reduced to a less than significant level with implementation of Mitigation Measure PSU-6.

**Mitigation Measure PSU-6:** The operator of the Butterfield Specific Plan Golf Course shall prepare and implement an Operational Waste Management Plan that incorporates to the extent feasible the Best Management Practices for the management of green waste recommended by the Golf Course Superintendent Association of America (GCSAA) including separate collection and recycling of green waste by a licensed hauler and recycling facility, on-site use of green waste for landscape mulching,
and other methods acceptable to the City and the SCAQMD so as to reduce the facility’s impact on landfill capacity.

Cumulative Impacts.

**Fire Facilities. Less than Significant Impact with Mitigation Incorporated.** The Specific Plan EIR determined that additional development occurring within the Fire Department’s Oak Glen service area would result in an increased demand for fire protection services, including the need for additional and/or expanded fire protection facilities. Implementation of the 2012 Specific Plan Project was determined to add to potential impacts associated with this increased demand for fire protection services, but due to the implementation of Project-specific mitigation measures, the Specific Plan EIR determined the 2012 Specific Plan Project would result in a less than significant cumulative impact related to fire facilities.

**Police Facilities. Less than Significant Impact with Mitigation Incorporated.** The Specific Plan EIR determined that because the City had not yet met police service ratios established in the General Plan and because additional development could result in an increased demand for police protection services, including the need for additional and/or expanded police protection facilities, implementation of the 2012 Specific Plan Project would serve to further increase the demand for police protection services. However, due to the implementation of Project-specific mitigation measures and the payment of Police Facilities Fees, the Specific Plan EIR determined the 2012 Specific Plan Project would result in a less than significant cumulative impact related to police facilities.

**School Facilities. Less than Significant Impact.** The Specific Plan EIR determined that implementation of the 2012 Specific Plan Project would increase the demand for school facilities because the Project would have generated a number of students at project buildout that would exceed the capacity available or reasonably projected to be available at existing schools. As such, the 2012 Specific Plan Project included two on-site schools to serve both the Banning and Beaumont USDs. Furthermore, the 2012 Specific Plan Project would have paid School District Facilities Fees, which according to State Law, would fully mitigate impacts to these schools. For these reasons, the Specific Plan EIR determined that the 2012 Specific Plan Project would result in a less than significant cumulative impact related to school facilities.

**Library Facilities. Less than Significant Impact.** At the time the Specific Plan EIR was prepared, both the Banning and Beaumont Library Districts had deficits of space pursuant to State standards. The City’s General Plan EIR found that buildout of the General Plan would not create a significant and unavoidable impact on library facilities. The Specific Plan EIR determined that implementation of the 2012 Specific Plan not result in a cumulatively significant demand for library facilities because the 2012 Specific Plan Project would be consistent with the Deustch Specific Plan, which was included in the land use and population growth numbers that supported the General Plan EIR analysis. The Specific Plan EIR did, however, require that the 2012 Specific Plan Project pay applicable Library Facilities Fees to further reduce impacts to these library facilities.
districts. For these reasons, the Specific Plan EIR determined that the 2012 Specific Plan Project would result in a less than significant cumulative impact related to library facilities.

**Health Care Services and Facilities. Less than Significant Impact.** The Specific Plan EIR determined that implementation of the 2012 Specific Plan not result in a cumulatively significant demand for health care services and facilities because improvements associated with the San Gorgonio Memorial Hospital would have increased its capacity, thereby ensuring this facility could serve the 2012 Specific Plan Project.

**Parks and Recreation Facilities. Less than Significant Impact.** The Specific Plan EIR determined that implementation of the 2012 Specific Plan would have included park facilities that could have been accessed by adjacent residents living outside the boundaries of the Project site. Additionally, the 2012 Specific Plan Project may have included a site for the development of a new community center and would have paid City-imposed Parkland Fees. The 2012 Specific Plan Project would have also included a number of on-site parks and a golf course to further reduce the Project-related demand on existing parks and recreation facilities. Therefore, the Specific Plan EIR determined that the 2012 Specific Plan Project would result in a less than significant cumulative impact related to parks and recreation facilities.

**Energy. Less than Significant Impact.** The City’s 10-Year ESMP assumes the need for additional transmission facilities to meet needs associated with anticipated growth, including the 2012 Specific Plan Project. The Specific Plan EIR determined that implementation of the 2012 Specific Plan could have been served by existing facilities, including an already constructed and operated substation, and with existing generating capacity. In addition, because the 2012 Specific Plan Project would have complied with applicable energy reduction regulations, the Specific Plan EIR determined that the 2012 Specific Plan Project would have met or exceeded local, State, and federal energy conservation guidelines and regulatory requirements. Therefore, the Specific Plan EIR determined that the 2012 Specific Plan Project would result in a less than significant cumulative impact related to energy facilities.

**Communication Systems. Less than Significant Impact.** The Specific Plan EIR determined that while the 2012 Specific Plan could have increased the demand for telecommunication services, telecommunication services are provided to customers as requested and the service provider would construct those systems in accordance with applicable regulations. Therefore, the Specific Plan EIR determined that the 2012 Specific Plan Project would result in a less than significant cumulative impact related to telecommunication facilities.

**Sanitary Sewer and Recycled Water. Less than Significant Impact.** The City’s General Plan EIR estimate that buildout of the General Plan would have the potential to generate approximately 8,203,300 gallons of wastewater per day, which includes the potential wastewater generated by the 2012 Specific Plan Project. The Specific Plan EIR also noted that the City’s Sewer System Study (2006) also anticipated a need to expand capacity at the City’s treatment
plans, as well as the need to expand the balance of the City’s sewer collection and transmission system. The City’s Sewer System Study also included a plan to create a network for the distribution of recycled water. These facilities would be funded through connection fees, user fees, plan check fees, General Fund revenue, and other sources. Because implementation of the 2012 Specific Plan Project would have fully mitigated its own impacts with respect to sewer and recycled water facilities, the Specific Plan EIR determined that implementation of the 2012 Specific Plan Project would result in a less than significant cumulative impact related to sanitary sewer and recycled water facilities.

Solid Waste. Less than Significant Impact. The City’s General Plan EIR estimate that buildout of the General Plan would have the potential to generate approximately 88,223 tons of solid waste per year, which does not account for diversion factors. The Specific Plan EIR noted that all mitigation measures in the City’s General Plan EIR would be applied to the 2012 Specific Plan Project. The 2012 Specific Plan Project would also comply with Mitigation Measure PSU-6, outlined in the Specific Plan EIR, which requires that the golf course operator implement efficient green waste recycling and diversion practices. Schools included as part of the 2012 Specific Plan Project would also comply with their existing waste management and recycling plans. Existing landfills were determined to have capacity to serve the 2012 Specific Plan Project. Therefore, the Specific Plan EIR determined that implementation of the 2012 Specific Plan Project would result in a less than significant cumulative impact related to sanitary sewer and recycled water facilities.

3.13.3 Analysis of Project Changes

Fire Services and Facilities. The Proposed Project represents an overall reduction in the intensity and scale of development compared to the 2012 Specific Plan Project analyzed under the Specific Plan EIR. Because the Proposed Project includes fewer residential units it would result in fewer residents’ less demand for fire protection. Therefore, the need for fire protection services would be incrementally less than the need for those services by the 2012 Specific Plan Project analyzed in the Specific Plan EIR. Mitigation Measures PSU-1, HAZ6, and HAZ-10 through HAZ-12 would remain applicable to the Proposed Project. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to fire services and/or facilities or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

1 The Proposed Project would result in an additional 12,204 residents in the City. This increase in populations was developed using a factor of 2.51 persons per household multiplied by the total of 4,862 units included as part of the Proposed Project. Using the same factor, the 2012 Specific Plan Project would have generated a total of 13,522 residents (5,387 units * 2.51 persons per household). Accordingly, the Proposed Project would result in a reduction of 1,318 persons compared to the originally approved 2012 Specific Plan Project. The number of persons per household was reported by the United States Census Bureau for the years 2010 through 2014. United States Census Bureau, Quick Facts-Banning City, California, http://www.census.gov/quickfacts/table/HSD310214/0603820 (accessed August 23, 2016).
**Police Services and Facilities.** The Proposed Project reduces intensity and includes more open space compared to the 2012 Specific Plan Project. Therefore, the Proposed Project represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR. Due to the reduction in future residents, the need for police protection services would be incrementally less than the need for those services by the Project analyzed in the Specific Plan EIR. Mitigation Measure PSU-2 is still applicable to the Proposed Project. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to police services and/or facilities or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Public School Facilities.** The Proposed Project represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR. Therefore, due to a reduced generation of school age population, school facilities’ needs would be incrementally less than the needs for the 2012 Specific Plan Project analyzed in the Specific Plan EIR. While the Proposed Project would result in a reduced number of school-aged children as a result of the reduction in on-site dwelling units, the Banning USD is now requesting a 14-acre school site (which has been incorporated into the land use plan) instead of the originally planned 12-acre site. Similarly, the Beaumont USD school site would be increased by approximately 1 acre. These larger sites can be accommodated within the Proposed Project. Additionally, the provision of these two schools on the site is required by Mitigation Measure PSU-3. Despite the increase in the size of the school site, the Proposed Project would result in less than significant impacts related to the capacity of schools to serve the project-related increase in school children as the Project would reduce the number of school children requiring such facilities. Finally, new development occurring under the Proposed Project would be required to pay applicable school fees. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to public school facilities or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Library Services and Facilities.** The Proposed Project represents an overall reduction in scale of development compared to the 2012 Specific Plan Project analyzed under the Specific Plan EIR. Due to the reduction in on-site residents, the need for library facilities would be less than the need for those facilities by the Project analyzed in the Specific Plan EIR. The Project contribution to the City General Fund and payment of any library fees would still be required for the Proposed Project. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to library facilities or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Health Care Services and Facilities.** The Proposed Project represents an overall reduction in the intensity and scale of development compared to the 2012 Specific Plan Project analyzed under the Specific Plan EIR. Due to the reduction of residents, the need for hospital facilities would be incrementally less than the need for those facilities by the Project analyzed in the Specific Plan EIR. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to health care services and/or
facilities or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

Parks and Recreation Services and Facilities. In place of the previously proposed golf course in PAs 35 and 39, the Proposed Project would develop these PAs with open space and other similar uses permitted under the 2012 Specific Plan Project. Because there are fewer residents associated with the Proposed Project, the use of existing and neighborhood and regional parks would be incrementally less than the use of parks for the Project analyzed in the Specific Plan EIR. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to parks and recreation services and/or facilities or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

Energy. The Proposed Project represents an overall reduction in the intensity and scale of development compared to the 2012 Specific Plan Project analyzed under the Specific Plan EIR. Specifically, the residential component of the Proposed Project would result in a reduction of 3,399,700 kilowatt hours per year as compared to the 2012 Specific Plan Project due to the reduction project intensity. The Proposed Project also includes the installation of ultra-low flow toilets and Energy Star efficiency standard developer-installed appliances throughout the Project, as well as installation of solar voltaic systems (or equivalent) for certain multifamily residential developments and electric car-charging stations in certain areas. The reduced amount of development would incrementally reduce energy demands. Mitigation Measure HAZ-6 would also remain applicable to the Proposed Project. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects to energy or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

Communications Systems. The Proposed Project represents an overall reduction in the intensity and scale of development compared to the 2012 Specific Plan Project analyzed under the Specific Plan EIR. As such, the Proposed Project would result in a reduced demand for cable, internet, and phone services and associated infrastructure improvements. Installation of these facilities remains the responsibility of the service provider. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects to communication systems or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

Sanitary Sewer and Recycled Water. The Proposed Project represents an overall reduction in the intensity and scale of development compared to the 2012 Specific Plan Project analyzed under the Specific Plan EIR. As such, the Proposed Project would result in a reduced demand for sanitary sewer services and recycled water and associated infrastructure improvements. Installation of these facilities remains the responsibility of the service provider. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to sanitary sewer and/or recycled water facilities or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.
**Wastewater.** The Proposed Project represents an overall reduction in the intensity and scale of development compared to the 2012 Specific Plan Project analyzed under the Specific Plan EIR and would consequently result in a reduced demand for wastewater treatment. At build-out, the Proposed Project will produce approximately 869 AFY of direct wastewater flows, a reduction from the 942 AFY under the 2012 Specific Plan Project. Therefore, wastewater treatment requirements would be incrementally less than the requirements for the 2012 Specific Plan Project analyzed in the Specific Plan EIR. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to wastewater or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Solid Waste.** The Proposed Project reduces intensity and includes more open space compared to the 2012 Specific Plan Project. The Proposed Project also eliminates the golf course from Planning Areas 35 and 39. Therefore, the Proposed Project represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR and, therefore, would result in an overall reduction in solid waste generated from the Project. Specifically, the Proposed Project would result in an estimated 10,770.06 tons per year tons of solid waste at Project buildout. With the removal of the golf course, Mitigation Measure PSU-6 would no longer be applicable to the Proposed Project and would not be required to reduce impacts. Although there would be less solid waste generated due to the reduction of residential units, the Project would still comply with all federal, State, and local requirements for solid waste diversion and recycling. Therefore, there would be less solid waste generated by the Proposed Project than for the Project analyzed in the Specific Plan EIR. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to solid waste or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Cumulative Impacts.**

**Fire Services and Facilities.** Potential cumulative impacts are associated with increased demand for fire services under the Proposed Project. The Mitigation Measure PSU-1 remains applicable to the Proposed Project and would serve to reduce impacts related to fire services. Therefore, in the Proposed Project does not require any major changes to the Specific Plan EIR and would not result in any new significant cumulative environmental effects related to fire services and/or

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1. 4,862 DU x 139.3 GPD wastewater flow per unit (net of anticipated water conservation) + 111 AFY of wastewater flows from non-residential uses (commercial, schools, club houses, recreation centers). Generation rate of 139.3 GPD was derived from the WSA prepared for the 2012 Specific Plan Project. The non-residential wastewater generation was derived by taking the percentage increase (10 percent) of commercial, school and landscaped/recreational areas under Proposed Project and applying it to the 101 AFY of wastewater from non-residential uses associated with the 2012 Specific Plan Project.

2. 4,296 Single-Family DU * 2.04 tons/unit/year => 8,763.84 tons/year + 566 Multi-Family DU * 1.17 tons/unit/year => 662.22 tons/year + 560,000 square feet of Commercial/Office * .0024 tons/square feet/year => 1,344 tons = 10,770.06 tons per year. Generation rates included in the Specific Plan EIR were utilized for this analysis.
facilities or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Police Services and Facilities.** Potential cumulative impacts are associated with increased demand for police services under the Proposed Project. The PDFs and Mitigation Measure PSU-2 remain applicable to the Proposed Project and would serve to reduce impacts related to police services. Therefore, in the Proposed Project does not require any major changes to the Specific Plan EIR and would not result in any new significant cumulative environmental effects related to police services and/or facilities or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Public School Facilities.** Potential cumulative impacts are associated with increased demand for additional school facilities under the Proposed Project. The payment of District-levied School Facilities Fees and Mitigation Measure PSU-3 remains applicable to the Proposed Project and would serve to reduce impacts related to the provision of public school facilities. Therefore, in the Proposed Project does not require any major changes to the Specific Plan EIR and would not result in any new significant cumulative environmental effects related to public school facilities or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Library Services and Facilities.** Potential cumulative impacts are associated with increased demand for additional library services and facilities under the Proposed Project. The two library districts that serve the Specific Plan area have ability to impose library facilities fees on new development to fund facility expansion. The potential for library facilities fees remains applicable to the Proposed Project and would serve to reduce impacts related to the provision of library services and facilities. Therefore, in the Proposed Project does not require any major changes to the Specific Plan EIR and would not result in any new significant cumulative environmental effects related to library services and/or facilities or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Health Care Services and Facilities.** Potential cumulative impacts are associated with increased demand for additional health care services and facilities under the Proposed Project. The San Gorgonio Memorial Hospital has independently planned for population growth in its service area and will have capacity to serve up to 225,000 persons per year once its new facilities are completed. Therefore, in the Proposed Project does not require any major changes to the Specific Plan EIR and would not result in any new significant cumulative environmental effects related to health care services and/or facilities or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Parks and Recreation Programs and Facilities.** Potential cumulative impacts are associated with increased demand for parks and recreation programs and facilities under the Proposed Project. The payment of Parkland Facilities Fees remains applicable to the Proposed Project and
would serve to reduce impacts related to the provision of park and recreation programs and facilities. In addition, the Proposed Project includes fewer residents and would, therefore, require fewer park facilities. Therefore, in the Proposed Project does not require any major changes to the Specific Plan EIR and would not result in any new significant cumulative environmental effects related to parks and recreation services and/or facilities or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Energy.** Potential cumulative impacts are associated with increased demand for additional electricity under the Proposed Project (see Table 3.H, below). The geographic area for the cumulative analysis of impacts to the provision of electricity is the service territory of the Banning Electric Department.

<table>
<thead>
<tr>
<th>Land Use-Proposed Project</th>
<th>Annual Usage Rate</th>
<th>2012 Specific Plan Project</th>
<th>Proposed Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (4,862 units)</td>
<td>6,460 kilowatt-hour/unit/yr</td>
<td>34,800,020 kWh/year</td>
<td>31,408,520 kWh/year</td>
</tr>
<tr>
<td>Commercial (560,000 sf)</td>
<td>27.8 kilowatt-hour/sf/yr</td>
<td>15,262,200 kWh/year</td>
<td>15,568,000 kWh/year</td>
</tr>
<tr>
<td>Schools (217,000 sf)</td>
<td>2.5 kilowatt-hour/sf/yr</td>
<td>1,200,000 kWh/year</td>
<td>590,000 kWh/year</td>
</tr>
<tr>
<td>Wastewater Treatment Plant (2 mgd capacity)</td>
<td>1,541 kilowatt-hour/million gallons/yr</td>
<td>1,124,930 kWh/year</td>
<td>1,124,930 kWh/year</td>
</tr>
<tr>
<td>Golf Course (not included in project)</td>
<td>-</td>
<td>300,000 kWh/year</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>-</td>
<td><strong>52,687,150.00 kWh/year</strong></td>
<td><strong>48,691,450 kWh/year</strong></td>
</tr>
</tbody>
</table>

Table 3.H: Estimated Electricity Usage.

Buildout of the Proposed Project would result in an operational electricity demand of 48,691,450 kWh per year (a 3,995,700 kWh per year decrease in demand over the 2012 Specific Plan Project).

As described in the Specific Plan EIR, the 2012 Specific Plan Project’s electricity demand would be 13 percent of the total projected annual consumption, and therefore, would be within the Banning Electric Department’s ability to serve the Project site. Because the Proposed Project would result in a decreased demand for electricity as compared to the 2012 Specific Plan Project, buildout of the Project would result in a less than significant cumulative impact related to electricity demand.

Natural gas is provided to the City by SoCal Gas. The City’s General Plan accounts for the previously approved Deutsch Specific Plan in its natural gas projections. Because the Proposed Project would generally be consistent with the previous Specific Plan approved for the site, the Specific Plan EIR determined that cumulative impacts with respect to natural gas demand would be less than significant. Because the Proposed Project represents a reduction in intensity as compared to the 2012 Specific Plan Project, the project-related natural gas demand would be less than the 2012 Specific Plan Project’s natural gas demand and would therefore, be less than significant. Accordingly, buildout of the Project would result in a less than significant cumulative impact related to natural gas demand.
Therefore, in the Proposed Project does not require any major changes to the Specific Plan EIR and would not result in any new significant cumulative environmental effects related to energy or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Communications Systems.** The Proposed Project represents an overall reduction in the intensity and scale of development compared to the 2012 Specific Plan Project analyzed under the Specific Plan EIR. As such, the Proposed Project would result in a reduced cumulative demand for cable, internet, and phone services and associated infrastructure improvements at project build out. Installation of these facilities remains the responsibility of the service provider. Therefore, in the Proposed Project does not require any major changes to the Specific Plan EIR and would not result in any new significant cumulative environmental effects related to communication systems or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Sanitary Sewer and Recycled Water.** The City’s General Plan EIR estimates that build out of the General Plan, which includes potential wastewater generated within the 2012 Specific Plan Project, would generate approximately 8,203,300 gallons of wastewater per day. The Specific Plan EIR determined that cumulative impacts with respect to wastewater would be within the City’s capacity to treat wastewater with implementation of mitigation prescribed in the Specific Plan EIR and implementation of the wastewater treatment plant.

The Proposed Project represents an overall reduction in the intensity and scale of development than the 2012 Specific Plan Project analyzed under the Specific Plan EIR. As such, the Proposed Project would result in a reduced cumulative demand for sanitary sewer services and recycled water and associated infrastructure improvements. Similar to the 2012 Specific Plan Project, the Proposed Project would implement all applicable mitigation measures identified in the Specific Plan EIR with respect to wastewater and would also include an optional on-site wastewater treatment plan. Therefore, in the Proposed Project does not require any major changes to the Specific Plan EIR and would not result in any new significant cumulative environmental effects related to sanitary sewer and recycled water facilities or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Solid Waste.** Potential cumulative impacts related to solid waste are associated with both construction and operation of the Proposed Project. Construction-related solid waste would be generated primarily from demolition during construction but would not increase beyond those impacts considered in the Specific Plan EIR and short-term waste generation would cease when construction activities are completed. Cumulative long-term solid waste impacts occur when waste generated by the Proposed Project is added to future solid waste generated in the greater service area. In addition to the reduction in solid waste from the reduced in residential units, adherence to recycling efforts and current State and local codes requiring a reduction in solid waste, should result in further reductions in overall solid waste volumes. With the removal of the golf course, Mitigation Measure PSU-6 would no longer be applicable to the Proposed Project and would not be required. Therefore, in the Proposed Project does not require any major changes to the Specific Plan EIR and would not
result in any new significant cumulative environmental effects related to solid waste or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

3.13.4 Findings Related to Public Services

No New Significant Effects Requiring Major EIR Revisions. Based on the foregoing analysis and information, there is no evidence that the Proposed Project would require a major change to the Specific Plan EIR. The Proposed Project would not result in new significant environmental impacts to Public Services and Utilities, nor is there a substantial increase in the severity of impacts previously identified in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Major EIR Revisions. The Project site and surrounding area have not been further developed or altered since the Specific Plan EIR was prepared. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Public Services and Utilities that would require major changes to the Specific Plan EIR due to the involvement of significant effects or a substantial increase in the severity of previously identified significant effects.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was certified, indicating whether a new significant effect not reported in that document may occur. Based on the information and analyses above, there is no substantial new information which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified indicating that there would be a new significant impact to noise requiring major revisions to the Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in Previous EIR. There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to Public Services and Utilities identified and considered in the Specific Plan EIR. Mitigation Measure PSU-6, which required an Operational Waste Management Plan for the management of green waste, would no longer be applicable to the Proposed Project because the golf course has been removed from the Proposed Project.

3.13.5 Project Design Features

All PDFs included as part of the 2012 Specific Plan Project (also listed in Section 2.1.2 of this Addendum) remain applicable to the Public Services and Utilities analysis for the Proposed Project. Minor edits to these PDFs have been made to reflect the changes to the Proposed Project resulting from the Settlement Agreement and are identified below. These changes are shown in strikeout/underline below.
1. In addition to paying over $7 million in potential City fire facility impact fees, the Project proposes to reserve and/or dedicate a site for the construction of a new fire station within the Project site, currently illustrated in the southeast corner of Planning Area 6072 though subject to location change based on the City’s preference. Reservation of the fire station site would aid towards substantially improve fire services within and beyond the Project area and place additional resources in closer proximity to wildland areas, helping to reduce the risk associated with wildfire for the entire community.

4. All homes within the Project constructed as of 2011 will include in-house fire protection sprinkler systems per new State regulations, which the City will enforce through its building and occupancy permit process.

11. The Project includes park, open space and recreational uses that total approximately 496.5 acres or approximately 32.5 percent of the Project footprint. Developed park acreage may be credited toward part, or all, of the Project’s required parkland fees, which are estimated to be in excess of $10 million.

12. The Project would offer two elementary school sites for dedication to the Banning and Beaumont USDs. These sites, totaling 258 acres, would be located in PA 20 and PA 68. If constructed, both sites could potentially provide joint use of playground/field facilities for neighborhood recreational uses pursuant to with the school districts.

13. The Project will include 19 neighborhood mini-parks in PAs 21, 22, 24, 26, 28-33, -34, 36-39, 62, 63, 64, 65, 67, and 72 that would include combinations of play equipment, play areas, sport courts, shade structures, picnic areas, passive turf play areas, sand boxes, benches, and basic related amenities.

14. The Project will include neighborhood recreation parks in PAs 21 and 63, ranging in size from 48 acres, to serve the active and passive recreational needs of residents. The parks would be centrally located and would be accessible through a pedestrian system of walkways and paths.

16. The Project would include open space and potentially an 18-hole golf course and clubhouse in the 253.9 acre area that includes PAs 35 and 39, located through the central portion of the Project area. Though privately owned, the golf course would be open to the public 7 days per week with the potential for nighttime driving range hours.

17. The Project would include the construction and/or extension of trails within and adjacent to open space PAs 19, 50-55, 60-6121-25, 28-30, 32-39, 62, 63-66, 68, 69, 73, 74 and 71-75, and within the natural open space area located on the northeastern portion of the Project site. These trails will provide connections between the residential communities and the natural open space areas within and adjacent to the Project.

19. The Project’s parks, trails and open space areas would be maintained by a Landscape Lighting and Maintenance District (LLMD), or other similar entity for use by the Project residents and would not impact the City’s General Fund. The Project golf course will be specifically open to the general public for a use fee and owned, operated, and maintained by a private operator.

3.13.6 Mitigation Measures

In light of the Proposed Project, the Specific Plan EIR was reviewed to determine whether or not changes to the 2012 Project would affect the mitigation measures contained therein. Based on the
analysis and information above, no changes to the mitigation measures found in the Specific Plan EIR are required. However, due to the removal of the golf course from the Proposed Project, Mitigation Measure PSU-6 is no longer required. Mitigation Measures PSU-1 through PSU-5 remain applicable to the Proposed Project.

3.13.7 Mitigation Measures No Longer Applicable

The Settlement Agreement included the removal of the golf course from the Proposed Project. Therefore, Mitigation Measure PSU-6 is no longer applicable and shall be removed from the conditions of approval.

Mitigation Measure PSU-6: The operator of the Butterfield Specific Plan Golf Course shall prepare and implement an Operational Waste Management Plan that incorporates to the extent feasible the Best Management Practices for the management of green waste recommended by the Golf Course Superintendent Association of America (GCSAA) including separate collection and recycling of green waste by a licensed hauler and recycling facility, on-site use of green waste for landscape mulching, and other methods acceptable to the City and the SCAQMD so as to reduce the facility’s impact on landfill capacity.
3.14 TRANSPORTATION/TRAFFIC

3.14.1 Existing Environmental Setting

There have been no major changes to the existing setting of the Project site with respect to transportation and traffic since the Specific Plan EIR was prepared. Please refer to Section 4.13 of the Specific Plan EIR for a summary of the existing environmental setting related to Transportation and Circulation. The traffic analysis in that section is based primarily on the Traffic Impact Analysis for the Butterfield Specific Plan, prepared by LSA Associates Inc. (September 15, 2010) (TIA), City of Banning General Plan (January 2006), the Environmental Impact Report for the City of Banning Comprehensive General Plan and Zoning Ordinance (June 2005), City of Banning Municipal Code (codified through January 2010) and the proposed Draft Butterfield Specific Plan (July 2010).

Information contained in this section is also based on the Traffic Impact Analysis (TIA) prepared for the Proposed Project, prepared by LSA (September 2016).

The Project site is generally bounded by Wilson Street to the south, Highland Springs Road to the west, unincorporated Riverside County land to the north and northeast, and portions of Highland Home Road to the east.

Regional access to the Project site is provided by Interstate 10 (I-10). I-10 is an eight lane freeway that runs through the City, bisecting the City into north and south communities. Major arterials in the City providing access to the site include Highland Springs Avenue, Highland Home Road, and Wilson Street.

**Level of Service Standards.** The relationship between capacity and traffic volumes are expressed in terms of level of service (LOS), which are defined using letter grades A through F, where LOS A represents free-flowing conditions and LOS F represents the heavily congested conditions.

According to the City of Banning GPA Change in Level of Service Policy dated September 2012, the City considers LOS D as the upper limit of satisfactory operations. Mitigation is required for any intersection where project traffic causes the intersection to deteriorate from satisfactory to unsatisfactory operation. The City does not have an adopted criterion that defines significant impact at an already existing deficient intersection; therefore, a conservative criterion was developed to address this potential condition. If an intersection is already operating at an unsatisfactory LOS, any increase in delay due to the addition of one or more cars would constitute a significant project impact. This criterion was applied to study intersections in all the jurisdictions.

A total of 49 intersections were included within the study area for the Specific Plan EIR, including intersections within the Cities of Banning and Beaumont and the County of Riverside. In the existing condition, the intersections of Highland Springs Avenue/6th Street-Ramsey Street and Highland Springs Avenue/I-10 Westbound Ramps operate at deficient level of service (LOS F and E, respectively).
Public and Alternative Transportation. Public transportation in the City is provided by Pass Transit, which itself provides Dial-A-Ride and bus services. The Transit Fixed Route Division of Banning operates three bus routes in the City, with the nearest transit stop to the Project site located at the southeast corner of Highland Springs Avenue and Wilson Street. Dial-A-Ride services provide a curb-to-curb service throughout the City and requires a reservation and is wheelchair accessible.

Bicycles. As previously discussed, there are no bikeways in the City. However, future bike routes are being considered to reduce reliance on cars.

3.14.2 Specific Plan EIR

Please refer to Section 4.12 of the Specific Plan EIR for an analysis of the potential effects of the 2012 Specific Plan Project related to Transportation and Circulation.

The Specific Plan EIR concluded that the following impacts would be significant and unavoidable related to transportation and circulation despite implementation of mitigation.

Similar to the Specific Plan EIR, the following section has been organized to first provide the reader an overview of project trip generation, trip distribution, and calculated intersection and freeway levels of service.

Project Trip Generation. Trip generation results associated with the 2012 Specific Plan Project indicated that Phase I (Year 2022) was expected to generate 2,427 trips during the a.m. peak hour, 3,807 trip during the p.m. peak hour, and 34,049 daily trips. Phases I and II (Year 2032) were expected to generate 3,527 trips during the a.m. peak hour, 4,542 trips during the p.m. peak hour, and 48,156 daily trips. Buildout of the 2012 Specific Plan Project (Year 2042) was expected to generate 4,626 trips during the a.m. peak hour, 5,998 trips during the p.m. peak hour, and 62,263 daily trips.

Existing (Baseline) plus Project Intersection Level of Service. The LOS analysis conducted as part of the 2012 Specific Plan Project analyzed existing plus 2012 Specific Plan Project a.m. and p.m. peak hour traffic operations at the study area intersections. Results of this analysis identified 25 intersections that exceeded LOS thresholds prior to implementation of Mitigation Measures TR-1 and TR-2 and project-related traffic improvements identified within the Cities of Banning and Beaumont, the County of Riverside, and areas within the jurisdiction of Caltrans. With mitigation incorporated, all intersections were determined to operate at acceptable levels of service. However, mitigation of Specific Plan project-related impacts in other jurisdictions outside of the City would be outside of the control of the Applicant and the City, and/or would require substantial right-of-way, or otherwise may not be feasible to construct. For these reasons, the Specific Plan EIR determined that traffic impacts at these locations are considered significant and unavoidable following project implementation.
Existing (Baseline) plus Project Freeway Segment Levels of Service. Freeway segments within the Project study area (along I-10 and State Route [SR]-60) were analyzed as part of the TIA prepared for the Specific Plan EIR. Results of this analysis indicated that all freeway segments under existing conditions would have operated at LOS E or better during the a.m. and p.m. peak hours in both directions with implementation of the 2012 Specific Plan Project.

Threshold: Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Impact: Conflict with an Applicable Plan, Ordinance, or Policy. Significant and Unavoidable Impact. As described in the Specific Plan EIR, the 2012 Specific Plan Project would result in significant and unavoidable impacts related to conflicts with the City’s (City) General Plan despite implementation of Mitigation Measures TRF-1 through TRF-4. Mitigation Measure TRF-1 requires the Applicant to construct and/or fund required intersection improvements, Mitigation Measure TRF-2 requires the Applicant to prepare a Traffic Impact Analysis Validation Report (TVR) for submittal to the City Engineer to identify further traffic impacts associated with implementation of new development proposed under Tentative Tract Maps moving forward under the 2012 Specific Plan Project, and Mitigation Measure TRF-3 requires that improvement plans be prepared for each project-related off-site traffic improvement. Mitigation Measure TRF-4 requires the Applicant to pay a fair share toward cumulative impacts not otherwise captured in existing fee programs. Because the timely implementation of Mitigation Measures TRF-1 through TRF-4 could not be guaranteed and because impacts at study area intersections outside of the City’s jurisdiction are beyond the lack of control of the City, impacts were considered significant and unavoidable.

Mitigation Measure TRF-1: If not constructed by the City of Banning (City) or others, the Applicant shall construct road improvements identified in Table 4.13-9, Summary of Future Improvements ("Existing plus Project" improvements in the City of Banning only). These improvements include portions of Highland Springs Avenue in the City of Beaumont, between Interstate 10 (I-10) and Brookfield, but exclude locations that are determined by the affected jurisdiction(s) to be infeasible due to impacts of right-of-way acquisition. If constructed by the Applicant, the cost of these improvements shall be credited against applicable City fees, and/or shall be eligible for reimbursement agreements with the City and/or third parties. The Improvements listed in Table 4.13-9 shall be consistent with the General Plan Circulation Element.

Mitigation Measure TRF–2: As part of each Final Tract Map, or appropriate group of maps, the Applicant shall prepare a Traffic Impact Analysis Validation Report (TVR) based on the criteria provided herein for review and approval by the City Engineer. Final Tract Map approvals resulting in less than 500 p.m. peak hour trips (Exempt Maps) shall not require a
TVR, unless the cumulative total of prior approved Exempt Maps exceeds 1,000 p.m. peak hour trips since the last TVR. The TVR shall identify which of the Existing plus Project improvements identified in Table 4.13-9 are required to be constructed for the respective Final Tract Map, to ensure adequate emergency access and satisfactory levels of service. Improvements identified in an approved TVR shall be conditions of Final Tract Map approval. To the extent that any of the improvements mentioned above are included in a fee program, the cost for those improvements, if constructed by the Applicant, will be eligible for fee credits.

The ongoing traffic impact assessment program will be based on the p.m. peak hour trip threshold. The Final Tract Maps’ total number of p.m. peak hour trips will be established based on the trip generation listed in Table 4.13-7, Project Trip Generation. If a portion of commercial development and some residential development is included in the Final Tract Map, the total number of trips generated by each use (commercial and residential) will be calculated for the p.m. peak hour and compared to a predefined threshold. Recognizing the variety of land use options, overlays and permitted or conditionally permitted uses, the TVR will also be used to verify, as the Project builds out, that the Project’s total peak hour trips are consistent with the assumptions in the project Traffic Impact Analysis.

Mitigation Measure TRF-3:

Improvement plans shall be prepared for each project-related off-site traffic improvement and approved by the City Engineer. Improvement plans shall incorporate the following considerations, as applicable:

a) Obtain encroachment permit(s) from the applicable jurisdiction(s) for off-site improvements;

b) Through creative design techniques, where determined feasible and consistent with City policy, modify roadway geometry to reduce potential impacts to existing developed areas (such as reduced lane widths, reduced or eliminated medians, reduced turn-lane transition zones, and/or shifting intersection approaches to widen intersection quadrants where associated impacts would be reduced);

c) Maintain access for existing residences and businesses at all times;

d) Replace landscaped areas within the affected parcel and along the parcel frontage wherever practical;
e) Assist the affected property owner in restriping affected parking areas and/or reconfiguring affected driveways to avoid or offset improvement-related impacts;

f) Follow applicable project EIR mitigation measures related to biological resources (i.e., Mitigation Measures BIO-1 through BIO-5), with respect to minimizing loss of native vegetation, replacement or relocation of mature trees, use of native and/or drought-tolerant vegetation in new landscaped areas, and ensuring consistency with applicable Multiple Species Habitat Conservation Plan MSHCP and regulatory agency permitting provisions; and

g) Compensate the affected property owner based on fair market valuation of the acquired right-of-way in accordance with applicable local, State, and federal regulations.

Mitigation Measure TRF-4: The Applicant shall pay a fair share toward cumulative impacts not otherwise captured in existing fee programs, funding sources, or in lieu improvements noted above, if such a program is in place at the time of building permit issuance, based on project contribution percentages identified in Table 13-16.

In addition to the implementation of Mitigation Measures TRF-1 through TRF-4, the Specific Plan EIR determined that traffic improvements within the City of Banning, City of Beaumont, and Riverside County would be required to reduce traffic-related impacts. These improvements are listed and briefly summarized below.

City of Banning Improvements. The Specific Plan EIR determined that for the Existing plus Project traffic improvements within the City of Banning, the Applicant would be required to construct or fund the improvements on a phased schedule as determined necessary with each Final Tract Map submittal (see Mitigation Measure TRF-1). If not constructed by the City or others, the Applicant was to construct project-related improvements in the City of Banning noted below, for credit against Specific Plan Project traffic fees (refer to Mitigation Measure TRF-2).

The Applicant’s total traffic-related fees were estimated at over $49 million for residential units only, and excluding contributions to General Fund revenue, plan check fees, improvement plan fees, and other City fees and Specific Plan Project funding sources.

Highland Springs Avenue Beaumont/Banning Improvements. Traffic impacts associated with the 2012 Specific Plan Project along Highland Springs Avenue, adjacent to the western site boundary, were identified on the boundary of the City of Banning and the City of Beaumont. Considering that the Applicant, Pardee Homes, is the owner/developer for the Sundance Specific Plan in the City of Beaumont, the Specific Plan EIR determined that the Applicant would be required to construct improvements within the City of Beaumont, as identified below, along Highland Springs Avenue from Brookside Avenue to Wilson Street. It should be noted that while improvements have been identified for impacts located in the City of Beaumont, the Specific Plan EIR determined that such impacts would be significant and unavoidable due to the City’s and Applicant’s lack of control over these improvements and because the timely implementation of these improvements is uncertain.
**County of Riverside Improvements.** Project-related impacts to County roadways are funded through several existing County fee programs, most notably Transportation Uniform Mitigation Fees (TUMF). Since land use and associated traffic generation has not materially changed on the Project site since 1992, the County’s long-range circulation system planning has accounted for traffic that would be generated by development of the Project site. In addition to TUMF fees, which are expressly intended for mitigation regional traffic impacts, the 2012 Specific Plan Project would have contributed toward the funding of County road improvements through General Fund revenue from property tax, sales tax and other project-related revenue. At the time the Specific Plan EIR was prepared, the Applicant was also planning on extending Highland Home Road from its existing terminus just north of Wilson Street through the project and connecting to the existing terminus of Brookside Avenue. This improvement would have improved circulation between Beaumont, Banning, the 1-10 corridor, and unincorporated Cherry Valley and areas beyond and would have been funded 100 percent by the Applicant.

**Improvements Funded or Controlled by Others.** Notwithstanding the above regarding the adequacy and availability of project-related funding for project-related improvements, certain mitigation measures identified below are under the control of jurisdictions other than the City of Banning. In addition, the 2012 Specific Plan Project’s funding of improvements in these jurisdictions is in some cases not location-specific (while TUMF fees and the City of Beaumont’s fee programs are targeted toward specific locations, not all locations are presently identified in TUMF or Beaumont fee programs, and some regional improvements receive funding through General Fund and similar sources, for which the timing and allocation to specific improvements is uncertain). As such, the Specific Plan EIR determined that neither the City of Banning nor the Applicant could guarantee that the mitigation measures identified in jurisdictions other than Banning will in fact be constructed in a timely manner. In addition, certain improvements may not have proceeded due to feasibility issues associated with potential ROW acquisition, cost, and/or structural takes. Therefore, the Specific Plan EIR determined that traffic-impacts requiring improvements funded or controlled by other parties other than the City and the Applicant would be significant and unavoidable even with identified mitigation/improvements.

**Threshold:** Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

**Impact:** Conflict with a Congestion Management Program. Significant and Unavoidable Impact. The Specific Plan EIR identified mitigation to achieve acceptable levels of service (LOS) for Riverside County Congestion Management Plan (CMP) facilities. However, as these improvement locations are outside the control of the City of Banning and the Applicant, timely implementation of the mitigation measures (Mitigation Measures TRF-1 through TRF-4) could not be guaranteed, and therefore, CMP impacts were considered significant and unavoidable.

**Threshold:** Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
Impact: Result in a Change in Air Traffic Patterns or Cause Safety Risks. No Impact. The Specific Plan EIR determined that there would be no impacts related to a change in air traffic patterns that could increase traffic levels or result in substantial safety risks given the site’s distance from the Banning Airport (approximately 6 miles).

Threshold: Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Impact: Increase Hazards. Less than Significant Impact. The Specific Plan EIR determined that impacts related to increased hazards due to a design feature were less than significant. All roadways for the project would have been designed and built in compliance with the City of Banning, the County of Riverside, the California Department of Transportation (Caltrans), and other relevant regulating agency development standards, requirements, and regulations.

Threshold: Would the project result in inadequate emergency access?

Impact: Result in Inadequate Emergency Access. No Impact. The Specific Plan EIR determined that there would be no impact related to inadequate emergency access, and that the 2012 Specific Plan Project would not change the circulation system of emergency access routes.

Threshold: Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Impact: Conflict with Adopted Policies, Plans, or Programs or Decrease Safety of Alternative Travel Facilities. Less than Significant Impact. The Specific Plan EIR determined that the proposed addition of pedestrian, bicycle and neighborhood electric vehicles (NEV) facilities would have provided safe paths for pedestrians, bicycles, and NEVs to travel throughout the Specific Plan area. Further, it determined that the 2012 Specific Plan Project would not have conflicted with the performance of transit systems within the area or with adopted plans or programs related to pedestrian, bicycle, and transit facilities.

Cumulative Impacts. Significant and Unavoidable Impact. The Specific Plan EIR concluded that the 2012 Specific Plan Project, as analyzed, would potentially have a significant cumulative impact on the transportation system and would require mitigation. According to the TIA prepared for the Specific Plan EIR, the General Plan Buildout plus project condition would result in significant impacts at several intersections within the Project study area. While improvements and mitigation were required to reduce impacts, certain improvements may not be constructed or constructed in a timely manner due to feasibility, cost, significant right-of-way impacts, lack of jurisdiction, or other factors. For these reasons, the Specific Plan EIR did not assume implementation of these mitigation measures, and therefore, found that the 2012 Specific Plan Project would result in a significant unavoidable cumulative impact.
3.14.3 Analysis of Project Changes

A TIA was prepared to assess the potential circulation impacts as a result of the Proposed Project. As compared to the 2012 Specific Plan EIR Project, the Proposed Project would include a new site access location on Highland Springs Road north of proposed F Street. This access location would align with the existing intersection of Highland Springs Road/Cougar Way.

Because modifications to project Planning Areas under the Proposed Project would result in a reduction of project trip generation, no additional impacts would occur at the study area intersections or freeway segments evaluated in the TIA for the 2012 Specific Plan Project. Therefore, the TIA focuses on traffic impacts at the intersections adjacent to the Project site.

The analysis presented in the TIA for the Proposed Project focuses on impacts at the following 12 intersections adjacent to the Project site:

1. Highland Springs Avenue/Brookside Avenue [Riverside County];
2. Highland Springs Avenue/16th Street-Cougar Way [City of Beaumont/City of Banning];
3. Highland Springs Avenue/F Street [City of Beaumont/City of Banning];
4. Highland Springs Avenue/Oak Valley Parkway-14th Street-B Street [City of Beaumont/City of Banning];
5. Highland Springs Avenue/Starlight Avenue-A Street [City of Beaumont/City of Banning];
6. Highland Springs Avenue/8th Street-Wilson Street [City of Beaumont/City of Banning];
7. C Street-Apex Avenue/Wilson Street [City of Banning];
8. Highland Home Road/Northern Loop [City of Banning];
9. Highland Home Road/Beaumont Avenue-G Street [City of Banning];
10. Highland Home Road/F Street [City of Banning];
11. Highland Home Road/D Street [City of Banning]; and
12. Highland Home Road/Wilson Street [City of Banning].

**Trip Generation.** As shown in Table 3.1, Project Trip Generation Comparison, implementation of the Proposed Project would result in 4,587 trips in the a.m. peak hour and 5,778 trips in the p.m. peak hours, and 60,087 daily trips thereby reducing circulation and traffic impacts for the project.
Table 3.1: Project Trip Generation Comparison

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Units</th>
<th>A.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
<th>Daily</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>In</td>
<td>Out</td>
<td>Total</td>
</tr>
<tr>
<td><strong>2012 Specific Plan Project</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>1,418 DU</td>
<td>794</td>
<td>2,341</td>
<td>3,135</td>
</tr>
<tr>
<td>Commercial</td>
<td>549 TSF</td>
<td>257</td>
<td>136</td>
<td>393</td>
</tr>
<tr>
<td>Condominium/Townhouse</td>
<td>1,205 DU</td>
<td>90</td>
<td>440</td>
<td>530</td>
</tr>
<tr>
<td>Elementary School</td>
<td>200 TSF</td>
<td>584</td>
<td>458</td>
<td>1,042</td>
</tr>
<tr>
<td>Golf Course</td>
<td>18 Holes</td>
<td>32</td>
<td>8</td>
<td>40</td>
</tr>
<tr>
<td><strong>2012 Specific Plan Project Total Trip Generation</strong></td>
<td>1,582</td>
<td>3,044</td>
<td>4,626</td>
<td>3,526</td>
</tr>
<tr>
<td>Proposed Project 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>4,296 DU</td>
<td>819</td>
<td>2,403</td>
<td>3,222</td>
</tr>
<tr>
<td>Commercial</td>
<td>560 TSF</td>
<td>261</td>
<td>137</td>
<td>399</td>
</tr>
<tr>
<td>Condominium/Townhouse</td>
<td>566 DU</td>
<td>42</td>
<td>207</td>
<td>249</td>
</tr>
<tr>
<td>Elementary School</td>
<td>236 TSF</td>
<td>687</td>
<td>540</td>
<td>1,227</td>
</tr>
<tr>
<td>Internal Trip Capture Rate</td>
<td>10%</td>
<td>(181)(181)</td>
<td>(329)(329)</td>
<td>(510)(510)</td>
</tr>
<tr>
<td><strong>Proposed Project Total Trip Generation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,628</td>
<td>2,958</td>
<td>4,587</td>
</tr>
</tbody>
</table>

Source: Traffic Impact Analysis (September 2016) (Appendix C)
1 Trip Generation for Approved Project obtained from BSPTIA.
2 Rates based on Land Use 210 - Single Family Detached Housing from Institute of Transportation Engineers (ITE) Trip Generation, 8th Edition.
5 Rates based on Land Use 520 - Elementary School from ITE Trip Generation, 8th Edition.
6 Rates based on Land Use 430 - Golf Course from ITE Trip Generation, 8th Edition.
7 Internal Trip Capture Rates based on Project Select Zone from the Project Model Table.

As a result of the analysis conducted in the TIA for the Proposed Project, the following six intersections were determined to exceed LOS thresholds following project implementation:

- Highland Springs Avenue/16th Street-Cougar Way [City of Beaumont/City of Banning];
- Highland Springs Avenue/F Street [City of Beaumont/City of Banning];
- Highland Springs Avenue/Starlight Avenue-A Street [City of Beaumont/City of Banning];
- Highland Springs Avenue/Wilson Street [City of Beaumont/City of Banning];
- C Street-Apex Avenue/Wilson Street [City of Banning];
- Highland Home Road/Wilson Street [City of Banning].
The following 11 intersections would exceed LOS thresholds under General Plan Buildout plus Project a.m. and p.m. peak hour traffic operations.

- Highland Springs Avenue/Brookside Avenue [Riverside County];
- Highland Springs Avenue/16th Street-Cougar Way [City of Beaumont/City of Banning];
- Highland Springs Avenue/F Street [City of Beaumont/City of Banning];
- Highland Springs Avenue/Oak Valley Parkway-14th Street-B Street [City of Beaumont/City of Banning];
- Highland Springs Avenue/Starlight Avenue-A Street [City of Beaumont/City of Banning];
- Highland Springs Avenue/Wilson Street [City of Beaumont/City of Banning];
- C Street-Apex Avenue/Wilson Street [City of Banning];
- Highland Home Road/Northern Loop [City of Banning];
- Highland Home Road/Beaumont Avenue-G Street [City of Banning];
- Highland Home Road/D Street [City of Banning]; and
- Highland Home Road/Wilson Street [City of Banning].

The TIA concluded that despite the exceedance of LOS thresholds at the six and 11 study area intersections under Existing plus Project and General Plan Buildout conditions, the Proposed Project would require equal or less mitigation at all study area intersections when compared to the previous 2012 Specific Plan Project. Specifically, the Proposed Project would require fewer improvements at two intersections (Highland Springs Avenue/Brookside Avenue and Highland Springs Avenue/Oak Valley Parkway-B Street) compared to the 2012 Specific Plan Project. With implementation of the recommended improvements and mitigation measures identified below, impacts at all study area intersections were determined to be less than significant. Additionally, all internal intersections would continue to operate at satisfactory levels of service following project implementation. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Conflict with an Applicable Plan, Ordinance, or Policy.** The Proposed Project includes the GPA for the removal of the extension of the Highland Home Road connection to Brookside Avenue and Cherry Valley Boulevard, and an overall reduction in project intensity. The Proposed Project also results in minor modifications to PDFs at project access locations that were identified in the *Butterfield Specific Plan Traffic Impact Assessment* (Traffic Impact Assessment) (December 2010). However, the removal of the Highland Home Road extension and the overall reduction project intensity would result in 2,176 fewer average daily traffic (ADT) trips than analyzed in the Specific Plan EIR. The Proposed Project would also request a ride-sharing lot from the City and any applicable transportation agencies before 1,000 dwelling units are built to further reduce traffic impacts during project construction. While the ride-sharing lot would reduce Project-related traffic, this ride-sharing lot is not necessary to reduce Project-related traffic to less than significant levels and was not included as part of the TIA for the Proposed Project. Mitigation Measures TRF-1 through
TRF-4 and other traffic-related improvements would remain applicable to the Proposed Project. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

Table 3.J, General Plan Build-out With Improvements Comparison, provides a comparison of improvements between the 2012 Specific Plan Project and the Proposed Project. Any new improvements at project access locations, or amended improvements, would be incorporated into the Project as PDFs. Therefore, the Proposed Project would result in a less than significant impact related to potential conflicts with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to traffic generation or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Conflict with a Congestion Management Program.** The Proposed Project includes the removal of the extension of the Highland Home Road connection to Brookside Avenue and Cherry Valley Boulevard and an overall reduction in project intensity. The Proposed Project also results in minor modifications to PDFs at project access locations that were identified in the Traffic Impact Assessment (2010). However, the removal of the Highland Home Road extension and the overall reduction in project intensity would result in 2,176 fewer ADT trips than analyzed in the Specific Plan EIR. The Proposed Project would also request a ride-sharing lot from the City and any applicable transportation agencies before 1,000 dwelling units are built to potentially further reduce traffic impacts during project construction. While the ride-sharing lot would reduce Project-related traffic, this ride-sharing lot is not necessary to reduce Project-related traffic to less than significant levels and was not included as part of the TIA for the Proposed Project.
## Table 3.J: General Plan Build-out With Improvements Comparison

<table>
<thead>
<tr>
<th>Intersection</th>
<th>2012 Specific Plan Project</th>
<th>Proposed Project</th>
<th>Additional Improvements</th>
<th>Improvements Not Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Highland Springs Avenue/Brookside Avenue</td>
<td>Install a traffic signal. Add NBT, NBR with overlap phasing, SBL, SBT, EBL, EBT, WBL,</td>
<td>NBT, NBR with overlap phasing, SBL, EBL, EBT, WBL, WBT, WBR.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>WBT, WBR.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Highland Springs Avenue/16th Street-Cougar Way</td>
<td>Install a traffic signal.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Highland Springs Avenue/F Street</td>
<td>Install a traffic signal.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Highland Springs Avenue/Oak Valley Parkway-B</td>
<td>Add 2nd NBL, NBT, SBT.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Highland Springs Avenue/Starlight Avenue -A</td>
<td>Install a traffic signal. Add NBT, NBR, SBL, SBT, SBR, EBR, WBL.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Highland Springs Avenue/Wilson Street</td>
<td>NBT, 2nd SBL, SBR, EBR, 2nd WBL.</td>
<td></td>
<td>SBR, EBR</td>
<td></td>
</tr>
<tr>
<td>7. C Street-Apex Avenue/Wilson Street</td>
<td>Install a traffic signal. Add EBL, WBT.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Highland Home Road/Northern Loop</td>
<td>Install a traffic signal. Add a NBL, SBT</td>
<td>Intersection Does Not Exist</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Highland Home Road/Beaumont Road-G St</td>
<td>Install a traffic signal. Add NBT, NBR, SBL, WBL.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Highland Home Road/F Street</td>
<td>Install a traffic signal. Add NBL.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Highland Home Road/D Street</td>
<td>Install a traffic signal. Add NBL.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Highland Home Road/Wilson Street</td>
<td>Install a traffic signal. Re-stripe NBR to NBTR, 2 SBL, SBT, WBR with overlap phasing.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Traffic Impact Analysis (LSA Associates) (Appendix C)

Notes:
- NBL = northbound left-turn lane; NBT = northbound through lane; NBR = northbound right-turn lane;
- NBTR = shared northbound through/right-turn lane; SBL = southbound left-turn lane;
- SBT = southbound through lane; SBR = southbound right-turn lane;
- SBTR = shared southbound through/right-turn lane;
- EBL = eastbound left-turn lane; EBT = eastbound through lane;
- EBR = eastbound right-turn lane;
- EBTL = shared eastbound through/left-turn lane;
- EBLTR = shared eastbound left/through/right-turn lane;
- EBTR = shared eastbound through/right-turn lane;
- WBL = westbound left-turn lane;
- WBT = westbound through lane;
- WBR = westbound right-turn lane;
- WBTR = shared westbound through/right-turn lane.
New improvements required for the Proposed Project have been incorporated into the Project as four new PDFs and constructed consistent with applicable standards. These improvements are as follows:

1. Constructing Highland Springs Avenue as a four-lane roadway (easterly half section only) according to City’s General Plan designation between 8th Street-Wilson Street and Brookside Avenue. This would also include constructing single left-turn lanes at signalized intersections on Highland Springs Avenue within the above-mentioned limits.


3. Highland Springs Avenue/16th Street-Cougar Way. Addition of a second southbound left-turn lane, a northbound right-turn lane with overlap phasing, two westbound left-turn lanes, and one westbound right-turn with overlap phasing.

4. Highland Home Road/F Street. Installation of a traffic signal and addition of a northbound left-turn lane.

Further, Mitigation Measures TRF-1 through TRF-4 would remain applicable to the Proposed Project. However, similar to the 2012 Specific Plan Project, the Proposed Project would result in a significant unavoidable impact related to potential conflicts with the Riverside County CMP because some improvement locations are outside the control of the City and the Applicant and the timely implementation of the mitigation measures is uncertain. It should be noted that the off-site improvement locations included as part of the Proposed Project are the same locations that were impacted under the Specific Plan Project (i.e., there are no new off-site improvement locations that would be outside of the City’s and Applicant’s control). Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to conflicts with a CMP or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Result in a Change in Air Traffic Patterns or Cause Safety Risks.** The Proposed Project is located on the same Project site (approximately 6 miles from the Banning Airport) as the 2012 Specific Plan Project and is a less intense development. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to changes in air traffic patterns or increases in safety risks or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Increase Hazards.** The Project includes the removal of the extension of the Highland Home Road connection to Brookside Avenue and Cherry Valley Boulevard and a reduction in the project intensity. The Proposed Project also results in minor modifications to PDFs at project access locations that were identified in the Traffic Impact Assessment (2010). However, the removal of the Highland Home Road extension and the overall reduction in project intensity would result in 2,176 fewer ADT trips than analyzed in the Specific Plan EIR. The Proposed Project would also request a ride-sharing lot from the City and any applicable transportation agencies before 1,000 dwelling units are built to further potentially reduce traffic impacts during project construction. While the ride-sharing lot would reduce Project-related traffic, this lot is not necessary to reduce Project-related traffic to less than significant levels and was not included as part of the TIA for the Proposed Project.
Any new improvements at project access locations, or amended improvements, would be incorporated into the Project as PDFs and constructed with applicable standards. Therefore, the Project would result in a reduced impact related to hazards. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to increases in hazards or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Result in Inadequate Emergency Access.** The Proposed Project is located on the same Project site and similarly, would not interfere with or change emergency access routes. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to inadequate emergency access or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Conflict with Adopted Policies, Plans, or Programs or Decrease Safety of Alternative Travel Facilities.** The Proposed Project includes the removal of the extension of the Highland Home Road connection to Brookside Avenue and Cherry Valley Boulevard, through a request for GPA, and a reduction in project intensity. The Proposed Project also results in minor modifications to PDFs at project access locations that were identified in the Traffic Impact Assessment (2010). However, the removal of the Highland Home Road extension and the overall reduction in project intensity would result in approximately 2,176 fewer ADT trips than analyzed in the Specific Plan EIR. The Proposed Project would also request a ride-sharing lot from the City and any applicable transportation agencies before 1,000 dwelling units are built to potentially further reduce traffic impacts during project construction. While the ride-sharing lot would reduce Project-related traffic, this ride-sharing lot is not necessary to reduce Project-related traffic to less than significant levels and was not included as part of the TIA for the Proposed Project.

Any new improvements (if required) at project access locations, or amended improvements, would be incorporated into the Project as PDFs and constructed with applicable standards. Therefore, the Project would result in a reduced impact related to conflicts with adopted policies plans or programs regarding alternative transportation systems than previously identified in the Specific Plan EIR. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new significant environmental effects related to conflicts with adopted policies, plans, and/or programs or a decrease in safety of alternatives travel facilities or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Cumulative Impacts.** As discussed above, the Proposed Project would result in significant unavoidable cumulative impacts on the transportation system and would require mitigation and improvements. According to the TIA prepared for the Proposed Project, the General Plan Buildout plus Project condition would result in significant impacts at 11 intersections within the Project study area. While improvements and mitigation could be implemented to alleviate such impacts, certain improvements may not be constructed or constructed in a timely manner due to feasibility, cost, significant right-of-way impacts, lack of jurisdiction, or other factors. For these reasons, implementation of these improvements and mitigation measures cannot be assumed or guaranteed and
the Proposed Project would continue to result in a significant unavoidable cumulative impact. Therefore, the Proposed Project would be consistent with the findings of the Specific Plan EIR and would not result in any new cumulatively significant environmental effects related to transportation and traffic or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

3.14.4 Findings Related to Traffic and Circulation

No New Significant Effects Requiring Major EIR Revisions. Based on the foregoing analysis and information, there is no evidence that the Proposed Project would require a major change to the Specific Plan EIR. The Proposed Project would not create any new significant environmental impacts to Traffic and Circulation or a substantial increase in the severity of impacts previously identified in the Specific Plan EIR.

No Substantial Change in Circumstances Requiring Major EIR Revisions. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to Traffic and Circulation that would require major changes to the Specific Plan EIR due to the involvement of significant effects or a substantial increase in the severity of previously identified significant effects.

No New Information Showing Greater Significant Effects than the Specific Plan EIR. This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was certified, indicating that a new significant effect not reported in that document may occur. Based on the information and analyses above, there is no substantial new information which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified indicating that there would be a new significant impact to Traffic and Circulation requiring major revisions to the Specific Plan EIR.

No New Information Showing Ability to Reduce Significant Effects in Previous EIR. There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to Traffic and Circulation identified and considered in the Specific Plan EIR.

3.14.5 Project Design Features

All PDFs included as part of the 2012 Specific Plan Project (also listed in Section 2.1.2 of this Addendum) remain applicable to the traffic and circulation analysis for the Proposed Project.

3.14.6 Mitigation Measures

In light of the Proposed Project, the Specific Plan EIR was reviewed to determine whether or not changes to the 2012 Specific Plan Project would affect the required improvements and mitigation
measures contained therein. Based on the analysis and information above, minor text changes have been made to the required transportation improvements due to the approval of the Butterfield Specific Plan in 2012 and the subsequent Settlement Agreement. These changes are shown in strikeout/underline below.

**County of Riverside Improvements.** The Applicant has also been materially participating and funding portions of several regional transportation improvement studies (described under “Caltrans Improvements” below), and will be extending Highland Home Road from its existing terminus just north of Wilson Street northerly through the Project and connecting to **Cougar Way** the existing terminus of Brookside Avenue. This is a regional road improvement providing important additional north/south and east/west circulation between Beaumont, Banning, the I-10 corridor, and unincorporated Cherry Valley areas and beyond.

Similarly, minor text changes have been made to the mitigation measures. These changes are shown in strikeout/underline below. Updates have also been made to Tables 4.13-6 and 4.13-9 (both of which are referenced in Mitigation Measures TRF-1, TRF-2, and TRF-4) to ensure consistency with changes included as part of the Proposed Project. These updated tables have been included below for reference.

**Mitigation Measure TRF–2:** As part of each Final Tract Map, or appropriate group of maps, the Applicant shall prepare a Traffic Impact Analysis Validation Report (TVR) based on the criteria provided herein for review and approval by the City Engineer. Final Tract Map approvals resulting in less than 500 p.m. peak hour trips (Exempt Maps) shall not require a TVR, unless the cumulative total of prior approved Exempt Maps exceeds 1,000 p.m. peak hour trips since the last TVR. The TVR shall identify which of the Existing plus Project improvements identified in Table 4.13-9 are required to be constructed for the respective Final Tract Map, to ensure adequate emergency access and satisfactory levels of service. Improvements identified in an approved TVR shall be conditions of Final Tract Map approval. To the extent that any of the improvements mentioned above are included in a fee program, the cost for those improvements, if constructed by the Applicant, will be eligible for fee credits.

The ongoing traffic impact assessment program will be based on the p.m. peak hour trip threshold. The Final Tract Maps’ total number of p.m. peak hour trips will be established based on the trip generation listed in Table 4.13-7, *Project Trip Generation*, Table 3.1, *Project Trip Generation Comparison*. If a portion of commercial development and some residential development is included in the Final Tract Map, the total number of trips generated by each use (commercial and residential) will be calculated for the p.m. peak hour and compared to a predefined threshold. Recognizing the variety of land use options, overlays and permitted or conditionally permitted uses, the TVR will also be used to verify , as the Project
builds out, that the Project’s total peak hour trips are consistent with the assumptions in the project Traffic Impact Analysis.

**Mitigation Measure TRF-4:** The Applicant shall pay a fair share toward cumulative impacts not otherwise captured in existing fee programs, funding sources, or in lieu improvements noted above, if such a program is in place at the time of building permit issuance, based on project contribution percentages identified in Table 4.13-16 of the Specific Plan EIR, with the exception of the intersections included in the Project study area for the 2016 Traffic Impact Analysis, as outlined in Table 4.13-16A.

Updates have also been made to Tables 4.13-6 and 4.13-9 (both of which are referenced in Mitigation Measures TRF-1, TRF-2, and TRF-4) to ensure consistency with changes included as part of the Proposed Project. These updated tables have been included below for reference.

### 3.14.7 Mitigation Measures No Longer Applicable

All traffic and circulation mitigation measures remain applicable to the Proposed Project.
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### Table 4.13.9: Summary and Comparison of Improvements: 2012 Specific Plan Project vs Proposed Project

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Jurisdiction</th>
<th>Existing Plus Project (Project Completion)</th>
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<td>36a. Highland Home Rd./Wilson St.</td>
<td>Banning</td>
<td>Signalize, SBL</td>
<td>Signalize, SBL</td>
<td>Signalize, SBL</td>
<td>Signalize, SBL</td>
</tr>
<tr>
<td>37. Highland Home Rd./Ramsey St.</td>
<td>Banning</td>
<td>Signalize</td>
<td>Signalize, WBR with overlap</td>
<td>Signalize, WBR with overlap</td>
<td>Signalize, WBR with overlap</td>
</tr>
<tr>
<td>38. Sunset Ave./Wilson St.</td>
<td>Banning</td>
<td>Signalize</td>
<td>Signalize</td>
<td>Signalize, WBL, WBT, EBL, EBT</td>
<td>Signalize, WBL, WBT, EBL, EBT</td>
</tr>
<tr>
<td>39. Sunset Ave./Ramsey St.</td>
<td>Banning</td>
<td>Signalize</td>
<td>Signalize</td>
<td>Signalize</td>
<td>Signalize</td>
</tr>
<tr>
<td>40. Sunset Ave./I-10 Westbound Ramps</td>
<td>Caltrans</td>
<td>Convert SBTL to SBL, EBL</td>
<td>Convert SBTL to SBL, EBL</td>
<td>Signalize, Free SBR</td>
<td>Signalize, Free SBR</td>
</tr>
<tr>
<td>41. Sunset Ave./I-10 Eastbound Ramps</td>
<td>Caltrans</td>
<td>Convert SBTL to SBL, EBL</td>
<td>Convert SBTL to SBL, EBL</td>
<td>Signalize, SBL, 2 EBL</td>
<td>Signalize, SBL, 2 EBL</td>
</tr>
<tr>
<td>42. Sunrise Ave./Wilson St.</td>
<td>Banning</td>
<td>Convert TWSC to AWSC</td>
<td>Convert TWSC to AWSC</td>
<td>Signalize, EBT, Convert WBR to WBT</td>
<td>Signalize, EBT, Convert WBR to WBT</td>
</tr>
<tr>
<td>43. 16th St./Wilson St.</td>
<td>Banning</td>
<td>Signalize</td>
<td>Signalize</td>
<td>Signalize</td>
<td>Signalize</td>
</tr>
</tbody>
</table>
Table 4.13.9: Summary and Comparison of Improvements: 2012 Specific Plan Project vs Proposed Project

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Jurisdiction</th>
<th>Existing Plus Project (Project Completion)</th>
<th>Existing Plus Project (Project Completion)</th>
<th>No Funding Available</th>
<th>General Plan Build-Out Plus Project</th>
<th>General Plan Build-Out</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Funded through TUMF Program</td>
<td>Funded through Local Fee Program</td>
<td></td>
<td>Funded through TUMF Program</td>
<td>Funded through Local Fee Program</td>
</tr>
<tr>
<td>44. 8th St./Wilson St.</td>
<td>Banning</td>
<td>Signalize, NBL, SBL, WBL</td>
<td>NBL, SBL, WBL</td>
<td>Signalize</td>
<td>NBL, SBL, WBL</td>
<td>Signalize</td>
</tr>
<tr>
<td>45. 8th St./Ramsey St.</td>
<td>Banning</td>
<td>NBL, NBR, EBT, WBL</td>
<td>NBL, NBR, EBT, WBL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>46. 8th St./I-10 Westbound Ramps</td>
<td>Caltrans</td>
<td>Signalize, 2 NBL, NBT, SBT</td>
<td>Signalize, 2 NBL, NBT, SBT</td>
<td></td>
<td>Signalize, 2 NBL, NBT, SBT</td>
<td></td>
</tr>
<tr>
<td>47. 8th St./I-10 Eastbound Ramps</td>
<td>Caltrans</td>
<td>Signalize</td>
<td>Signalize, NBT, SBT, EBT, EBR</td>
<td></td>
<td>Signalize, NBT, SBT, EBT, EBR</td>
<td></td>
</tr>
<tr>
<td>48. 4th St./Wilson St.</td>
<td>Banning</td>
<td>Signalize</td>
<td>Signalize</td>
<td></td>
<td>Signalize</td>
<td></td>
</tr>
<tr>
<td>49. San Gorgonio Ave./Wilson St.</td>
<td>Banning</td>
<td>Signalize, EBT, EBL, WBTL</td>
<td>Signalize, EBT, EBL, WBTL</td>
<td></td>
<td>EBT, EBL, WBTL</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
Int# (Not Bold) – 2012 Specific Plan Project
Int# (Bold) - Proposed Project
NB, SB, EB, WB: Northbound, Southbound, Eastbound, Westbound
L, T, R: Left, Through, Right
Within the City of Banning
Improvement funded by Beaumont Transportation Fee/TUMF
Improvement funded by Beaumont Signal Fee
Improvemenf funded by Beaumont Signal Fee
Project Design Feature
### Table 4.13-16A Project Contribution to Total New Traffic Comparison

<table>
<thead>
<tr>
<th>Intersection</th>
<th>A.M. Peak Hour</th>
<th></th>
<th></th>
<th>P.M. Peak Hour</th>
<th></th>
<th></th>
<th></th>
<th>Proposed</th>
<th>Approved Project</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total Approach</td>
<td>Volume</td>
<td>Total</td>
<td>Project</td>
<td>Project</td>
<td>Total Approach</td>
<td>Volume</td>
<td>Total</td>
<td>Project</td>
</tr>
<tr>
<td></td>
<td>Existing</td>
<td>2035</td>
<td>Growth</td>
<td>Trips</td>
<td>%</td>
<td>Existing</td>
<td>2035</td>
<td>Growth</td>
<td>Trips</td>
</tr>
<tr>
<td>1. Highland Springs Avenue/Brookside Avenue</td>
<td>458</td>
<td>2,042</td>
<td>1,584</td>
<td>596</td>
<td>37.6%</td>
<td>422</td>
<td>3,121</td>
<td>2,699</td>
<td>745</td>
</tr>
<tr>
<td>2. Highland Springs Avenue/16th Street-Cougary Way</td>
<td>456</td>
<td>2,559</td>
<td>2,103</td>
<td>918</td>
<td>43.7%</td>
<td>420</td>
<td>4,090</td>
<td>3,670</td>
<td>1,147</td>
</tr>
<tr>
<td>3. Highland Springs Avenue/F Street</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1,192</td>
<td>100.0%</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1,504</td>
</tr>
<tr>
<td>4. Highland Springs Avenue/Oak Valley Parkway-B St Street</td>
<td>762</td>
<td>3,117</td>
<td>2,355</td>
<td>1,744</td>
<td>24.1%</td>
<td>720</td>
<td>4,473</td>
<td>3,753</td>
<td>2,196</td>
</tr>
<tr>
<td>5. Highland Springs Avenue/Starlight Avenue-A Street</td>
<td>1,034</td>
<td>3,699</td>
<td>2,665</td>
<td>1,788</td>
<td>67.1%</td>
<td>1,108</td>
<td>5,109</td>
<td>4,001</td>
<td>2,252</td>
</tr>
<tr>
<td>6. Highland Springs Avenue/Wilson Street</td>
<td>1,522</td>
<td>4,144</td>
<td>2,622</td>
<td>1,698</td>
<td>64.8%</td>
<td>1,625</td>
<td>5,575</td>
<td>3,950</td>
<td>2,138</td>
</tr>
<tr>
<td>7. C Street-Apex Avenue/Wilson Street</td>
<td>626</td>
<td>2,049</td>
<td>1,423</td>
<td>688</td>
<td>48.3%</td>
<td>657</td>
<td>3,015</td>
<td>2,358</td>
<td>867</td>
</tr>
<tr>
<td>8. Highland Home Road/Reamont Road-G St</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>550</td>
<td>100.0%</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>694</td>
</tr>
<tr>
<td>9. Highland Home Road/F Street</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1,055</td>
<td>100.0%</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1,330</td>
</tr>
<tr>
<td>10. Highland Home Road/D Street</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1,238</td>
<td>100.0%</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1,560</td>
</tr>
<tr>
<td>11. Highland Home Road/Wilson Street</td>
<td>628</td>
<td>3,578</td>
<td>2,950</td>
<td>1,421</td>
<td>48.2%</td>
<td>690</td>
<td>5,318</td>
<td>4,628</td>
<td>1,792</td>
</tr>
</tbody>
</table>

Source: LSA Associates, Inc. (September 2016).

1 2012 Specific Plan Project Fair Share obtained from Table 4.13-16 of the Butterfield Specific Plan EIR.
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3.15 WATER SUPPLY

3.15.1 Existing Environmental Setting

There have been no major changes to the existing setting of the project site with respect to water supply since the Specific Plan EIR was prepared. Please refer to Section 4.11 of the Specific Plan EIR for a summary of the existing environmental setting related to Water Supply. The analysis in this section is based on information contained in the Water Supply Assessment for Butterfield Specific Plan (WSA), the City’s 2011 Maximum Perennial Yield Estimates for the Banning and Cabazon Storage Units, and Available Water Supply from the Beaumont Basin report prepared by Geoscience Support Services, Inc., the City of Banning Draft 2010 Urban Water Management Plan (UWMP), and the City of Banning General Plan and the City’s General Plan EIR.

The City of Banning Water Department currently provides water services within the City. The Water Department’s service area encompasses approximately 23 miles and incorporates the majority of the City with the exception of a small area north of the City. The Project site is located within the service area of the City’s General Plan and Zoning designations for the site.

**Sources of Water.** The City’s current water system relies on local groundwater and imported water from the SWP through the San Gorgonio Pass Water Agency (Pass Agency). The City also relies on surface water and treated wastewater to recharge local groundwater basins, including the Banning, Banning Bench, Banning Canyon, Cabazon and Beaumont Basins. Other sources of water include recycled water and return flows from irrigation. The City currently has no sources of recycled water.

According to the City’s 2010 Urban Water Management Plan (UWMP), approximately 87 percent of the City’s water supply comes from groundwater. The City has historically been able to meet the water demand of its customers through available groundwater supplies; however, growing demands for water as a result of population growth has threatened to limit the City’s ability to provide water via groundwater supplies during dry years. Furthermore, declining water levels have been identified in the Beaumont Basin, Banning Canyon, and Banning Ranch over the last 20 years, all of which the City relies upon for its groundwater.

In addition to groundwater, the City purchases imported SWP water from the Pass Agency. The Pass Agency imports water directly from the SWP and distributes this water to retailers, such as the City. It is anticipated that 25 percent of the Pass Agency’s water supply will be available for purchase by the City.

As described in the Specific Plan EIR, all projected groundwater supplies (in normal, single dry, and multiple dry years) are within the safe yields of all basins.

3.15.2 Specific Plan EIR

Please see Section 4.1 of the Specific Plan EIR for an analysis of the potential effects of the 2012 Specific Plan Project on Water Supply.
The Specific Plan EIR concluded that the following impacts related to water supply would be less than significant with implementation of mitigation.

**Threshold:** Would the project 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)?

**Impacts:** Groundwater Supplies and Water Demand. Less than Significant with Mitigation Incorporated. According to the Specific Plan EIR, the estimated water demand for the 2012 Specific Plan Project at build out would be approximately 4,224 acre feet per year (AFY). The 2012 Specific Plan Project’s total potable water demand at build out would be approximately 2,800 AFY, whereas the non-potable demand would be 1,344 AFY. Following implementation of water conservation features, the total projected water demand was estimated to be 3,103 AFY.

The 2012 Specific Plan Project also included an on-site groundwater recharge system to offset the additional project-related water demand. The 2012 Specific Plan Project would have produced 942 AFY of wastewater flows, and the City may have directed 650 AFY of existing wastewater flows from areas surrounding the site in the event the WWTP was developed on site. This total wastewater flow of 1,592 AFY would have been converted to a total recycled supply of 1,194 AFY. This recycled water would have served non-potable demands of the 2012 Specific Plan Project.

The 2012 Specific Plan Project would have generated approximately 470 AFY of stormwater drainage runoff as compared to existing conditions, a portion of which would have percolated into the Beaumont Basin and would serve to increase the City’s groundwater basin.

According to the Specific Plan EIR, the City’s projected water supplies would be sufficient to serve the 2012 Specific Plan Project. Adequate groundwater production may have been achieved through existing wells in the City. However, in order to ensure groundwater levels in the Banning, Banning Bench, Banning Canyon, and Cabazon Basins, the Specific Plan EIR determined that implementation of Mitigation Measure WS-1 would be required. Mitigation Measure WS-1 requires a groundwater audit to be periodically conducted, a groundwater model to be developed to simulate groundwater flow and quality in the City, and the siting of new wells to minimize interference with existing wells in the City. Therefore, the Specific Plan EIR determined that with implementation of Mitigation Measure WS-1, impacts related to the 2012 Specific Plan Project’s water demand on existing groundwater resources would be less than significant.

**Mitigation Measure WS-1:** With respect to all City of Banning (City) groundwater supplies, the City will:

1. Periodically, conduct a groundwater audit that evaluates groundwater level trends, production rates, groundwater quality or other aquifer/well/pump considerations from the previous year (through use of an ongoing groundwater monitoring and data collection system).
2. Develop a groundwater model to allow accurate simulation of groundwater flow and groundwater quality (including potential impacts by recharge of recycled water) in the City groundwater resource area.

Additionally, to avoid injury to other legal users of the Cabazon Basin, the City will:

3. Site any new well so as to not result in material interference to existing wells.

**Threshold:** Would there be sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

**Impact:** New or Expanded Entitlements. Less than Significant Impact with Mitigation Incorporated. As described in the Specific Plan EIR, the City has vested rights to extract groundwater from the Banning, Banning Bench, and Banning Canyon Basin. The City also has vested appropriative and developed water rights in the Cabazon Basin. The Beaumont Basin is an adjudicated Basin. The Specific Plan EIR determined that the 2012 Specific Plan Project would not have caused the City to exceed its rights in any of the groundwater basins from which it obtains its supply. Additionally, the 2012 Specific Plan Project would have created up to 117 AFY additional supply (stormwater) for recharge into the Beaumont Basin.

The City is proposing to increase pumping from the Cabazon Basin to make use by extraction of all historically and future water percolated into the Cabazon Basin from the City WWTP and other future groundwater recharge operations. The City also intends to develop additional groundwater supplies from the Cabazon Basin, but will not extract groundwater to the point that adverse impacts to the Basin would occur. Therefore, the Specific Plan EIR determined that the projected water demands of the 2012 Specific Plan Project would not have required additional extraction from the Cabazon and Banning Basins, beyond what is described above. These basins are unadjudicated and would not require permits or agreements for additional groundwater extraction. While the 2012 Specific Plan Project would not have resulted in water demands that would require additional extraction from existing groundwater basins and would not require new or expanded entitlements, Mitigation Measure WS-1 would be required to ensure that if additional wells are needed, impacts to the environment would not occur. Therefore, the Specific Plan EIR determined that the 2012 Specific Plan Project would result in less than significant impacts with mitigation incorporated.

**Mitigation Measure WS-1:** With respect to all City of Banning (City) groundwater supplies, the City will:

1. Periodically, conduct a groundwater audit that evaluates groundwater level trends, production rates, groundwater quality or other aquifer/well/pump considerations from the previous year (through use of an ongoing groundwater monitoring and data collection system).
2. Develop a groundwater model to allow accurate simulation of groundwater flow and groundwater quality (including potential impacts by recharge of recycled water) in the City groundwater resource area.

Additionally, to avoid injury to other legal users of the Cabazon Basin, the City will:

3. Site any new well so as to not result in material interference to existing wells.

**Threshold:** Would the project require or result in the construction of new water system facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

**Impact:** Construction of Water System Facilities. Less than Significant Impact with Mitigation Incorporated. The 2012 Specific Plan Project included several water supply and quality features included as PDFs and also proposed the construction of water treatment, storage, and transmission facilities to meet the 2012 Specific Plan Project’s water demand.

As part of the 2012 Specific Plan Project’s storage and transmission system, three to four aboveground storage tanks, with a total capacity of 3.5 million gallons were proposed to serve the Project. The ultimate size and location of these tanks was to be based on balancing deliveries throughout the Project site as well as the City. Additional water treatment, storage, and transmission facilities included an optional on-site satellite treatment facility, three pump stations, subsurface pipelines, and the off-site sewer lift station. All treatment processes would have occurred within an enclosed structure. The lift station would have been located on a commercial lot in a screened building. The pump stations would have also been located within an enclosure structure. In order to ensure the 2012 Specific Plan Project would result in less than significant impacts, the Specific Plan EIR determined that the project would be required to comply with Mitigation Measure PSU-4, which requires fair market compensation for private land acquisition required for off-site infrastructure, if City-owned parcels are not available, and a general biological assessment for off-site aboveground infrastructure. With implementation of this measure, the Specific Plan EIR determined that impacts would be less than significant.

**Mitigation Measure PSU-4:** Off-site infrastructure improvements shall comply with all of the same mitigation measures for on-site facilities, as applicable. Off-site facilities shall provide for:

a) Fair market compensation for private land acquisition, if City of Banning (City)-owned parcels are not available. Such acquisition shall be either through voluntary sale or through eminent domain proceedings in accordance with local and State law.

b) A general biological assessment for off-site aboveground infrastructure by a qualified biologist. If sensitive resources are
determined to be present, those resources shall be assessed and/or delineated, mitigation measures shall be developed and imposed.

Cumulative Impacts. Less than Significant with Mitigation Incorporated. The 2012 Specific Plan Project and other reasonably foreseeable projects would have been served by the existing and future water supplies provided by the City. Individual projects would have also been required to include an assessment of project-related water demands to identify potential impacts to the local and regional water supply system. These assessments would have ensured that future projects would only be approved if adequate water supplies exist at the time of their implementation. Therefore, impacts to water supply were determined to result in less than significant cumulative impacts.

The Specific Plan EIR also included a cumulative analysis with respect to potential impacts of climate change on the City’s water supply. The WSA for the 2012 Specific Plan Project accounted for the potential impacts of climate change on the availability of the City’s imported water supply, and therefore, no additional analysis was determined to be required. This analysis determined that implementation of Mitigation Measure WS-2, which requires the City to manage imported water and groundwater, monitor analyses of climate change on water supplies, practice and promote integrated flood management, diversify its portfolio through increased water use efficiency, and develop alliances with cities and water agencies and districts, cumulative impacts related to water supply would be less than significant.

Mitigation Measure WS-2: Additionally, to guard against the potential adverse effects of climate change on the City’s water supplies, the City will:

1. Continue to manage its imported and surface water supplies conjunctively with its groundwater supplies to maximize opportunities for groundwater storage.

2. Continue to monitor expert technical analyses of the impacts of climate change on surface and groundwater supplies and incorporate any recommendations into the City’s water supply planning efforts.

3. Continue to practice and promote integrated flood management. The City will incorporate climate change findings into the infrastructure design and continue to integrate water and land use practices, such as encouraging new developments to capture and treat stormwater on site. New water infrastructure will be designed to operate under a wide range of conditions and will consider climate change impacts.

4. Continue to diversify its portfolio through increased water use efficiency and aggressive demand reductions achieved by existing and new conservation programs. The development and
use of a new recycled water supply will further diversity the City’s portfolio and reduce potable water demands.

5. Continue to further develop regional alliances with cities, water districts and water agencies to integrate, improve and develop regional water management.

3.15.3 Analysis of Project Changes

Groundwater Supplies and Water Demand. The Proposed Project’s demand for potable and non-potable water was estimated using the generation rates included in the Specific Plan EIR. Based on these generation rates, the estimated water demand for the Proposed Project at buildout would be approximately 4,213 AFY (a decrease of 11 AFY in water demand compared to the 2012 Specific Plan Project. The Proposed Project’s total potable water demand at buildout would be approximately 2,528 AFY, whereas the non-potable demand would be 1,685 AFY. Refer to Table 3.K, Projected Gross Potable and Non-Potable Water Use for the Proposed Project, for the Project’s water demand.

Table 3.K: Projected Gross Potable and Non-Potable Water Use for the Proposed Project

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Net Dwelling Units</th>
<th>Net Acres</th>
<th>Water Use Factor</th>
<th>Gross Water Use (gpd)</th>
<th>Gross Water Use (AFY)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potable Water Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Residential Units</td>
<td>4,862</td>
<td>862.1</td>
<td>0.52 AFY/DU</td>
<td>2,255,000</td>
<td>2,528</td>
</tr>
<tr>
<td>Non-Potable Water Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schools (40% of area)</td>
<td>N/A</td>
<td>10.84</td>
<td>1.76 AFY/AC</td>
<td>17,020</td>
<td>19.08</td>
</tr>
<tr>
<td>Commercial/Office</td>
<td>N/A</td>
<td>36.7</td>
<td>1.21 AFY/AC</td>
<td>39,620</td>
<td>44.41</td>
</tr>
<tr>
<td>Open Space</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks</td>
<td>N/A</td>
<td>78.4</td>
<td>3.44 AFY/AC</td>
<td>240,600</td>
<td>269.70</td>
</tr>
<tr>
<td>Central Open Space/Drainage</td>
<td>N/A</td>
<td>418.1</td>
<td>2.885 GPD/AC</td>
<td>1,206,219</td>
<td>1,352.03</td>
</tr>
</tbody>
</table>

Total Potable Water Demands 2,255,000 2,528
Total Non-Potable Water Demands 1,503,459 1,685
Total Gross Water Demands for the Project 3,758,459 4,213

Source: Generation rates obtained from Section 4.14, Water Supply, of the Specific Plan EIR

Furthermore, the Project is a less intense development that includes fewer residential units and replacement of the golf course with recreational areas, resulting in a lower water demand than previously analyzed. The removal of the golf course and the resulting increase in natural open space will reduce water demand and increase infiltration to the groundwater basins. The project would not
require more water supplies. Therefore, the Proposed Project would not result in any new significant environmental effects related to groundwater or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**New or Expanded Entitlements.** The Proposed Project represents an overall reduction in the intensity and scale of development compared to the 2012 Specific Plan Project analyzed under the Specific Plan EIR. The Project is a less intense development that includes fewer residential units and replacement of the golf course with recreational areas, resulting in a lower water demand than previously analyzed. For this reason, the Proposed Project would not require new or expanded entitlements with respect to water. Therefore, the Project would not result in any new significant environmental effects related to new and/or expanded entitlements or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Construction of Water System Facilities.** The Project is a less intense development that includes fewer residential units and replacement of the golf course with recreational areas, resulting in a lower water demand than previously analyzed. Therefore, because the water demand would be reduced, no additional water system facilities beyond those envisioned in the Specific Plan EIR would be required. The project would not result in any new significant environmental effects related to the construction of water system facilities or a substantial increase in the severity of previously identified significant effects in the Specific Plan EIR.

**Cumulative Impacts.** Future regional growth will result in increased demands for water facilities. The long-range plans and programs, including the provision of adequate utilities, adopted by the City, address "build out" of the General Plan land uses. The Proposed Project is consistent with the City's General Plan land use designation for the Project site, and therefore, has been accounted for within the City's 2015 UWMP, which itself indicates that the City has sufficient water supplies to serve existing and projected development within the City.1 As a result, adequate capacities are available to accommodate the Proposed Project, as well as other related projects, that have been approved and are identified for future development. The Proposed Project is consistent with the long-range plans and programs adopted by the City and demands for domestic water have been anticipated by the City. Therefore, in consideration of all of the above, the Proposed Project is consistent with the findings of the EIR and does not require any major changes to the Specific Plan EIR and would not result in any new significant cumulative environmental impacts related to water supply or a substantial increase in the severity of cumulative impacts or require new or substantially different mitigation measures.

3.15.4 Findings Related to Water Supply

**No New Significant Effects Requiring Major EIR Revisions.** Based on the foregoing analysis and information, there is no evidence that the Proposed Project requires a major change to the Specific Plan EIR. The Proposed Project would not result in new significant environmental impacts to Water

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Supply, nor is there a substantial increase in the severity of impacts previously identified in the Specific Plan EIR.

**No Substantial Change in Circumstances Requiring Major EIR Revisions.** The Project site and surrounding area have not been further developed or altered since the Specific Plan EIR was prepared. There is no information in the record or otherwise available that indicates that there are substantial changes in circumstances pertaining to water supply that would require major changes to the Specific Plan EIR due to the involvement of significant effects or a substantial increase in the severity of previously identified significant effects.

**No New Information Showing Greater Significant Effects than the Specific Plan EIR.** This Addendum has analyzed all available relevant information to determine whether there is new information that was not available at the time the Specific Plan EIR was certified, indicating that a new significant effect not reported in that document may occur. Based on the information and analyses above, there is no substantial new information which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified indicating that there would be a new significant impact to water supply requiring major revisions to the Specific Plan EIR.

**No New Information Showing Ability to Reduce Significant Effects in Previous EIR.** There are no alternatives to the Project or additional mitigation measures that would substantially reduce one or more significant impacts pertaining to water supply identified and considered in the Specific Plan EIR.

### 3.15.5 Project Design Features

All PDFs included as part of the 2012 Specific Plan Project (refer to Section 1.1.2 of this Addendum) and are applicable to the Water Supply analysis for the Proposed Project. The PDF listed below reflects where minor text changes have been made due to the approval of the Butterfield Specific Plan in 2012 and the subsequent Settlement Agreement. The change is shown in strikeout/underline below.

**Recycled Water.**

1. Recycled water, as it is available, will be used to irrigate the golf course and the common landscaped areas of the Project in order to reduce the demand for domestic (potable) water. The City has completed plans and prepared environmental analysis for a 1.5 mgd upgrade, referred to as the Phase I project, of the City’s main treatment plant that will produce and supply recycled water. Funding for the Phase I project has been identified and the upgrade should be completed by year 2015 (see Appendix J, Water Supply Assessment, Section 6.4, for further detail). In addition to on-site infrastructure, the recycled water system for the Project would require connecting and pumping recycled water from the City’s wastewater treatment plant through planned City pipelines to the Project site. The Project also includes the option of constructing an on-site “satellite” wastewater treatment plant to be owned and operated by the City of Banning.
3.15.6 Mitigation Measures

In light of the Proposed Project, the Specific Plan EIR was reviewed to determine whether or not changes to the 2012 Specific Plan Project would affect the mitigation measures contained therein. Based on the analysis and information above, no changes to the mitigation measures found in the Specific Plan EIR are required. Mitigation Measures WS-1 and WS-2 remain applicable to the Proposed Project.

3.15.7 Mitigation Measures No Longer Applicable

All water supply mitigation measures remain applicable to the Proposed Project.
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3.16 FINDINGS OF THIS ADDENDUM

Based on information and analyses in this Addendum and pursuant to Section 15164 of the State CEQA Guidelines, the City has determined the following:

1. There are no substantial changes to the 2012 Specific Plan Project that would require major revisions of the Specific Plan EIR due to new significant environmental effects or a substantial increase in severity of impacts identified in the Specific Plan EIR;

2. Substantial changes have not occurred in the circumstances under which the Proposed Project is being undertaken that will require major revisions to the Specific Plan EIR to disclose new significant environmental effects or that would result in a substantial increase in severity of impacts identified in the Specific Plan EIR; and

3. There is no new information of substantial importance which was not known at the time the Specific Plan EIR was certified, indicating any of the following:
   - The Proposed Project will have one or more new significant effects not discussed in the Specific Plan EIR;
   - There are impacts determined to be significant in the Specific Plan EIR that would be substantially more severe;
   - There are additional mitigation measures or alternatives to the Proposed Project that would substantially reduce one or more significant effects identified in the Specific Plan EIR; and
   - There are additional mitigation measures or alternatives rejected by the Proposed Project proponent that are considerably different from those analyzed in the Specific Plan EIR that would substantially reduce a significant impact identified in that EIR.
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