I. CALL TO ORDER: Chairman Shaw

- Pledge of Allegiance: Commissioner Price
- Roll Call: Commissioners Krick, Briant, Price, Wallace, Chairman Shaw

II. PUBLIC COMMENTS - On Items Not on the Agenda

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

III. CONSENT CALENDAR ITEMS:

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

Minutes of March 1, 2017 Regular Planning Commission meeting….................Page 1

IV. PUBLIC HEARINGS:

1. DISCUSS AND CONSIDER APPROVAL OF CONDITIONAL USE PERMIT 17-8001 BY RESOLUTION 2017-06 FOR LA QUINTA HOTEL, TO ALLOW EXCESS HEIGHT AT A MAXIMUM OF 48 FEET FOR A THREE STORY HOTEL ON THE PARCEL IDENTIFIED AS APN 541-150-020, LOCATED ON THE NORTHWEST CORNER OF EAST RAMSEY AND HARGRAVE STREETS, IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT. APPROVAL WOULD SERVE TO EXTEND THE
PREVIOUS CONDITIONAL USE PERMIT APPROVAL, WHICH WAS GRANTED ON
OCTOBER 1, 2014 AND EXPIRED ON OCTOBER 1, 2016.

Staff Report……………………………………………………………………………………………………Page 13

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

RECOMMENDATION:

That the Planning Commission adopt Resolution 2017-06.

I. Adopt Resolution 2017-06 approving Conditional Use Permit (CUP) 17-8001 subject to the Findings and Conditions of Approval.

2. DISCUSS AND CONSIDER ZONING TEXT AMENDMENT 17-97502 TO AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPALCODE) TO PROVIDE CONSISTENCY WITHIN THE TEXT.

Staff Report……………………………………………………………………………………………………Page 132

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

RECOMMENDATION:

That the Planning Commission adopt Resolution 2017-07 recommending the following:

I. That the City Council adopt a Categorical Exemption for Zoning Text Amendment 17-97502; and

II. That the City Council adopt Ordinance 1510 approving Zoning Text Amendment 17-97502.
V. PLANNING COMMISSIONER COMMENTS:

VI. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

VII. ADJOURMENT:

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

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

REGULAR PLANNING COMMISSION MEETING MINUTES

March 1, 2017

A regular meeting of the City of Banning Planning Commission was held on Wednesday, March 1, 2017 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Chairman Shaw
                        Vice-Chairman Krick
                        Commissioner Price
                        Commissioner Wallace

Commissioner Absent: Commissioner Briant

Staff Present: Interim Community Development Director, Patty Nevins
               Interim Assistant City Attorney, Gregg W. Kettles
               Recording Secretary, Sandra Calderon

I. CALL TO ORDER

II. PUBLIC COMMENTS

No comments

III. CONSENT CALENDAR ITEMS


ACTION (KRICK/PRICE): (Motion Carried 4 -0)

IV. PUBLIC HEARINGS

1. DISCUSSION AND CONSIDER RESOLUTION NO. 2017-04 RECOMMENDING THAT THE CITY COUNCIL ADOPT A CATEGORICAL EXEMPTION AND ZONE TEXT AMENDMENT (ZTA NO. 17-97501) AMENDING THE ZONING ORDINANCE (TITLE 17) BANNING MUNICIPAL CODE TO ALLOW FOR ESTABLISHMENT OF COMMUNITY GARDENS

Interim Community Development Director Nevins presented the staff report; she said it would allow community gardens to be a permitted use within any zoning district within the City and a list of regulations were established to go along with it.
Commissioner Wallace asked if the community gardens would be open to all residents in the City.

Interim Director Nevins said it is not limited as it stands right now to a resident, but it does require property owner permission.

Commissioner Price asked who will regulate the community gardens?

Interim Director Nevins said the City will regulate them, but the operators need to provide an operating plan to the Community Development Department.

Commissioner Krick asked how long of an agreement is being proposed, and if the City is required to approve an agreement?

Interim Director Nevins said there’s no minimum proposed right now, and there’s no agreement approval requirement.

Discussion was made regarding utilities requirements, insurance requirements, the cost related to a water meter installation, water fees, and how cost effective, and financially feasible a project like this might be to the applicant.

Interim City Attorney, Gregg Kettles explained that the proposed Zone Text Amendment falls under a category that the City has immunity against a personal injury claim that may occur on private property.

Interim Director Nevins explained that a package that would be submitted to the Community Development Department will be kept on file, and it will not be required to be reviewed by the Planning Commission.

Dialogue was made regarding the various regulations listed on Ordinance 1509, concerns were discussed, and modifications were recommended by Planning Commission:

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

That the Planning Commission adopt Resolution No. 2017-04 recommending the following:

I. That the City Council adopt a Categorical Exemption for Zone Text Amendment No. 17-97501; and

II. That the City Council adopt Ordinance 1509 approving Zone Text Amendment No. 17-97501 amending various sections of the Zoning Ordinance (Title 17 of the Banning Municipal Code) to allow for the establishment of Community Gardens

With the following modifications to Ordinance 1509 ("Exhibit A")
(Motion Carried 4 -0)

2. DISCUSSION CITY OF BANNING GENERAL PLAN ANNUAL PROGRESS REPORT FOR CALENDAR YEAR 2016

Interim Director Nevins presented the staff report; she said this as annual progress report to the state on the status of the General Plan and the programs within the General Plan. It is done on a yearly basis providing progress on the various elements and the programs in all of those elements as well.

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

That the Planning Commission adopt Resolution No. 2017-05 recommending the following:

I. That the City Council approve the General Plan Annual Progress Report for Calendar Year 2016 and direct staff to file it with the State of California.

(Motion Carried 4 -0)

V. PLANNING COMMISSIONER COMMENTS:

No comments

VI. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:46 p.m.

Respectfully submitted,

Sandra Calderon
Recording Secretary

THE ACTION MINUTES SUMMARIZE ACTIONS TAKEN BY THE PLANNING COMMISSION. A COPY OF THE MEETING IN ITS ENTIRETY IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN WRITING TO THE CITY CLERK'S OFFICE.
ORDINANCE NO. 1509

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A CATEGORICAL EXEMPTION AND APPROVING ZONING TEXT AMENDMENT NO. 17-97501 AMENDING THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) TO ALLOW FOR THE ESTABLISHMENT OF COMMUNITY GARDENS

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

WHEREAS, on the 17th day of February, 2017 the City gave public notice as required under Chapter 17.68 (Hearings and Appeals) of the City of Banning Municipal Code by advertising in the Record Gazette newspaper of the holding of a public hearing at which the Categorical Exemption and Zoning Text Amendment would be considered; and

WHEREAS, on March 1, 2017, during a duly advertised public hearing, the Planning Commission adopted Resolution No. 2017-04 recommending to the City Council the adoption of Ordinance No. 1509 approving the Categorical Exemption and Zoning Text Amendment No. 17-97501; and

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

WHEREAS, on the _____th day of ___________ 2017 the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the proposed amendments, and at which time the City Council considered the Categorical Exemption and Zoning Text Amendment No. 17-97501; and

WHEREAS, at this public hearing on the _____________th day of ______________ 2017 the City Council considered and heard public comments on the proposed Categorical Exemption and Zoning Text Amendment; and
WHEREAS, the City Council has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the ___ th day of ___________ 2017;

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

SECTION 1. ENVIRONMENTAL.

California Environmental Quality Act (CEQA)

In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zoning Text Amendment No. 17-97501 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zoning Text Amendment No. 17-97501 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP)

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

SECTION 2. REQUIRED FINDINGS.

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zoning Text Amendments meet certain findings prior to the approval by the City Council. The following findings are provided in support of the approval of the Zoning Text Amendment No. 17-97501

Finding No. 1: Proposed Zoning Text Amendment No. 17-97501 is consistent with the goals and policies of the General Plan.

Findings of Fact: Proposed Zoning Text Amendment No. 17-97501 is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations within the City will not change, and the text amendments will result in meeting some of the
objectives of the General Plan and more specifically that of the Economic Development Element. Community gardens provide positive attributes as urban green spaces, build a sense of community, and contribute to the preservation of, access to, and use of open space, vacant lots, and public parks.

Finding No. 2: Proposed Zoning Text Amendment No. 17-97501 is internally consistent with the Zoning Ordinance.

Findings of Fact: Proposed Zoning Text Amendment No. 17-97501 is consistent with the purpose and objective of the Zoning Ordinance to ensure orderly development of all lands within the city to protect the public health, safety, and welfare in that the establishment of Community Gardens will contribute to the public health by providing alternatives for the cultivation of healthy foods.

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

Findings of Fact: In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zoning Text Amendment No. 17-97501 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zoning Text Amendment No. 17-97501 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 3. CITY COUNCIL ACTION.

The City Council hereby takes the following actions:

1. Adoption of Categorical Exemption. In accordance with Public Resources Code Section 21006 and CEQA Guidelines Section 15061 the City Council hereby adopts the Categorical Exemption prepared pursuant to CEQA Guidelines Section 15061(b)(3) for Zoning Text Amendment No. 17-97501.
2. **Approve Zoning Text Amendment 17-97501 as follows:**

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

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

   "Community Garden" means an area of land used to grow and harvest food crops by individuals or collectively by members of a group for non-commercial purposes."

2. Table 17.08.020 of Section 17.08.020 (Permitted, conditional and prohibited uses) of Chapter 17.08 (Residential Districts) is hereby amended to add the following use:

<table>
<thead>
<tr>
<th>Agricultural Uses</th>
<th>R/A</th>
<th>R/A/H</th>
<th>RR</th>
<th>RR/H</th>
<th>VLDL</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR</th>
<th>MHP</th>
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</thead>
<tbody>
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<td>Community Gardens</td>
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<td>P</td>
<td>P</td>
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<td>P</td>
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</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>AI</th>
<th>BP</th>
<th>IMR</th>
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<tr>
<td>Resource and Open Space Uses</td>
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<td>Community Gardens</td>
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4. Table 17.16.020 of Section 17.16.020 (Permitted, conditional and prohibited public facilities uses) of Chapter 17.16 (Public Facilities Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:

<table>
<thead>
<tr>
<th>Zone</th>
<th>PF-A</th>
<th>PF-G</th>
<th>PF-F</th>
<th>PF-S</th>
<th>PF-H</th>
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<tr>
<td>Community Gardens</td>
<td>P</td>
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</tbody>
</table>
5. Table 17.20.020 of Section 17.20.020 (Permitted, conditional and prohibited open space uses) of Chapter 17.20 (Open Space Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:

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<thead>
<tr>
<th>Zone</th>
<th>OS-R</th>
<th>OS-PA</th>
<th>OS-P</th>
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<tr>
<td>Community Gardens</td>
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6. Table 17.12.050 (Use Specific Development Standards [Residential]) of Section 17.08.040 (Use specific standards) shall be amended to add Community Gardens as follows:

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<tr>
<th>R/A</th>
<th>R/A/H</th>
<th>RR</th>
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<th>VLDR</th>
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7. Section 17.08.202 shall be added as follows:

17.08.202 Community Gardens

Community Gardens are allowed in all zones, subject to the following regulations:

A. Consent of the property owner shall be required, along with a lease or license.

B. Site users must have an established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance and security requirements and responsibilities; a garden coordinator to perform the coordinating role for the management of the community garden; and must assign garden plots in a fair and impartial manner according to the operating rules established for that garden. The operating rules along with a site plan of the Community Garden shall be kept on file with the Community Development Department and shall include the name and telephone number of the garden coordinator.

C. All plots shall be tended on a regular (minimum weekly) basis. Gardens shall be maintained in a weed-free condition and produce must be harvested and not allowed to go to seed.

D. Hours of Operation: Hours of operation shall be limited to the daylight hours between 7:00 a.m. and 6:00 p.m.

E. Permitted structures. Accessory structures, such as storage sheds for tools and other supplies or greenhouses, may be allowed in a community
garden pursuant to meeting zoning setback requirements and shall not exceed 10 percent of the garden site lot area or 120 square feet, whichever is less. Accessory structures shall be compatible with the neighborhood and shall be approved by the Community Development Director.

F. Parking. A minimum of two (2) paved gravelled parking spaces with approved access shall be provided on the lot when there is no on-street parking allowed adjacent to the community garden property.

G. Utilities. Proposed connection to public utilities shall require permits from the City and shall meet any required City of Banning Electric Utility and City of Banning Water Utility requirements.

H. Addressing. Addresses shall be assigned to vacant parcels for Community Gardens. The property address shall be identified using 4" address numbers displayed in a visible location.

I. Fencing. Fences shall not exceed six feet in height, shall be subject to any setback requirements of the zones in which they are located, shall be at least 50 percent open if they are taller than four feet, and shall be constructed of wood, vinyl, or ornamental metal. Chain link shall not be permitted for community gardens.

J. Drainage. The Community Garden Site shall be designed and maintained so that water and fertilizer do not drain onto adjacent property.

K. Water Use. Water efficient irrigation techniques such as drip irrigation and timers to control watering times are encouraged. All hoses shall be equipped with a trigger nozzle. Mulching of planted areas is encouraged to retain plant moisture.

L. Composting. Composting may be performed onsite within a composting container subject to all of the following:
   1. Composted materials shall be only those materials generated onsite or contributed by active members of the community garden.
   2. Composting containers shall be located a minimum of three feet from the property lines.
   3. Odors and/or fly-breeding shall not be greater than customarily found at a well-maintained residence.

M. Organic Gardening. Organic gardening is strongly encouraged.

N. Trash/Recycling Receptacles. Trash and recycling receptacles shall be provided onsite for the proper disposal of refuse. The receptacles shall be screened from adjacent properties by six-foot high solid fencing. Refuse
shall be removed from the site weekly so that the receptacle area and the
lot are kept free from litter.

O. Personal Use Only. Food crops grown and harvested are for personal use
only; commercial sale of produce is not permitted and the garden shall not
be run as a profit-making venture.

P. Prohibited plants. Planting illegal or invasive plants shall be prohibited.
Plants grown must be food crops for personal consumption. Planting and
cultivation of marijuana shall be prohibited.

All other applicable codes and ordinances shall apply to Community Gardens,
including but not limited to grading and noise ordinances. Applicable permits from
other departments may be required.

8. Table 17.08.040 (Use Specific Development Standards [Commercial and
Industrial]) of Section 17.08.040 (Use specific standards) shall be amended to
add Community Gardens as follows:

<table>
<thead>
<tr>
<th>U. Community Gardens</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
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<th>AI</th>
<th>BP</th>
<th>IMR</th>
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9. 17.12.050(U) shall be added as follows:

U. Community Gardens. Community Gardens in all zones shall meet the
requirements of 17.08.202 Community Gardens.

SECTION 4. SEVERABILITY.

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

SECTION 5. PUBLICATION; EFFECTIVE DATE.

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

PASSED, APPROVED, AND ADOPTED this ___day of ____________, 2017.

__________________________
George Moyer, Mayor
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

__________________________
John C. Cotti
Interim City Attorney
Jenkins & Hogan, LLC

ATTEST:

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

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1509 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the _______ day of _______________, 2017, and was duly adopted at a regular meeting of said City Council on the ___________ day of _____ __________, 2017, by the following vote, to wit:
AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon, City Clerk
City of Banning, California
CITY OF BANNING
Planning Commission Report

MEETING DATE: April 5, 2017

TO: Planning Commission

FROM: Patty Nevins, Interim Community Development Director

MEETING DATE: April 5, 2017

SUBJECT: CONDITIONAL USE PERMIT 17-8001
PROPOSED LA QUINTA HOTEL
775 E. RAMSEY STREET (APN 541-150-020)

APPLICANT'S REQUEST:

The applicant, Joseph Karaki, is requesting approval of a Conditional Use Permit to allow excess height at a maximum of 48 feet for a three story hotel on the parcel identified as APN 541-150-020, located on the northwest corner of East Ramsey and Hargrave Streets, in the General Commercial (GC) zoning district. Approval would serve to extend the previous Conditional Use Permit approval, which was granted on October 1, 2014 and expired on October 1, 2016.

APPLICANT INFORMATION:

Project Location: 775 E. Ramsey Street

APN Information: 541-150-020

Project Applicant: Joseph Karaki
Western States Engineering, Inc.
4887 E. La Palma Suite 707
Anaheim, CA 92607

Property Owner: Danny Wei
Pacific Banning, Inc.
2483 San Gabriel Blvd.
Rosemead, CA 91770
RECOMMENDATION:

1. That the Planning Commission adopt Resolution 2017-06 (Attachment No. 1).
   
   I. Adopt Resolution 2017-06 approving Conditional Use Permit (CUP) 17-8001 subject to the Findings and Conditions of Approval contained therein.

BACKGROUND AND DESCRIPTION:

The La Quinta Hotel project was initially considered by the Planning Commission on October 1, 2014 and approved with Resolution 2014-12. The approval included Design Review 13-7002 for the construction of a hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square foot fast food restaurant with a drive through; and, a 1,200 square foot deli café in the General Commercial (GC) zoning district; and Conditional Use Permit 13-8004 to allow a third story for an overall 48’ high building as provided for by Table 17.12.030 of the Zoning Ordinance.

An amendment to the Design Review approval, to change the architectural design of the buildings from a “Mediterranean” to “contemporary” architectural design, was applied for and approved by the Planning Commission on April 1, 2015. The amendment to Design Review 13-7002 adopted with Resolution 2015-07 remains active (a one-year administrative extension as provided for under Section 17.56.080 of the Zoning Ordinance was applied for and granted by the Community Development Director). However the Conditional Use Permit to allow the height of 48 feet and three stories has since expired.

Per the Zoning Ordinance, the General Commercial land use designation allows two story buildings at a maximum height of 35-feet. The applicant is requesting continuance of the previous approval to allow the hotel to exceed the maximum height, and construct the hotel at three-stories, with a maximum height of 48 feet as approved under the Design Review. Approval of this Conditional Use Permit would provide for an additional two years.

The proposed Conditional Use Permit (CUP 17-8001) does not propose to alter the previously approved height or design of the building, nor the site and circulation layout design. Therefore, new and/or revised Conditions of Approval have not been requested.
The summary table below lists the uses surrounding the site:

**Land Use Summary Table**

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential</td>
<td>High Density Residential</td>
<td>High Density Residential</td>
</tr>
<tr>
<td>South</td>
<td>Fueling Station</td>
<td>General Commercial</td>
<td>General Commercial</td>
</tr>
<tr>
<td>East</td>
<td>Parking lot for office building / vacant parcels</td>
<td>Business Park</td>
<td>Business Park</td>
</tr>
<tr>
<td>West</td>
<td>Residential (fronting Ramsey Street)</td>
<td>Mobile Home Park</td>
<td>Mobile Home Park</td>
</tr>
<tr>
<td>West</td>
<td>Residential (fronting Williams Street)</td>
<td>General Commercial</td>
<td>General Commercial</td>
</tr>
</tbody>
</table>

**Conditional Use Permit - Additional Building Height**

Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to established development standards and design guidelines. This review shall determine whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use, against any negative or undesirable impacts which it may cause. The Planning Commission may want to impose limits that would make the use more compatible with the neighborhood in which it is proposed to be located.

The Commercial Development Standards limit building height to 35 feet in the General Commercial zoning district. Additional height may be permitted with approval of a Conditional Use Permit (CUP) as noted in Table 17.12.030 of the zoning ordinance. As noted with the previous CUP consideration, the applicant’s request for approval of building height of up to 48 feet would allow the construction of the third story for the hotel building. The additional building height provides for 34 of the hotel rooms that would be available for use. The hotel is proposed to be located in the vicinity of Interstate 10 that serves as a highway for the traveling public, and temporary lodging facilities are a direct need of the traveling public.
The additional building height provides a significant portion of the available hotel rooms needed by the traveling public while not adversely impacting the physical environment; therefore, it is recommended that the Conditional Use Permit for additional building height be granted, subject to all conditions of the original project approval granted on October 1, 2014.

**Other Discussion**

Although not germane to the application at hand, it is noted that the plans provided indicate that the proposed hotel will include 83 rooms whereas the original Resolution approving the project identifies the project as having 81 rooms. The approved amended design review plans included 83 rooms (although overall reduced building square footage), however the amendment resolution also identified the hotel as having 81 rooms. The difference is considered negligible and assuming compliance with the plans and all conditions, the hotel would be approved with 83 units during building permit plan check.

**ENVIRONMENTAL DETERMINATION:**

**California Environmental Quality Act (CEQA)**

On October 1, 2014, the Planning Commission adopted Resolution 2014-14 adopting an Initial Study/Negative Declaration for the project in accordance with Public Resources Code Section 21152(a) and CEQA Guidelines Section 15063(b)(2), for Conditional Use Permit 13-8004.

The California Environmental Quality Act (CEQA) Guidelines Section 15162 sets forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration for the project. Section 15162(a) states that when a Negative Declaration has been adopted for a project, no subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

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

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was adopted, shows any of the following:

a. The project will have one or more significant effects not discussed in the previous Negative Declaration; or

b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration; or

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

d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Staff finds that none of these circumstances have occurred and as such, no additional environmental review is required.

Multiple Species Habitat Conservation Plan (MSHCP).

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

REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT 17-8001:

Section 17.52.050 of the City of Banning Zoning Ordinance requires that Conditional Use Permit applications meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval for Conditional Use Permit 17-8001:

Finding No. 1: The proposed project is consistent with the General Plan.

Findings of Fact: The project is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands”. The land-use designation of General Commercial (GC) allows hotel and restaurant uses with the provision for
additional building height subject to approval of a Conditional Use Permit by Planning Commission. The proposed project will provide a hotel building consisting of approximately 49,219 square feet; an approximately 2,800 square foot fast food restaurant with a drive through; and, a 1,200 square foot deli café all provided temporary (transient) lodging and food services for the City and region.

Further, the project is consistent with General Plan Economic Development Policy which states: “The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues”. The proposed project will generate the need for hotel management and service worker positions; and, food service management and worker positions. Additionally, transient occupancy tax revenues will be created by the hotel operation especially as it relates to approving the additional building height as it provides a significant portion of the available hotel rooms needed by the traveling public.

Finding No. 2: The proposed use is conditionally permitted within the subject land use district and complies with the applicable provisions of the Zoning Code.

Findings of Fact: The additional building height for the hotel building is allowed in accordance with Section 17.12.020 Permitted, conditional and prohibited uses of the Zoning Ordinance subject to approval of a Conditional Use Permit by Planning Commission. The additional building height provides a significant portion of the available hotel rooms needed by the traveling public while not adversely impacting the physical environment because the developer has agreed to set the building back at least 30 feet from the property lines. The proposed project meets the development standards as required in Table 17.12.030 of the zoning ordinance and other design guidelines as shown in this staff report.

Finding No. 3: The proposed use would not impair the integrity and character of the land use district in which it is to be located.

Findings of Fact: The proposed use will not impair the integrity and character of the GC land use district in which it is to be located because it is surrounded by existing developments and the Project is located in an urban environment that has been developed since the early part of the 20th century. Banning Municipal Airport is located across Interstate 10 and to the south-east of the project site. Located to the west are a few legal non-conforming single-family/multi-family dwellings. Located to the east and across Hargrave Street is a
parking lot serving an office facility, and vacant parcels of land. Located to the south and across Ramsey Street is gas station within the General Commercial zoning district.

All surrounding land uses are located within the General Commercial or Business Park district. This urban area of the City is connected by Ramsey Street to the south, Williams Street to the North and Hargrave Street to the east. The project will connect to the existing roadway system and will not create any barriers that will divide the neighborhood. The building architecture and site circulation and landscaping have been designed in a way that the project is compatible with the character of the surrounding neighborhood. Additionally, a 6 foot tall solid wall along with landscaping will separate the site from the legal non-conforming residential properties nearby.

**Finding No. 4:** The subject site is physically suitable for the type and intensity of land use being proposed.

**Findings of Fact:** The subject site is basically flat with a gentle slope to the southeast, and is surrounded by developed roadways providing suitable access (Ramsey Street, Hargrave Street, and Williams Street). The 2.66 acre land area is of adequate size to accommodate the proposed use including building area, parking area, site circulation, and landscaping with conditions as shown in the staff report dated October 1, 2014.

Furthermore, the review of the project by the Riverside County Airport Land Use Commission found the proposed project consistent with the Banning Municipal Airport Land Use Compatibility Plan subject to certain conditions.

**Finding No. 5:** There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

**Findings of Fact:** The site is served by the public and private utilities, including the City's water, sewer, and electrical utilities. There is an existing 14 inch steel waterline in Hargrave Street and an existing 12 inch steel waterline in Ramsey Street. An existing 8 inch clay gravity sewer main is located in Ramsey Street, which is downstream of the project site.

The City is required to adhere to the requirements of their discharge permit with the Regional Water Quality Control Board for the wastewater treatment facility and all wastewater discharges are expected to be treated by the City’s system. Additionally, the City
requires industrial facilities to comply with the Industrial Wastewater Collection and Treatment Ordinance. Provisions of the Ordinance will require connection permits, monitoring and inspection of the project, and restrictions on certain wastewater discharges.

**Finding No. 6:** There will not be significant harmful effects upon environmental quality, natural resources or neighborhood characteristics

**Findings of Fact:** There is no evidence that the proposed project will have the potential for any adverse effect on environmental quality, wildlife resources, or the habitat upon which wildlife depends as demonstrated in the facts listed in the Initial Study/Negative Declaration for the project dated August 13, 2014. There have been no substantial changes in either the project or the circumstances under which the project is undertaken, nor any new information, that would change the findings of the previous Negative Declaration; therefore, no further environmental review is required.

The proposed use will not impair the integrity and character of the GC land use district in which it is to be located because it is surrounded by existing developments and on the Ramsey Street corridor which is a long-established commercial corridor of the city. The building architecture and site circulation and landscaping have been designed in a way that the project is compatible with the character of the surrounding neighborhood and zoning ordinance design guidelines. Additionally, a 6 foot tall solid wall along with landscaping will separate the site from the legal non-conforming residential properties nearby.

**Finding No. 7:** The proposed location, size, design and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

**Findings of Fact:** A hotel use is a permitted use in the General Commercial (GC) zone. The proposed project will not be detrimental to the City's health, safety, and welfare in that it complies with the development standards of the Zoning Ordinance with the conditions of approval as listed within this staff report. The project will not generate excessive noise or traffic. Furthermore, there is no evidence that the proposed project will have the potential for any adverse effect or detriment to the public interests, health, safety, convenience or welfare of the City as demonstrated in the facts listed in the Initial Study for the project dated August 13, 2014.
PUBLIC COMMUNICATION:

Proposed Conditional Use Permit 17-8001 was advertised in the Record Gazette newspaper on March 24, 2017 (Attachment 5). As of the date of this report, staff has not received any comments for or against the proposal.

ATTACHMENTS:

1. Resolution 2017-06 with Conditions of Approval
2. Exhibits – Plans
3. Staff Report dated October 1, 2014, Original Consideration and Approval
4. Negative Declaration
5. Public Hearing Notice

Approved By:

[Signature]

Patty Nevins
Interim Community Development Director
ATTACHMENT 1
Resolution 2017-06
RESOLUTION 2017-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING THE EXTENSION OF A PREVIOUS APPROVAL FOR A THREE STORY HOTEL ON A 2.66 ACRE PARCEL LOCATED AT 775 E. RAMSEY STREET WITHIN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT

WHEREAS, an application for a Conditional Use Permit to extend a previous approval for the construction of a hotel at three stories and 42 feet has been duly filed by:

Project Applicant:  Joseph Karaki - Western States Engineering, Inc.
4887 E. La Palma Street, Suite 707
Anaheim, CA 92807

APN:  541-150-020 (775 E. Ramsey Street)
Lot Area:  2.66 acres

WHEREAS, Design Review 13-7002 Amendment No. 1, for a three story hotel, in conjunction with a drive-thru and deli café is still valid;

WHEREAS, the Planning Commission has the authority per Chapter 17.52 of the Banning Municipal Code to take action on Conditional Use Permit 17-8001 to construct an approved three story hotel and a maximum of 48 feet in height on a 2.77 acre parcel in the General Commercial (GC) zone located north of Ramsey Street west of Hargrave Street; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed the Negative Declaration associated with previously approved Conditional Use Permit 13-8004 and Design Review 13-7002 and determined that, pursuant to CEQA Section 15062(a) no factors listed in CEQA Guidelines Sections, 15162(a) have occurred; and, therefore, no changes to the previously adopted Initial Study/Negative Declaration are necessary; and

WHEREAS, on March 24, 2017, the City gave public notice by advertisement in the Record Gazette newspaper of a public hearing concerning Conditional Use Permit 17-8001. The City also mailed public hearing notices to the owners of properties that are directly affected by the Conditional use Permit and to the property owners that are located within a 300’ radius of the project boundaries.

NOW THEREFORE, the Planning Commission of the City of Banning does hereby resolve, determine, find, and order as follows:
SECTION 1. ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

The potential environmental effects of the project were addressed in the Negative Declaration adopted for CUP 13-8004 and DR 13-7002 for a three story hotel in conjunction with a drive-thru and deli café. The current proposal would be sited in the same location, but with less square footage than was originally analyzed and there have been no substantial changes in the project nor in the circumstances under which the project is undertaken which will require major revisions of the previous Negative Declaration; nor is there new information that shows that the project will have a significant environmental effect or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15062(a), no factors listed in CEQA Guidelines Sections, 15162(a) have occurred; and, therefore, no changes to the previously adopted Initial Study/Negative Declaration are necessary; and

Staff has analyzed proposed Conditional Use Permit 17-8001 and determined that the Project meets the above criteria and no further environmental review is required.

The Planning Commission has analyzed proposed Conditional Use Permit 17-8001 and has determined that pursuant to §15162 of the CEQA Guidelines no further environmental review is required.

Multiple Species Habitat Conservation Plan (MSHCP).

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

SECTION 2. REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT 2017-8001:

Section 17.52.050 of the City of Banning Zoning Ordinance requires that Conditional Use Permit applications meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval of Conditional Use Permit 17-8001:

Finding No. 1: The proposed project is consistent with the General Plan.

Findings of Fact: The project is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall
provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands". The land-use designation of General Commercial (GC) allows hotel and restaurant uses with the provision for additional building height subject to approval of a Conditional Use Permit by Planning Commission. The proposed project will provide a hotel building consisting of approximately 49,219 square feet; an approximately 2,800 square foot fast food restaurant with a drive through; and, a 1,200 square foot deli café all provided temporary (transient) lodging and food services for the City and region.

Further, the project is consistent with General Plan Economic Development Policy which states: "The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues". The proposed project will generate the need for hotel management and service worker positions; and, food service management and worker positions. Additionally, transient occupancy tax revenues will be created by the hotel operation especially as it relates to approving the additional building height as it provides a significant portion of the available hotel rooms needed by the traveling public.

**Finding No. 2:** The proposed use is conditionally permitted within the subject land use district and complies with the applicable provisions of the Zoning Code.

**Findings of Fact:** The additional building height for the hotel building is allowed in accordance with Section 17.12.020 Permitted, conditional and prohibited uses of the Zoning Ordinance subject to approval of a Conditional Use Permit by Planning Commission. The additional building height provides a significant portion of the available hotel rooms needed by the traveling public while not adversely impacting the physical environment because the developer has agreed to set the building back at least 30 feet from the property lines. The proposed project meets the development standards as required in Table 17.12.030 of the zoning ordinance and other design guidelines as shown in this staff report dated April 5, 2017.
Finding No. 3: The proposed use would not impair the integrity and character of the land use district in which it is to be located.

Findings of Fact: The proposed use will not impair the integrity and character of the GC land use district in which it is to be located because it is surrounded by existing developments and the Project is located in an urban environment that has been developed since the early part of the 20th century. Banning Municipal Airport is located across Interstate 10 and to the south-east of the project site. Located to the west are a few legal non-conforming single-family/multi-family dwellings. Located to the east and across Hargrave Street is a parking lot serving an office facility, and vacant parcels of land. Located to the south and across Ramsey Street is gas station within the General Commercial zoning district.

All surrounding land uses are located within the General Commercial or Business Park district. This urban area of the City is connected by Ramsey Street to the south, Williams Street to the North and Hargrave Street to the east. The project will connect to the existing roadway system and will not create any barriers that will divide the neighborhood. The building architecture and site circulation and landscaping have been designed in a way that the project is compatible with the character of the surrounding neighborhood. Additionally, a 6 foot tall solid wall along with landscaping will separate the site from the legal non-conforming residential properties nearby.

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Furthermore, the review of the project by the Riverside County Airport Land Use Commission found the proposed project consistent with the Banning Municipal Airport Land Use Compatibility Plan subject to certain conditions.
Finding No. 5: There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

Findings of Fact: The site is served by the public and private utilities, including the City's water, sewer, and electrical utilities. There is an existing 14 inch steel waterline in Hargrave Street and an existing 12 inch steel waterline in Ramsey Street. An existing 8 inch clay gravity sewer main is located in Ramsey Street, which is downstream of the project site.

The City is required to adhere to the requirements of their discharge permit with the Regional Water Quality Control Board for the wastewater treatment facility and all wastewater discharges are expected to be treated by the City's system. Additionally, the City requires industrial facilities to comply with the Industrial Wastewater Collection and Treatment Ordinance. Provisions of the Ordinance will require connection permits, monitoring and inspection of the project, and restrictions on certain wastewater discharges.

Finding No. 6: There will not be significant harmful effects upon environmental quality, natural resources or neighborhood characteristics

Findings of Fact: There is no evidence that the proposed project will have the potential for any adverse effect on environmental quality, wildlife resources, or the habitat upon which wildlife depends as demonstrated in the facts listed in the Initial Study for the project dated August 13, 2014. There have been no substantial changes in either the project or the circumstances under which the project is undertaken, nor any new information, that would change the findings of the previous Negative Declaration; therefore, no further environmental review is required.

The proposed use will not impair the integrity and character of the GC land use district in which it is to be located because it is surrounded by existing developments and on the Ramsey Street corridor which is a long-established commercial corridor of the city. The building architecture and site circulation and landscaping have been designed in a way that the project is compatible with the character of the surrounding neighborhood and zoning ordinance design guidelines. Additionally, a 6 foot tall solid wall along with
landscaping will separate the site from the legal non-conforming residential properties nearby.

Finding No. 7: The proposed location, size, design and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Findings of Fact: A hotel and restaurant use is a permitted use in the General Commercial (GC) zone. The proposed project will not be detrimental to the City’s health, safety, and welfare in that it complies with the development standards of the Zoning Ordinance with the conditions of approval as listed within this staff report dated April 5, 2107. The project will not generate excessive noise or traffic. Furthermore, there is no evidence that the proposed project will have the potential for any adverse effect or detriment to the public interests, health, safety, convenience or welfare of the City as demonstrated in the facts listed in the Initial Study for the project dated August 13, 2014.

SECTION 3. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution 2017-06:
   a. In accordance with CEQA Guidelines Section 15062 the Planning Commission hereby determines that potential environmental impacts associated with the proposed project were analyzed under the Negative Declaration adopted for Conditional Use Permit 13-8004 and Design Review 13-7002 and no further environmental review is required.

   b. Conditional Use Permit 17-8001 is approved, subject to the original project Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A and in accordance with DR 13-7002 Amendment No 1.
PASSED, APPROVED AND ADOPTED this 5th day of April 2017.

Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

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

ATTEST:

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

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution 2017-06, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 5th day of April 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
EXHIBIT A

PROJECT #: Conditional Use Permit #13-8004, and Design Review #13-7002

SUBJECT: Conditions of Approval* (PC Reso No. 2014-12)

APPLICANT: Western States Engineering, Inc.

LOCATION: APN 541-150-020

* All fair share agreements, covenant agreements and agreements subject to recordation will be subject to review and approval by the City Attorney and will include appropriate enforcement provisions by the City and be properly securitized.

I. On-going.

Community Development Department

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

2. The issuance of these Conditions of Approval do not negate the requirements of the Engineering/Public Works Department or submittal, review, and approval of: Street improvement plans, signing and striping plans, grading plans, storm drain improvement plans, street lighting plans, water, sewer, and electrical improvement plans, or other plans as deemed necessary by the City Engineer.

3. Construction shall commence within two (2) years from the date of project approval, or the Conditional Use Permit and Design Review approval shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year the Conditional Use Permit and Design Review shall become null and void. Projects may be built in phases if pre-approved by the review authority. The Community Development Director may, upon a written application being filed 30 days prior to expiration and for good cause, grant a onetime extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Conditional Use Permit and Design Review comply with all current Ordinance provisions.

4. A copy of the signed resolution of approval or Community Development Director's letter of approval and all conditions of approval and any applicable mitigation measures shall be reproduced in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for review and approval as required by the reviewing department.

5. The applicant shall comply with all conditions of approval as stipulated by the Airport Land Use Commission (ALUC) project review held on June 12, 2014, and any amendments; including any requirements stipulated by the Federal Aviation Administration (FAA) Aeronautical Study.

6. The site shall be developed and maintained in accordance with the plans stamped approved by the City, which include site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division; the conditions contained herein; and, municipal code regulations.

7. The hotel shall maintain an onsite building manager to manage the 81 units to directly address any on-site related issues such as noise, traffic, lighting, etc.

8. The respective hotel units shall not be utilized or occupied for anything other than transient occupancies with the exception of one unit intended for the building manager in accordance with the plans stamped and approved by the City.

9. There shall be no storage of vehicles, equipment, or any other materials in the parking or landscaping areas of the project.
10. Approval of this entitlement shall not waive compliance with any sections of the Development Code, other applicable City Ordinances, in effect at the time of building permit issuance.

11. If the site is subdivided, a property owners' association or other approved property owners agreement shall be established providing for maintenance of the parkway, slopes adjacent to public right-of-ways, any debris basins and median island landscaping. The agreement shall also provide for onsite landscaping maintenance, vehicle and pedestrian access, and safety lighting maintenance. The, conditions, covenants, and restrictions shall contain provisions which prohibit dissolution of the property owners' association or maintenance agreement. The conditions, covenants and restrictions shall contain provisions that prohibit the developer and his/her successors-in-interest from amending said covenants, conditions and restrictions or agreement to conflict with these Conditions of Approval.

12. If human remains are encountered during grading and other construction excavation, the developer/owner shall stop/cease work in the immediate vicinity and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5.

13. Trash collection shall occur between the hours of 8:00 a.m. and 6:00 p.m. only.

14. All graffiti shall be removed immediately or within 24 hours of notice from the City.

15. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.

16. The property owner shall permanently maintain all parking lot signs and markings in a clear and visible manner.

17. Exterior wall mounted lighting shall be decorative fixtures in a prefinished color to match the building. Wall fixtures shall be consistent with any pole mounted fixtures required to maintain minimum lighting levels.

18. There shall be no light spillover onto the adjacent properties from the parking lot lighting and/or exterior building lighting, including outdoor security lighting. All lighting fixtures shall not have a visible light source, must be shielded and directed downward and away from adjoining properties and public rights-of-way.

19. Trash enclosure shall be provided with three, decorative walls with enhanced wall cap and a gate, in a style compatible with the structure's architecture. The gate shall be maintained in working order and shall remain closed except when in use.

20. All roof-mounted equipment or utility equipment on the side of the structure, or on the ground, shall not be visible from adjacent properties, the public rights-of-way or the parking lot. Any architectural screening that is proposed to shield the roof-mounted equipment shall be compatible in terms of colors and materials of the building.
Landscape screening for ground mounted equipment shall be of sufficient size and quantity to fully screen the equipment.

21. There shall be no visible storage of any items including garbage, building, or manufacturing materials or junk, in any portion of the project.

22. The project shall at all times comply with all Federal, State, County and City laws, codes, regulations and standards including those that relate to hazardous materials.

Public Works Department

23. 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.

24. Driveway grades shall not exceed eight percent unless approved by the City Engineer.

25. Parking areas shall be designed and improved with grades not to exceed five percent slope.

26. Access drives to the public right-of-way shall be restricted to those approved by the City Engineer as shown on plans approved by Planning Commission on March 5, 2014.

27. The following improvement plans shall be prepared by a Civil Engineer licensed by the State of California 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 in writing by the City Engineer, the plans shall utilize the minimum scale specified and shall be drawn on 24” x 36” Mylar film. 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. Rough and Precise Grading Plans 1” = 40’ Horizontal
b. Haul Route Plans 1” = 40’ Horizontal
c. Clearing Plans 1” = 50’ Horizontal
d. Street Improvement Plans 1” = 40’ Horizontal
   1” = 4’ Vertical
e. Signing & Striping Plans (on/off site) 1” = 40’ Horizontal
f. Landscaping Plans-Streets 1” = 20’ Horizontal
g. Water & Sewer Improvement Plans 1” = 40’ Horizontal
   1” = 4’ Vertical
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.

28. 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.

29. 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 project/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.

30. Provide right-of-way dedications to meet the ultimate half-width designations for Ramsey Street, 55 feet; Hargrave Street, 44 feet; and William Street, 33 feet including corner cut-offs.

31. Offer to dedicate to the City of Banning an aviation easement for the airspace related to the operation of Banning Municipal Airport (BNG).
32. Direct vehicular access to Ramsey Street from the site frontage shall be restricted, except for the single access point identified on the approved site plan, or as otherwise conditioned in these conditions of approval. The approved access point shall be restricted to right-in and right-out only, unless otherwise approved by the City Engineer.

33. Direct vehicular access to Hargrave Street from the site frontage shall be restricted, except for the two access points identified on the approved site plan, or as otherwise conditioned in these conditions of approval.

34. Direct vehicular access to Williams Street from the site frontage shall be restricted, except for the single access points identified on the approved site plan, or as otherwise conditioned in these conditions of approval.

35. The project shall satisfy all conditions set forth by the Riverside County Airport Land Use Commission (RCALUC) and the Airport Land Use Compatibility Plan.

36. 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.

37. 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.

38. 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.

39. 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.

40. The applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer of dedication 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 RCFCD. Prior to granting any of said easements, the applicant shall furnish a copy of the proposed easement to the City Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the City Engineer prior to the issuance of any certificate of use and/or occupancy.

41. The project shall provide and maintain two separate and approved access points to the public right-of-way (secondary access).

42. All street improvement design shall provide pavement and lane transitions per Caltrans standards for transition to existing street sections.
43. The developer shall participate in the City’s recycling program by providing two trash receptacles, one for regular trash and one for recycling, within the trash enclosure. The trash enclosure shall be designed and constructed in such a manner to accommodate a recycling bin as well as the necessary solid waste containers.

44. The applicant shall plant and perpetually maintain trees, shrubs, and ground cover placed in the parkway, slopes adjacent to public right-of-ways, and median islands constructed in connection with the project in accordance with the approved landscape and irrigation plan. This includes providing irrigation and the clearing of debris and weed removal.

45. 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, Waste Management of the Inland Valley at 1-800-423-9986, for disposal of construction debris.

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

**Electric Utility Department**

47. The Electric Utility shall be notified of any changes to the site plans, & load calculations.

**II. Prior to Issuance of Grading Permits.**

**Community Development Department**

48. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency such as grading, tree removal, encroachments, building location, etc. or prior to final map approval in the case of a subdivision, or approved use has commenced, whichever comes first.

49. The developer shall submit a construction access plan and schedule for the development of the project 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.

50. The applicant will obtain a permit from the Building & Safety Division to demolish the existing abandoned fueling station and cause the building to be demolished in accordance with all local, state and federal regulations.

51. The following notation shall be placed on the grading plan: “No more than three days prior to removing trees, shrubs or tall herbaceous vegetation during the breeding season for migratory birds (February 15 to August 31) a qualified biologist shall conduct a nesting bird survey.”
Public Works Department

52. Grading of the subject property shall be in accordance with the City of Banning grading standards, and accepted grading practices as reviewed and approved by the City Engineer. The final grading plan shall be in substantial conformance with the approved conceptual grading plan.

53. The applicant shall execute a Stormwater Management Facilities Agreement guaranteeing the maintenance of stormwater pollution controls. Said agreement shall be subject to prior review and approval by the City Attorney. The applicant of developer shall bear the cost of the review. Said approved agreement shall be recorded with the Riverside County Recorder and run with the land.

54. A preconstruction meeting shall be held for all participating field personnel, including all appropriate City staff, prior to the commencement of construction activities.

55. A soils report and geological report shall be prepared by a qualified engineer and geologist, respectively, licensed by the State of California to perform such work. Said report shall be reviewed and approved by the City Engineer. The applicant or developer shall be required to comply with all recommendations of said report.

56. 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
- California Regional Water Quality Control Board Colorado River Basin (RWQCB)
- South Coast Air Quality Management District (SCAQMD)
- Riverside County Flood Control District (RCFCD)

57. 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.

58. All utility systems including gas, electric, telephone, water, sewer, storm drain, and cable TV shall be provided underground, with easements provided as required, designed and submitted for review and approval. Said items shall be constructed in accordance with City codes and the utility provider. Telephone, cable TV, and/or security systems shall be pre-wired.

59. 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 grading plan approval.
60. 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 (RCFCD), RCFCD 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.

61. Prior to issuance of any grading or building permit, a Project-Specific Water Quality Management Plan (WQMP) shall be reviewed and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011. At a minimum, all development will make provisions to store runoff from rainfall events up and including the one-hundred year, three hour duration. All material storage areas including trash enclosures must be covered to protect from runoff.

62. If the site is located in a Flood Area as identified in the current Flood Insurance Rate Map the developer is responsible for providing a certification by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

63. 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 property to the west.

64. 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.

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

Temporary Soil Stabilization (erosion control).
Temporary Sediment Control.
Wind Erosion Control.
Tracking Control.
Non-Storm Water Management.
Waste Management and Materials Pollution Control.
65. 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. 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. 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.

66. 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. A grading permit shall be obtained prior to commencement of any grading activity.

67. The applicant shall submit and obtain approval in writing from the Fire Marshall for the plans for all public or private access roads, drives, streets, and alleys. 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 access exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable covenant, conditions or restrictions 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.

**Electric Utility Department**

68. Protect in place any existing electric utility infrastructure vaults, power poles etc.

**III. Prior to the Issuance of Building Permit.**

**Community Development Department**

69. The project shall implement, at a minimum, and require an increase in building energy efficiency of 15 percent beyond Title 24, and reduce indoor water use by 25 percent. All requirements will be documented through a checklist to be submitted prior to issuance of any building permits with building plans and calculations.

70. A noise study will be performed and noise insulation features be incorporated into the design of the building to reduce the noise impacts from the work areas to acceptable levels for the residential occupancies. This is in addition to the requirements for reducing noise impacts related to the ALUC project review (projects located adjacent to airports).

71. Provide a reciprocal parking plan/agreement for the proposed parcels based on the required parking for the project.

72. Obtain clearance and/or permits from the Banning Unified School District
73. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director and Police Department. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties in accordance with the Zoning Code. Lighting fixtures shall be shielded or recessed to prevent spillage to the adjacent properties. The lighting fixture design shall compliment the architecture of the site. Additionally, all lighting plans and installations shall conform to the requirements of the conditions stipulated by the Airport Land Use Commission (ALUC) and Federal Aviation Administration (FAA) review.

74. Plans for any security gates to secure the building premises shall be submitted for the Community Development Director, City Engineer, and City of Banning Fire Marshal review and approval. Security gates will not be allowed to block any public street.

75. A complete landscape/irrigation package prepared by a landscape architect licensed by the State of California shall be reviewed and approved by the Planning Division prior to issuance of building permit. The plans shall include the following elements:
   a. Water conservation concept statement.
   b. Calculation of maximum applied water allowance.
   c. Calculation of estimated total water use.
   d. Landscape design plan.
   e. Irrigation design plan.
   f. Grading design plan.
   g. Soil analysis.
   h. Certificate of substantial completion.

76. 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.

77. Building and Safety plans shall be submitted for plan check and approval. All plans shall be marked with the project number (i.e., DR #13-7002). The applicant shall comply with 2013 California Building Codes, and all other applicable codes, ordinances, and regulations in effect at the time of permit application including but not limited to those regulations that relate to ground movement.

78. The applicant shall pay development impact fees at the established rate. Such fees may include, but are not limited to: Transportation Development Fee, Drainage Fee, School Fees, Permit and Plan Checking Fees. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division.

79. Projects subject to flood hazards shall implement standards for flood hazard reduction in accordance with Banning Municipal Code Section 15.64 including, but not limited to, anchoring, construction materials and methods, elevation and floodproofing, and utilities.
Public Works Department

80. The developer shall provide for the relocation of any sewer or water mains that interfere with the proposed project.

81. A precise grading plan shall be submitted to the City Engineer for review and approval. Precise 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.

82. Prior to issuance of any grading or building permit, a Project-Specific Water Quality Management Plan (WQMP) shall be reviewed and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011. At a minimum, all development will make provisions to store runoff from rainfall events up and including the one-hundred year, three hour duration. Post development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates.

83. 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.

84. In accordance with the approved plans, the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed project/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.

85. 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 (limited to 25% of the planted area), 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.

86. Pay all applicable water and sewer connection and frontage fees per Chapter 13.08 “Water, Sewer and Electricity Rates” of the Banning Municipal Code.

87. Fire hydrants shall be installed within and on the project boundaries as per the approval plans, and/or as approved by the Fire Department.
88. Provide fire flow calculations for the project and construct the necessary facilities to meet those flows for the project.

Electric Utility Department

89. Pay required fees: Engineering, Planning, Inspection and the cost of electric apparatus for completing the primary electric service lateral and Street lighting. The City of Banning Electric Utility commercial service costs are not fixed, but are based on actual cost to install the new service. The cost of each service varies based on project location, service size, and electrical distribution equipment and material needed to service the project.

IV. Prior to the Issuance of Certificate of Occupancy.

Community Development Department

90. Prior to any use of the project site, or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.

91. All ground-mounted utility appurtenances such as transformers and AC condensers shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Community Development Director.

92. All building numbers and individual units shall be identified in a clear and concise manner, including proper illumination.

93. Provide for the following design features in each trash enclosure, to the satisfaction of the Community Development Director:

   a. Architecturally integrated into the design of the project.
   b. Separate pedestrian access that does not require the opening of the main doors and to include self-closing pedestrian doors.
   c. Large enough to accommodate two trash bins (see Public Works Dept for details).
   d. Trash bins with counter-weighted lids.
   e. Architecturally treated overhead shade trellis, or cover.
   f. Chain link screen on top to prevent trash from blowing out of the enclosure and designed to be hidden from view.

94. The buildings shall be constructed in substantial compliance with the design elements as depicted in the staff report approved by the Planning Commission at their regularly scheduled meeting held on October 1, 2014; and, in accordance with Zoning Code regulations.

95. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent
properties and streets as required by the Planning Division. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development Director. Details shall be included in building construction plans.

96. All parking spaces shall be 9 feet wide by 19 feet long minimum. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide.

97. Landscaping, berming, and/or decorative walls shall screen drive-through or drive-in aisles from the public right-of-way and shall be used to minimize the visual impact of readerboard signs and directional signs. Screening shall be combined to total 6 feet in height.

98. A six-foot tall solid decorative masonry wall shall be constructed along the westerly property boundary with landscaping to serve as a buffer between the different uses. The portion of the wall fronting Ramsey Street may be wrought iron with pilasters to allow safety sight distance.

99. Menu boards shall be a maximum of 30 square feet, with a maximum height of 7 feet, and shall face away from the public right-of-way.

100. A 25 foot parking setback from the curb face shall be maintained at the driveway fronting all public streets.

101. For parking located along the street, a combination of walls, and/or berms, and/or landscape material must be provided to screen parking areas from the adjacent street. The screening should be between thirty-six inches and forty-eight inches, except when a drive-through aisle is being screened, in which case a higher screen is necessary to hide the vehicles. Lowered grades in parking lots may also be used to accomplish this.

102. All parking lot landscape islands shall have a minimum interior dimension of 6 feet in width and shall contain a 12-inch walk adjacent to any parking stall (including curb width).

103. Decorative paving shall be required at all driveway entrances in accordance with the requirements of the Zoning Code and City Engineer and Community Development Director.

104. All parking spaces shall be striped per City standards and all loading zones, driveway aisles, entrances, and exits shall be striped per City standards. Each exit from a parking area shall be clearly marked with a "Stop" sign.

105. A minimum of 20% of trees planted shall be 36 inch box or larger specimens; and, a minimum of 50% trees planted shall be 24 inch box or larger specimens.
106. Within parking lots, trees shall be planted at a rate of at least one 24 inch box tree for every four parking spaces. The maximum spacing between trees in parking areas shall compliment the architecture of the existing buildings.

107. All parking areas shall provide at least 30% permanent landscape shading for parked vehicles within two years of occupancy.

108. Trees shall be planted in areas of public view adjacent to and along structures at a rate of at least one tree per 30 linear feet of building.

109. The slopes within any detention basin shall be irrigated and landscaped with appropriate ground cover for erosion control. Slope planting shall include a permanent irrigation system.

Public Works Department

110. All public improvements shall be constructed per the City of Banning standard specifications.

111. Remove and reconstruct all existing handicap ramps fronting the project site.

112. All driveways shall be constructed per the city’s commercial driveway standard.

113. The minimum sidewalk width in commercial areas is 8 feet.

114. Those existing driveways that are no longer in use must be removed and replaced with full width sidewalk and full height curb and gutter.

115. The curb return on the corner of Ramsey Street and Hargrave Street shall be reconstructed to meet the City’s minimum radius of 35 feet.

116. Relocate the existing curb along Hargrave Street and construct a dedicated right-turn pocket (southbound) onto Ramsey Street. The minimum length of the turn pocket shall be 110 feet.

117. 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.

118. A backflow device must be installed on all commercial buildings and at each irrigation water connection. The backflow device must be in compliance with the State Department of Health Regulations.
119. Fire Services will require a Double Detector Check or RPP Device.

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

121. 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.

122. Offer to dedicate to the City of Banning an aviation easement for the airspace related to the operation of Banning Municipal Airport.

123. An automatic sprinkler system and landscaping shall be installed, prior to occupancy of the first unit of the development, within the parkway fronting the public right-of-way, and any interior public spaces. 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 reviewed and approved by the City Engineer.

124. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee.

125. 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.

126. 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.

127. Monuments and center line ties shall be certified and submitted to the City Engineer for review and approval.

**Electric Utility Department**

128. Grant easements for electric facilities installation / maintenance, etc. Building & Safety will need to sign a release before any new service is energized. Power cannot be released until the service conductor is pulled in and terminated at the new service panel. The customer must apply for a new electric service account with the C.O.B. Utility Billing Department located at City Hall (99 E. Ramsey St.) Utility Billing will fax a Meter Release Form to the Electric Utility. The Electric Utility will coordinate the meter set with the customer.
129. The developer shall provide all conduits, vaults, and other materials associated with electric facility installations (except cables and their terminations).

130. The developer shall install streetlight poles, fixtures, pullbox, and conduits along the project frontage, and as directed by the City Engineer.

131. Secondary service entrance conductors to be provided and installed by the developer.

POLICE DEPARTMENT

132. The developer shall install a video surveillance system to view the public areas of the development that may be viewed by police dispatchers. The developer shall submit specifications for review and approval of the Police Department prior to installation.

ELECTRIC DEPARTMENT
CITY OF BANNING

MEMORANDUM

July 28, 2014

PROJECT NUMBERS:
CUP 13-8004 (Request for additional height – Building A; Alcohol sales- building C)
Public Hearing # 13-12502 (Public Convenience or Necessity Finding- Undue Concentration
Alcohol Sales)
Environmental Assessment #13-1501
Parcel Map Project #13-4001

ADDRESS / APN:
775 E. Ramsey / 541-150-020

CONDITIONS & COMMENTS

The City of Banning (COB) Electric Utility Department will design and construct an
underground conduit system around the property, which will include a point of service for all
tenants of the property. COB Electric will require an approximate 10ft X 14ft easement plus
working space, preferably on the southwest area of the property, for the installation of an
electrical switch pad to provide electric service to the property. The costs to construct these
offsite improvements mentioned will be absorbed by the COB Electric Utility.

The developer will be responsible for the following in order to fulfill the conditions of approval
from City of Banning Electric Utility:

1. Cost of relocating the existing poles that coincide with any street improvements. Three of the
four poles that are located within this project are owned by Southern California Edison
(SCE) the other is owned by City of Banning (COB). This pole line carries SCE
transmission, COB primary distribution conductors, and communications cable north and
south along the west side of Hargrave St. Because of this COB Electric Utility will follow
Southern California Edison design for pole relocation. Coordination with Verizon and
Time Warner will also be required. SCE will be the main contact for coordination of any
pole relocations along Hargrave St.

2. Undergrounding the existing high voltage overhead line that crosses the west side of the
project site. This work will have to be completed prior to construction of any on site
building.

3. Undergrounding of Street Lighting along Hargrave and Williams Streets.

4. Placing all onsite utilities underground.
5. The transformer(s) serving this project must be in a decorative enclosure.

6. The area of the new service equipment must be sufficient in size for safe operation and maintenance.

Note: These comments are intended to provide general information for electrical service, and therefore may not be entirely inclusive of all responsibilities of the customer or the City.

Brandon Robinson
Associate Electrical Engineer
City of Banning - Electric Utility
951.922.3262 Office
951.848.1558 Fax
FIRE DEPARTMENT

The following codes and standards quoted in this review response are selected from the various regulations that apply to this development. Other regulations that are not included on this review response may also apply after additional information is provided:
July 15, 2014

RE: Comments for the proposed development of the three story (81 rooms) Hotel and Fast Food Restaurant/Deli stores, CUP 13-8004, Public hearing 13-1202, Environmental Assessment 13-1501, Parcel map project 13-4001, 775 E. Ramsey Street

The following codes and standards quoted in this review response are selected from the various regulations that apply to this development. Other regulations that are not included on this review response may also apply after additional information is provided.

Fees:
- Lodging Facilities Fee - $144.00 per room @ 81 rooms = $11,664.00
- Disaster Fee per room - $5.00 @ 81 rooms = $405.00

- Fast Food Restaurant/Deli Fee - $579.00
- Disaster Fee - $25.00

10. General Conditions

10. FIRE

With respect to the conditions of approval for the referenced project, the Fire Department recommends the following fire protection measures be provided in accordance with City of Banning’s Fire Marshal’s office Ordinances and/or recognize fire protection standards.

10. FIRE

SHELL BUILDINGS

THIS CONDITION IS FOR A SHELL BUILDING ONLY.

Shell building will receive a shell final only. No certificate of Occupancy (human occupant and/or materials) will be issued until the building occupants has been identified with their occupancy classification and have been Conditioned by City of Banning’s Fire Marshal’s office. Occupant or tenant Identification is imperative for orderly and prompt processing.

Upon identification of the occupant or tenant a Fire Protection Analysis report may be required prior to establishing the requirements for the occupancy permit. Failure to provide comprehensive data analysis and/or technical information acceptable to the Fire Marshal’s office may result in project delays.

A complete commodity listing disclosing type, quantity, level of hazard and potential For “Reactivity” must be provided within 15 days. The forgoing is necessary to properly occupancy classify the building(s). Failure to provide comprehensive Data and/or highly technical information will result in project delay and Requirement for a complete Fire Protection Study for review.
10. FIRE RESPONSIBILITY

It is the responsibility of the recipient of these Fire Marshal’s conditions to forward them to all interested parties. The building permit number is required on all correspondence (i.e., general contractor, superintendent, owner, subcontractors, etc).

10. FIRE APPROVED SYSTEM

All of the following conditions titled “Prior to Final Inspection”, and/or any type of fire suppression systems, must be approved, inspected and finalized by the Banning Fire Marshal’s office and prior to Building and Safety’s Final inspection. The Fire Marshal’s letter of conditions, job card and approved plans must be at the job site for all inspections.

10. FIRE HIGH PILE/RACK STORAGE

A separate permit may be required for high-pile storage and/or racks. Sprinkler Plans and/or sprinkler review must be submitted by a licensed sprinkler contractor with storage and/or rack plans to Banning Fire Marshall’s office for review and approval of the 2013 CFC Chapter 32 compliance. Complete Chapter 32 information re: all commodities stored, rack dimensions, placement in building, sprinkler densities, etc. must be provided with suppression system for racks and/or high-pile storage review.

10. FIRE ROOFING MATERIAL

All buildings shall be constructed with Class B roofing materials as per the California Building Code.

10. FIRE BLUE DOT REFLECTOR

Blue retro reflective pavement markers shall be mounted on private street, public streets and driveways to indicate location of fire hydrants. Prior to installation, placement of markers must be approved by City of Banning Water Department.

10. FIRE SUPER FIRE HYDRANT

Super fire hydrant (s) (6” x 4” x 2 1/2” x 2 1/2”) shall be located not less than 25 feet or more than 165 feet from any portion of the building as measured along approved vehicular travel ways.

10. FIRE ABOVE/UNDERGROUND TANK PERMITS

Applicant/developer shall be responsible for obtaining underground fuel, Propane, Chemical and mixing liquid storage tank permits from the City of Banning’s Fire Marshal’s office. Underground and chemical tank plans must be approved by the Environmental Health Department.
prior to submitting plans to the City of Banning's Fire Marshal's office. (Fire Marshal's office needs to review the Environmental Health Approved Set) Plans must be in triplicate and submitted with the current fee for review and Approval prior to installation. Aboveground fuel/mixed liquid tank(s) shall meet the following standard: Tank must be tested and labeled to UL 2085 Protection Tank Standard or SWR1 93-01. The test must include the Projectile Penetration Test and the Heavy Vehicle Impact Test. A sample copy of the tank's label from an independent test laboratory must be included with your Plans. (TANK PLANS CANNOT BE SUBMITTED TO THE FIRE MARSHAL'S OFFICE UNTIL A BUILDING PERMIT HAS BEEN ISSUED).

10. FIRE

RAPID HAZMAT BOX

Rapid entry Hazardous Material data and key storage cabinet shall be installed on outside of the building. Plans shall be submitted to the City of Banning's Fire Marshal's office for approval prior to installation.

10. FIRE

HIGH PILE/RACK STORAGE

A separate permit is required for high pile storage and/or racks. Sprinkler Plans and/or sprinkler review must be submitted by a licensed sprinkler Contractor with storage and/or rack plans to City of Banning's Fire Marshal's office for review and approval of the 2013 CFC Chapter 32 compliance. Complete Chapter 32 information re: all Commodities stored, rack dimensions, placement in building, etc. must be provided with suppression system for racks and/or high-pile storage review.

10. FIRE

GATE ENTRANCES

Gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving that gate. Any gate providing access from a road to a driveway shall be located at least 35 feet from the roadway and shall open to allow vehicle to stop without obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, 40 foot turning radius shall be used.

10. FIRE

ADDRESS AT CONSTRUCT

During the construction of this project, the site address shall be clearly posted at the job site entrance. This will enable incoming emergency equipment and the inspectors to locate the job-site from the assigned street location.

10. FIRE

PROHIBITED H MATERIALS

It is prohibited to use/process or store any material in this occupancy that would classify it as "H" occupancy per the 2013 California Building Code.
60. PRIOR TO GRADING PERMIT ISSUANCE

60. FIRE WATER PLANS

The applicant or developer shall separately submit two copies of the water system plans to the City of Banning’s Fire Marshall’s office for review. Plans shall conform to the fire hydrant types, location and spacing, and the system shall meet the fire flow requirements. Plans shall be signed/approved by a registered civil engineer and the local water company with the following certification: “I certify that the design of the water system is in accordance with the requirements prescribed by the City of Banning’s Fire Marshal’s office.”

80. PRIOR TO BUILDING PERMIT ISSUANCE

80. FIRE ACCESS ROADS

All fire department access roads shall be as Banning Engineering standards, item #21 of the Building Department Street Conditions.

Fire apparatus access roads and water supplies for fire protection are required to be in service prior to and during the time of construction. (C.F.C., sec. 501.4)

Fire vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Temporary vehicle access shall be maintained until permanent fire apparatus access roads are available. (C.F.C., sec. 3310.1)

CFC D102.1, shall be able to support at least 75,000 pounds.

All fire department access roads shall have a 28’ radius minimum, larger radiiuses may exist when detailed building drawings are submitted. (CFC Appendix D)

80. FIRE WATER CERTIFICATION

The applicant or developer shall be responsible to submit written certification from the water company noting the location of the existing fire hydrant and that the existing water system is capable of delivering 3250 GPM fire flow for a 3 hours duration at 20 PSI residual operating pressure. If a water system currently does not exist, the applicant or developer shall be responsible to provide written certification that financial arrangements have been made to provide them.

80. FIRE WATER PLANS

The applicant or developer shall separately submit two copies of the water system plans to the City of Banning’s Fire Marshal’s office for review and approval. Calculated velocities shall not exceed 100 feet per second. Plans shall conform to the fire hydrant types, location and spacing, and the system shall meet the fire flow requirements. Plans shall be signed and approved by a
registered civil engineer and the local Banning’s Water Company with the following certification:
“1 certify that the design of the water system is in accordance with the requirements prescribed by 
the City of Banning’s Fire Marshal’s office.

90. FIRE DESIGNATED AREAS

Existing fire lanes shall be maintained, additional fire lanes may be required. Contact the City of 
Banning’s Fire Marshal’s office for details.

90. FIRE EXTINGUISHERS

Install portable fire extinguishers with a minimum rating of 2A-10BC one per 3000 sq. ft. or 75 
feet of travel distance. Fire extinguishers located in the public Areas shall be in recess cabinets 
mounted 48 inches to the center above floor level with maximum 4 inch projection from the wall. 
(extinguishers must have current CSFM service tag affixed)

90. FIRE SUPER FI/FLOW

Approved super fire hydrants (6" x 4" x 2 ½ X 2 ½") with a fire flow will be determined after the 
complete square footages are provided to the City of Banning’s Fire Marshal’s office, shall be 
installed within 165 feet of all public use type buildings and any recreational vehicle type storage 
area.

90 FIRE SPRINKLER SYSTEM

Install a complete fire sprinkler system per NFPA 13 2013 edition (13D and 13R system are not 
allowed in all buildings requiring a fire flow of 1500 GPM or greater sprinkler system(s) with 
pipe size in excess of 4" inch diameter will require the project structural engineer to certify (wet 
signature) the stability of the building system for seismic and gravity loads to support the sprinkler 
system. All fire sprinkler risers shall be protected from any physical damage. The post indicator 
valve and fire department connection shall be located to the front, within 50 feet of a hydrant, and 
the minimum of 25 feet from the building(s). A statement that the building(s) will be 
automatically fire sprinkled must be included on the title page of the building plans.

Applicant or developer shall be responsible to install a Central Station Monitored Fire Alarm 
System. Monitoring System shall monitor the fire Sprinkler system(s) water flow, P.I.V.’s and all 
control valves. Plans must be submitted to the City of Banning’s Fire Marshal’s office for 
approval prior to installation.

90. FIRE AUTO/MAN FIRE ALARM

Applicant or developer shall be responsible to install a manual and automatic Fire Alarm System. 
Plans must be submitted to the City of Banning’s Fire Marshal’s office for approval prior to 
installation. Standard for this project will be NFPA 72, 2013 edition. Smoke detectors shall be 
required for each guest rooms, common areas, storage rooms, restaurant areas and elevator lobbies 
shall be connected to the fire alarm panel with proper locations.
90. FIRE

HOOD DUCT EXTINGUISH SYSTEM

A U.L. 300 hood duct fire extinguishing system must be installed over cooking equipment. Wet chemical extinguishing system must provide automatic shutdown of all electrical components and outlets under the hood upon activation. System must be installed by a licensed C-16 contractor. Plans must be submitted with current fee to the City of Banning’s Building and Safety. The review and approval shall be completed by the City of Banning’s Fire Marshal’s office. Prior to installation, Note: A dedicated alarm system is not required to be installed for the exclusive purpose of monitoring this suppression system. However, a new or preexisting alarm system must be connected to the extinguishing system; a separate fire alarm plan must be submitted for connection.

Additional Comments:

1. Water flow alarms shall be required to report by each floor.
2. Elevator recall is required.
3. Exit stairs are required every 250 feet for sprinklered buildings.
4. Fire department access shall be provided for all four sides of the building.
5. Roof access shall be required and labeled.
6. Proper building separation walls shall be required or Fast Food Restaurant/ Deli stores shall be Fire Sprinklered and alarmed.
7. Canopy shall be min. 15 foot tall, labeled and sprinklered.
8. Fire doors shall be required each floor and room doors.
9. All stairs shall provide floor number for each floor landing.

Additional requirements may be required after complete plans are submitted. The above information is primary conditions only.

Submitted by,

Doug Clarke
Asst. Fire Marshal
Banning Fire Services
(951) 922-3167
dctarke@ci.banning.ca.us
ATTACHMENT 2
Exhibits-Plans
ATTACHMENT 3
Original Staff Report
CITY OF BANNING
PLANNING COMMISSION REPORT

DATE: October 1, 2014

TO: Planning Commission

FROM: Brian Guillot, Acting Community Development Director

SUBJECT: CONDITIONAL USE PERMIT (CUP) #13-8004/DESIGN REVIEW (DR) #13-7002; PROPOSED 81 UNIT HOTEL, FAST FOOD RESTAURANT WITH DRIVE-THRU, AND DELI CAFÉ IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT; APN 541-150-020

STAFF RECOMMENDATION:

That the Planning Commission take the following actions:

1. Adopt Resolution No 2014-12 (Attachment 1) adopting a Negative Declaration in compliance with California Environmental Quality Act (CEQA) Guidelines; and, approving Conditional Use Permit #13-8004, and Design Review #13-7002.

PROJECT/APPLICANT INFORMATION:

Project Location: 775 E. Ramsey Street
APN Information: 541-150-020
Project Applicant: Joseph Karaki – Western States Engineering, Inc.
4887 E La Palma Street, Suite 707
Anaheim, CA 92807
Property Owner: Pacific Banning Inc., a California corporation
Yin Feng Wei, Agent
2438 San Gabriel Blvd., Suite C
Rosemead, CA 91770
Project Architect: Western States Engineering, Inc.
Specific Plan: No
PROJECT BACKGROUND AND DESCRIPTION:

The applicant is requesting approval to construct a hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square foot fast food restaurant with a drive through; and, a 1,200 square foot deli café in the General Commercial (GC) zoning district. Improvements to the site include a shared parking lot for approximately 107 vehicles, landscaping, and utilities.

Design review is required for the proposed project to assure that it conforms to the City’s development standards and design guidelines. Approval of a Conditional Use Permit (CUP) is required to allow the additional height of the hotel building (Table 17.12.030 limits building heights to 35 feet without approval of a CUP; the hotel building is proposed at 48 feet in height); and, to implement the shared parking requirements.

Site Description

The site consists of vacant land along with an existing gas station that will be demolished. The property fronts three improved roadways: Williams Street along the northerly boundary, Ramsey Street along the southerly boundary, and Hargrave Street along the easterly boundary. The land surface slopes to the south-east. A Southern California Edison (SCE) above ground transmission line is located along the Hargrave Street right-of-way fronting the parcel. Another electric distribution line bisects the property providing electric service to the buildings located on the west side of the project.

The project area consists of one parcel, Assessor’s Parcel Numbers (APN) 541-150-020 totaling approximately 2.66 acres (approximately 115,943 square feet). The land is described as a portion of Block 168 of the Lands of The Banning Land Company as shown by Map of Banning Colony Lands on file in Book 3 Page 149 of Maps, Records of Riverside County California.

Surrounding Land Use

The proposed project is located in an urban environment in the General Commercial (GC) zone that has been developed since the early part of the 20th century. A multi-family residential use is located to the north and across Williams Street in the High Density Residential zoning district. Banning Municipal Airport, described as a general aviation facility, is located approximately ½ mile to the southeast and across Interstate 10; the airport includes a small terminal building, aircraft hangars and tie-downs, along with a small aircraft fueling station. Two single family dwellings are located to the west fronting Williams Street and are considered legal non-conforming as they are located within the GC zoning district. A multifamily residential use is located to the west fronting Ramsey Street and is also considered legal non-conforming as it is located within the Mobile Home Park (MHP) zoning district; the site does not appear to be occupied at this time. East of the project site and across Hargrave Street is a parking lot serving an office facility, and vacant parcels of land located within the Business Park (BP) zoning district. Located to the south and across Ramsey Street is a gas station within the General Commercial zoning district.

The nature of the surrounding uses, Zoning and General Plan land use designations are indicated in the following table.
Land Use Summary Table

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>residential</td>
<td>High Density Residential</td>
<td>High Density Residential</td>
</tr>
<tr>
<td>South</td>
<td>fueling station</td>
<td>General Commercial</td>
<td>General Commercial</td>
</tr>
<tr>
<td>East</td>
<td>parking lot for office building</td>
<td>Business Park</td>
<td>Business Park</td>
</tr>
<tr>
<td></td>
<td>vacant parcels</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>residential (fronting Williams Street)</td>
<td>General Commercial</td>
<td>General Commercial</td>
</tr>
<tr>
<td>West</td>
<td>residential (fronting Ramsey Street)</td>
<td>Mobile Home Park</td>
<td>Mobile Home Park</td>
</tr>
</tbody>
</table>

ANALYSIS:

The proposed project is located in the General Commercial (GC) zone. This district is the broadest of the City's commercial districts, and allows food and drug stores; home improvement; auto sales, leasing, service and repair; department and general retail outlets; merchandise leasing; neighborhood serving retail and services; restaurants; entertainment uses; gas stations; general offices (secondary to retail); mixed uses; and financial institutions.

The developer proposes a project with a mixed use hotel and restaurants. This type of development is suitable for this zoning district as it provides short term lodging (transient occupancy) and restaurant services both to the neighborhood and traveling public. Please refer to the drawings submitted with the application (see Attachment 4) as they provide greater detail on the design of the buildings, parking areas, and landscaping.

The parking, access, and landscaping including maintenance of the overall site will be established through agreements should the property be subdivided in the future.

Compliance with General Commercial Development Standards

Below is a chart showing the minimum development standards for the General Commercial (GC) zone as stated in Table 17.12.030; and, how the proposed project meets those standards.
General Commercial Development Standards

<table>
<thead>
<tr>
<th>Development Standards</th>
<th>Required</th>
<th>Provided</th>
<th>Complies With Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>6,000 square feet</td>
<td>2.66 acres</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(approximately 115,943 square feet)</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>60 feet</td>
<td>202 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>100 feet</td>
<td>577 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td>10 feet</td>
<td>128 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>0 feet</td>
<td>60 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>0 feet</td>
<td>30 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>35%</td>
<td>19%</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Height (stories/feet)</td>
<td>2/35 feet*</td>
<td>3 story/48 feet</td>
<td>Yes w/CUP approval</td>
</tr>
<tr>
<td>Maximum Fence/Wall Height</td>
<td>6 feet</td>
<td>6 feet</td>
<td>Yes</td>
</tr>
</tbody>
</table>

* Additional height may be permitted with approval of a Conditional Use Permit.

Conditional Use Permit - Additional Building Height

Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to established development standards and design guidelines. This review shall determine whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use, against any negative or undesirable impacts which it may cause. The Planning Commission may want to impose limits that would make the use more compatible with the neighborhood in which it is proposed to be located.

The Commercial Development Standards limit building height to 35 feet in the General Commercial zoning district. Additional height may be permitted with approval of a Conditional Use Permit (CUP) as noted in Table 17.12.030 of the zoning ordinance. The applicant is requesting approval of a building height of 48 (42 feet at the northerly portion of the building) feet to allow the construction of the third story for the hotel building. The third story contains 39 of the 81 total proposed hotel rooms that will be available for use (or, about 48% of the total hotel rooms). This is the case because the area for hotel rooms on the third floor includes the additional portion of the structure over the portico. Therefore, the additional building height represents a significant portion of the hotel rooms that would be available for use. The hotel is proposed to be located in the vicinity of Interstate 10 that serves as a highway for the traveling public, and temporary lodging facilities are a direct need of the traveling public.
Possible negative impacts associated with approving the additional building height are changes to scenic views, additional shadows cast by the building, and safety concerns due to the building being located within ½ mile of the Banning Municipal Airport, a general aviation facility. The project is not located adjacent to a designated scenic highway so there are no adverse impacts related to scenic highways. There are no stands of trees, rock out-cropping or other significant scenic resources in the immediate area.

The existing non-conforming residential structures may be affected by the hotel building height; however, this is minimized by setting the building back from the property lines (approximately 30 feet along the westerly property boundary). Views of the San Gorgonio Mountains and the San Jacinto Mountains are directly to the north and south respectively of the existing residential structures, while the proposed hotel building is located directly east of the existing residential uses minimizing impacts to mountain views. Shadows cast by the hotel building are also minimized adjacent to the existing residential by setting the building back from the property line. Additionally, a 6 foot tall solid masonry wall along with landscaping along the westerly property line will serve as a buffer and stepped relief between the residential and hotel uses.

On June 12, 2014, the Riverside County Airport Land Use Commission (ALUC) reviewed the project and found that it is consistent with the 2004 Banning Municipal Airport Land Use Compatibility Plan. The ALUC review considers impacts associated with exposure to aircraft noise, land use safety with respect to people on the ground and the occupants of aircraft, protection of airport airspace, and general concerns related to aircraft overflights. The ALUC review did not identify any significant impacts associated with the increased height of the hotel building.

The additional building height provides a significant portion of the available hotel rooms needed by the traveling public while not adversely impacting the physical environment; therefore, it is recommended that the CUP for additional building height be granted.

**Site Design/Grading**

The proposed project will be accessed by one drive approach along the westerly property line for Ramsey Street that will primarily serve the restaurants; and, one drive approach along westerly property line of Williams Street that will primarily serve as a secondary access point for the hotel. The access point fronting Ramsey Street shall be restricted to right turning movements entering the site and right turn movements exiting the site. Two drive approaches are provided for vehicle ingress and egress along Hargrave Street separated by a distance of approximately 250 feet. The driveway around the proposed hotel and restaurant buildings is approximately 20 wide to provide fire safety access. The development will be restricted to only one fast food drive up window due to the limited amount of vehicle queuing space provided in the project design (approximately 8 automobiles).

Parking is set back from all access points along the street to allow at least one vehicle to enter and exit the parking lot without being blocked by vehicles pulling out from or into the parking spaces. This design feature helps reduce vehicle congestion along Ramsey Street and Hargrave Street by allowing vehicles to enter the site unobstructed. The onsite driveways provide for vehicle circulation in both directions. The design of the parking spaces and driveway comply with the requirements of the Parking Lot Design Standards of the zoning ordinance.
The existing ground surface is flat and slopes to the southeast. The site is not developed with the exception of the existing abandoned fueling station that will be demolished, and a grading permit along with grading plans shall be required. A precise grading plan will be submitted to the City Engineer for review and approval in accordance with the City’s Grading Ordinance and a grading permit shall be issued prior to any construction activities taking place. The City’s Grading Ordinance makes provision for dust prevention and control during construction, erosion and sediment control, protection of adjoining properties, water quality, and other regulations related to grading.

Parking Requirements

Based upon the uses proposed for the project (hotel and restaurant) the Zoning Ordinance for the City of Banning requires 123 total parking spaces for the specific uses. Provision is made in Section 17.28.060(J) for shared parking if multiple uses cooperatively establish and operate facilities with parking demands at alternating times. The applicant is proposing shared parking. A Shared Parking Study was prepared by K2 Traffic Engineers, Inc. dated June 12, 2014, demonstrating that with the different uses and time of day factors considered, a peak demand for 104 parking spaces occurs during the week at 6 p.m. The project provides 107 parking spaces, which is sufficient to accommodate the parking demand. Please see Attachment 7 Shared Parking Study prepared by K2 Traffic Engineering, Inc. for additional information.

Architectural Design

The design and architecture of new development in the General Commercial zoning district shall be consistent with the Design Guidelines of the zoning ordinance. Desirable elements of the design include significant texture for building surfaces, wall articulation, insets, canopies, wing walls, trellises, multi-planed, pitched roofs, roof overhangs, arcades and covered walkways, regular window distribution, articulated mass and bulk, significant landscape and hardscape elements, clearly identifiable access driveways, convenient and accessible parking, landscaped and screened parking, unified and complementary signage.

The basic building architectural types consist of simple mission themes. The textures used for the building finishes include stucco enhanced with stone veneers. The finish/paint colors may be described as brown and tan earth tones. Additional architectural detail is provided with decorative corbels, a cornice with a metal cap along the roof line, and mosaic tiles around the pool area walls and planters. Wall articulation is accomplished at the tower elements along the building elevations, which provides significant desirable shadow effect. Second and third floor false patio decks are decorated with wrought iron handrails. The roof plane changes at intervals and provides articulation for the building mass. The roofing material is clay tile. Significant landscaping features both adjacent to the building and along the property lines in the parking area contribute to the desirable design elements of the project. Other hardscape features include raised planters at the pool area along with trees providing shade in the parking areas.

Please refer to the drawings submitted with the application (see Attachment 4) as they provide greater detail on the architectural design of the buildings and features of the parking areas and landscaping areas.
Landscaping and Lighting Design

The landscaping design and construction emphasizes drought tolerant features as required by State of California and zoning regulations for the purpose of conserving water. Specified tree types include Brisbane Box, Palms, Juniper, and Crepe Myrtle for color; shrub types include Photinia, Flax, Lilly, and Boxwood. All plant types will require little to moderate watering with some types requiring no additional watering at all. No turf is proposed for this project. A landscape documentation package that includes a water conservation statement shall be required at time of construction for approval of the final landscape design plans.

The Parking Lot Design Standards of the Zoning Code require that at least 15% of the parking area be landscaped. The parking area as proposed in the design plans is approximately 46,955 square feet. Therefore, the minimum landscape area is 7,044 square feet. The applicant is proposing 7,723 square feet of landscaping in the parking area.

Exterior lighting is conditioned to be shielded or recessed so that light is contained within the boundaries of the parcel on which the lighting is located. All lighting shall be directed downward and away from adjoining properties and public rights-of-way. Additionally, any lighting that would interfere with the nearby airport operations shall be prohibited in accordance with Federal Aviation Administration (FAA) regulations and the conditions imposed by the Riverside County Airport Land Use Commission.

Projects Near Airports

The project is located within Airport Compatibility Zone D of the Riverside County Airport Land Use Compatibility Plan as adopted by the Riverside County Airport Land Use Commission (ALUC) for Banning Municipal Airport. On June 12, 2014, the Riverside County Airport Land Use Commission determined the project is consistent with the Airport Land Use Compatibility Plan. The results of the determinations and conditions are as shown in Attachment 6. The project requires approval of a Conditional Use Permit, and conditions imposed through the ALUC review are incorporated into the project CUP conditions of approval.

Conclusion

Staff recommends approval of the subject Conditional Use Permit and Design Review as the proposed project is consistent with the requirements of the General Plan and Zoning Code while not adversely affecting the environment. The project adequately meets the performance standards and design guidelines as discussed in the staff report; or, will meet those requirements as stated in the conditions of approval and upon review and approval of the construction plans and specifications.

ENVIRONMENTAL:

Biological Resources

Biological resources represent the plants, wildlife species, ecosystems, and habitats that contribute to an area’s natural setting. The project site is located within an urbanized area of the City of Banning. Based on the review of the General Plan for the City of Banning, there are several
sensitive plant and animal species that have a potential to occur in the vicinity of the project. However, the potential to find such species on the project site or in the area immediately surrounding the project site is very low due to a lack of natural vegetation, the heavy disturbance of the natural environment (active weed control) and the lack of undisturbed habitat.

Additionally, a detailed review of Exhibit IV-2 of the General Plan demonstrates that the site is not located in a Special Linkage Area or Criteria Area of the MSHCP; a detailed review of Exhibit IV-3 of the General Plan demonstrates that the site is not located in an area that supports the Yucaipa Onion; a detailed review of Exhibit IV-4 of the General Plan demonstrates that the site is not located in a Burrowing Owl Survey Area; and, a detailed review of Exhibit IV-5 of the General Plan demonstrates that the site is not located in a L.A. Pocket Mouse survey area. Therefore, there will not be a substantial adverse effect on candidate, sensitive, or special status species.

The project will be required to pay a local development mitigation fee for funding the preservation of natural ecosystems in accordance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The purpose of the plan is to protect the existing character of the city and the region through the implementation of a system of reserves which will provide for permanent open space, community edges, and habitat conservation for species covered by the MSHCP.

There are no streams, drainage courses, or lakes on the site. There are no depressions on the site that may allow water to collect and provide suitable habitat to support natural communities and wetlands. The project site is surrounded by existing development to the east and west, and fronts Lincoln Street and Barbour Street on the north and south; consequently, the site does not serve as a wildlife movement corridor. The site contains no trees or vegetation; and, therefore there is nothing to consider preserving.

Cultural Resources

Cultural resources provide residents with a meaningful sense of history and heritage. The site is not listed in the National Register of Historic Places (NRHP). Review of the California State Historic Register of Historic Resources, California Historical Landmarks, and California Points of Interest indicates that the site is not registered or designated as a historic place.

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

A detailed review of Table IV-11 of the General Plan found that the site is not listed as a Historic-Era Building, in fact there are no historical structures located on the site. A detailed review of Exhibit IV-7 found that there are no designated heritage properties located in the vicinity of the project site. Therefore, the potential to find such cultural resources on the project site is very low due to the lack of history or structures being located on the site and the heavy disturbance of the ground (active weed control). There are no known archaeological resources, paleontological resources, or cemeteries on the site.
In their letter dated July 25, 2014, the Morongo Band of Mission Indians requested a copy of any cultural resources study that may be conducted for the project (see Attachment 9). In connection with the 2006 General Plan adoption a Cultural Resources technical report was prepared by CRM Tech of Riverside, California dated July 23, 2004. The report stated that “the majority of the known architectural sites were prehistoric-i.e., Native American-in nature, which occurred predominately near streams and mouths of canyons, and other natural water sources”. The project site is not located near any of the described areas; and, there are no stands of trees, rock out-cropping or other significant land features in the immediate area that would suspect prehistoric occupation. Furthermore, the letter from the Morongo Band did not identify a specific cultural resource that may be located on the site. The project site is previously developed and located within an urban environment that has been in use since the early part of the 20th century; and, therefore an additional cultural resources study is not required. In the event of accidental discovery of human remains, the County Coroner will be contacted and the remains will be dealt with in accordance with State regulations (see Condition of Approval #12).

The existing abandoned fueling station located on the site will be demolished. The building is not listed as an historic resource or considered to be of historic value being constructed in 1965 as near as can be determined from building permit records.

Geotechnical Hazards

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

The City of Banning General Plan Exhibit V-4 indicates that the site is located within a zone of moderate liquefaction susceptibility. However, the California Building Code requires the submittal of a soils and geotechnical investigation specific for the site at time of building permit submittal; and, that report will address any specific risks associated with liquefaction. Specific design provisions will be part of the recommendations of the soils and geotechnical investigation at the time of building permit application. Any provisions will be made a part of the building plans and specifications. Additionally, the recommendations of the report will be made part of the grading plans through the project conditions of approval and in accordance with the “Grading Ordinance” for the City of Banning. A limited site evaluation report from Geo Environ of Anaheim, California dated September 18, 2014, states that the site is not susceptible for potential liquefaction and no potential fault lines are located beneath the site.

Hydrology

Exhibit V-5 of the General Plan (GP) identifies that the site is located adjacent to or within an area of shallow flooding. Specifically, the GP explains as follows:

“Areas between limits of the 100-year and 500-year flood; or certain areas subject to 100-year flooding with average depths less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from base flood”.

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A grading plan is required in connection with the site development and will include a hydrology and hydraulics analysis in accordance with the City of Banning Grading Ordinance. The buildings as proposed in the project will be designed in accordance with the Grading Ordinance that includes design of building floor elevations to protect the structures from potential flood damage. Therefore, the impacts related to flood are considered to be less than significant.

Construction of the project would require grading activities that could result in a temporary increase in erosion affecting the quality of storm water runoff. This increase in erosion is expected to be minimal, due to the flatness of the site. Also, Section 18.06.140 of the “Grading Ordinance” will require an Erosion and Sediment Control Plan to be implemented during construction of the project.

For post construction activities, a Preliminary Water Quality Management Plan recommends that the project’s runoff flow rate, volume, velocity and duration for the post development condition mimic the pre-development conditions and incorporate site design considerations to improve water quality. A Final Water Quality Management Plan (WQMP) is required to be approved before construction of the project. The recommendations of the WQMP will be incorporated into the project design and practices.

Noise

The Noise Element of the City of Banning General Plan coordinates land use with existing and future noise environment. Noise is measured in decibels (db). The A-weighted decibel (dBA) approximates the subjective response of the ear to noise source by discriminating against the very low and very high frequencies in the spectrum. The project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square foot fast food restaurant with a drive through; and, a 1,200 square foot deli café. The applicable noise regulations are contained in the City’s General Plan Noise Element and Municipal Code.

The Noise Element of the City of Banning General Plan coordinates land use with existing and future noise environment. Noise is measured in decibels (db). The A-weighted decibel (dBA) approximates the subjective response of the ear to noise source by discriminating against the very low and very high frequencies in the spectrum. Table V-3 of the GP identifies that the existing noise contour for Hargrave Street at Interstate 10 (the closest listed location) for 55 dBA extends to approximately 153 feet, not within the project area. Table V-4 of the GP identifies that transient lodging uses, are compatible with noise environments up to 65 dBA. Since the site is farther away than the 55 dBA noise contour, existing noise from motor vehicle traffic is not a factor. Additionally, the determination from ALUC did not include requirements for noise reduction as any noise impacts associated with the airport traffic pattern are not considered significant because most of the project uses take place within the proposed structures.

Noise impacts associated with construction activity may exceed what is generally acceptable by the City’s General Plan guidelines. However, in accordance with the City’s noise ordinance, those impacts are restricted to the hours of 7:00 a.m to 6:00 p.m. and are enforced by the building official through the permitting process. Furthermore, the noise ordinance places this additional restriction on construction activities:
“However, nothing contained herein shall permit any person to cause sound levels to at any time exceed 55 dBA for intervals of more than fifteen minutes per hour as measured in the interior of the nearest occupied residence or school.”

Therefore, any noise impacts related to construction activities are temporary and not considered significant.

Traffic

A focused traffic impact analysis was prepared by K2 Traffic Engineers, Inc. dated May 16, 2014 (see Attachment 8). The proposed development is projected to generate approximately 1,741 daily vehicle trips, 71 of which will occur during the morning peak hour and 65 of which will occur during the evening peak hour. The report analyzed roadway capacity, and level of service and determined that the traffic generated from the proposed project will not significantly impact any of the study intersections and roadway segments. Ramsey Street is a fully improved arterial roadway. However, the Public Works Department is requesting in the conditions of approval for the project the replacement of the curb return and the addition of a southbound right turn pocket from southbound Hargrave Street to westbound Ramsey Street.

Additionally, the project will participate in the cost of off-site improvements through payment of the following “fair share” mitigation fees:

- Transportation Uniform Mitigation Fee (TUMF) prior to construction (regional).
- Traffic Signal Mitigation Fee prior to construction (local).

Access will not be impacted as the site fronts three improved roadways and the project will not alter or limit access in any way. During construction portions of Hargrave Street and/or Ramsey Street may be affected; however these impacts are considered temporary and will be mitigated through traffic control as required by the City Engineer. Access drives proposed for the project are designed in accordance with Fire department minimum design standards. Additionally, the project is proposed with a 24 foot wide driveway circulating around the entire project.

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 proposed Negative Declaration and documents incorporated therein by reference, any written comments received and responses provided, 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. California Environmental Quality Act (CEQA):
a) **Review Period:** That the City has provided the public review period for the Negative Declaration for the duration required under CEQA Guidelines Sections 15073 and 15105. The public review period was from August 14, 2014 to September 2, 2014.

b) **Compliance with Law:** That the Negative Declaration was 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.

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

d) **No Significant Effect:** That revision made to the project plans agreed to by the applicant 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, the Planning Commission finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the Planning Commission concludes that the project will not have a significant effect on the environment.

2. **Wildlife Resources.**

Pursuant to Title 14, California Code of Regulations § 753.5(c), the Planning Commission has determined, based on consideration of the whole record before it, that there is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The project site is vacant and void of vegetation and wildlife habitat. Furthermore, on the basis of substantial evidence, the Planning Commission hereby finds that any presumption of adverse impact has adequately been rebutted. Therefore, pursuant to Fish and Game Code § 711.4(c)(2)(B) and Title 14, California Code of Regulations, § 753.5(a)(3), the project is not required to pay Fish and Game Department filing fees.

3. **Multiple Species Habitat Conservation Plan (MSHCP).**

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

**REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT:**

Section 17.52.050 requires that each Conditional Use Permit application meet certain findings in order to be approved by the Planning Commission. The following findings are provided for Planning Commission consideration:
Finding No. 1: The proposed project is consistent with the General Plan.

Findings of Fact: The project is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands”. The land-use designation of General Commercial (GC) allows hotel and restaurant uses with the provision for additional building height subject to approval of a Conditional Use Permit by Planning Commission. The proposed project will provide a hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square foot fast food restaurant with a drive through; and, a 1,200 square foot deli café all provided temporary (transient) lodging and food services for the City and region.

Further, the project is consistent with General Plan Economic Development Policy which states: “The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues”. The proposed project will generate the need for hotel management and service worker positions; and, food service management and worker positions. Additionally, transient occupancy tax revenues will be created by the hotel operation especially as it relates to approving the additional building height as it provides a significant portion of the available hotel rooms needed by the traveling public.

Finding No. 2: The proposed use is conditionally permitted within the subject land use district and complies with the applicable provisions of the Zoning Code.

Findings of Fact: The additional building height for the hotel building is allowed in accordance with Section 17.12.020 Permitted, conditional and prohibited uses of the Zoning Ordinance subject to approval of a Conditional Use Permit by Planning Commission. The additional building height provides a significant portion of the available hotel rooms needed by the traveling public while not adversely impacting the physical environment because the developer has agreed to set the building back at least 30 feet from the property lines. The proposed project meets the development standards as required in Table 17.12.030 of the zoning ordinance and other design guidelines as shown in this staff report dated October 1, 2014.

Finding No. 3: The proposed use would not impair the integrity and character of the land use district in which it is to be located.

Findings of Fact: The proposed use will not impair the integrity and character of the GC land use district in which it is to be located because it is surrounded by existing developments and the Project is located in an urban environment that has been developed since the early part of the 20th century. Banning Municipal Airport is located across Interstate 10 and to the south-east of the project site. Located to the west are a few legal non-conforming single-family/multi-family dwellings. Located to the east and across Hargrave Street is a parking lot serving an office facility, and vacant parcels of land. Located to the south and across Ramsey Street is gas station within the General Commercial zoning district.

All surrounding land uses are located within the General Commercial or Business Park district. This urban area of the City is connected by Ramsey Street to the south, Williams
Street to the North and Hargrave Street to the east. The project will connect to the existing roadway system and will not create any barriers that will divide the neighborhood. The building architecture and site circulation and landscaping have been designed in a way that the project is compatible with the character of the surrounding neighborhood. Additionally, a 6 foot tall solid wall along with landscaping will separate the site from the legal non-conforming residential properties nearby.

Finding No. 4: The subject site is physically suitable for the type and intensity of land use being proposed.

Findings of Fact: The subject site is basically flat with a gentle slope to the southeast, and is surrounded by developed roadways providing suitable access (Ramsey Street, Hargrave Street, and Williams Street). The 2.66 acre land area is of adequate size to accommodate the proposed use including building area, parking area, site circulation, and landscaping with conditions as shown in the staff report dated October 1, 2014.

Furthermore, the review of the project by the Riverside County Airport Land Use Commission found the proposed project consistent with the 2004 Banning Municipal Airport Land Use Compatibility Plan subject to certain conditions as related in the attachment to the staff report dated October 1, 2014.

Finding No. 5: There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

Findings of Fact: The site is served by the public and private utilities, including the City’s water, sewer, and electrical utilities. There is an existing 14 inch steel waterline in Hargrave Street and an existing 12 inch steel waterline in Ramsey Street. An existing 8 inch clay gravity sewer main is located in Ramsey Street, which is downstream of the project site.

The City is required to adhere to the requirements of their discharge permit with the Regional Water Quality Control Board for the wastewater treatment facility and all wastewater discharges are expected to be treated by the City’s system. Additionally, the City requires industrial facilities to comply with the Industrial Wastewater Collection and Treatment Ordinance. Provisions of the Ordinance will require connection permits, monitoring and inspection of the project, and restrictions on certain wastewater discharges.

Finding No. 6: There will not be significant harmful effects upon environmental quality, natural resources or neighborhood characteristics

Findings of Fact: There is no evidence that the proposed project will have the potential for any adverse effect on environmental quality, wildlife resources, or the habitat upon which wildlife depends as demonstrated in the facts listed in the Initial Study for the project dated August 13, 2014.

Based on the review of the General Plan for the City of Banning, there are several sensitive plant and animal species as having a potential to occur in the vicinity of the project. However, the potential to find such species on the project site or in the area immediately surrounding the project site is very low due to a lack of natural vegetation, the heavy
disturbance of the natural environment (active weed control) and the lack of undisturbed habitat. There are no streams, drainage courses, or lakes on the site. There are no depressions on the site that may allow water to collect and provide suitable habitat to support natural communities and wetlands. The site contains no trees or vegetation; and, therefore there is nothing to consider preserving.

The proposed use will not impair the integrity and character of the GC land use district in which it is to be located because it is surrounded by existing developments and on the Ramsey Street corridor which is a long-established commercial corridor of the city. The building architecture and site circulation and landscaping have been designed in a way that the project is compatible with the character of the surrounding neighborhood and zoning ordinance design guidelines. Additionally, a 6 foot tall solid wall along with landscaping will separate the site from the legal non-conforming residential properties nearby.

**Finding No. 7:** The proposed location, size, design and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Findings of Fact: A hotel and restaurant use is a permitted use in the General Commercial (GC) zone. The proposed project will not be detrimental to the City’s health, safety, and welfare in that it complies with the development standards of the Zoning Ordinance with the conditions of approval as listed within this staff report dated October 1, 2014. The project will not generate excessive noise or traffic. Furthermore, there is no evidence that the proposed project will have the potential for any adverse effect or detriment to the public interests, health, safety, convenience or welfare of the City as demonstrated in the facts listed in the Initial Study for the project dated August 13, 2014.

**REQUIRED FINDINGS FOR DESIGN REVIEW:**

The Zoning Code requires that each Design Review (BMC §17.56.050) application meet certain findings in order to be approved by the Planning Commission. The following findings are provided for Commission consideration:

**Finding No. 1:** The proposed project is consistent with the General Plan.

Findings of Fact: The project is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands”. The land-use designation of General Commercial (GC) allows hotel and restaurant uses. The proposed project will provide a hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square foot fast food restaurant with a drive through; and, a 1,200 square foot deli café all provided temporary (transient) lodging and food services for the City and region.

Further, the project is consistent with General Plan Economic Development Policy which states: “The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund
revenues”. The proposed project will generate the need for hotel management and service worker positions; and, food service management and worker positions. Additionally, transient occupancy tax revenues will be created by the hotel operation.

Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Findings of Fact: The proposed project is consistent with the Zoning Ordinance and the development standards of the GC zone, including setbacks, building height as provided for in the CUP application, and building coverage on the lot. The Zoning Ordinance requires a peak demand for 104 parking spaces which occurs during the week at 6 p.m.; and, the project provides 107 parking spaces. The project is proposing 7,723 square feet of landscaping in the parking area (approximately 46,955 square feet) which is greater than the 15% minimum landscaping requirement of the Zoning Ordinance.

Finding No. 3: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards.

Findings of Fact: The proposed project has provided site and circulation layout design in such a way that the project will not interfere with the use and enjoyment of existing and future development. The proposed project provides two separate vehicle access driveways, one fronting Hargrave Street, and one fronting Ramsey Street and Williams Street respectively, with a driveway that circulating around the buildings. The proposed project provides pedestrian walks around the building. Additionally, the project has been reviewed by the City Engineer and Fire Department with regard to site circulation for pedestrian and motor vehicles, and emergency access, and they have not identified any deficiencies that will result in vehicular and/or pedestrian hazards.

Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Findings of Fact: The proposed use will not impair the integrity and character of the GC land use district in which it is to be located because it is surrounded by existing developments and on the Ramsey Street corridor which is a long-established commercial corridor of the city. The project will connect to the existing roadway system and will not create any barriers that will divide the neighborhood. The building architecture and site circulation and landscaping have been designed in a way that the project is compatible with the character of the surrounding neighborhood and zoning ordinance design guidelines as demonstrated in the staff report dated October 1, 2014. Additionally, a 6 foot tall solid wall along with landscaping will separate the site from the legal non-conforming residential properties nearby.
PUBLIC COMMUNICATION:

This hearing was advertised in the Record Gazette newspaper on August 8, 2014, and notices were mailed to all property owners within a 300-foot radius of the site on August 7, 2014. As of the date of this report, staff has not received any verbal or written comments for or against the proposed project. The proposed Initial Study/Negative Declaration was advertised for public comment; the review period was August 14, 2014, to September 2, 2014; 20 days. As of the date of this report, staff has not received any verbal or written comments for or against the proposed project as related to the environmental.

The project was initially scheduled to be presented to Planning Commission on September 3, 2014; however, the applicant requested that the item be continued to the October 1, 2014, Planning Commission meeting in order to confer with the Public Works Department regarding infrastructure requirements.

APPROVED BY:

__________________________
Brian Guillot
Acting Community Development Director

PC Attachments:

1. PC Resolution No. 2014-12 (with Conditions of Approval)
2. Location map, Assessor’s Parcel Number map, and Aerial Photo
3. Site Photographs
4. Project Plans
5. Initial Study/Negative Declaration
6. Riverside County Airport Land Use Commission (ALUC) development review
7. Shared Parking Study
ATTACHMENT 4
Adopted Negative Declaration
CITY OF BANNING
Initial Study/Negative Declaration

81 Unit Hotel, Fast Food Restaurant with Drive-Thru, and Deli Cafe

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

August 13, 2014

Zai Abu Bakar
Community Development Director
(951) 922-3131
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EXECUTIVE SUMMARY

This Initial Study assesses the potential environmental impacts of the proposed project. The purpose of the project is to develop approximately 2.66 acres along Ramsey Street west of Hargrave Street in the City of Banning as an 81 Unit Hotel, Fast Food Restaurant with Drive-Thru, and Deli Cafe (see Project Location - Figure 1). The proposed project consists of approximately 61,209 square feet of proposed building area along with parking for 107 vehicles, landscaping, signage, and utilities.

The results of the Initial Study show that there is no substantial evidence that the project would have a significant effect on the environment. A Negative Declaration is being recommended for adoption.
The project area is bounded by Hargrave Street to the east, Williams Street to the north, and Ramsey Street to the south.

Figure 1 – Project Location
Figure 2 – Site Plan
Figure 3 – Conceptual Elevation
1. INTRODUCTION

Purpose and Scope

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

In accordance with Section 15063 of the State CEQA Guidelines, the City is required to prepare an Initial Study to determine if the Project may have a significant effect on the environment. This Initial Study is intended to be an informational document providing the Planning Commission, City Council, other public agencies, and the general public with an objective assessment of the potential environmental impacts that could result from the implementation of the Project.

Incorporation by Reference

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

2. EVALUATION OF ENVIRONMENTAL IMPACTS

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

This Form has been used by the City of Banning to review the effects of the proposed Project with respect to the following environmental factors. The environmental factors checked below would be potentially affected by this project, involving at least one impact that is “Potentially Significant Impact”. Based on the analysis contained in this Initial Study, the following environmental factors are affected by the proposed project.

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Greenhouse Gas Emissions
- Hydrology/Water Quality
- Hazards & Hazardous Materials
- Land Use and Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems
- Mandatory Findings of Significance
In the Form, a series of questions is asked about the Project for each of the above-listed environmental factors. A brief explanation is then provided for each question on the Form.

There are four possible responses to each question:

A. **Potentially Significant Impact.**

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

B. **Potentially Significant Unless Mitigation Incorporated.**

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

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

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

C. **Less Than Significant Impact.**

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

D. **No Impact.**

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

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

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

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

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

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

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

Approved for distribution by:

Signature: [Signature]
Zai Abu Bakar, Community-Development Director

Prepared by: Brian Guillot, Associate Planner

Date: August 13, 2014

4. PROJECT DESCRIPTION

**Project Title:** 81 Unit Hotel, Fast Food Restaurant with Drive-Thru, and Deli Café

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

**Applicant:** Joseph Karaki-Western States Engineering, Inc.  
4887 E. La Palma, Suite 707  
Anaheim, CA 92807

**Owner:** Pacific Banning, Inc., a California corporation  
Yin Feng Wei, Agent for Service of Process  
2438 San Gabriel Blvd., Suite C  
Rosemead, CA 91770

**General plan designation:** General Commercial

**Zoning:** General Commercial (GC)

**Project Description:** The project consists of a Design Review application along with a Conditional Use Permit application to entitle the construction and operation of 81 Unit Hotel, Fast Food Restaurant with Drive-Thru, and Deli Café on a 2.66 acre site in the General Commercial zoning district. The site consists of vacant land along with an existing gas station that is to be demolished. The property fronts three improved roadways: Williams Street along the northerly boundary, Ramsey Street along the southerly boundary, and Hargrave Street along the easterly boundary. The land surface slopes to the south-east.

Specifically, the project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café (see Site Plan – Figure 2). Improvements to the site include a shared parking lot for approximately 107 vehicles, landscaping, and utilities.

**Surrounding land uses and setting:** The Project is located in an urban environment that has been developed since the early part of the 20th century. Banning Municipal Airport is located across Interstate 10 and to the southeast of the project site. Located to the west are a few legal non-conforming single-family/multi-family dwellings. Located to the
east and across Hargrave Street is a parking lot serving an office facility, and vacant parcels of land. Located to the south and across Ramsey Street is gas station within the General Commercial zoning district.

**Approvals Required:**

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

- Approval of an Initial Study and Negative Declaration;
- Approval of Design Review by Planning Commission;
- Approval of a Conditional Use Permit by Planning Commission;
- Issuance of Grading permit;
- Issuance of Building and Safety, Fire, and other ministerial permits.

### 5. ENVIRONMENTAL ANALYSIS CHECKLIST

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<td><strong>I. AESTHETICS. Would the Project:</strong></td>
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| a) Have a substantial adverse effect on a scenic vista? | | | | ![ ]
| b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | | | | ![ ]
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | | | | ![ ]
| d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? | | | | ![ ]
| **II. AGRICULTURAL RESOURCES. Would the Project:** | | | | ![ ]
| 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 | | | | ![ ]
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<td>California Resources Agency, to non-agricultural use?</td>
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<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
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<td>c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</td>
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<td>d) Result in the loss of forest land or conversion of forest land to non-forest use?</td>
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<td>e) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?</td>
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**III. AIR QUALITY. Would the Project:**

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<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
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<td>b) Violate any air quality standard or contribute to an existing or projected air quality violation?</td>
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<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions with exceeded quantitative thresholds for ozone precursors)?</td>
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<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
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<td><strong>e)</strong> Create objectionable odors affecting a substantial number of people?</td>
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<td><strong>IV. BIOLOGICAL RESOURCES. Would the Project:</strong></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan,</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>V. CULTURAL RESOURCES. Would the Project:</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
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<td>----------------------------------------</td>
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</tr>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Disturb any human remains including those interred outside of formal cemeteries?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
</tbody>
</table>

VI. GEOLOGY AND SOILS. Would the Project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
   i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
   ii) Strong seismic ground shaking?
   iii) Seismic-related ground failure, including
<pre><code>  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
  | ☐                             | ☐                                                | ☐                           | ☐        |
  | ☐                             | ☐                                                | ☐                           | ☐        |
  | ☐                             | ☐                                                | ☐                           | ☐        |
</code></pre>
<table>
<thead>
<tr>
<th>Question</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>liquefaction? iv) Landslides?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems if sewers are not available?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</table>

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

<table>
<thead>
<tr>
<th>Question</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tbody>
</table>

**VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the Project:**

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

**IX. HYDROLOGY AND WATER QUALITY. Would the Project:**

<p>| a) Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☐ | ☐ |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in | ☐ | ☐ | ☐ | ☐ |</p>
<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing or planned land uses for which permits have been granted)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in such a way as to result in flooding either on-site or off-site?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>e) Create or contribute runoff water exceeding the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>h) Place, within a 100-year flood hazard area, structures that would impede or redirect flood flows?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>Would the Project:</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
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</tr>
<tr>
<td>a)</td>
<td></td>
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<tr>
<td>j) Inundation by seishe, tsunami, or mudflow?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>XI. MINERAL RESOURCES. Would the Project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>XII. NOISE. Would the Project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Expose persons to a generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Expose persons to a generation of excessive groundborne vibration or groundborne noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Create a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Create a substantial temporary or</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td></td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
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<tr>
<td>periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>f) For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

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

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☐                              | ☐                                                    | ☐              | ☐         |

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

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐                              | ☐                                                    | ☐              | ☐         |

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

Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant Environmental Impact |
<table>
<thead>
<tr>
<th>Impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services . . .</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Fire protection?</td>
<td>☐</td>
<td>☐</td>
<td>■</td>
<td>☐</td>
</tr>
<tr>
<td>b) Police protection?</td>
<td>☐</td>
<td>☐</td>
<td>■</td>
<td>☐</td>
</tr>
<tr>
<td>c) Schools?</td>
<td>☐</td>
<td>☐</td>
<td>■</td>
<td>☐</td>
</tr>
<tr>
<td>d) Parks?</td>
<td>☐</td>
<td>☐</td>
<td>■</td>
<td>☐</td>
</tr>
<tr>
<td>e) Other public facilities?</td>
<td>☐</td>
<td>☐</td>
<td>■</td>
<td>☐</td>
</tr>
</tbody>
</table>

**XV. RECREATION:**

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

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

**XVI. TRANSPORTATION/TRAFFIC. Would the Project:**

| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | ☐ | ☐ | ☐ | ■ |

<p>| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand | ☐ | ☐ | ☐ | ■ |</p>
<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>measures, or other standards established by the county</td>
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<tr>
<td>congestion management agency for designated roads or highways?</td>
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<tr>
<td>c) Result in a change in air traffic patterns, including either</td>
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<tr>
<td>an increase in traffic levels or a change in location that</td>
<td></td>
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<tr>
<td>results in substantial safety risks?</td>
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<tr>
<td>d) Substantially increase hazards due to a design feature</td>
<td></td>
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<tr>
<td>(e.g., sharp curves or dangerous intersections) or incompatible</td>
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<tr>
<td>uses (e.g., farm equipment)?</td>
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<tr>
<td>e) Result in inadequate emergency access?</td>
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<tr>
<td>f) Result in inadequate parking capacity?</td>
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<tr>
<td>g) Conflict with adopted policies, plans, or regarding</td>
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<tr>
<td>public transit, bicycle, or pedestrian facilities, or</td>
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<tr>
<td>otherwise decrease the performance or safety of such facilities?</td>
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</table>

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

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable</td>
<td></td>
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<tr>
<td>Regional Water Quality Control Board?</td>
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<tr>
<td>b) Require or result in the construction of new water or</td>
<td></td>
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<tr>
<td>wastewater treatment facilities or expansion of existing</td>
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<td></td>
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<tr>
<td>facilities, the construction of which could cause significant</td>
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<tr>
<td>environmental effects?</td>
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<tr>
<td></td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
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</tr>
<tr>
<td>c)</td>
<td>Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d)</td>
<td>Have sufficient water supplies available to serve the Project from existing entitlements and resources, or new or expanded entitlements needed?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e)</td>
<td>Result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it has adequate capacity to serve the Project’s projected demand in addition to the provider’s existing commitments?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>f)</td>
<td>Be served by a landfill with sufficient permitted capacity to accommodate the Project’s solid waste disposal needs?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>g)</td>
<td>Comply with federal, state and local statutes and regulations related to solid waste?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
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</tr>
<tr>
<td>a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or an endangered threatened species, or eliminate important examples of the major periods of California history or prehistory?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>b) Does the Project have impacts that are individually limited, but cumulatively considerable? (Are the incremental effects of the Project considerable when viewed in connection with those of past Projects, those of other current Projects, and those of probable future Projects?)</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>c) Does the Project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

6. EXPLANATION OF THE ITEMS MARKED ON THE ENVIRONMENTAL CHECKLIST FORM

Checklist Item I Aesthetics.

a)-d) No Impact (Scenic Vista, Scenic Resources-State Scenic Highway, Visual Character, Light/Glare). The Project is located in an urban environment that has been developed since the early part of the 20th century. Banning Municipal Airport is located to the south-east and across Interstate 10. Located to the west are a few legal non-conforming single-family/multi-family dwellings. Located to the east and
across Hargrave Street is a parking lot serving an office facility, and vacant parcels of land. Located to the south and across Ramsey Street is gas station within the General Commercial zoning district.

Project implementation would replace the view of a vacant parcel of land and abandoned gas station with a new hotel and restaurant buildings that have desirable architectural features including landscaping. Project implementation would not have a substantial adverse effect on a scenic vista as identified by the General Plan. Additionally, views of streetscapes along Ramsey Street would not be obstructed because the building is set back from the property lines 128 feet.

Exterior lighting is proposed, where needed, for safety and security reasons. All proposed outdoor lighting would conform to the City’s outdoor lighting guidelines which prohibit spill lighting on adjacent properties. The building finish/coating is paint over stucco or wood along with stone veneers and does not propose any major sources of glare that would result in any lighting/glare impacts.

Checklist Item II Agricultural and Forestry Resources.

a)-e) No Impact (Farmland Conversion, Zoning, Land Use). The project site is located within an urbanized area of the City of Banning and is presently zoned General Commercial (GC). The site is mostly vacant land and contains no planted trees or vegetation. According to the Department of Conservation Farmland Mapping and Monitoring Program, the site has not been mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and falls within the classification of Urban Built-up Land.

The small size of the site (2.66 acres) and location (surrounded by developed properties) make the site not suitable for agricultural production.

The project site is located within the GC zoning district and agricultural uses are not permitted by the Zoning Ordinance is this district. There is no Williamson Act contract that affects the project site according to the title report prepared by Pacific Coast Title Company dated June 5, 2014.

The project site is located within the GC zoning district and proposes a commercial development; and, therefore is not in conflict with forest or timberland zoning. The project does not propose a zone change that converts existing forest or timberland zoning.

Checklist Item III Air Quality.

a), b), d), e) No impact (Air Quality Plan, Air Quality Standards, Cumulative Considerable Net Increase/Criteria, Sensitive Receptors, Pollutant Concentrations, Odors). The project is located within a portion of the South Coast Air Quality Management District (SCAQMD) which has been identified by the
California Air Resources Board as being in non-attainment for Ozone, Large Particulate Matter PM10 and Small Particulate Matter PM2.5. The 2007 Air Quality Management Plan for the South Coast Air Basin (2007 AQMP) relies on a multi-level partnership of governmental agencies at the Federal, State, regional, and local level. The plan contains a number of land use and transportation control measures that are intended to reduce air pollution emissions. The project will comply with the control measures identified in the plan in addition to all of the District’s applicable rules and regulations.

**Sensitive Receptors**
The main component of the project is an 81 unit hotel. The following table summarizes the land uses in the vicinity of the project that could potentially generate air pollution emissions that could adversely impact sensitive receptors.

<table>
<thead>
<tr>
<th>Source Category</th>
<th>Distance from Project Site</th>
<th>Recommended Separation Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freeway and High Traffic Roads</td>
<td>640 feet</td>
<td>500 feet</td>
</tr>
<tr>
<td>Gasoline Facility Dispensing</td>
<td>395 feet</td>
<td>300 feet</td>
</tr>
</tbody>
</table>

As shown on the table above, the project is not located within the recommended separation distances for siting new sensitive land uses based on the California Air Resources Board publication titled *Air Quality and Land Uses Handbook: A Community Health Perspective, 2005*. Therefore, the project is not anticipated to be exposed to air pollution emissions that would adversely impact sensitive receptors.

**Odors**
The project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café. Improvements to the site include a shared parking lot for approximately 107 vehicles, landscaping, and utilities. During construction there is the potential for the generation of objectionable odors in the form of diesel exhaust and volatile organic compounds (from architectural coatings and paint) in the immediate vicinity of the site. However, these emissions will rapidly dissipate and be diluted by the atmosphere downwind of the site.

The project is not located within one mile of a wastewater treatment plant, sanitary landfill, composting station, feedlot, asphalt batching plant, painting or coating operations, or rendering plant where odor impacts may be significant. Therefore, the project will not subject a substantial number of people to objectionable odors.

**Checklist Item III  Air Quality.**

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

SCAQMD Thresholds
CEQA guidelines define a significant effect on the environment as “a substantial, or potentially substantial, adverse change in the environment.” To determine if a proposed project would have a significant impact on air quality, the type, level, and impact of emissions generated by the proposed project must be evaluated.

To assist in the establishment of a quantitative determination of what is considered “significant,” the SCAQMD has published a number of significance thresholds that apply to new projects constructed or operated within the SCAQMD. The SCAQMD recommends that these quantitative air pollution thresholds be used by lead agencies in determining whether a proposed project could result in a significant impact. If the lead agency finds that the proposed project has the potential to exceed these air pollution thresholds, the project should be considered significant.

Regional Significance Thresholds
The SCAQMD has established the following regional significance thresholds expressed as daily emission totals released by a project during construction and operation. The URBEMIS 2007 software version 9.2.4 was utilized to demonstrate compliance with regional significant thresholds as shown in the table below:

<table>
<thead>
<tr>
<th>Pollutant*</th>
<th>Construction (pounds per day)</th>
<th>Operational (pounds per day)</th>
<th>Project Construction</th>
<th>Project Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oxides of Nitrogen (NOₓ)</td>
<td>100</td>
<td>55</td>
<td>6.09</td>
<td>0.45</td>
</tr>
<tr>
<td>Volatile Organic Compounds (VOC)</td>
<td>75</td>
<td>55</td>
<td>14.22</td>
<td>0.35</td>
</tr>
<tr>
<td>Particulate Matter (PM₁₀)</td>
<td>150</td>
<td>150</td>
<td>0.35</td>
<td>0.92</td>
</tr>
<tr>
<td>Particulate Matter (PM₂.₅)</td>
<td>55</td>
<td>55</td>
<td>0.32</td>
<td>0.18</td>
</tr>
<tr>
<td>Oxides of Sulfur (SOₓ)</td>
<td>150</td>
<td>150</td>
<td>0.00</td>
<td>0.01</td>
</tr>
<tr>
<td>Carbon Monoxide (CO)</td>
<td>550</td>
<td>550</td>
<td>4.55</td>
<td>3.70</td>
</tr>
</tbody>
</table>

*Source: South Coast Air Quality Management District Air Quality Significance Thresholds, March 2011.
Evaluation of the above table indicates that all criteria pollutant emissions from construction and operation of this project will not exceed the SCAQMD regional daily thresholds and therefore the impacts are considered less than significant.

Checklist Item IV Biological Resources.

a)-f) No Impact (Listed Species, Riparian Habitat, Natural Communities, Wetlands, Wildlife Movement, Local Policies – Tree Preservation, Conservation Plans). Based on the review of the General Plan for the City of Banning, there are several sensitive plant and animal species as having a potential to occur in the vicinity of the project. However, the potential to find such species on the project site or in the area immediately surrounding the project site is very low due to a lack of natural vegetation, the heavy disturbance of the natural environment (active weed control) and the lack of undisturbed habitat.

Additionally, a detailed review of Exhibit IV-2 of the General Plan demonstrates that the site is not located in a Special Linkage Area or Criteria Area of the MSHCP; a detailed review of Exhibit IV-3 of the General Plan demonstrates that the site is not located in an area that supports the Yucaipa Onion; a detailed review of Exhibit IV-4 of the General Plan demonstrates that the site is not located in a Burrowing Owl Survey Area; and, a detailed review of Exhibit IV-5 of the General Plan demonstrates that the site is not located in a L.A. Pocket Mouse survey area. Therefore, there will not be a substantial adverse effect on candidate, sensitive, or special status species.

The project will be required to pay a local development mitigation fee for funding the preservation of natural ecosystems in accordance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The purpose of the plan is to protect the existing character of the city and the region through the implementation of a system of reserves which will provide for permanent open space, community edges, and habitat conservation for species covered by the MSHCP.

There are no streams, drainage courses, or lakes on the site. There are no depressions on the site that may allow water to collect and provide suitable habitat to support natural communities and wetlands. The project site is surrounded by existing development to the east and west, and fronts Williams Street and Ramsey Street on the north and south consequently the site does not serve as a wildlife movement corridor. The site contains no trees or vegetation; and, therefore there is nothing to consider preserving.

Checklist Item V Cultural Resources.

a)-d) No Impact (Historic Resource, Archeological Resources, Paleontological Resources, Disturbance of Human Remains). When the General Plan for the City of Banning was prepared in 2006, Historical maps, previous cultural resource surveys, aerial photographs, topographic maps and other cultural records were consulted to determine the presence of known archaeological resources in the
planning area. A total of 20 archaeological sites have been identified and recorded in the planning area, 12 of which are prehistoric (Native American) sites. The planning area for the General Plan has not been extensively surveyed for cultural resources due to the fact that large scale development projects have not been as widespread in the planning area as other communities in the San Gorgonio Pass/Coachella Valley region.

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

The existing abandoned fueling station located on the site will be razed; however, the building is not listed as an historic resource or considered to be of historic value being constructed in 1965 as near as can be determined from building permit records.

Checklist Item VI Geology and Soils.

a)-e) No Impact (Alquist-Priolo Zone, Seismic Ground Shaking, Seismic Ground Failure, Liquefaction, Landslide, Soil Erosion, Loss of Topsoil, Unstable Geologic Unit, Expansive Soil, Septic Tank Suitability). As illustrated in Exhibit V-3 of the General Plan, the project is not located in Alquist-Priolo Zone, therefore the possibility of significant fault rupture is considered to be low. Additionally, the proposed development must be designed in accordance with the requirements of the California Building Code (CBC) Seismic Design parameters. The CBC provides procedures for earthquake resistant structural design that include considerations for on-site soils conditions, occupancy, and the configuration of the structure including structural system and height.

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

a)-b) No impact (Global Climate Change). The project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café in the South Coast Air Quality Management District (SCAQMD). The SCAQMD has established the following regional significance thresholds expressed as yearly emission totals released by a project during construction and operation. The URBEMIS 2007 software version 9.2.4 was utilized to demonstrate compliance with regional significant thresholds as shown in the table below:

<table>
<thead>
<tr>
<th>Emission Source</th>
<th>SCAQMD Emissions Threshold (Metric Tons CO2/Year for Industrial facilities)</th>
<th>URBEMIS Estimate (Metric Tons CO2/Year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Construction</td>
<td>10,000 eq</td>
<td>156</td>
</tr>
<tr>
<td>Project Operations</td>
<td>10,000 eq</td>
<td>101</td>
</tr>
</tbody>
</table>

Evaluation of the above table indicates that CO2 emissions from construction and operation of this project will not exceed the SCAQMD regional yearly thresholds. Therefore, the project is not expected to significantly impact Global Climate Change.

Checklist Item VIII  Hazards and Hazardous Materials.

a)-d), f)-h) No impact (Transport, Use, Disposal of Hazardous Materials, Upset and Accident Conditions Involving Hazardous Materials, Emit if Handle Hazardous Materials within 1/4 mile from a School, Identified Hazardous Site, Within Airport Plan Area, Safety Hazard from Private Airstrip, Impair Emergency Evacuation Plan, Wildland Fire Hazard). The project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café. The proposed uses do not include the transportation or use of hazardous materials. The site is not located within ¼ mile of any school, or identified hazardous site as identified by the Cortese List provided by the Department of Toxic Substances Control.

A review of area surrounding the project site shows that there are no personal use airports operating in the vicinity. Therefore, there will be no impact from a nearby private airstrip.

A review of the City of Banning Emergency Operations Plan as well as a consultation with the Fire Services Division revealed that the project will not impair an emergency evacuation plan at this time. Exhibit V-9 of the City’s General Plan reveals that the site is not located in a Very High Fire Severity Zone; and, therefore will not impact wildland fire hazards.
Checklist Item VIII Hazards and Hazardous Materials.


The project is located within Airport Compatibility Zones D of the Riverside County Airport Land Use Compatibility Plan as adopted by the Riverside County Airport Land Use Commission (ALUC) for Banning Municipal Airport. On June 12, 2014, the Riverside County Airport Land Use Commission determined the project is consistent with the Airport Land Use Compatibility Plan. The project conditions are listed as follows:

1. Prior to issuance of building permits for the restaurant/deli building, the applicant shall submit a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) and shall have received a determination of “Not a Hazard to Air Navigation” from the FAA. Copies of the FAA determination shall be provided to the City of Banning Community Development Department and the Riverside County Airport Land Use Commission.

2. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.

3. The following uses shall be prohibited:

   (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.

   (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.

   (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes,
construction and demolition debris facilities, fly ash disposal, and incinerators.)

(d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

(e) Noise-sensitive outdoor nonresidential uses and hazards to flight.

4. The attached notice shall be given to all prospective purchasers and/or tenants of the property.

5. Any new retention basins on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. In the event that a retention or detention basin is established on this site, on-site landscaping shall not include trees that produce seeds, fruits, or berries.

6. The restaurant use included within the hotel building shall be owned and operated by the hotel owner and operator and shall function to primarily serve guests of the hotel.

7. The Federal Aviation Administration has conducted an aeronautical study of the proposed hotel building (Aeronautical Study No. 2013-AWP-6570-OE) and has determined that neither marking nor lighting of the structure is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 K Change 2 and shall be maintained in accordance therewith for the life of the project.

8. The maximum elevation of the proposed hotel building, including all rooftop-mounted appurtenances (if any), shall not exceed 2,364 feet above mean sea level.

9. The specific coordinates, height, and top point elevation of the proposed hotel building shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in building height or elevation shall not require further review by the Airport Land Use Commission.

10. Temporary construction equipment used during actual construction of the structure shall not exceed the height of the structure, unless separate notice is
provided to the Federal Aviation Administration through the Form 7460-1 process.

11. Within five (5) days after construction of the structure reaches its greatest height, FAA Form 7460-2 (Part II), Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to https://oecaa.faa.gov for instructions.) This requirement is also applicable in the event the project is abandoned.

The project requires approval of a Conditional Use Permit, and conditions imposed through the ALUC review will be incorporated into the project conditions. The proposed project design meets the requirements of the ALUC; therefore, any potentially significant hazards are considered less than significant.

Checklist Item IX Hydrology and Water Quality.

a)-g), i)-j) No impact (Water Quality, Waste Discharge, Groundwater, Drainage Patterns Flooding, Storm Drains, Water Quality, Housing in 100-Year Flood Hazard Area, Flood Levee or Dam, Seiche, Tsunami, or Mudflow). Construction of the project would require grading activities that could result in a temporary increase in erosion affecting the quality of storm water runoff. This increase in erosion is expected to be minimal, due to the flatness of the site. Also, Section 18.06.140 of the “Grading Ordinance” will require an Erosion and Sediment Control Plan to be implemented during construction of the project.

For post construction activities, a Preliminary Water Quality Management Plan recommends that the project’s runoff flow rate, volume, velocity and duration for the post development condition mimic the pre-development conditions and incorporate site design considerations to improve water quality. A Final Water Quality Management Plan (WQMP) is required to be approved before construction of the project. The recommendations of the WQMP will be incorporated into the project design and practices.

Checklist Item IX Hydrology and Water Quality.

h) Less Than Significant Impact (Water Quality, Waste Discharge, Groundwater, Drainage Patterns Flooding, Storm Drains, Water Quality, Housing in 100-Year Flood Hazard Area, Flood Levee or Dam, Seiche, Tsunami, or Mudflow). Exhibit V-5 of the General Plan (GP) identifies that the site is located adjacent to or within an area of shallow flooding. Specifically, the GP explains as follows:

"Areas between limits of the 100-year and 500-year flood; or certain areas subject to 100-year flooding with average depths less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from base flood".
A grading plan is required in connection with the site development and will include a hydrology and hydraulics analysis in accordance with the City of Banning Grading Ordinance. The buildings as proposed in the project will be designed in accordance with the Grading Ordinance that includes design of building floor elevations to protect the structures from potential flood damage. Therefore, the impacts related to flood are considered to be less than significant.

Checklist Item X  Land Use and Planning.

a)-c) No Impact (Physical Division, Land Use Plans, Conservation Plans). The Project is located in a urban environment that has been developed since the early part of the 20th century. Banning Municipal Airport is located across Interstate 10 and to the south-east of the project site. Located to the west are a few legal non-conforming single-family/multi-family dwellings. Located to the east and across Hargrave Street is a parking lot serving an office facility, and vacant parcels of land. Located to the south and across Ramsey Street is gas station within the General Commercial zoning district.

All surrounding land uses are located within the General Commercial or Business Park district. This urban area of the City is connected by Ramsey Street to the south, Williams Street to the North and Hargrave Street to the east. The project will connect to the existing roadway system and will not create any barriers that will divide the neighborhood.

Exhibit III-2 General Plan Land Use Map along with the Zoning Overlay designates the site as General Commercial (GC). The proposed uses (hotel and restaurant) are permitted in accordance with the adopted Zoning Ordinance and consistent with GP Land Use descriptions stated as follows:

“This district is the broadest of the City's commercial districts, and allows food and drug stores; home improvement; auto sales, leasing, service and repair; department and general retail outlets; merchandise leasing; neighborhood serving retail and services; restaurants; entertainment uses; gas stations; general offices (secondary to retail); mixed uses; and financial institutions.”

The project as proposed consists of hotel services that may support entertainment uses, and specifically restaurant uses as proposed. Therefore, the use is in compliance with the land use policies of the City.

The project will not conflict with any conservation plan. The project will be required to comply with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and pay a local development mitigation fee for funding the preservation of natural ecosystems in accordance with the plan. The purpose of the plan is to protect the existing character of the city and the region through the
implementation of a system of reserves which will provide for permanent open space, community edges, and habitat conservation for species covered by the MSHCP.

The land use plans, policies, and regulations that affect the project are described in detail in this initial studies checklist and the explanations listed herein. The information included in this initial study demonstrates that the project is not in conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.

Checklist Item XI Mineral Resources.

a)-b) No Impact (Loss of Mineral Resources, Site Delineated as Mineral Resource Site). Under the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board designated on a map Sector G, two parcels covering parts of the San Gorgonio River alluvial fan, east of the City of Banning as a Significant Construction Aggregate Resource. Sector G extends from the mouth of Banning Canyon, southeastward to the community of Cabazon. No other area in the vicinity of the City of Banning is designated a Significant Construction Aggregate Resource. The site is not located in this area; and, therefore no significant mineral resource is affected by the project.

Checklist Item XII. Noise.

a)-d), f) No impact (Exceed Noise Standard, Groundborne Vibration, Ambient Noise Levels, Temporary Noise Levels, Airport Noise, Private Airstrip). The project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café. The applicable noise regulations are contained in the City’s General Plan Noise Element and Municipal Code. In addition to those regulations the Federal Aviation Administration noise standards apply as the project is located adjacent to an airport. The project is not a U.S. Department of Housing and Urban Development Project therefore HUD regulations do not apply. A review of area surrounding the project site shows that there are no personal use airports operating in the vicinity. Therefore, there will be noise impact from a nearby private airstrip.

The Noise Element of the City of Banning General Plan coordinates land use with existing and future noise environment. Noise is measured in decibels (db). The A-weighted decibel (dBA) approximates the subjective response of the ear to noise source by discriminating against the very low and very high frequencies in the spectrum. Table V-3 of the GP identifies that the existing noise contour for Hargrave Street at Interstate 10 (the closest listed location) for 55 dBA extends to approximately 153 feet, not within the project area. Table V-4 of the GP identifies that transient lodging uses, are compatible with noise environments up to 65 dBA. Since the site is farther away than the 55 dBA noise contour, existing noise from motor vehicle traffic is not a factor. Additionally, the determination from ALUC
did not include requirements for noise reduction as any noise impacts associated with the airport traffic pattern are not considered significant because most of the project uses take place within the proposed structures.

Noise impacts associated with construction activity may exceed what is generally acceptable by the City’s General Plan guidelines. However, in accordance with the City’s noise ordinance, those impacts are restricted to the hours of 7:00 a.m to 6:00 p.m. and are enforced by the building official through the permitting process. Furthermore, the noise ordinance places this additional restriction on construction activities:

"However, nothing contained herein shall permit any person to cause sound levels to at any time exceed 55 dBA for intervals of more than fifteen minutes per hour as measured in the interior of the nearest occupied residence or school."

Therefore, any noise impacts related to construction activities are temporary and not considered significant.

Checklist Item XII. Noise.

e) Less than Significant (Exceed Noise Standard, Groundborne Vibration, Ambient Noise Levels, Temporary Noise Levels, Airport Noise, Private Airstrip). The project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café. The applicable noise regulations are contained in the City’s General Plan Noise Element and Municipal Code. In addition to those regulations the Federal Aviation Administration noise standards apply as the project is located adjacent to an airport. The project is not a U.S. Department of Housing and Urban Development Project therefore those regulations do not apply.

The project is located within Airport Compatibility D of the Riverside County Airport Land Use Compatibility Plan as adopted by the Riverside County Airport Land Use Commission (ALUC) for Banning Municipal Airport. On June 12, 2014, the Riverside County Airport Land Use Commission determined the project is consistent with the Airport Land Use Compatibility Plan with no conditions of approval related to requirements for noise reduction.

Checklist Item XIII Population and Housing.

a)-c) No Impact (Population Growth, Displace Housing). The project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café. The occupancy of the hotel is transient and therefore there is no impact on population growth.
The project would not displace any existing housing or people, necessitating the construction of replacement housing because it is to be constructed on a vacant site.

Checklist Item XIV Public Facilities.

a)-e) Less Than Significant Impact (Fire Services, Police Services, Schools, Parks, Other Public Facilities). The project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café.

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

Police
The General Plan requires a level of service goal of 2.0 sworn officers per 1000 residents. A review of the project by the Police Department determined that no new or altered facilities would be required to maintain the level of service goal. Additionally, a Police Facilities Development Fee will be collected for the provision of capital facilities for police services which provides for future facilities as the City develops. Based on the above analysis, the impacts to police services are considered less than significant.

Schools
The hotel is a transient type lodging facility and it will not add any additional students to the school district. Impacts on schools will be mitigated by the payment of mandatory school impact fees. Based on the above analysis, the impacts to schools are considered less than significant.

Parks
The project is located approximately half way between Lions Park to the south and Roosevelt Williams Park to the north with Roosevelt Williams park being a little less than one-half mile away. No new or altered parks are required to provide park services to the project. Additionally, a Park Land Development Fee will be collected for the provision of new parks which provides for future facilities as the
City develops. Based on the above analysis, the impacts to parks are considered less than significant.

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

Checklist Item XV Recreation.

a)-b) No Impact (Existing Facilities, New or Altered Facilities). The project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café. The project of and by itself does not result in the need for new recreation facilities because the overall ratio of 5 acres of parkland per 5,000 residents is maintained even with addition of the project. There is no requirement to alter or provide additional facilities for recreation as the project provides transient services in support of local recreation.

Checklist Item XVI Transportation/Traffic.

a)-g) No Impact (Roadway Capacity and Level of Service, Congestion Management Program (CMP), Air Traffic Patterns, Roadway Design Hazards, Emergency Access, Parking, Alternative Transportation). A focused traffic impact analysis was prepared by K2 Traffic Engineers, Inc. dated May 16, 2014. The proposed development is projected to generate approximately 1,741 daily vehicle trips, 71 of which will occur during the morning peak hour and 65 of which will occur during the evening peak hour. The report analyzed roadway capacity, and level of service and determined that the traffic generated from the proposed project will not significantly impact any of the study intersections and roadway segments. Ramsey Street is a fully improved arterial roadway. However, the Public Works Department is requesting in the conditions of approval for the project the replacement of the curb return and the addition of a southbound right turn pocket.

Additionally, the project will participate in the cost of off-site improvements through payment of the following “fair share” mitigation fees:

- Transportation Uniform Mitigation Fee (TUMF) prior to construction (regional).
- Traffic Signal Mitigation Fee prior to construction (local).

Based upon the uses proposed for the project (hotel and restaurant) the Zoning Ordinance for the City of Banning requires 123 total parking spaces for the specific uses. Provision is made in Section 17.28.060(J) for shared parking if multiple uses
cooperatively establish and operate facilities with parking demands at alternating times. The applicant is proposing shared parking. A Shared Parking Study was prepared by K2 Traffic Engineers, Inc. dated June 12, 2014, demonstrating that with the different uses and time of day factors considered, a peak demand for 104 parking spaces occurs during the week at 6 p.m. The project provides 107 parking spaces, is sufficient to accommodate the parking demand.

Access will not be impacted as the site fronts three improved roadways and the project will not alter or limit access in any way. During construction portions of Hargrave Street and/or Ramsey Street may be affected; however, these impacts are considered temporary and will be mitigated through traffic control as required by the City Engineer. Access drives proposed for the project are designed in accordance with Fire department minimum design standards. Additionally, the project is proposed with a 24 foot wide driveway circulating around the entire project.

The project is located within Airport Compatibility D of the Riverside County Airport Land Use Compatibility Plan as adopted by the Riverside County Airport Land Use Commission (ALUC) for Banning Municipal Airport. On December 12, 2013, the Riverside County Airport Land Use Commission determined the project is consistent with the Airport Land Use Compatibility Plan. The review did not identify any items that would affect air traffic patterns and therefore the impact to air traffic patterns is not considered significant.

Checklist Item XVII Utilities and Service Systems.

a)-g) No Impact (RWQCB Wastewater Treatment, New Water and Wastewater Facilities, New Storm-water Drainage Facilities, Water Supplies, Wastewater, Landfill, Solid Waste). The project proposes the construction of one hotel building consisting of approximately 57,209 square feet; an approximately 2,800 square feet fast food restaurant with a drive through; and, a 1,200 square feet deli café. There is an existing 14 inch steel waterline in Hargrave Street and an existing 12 inch steel waterline in Ramsey Street. There are no restrictions on water use or connections for new development from the City Water Department at this time. An existing 8 inch clay gravity sewer main is located in Ramsey Street, which is downstream of the project site. The City is required to adhere to the requirements of their discharge permit with the Regional Water Quality Control Board for the wastewater treatment facility and all wastewater discharges are expected to be treated by the City’s system.

The only storm drain improvements required in connection with the project are onsite catch basins, gutters, and storm drain pipes which will connect to the existing system. The City Engineer has reviewed the project and no additional upgrades will be required for the public storm drain system. Therefore, the project will not result in the construction or expansion of new public storm drain facilities.
The City contracts with a solid waste handling company. The project will require the construction of a trash enclosure that includes provisions for recycling in order to comply with the City’s recycling program. The nearest landfill is the County of Riverside’s Lamb Canyon landfill that has excess capacity.

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

**a) No Impact (Environment and Habitat).** Based on the analysis contained in this Initial Study Checklist, the proposed project will not impact Aesthetics, Agriculture Resources, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gases, Hydrology/Water Quality, Land Use and Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Transportation/Traffic, and Utility/Services Systems. Thus the project would have no impact on the environment. It will not degrade the quality of the environment and no habitat, wildlife populations, and plant and animal communities would be impacted.

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

This response bases its conclusions on the fact that the project is consistent with the General Plan. Additionally, mitigation measures have been recommended to reduce certain impacts to less than significant.

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

**7. INCORPORATION BY REFERENCE**

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

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

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

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

C. City of Banning Municipal Code

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

D. City of Banning Local Procedures for Complying with CEQA

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

E. Multi-Species Habitat Conservation Plan (MSHCP)

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

F. Focused Traffic Analysis

This study was prepared by K2 Traffic Engineers, Inc. of Tustin, California dated May 16, 2014. The report analyzed roadway capacity, and level of service to determine traffic impacts generated from the proposed project.
G. Shared Parking Study

This study was prepared by K2 Traffic Engineers, Inc. of Tustin, California dated June 12, 2014. The study analyzed the different uses for the project to determine peak parking demand.

H. Preliminary Title Report

This study was prepared by Pacific Coast Title Company of Glendale, California dated June 5, 2014. The report provides ownership, legal description, and encumbrance information for the site.

8. LIST OF PREPARERS

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

**Project Manager:** Brian Guillot, Associate Planner

**Reviewed by:** Zai Abu Bakar, Community Development Director
EXHIBIT A

(Site photographs)
Hargrave Street looking to the north-west

Williams Street looking south
Record Gazette
218 N. Murray St.
Proof of Publication
(2015.5 C.C.P.)

142221 PH NOTICE 17-8001

State of California                     ) ss.
County of Riverside                     )

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

March 24, 2017

Executed on: 03/24/2017
At Banning, CA

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

____________________________
Signature
CITY OF BANNING
Planning Commission Report

MEETING DATE: April 5, 2017

TO: Planning Commission

FROM: Patty Nevins, Interim Community Development Director

SUBJECT: ZONING TEXT AMENDMENT 17-97502 TO AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) TO PROVIDE CONSISTENCY WITHIN THE TEXT

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution 2017-07 (Attachment 1):

I. Recommending to the City Council the adoption a Categorical Exemption for Zone Text Amendment 17-97502; and

II. Recommending to the City Council the adoption of Ordinance 1510 approving Zone Text Amendment 17-97502.

APPLICANT INFORMATION:

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

BACKGROUND:

Staff regularly reviews the City's Zoning Ordinance to identify potential improvements and to present recommendations with respect to amendments in order to address regulated land uses. This report contains recommendations for amendment of certain sections to address inconsistencies and clarifications.
PROPOSAL/ANALYSIS:

1. Single Family Homes in the Medium Density Residential (MDR) and High Density Residential (HDR) Zoning Districts

Amend Table 17.08.020 Permitted, Conditional and Prohibited Residential Uses as follows:

|                          | R/A | R/A/H | RR | RR/H | VLRD | LDR | MDR | HDR* | MH
|--------------------------|-----|-------|----|------|------|-----|-----|------|-----
| Single Family Dwelling   | P   | P     | P  | P    | P    | P   | C-P | C    | X
| Single Family Dwelling,  | P   | P     | P  | P    | P    | P   | C-P | C-P  | X
| Existing                 |     |       |    |      |      |     |     |      |    

Currently, single family dwellings are conditionally permitted uses in the medium density residential (MDR) and high density residential (HDR) zoning districts. The purpose of this amendment is in part to address existing single family homes in the MDR and HDR zoning district that are nonconforming due to the absence of a CUP. Such properties that have been vacant for more than 6 months have lost their legal nonconforming status and cannot be re-occupied unless a Conditional Use Permit is applied for and approved by the Planning Commission.

In contrast, Section 17.88.020(A) Nonconforming structures states in part “…any residential structure(s)…in a residential land use district destroyed by a catastrophe, including fire and earthquake, may be reconstructed…”, thus providing for rebuilding and reoccupation of a nonconforming single family home in these zones should they be completely destroyed. The proposed amendment would address the inconsistency between the two methods of treating such existing nonconforming structures. The category of “Single Family Dwelling, Existing” was added so that while such existing nonconforming structures would be able to be identified as permitted uses and occupied even after six months or more of vacancy, new single family structures in the HDR zoning district would still require a Conditional Use Permit. New single family structures in the MDR zoning district are proposed to be permitted for the reasons described in the next paragraph.

The second purpose of this amendment is to address new single family dwellings in the MDR zoning district. The minimum lot size of the MDR zoning district is 5,000 square feet. However, at a maximum density of 10 dwelling units per acre, lots in the MDR zoning district require at least 8,712 square feet in order to develop two units (one acre at 43,560 square feet, divided by 10 units per acre maximum = a minimum of 4,356 square feet per unit). For lots within this zoning district that are smaller than 8,712 square feet, only one unit is qualified for. One unit is defined by 17.04.070 as a single family dwelling (“Single-Family Dwelling is a building containing one dwelling unit”). However, single family homes are not a permitted use but rather, require a Conditional Use Permit in the MDR zoning district. Thus, unless a single family home is a permitted use, lots meeting the required minimum lot size may not actually qualify for a residential dwelling under permitted uses within this land use district.
Lastly, footnote #3 of Table 17.08.030 Residential Development Standards includes the following: "A single family home can be built on an existing legal lot in the R/A, R/A-H, RR, RR/H, VLDR, LDR or MDR zones, providing all single family residential development standards for that zone are met.” The proposed amendment making single family homes a permitted use rather than a conditional use in the MDR zoning district would address this inconsistency as well.

2. **Accessory Structures:**

Amend 17.08.050 Accessory Structures as follows:

Accessory structures in residential zoning districts shall be compatible with the materials and architecture of the primary dwelling of the property. Accessory structures may only be constructed on a lot containing a main dwelling unit. Accessory structures may be built to within 5 feet of the interior side and rear property lines as long as these structures are not closer than 10 feet to any other structure.

**Building Code regulations may further restrict the distance to be maintained from property lines or other structures. The accessory structure may be a maximum of 50% of the footprint of the primary structure, and may be the same height as the principal structure. Second units are not considered accessory structures, and have specific development standards enumerated in Section 17.08.100.**

The added language was inadvertently dropped during a previous code amendment modifying the first paragraph above; the second paragraph was not struck out in the amendment, but was removed during the update that incorporated the changes to the first paragraph. The language is necessary to both to limit the size of accessory structures consistent with their definition under 17.04.070 as “...subordinate use or structures, the use of which is clearly incidental...to that of the principal structure...” and to preclude owners from developing accessory structures that are inordinately large as compared to the primary structure. Additionally, the language ensures that the definition and regulation of second units defer to the appropriate regulations (Section 17.04.070 Definitions and 17.08.100 Second unit standards)

3. **Development of commercial/industrial lots that are below the minimum lot size:**

Amend Table 17.12.030 Commercial and Industrial Development Standards as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>AI</th>
<th>BP</th>
<th>IMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Size (Ac. Or s.f.) 17</td>
<td>-</td>
<td>6,000</td>
<td>6,000</td>
<td>6,000</td>
<td>6,000</td>
<td>5 ac.</td>
<td>1 ac.</td>
<td>10 ac.</td>
</tr>
<tr>
<td>Min. Lot Width (Feet) 17</td>
<td>-</td>
<td>60</td>
<td>60</td>
<td>60</td>
<td>70</td>
<td>150</td>
<td>100</td>
<td>300</td>
</tr>
<tr>
<td>Min. Lot Depth (Feet) 17</td>
<td>-</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>150</td>
<td>150</td>
<td>300</td>
</tr>
</tbody>
</table>

17. An existing legal lot in the DC, GC, HSC, PO, I, AI, BP, or IMR zones can be developed, providing all other development standards for that zone are met.
This amendment would provide for the treatment of commercial and industrial lots that are below the minimum lot size consistent with existing regulations for residential lots that are do not meet minimum lot size standards. Currently, Table 17.08.030 Residential Development Standards includes the following: “3. A single family home can be built on an existing legal lot in the R/A, R/A-H, RR, RR/H, VLDR, LDR or MDR zones, providing all single family residential development standards for that zone are met.”

Where commercial or industrial lots do not meet the required minimum lot size, width, or depth, in the absence of regulatory language consistent with the above residential language, it would be interpreted that these lots cannot be developed. The proposed amendment would address this.

4. **Sign Regulations – Provide clarity/consistency**

Amend 17.36.110 – Sign Regulations, as follows:

B(1) No sign attached to a structure shall be placed above the roof eave line.

This amendment would provide clarity and consistency with 17.36.060 which prohibits roof signs, and contains a definition for eaveline but not roof lines.

5. **Landscaping Standards – Typographic Correction**

Amend 17.32 Landscaping Standards, as follows:

<table>
<thead>
<tr>
<th>Article IV-III</th>
<th>Landscape Design Guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.32.140</td>
<td>Purpose</td>
</tr>
<tr>
<td>17.32.150</td>
<td>Applicability</td>
</tr>
<tr>
<td>17.32.160</td>
<td>General Guidelines</td>
</tr>
<tr>
<td>17.32.170</td>
<td>Installation and Maintenance</td>
</tr>
</tbody>
</table>

This amendment will correct a typographic error.

6. **Reconsideration – Typographical Correction**

Amend 17.68.140, as follows:

17.68.140- Reconsideration.

If more complete or additional facts or information, which may affect the original action taken on an application by a review authority are presented, the review authority may reconsider such action taken, if a request for reconsideration is filed with the Department within 15 days following the final date of action. If a public hearing was required in the original review process, another public notice as specified in Section
17.68.020 shall be made prior to the reconsideration of the review authority, and all costs associated with the reconsideration shall be paid by the applicant.

This amendment will correct a typographic error.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)
In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed proposed Zone Text Amendment 17-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment 17-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

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

REQUIRED FINDINGS OF APPROVAL FOR ZONE TEXT AMENDMENT 17-97502:

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zone Text Amendments meet certain findings prior to recommendation of approval by the Planning Commission and approval by the City Council. The Planning Commission hereby makes the following findings, as supported by substantial evidence on the record including and incorporating all facts and evidence in the staff report and its attendant attachments, in support of the recommendation for approval of the Zone Text Amendment 17-97502:

Finding No. 1: Proposed Zone Text Amendment 17-97502 is consistent with the goals and policies of the General Plan.

Findings of Fact: Proposed Zone Text Amendment 17-97502 is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations within the City will not change, and the text amendments will result in clarifying the implementation of the goals, policies and programs of the General Plan. The primary General Plan Land Use Goals state “A balanced, well planned
community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents” and “Preserve and enhance the City’s Neighborhoods.” The proposed amendments are intended to establish consistency between regulations within the Zoning Ordinance.

Finding No. 2: Proposed Zone Text Amendment 175-97502 is internally consistent with the Zoning Ordinance.

Findings of Fact: Proposed Zone Text Amendment 17-97502 is consistent with the existing provisions of the Zoning Ordinance. The proposed amendments to Table 17.08.020 (Permitted, Conditional and Prohibited Residential Uses) are intended to establish a consistency so that existing single family dwellings in the MDR and HDR zone can be utilized even if discontinued for six months or more, consistent with the ability to rebuild such structures if they were destroyed. The proposed amendment to Table 17.08.050 (Accessory Structures) will replace missing text that was inadvertently deleted; the proposed amendment to Section 17.12.030 (Commercial and Industrial Development Standards) is to establish consistency with 17.08.030 with respect to development of substandard lots. The proposed amendment to Section 17.36.110(B)(1) (Sign Regulations) will create consistency with 17.36.030 (Definitions) and amendments to 17.32 Landscaping Standards and 17.68.140 Reconsideration will correct typographical errors. Therefore, the proposed zone text amendments will eliminate inconsistencies within the Zoning Ordinance.

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

Findings of Fact: In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed proposed Zone Text Amendment 17-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment 17-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.
PUBLIC COMMUNICATION

The proposed Categorical Exemption and Zone Text Amendment was advertised in the Record Gazette newspaper on March 24, 2017. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

Adoption of Planning Commission Resolution 2017-07:

1. Recommending to the City Council the adoption of the Categorical Exemption for Zone Text Amendment 17-97502; and

2. Recommending to the City Council the adoption of Ordinance 1510 approving Zone Text Amendment 17-97502.

Attachments:

1. Planning Commission Resolution 2017-07
2. Draft Ordinance 1510
3. Public Hearing Notice

Prepared and Recommended By:

[Signature]

Patty Nevins
Interim Community Development Director
ATTACHMENT 1
PC Resolution 2017-07
RESOLUTION 2017-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A CATEGORICAL EXEMPTION AND ZONING TEXT AMENDMENT 17-97502 AMENDING VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) TO PROVIDE CONSISTENCY AND CLARIFICATIONS WITHIN THE TEXT

WHEREAS, a review of the existing Zoning Ordinance text reveals certain inconsistencies within the text, conflicting information between sections, and a need for clarifications; and

WHEREAS, staff has identified the need to address an inconsistency in the treatment of nonconforming residential structures in a residential land use district as outlined in Section 17.88.020(A) and 17.88.020(H) Non-conforming structures of the City of Banning Municipal Code; and

WHEREAS, staff has identified the need to replace inadvertently deleted text under Section 17.08.050 Accessory Structures of the City of Banning Municipal Code is taken; and

WHEREAS, staff has identified the need to amend Table 17.12.030 Commercial and Industrial Development Standards for consistency with Table 17.08.030 Residential Development Standards relative to minimum lot size requirements for development; and

WHEREAS, staff has identified the need to amend Sign Regulations Section 17.36.110 for consistency with 17.36.030 – Definitions; and

WHEREAS, staff has identified the need to amend 17.32 Landscaping Standards and 17.68.140 Reconsideration to correct typographical errors; and

WHEREAS, the Planning Commission has authority pursuant to Section 17.116.030 (Planning Commission Action on Amendments) of the City of Banning Municipal Code to make a written recommendation to the City Council to approve, approve with modifications, or disapprove amendments to the Zoning Ordinance; and

WHEREAS, the City has reviewed the proposed Zoning Text Amendment for compliance with the California Environmental Quality Act (CEQA) and it is determined that Zone Text Amendment 17-97502 is not a 'project' under CEQA Guidelines 15061(b)(3); and
WHEREAS, on March 21, 2017, the City gave public notice by advertisement in the Record Gazette newspaper of a public hearing concerning the project, which included the Categorical Exemption and Zone Text Amendment 17-97502; and

WHEREAS, on April 5, 2017, the Planning Commission held the noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the project and at which the Planning Commission considered the Categorical Exemption and Zone Text Amendment 17-97502.

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

SECTION 1. ENVIRONMENTAL FINDINGS.

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

California Environmental Quality Act (CEQA)
In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed proposed Zone Text Amendment 17-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment No. 17-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

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

SECTION 2. REQUIRED FINDINGS FOR ZONE TEXT AMENDMENT 17-97502.

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zone Text Amendments meet certain findings prior to recommendation of approval by the Planning Commission and approval by the City Council. The Planning Commission hereby makes the following findings, as supported by substantial evidence on the record including and incorporating all facts and evidence
in the staff report and its attendant attachments, in support of the recommendation for
approval of the Zone Text Amendment 17-97502:

Finding No. 1: Proposed Zone Text Amendment 17-97502 is consistent with the
goals and policies of the General Plan.

Findings of Fact: Proposed Zone Text Amendment 17-97502 is consistent with the
goals and policies of the General Plan, insofar as the General Plan
designations and Zoning designations within the City will not
change, and the text amendments will result in clarifying the
implementation of the goals, policies and programs of the General
Plan. The primary General Plan Land Use Goals state “A
balanced, well planned community including businesses which
provides a functional pattern of land uses and enhances the quality
of life for all Banning residents” and “Preserve and enhance the
City’s Neighborhoods.” The proposed amendments are intended to
establish consistency between regulations within the Zoning
Ordinance.

Finding No. 2: Proposed Zone Text Amendment 17-97502 is internally consistent
with the Zoning Ordinance.

Findings of Fact: Proposed Zone Text Amendment 17-97502 is consistent with the
existing provisions of the Zoning Ordinance. The proposed
amendments to Table 17.08.020 (Permitted, Conditional and
Prohibited Residential Uses) are intended to establish a
consistency so that existing single family dwellings in the MDR and
HDR zone can be utilized even if discontinued for six months or
more, consistent with the ability to rebuild such structures if they
were destroyed. The proposed amendment to Table 17.08.050
(Accessory Structures) will replace missing text that was
inadvertently deleted; the proposed amendment to Section
17.12.030 (Commercial and Industrial Development Standards) is
to establish consistency with 17.08.030 with respect to
development of substandard lots. The proposed amendment to
Section 17.36.110(B)(1) (Sign Regulations) will create consistency
with 17.36.030 (Definitions) and amendments to 17.32 Landscaping
Standards and 17.68.140 Reconsideration will correct typographical
errors. Therefore, the proposed zone text amendments will
eliminate inconsistencies within the Zoning Ordinance.

Finding No. 3: The Planning Commission has independently reviewed and
considered the requirements of the California Environmental
Quality Act.
Findings of Fact: In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed proposed Zone Text Amendment 17-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment 17-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 3. PLANNING COMMISSION ACTION.

The Planning Commission hereby takes the following action:

Adoption of Planning Commission Resolution 2017-07:

1. Recommending to the City Council the adoption of a Categorical Exemption for Zone Text Amendment 17-97502; and

2. Recommending to the City Council the adoption of Ordinance 1510 approving Zone Text Amendment 17-97502.

PASSED, APPROVED AND ADOPTED this 5th day of April, 2017.

_________________________________
Eric Shaw, Chairman
Banning Planning Commission
APPROVED AS TO FORM
AND LEGAL CONTENT:

Gregg W. Kettles
Jenkins & Hogin, LLC
Interim Assistant City Attorney
City of Banning, California

ATTEST:

Sandra Calderon, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, 2017-07, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 5th day of April, 2017, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
ATTACHMENT 2
Draft Ordinance 1510
ORDINANCE 1510

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A CATEGORICAL EXEMPTION AND APPROVING ZONING TEXT AMENDMENT 17-97502 AMENDING VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) TO PROVIDE CONSISTENCY AND CLARIFICATIONS WITHIN THE TEXT

WHEREAS, on February 14, 2006, the City Council of the City of Banning adopted Ordinance 1339 approving Zone Change 03-3501 repealing the existing zoning ordinance and adopting the new Zoning Ordinance that included sign regulations; and

WHEREAS, a review of the existing Zoning Ordinance text reveals certain inconsistencies within the text, conflicting information between sections, and a need for clarifications; and

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

WHEREAS, on April 5, 2017, during a duly advertised public hearing, the Planning Commission adopted Resolution 2017-07 recommending to the City Council the adoption of Ordinance 1510 approving the Categorical Exemption and Zoning Text Amendment 17-97502; and

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

WHEREAS, on the ______ nd day of __________ 2017 the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the proposed amendments, and at which time the City Council considered the Categorical Exemption and Zoning Text Amendment 17-97502; and

WHEREAS, at this public hearing on the __________ nd day of ________________ 2017 the City Council considered and heard public comments on the proposed Categorical Exemption and Zoning Text Amendment; and
WHEREAS, the City Council has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the ______ nd day of ______________ 2017;

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

SECTION 1. ENVIRONMENTAL.

California Environmental Quality Act (CEQA)

In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zoning Text Amendment 17-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zoning Text Amendment 17-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP)

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

SECTION 2. REQUIRED FINDINGS.

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zoning Text Amendments meet certain findings prior to the approval by the City Council. The following findings are provided in support of the approval of the Zoning Text Amendment 17-97502.

Finding No. 1: Proposed Zoning Text Amendment 17-97502 is consistent with the goals and policies of the General Plan.

Findings of Fact: Proposed Zoning Text Amendment 17-97502 is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations within the City will not change, and the text amendments will result in clarifying the implementation of the goals, policies and programs of the General Plan. The primary
General Plan Land Use Goals state “A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents” and “Preserve and enhance the City’s Neighborhoods.” The proposed amendments are intended to establish consistency between regulations within the Zoning Ordinance.

Finding No. 2: Proposed Zoning Text Amendment 17-97502 is internally consistent with the Zoning Ordinance.

Findings of Fact: Proposed Zoning Text Amendment 17-97502 is consistent with the existing provisions of the Zoning Ordinance. The proposed amendments to Table 17.08.020 (Permitted, Conditional and Prohibited Residential Uses) are intended to establish a consistency so that existing single family dwellings in the MDR and HDR zone can be utilized even if discontinued for six months or more, consistent with the ability to rebuild such structures if they were destroyed. The proposed amendment to Table 17.08.050 (Accessory Structures) will replace missing text that was inadvertently deleted; the proposed amendment to Section 17.12.030 (Commercial and Industrial Development Standards) is to establish consistency with 17.08.030 with respect to development of substandard lots. The proposed amendment to Section 17.36.110(B)(1) (Sign Regulations) will create consistency with 17.36.030 (Definitions) and amendments to 17.32 Landscaping Standards and 17.68.140 Reconsideration will correct typographical errors. Therefore, the proposed zoning text amendments will eliminate inconsistencies within the Zoning Ordinance.

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

Findings of Fact: In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zoning Text Amendment 17-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zoning Text Amendment 17-97502 may have a significant adverse effect on the environment, and thus the adoption
of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 3. CITY COUNCIL ACTION.

The City Council hereby takes the following actions:

1. **Adoption of Categorical Exemption.** In accordance with Public Resources Code Section 21006 and CEQA Guidelines Section 15061 the City Council hereby adopts the Categorical Exemption prepared pursuant to CEQA Guidelines Section 15061(b)(3) for Zoning Text Amendment 17-97502.

2. **Approve Zoning Text Amendment 17-97502 as follows:**

Amend Table 17.08.020 Permitted, Conditional and Prohibited Residential Uses as follows:

<table>
<thead>
<tr>
<th></th>
<th>R/A</th>
<th>R/A/H</th>
<th>RR</th>
<th>RR/H</th>
<th>VLD</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR*</th>
<th>MH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwelling</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Single Family Dwelling, Existing</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Amend 17.08.050 Accessory Structures as follows:

Accessory structures in residential zoning districts shall be compatible with the materials and architecture of the primary dwelling of the property. Accessory structures may only be constructed on a lot containing a main dwelling unit. Accessory structures may be built to within 5 feet of the interior side and rear property lines as long as these structures are not closer than 10 feet to any other structure.

Building Code regulations may further restrict the distance to be maintained from property lines or other structures. The accessory structure may be a maximum of 50% of the footprint of the primary structure, and may be the same height as the principal structure. Second units are not considered accessory structures, and have specific development standards enumerated in Section 17.08.100.
Amend Table 17.12.030 Commercial and Industrial Development Standards as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>AI</th>
<th>BP</th>
<th>IMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Size (Ac. Or s.f.)</td>
<td>-</td>
<td>6,000</td>
<td>6,000</td>
<td>6,000</td>
<td>6,000</td>
<td>5 ac.</td>
<td>1 ac.</td>
<td>10 ac.</td>
</tr>
<tr>
<td>Min. Lot Width (Feet)</td>
<td>-</td>
<td>60</td>
<td>60</td>
<td>60</td>
<td>70</td>
<td>150</td>
<td>100</td>
<td>300</td>
</tr>
<tr>
<td>Min. Lot Depth (Feet)</td>
<td>-</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>150</td>
<td>150</td>
<td>300</td>
</tr>
</tbody>
</table>

17. An existing legal lot in the DC, GC, HSC, PO, I, AI, BP, or IMR zones can be developed, providing all other development standards for that zone are met.

Amend 17.32 Landscaping Standards, as follows:

Article III
Landscape Design Guidelines
17.32.140 Purpose
17.32.150 Applicability
17.32.160 General Guidelines

Amend 17.36.110 – Sign Regulations, as follows:

B(1) No sign attached to a structure shall be placed above the eave line.

Amend 17.68.140, as follows:

17.68.140 - Reconsideration.
If more complete or additional facts or information, which may affect the original action taken on an application by a review authority are presented, the review authority may reconsider such action taken, if a request for reconsideration is filed with the Department within 15 days following the final date of action. If a public hearing was required in the original review process, another public notice as specified in Section 17.68.020 shall be made prior to the reconsideration of the review authority, and all costs associated with the reconsideration shall be paid by the applicant.
SECTION 4. APPLICABILITY

Except as amended pursuant to the above, all other provisions of said Sections and Chapter 17 shall remain unchanged and in effect.

SECTION 5. SEVERABILITY.

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

SECTION 6. PUBLICATION; EFFECTIVE DATE.

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

PASSED, APPROVED, AND ADOPTED this __ day of __________, 2017.

__________________________
George Moyer, Mayor
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

__________________________
John C. Cotti, Interim City Attorney
Jenkins & Hogin, LLC
ATTEST:

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

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance 1510 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the ________ day of ________________, 2017, and was duly adopted at a regular meeting of said City Council on the ________ day of ______________ ________, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon, City Clerk
City of Banning, California
ATTACHMENT 3
Public Hearing Notice
I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

March 24, 2017

Executed on: 03/24/2017

At Banning, CA

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

[Signature]