City of Banning

PLANNING COMMISSION
Meeting – Tuesday, August 7, 2007 - 6:30 p.m.
Council Chambers, 99 E. Ramsey Street
Banning, CA 92220

I. CALL TO ORDER

Pledge of Allegiance

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

II. REVIEW / APPROVAL OF MINUTES (May 1, 2007 & June 19, 2007)

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III. PUBLIC COMMENT

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

V. PUBLIC HEARING:

A. New Items:

1. Request to approve Tentative Tract Map No. 33603, Lot Split #06-4501 to subdivide 10.5 acres into 41 single family residential lots in Low Density Residential (0-5 dwelling units per acre) located on the north side of Wilson Street, west of Florida Street. APN 534-183-014, 534-200-004, 534-200-008, 534-200-047.

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2. Resolution No. 2007-31: A Resolution recommending to the City Council the adoption of code provisions pertaining to murals.

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VI. STAFF REPORT / INFORMATION ITEMS

VII. PLANNING COMMISSIONER COMMENTS

VIII. ADJOURNMENT

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

PLANNING COMMISSION MINUTES

May 1, 2007

A regular meeting of the City of Banning Planning Commission was held on Tuesday, May 1, 2007, at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

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

**Staff Present:** Community Development Director Orci  
Deputy City Attorney Jex  
Associate Planner Canchola  
Assistant Planner Swartz  
Captain Yarbrough, Fire Marshall  
Recording Secretary Sorenson

I. **CALL TO ORDER**

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

II. **REVIEW OF MINUTES**

Minutes were unavailable at this time.

III. **PUBLIC COMMENT**

No one came forward.

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

Director Orci stated that the City Council took action and approved the suggested lot coverage change that modified the lot coverage from 25% to 40%, as well as added the floor area ratio.
V. PUBLIC HEARING:

A. New Items:

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

Assistant Planner Kevin Swartz presented the staff report and stated the site has an existing structure of 12,701 square feet and is on a 6.3 acre parcel. The site is zoned low density residential. The request is to amend the January 6, 1998 approval to increase the previous approved building square footage from 13,200 to 26,104. The design review is for a modern architectural style building that will contain nine classrooms and a multi-purpose room. The CUP request is to expand the enrollment for 163 students to 300 students.

Assistant Planner Swartz requested to make a change in the conditions of approval on page 24, under "N", the section about grading should be deleted as it is covered in the Engineering section of the conditions. Staff would also like to add a condition that the enrollment shall not exceed 300 students. If enrollment exceeds 300 students, then the applicant must amend the CUP. Staff recommended approval.

Richard Szydlowski, 598 Dorothy Anna Drive, Banning CA, Pastor of the church and administrator of the school, came forward to speak on behalf of the project. The Pastor stated that the church has been in existence for 43 years and the school has been in operating for 27 years.

Don Kramer, 72835 Gloriana Drive, Palm Desert CA, came forward to speak. Mr. Kramer is a member of the church and Chairman of the Building Committee. He has been a general contractor most of his life and feels this is a very good project and stated that the grounds will be landscaped.

Ray Strebbe, 666 W. Gilman Street, Banning CA, project architect, came forward to speak on behalf of the church.

George Nordquist, 4133 W. Wilson Street, Banning CA, came forward to speak. Mr. Nordquist owns property adjacent to the church property and stated he is in favor of this project.

Commissioner Escandel had questions regarding adequate parking if the church and the school were in session at the same time and he wanted to know the dimensions of the ball field.

Pastor Szydlowski stated that the field was 273 feet wide and 600 feet long and it will have a 100 yard flag football field centered in the middle and a small softball diamond will be in the northwest corner.
Director Orci stated that a condition could be added that simultaneous uses should not occur in the different buildings.

Mr. Strebbe came forward to explain that the gymnasium is the same size as it was in the 1998 proposal and they only doubled the size of the classroom area (second story) and they did increase the parking from the original proposal.

**ACTION (BARSH / DICKSON):** A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-19, approving a Mitigated Negative Declaration based on the findings and conditions of approval.

(Motion carried 5 – 0)

**ACTION (DICKSON / HAWKINS):** A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-20, approving CUP Amendment #06-802, based on the findings and conditions of approval, as amended to include the condition that the enrollment not exceed 300 pupils and a condition that the parking adequacy will be monitored to see if there are any needed changes within a year of the certificate of occupancy.

(Motion carried 5 – 0)

**ACTION (BARSH / DICKSON):** A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-21, approving Design Review #06-7017, based on the findings and conditions of approval.

(Motion carried 5 – 0)

2. Request to approve Design Review #06-7011 to develop 53 homes on 18.51 acres of approved Tract Map # 30642 in Low Density Residential (0-5 dwelling units per acre). Located at the northwest corner of Wilson Street and Sunrise Avenue APN 535-070-008.

Assistant Planner Swartz presented the staff report. Mr. Swartz stated that the design review was for 53 homes on 18.51 acres in approved Tract 30642 in the Low Density Residential Zone. The houses will be Contemporary Mediterranean style with five floor plans and three elevations. The project will be developed in two phases, phase I will consist of 22 homes and phase II will consist of 31 homes. The project will feature earth tones with river rock and ledge stone accents. The applicant is providing for landscaping, lighting and a decorative block wall around the entire site. Staff recommended approval of the design review. Staff has added on page 63, Condition of Approval #4, that the applicant shall change the small rectangular window on the second story front elevation of Plan 5 to more of a treated window and Condition #5, the applicant shall provide three different elevations per floor plan that will consist of more delineation between each elevation utilizing enhanced architectural details including the addition of multiple planed hip roofs, different
window shapes and sizes and surroundings around the windows and wall articulation including insets, canopies, wing walls, trellises and pop-outs. There is also a change under Condition #6, it should read, “no two adjacent houses will be the same in floor plan or color.”

Staff would also like to suggest a condition that on Models 1, 2 and 3 more pop-outs be added to the left and rear elevations.

Gary Beamis, representative of Victoria Homes, came forward to state that they agree with and accept all of staff’s conditions of approval. Mr. Beamis stated that there will be three points of ingress and egress into the development, Wilson, Sunrise and the tract to the west.

**ACTION (DICKSON / HAWKINS):** A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-18 Approving Design Review No. 06-7011, based on the findings and conditions of approval as amended to include on page 63, Condition of Approval #4, that the applicant shall change the small rectangular window on the second story front elevation of Plan 5 to more of a treated window and Condition #5, the applicant shall provide three different elevations per floor plan that will consist of more delineation between each elevation utilizing enhanced architectural details including the addition of multiple planed hip roofs, different window shapes and sizes and surroundings around the windows and wall articulation including insets, canopies, wing walls, trellises and pop-outs. There is also a change under Condition #6, it should read, “no two adjacent houses will be the same in floor plan or color” and a condition that on Models 1, 2 and 3 more pop-outs be added to the left and rear elevations.

(Motion carried 5 – 0)

3. Design Review #07-706, a request to develop a 17,272 square foot Rite-Aid Pharmacy on a vacant site in the Highway Serving Commercial zone. The property is located on the south west corner of 8th and Ramsey Street. APN 540-180-053.

Associate Planner Canchola presented the staff report and stated that the applicant is proposing a 17,272 square foot pharmacy and convenience store with two drive-thru aisles on a 1.9 acre site. The project meets all the design guidelines, is one story (19 feet) in height and is a contemporary Tuscan style. Staff recommended approval of the project.

Mr. Canchola also mentioned that Condition #3 on page 82 should be deleted.

Gary Kanter, property owner and representative of the applicant, came forward to speak on behalf of the project. Mr. Kanter stated they were satisfied with the conditions of approval, but he wanted to work with staff regarding the right turn access only and he wanted to clarify that the development is not a convenience store, but a full service drug store. This will be a top of the line, new prototype for Rite-Aid.
Charlie Strang, 4175 Hillside Drive, Banning CA, came forward to state that he would like to see this project approved. His concern was that the project would be approved and then the City would not approve a liquor license as happened to the Banning Village Market.

Don Smith, 1681 W. Westward Avenue, Banning CA, came forward to state that he felt this project would be an attractive addition to the middle of town.

Director Orci clarified the issue regarding a liquor license, “one can assume that since this is a convenience store with liquor sales, that according to our Table 9103.A, that is a use that is permitted in the Highway Serving Commercial district. So to answer the public, it is our understanding that this project will not have to come back to this body for a beer and wine license. Having said that, we don’t issue beer and wine licenses, the ABC does and as you may be aware of, this City has a moratorium placed on it by the ABC .............this means our City has an over-concentration of liquor licenses and any facility that comes in and proposes alcoholic sales will have to go through a review because there’s an over-concentration in this community. It is my understanding with ABC ........that all the census tracts in this City are over-concentrated and this is not verified, but I think this applicant will have to go before the City Council to request a letter of Public Convenience and Necessity ..........which is different from the Planning Commission issuing a CUP ...........however, this has not been verified with the ABC ........we have been trying to make phone contact with them for several days”.

ACTION (DICKSON / BARSH): A motion was moved, seconded and carried that the Planning Commission approve Notice of Exemption: In compliance with Public Resources Code § 21080 et. seq. and CEQA Guidelines § 15061, the Community Development Director shall prepare a Notice of Exemption, and within five (5) working days of project approval, file the Notice with the Riverside County Clerk for posting.

Approve Resolution No. 2007-22, approving Design Review #07-706 based on the findings and conditions of approval (Attachment “1” and incorporated by reference).

(Motion carried 5 – 0)

VI. STAFF REPORT / INFORMATION ITEMS

Nothing to report.

VII. COMMISSIONER’S COMMENTS

Chairperson DeSantis requested that the Planning Commission be provided an updated list of Planning Commission projects. She also inquired about the ownership of the property in front of the hotels on Joshua Palmer Way. Associate Planner Canchola responded that Cal-Trans owns
the property and Director Orci stated that most likely the City will be one to improve the property in front of the hotels.

Commissioner Escandel stated that he would like to encourage staff to expedite the establishment of a design review committee.

VIII. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

[Signature]
Gini Sorenson
Recording Secretary
City of Banning

PLANNING COMMISSION MINUTES

June 19, 2007

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

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

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

I. CALL TO ORDER

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

II. REVIEW OF MINUTES

ACTION (BARSZH / DICKSON): A motion was moved, seconded and carried that the minutes of April 3, 2007 be approved as presented.

ACTION (DICKSON / BARSZH): A motion was moved, seconded and carried that the minutes of April 19, 2007 be approved as presented. (Commissioner Hawkins abstained from voting as he was not present at the April 19th meeting)

ACTION (DICKSON / BARSZH): A motion was moved, seconded and carried that the minutes of May 2, 2007 be approved as presented. (Joint meeting with City Council).
III. PUBLIC COMMENT

Charlene Sakurai, 43000 Dillon Road, Banning CA came forward to remind everyone that on Saturday afternoon from 1:00 – 4:00 there would be a “Country Fair” at the Gilman Ranch as a fund raiser for the Playhouse Bowl Association.

Commissioner Dickson added his support and encouraged people to attend.

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

Director Orci stated there was nothing to report at this time.

V. PUBLIC HEARING:

A. New Items:

1. Request to approve Tentative Tract Map No. 35363, and Lot Split #07-4501 to subdivide 7.083 acres into 23 single family residential lots in Low Density Residential (0-5 dwelling units per acre) located on the south west corner of Hoffer and Hathaway Street. APN 534-283-011, 534-283-014.

Assistant Planner Kevin Swartz presented the staff report and stated the lots will range in size from 7,120 square feet to 10,885 square feet all fronting on Evans Street or “A” Street. The project has a density of three units per acre. The project is in conformance with the General Plan and Zoning Code and the design and improvements of the subdivision will be consistent with the City of Banning’s Subdivision Ordinance in terms of lot and street designs. Staff recommended approval.

Mike Kolsy, applicant for TMS Homes, 36 Blakely, Irvine, CA came forward to discuss his project. Mr. Kolsy stated he is considering 11 lots with duplexes and 12 lots with single family homes.

Commissioner Escandel stated he was unhappy to vote on a subdivision map and not know exactly what type of structure was going to be built on the lots.

**ACTION (BARCHI / HAWKINS):** A motion was moved, seconded and carried that the Planning Commission recommend approval to the City Council of Resolution No. 2007-23, approving a Mitigated Negative Declaration and Mitigated Monitoring Program based on the findings and conditions of approval.

(Motion carried 4 – 1) (Commissioner Escandel voted “No”)

Planning Commission Meeting
June 19, 2007
ACTION (BASH / HAWKINS): A motion was moved, seconded and carried that the Planning Commission recommend approval to the City Council for Resolution No. 2007-24, approving, Tentative Tract Map 35363 and Lot Split #07-4501, based on the findings and conditions of approval.

(Motion carried 4 – 1) (Commissioner Escandel voted “No”)

2. Request to approve Design Review #07-703 to develop an industrial center consisting of 158,662 square feet of buildings with a 12,000 square foot outdoor storage yard on approximately 8.20 net acres. The proposed Barbour Street Industrial Park is located on Industrial zoned property on the southwest corner of Barbour and Hathaway Streets. APN 541-330-002.

Senior Planner Clinton presented the staff report and stated that the project is in compliance with all the development standards for this zone. The building coverage is 44% and they are providing 220 parking spaces. Staff recommended approval.

Rodney Foskett, 721 N. Sunset Avenue, Banning CA and Richard Torres, applicants for the project came forward to discuss their industrial center.

Fred Sakurai, 43000 Dillon Road, Banning CA, came forward to state his idea regarding the blank walls on the buildings. Mr. Sakurai would like the owners to consider putting murals on the large expansive wall areas.

Keith Turner, 2247 El Capitan, Riverside CA, owner of property on the northwest corner of Barbour and Hathaway Streets, came forward to inquire as to what would be stored in the “outside storage area” and how visible is it from the street.

Senior Planner Clinton responded that there is a condition of approval that there will be an eight foot block wall surrounding the storage yard and there is a condition that nothing can be visible from over the top of the wall.

ACTION (DICKSON / ESCANDEL): A motion was moved, seconded and carried that the Planning Commission approve Resolution No 2007-25 to adopt a Mitigated Negative Declaration and Mitigation Monitoring Program.

(Motion carried 5 – 0)

ACTION (DICKSON / ESCANDEL): A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-26, approving Design Review #07-703 as conditioned.

(Motion carried 5 – 0)
3. Request to approve Tentative Tract Map No. 34330, and Lot Split #07-4502 to subdivide the below-mentioned parcels into 20 parcels within the existing Deutsch Property Specific Plan (SP 1992-03) for conveyance and financing purposes only. East side of Highland Springs Avenue, north side of Wilson Street. APN 406-170-002, 406-200-004, 419-020-008, 419-020-021, 531-080-010.

Senior Planner Clinton presented the staff report and stated that Pardee Homes is asking that the six existing parcels be subdivided into twenty parcels for the purposes of financing and conveyance. There are no development entitlements associated or implied with this project. The approved specific plan that is in place at this time and the General Plan documents will dictate the ultimate development of this land.

Mike Taylor, representative of Pardee Homes, 1385 Old Temescal Road, Corona CA 92881, came forward and stated this map was only for financing purposes.

Dan Matloff, 4070 Hillside Drive, Banning CA, came forward to state that his comments are general and not necessarily specific to this project. Mr. Matloff would like the City to look at its infrastructure first and invest in our schools. He feels people do not want to purchase homes here because of our bad schools.

Jack Bullock, 4097 W. Ramsey Street, Banning CA, came forward to state that everything about this project too old. The information is from twenty-two years ago, we have no water, feels no more projects should be approved.

Commissioner Escandel would like staff to bring Jack Bullock up to date on our current water issues.

**ACTION (BARSH / DICKSON):** A motion was moved, seconded and carried that the Planning Commission recommend approval to the City Council of Resolution No. 2007-29, approving Tentative Tract Map 34330 and Lot Split #07-4502, based on the findings and conditions of approval.

(Motion carried 5 – 0)

4. Request to approve Design Review #06-7509, a request to develop 49-units, two story apartment buildings with underground parking. The site contains 48,400 sq. ft. of apartment buildings, 3,340 sq. ft. of common area and 6,135 sq. ft. of circulation, in the High Density Residential zoning designation area. The property is located at 315 E. Williams St., east of Alessandro Rd. APN 541-103-024 & 025.
The staff report was presented by Associate Planner Canchola who stated the 49-unit apartment buildings will be in the Classic California style with earth-tone stucco and stone veneer. The complex will consist of two and three bedroom units, storage areas, parking, laundry facilities and various amenities. Staff recommended approval.

Wayne Deets with Global Premier, 5 Park Plaza, Irvine CA, representative of the applicant, came forward to discuss his project. Mr. Deets brought photos from a similar project his company developed in Buena Park to show the Planning Commission. He stated this complex will be affordable housing apartments on the tax credit program. They conducted two neighborhood meetings and one family attended.

Commissioner Dickson would like the applicant to increase the number of three bedroom units and decrease the number of two bedroom apartments. Mr. Deets replied they could revise the unit mix if the Planning Commission desired.

The Planning Commission stated they would like to see more details of amenities in the future. Chairperson DeSantis inquired about transit stops. She also pointed out that Condition D regarding trees in the parking lot should be deleted as the parking is underground.

Dan Matloff, 4070 Hillside Drive, Banning CA, came forward to state he has concerns about this city becoming a “project”. He feels the city is becoming a ghetto, we do not have enough Police or Fire protection and there are many crime issues, also.

ACTION (DICKSON / BARSH): A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-27: Adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for the Development of a 49-Unit, two story Apartment complex, with underground Parking; located at 315 E. Williams St., east of Alessandro Rd;

(Motion carried 5 – 0)

ACTION (DICKSON / HAWKINS): A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-28: Approving Design Review #06-7509, based on the findings and conditions of approval (Attachment “1”) as amended to add a condition requiring the applicant to consider modifying the unit mix to accommodate additional three bedroom units (20 – 3 bedroom units), not to exceed a total of 49 units.

(Motion carried 5 – 0)

ACTION (DICKSON / HAWKINS): A motion was moved, seconded and carried that the Planning Commission Approve Resolution No. 2007-30: Approving Bonus Density, based upon findings.

(Motion carried 5 – 0)
VI. STAFF REPORT / INFORMATION ITEMS

Director Orci stated that the next meeting is scheduled for July 3rd. At this time we do not have any items pending for that date and are planning on cancelling that meeting.

VII. COMMISSIONER'S COMMENTS

Chairperson DeSantis commented that she will be out of town for the August 7th meeting. She also inquired about our Housing Element and said she would like to see our draft RHNA numbers.

Chairperson DeSantis brought up the joint meeting with the City Council and the issue of changing the zoning along Lincoln back to Commercial Manufacturing and she wanted to know the status of that issue. Director Orci responded that we are going over the minutes of the various joint meetings and GPAC meetings and that he is doing an analysis comparing Business Park, Industrial and Commercial Manufacturing.

Commissioner Escandel commented that he remembered that the "uses" were made allowable and the direction given was not to change the zone.

Chairperson DeSantis inquired about the status of the Design Review Committee. Director Orci responded that he has been contacting qualified people.

VIII. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

[Signature]
Gini Sorenson
Recording Secretary
STAFF REPORT
PLANNING COMMISSION

DATE: AUGUST 7, 2007

CASE NO: TENTATIVE TRACT MAP 33603

REQUESTS: MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT, FOR TENTATIVE TRACT MAP 33603 TO SUBDIVIDE A 10.5-ACRE VACANT SITE INTO 41 LOTS RANGING IN SIZE FROM 7,032 TO 16,640 IN LOW DENSITY RESIDENTIAL.


APPLICANT: BANNING CC PAK

SURROUNDING ZONE/USES: NORTH-LOW DENSITY RESIDENTIAL-SINGLE FAMILY RESIDENCE, ONE APARTMENT BUILDING SOUTH -LOW DENSITY RESIDENTIAL-BANNING HIGH SCHOOL ATHLETIC FIELDS EAST-LOW DENSITY RESIDENTIAL-SINGLE-FAMILY RESIDENCE WEST-LOW DENSITY RESIDENTIAL-SINGLE FAMILY RESIDENCE

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

BACKGROUND:

Project Location:

The project site is located on the north side of Wilson St., west of Florida Street, is zoned Low Density Residential, 10.5 acres in size, vacant, rectangular in shape, and slopes from the northern property line to Wilson Street. The property immediately to the west contains a single family residence, to the south, Banning High School athletic field and vacant lot, to the east is Florida St. and single family residences, to the north are single family residences, except for an apartment complex on the northeast corner of this site.

Project Description:

The site is flat and generally slopes downward from the northwest to the southeast, with an elevation change from 635 feet to 604 feet from Hoffer Street to Wilson Street. The property is currently vacant. Access to the site will be from Wilson Street via three individual cul-de-sac streets. The tentative tract map also includes two lots located on Hoffer Street and five lots that take access directly from Florida Street. Wilson Street will be widened to 100 feet in width in accordance with the General Plan and sewer and water lines will be extended to the interior streets; gutter and sidewalk will be placed on North Florida Street. A Tentative Tract Map is required to subdivide this 10.5-acre site, into 41 single-family detached residences. The minimum lot size is 7,000 SF. The applicant will not be submitting the Design Review for development of the property.

Findings:

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

Public Notice

This proposal was advertised in the Press Enterprise newspaper July 27, 2007. All property owners within 300 feet of the site were mailed a public hearing notice. To date, no written comments have been received. Any comments received prior to the meeting will be incorporated into the appropriate documents.
ANALYSIS:

The proposed Tentative Tract Map is consistent with the goals and objectives of the General Plan, and also conforms to the development standards of the Zoning Code. Based on these provisions, the following analysis of the project is provided:

General Plan

The General Plan land use designation for the site is “Low Density Residential” which allows single family dwellings with densities from 0 to 5 dwelling units per acre. This single family development proposes 41 lots at a density of approximately 3.9 units per acre.

Zoning Code

The subdivision is consistent with the 7,000 square foot minimum lot size required by the Zoning Code for parcels in the Low Density Residential zone. The lots will range in size from 7,032 to 16,640 square feet, which meets or exceeds the minimum code requirements. The lots comply with the Zoning Code and all development standards in terms of lot width (70 feet) and depth (90 feet).

Access:

The traffic impact analysis contained in the initial study included the analysis of intersections on Wilson and Florida, and Wilson and the proposed intersections of the three new cul-de-sacs. The study found that the proposed 41 units would generate a total of 392 average daily trips, of which 31 would be during the AM peak hour, and 41 would be during the PM peak hour.

The analysis also determined that stop sign control should be adequate for any site entrance and signalization was not necessary. This will require prohibition of parking outbound at the entrances. Because this project will not result in a significant increase in unacceptable traffic conditions, no mitigation for area intersections was recommended.

The internal streets shown on the site plan have access points on Wilson Street and are approximately 60 feet wide, providing adequate width for two-way vehicle traffic and curbside parking. All of the access points will provide adequate width for one inbound and two outbound lanes. The two outbound lanes will allow for one lane of left turning vehicles and one lane for right turning vehicles, so vehicles turning right will not have to wait behind vehicles turning left.

The project does not include unsafe designs, and provides sufficient emergency access.

The project is on a City bus route, and is accessed at Wilson Street on either Alessandro Rd. or Hargrave Street.
In terms of environmental impacts, staff has made the following determinations:

**Air Quality**

The proposed project will not exceed any of SCAQMD's recommended daily thresholds, according to Initial Study, pages 7-9. The project's potential impacts to air quality generated by vehicle emissions are therefore expected to be less than significant.

The City can be subject to high winds, which can generate large amounts of fugitive dust.

A number of mitigation measures are available to control dust on the project site, whether lots are developed one-by-one, or all together. The mitigation measures provided below will lower the potential impacts associated with fugitive dust on the project site to less than significant levels.

1. Construction equipment shall be properly maintained and serviced to minimize exhaust emissions.
2. Existing power sources should be utilized where feasible via temporary power poles to avoid on-site power generation.
3. No more than 5 acres of the site shall be actively graded in any one day.
4. Imported fill shall be adequately watered prior to transport, covered during transport, and watered prior to unloading on the project site.
5. Any portion of the site to be graded shall be pre-watered to a depth of three feet prior to the onset of grading activities.
6. Watering of the site or other soil stabilization method shall be employed on an ongoing basis after the initiation of any grading activity on the site. Portions of the site that are actively being graded shall be watered regularly to ensure that a crust is formed on the ground surface, and shall be watered at the end of each work day.
7. Any area which remains undeveloped for a period of more than 30 days shall be stabilized using either chemical stabilizers or a desert wildflower mix hydro seed on the affected portion of the site.
8. SCAQMD Rule 403 shall be adhered to, insuring the clean-up of construction-related dirt on approach routes to the site.
9. All grading activities shall be suspended during first and second stage ozone episodes or when winds exceed 25 miles per hour.

**Grading**

Because of the need to meet the street gradients on three sides of the project, there will be slopes between lots that may be in excess of five feet. Because of these design features, the project has been conditioned to include slope limits to no greater than five feet.
RECOMMENDATION:

That the Planning Commission:

1. Recommend Approval to the City Council of Resolution No. 2007-32, approving a Mitigated Negative Declaration and Mitigated Monitoring Program based on the findings and mitigation measures.

2. Recommend Approval to the City Council of Resolution No. 2007-33, approving Tentative Tract Map 33603, based on the findings and conditions of approval (Attachment “1”) and incorporated by reference:

Respectfully submitted,

Norm Canchola
Associate Planner

Exhibits:
1. Resolution No. 2007-32 with MND and MMP.
2. Resolution No. 2007-33 with Conditions of Approval
3. TTM 33603 (Tentative Tract Map)
4. TTM 33603 – Large Version – Under Separate Cover
LOT SPLIT #06-4501
TTM 33603

RESOLUTION
NO. 2007-32

EXHIBIT “1”
RESOLUTION NO. 2007-32

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATED MONITORING PROGRAM FOR TENTATIVE TRACT MAP 33603 TO SUBDIVIDE A 10.5 ACRE SITE INTO 41 SINGLE FAMILY LOTS.

WHEREAS, an application to subdivide a 10.5 acre site into 41 single family lots has been filed by:

Applicant / Owner: Banning CC Pak
Authorized Agent: John Heimann
Project Location: North side of Wilson Street, West of Florida Street
APN Number: 534-183-014, 534-200-004, 534-200-008 & 534-200-047
Lot Area: 10.5 Acres

WHEREAS, the proposed Tentative Tract Map, to subdivide a 10.5-acre vacant site, into 41 single-family lots, is considered a “project” as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. (“CEQA”); and,

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

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

WHEREAS, on September 22, 2006, using a method permitted under CEQA Guidelines Section 15072(b), the City provided a notice of its intent to adopt the proposed Mitigated Negative Declaration to the public, responsible agencies, trustee agencies, and the Riverside County Clerk; and,

WHEREAS, the City made the proposed Mitigated Negative Declaration available for public review beginning on September 22, 2006 and closing on October 12, 2006, a period of not less than 20 days. During the public review period, the City received no written comments concerning the proposed Mitigated Negative Declaration; and,

WHEREAS, the Banning Planning Commission conducted a duly noticed public hearing on August 7, 2007 at which it received public testimony concerning the project and the proposed
Mitigated Negative Declaration and considered the proposed Mitigated Negative Declaration and proposed Mitigation Monitoring Program.

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

SECTION 1. FINDINGS.

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

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

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

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

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

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

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

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SECTION 2.  MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

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

SECTION 3.  PLANNING COMMISSION ACTIONS.

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

1. **Adopt MND:** The Mitigated Negative Declaration (attached hereto) for a request to subdivide a 10.5-acre vacant site, into 41 single-family lots is hereby recommended for adoption to the City Council.

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

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

**PASSED, APPROVED AND ADOPTED** this 7th day of August 2007.

[Signature]
Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

[Signature]
Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California

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3
CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2007-32, was duly recommended for adoption to the City Council by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 7th day of August, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

1. Project title: Tentative Tract Map 33603 and Design Review 06-709

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

3. Contact person and phone number: Oscar Orci
   951-922-3125

4. Project location: The northwest corner of Florida Street and Wilson Street. Assessor's Parcel Nos.: 534-200-004, 008, 047; 534-183-014

5. Project sponsor's name and address: William Fox Homes
   333 E. Concours St., Suite 7200
   Ontario, CA 91764

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.)

A Tentative Tract Map to subdivide a 10.5-acre vacant site with no trees, into 41 single-family detached residences on a minimum 7,000 SF lot, with three cul-de-sac streets. Wilson Street will be widened to the master plan width and sewer and water mains extended to the interior streets. Three cul-de-sac streets will provide access to the development from Wilson Street. Curb, gutter and sidewalk will be placed on Florida Street. The applicant has already been in contact with Southern California Edison about the relocation of facilities to within the project site.

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

The project includes one and two story Spanish, or Santa Barbara styled homes; with a minimum of three bedrooms and options including up to six bedrooms.

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

   North: Single Family Residential
   South: Banning High School athletic fields
   West: Single Family Residential
   East: Single-Family Residential

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
Fire Marshal
Public Works Department (Grading Permit, Improvement Permit)
Community Development Department
California Regional Water Quality Control Board /Colorado River Basin (RWQCB)
South Coast Air Quality Management District (SCAQMD)
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

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

______________________________
Signature

______________________________
Date
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>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Area photographs)</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Application materials)</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Application materials)</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The subdivision will result in the construction of 41 single-family homes of one or two stories in height on 10.5 acres of land. One and two story homes are proposed. The homes will be subject to the City's zoning ordinance standards for height and setbacks. This will lower the potential impacts to surrounding development and not significantly interfere with the scenic vistas to the north of the San Bernardino Mountains and to the south of the San Jacinto Mountains. The construction of the homes is compatible with the existing residential development pattern in the area, but with more architectural detail than the existing older housing stock and will not significantly impact view sheds.

The site is currently vacant. The addition of this sub-division with newly planted landscaping will improve the visual aesthetics of the neighborhood without blocking scenic views. The site currently, does not generate any light, since it is vacant, so the construction of single-family homes on the site will result in an increase in light generation, primarily from car headlights and landscape lighting. The site is within the Mt. Palomar Nighttime Policy Area. The City regulates lighting levels in these areas. Impacts will be less than significant.
<table>
<thead>
<tr>
<th>II. AGRICULTURE RESOURCES: Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (General Plan and EIR)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Zoning Map)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (General Plan Land Use Map)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

II. a)-c) The proposed project site is currently vacant land located in the City’s urban core, and is not designated as Prime, Unique, or Farmland of Statewide Importance. No Williamson Act contracts occur on the property. Impacts associated with agricultural resources are expected to be insignificant.
<table>
<thead>
<tr>
<th>III. AIR QUALITY: Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan? (SCAQMD CEQA Handbook)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (SCAQMD CEQA Handbook)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (SCAQMD CEQA Handbook)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations? (Project Description, site inspection)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Create objectionable odors affecting a substantial number of people? (Project Description)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

III. a)-d)) The primary source of air pollution in the City is the automobile. The Tentative Tract Map will ultimately result in the construction of 41 single-family homes, which could generate up to 392 trips per day\(^1\). Based on this traffic generation, and an average trip length of 15 miles, emissions expected to be generated from the project site are as follows:

Table 1
Air Quality Calculations
Moving Exhaust Emission Projections at Project Buildout
(pounds per day)

<table>
<thead>
<tr>
<th>Total No. Vehicle Trips/Day</th>
<th>Ave. Trip Length (miles)</th>
<th>Total miles/day</th>
</tr>
</thead>
<tbody>
<tr>
<td>392</td>
<td>x</td>
<td>5,880</td>
</tr>
</tbody>
</table>

Pollutant | CO | NOX | ROG | SOX | PM10 |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Pounds</td>
<td>69.4</td>
<td>7.3</td>
<td></td>
<td>0.1</td>
<td>0.7</td>
</tr>
</tbody>
</table>

SCAQMD Daily Threshold
|                  | 550.0 | 100.0 | 75.0 | 150.0 | 150.0 |

California Air Resources Board's EMFA2002 (version 2.2). Projects in SCAQMD Scenario Year 2008

Based on the emissions shown in the Table, the proposed project will not exceed any of SCAQMD's recommended daily thresholds. The project's potential impacts to air quality generated by vehicle emissions are therefore expected to be less than significant.

The City can be subject to high winds, which can generate large amounts of fugitive dust.

Table 2
Air Quality Calculations
Fugitive Dust Potential at General Plan Buildout

<table>
<thead>
<tr>
<th>Total Acres Disturbed</th>
<th>Fugitive Dust Generation Factor</th>
<th>Total Potential Dust Generation</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.5 acres</td>
<td>26.4 lbs./day/acre</td>
<td>277.2 lbs/day</td>
</tr>
</tbody>
</table>


As shown in the Table, mass grading of the site will result in fugitive dust generation in excess of SCAQMD thresholds of 150 pounds per day. A number of mitigation measures are available to control dust on the project site, whether lots are developed one-by-one, or all together. The mitigation measures provided below will lower the potential impacts associated with fugitive dust on the project site to less than significant levels.

1. Construction equipment shall be properly maintained and serviced to minimize exhaust emissions.
2. Existing power sources should be utilized where feasible via temporary power poles to avoid on-site power generation.
3. No more than 5 acres of the site shall be actively graded in any one day.
4. Imported fill shall be adequately watered prior to transport, covered during transport, and watered prior to unloading on the project site.
5. Any portion of the site to be graded shall be pre-watered to a depth of three feet prior to the onset of grading activities.

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6. Watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading activity on the site. Portions of the site that are actively being graded shall be watered regularly to ensure that a crust is formed on the ground surface, and shall be watered at the end of each work day.

7. Any area which remains undeveloped for a period of more than 30 days shall be stabilized using either chemical stabilizers or a desert wildflower mix hydroseed on the affected portion of the site.

8. SCAQMD Rule 403 shall be adhered to, insuring the clean-up of construction-related dirt on approach routes to the site.

9. All grading activities shall be suspended during first and second stage ozone episodes or when winds exceed 25 miles per hour.

III. c) The project will consist of single family homes and will not result in objectionable odors.
### IV. BIOLOGICAL RESOURCES -- Would the project:

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (General Plan)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (General Plan)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (General Plan)</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (General Plan)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (General Plan)</td>
<td>X</td>
<td></td>
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</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>X</td>
<td></td>
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</tbody>
</table>
The development site is in an area that is already developed and is not in a Burrowing Owl, Los Angeles Pocket Mouse, or Yucaipa Onion Area. The Western Riverside Multiple Species Habitat Conservation Plan has not identified any portion of the project area for preservation. The development of homes on these lots will reduce the amount of area available for habitat, however this vacant area is not connected to any other open space habitat, so it has already been isolated ecologically. No impacts to biological resources are expected.
<table>
<thead>
<tr>
<th><strong>V. CULTURAL RESOURCES -- Would the project:</strong></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>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5'? (General Plan)</td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (General Plan)</td>
</tr>
<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries? (General Plan)</td>
</tr>
</tbody>
</table>

V. a)-d) Although the development site is in an area with a concentration of mid 20\(^{th}\) century buildings, the site itself is vacant and does not contain any historic or potentially historic structures. It is in an area rated low for archeological resources and is not located in an area of sensitivity for either cultural or paleontological resources.

The project proponent is required by law to report any human remains, if found during project construction, to law enforcement authorities, who will be responsible for their proper removal.

No impacts are expected to result from the development of the project site.
<table>
<thead>
<tr>
<th>VI. GEOLOGY AND SOILS -- 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) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
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<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 Exhibit V-3)</td>
<td></td>
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<tr>
<td>ii) Strong seismic ground shaking? (General Plan)</td>
<td>X</td>
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<tr>
<td>iii) Seismic-related ground failure, including liquefaction? (General Plan Exhibit V-4)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>iv) Landslides? (General Plan Exhibit V-1)</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil? (General Plan)</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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</tbody>
</table>

VI. a)-e) The City itself is located in an extremely active seismic area, but the project site is not located in an Alquist-Priolo Fault Zone, Riverside County, or a City of Banning Fault Hazard Management Zone. The City implements the most stringent Uniform Building Code requirements for construction in seismic areas, and will apply these standards to the homes built on the project site. Further, the City Building Department requires that detailed geotechnical analysis be completed prior to the issuance of grading permits for
the site, to assure that all cut and fill, excavation and foundation design will address site-specific soil conditions.

The project site is located in an area subject to significant winds. The mitigation measures included above under air quality are designed to mitigate the potential impacts associated with fugitive dust at the project site to a less than significant level.

The project site is not in an area designated subject to landslides.

The site is designated in a moderate liquefaction zone. In general, recently deposited sediments are more vulnerable to liquefaction during an earthquake, if shallow ground water is present. The soils in the project area percolate well and the water table is not within 50 feet of ground surface.

Sewers are available for the project site.
<table>
<thead>
<tr>
<th>VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Application materials)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Application materials)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Application materials)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Riverside County Hazardous Materials Listing)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (General Plan land use map)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (General Plan land use map)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (General Plan MEA p. 95 ff)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>h) Expose people or structures to a</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (General Plan, Fire Setback standards)

VII. a)-h) The construction of single family homes on the proposed project site will not result in significant impacts associated with hazardous materials. The City and its waste franchisee implement state and regional standards associated with hazardous materials used in households, which are designed to limit the potential impacts associated with hazardous materials in the home. These regulations and standards ensure that impacts to surrounding areas, or within the project itself, are less than significant.

The project site is not included on Riverside County's Hazardous Materials Listing.

There would be no impact on safety hazards from the Banning Municipal Airport, located southeast of the project site.

The project would have no impact on any implementation of an emergency evacuation plan.

The project is located in an urban infill setting and would not be impacted by wildfires.
<table>
<thead>
<tr>
<th>VIII. HYDROLOGY AND WATER QUALITY -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (2005 Urban Water Management Plan City of Banning)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Application materials)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Application materials)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Application materials)</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</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Rate Map or other flood hazard delineation map? (FEMA Maps)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (FEMA Maps)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

VIII. a) & b) 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 41 residential units. 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 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 applicant will also be required to comply with the City’s NPDES standards, requiring that potential pollutants not be allowed to enter surface waters. These City standards will assure that impacts to water quality and quantity will be less than significant.

VIII. c)-e) The applicant is required, in designing site hydrology, to detain the incremental increase in storm flows caused by development on site, and to assure that the flows leaving the site do not exceed the quantity or speed of flows currently exiting the site in the natural condition.

Prior to any development occurring on the site, the City Engineer will approve the drainage analysis for the site, including analysis to demonstrate that flows leaving the site will not increase from the undeveloped condition. These City requirements are expected to lower potential impacts to a less than significant level.

VIII. f) & g) The site is not located in a flood zone as designated by FEMA.
<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? (Area photographs)</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 is consistent with the General Plan and Zoning designations placed on the property by the City. The land is currently vacant, and development of the homes on the site will not displace an existing community.
<table>
<thead>
<tr>
<th>X. MINERAL RESOURCES -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

X. a) & b) The proposed project site is within a MRZ-2 Zone; defined as where adequate information indicates that significant deposits are present or judged that there is a high likelihood for their presence. The site is an infill lot in an urbanized area and is currently designated for low density residential; therefore there will be no loss of availability of a known or locally important mineral resource. This development project will have a less than significant impact on the environment.
<table>
<thead>
<tr>
<th>XI. NOISE Would the project result in:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (General Plan land use map)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (General Plan land use map)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

XI. a)-f) The primary noise source in the City of Banning is motor vehicle traffic. The proposed project is located in a part of the City which has low ambient noise levels. This condition is expected to continue, with or without construction of the homes. The addition of 41 homes will not significantly impact the long-term noise levels at the site, insofar as residential land uses do not produce significant noise levels. Impacts associated with noise are expected to be less than significant.

The construction of the proposed project will generate noise from construction equipment and activities in the short term. The project proponent will be required to adhere to construction operating hours as enumerated in the Municipal Code, which will limit the
activities to daylight hours when ambient noise levels are higher, and noise increases less noticeable. Finally, construction noise in this area will be temporary and periodic, and will not represent a permanent increase in noise levels at the site. Impacts associated with construction noise are therefore expected to be less than significant.

The site is located outside of the Banning Municipal Airport Policy Area.
<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 development of 41 single family homes will be consistent with the General Plan and Zoning standards and will add to the options available to those seeking housing in the community. The development of these units will not induce substantial growth in the City and the three cul-de-sac streets will mainly be for the use of the residents. The project site is currently vacant, so no displacement will occur.
<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire protection? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Police protection? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Schools? (General Plan MEA)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Parks? (General Plan; Recreation and Parks Master Plan)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Other public facilities? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

XIII. a) Build-out of the site will have a less than significant impact on public services. The proposed project will be served by the City Police Department, and by the County Fire Department, under City contract. Build-out of the proposed project will generate sales and property tax, which will offset the costs of added police and fire services, as well as the costs of general government. The project will be required to pay the mandated school fees, development impact fees and park in lieu fees in place at the time of issuance of building permits. Payment of these fees and the generation of sales and property tax will lower potential impacts associated with additional services to a less than significant level.
<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) The construction of 41 residential units within the project will be supported by the payment of the City’s parkland fee, to mitigate any additional impact to City parks.
<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)? (“Traffic Impact Analysis,” Kunzman Associates, March 2006)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (“Traffic Impact Analysis,” Kunzman Associates, March 2006)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (No air traffic involved in project)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Tentative Tract Map 33603)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) Result in inadequate emergency access? (Tentative Tract Map 33603)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity? (Tentative Tract Map 33603)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Project description)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

XV. (a-g) A Traffic Impact Analysis was completed for the proposed development project of 41 single family homes\(^2\). The study included the analysis of intersections on Wilson and

Florida, and Wilson and the proposed intersections of the three new cul-de-sacs. The study found that the proposed 41 units would generate a total of 392 average daily trips, of which 31 would be during the AM peak hour, and 41 would be during the PM peak hour.

The Traffic Impact Analysis determined that stop sign control should be adequate for any site entrance and signalization was not necessary. This will require prohibition of parking outbound at the entrances. Because this project will not result in a significant increase in unacceptable traffic conditions, no mitigation for area intersections was recommended.

The internal streets shown on the site plan have access points on Wilson Street and are approximately 60 feet wide, providing adequate width for two-way vehicle traffic and curbside parking. All of the access points will provide adequate width for one inbound and two outbound lanes. The two outbound lanes will allow for one lane of left turning vehicles and one lane for right turning vehicles, so vehicles turning right will not have to wait behind vehicles turning left.

The project does not include unsafe designs, and provides sufficient emergency access.

The project is on a City bus route, and is accessed at Wilson Street on either Alasandro, or Hargrave Streets.
<table>
<thead>
<tr>
<th>XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Water Master Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</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? (Preliminary Hydrology Study)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Water Master Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project=s projected demand in addition to the provider=s existing commitments? (General Plan, Dept. of Public Works)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project=s solid waste disposal needs? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
Utilities are available at the project site. Electric, telephone and other utilities and services have facilities in this area, and 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>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Does the project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

XVII. a) The proposed project site does not include significant biological or cultural resources. It is currently vacant and disconnected from other open spaces that would provide a habitat for wildlife species.

XVII. b) The proposed project supports the long term goals of the General Plan by providing a variety of housing opportunities for City residents.

XVII. c) The construction of 41 single-family residential units on this site will not have a considerable cumulative impact on the neighborhood, because it is already mostly built out and is consistent with the General Plan.

XVII. d) The proposed project has the potential to adversely affect human beings, due to air quality impacts. Section III), above, includes a number of mitigation measures to reduce the potential impacts on air quality.
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.

Not applicable.

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

Not applicable.

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

Not applicable.
CITY OF BANNING
MONITORING PROGRAM FOR CEQA COMPLIANCE

<table>
<thead>
<tr>
<th>DATE:</th>
<th>July 17, 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASE NO.:</td>
<td>Tentative Tract Map 33603</td>
</tr>
<tr>
<td>PARCEL NO.:</td>
<td>534-200-004, 008, 047; 534-183-014</td>
</tr>
<tr>
<td>PROJECT LOCATION:</td>
<td>northwest corner of Florida Street and Wilson Street</td>
</tr>
<tr>
<td>EA/EIR NO:</td>
<td></td>
</tr>
<tr>
<td>APPLICANT:</td>
<td>Citicom Development, Inc.</td>
</tr>
<tr>
<td>APPROVAL DATE:</td>
<td>In Process</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>SUMMARY MITIGATION MEASURES</th>
<th>RESPONSIBLE FOR MONITORING</th>
<th>TIMING</th>
<th>CRITERIA</th>
<th>COMPLIANCE CHECKED BY</th>
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<td>III. AIR QUALITY</td>
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<td>Maintain construction equipment</td>
<td>Building Department</td>
<td>During construction.</td>
<td>Site inspection.</td>
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<td>Use existing power where possible.</td>
<td>Building Department</td>
<td>During construction.</td>
<td>Site inspection.</td>
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<tr>
<td>Grade no more than 5 acres.</td>
<td>Building Department</td>
<td>During grading.</td>
<td>Site inspection.</td>
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<td>Water fill</td>
<td>Building Department</td>
<td>During grading.</td>
<td>Site inspection.</td>
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<tr>
<td>Pre-water to depth of 3 feet.</td>
<td>Building Department</td>
<td>During grading.</td>
<td>Site inspection.</td>
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<tr>
<td>Stabilize soils after 30 days.</td>
<td>Building Department</td>
<td>During grading.</td>
<td>Site inspection.</td>
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<tr>
<td>Implement SCAQMD Rule 403</td>
<td>Building Department</td>
<td>During grading.</td>
<td>Site inspection.</td>
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<tr>
<td>Cease grading during winds of 25 mph or more.</td>
<td>Building Department</td>
<td>During grading.</td>
<td>Site inspection.</td>
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LOT SPLIT #06-4501
TTM 33603

RESOLUTION
NO. 2007-33

EXHIBIT "2"
RESOLUTION NO. 2007-33


WHEREAS, an application for TTM 33603 to subdivide a 10.5 acre vacant site, into 41 single family residences lots has been duly filed by:

Applicant / Owner: Banning CC Pak
Authorized Agent: John Heimann
Project Location: North side of Wilson Street, west of Florida Street
APN Number: 534-183-014, 534-200-004, 534-200-008, 534-200-047.
Lot Area: 10.5 Acres
Application Complete: July 1, 2007

WHEREAS, the Municipal Code allows for the subdivision of a 10.5 acre vacant site, into 41 single family residential lots, subject to the approval of a Tentative Tract Map; and

WHEREAS, on July 27, 2007 the City gave public notice by mailing notices to property owners within 300 feet of the project site and advertising in the Press Enterprise, a newspaper of general circulation within the City of Banning, of the holding of a public hearing at which the project would be considered; and

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

WHEREAS, on August 7, 2007 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Tentative Tract Map and at which the Planning Commission considered the Tentative Tract Map; and

WHEREAS, at this public hearing on August 7, 2007 the Planning Commission considered, heard public comments and recommended adoption to the City Council for a Mitigated Negative Declaration and Mitigation Monitoring Program for the project by Resolution 2007-32.

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

PC RESOLUTION NO 2007-33
SECTION 1. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Community Development Department as provided in the Staff Report dated August 7, 2007 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and §21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. **CEQA:** The recommendation of adoption to the City Council of this Tentative Tract Map is in compliance with the requirements of the California Environmental Quality Act ("CEQA"), in that on August 7, 2007, at a duly noticed public hearing, the Planning Commission recommended adoption to the City Council to adopt a Mitigated Negative Declaration and Mitigated Monitoring program reflecting its independent judgment and analysis and documenting that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. The documents comprising the City’s environmental review for the project are on file and available for public review at Banning City Hall, 99 E. Ramsey Street, Banning, California 92220.

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

SECTION 2. MAP ACT FINDINGS.

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

1. Tentative Tract Map 33603 is consistent and compatible with the objectives, policies, general land uses, and programs specified the City’s General Plan in that:

   The General Plan Land Use Element designation is Low Density Residential (LDR) which allows for the development of 41 single family residential lots. The project is dedicating 50’ along Wilson Street in compliance with the General Plan. Residential Goal No. 1 of the Land Use Element of the General Plan prescribes the preservation and enhancement of the City’s neighborhoods. This project will enhance and promote the existing neighborhood. The subdivision has been designed to accommodate the development of 41 single family residential lots considering the shape and topography of the site. The project as proposed has a density of 0-5 units per acre. According to the density ranges provided in the Land Use Element of the City’s General Plan for the Low

PC RESOLUTION NO 2007-33

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Density Residential land use designation, a density of 0-5 units per acre is appropriate for a site of this size and configuration. The applicant is proposing 3.9 units per acre; therefore, the Tentative Tract Map complies with the density.

2. The design and improvement of the subdivision proposed under Tentative Tract Map 33603 are consistent with the City's General Plan in that:

The proposed subdivision has been designed to meet City standards which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access. Also on site improvements, such as streets, utilities, landscaping, and drainage facilities have been designed and are conditioned to be constructed in conformance with City standards. The internal streets shown on the site plan have access points on Wilson Street and are approximately 60 feet wide, providing adequate width for two-way vehicle traffic and curbside parking. All of the access points will provide adequate width for one inbound and two outbound lanes. The two outbound lanes will allow for one lane of left turning vehicles and one lane for right turning vehicles, so vehicles turning right will not have to wait behind vehicles turning left. This project does not include unsafe designs, and provides sufficient emergency access.

3. The site is physically suitable for the type of development proposed under Tentative Tract Map 33603, in that:

The site is flat and gently slopes downward from the northwest to the southeast, with elevations in excess of 635 feet above sea level in the northwest corner of the site, and elevations in excess of 615 feet above sea level at the southeast corner of the site. The site is located south of the hillside of the San Bernardino Mountains, and several miles north of the San Jacinto Mountains and consists of 10.5 acres. The site is not located within a flood plain and Geotechnical studies were prepared to document site soils and geology. The investigations identified several fault areas north of the property. The site will be subject to significant ground shaking during an earthquake, but no major geologic hazards have been reported on the site or other limited conditions that would render it unsuitable for this development.

4. The site is physically suitable for the density of development proposed under Tentative Tract Map 33603, in that:

The site slopes downward from the northwest to the southeast, with elevations in excess of 635 feet above sea level in the northwest corner of the site, and elevations in excess of 615 feet above sea level at the southeast corner of the site, and consists of 10.5 acres. The subdivision has been designed to accommodate the development of 41 single family residential lots considering the shape and topography of the site. The site is 10.5 acres which allows for 52.5 single family lots; the applicant is purposing 41 single family lots which is 3.9 units per acre. According to the density ranges provided in the Land Use Element of the City’s General Plan for the Low Density Residential land use designation.
and in the City’s Zoning Ordinance for the Low Density Residential zone, a density of 0-5 units per acre is appropriate for a site of this size and configuration.

5. The design of the subdivision and improvements proposed under Tentative Tract Map 33603 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that:

The development site is in an area that is already developed and is not in a Burrowing Owl, Los Angeles Pocket Mouse, or Yucaipa Onion Area. The Western Riverside Multiple Species Habitat Conservation Plan has not identified any portion of the project area for preservation. The development of homes on these lots will reduce the amount of area available for habitat; however this vacant area is not connected to any other open space habitat, so it has already been isolated ecologically. No impacts to biological resources are expected.

6. The design of the subdivision and improvements proposed under Tentative Tract Map 33603 is not likely to cause serious public health problems in that:

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

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 41 residential units. 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 project will be required to implement the City’s water efficient landscaping and construction provisions, which will ensure that the least amount of water possible is utilized within the homes.

The applicant will also be required to comply with the City’s NPDES standards, requiring that potential pollutants not be allowed to enter surface waters. These City standards will assure that impacts to water quality and quantity will be less than significant.

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The applicant is required, in designing site hydrology, to detain the incremental increase in storm flows caused by development on site, and to assure that the flows leaving the site do not exceed the quantity or speed of flows currently exiting the site in the natural condition.

Prior to any development occurring on the site, the City Engineer will approve the drainage analysis for the site, including analysis to demonstrate that flows leaving the site will not increase from the undeveloped condition. These City requirements are expected to lower potential impacts to a less than significant level.

The site is not located in a flood zone as designated by FEMA.

Finally, the proposed street system throughout the subdivision will improve emergency vehicular access in the immediate neighborhood.

7. The design of the subdivision and improvements proposed under Tentative Tract Map 33603, will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision in that:

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

8. The design of the subdivision of proposed Tentative Tract Map 33603 adequately provides for future passive or natural heating and cooling opportunities in the subdivision in that:

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

SECTION 3. PLANNING COMMISSION ACTIONS.

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

1. Recommend Approval to the City Council for Tentative Tract Map. Tentative Tract Map 33603 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference.
PASSED, APPROVED AND ADOPTED this 7th day of August 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

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

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2007-33, was duly recommended for adoption to the City Council by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 7th day of August, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California

PC RESOLUTION NO 2007-33

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CONDITIONS OF APPROVAL

PROJECT #: Tentative Tract Map 33603

SUBJECT: Subdivision of 10.5 acres into 41 Single family residential lots

APPLICANT: Banning CC Pak

LOCATION: APN: 534-200-004,008, 047, 534-183-014

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

General Requirements

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

2. Tentative Tract No. 33603 is recommended for approval by the Planning Commission. Full approval is subject to City Council action.
3. A copy of the signed Resolution of Approval or Community Development Director's letter of approval, and all Standard Conditions, shall be included in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for plan check.

4. Time Limits

a. This tentative tract map shall expire within 2 years from the date of the approval unless extended by the City.

b. Conditional Use Permit, Variance, or Development/Design Review approval shall expire if building permits are not issued or approved use has not commenced within 2 years from the date of approval. The Community Development Director may, upon an application being filed 30-days prior to expiration and for good cause, grant one time extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Conditional Use Permit complies with all current Ordinance provisions.

5. Site Development

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

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

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

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

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

f. The Covenants, Conditions, and Restrictions (CC&Rs) and Articles of Incorporation of the Homeowners' Association are subject to the approval of the Planning and Engineering Divisions and the City Attorney. They shall be recorded concurrently with the Final Map or prior to the issuance of building permits, whichever occurs first. A recorded copy shall be provided to the City Engineer. The Homeowners' Association shall submit to the Planning Division a list of the name and address of their officers on or before January 1 of each and every year and whenever said information changes.
g. Any portion of the site that has been graded but that has no development activity for 45 days shall be landscaped, including all parkways and open areas. Landscaping shall be permanently maintained by the property owner, homeowners' association, or other means acceptable to the City. Proof of this landscape maintenance shall be submitted for Community Development Director and City Engineer review and approved prior to the issuance of building permits.

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

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

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

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

m. No slope shall exceed five (5) feet in height.

6. Landscaping

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

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

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

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

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

f. All walls shall be provided with decorative treatment. If located in public maintenance areas, the design shall be coordinated with the Engineering Division.
g. Tree maintenance criteria shall be developed and submitted for Community Development Director Review and approval prior to issuance of building permits. These criteria shall encourage the natural growth characteristics of the selected tree species.

h. Landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape.

7. Environmental – Mitigation Measures

a. Mitigation measures are required for the project. The applicant is responsible for the cost of implementing said measures, including monitoring and reporting. Applicant shall be required to post cash, letter of credit, or other forms of guarantee acceptable to the Community Development Director in the amount of $1,864 prior to the issuance of building permits, guaranteeing satisfactory performance and completion of all mitigation measures. These funds may be used by the City to retain consultants and/or pay for City staff time to monitor and report on the mitigation measures. Failure to complete all actions required by the approved environmental documents shall be considered grounds for forfeit.

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

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

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

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

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

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

h. During all grading and construction activities, the site shall be watered at least twice daily.
i. All trucks hauling dirt, sand or soil shall be covered, or shall maintain two feet of freeboard.

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

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

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

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

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

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

8. Other Agencies

   a. The applicant shall contact the U.S. Postal Service to determine the appropriate type and location of mail boxes. Multi-family residential developments shall provide a solid overhead structure for mail boxes with adequate lighting. The final location of the mail boxes and the design of the overhead structure shall be subject to Community Development Director Review and approval prior to the issuance of building permits.

APPLICANT SHALL CONTACT THE ENGINEERING DIVISION, (951) 922-3139, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

1. General Requirements

   a. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class “A” State Contractor’s License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.
b. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A small index map shall be included on the title sheet of each set of plans, showing the overall view of the entire work area.
d. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings on Mylar of all improvement plans that were approved by the City Engineer. Each sheet shall be clearly marked "As-Built" or "As-constructed" and shall be stamped and signed by the engineer or surveyor certifying the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files submitted to the City, revised to reflect the "As-Built" conditions.

e. All utility systems including gas, electric, telephone, water, sewer, and cable TV shall be provided for underground, with easements provided as required, and designed and constructed in accordance with City Codes and the utility provider. Telephone, cable TV, and/or security systems shall be pre-wired in the residence.

2. Rights of Way

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

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

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

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

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

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

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

m. Construct the median island for Wilson Street fronting this project as approved by the City Engineer. The subdivider shall construct a modified form of the typical section for the median island on the south side of Wilson Street to accommodate eastbound traffic on an interim basis.

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

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

4. Grading and Drainage

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

q. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.

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

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

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

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

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

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

i. Temporary Soil Stabilization (erosion control).

ii. Temporary Sediment Control.

iii. Wind Erosion Control.

iv. Tracking Control.

v. Non-Storm Water Management.

vi. Waste Management and Materials Pollution Control.

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

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

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

u. A rough grading plan and a precise grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any grading activity. Rough grading plans shall include perimeter walls with top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions.
v. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil. The data shall be organized by lot number, and listed cumulatively if submitted at different times.

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

5. Landscaping

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

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

z. A Homeowners' Association shall be established promptly following recordation of the final map and the applicable Conditions, Covenants & Restrictions (CC & R's), shall be prepared for review and approval of the City Engineer providing for maintenance of the landscaping along the parkway and the area reserved for Future Street. The developer shall appoint the members of the Board of Directors of the Homeowners' Association, or take such other steps as may be reasonably necessary to assure that members have been appointed or elected to such Board of Directors, until under the terms of the applicable CC & R's individual lot owners have the power to elect the members of the Board of Directors in accordance with the CC & R's.

aa. Landscape improvements shall be certified by a licensed landscape architect or licensed landscape contractor as having been installed in accordance with the approved detailed plans and specifications. The applicant shall furnish said certification, including an irrigation management report, for each landscape irrigation system and any other required implementation report determined applicable, to the City Engineer for review and approval.

6. Traffic

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

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

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

7. Final Map

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

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

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

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

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

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

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

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

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

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

8. Trash/Recycling

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

9. Fees

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

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

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

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

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

B. A fee shall be paid to Riverside County Flood Control and Water Conservation District in the amount specified by them to perform plan checking for drainage purposes for the proposed subdivision.
APPLICANT SHALL CONTACT THE FIRE DIVISION, (951) 922-3219, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

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

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

1. CODE COMPLIANCE:

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

2. FIRE HYDRANTS:

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

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

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

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

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

g. (EOS Standard W714) Rustoleum Red, damp proof #769 and two (2) coats of Rustoleum semi-gloss yellow #659, or an approved equivalent.

3. WATER SUPPLY:

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

PC – 8/7/07
4. **FIRE DEPARTMENT ACCESS:**

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

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

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

l. Minimum unobstructed width shall be 20 feet.

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

n. Minimum turning radius shall be 42 feet.

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

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

Q. Vehicles shall not be parked or otherwise obstruct the required width of any fire apparatus access.

r. Two means of ingress/egress shall be provided for emergency vehicles and fire apparatus.

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

5. **PREMISES IDENTIFICATION:**

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

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

6. **SPARK ARRESTORS:**

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

7. **INSPECTIONS:**

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

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

PC – 8/7/07
8. HAZARDOUS MATERIALS:

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

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

1. WATER

a. Submit Water Improvement Plans to the Engineering Water Division for review and approval. Design and construct water lines on proposed Street “A”, Street “B”, and Street “C.”
b. All water lines and fittings shall be a minimum of 8” diameter and shall be DIP or 10-gauge steel pipes, cement mortar lined & wrapped. Water line easements shall be a minimum width of 20 feet.

c. Fire hydrants shall be installed within and on the tract boundaries as per the approval plans, at a 300’ maximum spacing.
d. A backflow device must be installed on each irrigation water connection; and in compliance with the State of California Department of Health Regulations. Contact the City of Banning, Water Operations Division, prior to the installation.

2. SEWER

f. Submit Sewer Improvement Plans to the Engineering Wastewater Division for review and approval. Design and construct sewer lines on Wilson Street from Florida Street to the westerly property line of proposed tract and on proposed Street “A”, Street “B”, and Street “C.”

g. All sewer lines shall be extra strength Vitrified Clay Pipe and the sewer mains shall be a minimum of 8” diameter. Sewer line easements to be a minimum of 20’ wide and shall have an all weather access cover.

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

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

3. FEES

k. Water and Sewer Connection Fees and Water Meter Installation charges shall be paid per EDU (one single family dwelling unit is an EDU), at the time of issuance of building permits, for each lot within this subdivision in accordance with the fee schedule in effect at the time the fees are paid. Also, pay all water and sewer frontage fees, if applicable, and in accordance with the fee schedule in effect at the time the fees are submitted, prior to plan checking proceedings.

PC - 9/7/07
APPLICANT SHALL CONTACT THE ELECTRIC DIVISION, (951) 922-3282, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

The developer will be conditioned to place all utilities underground within the tract itself. Power for this project will be fed from the south side of E. Wilson across the street to the tract. Street lighting will be required to be placed along the perimeter of street improvements running parallel to this project. Obtaining the described information outlined below in a timely matter is critical for design, planning and ordering of material for this project.

The customer shall be responsible for:

1. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. The plans are required in electronic format, we currently use AutoCad2006. Plans should consist of a plot plan, site plan indicating driveway and front of house, lot number and street address and street improvement plan. Additional sheets may be required upon request.

2. Paying required fees - electrical permit, plan check fee, inspection fees, meter fee and in aid of construction fee and cost of electrical apparatus for completing the underground line extension.

3. Granting easement for electric facilities installation/maintenance, etc.

4. All trenching, backfill, and compaction.

5. All conduits, vaults, and other materials associated with their installation (except cables and their terminations).

6. Installation of Streetlight poles and conduit.

The City Electric Department shall be responsible for:

1. Reviewing plans submitted by customer.

2. Providing a cost estimate for installing an underground electrical system for this project.

3. Inspecting all trenches prior to backfilling. 24 hour prior notice is required before inspection.

4. Installing conductors and terminations for primary and secondary voltages for a complete electrical system.
LOT SPLIT #06-4501
TTM 33603

TRACT MAP

EXHIBIT "3"
STAFF REPORT  
PLANNING COMMISSION

DATE: AUGUST 7, 2007
CASE NO'S: ZONE TEXT AMENDMENT #07-97502
REQUESTS: AMENDMENT TO MUNICIPAL CODE PROVISIONS  
ESTABLISHING PROVISIONS FOR MURALS
LOCATION: CITYWIDE, NON-RESIDENTIAL USES ONLY
APPLICANT: CITY OF BANNING

ENVIRONMENTAL CONSIDERATION: THE COMMUNITY DEVELOPMENT DEPARTMENT HAS DETERMINED THAT THIS ACTIVITY IS NOT A PROJECT AS DEFINED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AS STIPULATED UNDER SECTION 15061(b)(3) OF THE GUIDELINES FOR THE IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

BACKGROUND/ANALYSIS:

The City approved Ordinance 1272 on October, 2001, which created Section 9125.C, in Article 25 (Regulation of Signs), for the review and approval of murals by the Planning Department and the City's Sign Ad Hoc Committee. The Committee consisted of Council Members, Planning Commissioners, Chamber of Commerce, a business person at large and Economic Development Committee representative. Since the City did not have or disbanded the Sign Ad Hoc Committee; the Planning Department reviewed and approved murals.

The requirements of Section 9125.C were ministerial; meaning, that the Code did not allow much discretion in terms of the City’s ability to review the mural content. According to the Code, a permit would be granted when the following conditions were met:

1. Completed application;
2. Sign permit fee paid;
3. Mural did not create a pedestrian or vehicular safety hazard;
4. Mural would be applied to the wall of the building; and
5. Agreement that the mural would be well maintained.
In July 2005, the City Council reviewed a report of officer’s regarding the provisions of Section 9125.C. During that meeting, discussions ensued regarding the City’s ability to regulate mural content. At the conclusion of that discussion it was determined that the City could not and would not regulate content and therefore directed Staff and the City Attorney to prepare an Ordinance repealing the code provision. On August 9, 2005, the City Council adopted Ordinance No. 1325 repealing Section 9125.C of the Municipal Code regarding murals.

At a recent meeting the Council directed staff to prepare a resolution that would reinstate mural regulations. Specifically, the Council directed staff to establish limited provisions that would include some or all of the following:

- Require an application and process to establish basic standards; and/or
- Eliminate the need for the City to review the mural content and minimize 1st Amendment issues; and/or
- Involve the Chamber of Commerce Mural Committee in reviewing and approving murals (mural content); and/or
- Establish basic development standards for such things as height, location, number and area.

In addition to the Council’s directions and in preparation for this report, staff reviewed the policies and regulations of other municipalities, conferred with the City Attorney’s office and discussed the proposed regulations with the Banning Mural Council (Banning Chamber of Commerce) representatives. Attached to this report is Resolution No. 2007-31, which provides the mural regulations. These regulations would essentially establish a ministerial process that would require the Community Development Director’s approval and require that the muralist enter into an agreement with the Chamber of Commerce to design and paint the mural. The muralist will have to comply with the following criteria:

1. Maximum Number or Murals Per Site. Murals may be located on the sides of buildings or walls within any zone district except residential zoning districts.
2. Sign Area. Mural signs shall not be calculated as business advertising signs and are not subject to the maximum wall sign area ratio. Murals can occupy an entire single wall on which the mural is applied.
3. Color Scheme. Vibrant mural colors are encouraged, but should be complimentary and harmonious with the exterior colors of the building and consistent with the surrounding properties.
4. The proposed mural, by its design, construction, and location shall not obscure or detract from the significant architectural features of the selected structure nor should the building’s architecture be altered to accommodate a mural.
5. If the mural should require special lighting or other related construction, all applicable city building permits will be required as part of the installation process.
6. Advertisement Value. Words and/or images may not generally be incorporated within the proposed mural which specifically identifies or reflects the business, products and/or services provided by the business occupying the structure.
7. Construction. Paints and other materials used for murals shall be appropriate for outdoor use and artistic rendition, and shall be permanent and long-lasting. Super-bright or fluorescent colors shall be discouraged.
8. To the extent feasible, murals shall be vandal and graffiti resistant.
9. The City Council may, from time to time, by resolution, adopt additional mural design criteria and guidelines.
10. The City Council may set, by resolution, a fee for the application and/or mural permit issuance.

CONCERNS/OPTIONS:

The City Attorney has expressed concerns with the proposed resolution. As prepared, the resolution attempts to eliminate any City regulation of mural content by transferring the authority to review and approve murals to the Chamber. Because the legislation "authorizes" the Chamber to act on the City's behalf, the Chamber would be an agent of the City and as such be subject to the same content regulation as the City. Because the Chamber is now "part" of the City's process the resolution has established an appeal process to either: (A) go through the Chamber, or (B) go to a public hearing before the City Council (in the event the applicant is not successful with the Chamber). Therefore, the proposed resolution is divergent from the Council's desires to avoid content review.

In order for the City to avoid mural content the City may wish to establish mural guidelines rather than legislation. Guidelines can establish development criteria as well as identify the Chamber as the review authority. As with all guidelines, enforcement is difficult. The Chamber's Mural Committee as well as the Council have expressed a desire to establish a permit process.

RECOMMENDATION:

That the Planning Commission approve Resolution No. 2007-31, recommending to the City Council approval of Zone Text Amendment #07-97502.

Respectfully submitted,

Oscar W. Orci
Community Development Director

Exhibit
1) Resolution No. 2007-31
MURAL RESOLUTION

RESOLUTION
NO. 2007-31

EXHIBIT "1"
RESOLUTION NO. 2007-31

AN RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF BANNING, CALIFORNIA
RECOMMENDING TO THE CITY COUNCIL APPROVAL
OF ZONE TEXT AMENDMENT #07-97502, AMENDMENT
TO THE ZONING CODE TO ESTABLISH PROVISIONS
FOR MURALS

WHEREAS, the City undertook a comprehensive General Plan and Zoning Ordinance update in 2003; and

WHEREAS, the Municipal Code allows for Zone Text Amendments consistent with the goals and policies of the General Plan; and

WHEREAS, on the 27th day of July 2007, the City gave public notice as required under Zoning Code Section 9117 by advertising in the Press Enterprise newspaper of the holding of a public hearing at which the project would be considered; and

WHEREAS, on the 7th day of August 2007, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Zone Text Amendment; and

WHEREAS, at this public hearing on the 7th day of August 2007, the Planning Commission considered and heard public comments on the Zone Text Amendment; and

WHEREAS, the City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under 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.

NOW THEREFORE, the Planning Commission does resolve, determine, find, and order, and recommend as follows:

Section 1: Environmental Findings.

The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines, the recommendation of the Community Development Director as provided in the Staff Report dated August 7, 2007 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and §21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:
1. CEQA: The City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under 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, as here, 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 amendment to the municipal code does not relate to any one physical project and will not result in any physical change to the environment. Further, projects subject to this ordinance will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, and therefore the adoption of this ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 2: Zoning Ordinance Amendment Findings.

The Planning Commission makes the following findings regarding the zoning ordinance amendment:

1. The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan.

Fact: The Zone Text Amendment is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations will not change, and the text amendment will result in clarifying the goals, policies and programs of the General Plan. Program 2C of the Banning General Plan Economic Development Element indicates that the role of the Chamber of Commerce should be maximized. The provisions of this amendment strongly encourage applicants to enter into contracts with the Chamber of Commerce for mural design and painting as well as mural maintenance. Program 11.A of the Banning General Plan Economic Development Element indicates that the City should encourage and promote special events and activities which strengthen the City's image and attractiveness to residents, visitors, and businesses. Murals will enhance the City's appearance and image and make it more attractive to the residents and visitors alike.

2. The proposed Amendment is internally consistent with the Zoning Ordinance.

Fact: The Zone Text Amendment is consistent with the existing provisions of the Zoning Ordinance. The amendments will establish standards for murals, but will not regulate the content of the murals. The Zoning Ordinance currently contains, in Section 9109 [Sign Regulations] an integrated program for the regulation of signage within the City. These Zone Text Amendments would allow for the placement of murals, preferably but not necessarily with the guidance of and under contract with the Chamber of Commerce, within commercial and industrial zones in the City. The City would have the same authority to regulate murals that it does to regulate all other types of signs; all content and maintenance issues would be addressed by the mural owner or Chamber of Commerce.
Section 3: Recommended Zone Text Amendments.

The Planning Commission hereby recommends to the City Council approval of the following amendments to the text of the Zoning Code:

A) Section 9109.03 DEFINITIONS, is hereby amended to add the following:

"Murals. Painted wall signs which have a majority of the sign area comprised of non-commercial content, which generally have artistic, historic or cultural themes, and which are designed and painted by professional mural artists who possess demonstrated knowledge and expertise in the design, materials, and execution of murals. Commercial content of murals shall be subject to all applicable sign limitations of the underlying zone district."

B) Section 9109.12 (D), SIGN DESIGN GUIDELINES, is hereby amended to read:

D. Sign colors and materials should be selected to contribute to the legibility and design integrity. Paints and other materials used shall be appropriate for outdoor use and artistic rendition, and shall be permanent and long-lasting. Super-bright or fluorescent colors shall be discouraged.

C) Section 9109.12, SIGN DESIGN GUIDELINES, is hereby amended to add the following:

M. Vibrant colors are encouraged, but should be complimentary and harmonious with the exterior colors of the building and consistent with the surrounding properties.

N. The proposed sign, including murals, by its design, construction, and location shall not obscure or detract from the significant architectural features of the selected structure nor should the building's architecture be altered to accommodate a mural.

O. To the extent feasible signs, including murals, shall be vandal and graffiti resistant.

D) Section 9109.17 MURAL S, is hereby added as follows:

9109.17 MURAL S

1. Purpose:

Encourage the painting of murals depicting the rich history of Banning and the San Gorgonio Pass area, the contributions of individuals and groups to the Banning environment, scenes demonstrating the diverse elements contributing to the overall beauty of this area, and other subjects of artistic or community interest; encourage consistency with the provisions of the Sign Code; and encourage murals to be placed on buildings in concert with a maintenance and care program directed by and with funding provided by the Banning Chamber of Commerce.
2. Permitted location of murals.

Murals, as defined herein, are permitted in any non-residential zone within the City.

3. Mural permit application process.

A. An application for a mural permit must be made in writing on the form provided by the Planning Department, accompanied by any required materials, plans and exhibits, and accompanied by a permit fee as established by City Council resolution.

B. The Community Development Director shall initially determine whether the application contains all the information and items required by the provisions of this section and may be deemed complete.

C. All notices required by this section are deemed given upon the date any such notice is either deposited in the United States mail or the date upon which personal service of such notice is provided.

D. No mural permit application will be accepted if:

(1) The applicant has installed any sign or mural on the site of the proposed mural in violation of the provisions of the Banning Municipal Code, and at the time of submission of the application, each illegal mural or sign has not been legalized or removed or, in the case of an illegal mural, included in the application.

(2) There is any other existing code violation located on the site of the proposed mural(s) (other than an illegal sign that is not owned or controlled by the applicant and is located at a different business location on the site from that for which the approval is sought) that has not been cured at the time of the application.

(3) The mural permit application is substantially the same as an application previously denied, unless: (i) 12 months have elapsed since the date of the last application, or (ii) new evidence or proof of changed conditions is furnished in the new application.

E. Additional application requirements. The applicant for a mural permit must provide the following:

(1) An agreement between the property owner and the Chamber of Commerce in a form reasonably acceptable to the City Attorney whereby the property owner gives the Chamber of Commerce permission to place the mural on the building. This agreement shall also evidence the parties'
agreement to comply with the placement, maintenance, and removal requirements of this Section.

(2) An agreement between the muralist and the Chamber of Commerce in a form reasonably acceptable to the City Attorney whereby the parties agree to retain the muralists services for the fabrication and installation of a mural.

(3) Should the property owner, the muralist, and the Chamber of Commerce not reach the necessary agreements; the property owner may request a public hearing in front of the City Council regarding approval of the mural. The scope of such hearing shall be limited to the owner’s and muralist’s ability and willingness to comply with the requirements of this Section. If the owner and muralist are found by the City Council to be able to comply with this section notwithstanding a lack of assistance from the Chamber of Commerce, the City Council may direct the Community Development Director to commence the mural permit review process.

4. Mural permit review process.

A. After receiving a complete mural permit application, the Community Development Director shall cause the application to be reviewed under Sections 9109.00 et seq. and the provisions of this Section.

B. Determinations on mural permit applications are to be guided by the standards and criteria set forth in this section. An application shall be approved whenever the proposed mural conforms to the standards for murals that are subject to a permit requirement; as such requirements are set forth in this section.

C. An application may be granted either in whole or in part when more than one mural or location is proposed by an applicant. When an application is denied in whole or in part, the determination must be in writing and must specify the grounds for such denial. Notice of grant or denial shall be given within thirty (30) days of the submission of an application.

5. Placement of murals on buildings.

A. Number. A mural is permitted on each building wall. All existing murals on the wall proposed for a mural must be removed prior to the commencement of a mural. Mural signs shall not be calculated as business advertising signs and are not subject to the maximum wall sign area ratio. Murals can occupy an entire single wall on which the mural is applied.

B. Area and height. The mural may not extend beyond or project above the vertical or horizontal line of any wall or structure upon which the mural is painted or affixed.
C. Public Safety. A mural shall not be permitted if the content, design or location causes a pedestrian or vehicular safety or traffic hazard. Murals are also not permitted if the proposed building upon which the mural is to appear fails to comply with structural or fire safety standards.

D. Lighting. If the mural should require special lighting or other related construction, all applicable city building permits will be required as part of the installation process.

6. Maintenance:

The building owner shall be responsible for the care and maintenance of murals, and any costs associated with maintenance, repair, and/or removal of the mural(s). Once the mural(s) has been applied to a building surface, it will be the responsibility of the owner to monitor the mural(s) to ensure maintenance, as in the original state of the mural(s). If, for whatever reason, any mural is found by the City to be in a state of poor condition, the building owner will be notified, in writing, and required to make the necessary repairs within 60 days. If the repairs are not made within the specified time period, the City reserves the right to repair or remove the mural at the owner’s expense. Notwithstanding the foregoing, if the building owner enters into an agreement with the Chamber of Commerce for the maintenance of any mural and provides a copy of that agreement with the mural application, the City shall contact the Chamber of Commerce should repairs to the mural become necessary.

7. Removal

Should a mural be removed from a building, the owner of the building must, within 30 days of the removal, repair and restore the building to remove any visible damage or blemish left by the mural or the removal process. Notwithstanding the foregoing, if the building owner enters into an agreement with the Chamber of Commerce for the maintenance of any mural and provides a copy of that agreement with the mural application, the City shall contact the Chamber of Commerce should removal of the mural result in the need for repairs.

8. Copyright restrictions on designated murals:

A. To the extent that a mural is placed on a building by and through the program established by the Chamber of Commerce for the funding and placement of murals, that mural will be considered a “Work Made For Hire” and the intellectual property rights of such a work will be shared between the artist/muralist, the Chamber of Commerce, and the City of Banning. As such, the artist/muralist will, by contract with the Chamber of Commerce, waive his or her exclusive rights of reproduction of the mural image, and the Chamber and the City will preserve any and all rights to archive, reproduce, sell, or give away
copies and/or likeness of the original mural image both during production and after the mural has been created.

B. If a mural is placed on a building other than by and through the Chamber of Commerce program, then the muralist shall be required enter into an agreement with the City to waive his or her exclusive rights of reproduction of the mural image, and to specifically allow the City to archive, reproduce, sell, or give away copies and/or likeness of the original mural image both during production and after the mural has been created.

C. The building/property owner will not retain any intellectual property rights to the mural image unless a separate agreement between the building/property owner and the artist/muralist is executed, which allows for mutual use of the image. It will be the sole responsibility of the mural project applicant to ensure that a "Work Made For Hire" agreement between the City of Banning and the artist/muralist is executed prior to beginning the Chamber-sponsored project. It will also be the responsibility of the mural project applicant to ensure that any artwork used for a given mural project is an original work, or is considered a work that is in the public domain, and free from copyright infringement.

PASSED, APPROVED AND ADOPTED this 7th day of August, 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

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

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2007-31, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 7th day of August, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California