I. CALL TO ORDER: Chairman Shaw

- Pledge of Allegiance: Commissioner Price
- Roll Call: Commissioners Krick, Price, Schuler, Ellis, 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. (Items received under this heading may be 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 August 2, 2017 Regular Planning Commission meeting

IV. PUBLIC HEARINGS:

1. DISCUSS TENTATIVE TRACT MAP (TTM) 36710, PLANNED UNIT DEVELOPMENT PERMIT (PUD) 17-9507, DESIGN REVIEW (DR) 15-7004, AND MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR A PROPOSAL TO SUBDIVIDE FOUR LOTS TOTALING 10.6 ACRES INTO 46 SINGLE-FAMILY RESIDENTIAL LOTS AND FIVE LETTERED LOTS AND DEVELOP SAID LOTS WITH TWO-STORY SINGLE FAMILY
HOMES IN THE LOW DENSITY RESIDENTIAL (LDR) ZONE, ASSESSOR’S PARCEL NUMBER’S 534-183-014, 534-200-004, 534-200-008 AND 534-200-047

Staff Report – Mark de Manincor……………………………………………………………………………..Page 9

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 2017-15:

I. Recommending to the City Council the adoption of the Project’s Mitigated Negative Declaration and Mitigation Monitoring Program in compliance with the California Environmental Quality Act.

II. Recommending to the City Council the approval of Planned Unit Development Permit 17-9507, Tentative Tract Map 36710 and Design Review 15-7004 subject to the conditions of approval.

2. DISCUSS AND CONSIDER ZONING TEXT AMENDMENT 17-97503 TO AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) REGARDING ACCESSORY DWELLING UNITS.

Staff Report – Mark de Manincor……………………………………………………………………………..Page 280

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 2017-10:
I. Recommending to the City Council the adoption of a Notice of Exemption for Zone Text Amendment 17-97503: and

II. Recommending to the City Council the adoption of Ordinance 1512 approving Zone Text Amendment 17-97503.

V. PLANNING COMMISSIONER COMMENTS:

VI. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

VII. ADJOURNMENT:

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of October 4, 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

August 2, 2017

A regular meeting of the City of Banning Planning Commission was held on Wednesday, August 2, 2017 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present:  
Chairman Shaw  
Commissioner Price  
Commissioner Schuler  
Commissioner Krick  
Commissioner Ellis

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

I. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chairman Shaw, who welcomed Commissioner Ellis to the Planning Commission.

II. SELECTION OF CHAIRMAN AND VICE-CHAIRMAN:

Nominations for the office of Chairperson were opened by Chairman Shaw.

ACTION: Motion/Second (SCHULER/PRICE) that Commissioner Shaw continues as the Chairman (Motion Carried 5 -0).

Nominations for the office of Vice-Chairman were opened by Chairman Shaw.

ACTION: Motion/Second (SHAW/SCHULER) that Commissioner Krick continues as the Vice-Chairman (Motion Carried 5 -0).

BMC Sec. 2.28.050 - Duties and responsibilities of the Chairperson and vice-chairperson was read by Chairman Shaw.

III. PUBLIC COMMENTS

None

IV. CONSENT CALENDAR ITEMS

ACTION: Motion/Second (PRICE/SCHULER) to approve the July 5, 2017 Planning Commission meeting minutes. (Motion Carried 4-0, Ellis abstained)

V. STUDY SESSION

**Butterfield Specific Plan Next Development Steps & Tentative Tract Map**

*NO ACTION IS RECOMMENDED*

Director Nevins said the study session is regarding the Butterfield Specific Plan next development steps. This is an informational item for everyone’s benefit and to provide the Commissioners with familiarity with the project. A minor modification to the Specific Plan was previously approved along with a General Plan Amendment affecting the circulation element of the General Plan. The next development step for the project would be processing tentative tract maps; those come to the Planning Commission for recommendation followed by an approval from the City Council.

Pardee is currently processing Tentative Tract Map 37298 and the tentative schedule to present to the Commission is in October. The Specific Plan has a phasing plan that indicates development will be starting in the southwest portion of the project.

Chris Willis, Director of Project Management with Pardee Homes said his presentation will be informational, but informal at the same time. Willis said for TTM 37298 they are introducing a lake concept to make the project self-sufficient from different areas, such as drainage and irrigation.

Mark Krebs, PE, president of PACE Advance Water Engineering said they are working together with Pardee Homes and other consultants on this project. Smith Creek is a very large water shed that creates high flow coming through the project and part of the master plan drainage is to eliminate flooding challenges. A retention basin in the northerly area of Smith Creek has been expanded to capture more runoff to infiltrate it into the ground water basin, and three other off-site drainage small water sheds that are part of the project that will be captured and re-charged into the ground, along the easterly boundary of the project. Channels will be much smaller because of those detention facilities, and storm water quality treatment that is required. The 100 year/3 hour retention requirement is met on the off-site and on-site area.

The lake allows capture and reuse of all of the rain runoff and nuisance flow. It will save about 60 acre feet a year of water and it will provide a much higher treatment capacity.

The average depth will be around 9 to 10 feet and maximum of 12 to 15 feet range.

Krebs discussed how the various depths of the lake fill a different infrastructure role.

Planning Commission Meeting Minutes
August 2, 2017
Commissioner Price asked if the lake would also be used recreationally.

Krebs explained that the lake is only being looked at from the infrastructure perspective of drainage, storm water quality, non-potable storage, nuisance flow capture, water re-use and sustainability only at this time. The water lake will be non-potable water. The City is currently doing a water study, and updating the master water plan.

Krebs said they have taken both pool and fountain requirements into account to address safety issue concerns of the lake.

The Banning wells will not be used to supply the lake with water. Pardee is currently working with the City’s Engineering Department which is conducting a study with an independent consultant with anticipation that this source of water is non-potable, and it’s self-sufficient.

Due to the settlement agreement a reconfiguration of the roads were made with the addition of the lakes that replaced the golf course that were part of the first Specific Plan.

Krebs said there will be a control out-flow from the lake designed for the 100 year 24 hour storm that will exit the lake at a much lower rate, eliminating today’s flooding conditions with this improvements.

Willis said the lake will be built along with Phase I to use the water for construction and irrigation.

The Beaumont Cherry Valley District might be able to provide a temporary construction water source of non-potable water.

Commissioner Ellis said he’s concerned about the moving of the oak tree that’s on site. He contacted an arborist and was quoted about $60,000.00 to complete the work, which could take about a year or more in order to be done properly.

Willis said an arborist inspected the tree and gave it a 50/50 chance for survival, but they are looking for a suitable relocation to give people a chance to visit the site, as well as finding a way to make it agreeable to the City.

Commissioner Krick said the site means a lot to the community. He would like to see the creation of a Veterans’ Park, or something similar that would carry through the same theme concept.

Willis said he agrees with Commissioner Krick, he understands the importance of this site to the City, and would like to accomplish something similar and find the ideal location.

Willis said the Tentative Map will be brought before Planning Commission for review and approval. He knows the completion of water study done by Corollo Engineering is imperative for this project. Interactive models are being put together of the City’s water sewer, and recycle
sewer system that will be used to run scenarios of out how the system will operate given demands at different locations throughout the City.

1. DISCUSS AND CONSIDER ZONING TEXT AMENDMENT 17-97502 TO AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) TO ADDRESS DEVELOPMENT STANDARDS, NONCONFORMING STRUCTURES AND LOTS, AND TO PROVIDE CONSISTENCY AND CLARIFICATION WITHIN THE TEXT.

Director Nevins presented the staff report. She said the zone text amendment deals with non-conforming structures within the City. The intent is to go periodically through the code and recommend revisions to the Planning Commission. Some of these proposed amendments were presented previously; however, the City Council directed staff to obtain more input, and additional items are now been included. The proposed amendments will be forwarded to the City Council after the recommendation from Planning Commission.

Proposed table 17.08.020 amendments:

1. Allow single family homes in the Medium Density Residential (MDR) Zoning District where many lots only qualify for one residential unit based on lot size.

2. Minimum Dwelling Size Standards:

   For a new single family home, minimum livable area in square feet shall be 1,200 square feet.

3. Accessory Structures:

   During a previous code amendment the following language was inadvertently dropped.

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.

Commissioner Ellis brought up a concern about the requirement of the accessory structure be the same material siding as the primary property. He currently owns a rock home and feels that a rock accessory structure would not be permitted. He would like to see the Planning Department have more authority to make decisions without bringing it to the Planning Commission for approval.

Commissioner Krick said you should be allowed a certain percentage of the structure with a certain lot size and not use it a general rule for everyone.

Director Nevins said there is a lot coverage lot maximum in the code already - the subject matter here relates to detached structures as compared to the primary home.
Discussion was made and a consensus was reached not to insert the section back into the code.

4. Development of lots that are below the minimum lot size.

Director Nevins said this section is about property lot size and if the lot size meets the minimum in the zone; if it does not, it may be developed for a structure as long as it meets set-backs and other development standards.

5. Development of lots for Multi-Family Units.

Director Nevins said the proposed amendment to table 17.08.030 Residential Development Standards would eliminate the different minimum lot size required to develop multi-family units in the Low Density residential zones. It would allow for multi-family development on smaller lots and permit multi-family lots to be subdivided into smaller lots.

Commissioner Shuler expressed concern about the elimination of the 2 Ac. Minimum in the Low and Medium Density Residential. She said some of the lots in the south side of Banning would be allowed to increase the subdivision of the lots. Many residents in the area are facing a future development with these minimum lot size standards and would like to keep the existing character of the area. Consensus was made from the Commissioners to keep the 2 Ac minimum lot size with the LDR and MDR zones and to make the MDR zone consistent with the LDR zone with respect to the 7,000 square foot minimum.


Director Nevins said currently mixed use residential/commercial is a Conditional Use in the Highway Serving Commercial Zone. The added footnote language would allow existing mixed uses that are nonconforming due to the lack of a Conditional Use Permit to be reoccupied even if the utilities are off for more than six months. Nevins said buildings are assumed to be permitted, unless given a reason to be given otherwise. Many buildings were resulting in boarded-up buildings and security issues were evident as explained in the letter written by a resident. “Exhibit I”.

7. Sign Regulations – Provide clarity/consistency

Director Nevins said this is a clarifying item. No sign attachment to a structure shall be placed above the roof eave line. Anything above the eve is considered the roof and roof signs are non-conforming or not allowed in the City.

Commissioner Krick talked about a building on Ramsey Street that has an existing wall sign that’s above an eave line. Commissioner Shaw asked that this item be brought back for consideration, and include examples as suggested by Commissioner Krick.

8. Landscaping Standards-Typographic Correction
9. Reconsideration – Typographical Correction

Chairman Shaw opened the public hearing. There were no public comments.

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

That the Planning Commission adopt Resolution 2017-14 recommending the following:

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.

With the following amendments:

3. **Accessory Structures:** Remove the proposed language.

5. **Development of Lots for Multi-Family Units:** Strike the deletion under LDR and MDR and leave the proposed deletion under HDR and MHP, and increase the minimum lot size from 5,000 to 7,000 s.f. under MDR.

7. **Sign Regulations – Provide clarity/consistency:** Remove from Resolution.

(Motion Carried 5 -0)

2. **DISCUSS AND CONSIDER ZONING TEXT AMENDMENT 17-97503 TO AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) REGARDING ACCESSORY DWELLING UNITS WITHIN THE TEXT.**

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

That the Planning Commission continue the item to the September 6, 2017 Regular Planning Commission Meeting.

(Motion Carried 5 -0)

VI. **PLANNING COMMISSIONER COMMENTS:**

None

VII. **COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:**
Director Nevins said the future La Quinta Hotel site has had work being done at the site, and the old gas station was demolished last week. They are currently in Building plan check for the hotel building.

It was noted that there was no longer a drive thru at the new Pad A along Highland Springs that was approved by Planning Commission. After the approval was done, the Community Development Director gave approval for a minor modification to remove it.

VIII. ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:43 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 FROM THE CITY CLERK'S OFFICE.
August 1, 2017

To: Planning Commission

With all due respect, I ask The Planning Commission to consider allowing the property on 991 W. Ramsey to be considered for residential use. For years it was considered residential and tenants occupied the house. However, we were force to evict the tenants after rent was not paid for two months. After 7 months of the property vacancy the utility department did not allow for services to be reinstated as code enforcement laid a block for non-usage. Code enforcement wanted me to convert the property into a Commercial use due to the length of time utilities were shut off. It would mean drastic modifications that are too expensive and the property value is under the construction expense. This property is not made for commercial use in anyway. We would need to demolish the house and build a commercial building. As members to the community we have many properties and have respectfully oblige by the rules and laws of the City Of Banning in every way possible.

The property in place is not Commercial use formatted as it has always been used as a residential property. Had I known that utilities needed to be turned on within 6 months we would have done it, immediately. Due to emergency medical reasons we were unable to meet the deadline date. For the past 2 years we have been trying to resolve this issue and it has led to have homeless and drug addicts breaking in. This has hurt any potential renters for property 977 W. Ramsey as they see the damage of the break in’s. We have cleaned it up and hope to rent it as a residential. All of the possible renters we have encountered would like to live in the back property (991 W. Ramsey) and have their business in the front property (977 W Ramsey) as they find it very convenient. Please consider our request.

Respectfully

Joseph Barbera
CITY OF BANNING
Planning Commission Report

MEETING DATE: September 6, 2017

TO: Planning Commission

FROM: Patty Nevins, Community Development Director

BY: Mark de Manincor, Contract Planner

SUBJECT: TENTATIVE TRACT MAP (TTM) 36710, PLANNED UNIT DEVELOPMENT PERMIT (PUD) 17-9507, DESIGN REVIEW (DR) 15-7004, MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR A PROPOSAL TO SUBDIVIDE FOUR LOTS TOTALING 10.6 ACRES INTO 46 SINGLE-FAMILY RESIDENTIAL LOTS AND FIVE LETTERED LOTS AND DEVELOP SAID LOTS WITH TWO-STORY SINGLE FAMILY HOMES IN THE LOW DENSITY RESIDENTIAL ZONE, ASSESSOR’S PARCEL NUMBER’S 534-183-014, 534-200-004, 534-200-008 AND 534-200-047

RECOMMENDED ACTION:

The Planning Commission adopt Resolution 2017-15:

I. Recommending to the City Council the adoption of the Project’s Mitigated Negative Declaration and Mitigation Monitoring Program in compliance with the California Environmental Quality Act.

II. Recommending to the City Council the approval of Planned Unit Development Permit 17-9507, Tentative Tract Map 36710 and Design Review 15-7004 subject to the conditions of approval.

APPLICANT INFORMATION:

Project Applicant: Beau Cooper, United Engineering Group
8885 Haven Avenue, Suite 195
Rancho Cucamonga, CA 91730
BACKGROUND:

TTM 36710 intends to subdivide four parcels totaling 10.6 acres into 46 single-family residential lots for development purposes. The Project site is located north of East Wilson Street west of North Florida Street. The 10.6 acre vacant site is an undeveloped infill parcel primarily covered with dry, tall grasses with scattered low bushes that slopes generally from the northwest to the southeast. The property is currently zoned Low Density Residential (LDR), which establishes a minimum single-family residential lot size of 7,000 square feet. If the Project site were built out in accordance with its existing General Plan land use designation, a total of 53 units could be constructed.

Table 1 below denotes the surrounding zoning districts within the Project area.

**Table 1: Subject Site Zoning Districts**

<table>
<thead>
<tr>
<th>Location</th>
<th>General Plan Designation</th>
<th>Zoning Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>Low Density Residential (LDR)</td>
<td>LDR (0-5 dwelling units per acre)</td>
</tr>
<tr>
<td>North</td>
<td>Low Density Residential (LDR)</td>
<td>LDR (0-5 dwelling units per acre)</td>
</tr>
<tr>
<td>South</td>
<td>Public Facility – School (PF-S)</td>
<td>PF-S</td>
</tr>
<tr>
<td>East</td>
<td>Low Density Residential (LDR)</td>
<td>LDR (0-5 dwelling units per acre)</td>
</tr>
<tr>
<td>West</td>
<td>Low Density Residential (LDR)</td>
<td>LDR (0-5 dwelling units per acre)</td>
</tr>
</tbody>
</table>

*Source: City of Banning General Plan and Zoning Map*

PROJECT ANALYSIS

**Planned Unit Development 17-9507 (PUD 17-9507)**

Planned Unit Development Permits allow greater flexibility in design in residential developments than is possible through the strict application of zoning district regulations and encourage the design of well-planned facilities which offer a variety of land uses through creative and innovative planning. Residential developments shall include a variety of housing types and site plans, accessible open or common
recreational areas and facilities and other features of substantial benefit to a viable and balanced community.

In accordance with Banning Municipal Code Chapter 17.92, Planned Unit Developments ("PUD's"), PUD's must provide the same density, building heights, landscaping, parking, lot coverage and front yard setbacks as the zoning district they are located in. PUD's must also provide for 30% open space/common areas for parks, trails and other amenities. Lot sizes and side and rear yard setbacks may vary with approval from the Planning Commission. PUD 17-9507 is within the Low Density Residential zoning district which allows for the standards listed in Table 2.

The project proposes a Planned Unit Development Permit with lot sizes ranging from 5,000 square feet to 12,817 square feet for certain cul-de-sac lots. The majority of the lot sizes are within the 5,000 square foot range. The project proposes a net density of 4.53 dwelling units per acre totaling 46 single-family residential lots. The project will include over 30 percent of Open Space amenities, including a small trail system, park and picnic areas. The open space/park area will also serve as an emergency landing zone as required for projects in Zone D of the Riverside County Airport Land Use Plan for the Banning Municipal Airport. Consequently, the open space park area will not contain any structures higher than four feet.

Table 2 below denotes development standards within the project's zoning district.

**Table 2: Subject Site Development Standards**

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>Requirement</th>
<th>Provided</th>
<th>Meets or Exceeds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
<td>0-5 du/ac</td>
<td>4.53 du/ac</td>
<td>Yes</td>
</tr>
<tr>
<td>Bldg. Height</td>
<td>2 story or 35 feet</td>
<td>2 story or 35 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Landscaping</td>
<td>Front/side yards</td>
<td>Front/side yards</td>
<td>Yes</td>
</tr>
<tr>
<td>Parking</td>
<td>2 car covered</td>
<td>2 car covered</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Coverage</td>
<td>40%</td>
<td>40%</td>
<td>Yes</td>
</tr>
<tr>
<td>Front Yard Setback</td>
<td>20 feet</td>
<td>20 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>15 feet</td>
<td>10 feet</td>
<td>Yes with PUD</td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td>10 feet</td>
<td>5 and 10 feet</td>
<td>Yes with PUD</td>
</tr>
<tr>
<td>Side Setback between houses</td>
<td>N/A</td>
<td>15 feet</td>
<td>Yes with PUD</td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>7,000 square feet</td>
<td>5,000 square feet</td>
<td>Yes with PUD</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>70</td>
<td>50</td>
<td>Yes with PUD</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>90</td>
<td>90</td>
<td>Yes</td>
</tr>
<tr>
<td>Open Space (PUD)</td>
<td>N/A</td>
<td>30%</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The application for a Planned Unit Development Permit was necessitated by the Airport Land Use Commission (ALUC) compatibility zone where residential projects in Compatibility Zone D must be either, higher density (5,000 square foot
minimum lot size) residential lots or very low density residential lots. The rationale behind this is that higher density single-family residential development can create room for open space areas for emergency landing events. Residential developments in Compatibility Zone D must leave at least, 30 percent of the property available for open space to accommodate aircraft emergency landings. Very low density lots (20,000 square foot minimum), by design, have open areas for emergency landing events. In accordance with the Banning Municipal Code, Planned Unit Developments must create and utilize open space areas for amenities such as parks, recreation and common areas.

The project includes 46 numbered lots and five lettered lots. Three of the lettered lots are for streets and cul-de-sacs and two of the lettered lots are for open space. Lot A will be a combined detention basin for storm water retention and a dog park with picnic tables and benches. Lot B will be open space used as a common area, trail system with Tot Lot, picnic tables and benches. With these proposed amenities and open space, the project is in compliance with ALUC Compatibility Zone D and the Banning Municipal Code regarding Planned Unit Developments.

**Tentative Tract Map 36710 (TTM 36710)**

TTM 36710 proposes 46 numbered lots with a minimum lot size of 5,000 square feet and two lettered lots dedicated for open spaces purposes. Numbered lots range in size from 5,000 square feet to 12,817 square feet. The majority of lot sizes however are 5,000 square feet, totaling a density of 4.3 dwelling units per acre.

Access to the Project site is from East Wilson Street where the project provides three cul-de-sacs to service the majority of the development. Lots 9 and 46 will gain access via East Hoffer Street and lots 41 – 45 will gain access via North Florida Street. The City of Banning defines traffic Level of Service (LOS) “satisfactory” as LOS D. LOS D is the minimum LOS to be maintained on all roadway segments and intersections. Trip generation for the proposed project was calculated using rates from the Institute of Transportation Engineers (ITE) Trip Generation (9th Edition). For Single-Family Detached Housing of 46 units; the project trip generation would generate 36 trips in the a.m. peak hour and 48 trips in the p.m. peak hour with a total of 457 daily trips. Based on the project’s trip generation, under existing and opening year conditions, all the studied intersections operate at satisfactory LOS or better.

Access to the project will be accommodated by using existing streets and/or proposed cul-de-sacs. Water, sewer and electrical service will be provided by the City of Banning Public Works Department and Electrical Division. The Project is required to connect to the existing 8-inch water main on East Wilson Street and existing 8-inch sewer line at the intersection of East Wilson Street and North Florida Street. Lots 9 and 46 will connect to the existing water and sewer lines in Hoffer Street and Lots 41 – 45 will connect to the existing water and sewer lines in North Florida Street.
Design Review 15-7004 (DR 15-7004)

The project has been evaluated for conformance with Chapter 17.56, Design Review, of the Banning Municipal Code. The proposed project, DR 15-7004 is consistent with the General Plan and Zoning Ordinance with the proposed Planned Unit Development Permit which will allow for minimum lot sizes of 5,000 square feet. All structures will be constructed in accordance with the Development Standards and Design Guidelines for the applicable zoning district (see Table 2). The Developer is proposing three two-story plan types, 1,848, 1,955 and 2,185 square feet in floor area with three different styles, Spanish, Early California and California Ranch.

The design and layout of the proposed subdivision will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards. The majority of the development will gain access to the existing local streets via three cul-de-sacs which will be privately owned by a newly created Home Owners Association. The cul-de-sacs will have 50 foot right-of-way widths which is below the recommended 60 foot right-of-way required by our street design standards. The cul-de-sac bulbs will have adequate turning radius for Fire Department Equipment and due to the reduced size of the cul-de-sac streets, parking will only be allowed on one side of the street.

The project proposes lot sizes that are similar to neighboring lot sizes and house styles that are compatible with surrounding homes. The project has provided for landscaped Open Space areas to be utilized for parks, recreation and common areas. The Open Space areas will also be available for aircraft in the event they need to make an emergency landing. Additionally, the design of the proposed project is compatible with the character of the surrounding neighborhood.

Project Approvals

In accordance with Section 17.44.020 of the Banning Municipal Code, projects requiring multiple applications may file all applications concurrently and pay appropriate fees. Processing and environmental review will be concurrent and the final decision on the project shall be made by the highest level of review authority.

This project consist of a Planned Unit Development, Design Review and Tentative Tract Map. The highest level of review authority of a Tentative Tract Map is the City Council. Therefore, the Planning Commission will be the recommending body and the City Council will be the decision making authority.

ENVIRONMENTAL DETERMINATION:

In accordance with the California Environmental Quality Act (CEQA), an Initial Study was prepared and circulated that demonstrated environmental effects would be reduced to less than significant levels with mitigation measures. Therefore, a
Mitigated Negative Declaration and Mitigation Monitoring Program are proposed for the project. The Initial Study and Notice of Intent to adopt a Mitigated Negative Declaration was distributed, August 11, 2017, for a 20 day comment period to organizations and individuals who have previously requested such notice in writing to the City of Banning and to responsible and trustee agencies. The notice of intent was also noticed in the Record Gazette, which is a primary newspaper of circulation in the area and to individuals who live within 300 feet of the project site. The notice of intent and Initial Study were made available to the public at the Planning Counter at Banning City Hall, 99 East Ramsey Street and the local Library located at 21 West Nicolet Street. The Mitigated Negative Declaration is attached as Attachment 3.

PUBLIC COMMUNICATION

The proposed Mitigated Negative Declaration, Tentative Tract Map 36710, Design Review 15-7004 and Planned Unit Development Permit 17-9507 were advertised in the Record Gazette newspaper on August 25, 2017 (Attachment 3). Additionally, the notice was mailed to all property owners within 300 feet of the Project. As of the date of this report, staff has received one letter from the school district in response to the Mitigated Negative Declaration (see Attachment 6). A recommendation on the request will be presented at the Planning Commission meeting.

Prepared By: Reviewed By:

Mark de Manincor Patty Nevins
Contract Planner Community Development Director

Attachments:

1. Resolution 2017-15
2. West Riverside County Airport Land Use Commission Approval
3. Initial Study/Mitigated Negative Declaration, Mitigation Monitoring Report and Program
4. Tentative Tract Map 36710
5. Architectural Plans
7. Public Notice
ATTACHMENT 1
Resolution 2017-15
with Conditions of Approval,
TTM 36710, and Architectural Plans
RESOLUTION NO. 2017-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF PLANNED UNIT DEVELOPMENT PERMIT 17-9507, TENTATIVE TRACT MAP 36710, DESIGN REVIEW 15-7004 AND A MITIGATED NEGATIVE DECLARATION, LOCATED ON PROPERTY NORTH OF EAST WILSON STREET AND WEST OF NORTH FLORIDA STREET (APN'S 534-183-014, 534-200-004, 534-200-008 AND 534-200-047)

WHEREAS, the applicant, Beau Cooper with United Engineering Group has submitted an application for a Planned Unit Development Permit 17-9507, Tentative Tract Map 36710 and Design Review 15-7004 for consideration by the Planning Commission to recommend to the City Council the proposed project to subdivide four lots totaling 10.6 acres for purposes of creating 46 single-family residential lots and 5 lettered lots.

WHEREAS, the Municipal Code allows the subdivision of approximately 10.6 acres within the Low Density Residential Zone into 46 lots with a minimum lot size of 5,000 square feet with the approval of a Planned Unit Development; and

WHEREAS, the Community Development Department has evaluated the project’s potential effects on the environment as required under the California Environmental Quality Act (“CEQA”) and prepared a Mitigated Negative Declaration (“MND”) in compliance with CEQA Statute Section 21064.5 which incorporates conditions and mitigation measures that reduce the potential impacts of the project below significance; and

WHEREAS, on August 25, 2017 the City gave public notice as required under Government Code Section 66451.3 by advertising in the Record Gazette Newspaper, and mailing notices to all property owners within 300 feet of the project site of the holding of a public hearing for the Planning Commission’s review and recommendation, at which time the project would be considered; and

WHEREAS, the Mitigated Negative Declaration’s Notice of Intent/Notice of Availability regarding Tentative Tract Map 36710, Planned Unit Development Permit 17-9507 and Design Review 15-7004, was advertised in the Record Gazette newspaper on August 11, 2017. Additionally, the notice was mailed to all property owners within 300 feet of the Project; and

WHEREAS, on September 6, 2017, the Planning Commission held the duly noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the project and at which time the Planning Commission
considered the Mitigated Negative Declaration, Planned Unit Development Permit 17-9507, Design Review 15-7004 and Tentative Tract Map 36710.

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)
Approval of Tentative Tract Map 36710 is in compliance with the requirements of CEQA, in that on September 6, 2016, at a duly noticed public hearing, the Planning Commission approved and adopted a Mitigated Negative Declaration and Mitigation Monitoring Report and Program reflecting its independent judgment and analysis and documenting that there was no substantial evidence, in light of the whole record, from which it could be fairly argued that the Project may have a significant effect on the environment. The documents comprising the City’s environmental review for the Project are on file and available for public review at Banning City Hall, 99 E. Ramsey Street, Banning, California 92220.

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.

SECTION 2. REQUIRED FINDINGS FOR TENTATIVE TRACT MAP 36710

An application for a Tentative Tract Map requires that it meet specific findings in accordance with Title 16 of the Banning Municipal Code, on Subdivisions, and Government Code Sections 66473.1, 66473.5 and Section 66474. A tentative map must adequately meet the adopted provisions of the Title 16 Subdivision chapter based upon the following findings:

Finding A: The proposed map is consistent with the General Plan.

Findings of Fact: The General Plan land use designation for the site is classified as Low Density Residential which allows housing densities from 0 to 5 dwelling units per acre. The proposed Map will result in the development of 46 single family residential dwelling units at a density of 4.3 units per acre. This density level is within the range permitted under the General Plan land use designation for this site. One of the primary policies of the Land Use Element of the General Plan is that projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is
protected. The proposed Tentative Tract Map serves to achieve this objective in that the subdivision design is consistent with existing neighborhood housing stock. Considering all of these aspects, the proposed Map furthers the objectives and policies of the General Plan and is compatible with the general land uses districts within the general vicinity of the Project.

Finding B: The design or improvement of the proposed subdivision is consistent with the City's General Plan.

Findings of Fact: The proposed subdivision has been designed to meet City standards which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities have been designed and are conditioned to be constructed in conformance with City standards which is consistent with the City's General Plan.

Finding C: The site is physically suitable for the type of development.

Findings of Fact: The 10.6 acre site is relatively flat with a change in elevation from 2,550 to 2,650 feet above mean sea level. The proposed project is adjacent to existing residential development and has availability of all services including, streets, water, sewer and electricity. Therefore, the site is physically suitable for this type of development.

Finding D: The site is physically suitable for the density of development.

Findings of Fact: The site is located within the Low Density Residential Zone which allows for 0-5 dwelling units per acre. The project proposes 4.3 dwelling units per acre which is less than the maximum allowed. The project is proposing a Planned Unit Development Permit which allows for minimum lot sizes of 5,000 square feet and the project includes 30 percent of the site for open space areas that include parks, recreation and common areas. The subdivision, as proposed, is suitable for the density of development.

Finding E: The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Findings of Fact: The site is currently vacant and does not contain any significant vegetation or habitat for wildlife. Per the Multiple Habitat Conservation Plan (MSHCP), there is no evidence that any endangered, threatened or listed species of plant or animal, or its
habitat, is located on the site. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The Project incorporates conditions intended to comply with the recommendations of the MSHCP. In addition, this Project has been conditioned to comply with the environmental policies and regulations of the City of Banning and those of all local and regional governmental agencies having jurisdiction over the site.

Finding F: The design of the subdivision or type of improvements is not likely to cause serious public health problems.

Findings of Fact: The design of the subdivision is in conformance with the City's General Plan, Zoning Ordinance, and Subdivision Ordinance, the construction of all units on the site has been conditioned to comply with all applicable City of Banning ordinances, codes, and standards including, but not limited to, the California Uniform Building Code, the City’s Ordinances relating to Stormwater runoff management and controls. In addition, the design and construction of all improvements for the subdivision has been conditioned to be in conformance with adopted City street and public works standards. The City's ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety and welfare.

Finding G: The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Findings of Fact: There are easements for Banning Provided Utilities and a Southern California Edison easement that traverses the property from south to north which is part of the open space area provided for in the design of the Tentative Tract Map. No other easements of record or easements established by judgement of a court of competent jurisdiction for public access across the site have been disclosed in a search of the title records for the site and the City does not otherwise have any constructive or actual knowledge of any other such easements.

REQUIRED FINDINGS FOR DESIGN REVIEW 15-7004

Finding A: The proposed project is consistent with the general plan.

Findings of Fact: The property's land use designation is Low Density Residential (LDR) which allows for up to five dwelling units per acre. The
project proposes 4.3 dwelling units per acre. The minimum lot size in the LDR zone is 7,000 unless a Planned Unit Permit (PUD) is applied for. In the case of this project, TTM 36710, a Planned Unit Development Permit has been applied for and is part of this approval. With the PUD, the applicant proposed minimum lot sizes of 5,000 square feet. As a condition of a PUD, the project must provide for Open Space areas totaling 30 percent of the project site. The project provides 30 percent Open Space areas used for parks, recreation and common areas. The tentative tract and design review with a PUD permit is consistent with the general plan.

Finding B: 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 project is consistent with the Zoning Ordinance and is conditioned to meet or exceed all development standards and guidelines for the zone and type of development.

Finding C: 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 project is an infill type of development of 10.6 acres for 46 single-family residential lots. The design and layout has been prepared as a Planned Unit Development which provides for circulation (streets), pedestrian walkways (sidewalks) and trails, parks and common areas. These sidewalks, trails, and streets will connect with existing sidewalks and streets which will complement the neighborhood. Hazards will be reduced by completing all uncompleted streets and sidewalks in the area of the project.

Finding D: The design of the proposal project is compatible with the character of the surrounding neighborhood.

Findings of Fact: The design and character of the project will complement the existing design and character of the neighborhood as new homes, streets, sidewalks, trails, parks, open space and common areas are proposed. New houses will be similar in size and design of existing houses in the area.

SECTION 3. PLANNING COMMISSION ACTION:
The Planning Commission hereby takes the following action:
Adoption of Planning Commission Resolution 2017-15:

1. Recommending to the City Council adoption of Mitigated Negative Declaration and Mitigation Monitoring Report and Program and directs the Community Development Director to prepare and file with the Clerk for the County of Riverside a Notice of Determination as provided under Public Resources Code Section 21152, and CEQA Guidelines Section 15075; and

2. Recommending to the City Council approval of Tentative Tract Map 36710, Planned Unit Development Permit 17-9507, and Design Review 15-7004, subject to the Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A, and in accordance with the approved Tentative Tract Map attached hereto and incorporated by reference as Exhibit B and the architectural plans attached hereto and incorporated by reference as Exhibit C.

PASSED, APPROVED AND ADOPTED this 6th day of September, 2017.

Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

Gregg C. Kettles
Interim Assistant City Attorney

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 2017-15, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of September, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________________________
Sandra Calderon, Recording Secretary
City of Banning, California
EXHIBIT A
Resolution 2017-15
Conditions of Approval
EXHIBIT A

PROJECT #: Tentative Tract Map 36710, Design Review 15-7004 and Planned Unit Development Permit 17-9507

SUBJECT: Conditions of Approval (Planning Commission Resolution 2017-15)

APPLICANT: Beau Cooper, United Engineering Group

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

* 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.

Community Development Department:

General Requirements

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

3. Approval of Tentative Tract 36710, Design Review 15-7004 and Planned Unit Development Permit shall be for a period of two (2) years from the date of City Council approval. All Conditions of Approval must be met on or before the expiration date, or the applicant must request an extension of time at least thirty (30) days prior to the expiration date; otherwise, the approval shall expire and become null and void.

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 design of all lots shall meet the development requirements contained in the City's Zoning Ordinance for the Low Density Residential Zoning District to include; density (up to 5 du/ac), lot depth (90 feet), lot coverage (40%), street side yard setback (15 feet), front yard setback (20 feet), landscaping (front and side yards), parking (2-car garage), building height (35 feet) and fence/wall height (6 feet). The Planned Unit Development Permit requirements include; minimum lot size (5,000 square foot), side yard setback (5 foot and 10 foot), rear yard setback (10 feet) and lot width (50 foot).

6. A six foot tall decorative block wall shall be constructed around the perimeter of the subdivision, between houses and along all street facing side yards. View fencing, such as wrought iron, shall be constructed along the rear yards of all houses adjacent to trail areas.

7. Applicant shall pay all development fees adopted by the City in effect at the time of issuance of any building permits, which shall include but not be limited to: TUMF, MSHCP, police and fire safety developer fees, water and sewer fees, park land dedication fees, and electric meter installation fees etc. Project proponent shall provide written evidence to the City that school mitigation fees have been paid or other arrangements acceptable to the Banning Unified School District have been met.

8. A copy of the final grading plan, approved by Engineering, shall be submitted to the Planning Department for review and approval of the landscaping and erosion control plans when graded cut slopes exceed five (5) feet in height and fill slopes exceed three (3) feet in height.

9. The developer shall contact the U.S. postal Service to determine the appropriate type and location of mailboxes.
10. A trailer, used as an office by the property owner or his designee, may be permitted on the site during construction for a period not to exceed six (6) months. Prior to issuance of a building permit for any residential unit, said trailer shall be subject to a Land Use Permit reviewed and approved by the Planning Department.

11. Prior to the issuance of any Building Permits, the project proponent shall submit to the City’s Planning Department for review and approval: three (3) copies of a drought-tolerant landscape plan and irrigation plans prepared by a licensed landscape architect. Said plan shall also depict the proposed placement and materials for a 6-foot high decorative block wall with decorative cap to be established along the perimeter. The drought-tolerant landscape plan shall include the following:

A. The location, type, size and quantity of vegetation to be installed, and a date by which the landscaping shall be completed.

B. Required drought-tolerant slope planting: Slope planting shall be required for the surface of all cut slopes of three (3) feet or greater in height and fill slopes more than two (2) feet in height. Said slopes shall be protected against damage from erosion by providing jute netting and planting with, ground cover plants or grass, except that grass will not exceed 25% of the total planting area on the slope face.

(1) All slopes exceeding three (3) feet in vertical height shall also be planted with shrubs, spaced at distances not to exceed five (5) feet on center; or, trees spaced at distances not to exceed ten (10) feet on center; or a combination of shrubs and trees.

(2) Slopes exceeding five (5) feet in vertical height shall be planted with a combination of drought-tolerant trees, shrubs and groundcover.

(3) Drought-tolerant slope planting as required by B(1) and (2), above, shall consist of the following sizes and quantities:

a. Trees: 30% — 24- inch box; 35% — 15-gallon; 25% - five gallon; 10% - one gallon.

b. Shrubs: 60% — five gallon; 40%—one gallon.

c. Groundcover: 100% coverage from flats planted 18-inch on-center.

(4) The approved landscape plan shall be installed prior to the issuance of a Certificate of Occupancy for each single-family residence to be constructed within the subdivision.
12. Prior to the issuance of a Certificate of Occupancy for each single-family residence constructed within TTM 36710, the applicant shall submit to the City for review and approval three (3) copies of a detailed landscape and irrigation plan (comprised of xeriscape plant material) indicating type, species and location of the following minimum number of drought tolerant, multi—branched trees on each lot adjacent to the street right—of—way (all trees shall be planted with root barriers):

- Cul-de-sac lots — 1 tree; minimum 24” box
- Interior lot — 2 trees; one 24” box, one 15—gallon
- Corner lot — 3 trees; two 24” box and one 15—gallon.
- The Plan shall be forwarded to a Landscape Architect for review and the applicant shall pay all fees associated with the review process. The approved landscape plan shall be implemented / installed prior to the issuance of a Certificate of Occupancy for each single-family residence constructed within TTM 36939. (Submit landscape and irrigation plans as soon as possible to allow sufficient time for a Landscape Architect to review same).
- The landscaping for the street parkways, public lots, and other public areas shall be installed prior to occupancy of the first unit.

13. A six-(6) foot high chain link fence must be maintained around the perimeter of the site during all phases of construction.

14. Developer shall meet all requirements of responsible agencies, including but not limited to: Southern California Gas Company, Southern California Edison Company, and West Riverside County Airport Land Use Commission (ALUC).

15. The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 402, A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

16. The Project is required to comply with regional rules that assist in reducing short-term air pollutant emissions. SCAQMD Rule 403 requires that fugitive dust be controlled with best-available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. SCAQMD Rule 403 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off site. Applicable dust suppression techniques from Rule 403 are summarized below:

- Apply nontoxic chemical soil stabilizers according to manufactures’ specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
- Water active sites at least twice daily. (Locations where grading is to occur will be thoroughly watered prior to earthmoving.)
Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least 0.6 m (2 ft.) of freeboard (vertical space between the top of the load and top of the trailer) in accordance with the requirements of California Vehicle Code (CVC) Section 23114.

- Pave construction access roads at least 30 m (100 ft.) onto the site from the main road.
- Reduce traffic speeds on all unpaved roads to 15 mph or less.

The applicable Cal/Recycle Sustainable (Green) Building Program Measures are:

- Recycle/reuse at least 50 percent of the construction material that are rapidly renewable or resource-efficient, and recycled and manufactured in an environmentally friendly way for at least 10 percent of the project, as defined on the California Department of Resources Recycling and Recovery (CalRecycle) website: www.calrecycle.ca.gov

17. In the event that previously undocumented archaeological resources are identified during earthmoving activities, further construction work in the area should be diverted or halted until the nature and significance of the find can be assessed.

18. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the County Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Mitigation

19. The development shall comply with all measures contained in the project’s Mitigation Monitoring Report and Program.

Public Works:

A. General Requirements

20. 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.

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

- Fire Marshal (access)
- Public Works Department (grading permits, street improvement permits)
- Riverside County Flood Control & Water Conservation District (storm drain)
- California Regional Water Quality Control Board Colorado River Basin (RWQCB)
- South Coast Air Quality Management District (SCAQMD)

The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.

22. 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 Grading Plans
   (All Conditions of Approval shall be reproduced on last sheet of set)

b. Haul Route Plans
   1” = 40' horizontal

c. Clearing Plans
   (Include construction fencing plan)

   1” = 50' horizontal

d. Erosion Control & SWPPP, WQMP
   (Note: a, b, c & d shall be reviewed and approved concurrently)

   1” = 40' Horizontal

  e. Storm Drain Plans
     1” = 40' Horizontal

  f. Street Improvement Plans
     1” = 40' Horizontal

     1” = 4' Vertical

  g. Signing & Striping Plans
     1” = 40' Horizontal

  h. Precise Grading Plans
     1” = 40' Horizontal
Exhibit A
Conditions of Approval
TTM 36710, PUD 17-9507, DR 15-7004
Page 7 of 14

i. Landscaping Plans
j. Water Improvement Plans
k. Sewer Improvement Plans

1" = 20 Horizontal
1" = 40' Horizontal
1" = 4' Vertical
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.

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.

23. Upon completion of construction, the Developer shall furnish the City with reproducible record drawings on Mylar film 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 files submitted to the City, revised to reflect the “As-Built” conditions.

B. Rights of Way/Street Improvements

24. Prior to issuance of any permit(s), the applicant shall offer to dedicate to the City of Banning for public purposes the right-of-way for Wilson Street fronting as a urban arterial highway; Half-width right-of-way of 55 feet; Curb to centerline width of 43 feet.

25. Prior to issuance of any permit(s), the applicant shall offer to dedicate to the City of Banning for public purposes the right-of-way for Hoffer Street fronting as a local street; Half-width right-of-way of 30 feet; Curb to centerline width of 20 feet.

26. 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 all improvement plans.

27. The City and Developer are to enter into a Development Agreement (DA) to guarantee the construction of the public improvements as listed in the Conditions of Approval and as shown on the approved plans. The applicant shall work with the City Attorney’s Office to execute the DA and pay all related legal processing fees.

28. All street improvement designs shall provide pavement and lane transitions per City of Banning and Caltrans standards for transition to existing street sections.

29. Construct half-width street improvements fronting all Wilson Street and Hoffer Street including street lighting, curb and gutter, drive approaches, sidewalk, parkway, asphalt concrete paving, traffic signs and striping, and any transitions. Street lights shall be
installed offset of the existing street lights. Applicant’s geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

30. Construct full-width street improvements fronting all local streets (cul-de-sac) including street lighting, curb and gutter, drive approaches, sidewalk, parkway, asphalt concrete paving, traffic signs and striping, and any transitions. Applicant’s geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

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

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

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

C. Grading and Drainage

34. 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.

35. At a minimum, all development will make provisions to store runoff from rainfall events up to and including the one-hundred year three-hour duration event. Post-development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates.

36. If the site is located in a Flood Area as identified in Flood Insurance Rate Map dated August 28, 2008 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.

37. 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 north, east and west.

38. The applicant shall comply with Chapter 13.24 “Stormwater Management Systems” of the Banning Municipal Code (BMC) and Title 18 “Grading, Erosion and Sediment
Control" of the California Building Code related to excavation and grading; and, the State Water Resources Control Board’s orders, rules and regulations.

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 be reviewed and approved by the City Engineer prior to any permit issuance.

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.

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.

All erosion and sediment control BMPs proposed by the applicant shall be designed using the CASQA BMP handbook and 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.

39. 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.

40. 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.

41. Prior to the issuance of any building permit(s), a precise grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any grading activity.
42. 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.”

43. Prior to the issuance of a building permit, the applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil.

D. Traffic/Airport Safety Zone

44. Prior to the issuance of a grading permit or building permit, the applicant shall submit and obtain approval in writing from the Fire Marshall for the plans for all public or private access drives or streets. 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.

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

46. Access drives to the public right-of-way shall be restricted to those approved by the City Engineer as shown on the approved plans.

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

48. Prior to the issuance of a grading permit or building permit, the applicant shall conduct a Traffic Impact Analysis at the intersections of San Gorgonio Avenue/Wilson Street; Alessandro Street/Wilson Street; Florida Street/Wilson Street; and Hargrave Street/Wilson Street and submit the report to the Engineering Division for review and approval. All mitigation identified in the Traffic Impact Analysis shall be implemented by the applicant to the satisfaction of the City Engineer.

49. The site is located within an airport safety zone as designated in the Riverside County Airport Land Use Compatibility Plan. Prior to approval of any building permit, the project shall be submitted to the Riverside Airport Land Use Commission for a consistency determination and the Applicant shall provide written evidence that the project meets all conditions set forth by said Commission.

E. Water
50. Design and construct an 8" D.I.P. water line on public streets and connect to the existing water system. Provided a looped system. Submit Water Improvement Plans to Public Works Department, Engineering Division for review and approval. If the water line is not located on a public street, an easement over the water line, minimum 15 feet in width, shall be granted to the City of Banning for maintenance purposes.

51. A backflow device must be installed at each irrigation water connection. The backflow device must be in compliance with the State Department of Health Regulations.

52. Fire Services will require a Double Detector Check or RPP Device.

53. Pay all applicable water connection and frontage fees per Chapter 13.08 “Water, Sewer and Electricity Rates” of the Banning Municipal Code prior to the issuance of a building permit.

F. Sewer

54. Design and construct sewer line on public streets and connect to the existing sewer system. Submit Sewer Improvement Plans to Public Works Department, Engineering Division for review and approval. If the sewer line is not located on a public street, an easement over the sewer line, minimum 15 feet in width, shall be granted to the City of Banning for maintenance purposes.

55. All sewer lines to be constructed within the Public right-of-way shall be extra strength Vitrified Clay Pipe. All sewer laterals shall be a minimum of 4" and all sewer mains shall be a minimum of 8". Final sizes shall be approved by the City Engineer.

56. 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.

57. Pay all applicable sewer connection and frontage fees per Chapter 13.08 “Water, Sewer and Electricity Rates” of the Banning Municipal Code prior to the issuance of a building permit.

G. Trash/Recycling

58. 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.

H. Final Map

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

- Faithful Performance Bond - 100% of estimated cost
- Labor and Material Bond - 100% of estimated cost
- Monumentation Bond - $10,000.00
Securities for the public improvements shall be on file with the City Clerk prior to scheduling the final map for approval by City Council. Unit prices for bonding estimates shall be those specified or approved by the City Engineer.

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

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

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

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

I. Fees

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

65. Public Works Inspection fees shall be paid prior to issuance of any permits in accordance with the fee schedule in effect at time of time of scheduling.

66. Water and sewer connection fees including frontage fees and water meter installation charges shall be paid at the time of building permit issuance in accordance with the fee schedule in effect at that time.

67. A plan storage fee shall be paid for any engineering plans that may be required prior to issuance of certificate of occupancy in accordance with the fee schedule in effect at the time the fee is paid.

County Fire Department:

The Fire Department requires the listed fire protection measures be provided in accordance with the City of Banning Municipal Code and/or the Riverside County Fire Department Fire Protection Standards. Final conditions will be addressed when complete building plans are reviewed:

68. Effective January 1, 2011 all one/two family dwellings and townhouses will require an automatic residential fire sprinkler system designed and installed in accordance with section HCD R 313.3 or NFPA 13 D.

69. For residential areas, approved standard fire hydrants shall be located within 400 feet of all exterior portions of the structure. Minimum fire flow shall be 500 GPM for 1-hour duration at 20 PSI.
70. Prior to building plan approval and construction, applicant/developer shall furnish two copies of the water system fire hydrant plans to Fire Department for review and approval. Plans shall be signed by a registered civil engineer, and shall confirm hydrant type, location, spacing, and minimum fire flow. Once plans are signed and approved by the local water authority, the originals shall be presented to the Fire Department for review and approval.

71. Prior to issuance of building permits, the water system for fire protection must be provided as approved by the Fire Department and the local water authority.

72. Blue dot retro-reflectors pavement markers shall be provided on private streets, public streets and driveways to indicate the location of the fire hydrant.

73. Fire Apparatus access road shall be in compliance with the Riverside County Fire Department Standards. Access lanes will not have an up, or downgrade of more than 15%. Access lanes will be designed to withstand the weight of 80 thousand pounds over 2 axles. Access will have a turning radius capable of accommodating fire apparatus. Access lane shall be constructed with a surface as to provide all weather driving capabilities.

74. Any turn-around requires a minimum 38-foot turning radius. All structures shall be accessible from an approved roadway to within 150 feet of all portions of the exterior of the first floor.

75. The minimum dimension for access roads and gates is 20 feet clear and unobstructed width and a minimum vertical clearance of 13 feet 6 inches in height.

76. The applicant or developer shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane printing and/or signs.

**Building Department:**

77. The site shall be developed in compliance with all current model codes. All plans shall be designed in compliance with the latest editions of the California Building Codes as adopted by the City of Banning.

78. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.

**Electric Utility Department:**
79. The electric utility will require adequate easements needed to service the project. The easement area behind the sidewalk may be needed for Wilson Street and Florida Street for vaults, conduits, street lights and pad mounted transformers.

80. Easements may also be required for Streets A, B, & C for vaults, conduits, meter pedestals and pad mounted transformers and additional easements will be required to serve lots 9 and 46 from Street A and Street B.

81. The street lights on Streets A, B, & C will be privately owned and not maintained by the City and will be required to be metered.

END OF CONDITIONS
EXHIBIT B
Resolution 2017-15
Tentative Tract Map 36710
EXHIBIT C
Resolution 2017-15
Architectural Plans
50’ x 90’ Lots
Plan 2
Elevations
Ranch

Scale 1/4” = 1’-0”

Replier Park Vistas
Banning California
Plan 3

Exterior Materials
1. Stucco
2. Stucco Raised
3. Stucco Raised Paneled
4. Stucco Raised Paneled with Stone Trim
5. Concrete "S" Tile
6. Concrete Flat Tile
7. Wood Facia/Beige
8. Fiber Clay Tile Vest
9. Decorative Wood Shutters
10. Stone Veneer
11. Brick Veneer
12. Metal Roofing
13. Wood Roofing
14. Decorative Metal
15. Decorative Light Fixtures
16. Wood Paneling
17. Metal Paneling
18. Metal Roll-up Garage Door
19. Entry Door per Builder
20. Stucco Column
21. Wood Column
22. Sawn Siding
23. Sawn Wood Siding
24. Stone Siding
25. Wood Siding
26. Metal Siding
27. Stone Siding
28. Decorative Stone
29. Decorative Wood
30. Wood Woodwork

50’ x 90’ Lots

Replier Park Vistas
Banning California

RMG Residential 2010 LLC
ATTACHMENT 2
West Riverside County Airport Land Use Commission Approval
December 16, 2016

Mr. Brian Guillot, Community Development Director
Ms. Patty Nevins, Project Planner
City of Banning Planning Department
99 E. Ramsey Street
Banning CA 92220

RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW

File No.: ZAP1020BA15
Related File No.: 15-70004 (Tentative Tract Map No. 36710)
APNs: 534-183-014, 534-200-004, 534-200-008, 534-200-047

Dear Mr. Guillot and Ms. Nevins:

On December 8, 2016, the Riverside County Airport Land Use Commission (ALUC) found City of Banning Case No. 15-70004 (Tentative Tract Map 36710), a proposal to divide 10.67 acres located on the northerly side of Wilson Street, westerly of Florida Street, southerly of Hoffer Street, and easterly of Alessandro Road into 46 single-family residential lots, one drainage basin lot, and one open space lot, CONSISTENT with the 2004 Banning Municipal Airport Land Use Compatibility Plan, as amended in 2016, pursuant to Policy 3.3.6 of the Countywide Policies, based on special Findings 1 and 2 specified below and subject to the following conditions:

FINDINGS FOR A DETERMINATION OF CONSISTENCY PURSUANT TO POLICY 3.3.6 OF THE COUNTYWIDE POLICIES OF THE 2004 RIVERSIDE COUNTY AIRPORT LAND USE COMPATIBILITY PLAN:

1. The City of Banning has guidelines requiring a minimum lot width of fifty (50) feet, thus limiting the applicant’s ability to increase the project density within the single-family residential design model, which generally provides for lots that are 50-60 feet in width.

2. There are significant amounts of open area in the immediate vicinity, to wit, existing baseball and soccer fields on the school properties located along the south side of Wilson Street opposite from and to the southwest of the project site, which can supplement the open area provided on-site in serving as potential emergency landing areas.

CONDITIONS:

1. 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.

2. The following uses shall be prohibited:
AIRPORT LAND USE COMMISSION

(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, artificial marshes, wastewater management facilities, 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) Highly noise-sensitive outdoor nonresidential uses.

3. The attached notice shall be provided to all potential purchasers of the property, and shall be recorded as a deed notice.

4. Any ground-level or aboveground water retention or detention basin or facilities shall be designed so as to provide for a detention period for the design storm that does not exceed 48 hours and to remain totally dry between rainfalls. Vegetation in and around such facilities 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.

5. The ALUC eligible open area provided in Lot B shall be kept obstacle and obstruction free per ALUC open area definition.

6. The Federal Aviation Administration has conducted aeronautical studies of the proposed structures (Aeronautical Study Nos. 2015-AWP-8635-OE, 2015-AWP-8636-OE, 2015-AWP-8637-OE, and 2015-AWP-8638-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 L and shall be maintained in accordance therewith for the life of the project.

7. The maximum height of the proposed structures to top point shall not exceed 35 feet above ground level, and the maximum elevation at the top of the structures shall not exceed 2,486 feet above mean sea level.
AIRPORT LAND USE COMMISSION

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

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

10. Within five (5) days after construction of the structures 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://oehaa.faa.gov for instructions.) This requirement is also applicable in the event the project is abandoned or a decision is made not to construct the structures.

If you have any questions, please contact Paul Rull, Urban Regional Planner IV, at (951) 955-6893, or John Guerin, Principal Planner, at (951) 955-0982.

Sincerely,
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

Edward C. Cooper, Director

Attachment: Notice of Airport in Vicinity

cc: RMG Residential 2010, LLLP (applicant/landowner)
    Beau Cooper, United Engineering Group (representative)
    Carl Szyo, Airport Manager, City of Banning
    Jack Kenton (interested party)
    ALUC Case File

Y:\AIRPORT\CASE FILES\Banning\ZAP1020BA15\ZAP1020BA15.LTR.doc
NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances [can vary from person to person. You may wish to consider what airport annoyances], if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b) (13)(A)
**DETERMINATION OF NO HAZARD TO AIR NAVIGATION**

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

- **Structure:** Building Single Family Homes
- **Location:** Banning, CA
- **Latitude:** 33-56-03.54N NAD 83
- **Longitude:** 116-52-23.16W
- **Heights:**
  - 2451 feet site elevation (SE)
  - 35 feet above ground level (AGL)
  - 2486 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- [ ] At least 10 days prior to start of construction (7460-2, Part 1)
- [X] Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 L.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

Any height exceeding 35 feet above ground level (2486 feet above mean sea level), will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation.
This determination expires on 08/12/2..., unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before March 13, 2016. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager, Airspace Policy & Regulation, Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591.

This determination becomes final on March 23, 2016 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Regulations & ATC Procedures Group via telephone -- 202-267-8783 - or facsimile 202-267-9328.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed
structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Karen McDonald, at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2015-AWP-8635-OE.

Signature Control No: 261862242-281365398
Mike Helvey
Manager, Obstruction Evaluation Group

Attachment(s)
Additional Information
Map(s)
The proposal, submitted by RMC Residential 2020, LLLP, represents one boundary point for a potential development of 35-foot above ground level (agl) single family homes on significantly rising natural terrain in Banning, California. Viewed on a satellite map, this area of Banning has a concentration of existing structures, including utility poles, of similar height. This site point is located approximately 1.31 nautical miles (NM) northwest of the Banning Municipal (BNG) airport reference point. The BNG Field Elevation (FE) is 2222 feet above mean sea level (amsl). BNG is the closest civilian public-use landing area. The site elevation of this proposal site point is 2451 feet amsl.

The structure height exceeds the obstruction standards of Title 14 Code of Federal Regulations (CFR) Part 77 as follows:

Section 77.19(b) by 71 feet, the entire height of the structure above the ground, because of the significantly rising site terrain - a height exceeding the BNG Conical Surface.

Details of the proposal were not circularized for public aeronautical comment because internal FAA evaluation finds that the adverse effect of this structure is known. There would be no derogation of the navigable airspace overlying the site. Existing obstacles and terrain control the development of future approach and departure instrument Terminal Procedures at BNG. Therefore, no further attempt to negotiate the structure to a lower height was considered necessary. This does not affect the right to petition for review determinations regarding structures which exceed the subject obstruction standards.

AERONAUTICAL STUDY FOR POSSIBLE EFFECT UPON THE OPERATION OF AN AIR NAVIGATION AID:

- None.

AERONAUTICAL STUDY FOR POSSIBLE INSTRUMENT FLIGHT RULES (IFR) EFFECT DISCLOSED THE FOLLOWING:

- The proposal would have no effect on any existing or proposed IFR arrival/departure routes, operations, or procedures.

- The proposal would have no effect on any existing or proposed IFR en route routes, operations, or procedures.

- The proposal would have no effect on any existing or proposed IFR minimum flight altitudes.

AERONAUTICAL STUDY FOR POSSIBLE VISUAL FLIGHT RULES (VFR) EFFECT DISCLOSED THE FOLLOWING:

- The proposal would have no effect on any existing or proposed VFR arrival or departure routes, operations or procedures.

- The proposal would not conflict with airspace required to conduct normal VFR traffic pattern operations at any known public use or military airports, including BNG. The proposal would not penetrate a known maneuvering area associated with VFR Traffic Pattern operations at BNG than other existing structures of similar height seen on a satellite map. Aircraft at normal Traffic Pattern altitudes and standard rates of descent have reasonable clearance above this structure.
- The proposal would not penetrate those altitudes normally considered available to airmen for VFR en route flight.

The cumulative impact of the proposed structure, when combined with other existing structures is not considered significant. Study did not disclose any adverse effect on existing or proposed public-use or military airports or navigational facilities. Nor would the proposal affect the capacity of any known existing or planned civilian public-use or military airport.

Therefore, it is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation.

This determination, issued in accordance with Part 77, concerns the effect of the proposal on the safe and efficient use of the navigable airspace by aircraft and does not relieve the sponsor of any compliance responsibilities relating to laws, ordinances, or regulations of any Federal, state, or local governmental bodies.

Determinations, which are issued in accordance with Part 77, do not supersede or override any state, county, or local laws, avigation easements, or ordinances, or local zoning maximum heights.
**DETERMINATION OF NO HAZARD TO AIR NAVIGATION**

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Single Family Homes
Location: Banning, CA
Latitude: 33-56-03.57N NAD 83
Longitude: 116-52-17.24W
Heights: 2445 feet site elevation (SE)
35 feet above ground level (AGL)
2480 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

____ At least 10 days prior to start of construction (7460-2, Part 1)
___X___ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 L.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

Any height exceeding 35 feet above ground level (2480 feet above mean sea level), will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation.
This determination expires on 08/12/20, unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.

(b) extended, revised, or terminated by the issuing office.

(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before March 13, 2016. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager, Airspace Policy & Regulation, Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591.

This determination becomes final on March 23, 2016 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Regulations & ATC Procedures Group via telephone -- 202-267-8783 - or facsimile 202-267-9328.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed
structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA’s decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Karen McDonald, at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2015-AWP-8636-OE.

Signature Control No: 261862243-281365479
Mike Helvey
Manager, Obstruction Evaluation Group

Attachment(s)
Additional Information
Map(s)
The proposal, submitted by RMC Residential 2020, LLLP, represents one boundary point for a potential development of 35-foot above ground level (agl) single family homes on significantly rising natural terrain in Banning, California. Viewed on a satellite map, this area of Banning has a concentration of existing structures, including utility poles, of similar height. This site point is located approximately 1.24 nautical miles (NM) northwest of the Banning Municipal (BNG) airport reference point. The BNG Field Elevation (FE) is 2222 feet above mean sea level (msl). BNG is the closest civilian public-use landing area. The site elevation of this proposal site point is 2445 feet asl.

The structure height exceeds the obstruction standards of Title 14 Code of Federal Regulations (CFR) Part 77 as follows:

Section 77.19(b) by 82 feet, the entire height of the structure above the ground, because of the significantly rising site terrain - a height exceeding the BNG Conical Surface.

Details of the proposal were not circularized for public aeronautical comment because internal FAA evaluation finds that the adverse effect of this structure is known. There would be no derogation of the navigable airspace overlying the site. Existing obstacles and terrain control the development of future approach and departure instrument Terminal Procedures at BNG. Therefore, no further attempt to negotiate the structure to a lower height was considered necessary. This does not affect the right to petition for review determinations regarding structures which exceed the subject obstruction standards.

AERONAUTICAL STUDY FOR POSSIBLE EFFECT UPON THE OPERATION OF AN AIR NAVIGATION AID:

- None.

AERONAUTICAL STUDY FOR POSSIBLE INSTRUMENT FLIGHT RULES (IFR) EFFECT DISCLOSED THE FOLLOWING:

- The proposal would have no effect on any existing or proposed IFR arrival/departure routes, operations, or procedures.

- The proposal would have no effect on any existing or proposed IFR en route routes, operations, or procedures.

- The proposal would have no effect on any existing or proposed IFR minimum flight altitudes.

AERONAUTICAL STUDY FOR POSSIBLE VISUAL FLIGHT RULES (VFR) EFFECT DISCLOSED THE FOLLOWING:

- The proposal would have no effect on any existing or proposed VFR arrival or departure routes, operations or procedures.

- The proposal would not conflict with airspace required to conduct normal VFR traffic pattern operations at any known public use or military airports, including BNG. The proposal would not penetrate a known maneuvering area associated with VFR Traffic Pattern operations at BNG than other existing structures of similar height seen on a satellite map. Aircraft at normal Traffic Pattern altitudes and standard rates of descent have reasonable clearance above this structure.
The proposal would not penetrate those altitudes normally considered available to airmen for VFR en route flight.

The cumulative impact of the proposed structure, when combined with other existing structures is not considered significant. Study did not disclose any adverse effect on existing or proposed public-use or military airports or navigational facilities. Nor would the proposal affect the capacity of any known existing or planned civilian public-use or military airport.

Therefore, it is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation.

This determination, issued in accordance with Part 77, concerns the effect of the proposal on the safe and efficient use of the navigable airspace by aircraft and does not relieve the sponsor of any compliance responsibilities relating to laws, ordinances, or regulations of any Federal, state, or local governmental bodies.

Determinations, which are issued in accordance with Part 77, do not supersede or override any state, county, or local laws, avigation easements, or ordinances, or local zoning maximum heights.
Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Issued Date: 02/12/2016

Randall Andrus
RMG Residential 2010, LLLP
8800 N. Gainey Center Drive
Suite 255
Scottsdale, AZ 85258

** DETERMINATION OF NO HAZARD TO AIR NAVIGATION **

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

<table>
<thead>
<tr>
<th>Structure:</th>
<th>Building Single Family Homes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>Banning, CA</td>
</tr>
<tr>
<td>Latitude:</td>
<td>33-55-57.58N NAD 83</td>
</tr>
<tr>
<td>Longitude:</td>
<td>116-52-25.06W</td>
</tr>
<tr>
<td>Heights:</td>
<td>2432 feet site elevation (SE)</td>
</tr>
<tr>
<td></td>
<td>35 feet above ground level (AGL)</td>
</tr>
<tr>
<td></td>
<td>2467 feet above mean sea level (AMSL)</td>
</tr>
</tbody>
</table>

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- X Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 L.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

Any height exceeding 35 feet above ground level (2467 feet above mean sea level), will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation.

Page 1 of 7
This determination expires on 08/12/2017 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before March 13, 2016. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager, Airspace Policy & Regulation, Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591.

This determination becomes final on March 23, 2016 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Regulations & ATC Procedures Group via telephone -- 202-267-8783 - or facsimile 202-267-9328.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed
structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Karen McDonald, at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2015-AWP-8637-OE.

Signature Control No: 261862244-281365581
Mike Helvey
Manager, Obstruction Evaluation Group

Attachment(s)
Additional Information
Map(s)
The proposal, submitted by RMC Residential 2020, LLLP, represents one boundary point for a potential development of 35-foot above ground level (agl) single family homes on significantly rising natural terrain in Banning, California. Viewed on a satellite map, this area of Banning has a concentration of existing structures, including utility poles, of similar height. This site point is located approximately 1.28 nautical miles (NM) northwest of the Banning Municipal (BNG) airport reference point. The BNG Field Elevation (FE) is 2222 feet above mean sea level (amsl). BNG is the closest civilian public-use landing area. The site elevation of this proposal site point is 2432 feet amsl.

The structure height exceeds the obstruction standards of Title 14 Code of Federal Regulations (CFR) Part 77 as follows:

Section 77.19(b) by 67 feet, the entire height of the structure above the ground, because of the significantly rising site terrain - a height exceeding the BNG Conical Surface.

Details of the proposal were not circularized for public aeronautical comment because internal FAA evaluation finds that the adverse effect of this structure is known. There would be no derogation of the navigable airspace overlying the site. Existing obstacles and terrain control the development of future approach and departure instrument Terminal Procedures at BNG. Therefore, no further attempt to negotiate the structure to a lower height was considered necessary. This does not affect the right to petition for review determinations regarding structures which exceed the subject obstruction standards.

AERONAUTICAL STUDY FOR POSSIBLE EFFECT UPON THE OPERATION OF AN AIR NAVIGATION AID:

- None.

AERONAUTICAL STUDY FOR POSSIBLE INSTRUMENT FLIGHT RULES (IFR) EFFECT DISCLOSED THE FOLLOWING:

- The proposal would have no effect on any existing or proposed IFR arrival/departure routes, operations, or procedures.

- The proposal would have no effect on any existing or proposed IFR en route routes, operations, or procedures.

- The proposal would have no effect on any existing or proposed IFR minimum flight altitudes.

AERONAUTICAL STUDY FOR POSSIBLE VISUAL FLIGHT RULES (VFR) EFFECT DISCLOSED THE FOLLOWING:

- The proposal would have no effect on any existing or proposed VFR arrival or departure routes, operations or procedures.

- The proposal would not conflict with airspace required to conduct normal VFR traffic pattern operations at any known public use or military airports, including BNG. The proposal would not penetrate a known maneuvering area associated with VFR Traffic Pattern operations at BNG than other existing structures of similar height seen on a satellite map. Aircraft at normal Traffic Pattern altitudes and standard rates of descent have reasonable clearance above this structure.
- The proposal would not penetrate those altitudes normally considered available to airmen for VFR en route flight.

The cumulative impact of the proposed structure, when combined with other existing structures is not considered significant. Study did not disclose any adverse effect on existing or proposed public-use or military airports or navigational facilities. Nor would the proposal affect the capacity of any known existing or planned civilian public-use or military airport.

Therefore, it is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation.

This determination, issued in accordance with Part 77, concerns the effect of the proposal on the safe and efficient use of the navigable airspace by aircraft and does not relieve the sponsor of any compliance responsibilities relating to laws, ordinances, or regulations of any Federal, state, or local governmental bodies.

Determinations, which are issued in accordance with Part 77, do not supersede or override any state, county, or local laws, avigation easements, or ordinances, or local zoning maximum heights.
** DETERMINATION OF NO HAZARD TO AIR NAVIGATION **

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

<table>
<thead>
<tr>
<th>Structure:</th>
<th>Building Single Family Homes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>Banning, CA</td>
</tr>
<tr>
<td>Latitude:</td>
<td>33-55-57.69N NAD 83</td>
</tr>
<tr>
<td>Longitude:</td>
<td>116-52-13.08W</td>
</tr>
<tr>
<td>Heights:</td>
<td>2426 feet site elevation (SE)</td>
</tr>
<tr>
<td></td>
<td>35 feet above ground level (AGL)</td>
</tr>
<tr>
<td></td>
<td>2461 feet above mean sea level (AMSL)</td>
</tr>
</tbody>
</table>

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- [ ] At least 10 days prior to start of construction (7460-2, Part 1)
- [X] Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 L.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

Any height exceeding 35 feet above ground level (2461 feet above mean sea level), will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation.
This determination expires on 08/12/20 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before March 13, 2016. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager, Airspace Policy & Regulation, Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591.

This determination becomes final on March 23, 2016 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Regulations & ATC Procedures Group via telephone -- 202-267-8783 - or facsimile 202-267-9328.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed
structures. The study disclosed that the described structure would have no substan... adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Karen McDonald, at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2015-AWP-8638-OE.

Signature Control No: 261862245-281365616 (DNH)
Mike Helvey
Manager, Obstruction Evaluation Group

Attachment(s)
Additional Information
Map(s)
The proposal, submitted by RMC Residential 2020, LLLP, represents one boundary point for a potential development of 35-foot above ground level (agl) single family homes on significantly rising natural terrain in Banning, California. Viewed on a satellite map, this area of Banning has a concentration of existing structures, including utility poles, of similar height. This site point is located approximately 1.14 nautical miles (NM) northwest of the Banning Municipal (BNG) airport reference point. The BNG Field Elevation (FE) is 2222 feet above mean sea level (msl). BNG is the closest civilian public-use landing area. The site elevation of this proposal site point is 2426 feet msl.

The structure height exceeds the obstruction standards of Title 14 Code of Federal Regulations (CFR) Part 77 as follows:

Section 77.19(a) by 89 feet, the entire height of the structure above the ground, because of the significantly rising site terrain - a height exceeding the BNG Horizontal Surface.

Details of the proposal were not circularized for public aeronautical comment because internal FAA evaluation finds that the adverse effect of this structure is known. There would be no derogation of the navigable airspace overlying the site. Existing obstacles and terrain control the development of future approach and departure instrument Terminal Procedures at BNG. Therefore, no further attempt to negotiate the structure to a lower height was considered necessary. This does not affect the right to petition for review determinations regarding structures which exceed the subject obstruction standards.

AERONAUTICAL STUDY FOR POSSIBLE EFFECT UPON THE OPERATION OF AN AIR NAVIGATION AID:

- None.

AERONAUTICAL STUDY FOR POSSIBLE INSTRUMENT FLIGHT RULES (IFR) EFFECT DISCLOSED THE FOLLOWING:

- The proposal would have no effect on any existing or proposed IFR arrival/departure routes, operations, or procedures.

- The proposal would have no effect on any existing or proposed IFR en route routes, operations, or procedures.

- The proposal would have no effect on any existing or proposed IFR minimum flight altitudes.

AERONAUTICAL STUDY FOR POSSIBLE VISUAL FLIGHT RULES (VFR) EFFECT DISCLOSED THE FOLLOWING:

- The proposal would have no effect on any existing or proposed VFR arrival or departure routes, operations or procedures.

- The proposal would not conflict with airspace required to conduct normal VFR traffic pattern operations at any known public use or military airports, including BNG. The proposal would not penetrate a known maneuvering area associated with VFR Traffic Pattern operations at BNG than other existing structures of similar height seen on a satellite map. Aircraft at normal Traffic Pattern altitudes and standard rates of descent have reasonable clearance above this structure.
- The proposal would not penetrate those altitudes normally considered available to airmen for VFR en route flight.

The cumulative impact of the proposed structure, when combined with other existing structures is not considered significant. Study did not disclose any adverse effect on existing or proposed public-use or military airports or navigational facilities. Nor would the proposal affect the capacity of any known existing or planned civilian public-use or military airport.

Therefore, it is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation.

This determination, issued in accordance with Part 77, concerns the effect of the proposal on the safe and efficient use of the navigable airspace by aircraft and does not relieve the sponsor of any compliance responsibilities relating to laws, ordinances, or regulations of any Federal, state, or local governmental bodies.

Determinations, which are issued in accordance with Part 77, do not supersede or override any state, county, or local laws, avigation easements, or ordinances, or local zoning maximum heights.
My Map

Legend
- Display Parcels
- City Boundaries
- Cities
- roads
- highways
- INTERCHANGE
- INTERSTATE
- OFFRAMP
- ONRAMP
- HWY
- counties
- cities
- hydrography
- waterbodies
- Lakes
- Rivers

*IMPORTANT* Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON... 9/9/2016 2:33:41 PM
© Riverside County RCIT GIS
TENTATIVE TRACT MAP NO. 36710

IN THE CITY OF BANNING, STATE OF CALIFORNIA

BEING A SUBDIVISION OF A PORTION OF BLOCK 16 AND BLOCK 147, BANNING COLONY LANDS AS PER MAP RECORDED IN BOOK 3, PAGE 149 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AND IN BOOK 5 PAGE 195 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

UNITED ENGINEERING GROUP CA., INC

SEPTEMBER 2018

EASEMENT NOTES:

1. Access to. Parcel Numbers:
   - 98-22-0-00
   - 98-23-0-00
   - 98-24-0-00

2. Easements for public use only.
   - Street, sidewalk, drainage
   - Utilities, water, gas, sewer

GENERAL NOTES:

1. Parcel Dimensions:
   - 98-22-0-00
   - 98-23-0-00
   - 98-24-0-00

2. Street Centerlines:
   - North to South
   - West to East

3. Total Area:
   - 98-22-0-00
   - 98-23-0-00
   - 98-24-0-00

4. Property Lines:
   - North to South
   - West to East

5. Restrictions:
   - No deed of trust
   - No easement

6. Other Terms:
   - None

7. Access:
   - Street

8. Drainage:
   - Street

9. Utilities:
   - Water, gas, sewer

10. Zoning:
    - Residential

11. Easements:
    - Street

12. Notes:
    - None

13. Survey:
    - Field

14. Certification:
    - Approved

15. Approvals:
    - City of Banning

16. Notes:
    - None

17. Approval:
    - City of Banning

18. Date:
    - September 2018

19. Scale:
    - 1" = 120'

20. Sheet:
    - 1 of 3

21. Drawing Number:
    - TENTATIVE TRACT MAP NO. 36710

22. Project Number:
    - CA-16009

CITY OF BANNING

TENTATIVE TRACT MAP NO. 36710

September 29, 2018
LANDSCAPE MASTER PLAN

NOTE:
SEE SHEET L-2 FOR WALL AND FENCE LAYOUT

VICINITY MAP

PASEO ENTRY
Repllier Park Vistas
Additional Justification
3.3.1 Infill

This memo is being provided to the County of Riverside Airport Land Use Commission as supplemental justification to the originally submitted Developer's Statement for Repllier Park Vistas. After additional review of ALUC's Countywide Policies, the applicant feels the project is also eligible for a Special Conditions consideration under Section 3.3.1 for infill projects. Per this section:

3.3.1a) A parcel can be considered for infill development if it meets all of the following criteria plus the applicable provisions of either Sub-policy (b) or (c) below:

1) The parcel size is no larger than 20.0 acres

_Justification:_ The subject site is 10.67 acres gross.

2) At least 65% of the site's perimeter is bounded (disregarding roads) by existing uses similar to, or more intensive than, those proposed.

_Justification:_ The subject property is surrounded by existing single family development to the north, east and west. These existing developments are all similar in size (5,000-7,000sf lots) to those being proposed on TTM 36710. To the south of there is an existing Child Care consortium building and an empty lot next to a baseball field. In total, the project perimeter measures 3,476.96' of which 1,997.84' (57%) is adjacent to existing single family homes and another 658.12' (19%) is adjacent to existing commercial development, totaling 76% _See Exhibit A attached_.

3) The proposed project would not extend the perimeter of the area defined by the surrounding, already developed, incompatible uses.

_Justification:_ The subject project is on the boundary between Zone D and Zone E of the Banning Municipal Airport, with the existing development north of the property being in Zone E. Residential development in Zone E does not carry the requirement for 5du/ac therefore those developments are in conformance with the Banning Municipal Airport's Land Use Plan.

4) Further increases in the residential density, nonresidential usage intensity, and/or other incompatible design or usage characteristics are prohibited.

_Justification:_ The proposed density of project is 4.53 du/ac which is compatible if not less intense than the existing surrounding development in the area.
5) The area to be developed cannot previously have been set aside as open land in accordance with policies contained in this Plan unless replacement open land is provided within the same compatibility zone.

_Justification:_ The subject property is zoned for single family residential development by the City of Banning and is privately owned. All the existing surrounding development took place prior to the adoption of the ALUC Land Use Compatibility Plan, therefore making it highly unlikely to be a part of any open space dedications.

b) For residential development, the average development density of the site shall not exceed the lesser of:

1) The average density represented by all existing lot that lie fully or partially within a distance of 300 feet from the boundary of the parcel to be divided; or
2) Double the density permitted in accordance with the criteria for that location as indicated in the Compatibility Criteria matrix, Table 2A.

_Justification:_ The proposed project has a density of 4.53 du/ac net. The average density of the surrounding lots within 300' is 4.81 du/ac net. (This density calculation excludes the large parcel in Zone E to the north and the commercial zoned properties to the south.) See "Exhibit B" attached.

Table 2A of the Compatibility Criteria Matrix, indicates a target density of 5 du/ac gross. The proposed density is well under 10 du/ac.
Replier Park Vistas
(Tract 36710)
Developer's Statement

County of Riverside
Airport Land Use Commission

Prepared for
McRae
GROUP OF COMPANIES

RMG Residential 2010, LLLP
8800 N. Gainey Center Drive
Suite 255
Scottsdale, AZ 85258

September 2016
Repplier Park Vistas

Submitted to
County of Riverside
Airport Land Use Commission

September 2016

PROPERTY OWNER
RMG Residential 2010, LLLP
8800 N. Gainey Center Dr.
Suite 255
Scottsdale, AZ 85258
(480) 609-1200
Contact: Randall Andrus

AGENT/ENGINEER
UNITED ENGINEERING GROUP
10602 Trademark Pkwy
Suite 509
Rancho Cucamonga, CA 91730
(909) 466-9240
Contact: Beau Cooper

UEG Project No. 16809
TABLE OF CONTENTS

1.0 PURPOSE OF REQUEST ................................................................. 4
2.0 PROJECT SUMMARY ..................................................................... 6
3.0 CLOSING .................................................................................... 7

FIGURES

Figure 1 – Project Vicinity ................................................................. 4
Figure 2 - Banning General Plan/Zoning ........................................... 5
Figure 3- Airport Land Use Map ....................................................... 5
Figure 4- Surrounding Density ......................................................... 6

APPENDIX

Appendix A - Surrounding Density Study
Appendix B - Tentative Tract Map
Appendix C - Landscape Plans
Appendix D - FAA Determination of No Hazard to Air Navigation
1.0 PURPOSE OF REQUEST

Replplier Park Vistas (the Project) is a property containing 10.68 acres and is located on the north side of Wilson Street, west of Florida Street and south of Hoffer Street in the City of Banning. (See Figure 1 – Project Vicinity) The assessor’s parcel numbers for this project are: 534-183-014; 534-200-004, -008 & -047.

The property is zoned LDR in the City of Banning (See Figure 2 – Banning General Plan/Zoning), which allows for a density of 0-5du/ac and has minimum lot sizes of 7,000 square feet. The property is also located within Zone D of the Banning Municipal Airport’s Land Use Map. (See Figure 3 – Airport Land Use) Zone D requires proposed projects to contain a density of 5du/acre in infill areas and also requires open space areas within the project to be utilized as potential emergency landing areas.

In order to comply with both the City and Airport Land Use Commission’s (ALUC) requirements, the Replplier Park Vistas project is proposing a Planned Unit Development (PUD) and Tentative Tract Map (TTM) containing single family residential lots with a minimum lot size of 5,000 square feet. The proposed TTM contains 46 lots on 10.22 net acres, giving it a density of 4.5du/ac. The PUD contains approximately 3.27 acres (30.6%) of usable open space area, including a neighborhood park, walking trails, picnic area and dogpark.
2.0 PROJECT SUMMARY

The Repplier Park Vistas project is seeking approval of a Tentative Tract Map and Planned Unit Development for 46 lots on 10.67 gross acres (4.31du/ac). The minimum lot size in this proposed project is 5,000 square feet, as allowed in Section 17.08.170 of Banning’s Zoning Ordinance.

Also, part of Banning’s PUD ordinance is the requirement for 30% of the project area to be open space & amenities. The Repplier Park Vistas project has combine this requirement with ALUC’s requirements for open space in developing the project’s layout.

Although the project meets the open space requirements for ALUC, it cannot reach the density criteria of 5du/ac as set forth in the ALUC Compatibility Plan. Furthermore, it is important for the project to remain compatible to the surrounding development and character of the neighborhood. A vast majority of this neighborhood was built well before the adoption of Banning Airport’s Compatibility Plan. In a study done by UEG of the surrounding area, none of the subdivisions meet the current 5du/ac requirement nor do they provide the open space required. (See Figure 4 & Appendix A)

![Figure 4 - Surrounding Density](image)

In order to reach the density goal of 5du/acre, the site would need to process a re-zone through the City of Banning and would need to propose a cluster development consisting of townhomes or duplexes. This type of use would be incompatible with the rest of the surrounding neighborhood and likely not supported by the City of Banning.

Lastly, the project has made its application to the FAA and has received a “Determination of No Hazard to Air Navigation” from the FAA.

<table>
<thead>
<tr>
<th>Developers</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statement</td>
<td></td>
</tr>
<tr>
<td>Repplier Park Vistas</td>
<td></td>
</tr>
<tr>
<td>United Engineering Group</td>
<td>TTM 36710</td>
</tr>
</tbody>
</table>
### 3.0 CLOSING

In an effort to remain compatible with the existing land uses surrounding this property, the Repplier Park Vistas project is seeking a determination of compatibility from the Riverside County Airport Land Use Commission, as allowed in Section 3.3.6 – Other Special Conditions of the Compatibility Plan, to allow for this 46 lot infill development, on 10.67 acres.
ATTACHMENT 3
Initial Study/Mitigated Negative Declaration, Mitigation Monitoring Report and Program
Initial Study Checklist/Mitigated Negative Declaration

City of Banning:

Tentative Tract Map 36710
for
Property located at the northwest corner of east Wilson Street and north Florida Street

City Banning
99 East Ramsey Street
Banning, CA 92220
Contact: Patty Nevins, Community Development Director
(951) 922-3152
pnevins@ci.banning.ca.us

Applicant:
Randall Andrus
RMG RESIDENTIAL 2010, LLLP
8800 North Gainey Center Drive, Suite 255
Scottsdale, Arizona 85258
Contact: Randall Andrus
(480) 609-1200 Ext. 13
randall@ronmcrae.com

Public Review
August 11, 2017
# TABLE OF CONTENTS

1.0 **INTRODUCTION** ...................................................................................................................... 4
   1.1 Purpose of the Initial Study Checklist .................................................................................. 4
   1.2 Purpose of a Mitigated Negative Declaration ....................................................................... 4
   1.3 Initial Study Checklist/Mitigated Negative Declaration Document ..................................... 4
   1.4 Public Review and Processing of the Document .................................................................... 4
   1.5 Initial Study Checklist/Mitigated Negative Declaration Findings and Conclusions .................. 5

2.0 **PROJECT BACKGROUND** ..................................................................................................... 7
   2.1 Project Location .................................................................................................................... 7
   2.2 Existing Site Conditions/Environmental Setting .................................................................... 7
   2.3 Existing General Plan/Zoning Designations ........................................................................ 10
   2.4 Project Description .............................................................................................................. 11

3.0 **INITIAL STUDY CHECKLIST** ............................................................................................. 17
   3.1 AESTHETICS ....................................................................................................................... 22
   3.2 AGRICULTURE AND FORESTRY RESOURCES ................................................................ 26
   3.3 AIR QUALITY ....................................................................................................................... 32
   3.4 BIOLOGICAL RESOURCES ............................................................................................... 44
   3.5 CULTURAL RESOURCES .................................................................................................... 51
   3.6 GEOLOGY AND SOILS ......................................................................................................... 55
   3.7 GREENHOUSE GAS EMISSIONS ........................................................................................... 62
   3.8 HAZARDS AND HAZARDOUS MATERIALS ........................................................................ 66
   3.9 HYDROLOGY AND WATER QUALITY .................................................................................. 75
   3.10 LAND USE AND PLANNING .............................................................................................. 84
   3.11 MINERAL RESOURCES ..................................................................................................... 87
   3.12 NOISE ............................................................................................................................... 89
   3.13 POPULATION AND HOUSING ......................................................................................... 97
   3.14 PUBLIC SERVICES ............................................................................................................ 99
   3.15 RECREATION .................................................................................................................... 103
   3.16 TRANSPORTATION/TRAFFIC ......................................................................................... 105
   3.17 TRIBAL CULTURAL RESOURCES ..................................................................................... 110
   3.18 UTILITIES AND SERVICE SYSTEMS ............................................................................... 113
   3.19 MANDATORY FINDINGS OF SIGNIFICANCE .................................................................... 119

4.0 **REFERENCES** ....................................................................................................................... 123

5.0 **REPORT PREPARATION PERSONNEL** ............................................................................. 124
LIST OF EXHIBITS

Exhibit 1: Project Location Map/Aerial Photo .......................................................... 15
Exhibit 2: Illustrative Lot Layout ........................................................................... 16

LIST OF TABLES

Table 1: Site History .............................................................................................. 8
Table 2: Existing Land Use .................................................................................... 9
Table 3: Existing General Plan and Zoning Designations ...................................... 10
Table 4: Lot Area Characteristics ......................................................................... 11
Table 5: Attainment Status of Criteria Pollutants in the South Coast Air Quality Management District .................................................. 34
Table 6: South Coast Air Quality Management District Air Quality Regional Significance Thresholds ......................................................... 36
Table 7: SCAQMD Emissions Thresholds .............................................................. 37
Table 8: Short Term Regional Construction Emissions ......................................... 38
Table 9: Construction Localized Impacts Analysis ............................................. 38
Table 10: opening Year Regional Operational Emissions ..................................... 39
Table 11: Long Term Operational Localized Impact Analysis ............................ 40
Table 12: Construction Greenhouse Gas Emissions ............................................ 63
Table 13: Project Greenhouse Gas Emissions During Operation ........................ 64
Table 14: Significance of Greenhouse Gases ....................................................... 64
Table 15: Project Density Characteristics ......................................................... 72
Table 16: Typical Construction Equipment Noise Levels .................................. 90
Table 17: Trip Generation Rates .......................................................................... 106

LIST OF FIGURES

Figure 1: Aerial of Site Location ........................................................................... 8
Figure 2: Open Space and Basin Areas ................................................................. 12
Figure 3: Earth Quake Fault Map ........................................................................ 56
Figure 4: Airport Land Use Plan Use Chart ....................................................... 71
Figure 5: Banning Airport Compatibility Zone Map ......................................... 72
Figure 6: Airport Noise Contour Map ................................................................. 98
APPLICATION# PROJECT DR 15-7004

A. Tentative Tract Map (TTM 36710)

TTM 36710 proposes to subdivide a 10.6 acre vacant property for purposes of creating forty-six (46) single-family residential lots on property zoned Low Density Residential.

B. Planned Unit Development Permit

Proposing a Planned Unit Development (PUD) for purposes of providing a housing density of 4.3 dwelling units per acre with minimum lot size of 5,000 square feet to conform to the Banning Municipal Airport Zone D lot size requirements.

C. Design Review (15-7004)

A proposal to subdivide a 10.6 acre parcel into 46 single-family residential lots with five lettered lots; one for a detention basin one for open space and three for streets and cul-de-sacs.
1.0. INTRODUCTION

1.1 Purpose of an Initial Study Checklist

The California Environmental Quality Act (CEQA) requires that before a public agency makes a decision to approve a project that could have one or more adverse effects on the physical environment, the agency must inform itself about the project's potential environmental impacts, give the public an opportunity to comment on the environmental issues, and take feasible measures to avoid or reduce potential harm to the physical environment.

The purpose of an Initial Study Checklist is to provide a preliminary analysis of a proposed action to determine whether a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report should be prepared for a project. An Initial Study Checklist also enables an applicant or the City of Banning to modify a project, mitigating adverse impacts in lieu of preparing an Environmental Impact Report, thereby potentially enabling the project to qualify for a Negative Declaration or a Mitigated Negative Declaration.

The Initial Study Checklist provides a factual basis for a Negative Declaration, Mitigated Negative Declaration, or serves to focus an Environmental Impact Report on the significant effects of a project.

1.2 Purpose of a Negative Declaration

A Negative Declaration is a written statement by the City of Banning that the Initial Study Checklist identified potentially significant environmental effects of the project but the project is revised and conditions of approval incorporated that eliminate impacts to less than significant levels.

1.3 Initial Study Checklist/Negative Declaration Document

This document in its entirety is an Initial Study Checklist/Negative Declaration prepared in accordance with the California Environmental Quality Act (CEQA), including all criteria, standards, and procedures of CEQA (California Public Resource Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq.).

1.4 Public Review and Processing of the Initial Study Checklist/Negative Declaration

In the case of the proposed Project, the Initial Study Checklist determined that a Mitigated Negative Declaration is the appropriate form of CEQA compliance document, which does not require a Notice of Preparation. The Initial Study Checklist commenced the twenty (20) day circulation on, August 11, 2017.

This Initial Study Checklist/Negative Declaration and a Notice of Intent to adopt the Negative Declaration was distributed to the following entities for a 20-day public review period:

1) Organizations and individuals who have previously requested such notice in writing to the City of Banning;

2) Responsible and trustee agencies (public agencies that have a level of discretionary approval over some component of the proposed Project); and
3) The Riverside County Clerk.

The *Notice of Intent* also will be noticed to the general public in the *Record Gazette*, which is a primary newspaper of circulation in the areas affected by the Project.

The *Notice of Intent* identifies the location(s) where the Initial Study Checklist/Negative Declaration and its associated technical reports are available for public review. During the 20-day public review period, comments on the adequacy of the Initial Study Checklist/Negative Declaration document may be submitted to the City of Banning Community Development Department, Planning Division.

Following the 20-day public review period, the City of Banning Planning Division will review any comment letters received during the review period to determine whether any substantive comments were provided that may warrant revisions or recirculation of the Initial Study Checklist/Negative Declaration document. If recirculation is not required (as defined by CEQA Guidelines §15073.5(b)), written and/or oral responses will be provided to the City of Banning Planning Commission for review as part of their deliberations concerning the Project.

For this Project, the Banning Planning Commission’s role is advisory and will recommend that the Banning City Council approve, conditionally approve, or deny the Project. Accordingly, a public hearing will be held before the Banning City Council to consider the proposed Project, any comments received and make a determination on the adequacy of this Initial Study Checklist/Negative Declaration.

At the conclusion of the public hearing process, the City Council will take action to approve, conditionally approve, or deny the proposed Project. If approved, the City Council will adopt findings relative to the Project’s environmental effects as disclosed in the Initial Study Checklist/Negative Declaration and a *Notice of Determination* will be filed with the Riverside County Clerk.

### 1.5 Initial Study Checklist/ Negative Declaration Findings and Conclusions

Section 3.0 of this document contains the Environmental Checklist/Initial Study that was prepared for the proposed Project pursuant to CEQA and City of Banning requirements.

The Initial Study Checklist determined that implementation of the proposed Project would result in no impacts to the environment under the following issue areas:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emission
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use Planning
- Mineral Resources
- Noise
• Population and Housing
• Public Services
• Recreation
• Transportation/Traffic
• Tribal Cultural Resources
• Utilities and Service Systems, and,
• Mandatory Findings of Significant

The Initial Study Checklist determined that the proposed Project will not result in creating **significant environmental effects**. The Project incorporates conditions such that the project will either avoid or mitigate effects to a point where clearly no significant environmental impacts on the environment would occur:

The Initial Study Checklist determined that, with the incorporation of conditions of approval and mitigation cited in the initial study, there is no substantial evidence, in light of the whole record before the Lead Agency (City of Banning), that the Project as revised may have a significant effect on the environment. Therefore, based on the findings of the Initial Study Checklist, the City of Banning determined that a Mitigated Negative Declaration is the appropriate CEQA determination for the Project pursuant to CEQA Guidelines § 15070(b).
2.0 PROJECT BACKGROUND

2.1 Project Location

The City of Banning covers approximately 23.2 square miles within the County of Riverside. The City is bordered by the City of Beaumont to the west, Morongo Band of Mission Indians to the east and County of Riverside to the north and south. Specifically, the property is located on vacant land north of East Wilson Street and south of Hoffer Street, between Alessandro Street on the west and Florida Street to the east, as depicted on the U.S. Geological Survey (USGS) 7.5 Minute, Cabazon quadrangle map (USGS 1996). Refer to Figure 1, Location Map/Aerial Photo.

The Project site includes the following Assessor Parcel Numbers:

- APN# 534-183-014
- APN# 534-200-004
- APN# 534-200-008
- APN# 534-200-047

2.2 Existing Site Conditions/Environmental Setting

CEQA Guidelines §15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. The environmental setting is defined as “the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Intent/Notice of Availability is published, or at the time the environmental analysis is commenced...” (CEQA Guidelines §15125[a]).

The Project site consists of approximately 10.67 gross acres consisting of four parcels as noted in Figure 1. The Tentative Tract Map will consolidate the four parcels to create 46 residential lots and five lettered lots. The existing site is an undeveloped infill parcel primarily covered with dry, tall grasses with scattered low bushes that slopes generally from the northwest to the southeast, with an elevation of 2,452’ at the northeast and an elevation of 2,422’ at the southeast. No structures exist onsite as shown in the photos and no protected plant or animal species reside on the property. A line of utility poles is present, running north-south in the western half of the site.

The site is roughly rectangular in shape and is bound by residential development to the north and west. Primary access to the site will be from three cul-de-sacs off of Wilson Street which service 84 percent of the subdivision. The exceptions include Lots 9 and 46 which front Hoffer Street and lots 41-45 which front Florida Street. Based on historical records such as aerial photographs, and topographic maps, the subject property appeared as undeveloped property from at least 1953 through 2009. Table 1 below provides a summary of the site’s historical use as researched by EEI Geotechnical & Environmental Solutions.
Table 1: Site's History
Summary of Historical Use

<table>
<thead>
<tr>
<th>Year</th>
<th>Source and Scale</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1953</td>
<td>Aerial Photograph</td>
<td>Subject property appeared as an open field with no structural development. Adjacent property along the northern property border and to the east, west and in the surrounding area appeared with residential development. Property to the south was undeveloped.</td>
</tr>
<tr>
<td>1967</td>
<td>Aerial Photograph</td>
<td>Subject site remained undeveloped. Additional residential development appeared on the adjacent property to the north, east, and west.</td>
</tr>
<tr>
<td>1976</td>
<td>Aerial Photograph</td>
<td>No apparent changes appeared on the site or adjacent property since the 1967 photo.</td>
</tr>
<tr>
<td>1988</td>
<td>Topographic Map</td>
<td>No changes noted on the subject site since 1976.</td>
</tr>
<tr>
<td>1996</td>
<td>Topographic Map</td>
<td>No changes noted on the subject site since the 1988 map.</td>
</tr>
<tr>
<td>2002</td>
<td>Aerial Photo</td>
<td>No changes noted on the subject property or adjacent property since 1994.</td>
</tr>
<tr>
<td>2009</td>
<td>Aerial Photo</td>
<td>Subject property appears in its current configuration as undeveloped land. Surrounding area appeared as a mix of residential and commercial property.</td>
</tr>
</tbody>
</table>

Southern California Gas Company is available to provide gas to the site. Water, sewer and electric utilities are available through the City of Banning. A gas line is present near the southeast corner of the parcel, and a Southern California Natural Gas transmission line runs parallel to the southern
property line along East Wilson (EEI, Phase I, pg. 12). Table 2 notes the existing land uses located adjacent to the site.

Table 2. Existing Land Uses

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>Vacant</td>
</tr>
<tr>
<td>North</td>
<td>Single-Family Residential</td>
</tr>
<tr>
<td>South</td>
<td>School</td>
</tr>
<tr>
<td>East</td>
<td>Single-Family Residential</td>
</tr>
<tr>
<td>West</td>
<td>Single Family Residential</td>
</tr>
</tbody>
</table>

*Source: Bonning General Plan/Zoning Overlay*
2.3 Existing General Plan Land Use and Zoning Designations

Development activities that occur in the City of Banning are regulated by the City of Banning General Plan, adopted January 31, 2006, and the Zoning Code, referenced as Title 17 of the City of Banning Municipal Code. The General Plan is divided into a number of zoning districts that provide additional guidance for development and more specific land use designations under each category. Each property has a land use designation and a more descriptive Area Plan designation.

The designation for the Project site is Low Density Residential (LDR). The Applicant proposes a Planned Unit Development (PUD) to provide for site, road and specific development accommodations that cannot be implemented as part of the regular zoning standards. The project has gained approval from the Riverside Airport Land Use Commission that determined the project is in compliance with Compatibility Zone D. The project proposes a net density of 4.31 du/acre.

A summary of the existing General Plan land use and zoning designations for the Project site and surrounding properties is provided in Table 3.

<table>
<thead>
<tr>
<th>Location</th>
<th>General Plan Designation</th>
<th>Zoning Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>Low-Density Residential</td>
<td>(0-5 du/ac)</td>
</tr>
<tr>
<td>North</td>
<td>Low Density Residential</td>
<td>(0-5 du/ac)</td>
</tr>
<tr>
<td>South</td>
<td>Public Facilities</td>
<td>Pre-School</td>
</tr>
<tr>
<td>East</td>
<td>Low-Density Residential</td>
<td>(0-5 du/ac)</td>
</tr>
<tr>
<td>West</td>
<td>Low Density Residential (0-5 DU/Acre)</td>
<td>(0-5 du/ac)</td>
</tr>
</tbody>
</table>

Source: City of Banning General Plan Land Use Map, City of Banning-Existing Zoning Map
2.4 Project Description

The Project Applicant, Randall Andrus, submitted the following applications to the City of Banning which comprise the proposed Project: Tentative Tract Map (TTM 36710), Planned Unit Development Permit and Design Review. The City of Banning refers to the application as Project DR 15-7004.

The Project’s application materials are on file with the City of Banning Planning Department, 99 East Ramsey Street, Banning, CA 92220 and are hereby incorporated by reference.

A. Tentative Tract Map (TTM 36710), Planned Unit Development Permit (PUD) and Design Review (DR 15-7004).

The project applicant is seeking approval of TTM 36710, PUD and DR 15-7004, which proposes to subdivide a vacant 10.6 acre site into 46 single-family residential lots with a minimum lot size of 5,000 square feet. The project was found to be consistent with the 2004 Banning Municipal Airport Land Use Compatibility Plan, as amended in 2016 and to conform to the Riverside Airport Land Use Commission (ALUC) and the Federal Aviation Administration (FAA) regarding density, height, air space and open space restrictions. The project is driven largely in part by the Riverside County Airport Land Use Commission’s requirement of maintaining a density at (or near) 5 du/acre in Zone D of the Banning Municipal Airport. The site currently consists of four individual vacant parcels containing the following lot areas as noted in Table 4 below.

<table>
<thead>
<tr>
<th>APN</th>
<th>Lot Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>534-183-014</td>
<td>4.01</td>
</tr>
<tr>
<td>534-200-004</td>
<td>3.77</td>
</tr>
<tr>
<td>534-200-008</td>
<td>0.92</td>
</tr>
<tr>
<td>534-200-047</td>
<td>1.85</td>
</tr>
</tbody>
</table>

The total gross area of the four parcels is 10.67 acres. They propose, five (5) lettered lots; Lot A will be a basin; Lot B will serve as open space; Lots C, D, and E are proposed as private streets. Residential lot sizes will range from 5,000 square feet to 12,817 square feet in size. Access to the site is off Wilson Street and will be by means of three neighborhood streets ending as cul-de-sacs, with the exception of Lots 41-45 which flank Florida Street and Lots 9 and 46 which flank Hoffer Street.

The above land uses and other on-site improvements are further described as follows:

Single-Family Residential

The Project site will be a Planned Unit Development (PUD). Residential lot sizes range from 5,000 square feet to 12,817 square feet for certain cul-de-sac lots. However, the majority of the lot sizes are within the 5,000 square foot range. The Project proposes a net density of 4.53 dwelling units per acre. The project will include over 30 percent of open space amenities, including a small trail system and park and picnic areas. The open space/park area will also serve as an emergency landing zone as required for projects in Zone D of the Riverside County Airport Land Use plan for Banning Municipal Airport. Consequently, the open space park area will not contain any structures higher than four (4) feet.
**Water Quality Basin**

Lot "A" will function as a water quality basin. The basin will serve to retain developed condition runoff and mitigate developed condition flows as required by City Ordinance. The basin is engineered to accept approximately 64,469 cubic feet (1.48 acre feet) of water runoff. City of Banning Ordinance #1415&6 requires that "all development will make provisions to store runoff from rainfall events up to and including the 100 years, three-hour duration event onsite via storage or infiltration basins for new development and redevelopment."

The basin, referenced as Lot A will be located at the northwest intersection of Florida and Wilson Street. Although the basin is intended for water quality and percolation purposes, the site will also function as a dog park. The basin shall be designed in accordance with the City of Banning Engineering requirements. As noted in Figure 2, Lot "B" will function as open space pedestrian pathway in accordance with the PUD set aside provisions for private open space.

**Figure 2**

Lot A & Lot B Open Space and Basin Areas
On-Site Street Improvements

Primary access to the Project site is by means of three neighborhood cul-de-sac streets connected off Wilson Street. Lots 9 and 46 will obtain access from Hoffer Street, Lots 41 through 45 will obtain access from Florida Street. Both Hoffer and Florida Streets are existing improved two (2) lane sixty (60) foot wide roadways within the Public right-of-way. Curb, gutter, and sidewalk have been partially installed. All street improvements along Wilson Street will be subject to the City of Banning Engineering and Public Works requirements.

The three internal neighborhood streets servicing the tract with curb and gutter within 50 foot wide private two lane travel lanes are indicated on the TTM as Street A, Street B and Street C. None of the streets interconnect, but each street connects to Wilson Street. Cul-de-sac's shall be designed in accordance with radius requirements set by the County Fire Code.

On-Site Utility and Drainage Improvements

Water, sewer and electrical service will be provided by the City of Banning Public Works Department and Electrical Division. Sewer and water systems shall be designed in accordance with the City of Banning Engineering and Public Works requirements.

Existing water lines are contained within Hoffer Street, Wilson Street and Florida Street running adjacent to the project site. Existing sewer lines are contained within Hoffer and Florida Street also adjacent to the project site. With the projects cul-de-sac design, the majority of the lots will connect to the proposed sewer line in Wilson Street, with the exception of Lot 9 and Lot 46 which will connect to the existing sewer line in Hoffer Street and Lots 41 – 45 which will connect to the existing sewer line in Florida Street.

B. Planned Unit Development Permit

The existing site will be a Planned Unit Development (PUD) allowing for a housing net density of 4.53 dwelling units per acre.

D. Construction Schedule

Houses will be constructed based on market demand and absorption. Construction is expected to commence sometime in 2018 and is expected to occur in one phase. The Project Applicant expects the following time durations for the construction process, which would be somewhat sequential but overlap in some cases:

- Site Preparation 20 Days
- Grading 40 - days
- 1st Phase of Home Construction 60- days
- Architectural Coating 38 - days
- Paving 55 - days

Earthwork and Grading

The earthwork and grading details are based on proposed Tentative Tract Map 36710. The Project proposes 13,600 cubic yards (c.y.) of cut and 13,600 cubic yards of fill (TTM Earthwork Quantities).
The site drains northwest to southeast with a varying terrain at an average slope of 4 percent (Drainage Report, United Engineering Group, Sept. 6, 2016).

E. **Operational Characteristics**

The proposed Project would be operated as a residential community. Typical operational characteristics include residents and visitors traveling to and from the site, leisure and maintenance activities occurring on individual residential lots and in the on-site recreational facilities and general maintenance of common areas. Low levels of noise and a moderate level of artificial exterior lighting typical of a residential community is expected.

*Future Population*

The Project would be developed with 46 single-family detached residential homes. Pursuant to City of Banning's General Plan, the median household size is currently 2.7 persons per dwelling unit. Using population generation estimates, the proposed Project could increase the City of Banning's population by up to 124 new residents if all the new residents currently reside outside the City limits. The City of Banning’s 2016 population estimates (city limits only) as determined by the California Department of Finance is 30,834 residents. The City’s population would increase by less than (0.5) percent or 30,958 residents. The Project is consistent with the Southern California Association of Governments (SCAG) population growth estimates in that the City’s population is projected to reach 34,658 in 2010 and 42,027 in 2020. According to the City’s Housing Element Regional Housing Needs Assessment (RHNA), the City of Banning has a total housing construction need of 1,780 units and an annual need of 237 units. The Project is consistent with the RHNA housing construction forecast efforts to meet the City’s housing needs.

The *General Plan* land use designation currently assigned to the Project site is Low Density Residential (0-5 dwelling units per acre). The Project as proposed has a net density of 4.53 dwelling units per acre.

If the Project site were built out in accordance with its existing *General Plan* land use designation, a maximum of 53 residential dwelling units could be constructed on the property. (Low Density Residential x 5 units per acre x 10.6 acres = 53 units). The Project proposes 46 residential dwelling units which is below the maximum permitted under the General Plan and current Zoning District.
3.0 INITIAL STUDY/ENVIRONMENTAL CHECKLIST

Evaluation Format

This Initial Study Checklist has been prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines. The Project is evaluated based on its potential effect on eighteen (18) environmental factors categorized as follows, as well as Mandatory Findings of Significance:

1. Aesthetics
2. Agriculture & Forestry Resources
3. Air Quality
4. Biological Resources
5. Cultural Resources
6. Geology & Soils
7. Greenhouse Gas Emissions
8. Hazards & Hazardous Materials
9. Hydrology & Water Quality
10. Land Use & Planning
11. Mineral Resources
12. Noise
13. Population & Housing
14. Public Services
15. Recreation
16. Transportation & Traffic
17. Tribal Cultural Resources
18. Utilities & Service Systems
19. Mandatory Findings of Significance

Each factor is analyzed by responding to a series of questions pertaining to the impact of the Project on the particular factor in the form of a checklist. This Initial Study Checklist provides a manner to analyze the impacts of the Project on each factor in order to determine the severity of the impact and determine if mitigation measures can be implemented to reduce the impact to less than significant without having to prepare an Environmental Impact Report.

CEQA also requires Lead Agencies to evaluate potential environmental effects based to the fullest extent possible on scientific and factual data (CEQA Guidelines §15064[b]). A determination of whether or not a particular environmental impact will be significant must be based on substantial evidence, which includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines §15064[f][5]).

The effects of the Project are then placed in the following four categories, which are each followed by a summary to substantiate why the Project does not impact the particular factor with or without mitigation. If "Potentially Significant Impacts" that cannot be mitigated are determined, then the Project does not qualify for a Mitigated Negative Declaration and an Environmental Impact Report must be prepared:
<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potentially significant impact(s) have been identified or anticipated that cannot be mitigated to a level of insignificance. An Environmental Impact Report must therefore be prepared.</td>
<td>Potentially significant impact(s) have been identified or anticipated, but mitigation is possible to reduce impact(s) to a less than significant category. Mitigation measures must then be identified.</td>
<td>No “significant” impact(s) identified or anticipated. Therefore, no mitigation is necessary.</td>
<td>No impact(s) identified or anticipated. Therefore, no mitigation is necessary.</td>
</tr>
</tbody>
</table>

Throughout the impact analysis in this Initial Study Checklist, reference is made to the following:

- **Plans, Policies, Programs (PPP)** – These include existing regulatory requirements such as plans, policies, or programs applied to the Project based on the basis of federal, state, or local law currently in place which effectively reduce environmental impacts.

- **Project Design Features (PDF)** – These measures include features proposed by the Project that are already incorporated into the Project’s design and are specifically intended to reduce or avoid impacts (e.g., water quality treatment basins).

- **Mitigation Measures (MM)** – These measures include requirements that are imposed where the impact analysis determines that implementation of the proposed Project would result in significant impacts. Mitigation measures are proposed to reduce impacts to less than significant levels. In accordance with the requirements of CEQA.

Plans, Policies, or Programs (PPP) and the Project Design Features (PDF) were assumed and accounted for in the assessment of impacts for each issue area.

Mitigation Measures (MM) were formulated only for those issue areas where the results of the impact analysis identified significant impacts that could be reduced to less than significant levels.

All three types of measures described above will be required to be implemented as part of the Project, and will be included in the Mitigation Monitoring and Reporting Program for the Project.

**Environmental Factors Potentially Affected**

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.
<table>
<thead>
<tr>
<th>Aesthetics</th>
<th>Land Use and Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture and Forest Resources</td>
<td>Mineral Resources</td>
</tr>
<tr>
<td>Air Quality</td>
<td>Noise</td>
</tr>
<tr>
<td>Biological Resources</td>
<td>Population and Housing</td>
</tr>
<tr>
<td>Cultural Resources</td>
<td>Public Services</td>
</tr>
<tr>
<td>Geology and Soils</td>
<td>Recreation</td>
</tr>
<tr>
<td>Greenhouse Gas Emissions</td>
<td>Transportation/Traffic</td>
</tr>
<tr>
<td>Hazards and Hazardous Materials</td>
<td>Tribal Cultural Resources</td>
</tr>
<tr>
<td>Hydrology and Water Quality</td>
<td>Utilities and Service Systems</td>
</tr>
<tr>
<td></td>
<td>Mandatory Findings of Significance</td>
</tr>
</tbody>
</table>

Because none of the environmental factors above are "checked", the Project does not require the preparation of an Environmental Impact Report.
Determination

On the basis of this initial evaluation:

I find that the proposed use **COULD NOT** have a significant effect on the environment, and a NEGATIVE DECLARATION will be recommended for adoption.

I find that although the proposal could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project Applicant. A MITIGATED NEGATIVE DECLARATION will be recommended for adoption.

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

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

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

__________________________  __________________________
Signature  City of Banning

__________________________
Patty Nevins  Agency
Community Development Director

__________________________
Printed Name/Title  Date
Appendices (On Compact Disk)

Appendix A. Phase I Environmental Site Assessment, The McRae Group, August 23, 2011
Appendix B. Geotechnical Engineering Study, The McRae Group, April 4, 2014
Appendix C. General Biological Resources Assessment & Burrowing Owl Habitat Assessment, RCA Associates, LLC, January 16, 2014
Appendix D. Preliminary Drainage Report, United Engineering Group, September 6, 2016
Appendix G. Airport Land Use Commission, Riverside County letter, December 16, 2016
Appendix H. Federal Aviation Administration, Determination of no Hazard letter, February 12, 2016
Appendix I. Cultural Assessment Report, BCR Consulting LLC, May 1, 2017
3.1 Aesthetics

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Have a substantial adverse effect on a scenic vista?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 3.1(a.) Have a substantial adverse effect on a scenic vista?

**Determination:** No Impact.

*Sources: General Plan, City of Banning, Google Earth, Project Application Materials, EEI Phase I Environmental Site Assessment, August 23, 2011.*

**Plans, Policies or Programs (PPP)**

The following applies to the Project and would reduce impacts related to scenic vistas. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

**PPP 3.1-1** Banning Zoning Code: As required by the City of Banning Zoning Regulations, Table 17.08.030, residential building heights shall not exceed thirty-five (35) feet in height.

**Project Design Features (PDF)**

Architecturally, there are no Project Design Features applicable to the Project related to this issue.

**Impact Analysis**

The site is a 10.67 acre vacant lot which is currently zoned Low Density Residential (0-5 du/ac). The project proposes a Planned Unit Development (PUD) with 4.53 dwelling units per net acre. The site is bounded by residential development to the north; East Wilson Street to the south; Florida Street to the east; and residential development to the west. The property ranges from approximately 2,422 feet above mean sea level (amsl) at the southeast margin and rises in elevation to approximately 2,452 feet amsl at the northwest margin of the property. The property consists of land which gently slopes in a southeasterly direction. The property has remained undeveloped from at least 1953 through 2009 based on historical photographs and topographic maps (EEI, Phase I Site Assessment, pg. 2). Based on the Banning General Plan, Archaeological Resources
Sensitivity Map (Exhibit IV-6) the site is within a Low Sensitivity Assessment Archaeological Resources District. Consequently, it is not anticipated that the site's housing development will have impacts to these sensitive resources.

With the implementation of PPP 3.1-1, the project will have no impacts to aesthetics or scenic vista.

### 3.1 (b) Substantially damage scenic resources, including, but not limited to, trees, rock outcappings, and historic buildings within a state scenic highway?

**Determination: No Impact.**

*Sources: Banning General Plan, Google Earth, EEI Phase I Env. Assessment, Aug. 23, 2011.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project related to this issue.

**Impact Analysis**

As referenced in 3.1 (a), the Project site will not impact a scenic vista. Moreover, given the undeveloped history of the site, no historic buildings will be impacted since the site contains no structures with the exception of a line of utility poles running north-south in the western half of the site as noted in the photos. In general the subject property is surrounded by older single-family residential properties with a school site located to the south across East Wilson Street. Based on EEI’s Phase I Environment Site Assessment report dated August 23, 2011, the following findings were noted:

- **Historical Recognized Environmental Conditions (REC):** No known or suspected Historic REC’s were revealed during the preparation of the EEI’s Phase I Environmental Site Assessment.
- **Known or suspected REC’s –** No known or suspected REC’s were revealed during the preparation of EEI’s Phase I Environmental Site Assessment.
- **De Minimis Conditions –** No De Minimis conditions were revealed during the preparation of EEI’s Phase I Environmental Site Assessment. *A de minimis* impact is one that, after taking into account avoidance, minimization, mitigation and enhancement measures, results in no adverse effect to the activities.

Based on the EEI Phase I findings, no impacts to scenic resources, rock outcroppings or historic buildings will result.
3.1 (c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Determination: Less than Significant.

Sources: Banning General Plan, Google Earth, EEI Phase I Environmental Assessment, Aug. 23, 2011.

Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts related to the visual character and quality of the site and its surroundings. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PPP 3.1-1 Banning Zoning Code: As required by the City of Banning Zoning Regulations, Table 17.08.030, residential building heights shall not exceed thirty-five (35) feet in height.

Project Design Features (PDF)

PDF 3.1-1 The project site will be a Planned Unit Development (PUD) and incorporate specific land use and Right-of-Way (ROW) design features unique to the Project.

Impact Analysis

Development of the Project would introduce residential development onto the site. The residential development will consist of single-family detached homes, with related improvements such as roadways, landscaping, walls, and public street lighting. These improvements would be implemented in accordance with the PUD design standards unique to this subdivision project. Where the PUD standards are absent, the Banning Zoning Code development standards shall prevail. Although the existing undeveloped character of the site will change, it will not substantially change the character of the Project site such that it becomes visually incompatible or visually unexpected when viewed in the context of its residential surroundings. Moreover, it is not anticipated that the 50 foot wide street ROW, that will be maintained by the Project’s Home Owners Association (HOA) will be substantially out of character with the existing public ROW. It is typical for PUD’s to incorporate smaller street widths subject to approval of Engineering and the Fire Department.

Based on the analysis above, with implementation of PPP 3.1-1 and PDF 3.1-1, impacts associated with visual character or quality will be less than significant and no mitigation measures are required.

3.1 (d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Determination: No Impacts.

Sources: City of Banning Zoning Standards, Project Application Materials, Riverside County Airport Land Use Commission letter, December 16, 2016.

Plans, Policies, or Programs (PPP)
The following applies to the Project and would reduce impacts related to light and glare. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PPP 3.1-2 The Project site is within Zone D of the Banning Municipal Airport Compatibility Map. Consequently, object heights are limited to 35 feet.

Project Design Features (PDF)

PDF 3.1 -2 Any Public Street Lighting shall not exceed 35 feet in height.

Impact Analysis

The project site is situated within Zone D of the Banning Municipal Airport Land Use Compatibility Plan. In accordance with a letter received from the, Riverside County, Airport Land Use Commission letter, December 16, 2016, all outdoor lighting shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lights shall be downward facing and light structures shall be no more than 35 feet in height to mitigate the potential for aircraft to mistake public lighting for airport lighting. Pursuant to Chapter 2, Section 1.5.3 (4)(11) of the Riverside County Airport Land Use Compatibility Plan Policy Document, a "Major Land Use Action that proposes development consisting of five or more dwelling units that may incorporate lighting which could be mistaken for airport lighting is required to be reviewed by the Riverside County Airport Land Use Committee. (ALUC). The project’s conditions of approval incorporate the lighting features designed for the proposed project.

Based on the analysis above, with the associated Conditions of Approval, and recommendations by Airport Land Use Commission, there will be no impacts with implementation of PPP 3.1-1, 3.1-2, and PDF 3.1-1 and PDF 3.1 -2.
### 3.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the Project:

<table>
<thead>
<tr>
<th>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Result in the loss of forest land or conversion of forest land to non-forest use?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3.2 (a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

**Determination: No Impact**

*Sources: Banning General Plan Land Use Map, Zoning Map*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project related to this issue.

**Impact Analysis**

The site does not contain any lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as mapped by the State Department of Conservation Farmland Mapping and Monitoring Program. As such, the Project has no potential to convert such lands to a non-agricultural use and no impact would occur. No mitigation measures are required.

3.2 (b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

**Determination: No Impact.**

*Sources: Banning General Plan Land Use Map, Zoning Map*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project related to this issue.

**Impact Analysis**

The Project site will be a PUD. Given the scale of the residential subdivision of 46 lots and 5 lettered lots, the Project will not conflict with existing zoning for agricultural use. Pursuant to the California Land Conservation Act of 1965, a Williamson Act Contract enables private landowners to voluntarily enter into contracts with local governments for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive lower property tax assessments based upon farming and open space uses as opposed to full market value. The site is not under a Williamson Act Contract. As such, there is no impact. No mitigation measures are required.
3.2 (c) **Conflict with existing zoning for, or cause rezoning of, forest land (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))?**

**Determination:** No Impact.

*Sources: Banning General Plan Land Use Map, Zoning Map.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project related to this issue.

**Impact Analysis**

The Project site is considered in-fill and will be a PUD. The PUD is compatible with surrounding low-density residential uses. No forest land, timberland, or timberland production occurs on the site so zoning for such uses or activities will not be impacted. Therefore, no impacts would occur and no mitigation measures are required.

3.2 (d) **Result in the loss of forest land or conversion of forest land to non-forest use?**

**Determination:** No Impact.

*Source: Field Survey.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project related to this issue.

**Impact Analysis**

The Project site consists of vacant land and does not contain forest land as noted in the photos on the following page. Therefore, no impacts would occur and no mitigation measures are required.
3.2 (e) **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?**

**Determination: No Impact.**

*Sources: Banning General Plan Land Use Map*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project related to this issue.

**Impact Analysis**

The Project site is approximately 10.67 acres in size. The residential in-fill development will be a PUD. The PUD is characteristic of the existing low density zoned residential development located nearby and largely characterized by residential single family housing. There is no land being used primarily for agricultural purposes in the vicinity of the site. As such, the Project would not result in conversion of Farmland to non-agricultural use and no impacts would occur. No mitigation measures are required.
### 3.3 AIR QUALITY

<table>
<thead>
<tr>
<th>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Expose sensitive receptors to substantial pollutant concentrations?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Create objectionable odors affecting a substantial number of people?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 3.3 (a) Conflict with or obstruct implementation of the applicable air quality plan (South Coast Air Quality Management District)?

**Determination:** Less than significant impact.


**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies or Programs applicable to the Project related to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project related to this issue.

**Impact Analysis**

**Federal Air Quality Standards**

Under the Federal Clean Air Act, the Federal Environmental Protection Agency establishes health-based air quality standards that California must achieve. These are called “national ambient air quality standards” and they apply to what are called “criteria pollutants.” Ambient (i.e. surrounding) air quality standard establish a concentration above which a criteria pollutant is known to cause adverse health effects to people. The national ambient air quality standards apply to the following criteria pollutants:

- Ozone (8-hour standard)
Respirable Particulate Matter (PM10)
Fine Particulate Matter (PM2.5)
Carbon Monoxide (CO)
Nitrogen Dioxide (NOx)
Sulphur Dioxide (SO2), and
Lead.

State Air Quality Standards

Under the California Clean Air Act, the California Air Resources Board also establishes health-based air quality standards that cities and counties must meet. These are called “state ambient air quality standards” and they apply to the following criteria pollutants:

- Ozone (1-hour standard)
- Ozone (8-hour standard)
- Respirable Particulate Matter (PM10)
- Fine Particulate Matter (PM2.5)
- Carbon Monoxide (CO)
- Nitrogen Dioxide (NOx)
- Sulphur Dioxide (SO2), and
- Lead

Regional Air Quality Standards

The City of Banning is located within the South Coast Air Basin which is under the jurisdiction of the South Coast Air Quality Management District. The District develops plans and regulations designed to achieve these both the national and state ambient air quality standards described above.

Attainment Designation

An “attainment” designation for an area signifies that criteria pollutant concentrations did not exceed the established standard. In contrast to attainment, a “nonattainment” designation indicates that a criteria pollutant concentration has exceeded the established standard.
Table 5 shows the attainment status of criteria pollutants in the South Coast Air Basin.

**Table 5. Attainment Status of Criteria Pollutants in the South Coast Air Basin.**

<table>
<thead>
<tr>
<th>Criteria Pollutant</th>
<th>State Designation</th>
<th>Federal Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ozone – 1 hour standard</td>
<td>Nonattainment</td>
<td>No Standard</td>
</tr>
<tr>
<td>Ozone – 8 hour standard</td>
<td>Nonattainment</td>
<td>Nonattainment</td>
</tr>
<tr>
<td>Respirable Particulate Matter (PM10)</td>
<td>Nonattainment</td>
<td>Attainment</td>
</tr>
<tr>
<td>Fine Particulate Matter (PM2.5)</td>
<td>Nonattainment</td>
<td>Nonattainment</td>
</tr>
<tr>
<td>Carbon Monoxide (CO)</td>
<td>Attainment</td>
<td>Attainment</td>
</tr>
<tr>
<td>Nitrogen Dioxide (NOx)</td>
<td>Attainment</td>
<td>Attainment</td>
</tr>
<tr>
<td>Sulfur Dioxide (SO2)</td>
<td>Attainment</td>
<td>Attainment</td>
</tr>
<tr>
<td>Lead</td>
<td>Attainment</td>
<td>Attainment</td>
</tr>
</tbody>
</table>

*Source: South Coast Air Quality Management District, 2014*

**Air Quality Management Plan**

The South Coast Air Quality Management District is required to produce air quality management plans directing how the South Coast Air Basin’s air quality will be brought into attainment with the national and state ambient air quality standards. The most recent air quality management plan is 2016 Air Quality Management Plan and it is applicable to City of Banning. The purpose of the 2016 Air Quality Management Plan is to achieve and maintain both the national and state ambient air quality standards described above.

In order to determine if a project is consistent with the 2016 Air Quality Management Plan, the South Coast Air Quality Management District has established consistency criterion which are defined in Chapter 12, Sections 12.2 and 12.3 of the South Coast Air Quality Management District’s CEQA Air Quality Handbook and are discussed below.

**Consistency Criterion No. 1:** The proposed project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the 2016 Air Quality Management Plan.

Consistency Criterion No. 1 refers to violations of the California Ambient Air Quality Standards and National Ambient Air Quality Standards. As evaluated under issues 3.3 (b), (c), and (d), below, the Project would not exceed regional or localized significance thresholds for any criteria pollutant during construction or during long-term operation. Accordingly, the Project’s regional and localized emissions would not contribute substantially to an existing or potential future air quality violation or delay the attainment of air quality standards.

**Consistency Criterion No. 2:** The proposed project will not exceed the assumptions in the 2016 Air Quality Management Plan.

The growth forecasts used in the 2016 Air Quality Management Plan to project future emissions levels are based on the projections of the Regional Transportation Model utilized by the Southern
California Association of Governments, which incorporates land use data provided by city and county General Plans, as well as assumptions regarding population number, location of population growth, and a regional housing needs assessment.

The Banning General Plan land use designation currently assigned to the Project site is Low Density Residential (0 to 5 du/ac). The site will be a PUD to accommodate a housing density less than the 5 du/ac. If the Project site were built out in accordance with its existing General Plan land use designation, a maximum of 53 residential dwelling units could be constructed on the property. (Low Density Residential @ 5 units per acre x 10.6. acres = 53 units. The Project proposes 46 single family residential dwelling units, which, constitutes 90 percent of the development potential of the site. Under the PUD, the housing density proposed is less than what would be permitted under the current land use designation of LDR.

The 2016 Air Quality Management Plan relied in part upon the City’s General Plan for the growth forecast estimates used in the 2016 Air Quality Management Plan. As such, the Project would not exceed the assumptions in the 2016 Air Quality Management Plan because it does not exceed the growth forecasts contained in the Plan.

For the reasons stated above, the Project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, delay the timely attainment of air quality standards or the interim emissions reductions specified in the 2016 Air Quality Management Plan. In addition, the Project would not exceed the growth assumptions in the 2016 Air Quality Management Plan. As such, the Project would be consistent with the 2016 Air Quality Management Plan and impacts would be less than significant and no mitigation measures are required.

3.3(b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Determination: Less than Significant Impact with Mitigation.


Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts related to air quality violations. These measures will be included in the project’s Mitigation Monitoring and Reporting Program:

PPP 3.3-1 The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 402, A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

PPP 3.3-2 The Project is required to comply with Rule 403 “Fugitive Dust.” Rule 403 requires implementation of best available dust control measures during construction
activities that generate fugitive dust, such as earth moving and stockpiling activities, grading, and equipment travel on unpaved roads.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project related to this issue.

**Impact Analysis**

The South Coast Air Quality Management District has developed regional and localized significance thresholds for regulated pollutants. Any project in the South Coast Air Basin with daily emissions that exceed any of the indicated regional or localized significance thresholds would be considered to contribute to a projected air quality violation. The Proposed Project’s regional and localized air quality impacts are discussed below as shown in Table 6.

**Regional Impact Analysis**

As with any new development project, the Proposed Project has the potential to generate pollutant concentrations during both construction activities and long-term operation. The following provides an analysis based on the applicable regional significance thresholds established by the South Coast Air Quality Management District in order to meet Federal and State air quality standards.

**Table 6. South Coast Air Quality Management District Air Quality Regional Significance Thresholds**

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Emissions (Construction) (pounds/day)</th>
<th>Emissions (Operational) (pounds/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOx</td>
<td>100</td>
<td>55</td>
</tr>
<tr>
<td>VOC</td>
<td>75</td>
<td>55</td>
</tr>
<tr>
<td>PM10</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>PM2.5</td>
<td>55</td>
<td>55</td>
</tr>
<tr>
<td>Sox</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>CO</td>
<td>550</td>
<td>550</td>
</tr>
<tr>
<td>Lead</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

*Source: South Coast Air Quality Management District CEQA Air Quality Significance Thresholds (2009)*

Both construction and operational emissions for the Project were estimated by using the California Emissions Estimator Model which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model can be used for a variety of situations where an air quality analysis is necessary or desirable such as California Environmental Quality Act (CEQA) documents and is authorized for use by the South Coast Air Quality Management District.

**Construction Related Impacts**
Construction activities associated with the proposed Project will result in emissions of CO, VOCs, NOx, SOx, PM10, and PM2.5. Construction related emissions are expected from the following onsite and offsite construction activities and time duration:

- Site Preparation 20 Days
- Grading 40 Days
- 1st Phase of Home Construction 60 Days
- Architectural Coating 38 Days
- Paving 55 Days

Table 3 shows the South Coast Air Quality Management District daily criteria pollutant emissions thresholds for construction and operation and the proposed projects estimated emissions for construction and operation, in the Basin, using the CalEEMod Model Version 2013.2.2, released, October 2, 2013.

Table 7. SCAQMD Emissions Thresholds

<table>
<thead>
<tr>
<th>Emissions Source</th>
<th>VOC</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
<th>PM2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td>43.90</td>
<td>69.66</td>
<td>47.68</td>
<td>0.06</td>
<td>9.78</td>
<td>6.37</td>
</tr>
<tr>
<td>Construction Thresholds</td>
<td>100</td>
<td>75</td>
<td>150</td>
<td>55</td>
<td>150</td>
<td>550</td>
</tr>
<tr>
<td>Operational</td>
<td>5.65</td>
<td>4.69</td>
<td>21.35</td>
<td>0.04</td>
<td>2.45</td>
<td>0.79</td>
</tr>
<tr>
<td>Operational Thresholds</td>
<td>55</td>
<td>55</td>
<td>150</td>
<td>55</td>
<td>150</td>
<td>550</td>
</tr>
<tr>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>


As shown in Table 7 above, construction and operational related emissions would not exceed South Coast Air Quality Management District regional construction criteria thresholds. With implementation of PPP 3.3-1 above (includes increasing wetting disturbed areas to 3-times per day, reduce speed to 25 mph on unpaved areas of project, and cleaning paved access roads daily) PM10 emissions are reduced.

Fugitive Dust

Fugitive dust emissions are generally associated with land clearing and exposure of soils to the air and wind, including cut-and-fill grading operations. Dust generated during construction varies substantially on a project-by-project basis, depending on the level of activity, the specific operations and weather conditions at the time of construction. The proposed project will be required to comply with SCAQMD Rules 402 and 403 to control fugitive dust.
Table 8: Short-Term Regional Construction Emissions

<table>
<thead>
<tr>
<th>Activity</th>
<th>VOC</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
<th>PM2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Preparation</td>
<td>4.90</td>
<td>51.82</td>
<td>40.19</td>
<td>0.04</td>
<td>9.78</td>
<td>6.37</td>
</tr>
<tr>
<td>Grading</td>
<td>6.17</td>
<td>69.66</td>
<td>47.68</td>
<td>0.06</td>
<td>6.77</td>
<td>4.46</td>
</tr>
<tr>
<td>Building Construction</td>
<td>3.40</td>
<td>27.59</td>
<td>21.90</td>
<td>0.03</td>
<td>2.16</td>
<td>1.79</td>
</tr>
<tr>
<td>Paving</td>
<td>1.85</td>
<td>17.21</td>
<td>15.09</td>
<td>0.02</td>
<td>1.04</td>
<td>0.89</td>
</tr>
<tr>
<td>Architectural Coating</td>
<td>42.05</td>
<td>2.04</td>
<td>2.21</td>
<td>0.00</td>
<td>0.21</td>
<td>0.17</td>
</tr>
<tr>
<td>Maximum</td>
<td>43.90</td>
<td>69.66</td>
<td>47.68</td>
<td>0.06</td>
<td>9.78</td>
<td>6.37</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>75</td>
<td>100</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Exceeds Threshold (?)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Architectural Coatings

SCAQMD Rule 1113 governs the sale, use, and manufacturing of architectural coatings and limits the VOC content in paints and paint solvents. This rule regulates the VOC content of paints available during construction. Therefore, all paints and solvents used during construction and operation of the project must comply with Rule 1113.

Localized Impacts Analysis as described in the SCAQMD guidance on applying CAIEEMod modeling results to localized impacts analysis, the equipment planned to be used on a peak day during site preparation and grading operations would disturb no more than 5 acres in a day. Thus the 5-acre LST thresholds are appropriate for this project. Table 9 shows that the emissions of pollutants on the peak day of construction would all be less than the SCQAMD LST thresholds, which means that the resulting concentrations near the preschool to the south and nearest residences would be below the NAAQS and CAAQS concentrations.

Table 9. Construction Localized Impacts Analysis

<table>
<thead>
<tr>
<th>Emissions Sources</th>
<th>NOx</th>
<th>CO</th>
<th>PM10</th>
<th>PM2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-Site Emissions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LST Thresholds</td>
<td>69.66</td>
<td>47.68</td>
<td>9.78</td>
<td>6.37</td>
</tr>
<tr>
<td>Significant Emissions?</td>
<td>236</td>
<td>2,817</td>
<td>21</td>
<td>11</td>
</tr>
</tbody>
</table>


Based on the above, the Project would not emit substantial concentrations of these pollutants during construction and would not contribute to an existing or projected air quality violation, on a direct or cumulative basis.

Odors
Heavy-duty equipment in the project area during construction would emit odors, primarily from the equipment exhaust. SCAQMD Rule 402 regarding nuisance states: “A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.” The proposed uses are not anticipated to emit any objectionable odors. Therefore, objectionable odors posing a health risk to potential on-site and existing off-site uses would not occur as a result of the proposed project, and no mitigation measures are required.

Naturally Occurring Asbestos

The proposed project is located in Riverside County, which is not among the counties that are found to have serpentine and ultramafic rock in their soils. Therefore, the potential risk for NOA during project construction is small and less than significant.

Table 8 and 9 show that daily regional construction emissions would not exceed the daily thresholds of any criteria pollutant emission thresholds established by the SCAQMD, and during construction, there will be no locally significant impacts. Thus, no mitigation is required during project construction.

Long-Term Air Emission Impacts

Long-term air emission impacts are those associated with stationary sources and mobile sources involving any project-related change. The proposed project would result in both stationary and mobile source emissions. The stationary source emissions would come from natural gas consumption, landscape maintenance, and off-site electric power generation. Mobile sources from vehicular trips associated with the proposed uses emit pollutants.

The CalEMME Mod Model was used to calculate the operational emissions. Mobile sources emissions were calculated based on the trip generation factors described in the Focused Traffic Impact Study (RK Engineering Group, Inc., July 11, 2016). Other emissions sources were calculated using the defaults in the CalEMME Mod model for the project land use.

Long-term operational emission associated with the full proposed project of 46 homes are shown in Table 11. Table 11 shows that the long-term operational localized emissions of all criteria pollutants as a result of the proposed project would not exceed the corresponding SCAQMD daily emission thresholds. Therefore, project-related long-term air quality impacts would be less than significant.

<table>
<thead>
<tr>
<th>Activity</th>
<th>VOC</th>
<th>NOx</th>
<th>CO</th>
<th>SOx</th>
<th>PM10</th>
<th>PM2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile Sources</td>
<td>1.72</td>
<td>4.32</td>
<td>17.21</td>
<td>0.04</td>
<td>2.34</td>
<td>0.68</td>
</tr>
<tr>
<td>Energy Sources</td>
<td>0.04</td>
<td>0.33</td>
<td>0.14</td>
<td>0.00</td>
<td>0.03</td>
<td>0.03</td>
</tr>
<tr>
<td>Area Sources</td>
<td>3.89</td>
<td>0.05</td>
<td>4.00</td>
<td>0.00</td>
<td>0.09</td>
<td>0.09</td>
</tr>
<tr>
<td>Total</td>
<td>5.65</td>
<td>4.69</td>
<td>21.35</td>
<td>0.04</td>
<td>2.45</td>
<td>0.79</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>55</td>
<td>55</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Exceeds Threshold</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Table 10: Opening Year Regional Operational Emissions
Based on the analysis above, regional air quality impacts would be less than significant and no mitigation measures are required. With implementation of PPP 3.3-1 impacts would be further reduced to the maximum extent feasible.

Localized Impact Analysis

The localized impacts analysis by design only includes on-site sources; however, the CalEEMod model outputs for operations do not separate on-site and off-site emissions. The emissions shown in Table 10 above for area sources are assumed to all occur on site and for energy sources entirely off-site. While some of the mobile-source emission will occur from vehicles driving on site, most of the mobile-source emissions calculated by the CalEEMod model would occur while the vehicles are driving off site. It is unlikely that the average on-site distance driven by vehicles will be 2,000 ft, which is approximately 4 percent of the total miles traveled. For a worst-case scenario assessment, the emissions shown in Table 11 include all on-site project-related area sources and 5 percent of the project-related new mobile sources.

Table 11: Long-Term Operational Localized Impact Analysis (lbs/day)

<table>
<thead>
<tr>
<th>LST</th>
<th>NOx (lbs/day)</th>
<th>CO (lbs/day)</th>
<th>PM10 (lbs/day)</th>
<th>PM2.5 (lbs/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-site Emissions</td>
<td>0.60</td>
<td>5.03</td>
<td>0.23</td>
<td>0.15</td>
</tr>
<tr>
<td>SCAQMD Operational Threshold</td>
<td>236</td>
<td>2,817</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Exceeds Threshold (?)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Table 11 shows that the emissions of pollutants during project operations would all be less than the SCAQMD LST thresholds, which means that the resulting concentrations at the nearest residences would be all below the NAAQS and CAAQS. Therefore, the proposed operational activity would not result in a locally significant air quality impact with mitigation.

Mitigation Measures:

MM AIR-1 To be compliant with CALEEMod modeling, the equipment planned to be used on a peak day during site preparation and grading operations will disturb no more than 5 acres in a day.

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

Determination: Less Than Significant Impact.


Plans, Policies, or Programs (PPP)
The following apply to the Project and would reduce impacts related to a cumulatively considerable net increase of any criteria pollutant. These measures will be included in the project’s Mitigation Monitoring and Reporting Program:

PPP 3.3-1  The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 402. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, reose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

PPP 3.3-2  The Project is required to comply with Rule 403 “Fugitive Dust.” Rule 403 requires implementation of best available dust control measures during construction activities that generate fugitive dust, such as earth moving and stockpiling activities, grading, and equipment travel on unpaved roads.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project related to this issue.

Impact Analysis

As discussed in Issue 3.3(b) above, the Project would not exceed the regional or localized significance thresholds for construction or operational activities. The Project would comply with South Coast Air Quality Management District Rule 402 (Nuisance) and Rule 403 (fugitive dust control) during construction, as well as all other adopted Air Quality Management Plan emissions control measures. Per South Coast Air Quality Management District rules and mandates, as well the California Environmental Quality Act requirement that impacts be mitigated to the maximum extent feasible, these same requirements would also be imposed on all projects within the South Coast Air Basin area, which would include all related projects.

Based on the analysis above impacts would be less than significant and no mitigation measures are required. With implementation of PPP 3.3-1 through PPP 3.3-2, impacts would be further reduced to the maximum extent feasible.

3.3(d)  Expose sensitive receptors to substantial pollutant concentrations?

Determination: Less Than Significant Impact.
Sources, South Coast Air Quality Management District, CALEEMod.

Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts related to substantial pollutant concentrations to sensitive receptors. These measures will be included in the project’s Mitigation Monitoring and Reporting Program:
PPP 3.3-1 The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 402, A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

PPP 3.3-2 The Project is required to comply with Rule 403 “Fugitive Dust.” Rule 403 requires implementation of best available dust control measures during construction activities that generate fugitive dust, such as earth moving and stockpiling activities, grading, and equipment travel on unpaved roads.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project related to this issue.

Impact Analysis

Sensitive receptors (i.e., children, senior citizens, and acutely or chronically ill people) are more susceptible to the effects of air pollution than the general population. Land uses that are considered sensitive receptors typically include residences, schools, playgrounds, childcare centers, hospitals, convalescent homes, and retirement homes. The residential uses adjacent to the site and pre-school to the south are considered sensitive receptors.

As indicated above under the discussion of Issue 3.3 (b)), the Project would not exceed any of the South Coast Air Quality Management District’s Localized Significance Thresholds during near-term construction or long-term operation. In addition, the Project would not create a CO Hot Spot. Accordingly, Project-related localized emissions would not expose sensitive receptors to substantial pollutant concentrations during construction or long-term operation, and impacts would be less than significant. With implementation of PPP 3.3-1 through PPP 3.3-2, impacts would be further reduced to the maximum extent feasible.

3.3 (e) Create objectionable odors affecting a substantial number of people?

Determination: Less Than Significant Impact.


Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts related to objectionable odors. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PPP 3.3-1 The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 402, A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such
persons or the public, or which cause, or have a natural tendency to cause, injury or
damage to business or property.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project related to this issue.

Impact Analysis

According to the South Coast Air Quality Management District CEQA Air Quality Handbook, land
uses associated with odor complaints typically include agricultural uses, wastewater treatment
plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and
fiberglass molding. The Project does not include any the above identified uses and therefore would
not produce objectionable odors during operation.

Construction activities both onsite and offsite could produce odors from equipment exhaust,
application of asphalt, and/or the application of architectural coatings. However, any odors emitted
during construction would be temporary, short-term, and intermittent in nature, and would cease
upon completion of construction activities.

Based on the analysis above impacts would be less than significant and no mitigation measures are
required. With implementation of PPP 3.3-1, impacts would be further reduced to the maximum
extent feasible.
### 3.4 BIOLOGICAL RESOURCES

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</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, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</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, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
<td></td>
<td></td>
<td></td>
<td>◼</td>
</tr>
</tbody>
</table>

### 3.4(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

**Determination: Less Than Significant**

Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts related to impacts to candidate, sensitive, or special status species. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PPP 3.4-1 The Project is required to pay Fish and Wildlife fees to California Department of Fish and Wildlife.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project related to this issue.

Impact Analysis

RCA Associates LLC conducted Biological surveys on the 10 acre parcels. The purpose of the surveys was to evaluate the existing biological resources present on the site, and to conduct a habitat assessment and non-breeding survey for the burrowing owl. Based on the surveys, the project site is highly disturbed and has been disked and plowed for weed control purposes. The vegetation observed is classified as a ruderal plant community and all plants noted are those typically associated with disturbed areas and does not support any prime wildlife habitat.

No mammals or their sign were observed during the field investigations and the only mammals which may occur in adjacent areas include the California ground squirrels, cottontails, deer mice and pocket gophers. Common reptiles in the area which may inhabit adjacent areas include the western fence lizards, and western granite lizards. The only birds observed included common ravens, western meadowlarks, mourning doves and the American robin. Although suitable habitats were present on-site for the burrowing owls, no fossorial burrows were observed on the property or along the edges of the site. Neither were suitable owl burrows noted in the surrounding area based on the developed nature of the area. Based on the absence of any suitable burrows, the property does not support habitats for the burrowing owl. It is the opinion of RCA Associates LLC that the site is unlikely to support any owl populations in the future as well. Impacts would be less than significant and no mitigation is required.

3.4(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Determination: No Impact.


Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project related to this issue.
Impact Analysis

The Project site is primarily covered with dry, tall grasses, with scattered low bushes. Based on soils percolation testing conducted by EnGen Corporation, groundwater was not encountered to the maximum depth explored (50.5 feet) in all exploratory boring locations. No evidence of historical high groundwater conditions was observed. Consequently, groundwater is not anticipated to rise within 100 feet from surface elevation at the subject site (EnGen Geotechnical Eng. Study, pg. 11). The Banning General Plan Biological Resources Element cites that there are seven natural communities represented in the Banning General Plan planning area. The two habitats associated with riparian habitats include the Riparian Scrub and Meadows and Marshes. The Riparian Scrub is a water-dependent plant supported primarily by a watercourse that flows through the planning area. Secondly, Meadows and Marshes encompasses a wetland community. It is unlikely given the depth of groundwater at the project site that any affects associated with the project will affect such habitats. Moreover, Riparian Scrub was found existing in the channels of the San Gorgonio River, Smith Creek and Mias Canyon, while Meadows and Marshes was at one time located in the uppermost reaches of Banning Canyon.

Given the absence of any riparian habitat or other sensitive natural habitat, the project is not anticipated to have any impacts upon these environments. No Impacts are anticipated to occur therefore no mitigation measures are proposed as a consequence of the development.

3.4(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?

Determination: No Impact.

Source: Banning General Plan Biological Resources Element, pg. IV-30

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project related to this issue.

Impact Analysis

As cited in 3.4 (b) given the absence of any riparian habitat or other sensitive natural wetland habitat, the project is not anticipated to have any impacts upon these environments or other federally protected wetland sensitive habitat. No Impacts are anticipated to occur and no mitigation measures are proposed as a consequence of the development.
3.4(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?

Determination: No Impact.

Source: Banning General Plan Biological Resources Element, pg. IV-30

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project related to this issue.

Impact Analysis

The Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) sets forth three primary objects which are 1) impose a habitat mitigation fee on discretionary development in western Riverside County; 2) designate criteria areas for acquisition or as subject to special development criteria; 3) cooperate with state and federal land management agencies for conservation and unification of habitat lands. There are three features of the MSHCP that apply within the Banning planning area. These are criteria areas, special linkage areas, and special survey areas.

Criteria Areas. There is one criteria areas “cell” in the Banning Planning Area. This cell is located along the City’s western border with unincorporated Riverside County and just south of the San Bernardino County line, in the northeast quarter section. This cell is approximately 160 acres, a portion which occurs in the City limits. Pursuant to the MSHCP, conservation in this Cell focuses on chaparral and woodlands and forests. This cell however is not located near the project area and as such will not be affected by the development.

Special linkage Area. A three-quarter mile MSHCP special linkage area occurs in the easterly planning area, adjacent to the eastern City limits where the San Gorgonio River exits the City. For special linkage areas, the MSHCP requires local jurisdictions to assure preservation of a wildlife movement corridor in compliance with guidelines set forth in the South Coast Wildlands ‘Missing Linkages project. However the South Coast Wildlands’ document makes no reference to the San Gorgonio River linkage. In the absence of other guidance, in the MSHCP, the City will apply standards set forth in the CEQA Guidelines for projects within the Special Linkage area. The General Biological Resources Assessment & Burrowing Owl Habitat Assessment prepared by RCA Associates LLC, pg. 2 cites that the project is not located within any designated critical area or cell or cell grouping. This is consistent with the Banning General Plan MSCHP Special Linkage and Criteria Area map that shows no such special habitat or linkage that affects the project site. In that no impacts to the MSHCP in Banning will occur from the project, no impacts are anticipated.

3.4(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
Determination: Less Than Significant Impact

Source: Banning General Plan Biological Resources Element, pg. IV-30,

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The Project site is primarily covered with dry, tall grasses, with scattered low bushes. No sporadic ornamental plant and tree species was found on site.

The City of Banning’s General Plan Biological Resources Element includes provisions to provide for the preservation and protection of the natural environment and many biological resources. Biological resources represent the plants and wildlife species and ecosystems and habitats that contribute to the area’s natural setting. As set forth in Government Code Section 65302(d), the City is required to include an element that provides for the conservation and preservation of wildlife resources. Wildlife common to suburban areas was observed using the site in the field survey investigation conducted by RCA Associates staff on January 2, 2014. Other wildlife observed on the site and those species expected to occur in surrounding area are cited below:

- Common raven
- Mourning dove
- Song sparrow
- Side-blotched lizard
- Western whiptail lizard
- Desert spiny lizard
- California ground squirrel
- Coyotes
- Desert cottontail
- Deer Mice
- Western harvest mouse
- Pocket mouse

As previously cited, no mammals or their sign were observed during the investigations and the only mammals that may occur in adjacent areas include species that were not endangered or at risk, such as the California ground squirrels, deer mice, pocket gophers western fence lizards and the common raven.

As previously cited, the project site is not located within a Multiple Species Habitat Conservation Plan (MSHCP) or within a Criteria Area or adjacent to a Criteria Area or Conservation Area. Thus the project is not subject to the Urban/Wildlands Interface Guidelines. No impacts are anticipated to arise as a result of the project.
3.4(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Determination: No Impact

Source: Banning General Plan Biological Resources Element, pg. IV-30,

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Based on the General Biological Resources Assessment & Burrowing Owl Habitat Assessment prepared by RCA Associates LLC, dated January 16, 2014, pg. 7 the following are the biological findings:

- General Vegetation and Wildlife. Future development activities on the property would generate some impacts to the general biological resources which occurred on the site. However, the site has been significantly disturbed by past human activities; consequently the site supports limited vegetation. Loss of the existing ruderal vegetation would affect some wildlife species; although the number of species that would be impact is limited. Direct impacts would include an increase in mortality for less mobile species (e.g., rodents, etc.) and displacement of mobile species, (primarily birds) into adjacent habitats. The number of wildlife species that would be displaced is very low and a significant increase in overall mortality is unlikely. Indirect impacts would include an increase in disturbance of daily and seasonal behavior of some species in the area due to increased noise levels during development activities.

- Threatened, Endangered and Species of Special Concern. The site does not support any populations of listed plant or animal species, and there are no know populations of any sensitive species in the immediate area. No burrowing owls or any owl signs were observed on the site during the field investigations conducted by RCA Associates on January 2, 2014. Future development activities are not expected to generate any impacts to burrowing owls or any other sensitive species, nor will any listed species be impacted. Development activities will not impact any riparian/riverine/vernal pool plant species, vernal pools, or narrow endemic plant species. Future development of the site is not expected to generate significant impacts to any biological resources.

- Habitat Fragmentation and Wildlife Movement. The property is located in an area where habitat has been significantly fragmented due to past development activities, and the incremental loss of wildlife habitat is expected to be very minimal. There are no wildlife corridors present on the site or in adjacent areas, and the proposed project will not impede regional wildlife movement or impact any MSHCP-designated corridors or habitat linkages.
Therefore the future site development will not have substantial impacts with regard to habitat fragmentation and regional wildlife movement.

- Critical and Sensitive Habitat. Future development will not have any impact on any critical or sensitive habitats.

- Jurisdictional Waters. Future development activities will not impact any jurisdictional waters either on the site or in adjacent areas.

- Application of CEQA Guidelines – Section 15370.
  - Avoidance of Impacts: Development will not generate any significant impacts to biological resources.
  - Minimization of Impacts: Future development of the site will not impact any sensitive plant community.
  - Rectifying Impacts: No mitigation will be required based on the results of the January 2014 field investigations.
  - Impacts:

No impacts to biological resources will result from the project and no mitigation measures are required.
### 3.5 CULTURAL RESOURCES

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §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 CEQA Guidelines §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>
<td></td>
</tr>
</tbody>
</table>

#### 3.5(a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines § 15064.5?

**Determination: No Impact.**

*Source: City of Banning General Plan, BCR Consulting, LLC, Cultural Resources Assessment, May 1, 2017*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

Historic resources generally consist of buildings, structures, improvements, and remnants associated with a significant historic event or person(s) and/or have a historically significant style, design, or achievement. Damaging or demolition of historic resources is typically considered to be a significant impact. Impacts to historic resources can occur through direct impacts, such as destruction or removal, and indirect impacts, such as a change in the setting of a historic resource.

CEQA Guidelines §15064.5(a) clarifies that historical resources include the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.
2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements [of] section 5024.1(g) of the Public Resources Code.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

The majority of the site is covered by disturbed, ruderal vegetation. Sporadic ornamental plant and tree species were also found on site. Given the current conditions of the site, it does not appear that any surface cultural resources are present on the site. In addition, the site also does not appear on the Riverside County Historic Resources Survey Architectural Survey Forms provided by the Riverside County Parks Department. Moreover, in accordance with AB 52, the respective Indian Tribes were notified of the proposed subdivision. The City did receive comments and consulted with The Morongo Band of Mission Indians, Agua Caliente Band of Cahuilla Indians and Soboba Band of Luiseño Indians. Agua Caliente Band of Cahuilla Indians requested a records search and physical survey of the site. A full report has been prepared, both record search and physical survey by BCR Consulting, LLC, May 1, 2017.

As stated above, a Cultural Resources records search and field survey were conducted for the project by, BCR Consulting, LLC, May 1, 2017. The records search revealed that 14 cultural resource studies have taken place resulting in the recording of 105 cultural resources within one-mile of the project site. Of these resources, 104 were historic-period and one was a prehistoric archaeological site. The nearest historic-period resource was a single-family residence adjacent to the northwest of the project site. The only prehistoric resource in the records search radius was a prehistoric habitation site (designated P-33-99) located approximately ½ mile to the northwest of the project site. Of the 14 previous studies, none has assessed the project site. No cultural resources have been previously recorded within its boundaries.

During the field survey, BCR Consulting archaeologists did not discover any cultural resources (including prehistoric or historic-period archaeological sites or historic-period buildings) within the project site boundaries. Based on these results, BCR Consulting recommends a finding of no impacts to historical resources under CEQA. BCR Consulting also recommends that no additional cultural resources work or monitoring is necessary during proposed activities associated with the development of the project site. However, if previously undocumented cultural resources are identified during earthmoving activities, a qualified archaeologist should be contacted to assess the nature and significance of the find, diverting construction excavation if necessary. The City of Banning standard conditions of approval for the project address the discovery of Cultural Resources.

Therefore, there will be no impact to historical resources as a result of the Project and no mitigation measures are required. Tribal Cultural Resources are assessed in section 3.17 where mitigation measures are proposed for the project.

3.5(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines § 15064.5?

Determination: No Impact.
Source: City of Banning General Plan

Plans, Policies, or Programs (PPP)
There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Archaeological sites are locations that contain resources associated with former human activities, and may contain such resources as human skeletal remains, waste from tool manufacture, tool concentrations, and/or discoloration or accumulation of soil or food remains.

As stated in 3.5 (a) above, there will be no impact to an archaeological resource as a result of the Project and no mitigation measures are required.

3.5(c) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

**Determination: No Impact.**

*Sources: City of Banning General Plan*

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Paleontological resources are the preserved fossilized remains of plants and animals. Fossils and traces of fossils are preserved in sedimentary rock units, particularly fine- to medium grained marine, lake, and stream deposits, such as limestone, siltstone, sandstone, or shale, and in ancient soils. They are also found in coarse-grained sediments, such as conglomerates or coarse alluvium sediments. Fossils are rarely preserved in igneous or metamorphic rock units. Fossils may occur throughout a sedimentary unit and, in fact, are more likely to be preserved subsurface, where they have not been damaged or destroyed by previous ground disturbance, amateur collecting, or natural causes such as erosion.

The Project site has been disturbed and the potential for paleontological resources to be present at the Project site is considered low. Therefore; there will be no impact to a paleontological resource or site and no mitigation is required.

3.5(d) *Disturb any human remains, including those interred outside of formal cemeteries?*

**Determination: No Impact.**
Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts relating to disturbing human remains. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PPP 3.5-1 The project is required to comply with the applicable provisions of California Health and Safety Code §7050.5, Public Resources Code §5097 et. seq., and provisions of AB 52 concerning consideration of Tribal Cultural Values in determination of project impacts and mitigation.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The Project site does not contain a cemetery and no known formal cemeteries are located within the immediate site vicinity. As noted in the response to Issue 3.5 (a) above, the Project site has been disturbed and the potential for uncovering human remains at the Project site is considered low. Nevertheless, the remote potential exists that human remains may be unearthed during grading and excavation activities associated with Project construction.

In the event that human remains are discovered during Project grading or other ground disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code §7050.5 as well as Public Resources Code §5097 et. seq. California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner.

If the Coroner determines the remains to be Native American, the California Native American Heritage Commission (NAHC) must be contacted and the NAHC must then immediately notify the “most likely descendant(s)” of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.

Based on the analysis above, with implementation of PPP 3.5-1, there will be no impacts and no mitigation measures are required.
### 3.6 GEOLOGY AND SOILS

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>2) Strong seismic ground shaking?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>3) Seismic-related ground failure, including liquefaction?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>4) 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-site or offsite 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 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 waste water disposal systems where sewers are not available for the disposal of waste water?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3.6 (a) (1) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

**Determination: Less Than Significant Impact**

Source: EnGen Corp., Geotechnical Engineering Study, TT 36710, April 4, 2014, Banning General Plan

**Plans, Policies, or Programs (PPP)**
There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Design Features relating to this issue.

**Impact Analysis**

A geotechnical engineering study of the subsurface conditions of the subject site was performed on January 15th and 20th, 2014 by EnGen Corporation. Six exploratory borings were advanced and six exploratory backhoe test pits were excavated across the subject property. The results of the surface and subsurface investigations determined that the site is not located within and Alquist-Priolo Earthquake Fault Zone. No known active faults traverse the property. The closest mapped fault to the subject property is the San Gorgonio Pass Fault which is located approximate ½ mile north of the subject site as shown in Figure 3. The San Bernardino branch of the San Andreas Fault is located approximately 2 ¾ mile north northeast of the subject site.

![Figure 3](image)

Consequently, in light of the EnGen geotechnical findings, impacts will be less than significant and no and no mitigation is required.
3.6 (a) (2) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?

Determination: Less Than Significant Impact

Source: EnGen Corp., Geotechnical Engineering Study, TT 36710, April 4, 2014, Banning General Plan

Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts relating to seismic ground shaking. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PPP 3.6 -1 The project is required to comply with the California Building Standards Code and City Building Code to preclude significant adverse effects associated with seismic hazards.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The EnGen Corporation Geotechnical Engineering Study, dated April 4, 2014 reports that the subject site is located within a seismically active region near the active margin between the North American and Pacific tectonic plates. The city of Banning lies within the Transverse Ranges geomorphic province, while the southern edge of Banning area is located within the Peninsular Ranges geomorphic province with the San Gorgonio Pass defining the boundary between the two regions. The primary seismic risk at the project site is a potential earthquake along the San Andreas Fault. Impacts associated with seismic ground shaking will be less than significant in that the project is subject to review and approval by the Banning Building and Safety Division. Housing units shall be constructed in accordance with the California Building Codes.

Pursuant to PPP 3.6-1, impacts associated with seismic ground shaking will be less than significant and no mitigation is required.

3.6 (a) (3) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?

Determination: Less Than Significant Impact.


Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts relating to seismic ground shaking. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:
PPP 3.6-1  The project is required to comply with the California Building Standards Code and City Building Code to preclude significant adverse effects associated with seismic hazards.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Liquefaction is a phenomenon in which loose, saturated, relatively cohesion-less soil deposits lose shear strength during strong ground motions. The factors controlling liquefaction are:

- Seismic ground shaking of relatively loose, granular soils that are saturated or submerged can cause soils to liquefy and temporarily behave as a dense fluid. For liquefaction to occur, the following conditions have to occur: Intense seismic shaking;
- Presence of loose granular soils prone to liquefaction; and
- Saturation of soils due to shallow groundwater.

According to the EnGEN Corp. Geotechnical Engineering Study dated April 4, 2014, the project site is not situated within a known liquefaction hazard area as the depth to groundwater at the site is in excess of 400 feet below existing ground surface which renders the site considerably less susceptible to liquefaction. The EnGEN Soils Percolation Feasibility Study, dated March 24, 2014, moreover cites that no evidence of historical high groundwater conditions was observed during boring tests (EnGEN Corp. Soils Percolation Feasibility Study, March 24, 2014, pg. 2).

Consequently, the potential for soil liquefaction at the site appears unlikely and no significant impacts are anticipated as a result of liquefaction. No mitigation is required.

3.6 (a) (4) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?

Determination: No Impact.

Source: EnGen Corp., Geotechnical Engineering Study, TT 36710, April 4, 2014, Banning General Plan

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Generally, a landslide is defined as the downward and outward movement of loosened rock or earth down a hillside or slope. Landslides can occur either very suddenly or slowly, and frequently accompany other natural hazards such as earthquakes, floods, or wildfires. Landslides can also be
induced by the undercutting of slopes during construction, improper artificial compaction, or saturation from sprinkler systems or broken water pipes.

Due to the flat gradient of the site, the massive nature of subsurface soils, the strength of these soils and the absence of known landslides within or immediately adjacent to the site, the potential for land-sliding at the site was judged to be low. Based on the EnGen Corp. Geotechnical Engineering Study dated April 4, 2014, with implementation of PPP 3.6-1, impacts would be less than significant and no mitigation measures are required.

### 3.6(b) Result in substantial soil erosion or the loss of topsoil?

#### Determination: Less than Significant with Mitigation

*Sources: Project Application Materials, EnGen Corp., Geotechnical Engineering Study, TTM 36710, April 4, 2014, Banning General Plan*

#### Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts related to soil erosion. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

**PPP 3.6-2** Prior to grading permit issuance, the Project Proponent shall prepare a *Stormwater Pollution Prevention Plan*. Project contractors shall be required to ensure compliance with the Stormwater Pollution Prevention Plan and permit periodic inspection of the construction site by City of Banning staff and the state water resources control board staff.

#### Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

#### Impact Analysis

Soils in the project area have already been disturbed by previous activities. Therefore, the loss of topsoil is not a potential impact. Construction activities may nevertheless cause soil erosion if the sites are not properly designed. The potential of soil erosion would be minimized through implementation of the EnGen Corp. Geotechnical Engineering Study, dated April 4, 2014 recommendations for earthwork and grading. Moreover, the applicant is required to prepare a *Stormwater Pollution Prevention Plan* (SWPPP) in compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) General Contract Permit. The SWPPP would also prescribe temporary Best Management Practices (BMP’s) to control wind and water erosion during and shortly after construction of the project. With implementation of the recommendation cited in the EnGen Corpo Geotechnical Engineering Study, in conjunction with NPDES requirements, impacts arising from the project will be less than significant with mitigation.

#### Mitigation Measure:

*Source: EnGEN Corp. Geotechnical Engineering Study, TTM 36710, April 4, 2014*
MM-1 GEO-1  Developer shall adhere to the recommendations cited in the EnGEN Corp Geotechnical Engineering Study with regard to the project's development per Section 8.0.

3.6(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 offsite landslide, lateral spreading, subsidence, liquefaction or collapse?**

Determination: Less Than Significant Impact with Mitigation

*Source: Project Application Materials, EnGen Corp., Geotechnical Engineering Study, TT 36710, April 4, 2014, Banning General Plan*

**Plans, Policies, or Programs (PPP)**

The following apply to the Project and would reduce impacts relating to an unstable geologic unit. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PPP 3.6-1  The project is required to comply with the California Building Standards Code and City Building Code to preclude significant adverse effects associated with seismic hazards.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The Project site is flat and gently sloping and contains no substantial natural or man-made slopes. There is no evidence of on-site landslides on or near the Project site, nor are there any exposed boulders that could result in rock fall hazards. As such, there will no impacts associated with landslides and rock fall hazards.

Based on the EnGen Corp., Geotechnical Engineering Study, TT 36710, April 4, 2014, Soil classification and expansion index indicates that near surface soils have a very low expansion potential. Ultimately, based on the EnGen field and laboratory data and engineering analysis performed, the project is feasible from a geotechnical engineering standpoint.

With the project recommended mitigation MM GEO-1 as cited in the EnGen report, impacts will be less than significant.

3.6(d)  
**Be located on expansive soil, as defined in the Uniform Building Code, creating substantial risks to life or property?**

Determination: Less than Significant Impact with Mitigation

*Source: Project Application Materials, EnGen Corp., Geotechnical Engineering Study, TT 36710, April 4, 2014, Banning General Plan*
Plains, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts relating to expansive soils. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PPP 3.6-1  The project is required to comply with the California Building Standards Code and City Building Code to preclude significant adverse effects associated with seismic hazards.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Expansive soils are those that undergo volume changes as moisture content fluctuates; swelling substantially when wet or shrinking when dry. Soil expansion can damage structures by cracking foundations, causing settlement and distorting structural elements. The following mitigation will reduce impacts to less than significant.

With implementation of MM GEO-1, impacts associated with expansive soils will be less than significant.

3.6(e)  Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Determination: No Impact.

Source: Application Materials, EnGen Corp., Geotechnical Engineering Study, TT 36710, April 4, 2014, Banning General Plan

Plains, Policies, or Programs (PPP)

There are no Plans, Policies, Programs, or Standard Conditions applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The Project does not propose the use of septic tanks or alternative waste water disposal systems. The Project would install domestic sewer infrastructure and connect to the City of Banning Sewer District’s existing sewer conveyance and treatment system. As such, there are no impacts and no mitigation measures are required.
3.7 GREENHOUSE GAS EMISSIONS

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With 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>
<td></td>
</tr>
</tbody>
</table>

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

Determination: Less Than Significant Impact.


Plains, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts relating to greenhouse gas emissions. This measure will be included in the project's Mitigation Monitoring and Reporting Program:

PPP 3.7-1 Prior to issuance of the first residential building permit, the Project Applicant shall submit energy usage calculations in the form of a Title 24 Compliance Report to the City of Banning Building & Safety Department showing that the Project will be constructed in compliance with the most recently adopted edition of the applicable California Building Code Title 24 requirements.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Greenhouse Gases (GHGs): Gases that trap heat in the atmosphere are commonly referred to as "greenhouse gases," because they function like a greenhouse by letting light in while preventing heat from escaping. Naturally occurring GHGs include water vapor, carbon dioxide (CO₂), methane (CH₄) and nitrogen dioxides/oxides (N₂O and NOₓ). The natural accumulation of GHGs in the atmosphere has a warming effect on the Earth's temperature. Without these natural GHGs, the Earth's temperature would be cooler.

In addition to the naturally occurring gases, man-made chemicals also act as GHGs and include the following common compounds: chlorofluorocarbons (CFCs), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆), ozone (O₃), and aerosols. It is believed that emissions from human activities, such as electricity production and vehicle use, have elevated the
concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations.

Individual greenhouse gas compounds have varying global warming potential and atmospheric lifetimes. Carbon dioxide (CO₂), the reference gas for global warming potential, has a global warming potential of one. The global warming potential of a greenhouse gas is a measure of how much a given mass of a greenhouse gas is estimated to contribute to global warming. To describe how much global warming a given type and amount of greenhouse gas may cause, the carbon dioxide equivalent (CO₂ e) is used. The calculation of the carbon dioxide equivalent is a consistent methodology for comparing greenhouse gas emissions since it normalizes various greenhouse gas emissions to a consistent reference gas, carbon dioxide. For example, methane's warming potential of 21 indicates that methane has 21 times greater warming effect than carbon dioxide on a molecule per molecule basis. A carbon dioxide equivalent is the mass emissions of an individual greenhouse gas multiplied by its global warming potential. Greenhouse gases defined by AB 32 include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

This analysis is restricted to greenhouse gases identified by AB 32 and the CEQA Guidelines (section 15364.5), which include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. The project would generate a variety of greenhouse gases during construction and operation, including several defined by AB 32 and the CEQA Guidelines such as carbon dioxide, methane and nitrous oxide.

**Construction Greenhouse Gas Emissions Impact**

CaIEEMod was used to estimate onsite and offsite emissions. Greenhouse gas emissions from project construction equipment and worker vehicle emissions are shown below in Table 12. The emissions are from all phases of construction. The total construction emissions amortized over a period of 30 years are estimated at 19.08 metric tons of CO₂e per year.

**Table 12. Construction Greenhouse Gas Emissions**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Emissions (MTCO₂e)</th>
<th>Onsite</th>
<th>Offsite</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Preparation</td>
<td>18.27</td>
<td>0.63</td>
<td>18.90</td>
<td></td>
</tr>
<tr>
<td>Grading</td>
<td>86.46</td>
<td>2.08</td>
<td>88.54</td>
<td></td>
</tr>
<tr>
<td>Building Construction</td>
<td>359.71</td>
<td>80.47</td>
<td>440.18</td>
<td></td>
</tr>
<tr>
<td>Paving</td>
<td>20.50</td>
<td>1.00</td>
<td>21.50</td>
<td></td>
</tr>
<tr>
<td>Coating</td>
<td>2.56</td>
<td>0.60</td>
<td>3.16</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>487.50</td>
<td>84.78</td>
<td>572.28</td>
<td></td>
</tr>
<tr>
<td>Averaged over 30 years</td>
<td>16.25</td>
<td>2.83</td>
<td>19.08</td>
<td></td>
</tr>
</tbody>
</table>

**Operational Greenhouse Gas Emissions Impact**

Operational or long-term emissions occur over the life of the project. The operational emissions for the project are 800.19 metric tons of CO₂e per year as shown in Table 13 below. The operational emissions refer to emissions with the incorporation of regulations that would further reduce emissions.
Table 13. Project Greenhouse Gas Emissions During Operation

<table>
<thead>
<tr>
<th>Emissions Source</th>
<th>Emissions (MTCO₂e) with Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile Source</td>
<td>452.91</td>
</tr>
<tr>
<td>Energy Source</td>
<td>231.62</td>
</tr>
<tr>
<td>Area Source</td>
<td>38.63</td>
</tr>
<tr>
<td>Water</td>
<td>32.40</td>
</tr>
<tr>
<td>Waste</td>
<td>25.55</td>
</tr>
<tr>
<td>Subtotal (operational)</td>
<td>781.11</td>
</tr>
<tr>
<td>Subtotal Construction (averaged over 30 years)</td>
<td>19.08</td>
</tr>
<tr>
<td>Total Annual Emissions</td>
<td>800.19</td>
</tr>
</tbody>
</table>

The project’s operational GHG emissions are below the SCAQMD’s significance threshold. Therefore, the project will not result in significant construction emissions (see table 14 below).

Table 14. Significance of Greenhouse Gases

<table>
<thead>
<tr>
<th>Item</th>
<th>Emissions with Regulation</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Annual Emissions</td>
<td>800</td>
<td>MTCO₂e/year</td>
</tr>
<tr>
<td>SCAQMD Draft Tier 3/CAP Threshold</td>
<td>3,000</td>
<td>MTCO₂e/year</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Exceed Tier 3 Threshold?</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Significant impact?</td>
<td>No</td>
</tr>
</tbody>
</table>

Because climate change impacts are cumulative in nature, no typical single project can result in emissions of such a magnitude that it, in and of itself, would be significant on a project basis. The project’s operational emissions of 2,000 MT/yr of CO₂e are less than the SCAQMD-recommended interim threshold of 3,500 MT/yr of CO₂e for residential uses. Therefore, the proposed project would not result in a significant impact on GHG emissions.

CO Hot Spot Analysis

Given the relatively low level of CO concentrations in the project area, project-related vehicles are not expected to result in the CO concentrations exceeding the State or federal CO standards. Because no CO hot spot would occur, there would be no project-related impacts on CO concentrations.

The project would generate direct and indirect greenhouse gas emissions; however, these emissions would not result in a significant impact on the environment. As such, impacts are less than significant and no mitigation measures are required.

3.7(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Determination: Less Than Significant Impact.


Plans, Policies, or Programs (PPP)
There are no Plans, Policies or Programs related to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. As such, impacts are less than significant and no mitigation measures are required.

Based on the analysis above, with implementation of PPP 3.7-1, impacts would be less than significant.
3.8 HAZARDS AND HAZARDOUS MATERIALS

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With 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, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and, as a result, would it create a significant hazard to the public or the environment?</td>
<td></td>
<td></td>
<td></td>
<td>[ ]</td>
</tr>
<tr>
<td>e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project 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 Project 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>

3.8(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

**Determination: No Impact**

*Source: City of Banning General Plan, Hazardous and Toxic Materials Element.*

**Plans, Policies, or Programs (PPP)**
The transport, use or disposal of hazardous materials in the unlikely event these materials are uncovered shall adhere to the regulations pertaining regulating the handling and transport of these items. The following PPP applies to the Project and would reduce impacts relating to this issue. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PPP 3.8-1 The Project is subject all applicable federal, state, and local laws and regulations regarding hazardous materials, including but not limited requirements imposed by the Environmental Protection Agency, California Department of Toxic Substances Control, South Coast Air Quality Management District, and the Santa Ana Regional Water Quality Control Board.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Existing Site Conditions

The construction of single family homes on the proposed project site will not result in significant impacts associated with hazardous materials. The City implements the standards of the Household Hazardous Waste programs through its waste provider. These regulations and standards ensure that impacts to surrounding areas, or within the project itself, are less than significant. No Mitigation Measures are proposed.

Operational Activities

The Project site would be developed with residential land uses which are land uses not typically associated with the transport, use, or disposal of hazardous materials. Although residential land uses may utilize household products that contain toxic substances, such as cleansers, paints, adhesives, and solvents, these products are usually in low concentration and small in amount and would not pose a significant risk to humans or the environment during transport to/from or use at the Project site. No mitigation measures are proposed and no impacts will result.

3.8(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?

Determination: Less than Significant

Sources: City of Banning General Plan, Hazardous and Toxic Materials Element.

Plans, Policies, or Programs (PPP)

There are numerous regulations pertaining to the accidental release of hazardous materials. The following PPP applies to the Project and would reduce impacts relating to this issue. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:
PPP 3.8-1  The Project is subject all applicable federal, state, and local laws and regulations regarding hazardous materials, including but not limited requirements imposed by the Environmental Protection Agency, California Department of Toxic Substances Control, South Coast Air Quality Management District, and the Santa Ana Regional Water Quality Control Board.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

Accidents involving hazardous materials that could pose a significant hazard to the public or the environment would be highly unlikely during the construction and long-term operation of the Project and are not reasonably foreseeable. The transport, use and handling of hazardous materials on the Project site during construction is a standard risk on all construction sites, and there would be no greater risk for upset and accidents than would occur on any other similar construction site.

Upon build-out, the Project site would operate as a residential community, which is a land use type not typically associated with the transport, use, or disposal of hazardous materials that could be subject to upset or accident involving the release of hazardous materials into the environment.

Based on the analysis above, with implementation of PPP 3.8-1, impacts would be less than significant and no mitigation measures are required.

---

**3.8(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

**Determination: No Impact**

*Sources: Project Application Materials, Google Earth.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The project site is a proposed residentially subdivision. The future occupants of the single-family subdivision would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing school because the residential project does not propose the use of hazardous materials. There would be no impact related to hazardous emissions or the handling of hazardous materials near schools resulting from implementation of the project.
3.8(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Determination: No Impact.

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. No impact would occur and no mitigation measures are required.

3.8(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area?

Determination: Less Than Significant Impact.

Source: Riverside County Airport Land Use Commission response, December 16, 2016.

Plans, Policies, or Programs (PPP)

Project Design Features (PDF)

PDF 3.8-1 The Applicant is proposing a Planned Unit Development (PUD) to permit a housing density of 4.5 dwelling units per acre.

Impact Analysis

The project is located within Zone D of the Banning Municipal Airport Influence Area. The Riverside County Airport Land Use Compatibility (RCALUC) Plan assigns various zones which either prohibit, control or guide development within each district's airport influence area. Each specific alpha character, with Zone “A” being most restrictive based on safety and airspace protection factors and concerns to “E”, less restrictive incorporate site specific density provisions for housing development and other uses. Zone D as noted in Figure 4 is classified as a “Primary Traffic Pattern and Runway Buffer Area”. Table 3A of the RCALUC cites Zone D Risk Level as “Low”. The table indicates that 20% to 30% of general aviation accidents take place in this zone. However the large area encompassed by this district as noted in Figure 5 means a low likelihood of accident occurrence in any given location. The primary concern is with uses for which potential consequences are severe, such as with very-high intensity level development in a confined area and noise impacts. For project’s located within a an airport influence area, the Riverside County Airport
Land Use Commission (ALUC) is responsible for reviewing the plans, regulations and land use actions of local agencies for consistency with the RCALUC. ALUC’s have no authority over existing land uses. The authority of the ALUC extends only to land in the vicinity of airports that is “not already devoted to incompatible uses”.

**Figure 4**
The proposed subdivision and location in Zone D of the Banning Airport Compatibility zone is subject to ALUC review and qualifies as a Major Land Use Action. The scope or character of certain major land uses actions are listed below and is such that their compatibility with airport activity is a potential concern.

1) Any proposed expansion associated with future annexation of land to a city or special district.
2) Proposed pre-zoning associated with future annexation of land to a city.
3) Proposed development agreements or amendments to such agreements.
4) Proposed residential development, including land divisions, consisting of five or more dwelling units or lots.
5) Any discretionary development proposal for projects having a building floor area of 20,000 square feet or greater unless only ministerial approval (e.g., a building permit) is required.
6) Major capital improvements.
7) Proposed land acquisitions by a government entity
8) Any off-airport, nonaviation use of land within Zone A
9) Proposal for new development having a height of more than:
   - 35 feet within Compatibility Zone B1, B2 or a Height Review Overlay Zone;
   - 70 feet within Compatibility Zone C; or
   - 150 feet within Compatibility Zone D or E.
10) Any obstruction reviewed by the Federal Aviation Administration.
11) Any project having the potential to create electrical or visual hazards to aircraft in flight.
12) Projects having the potential to cause attraction of birds or other wildlife that can be hazardous to aircraft operations.

As shown in Figure 4, the residential development provisions in the Zone D, paragraph (1) require the average parcel size less than or equal to 0.2 or a housing density greater than or equal to 5 units per acre. The RCALUC rational for a higher residential density is premised on the basis that noise concerns can be minimized either by limiting the number of dwelling units in affected areas or by allowing high-density development which tends to have comparatively high ambient noise levels.

The average lot size based on RCALUC requirements is approximately 8,712 square feet. The project’s average lot size is 6,035 square feet. The project was considered by ALUC as the subdivision net density is less than the minimum five units per acre required by the RCALUC. Table 15 below denotes the subdivision’s current unit density.

**Table 15: Project Density Characteristics**

<table>
<thead>
<tr>
<th>Gross Area</th>
<th>10.67 Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Gross Density</td>
<td>4.31 du/Gross Acre</td>
</tr>
<tr>
<td>Net Area</td>
<td>10.15 acres</td>
</tr>
<tr>
<td>Total Net Density</td>
<td>4.53 du/Net Acre</td>
</tr>
<tr>
<td>Zone D</td>
<td>≥ 5 du/ac</td>
</tr>
</tbody>
</table>

Riverside County Airport Land Use Commission Reviewed the project for potential conflicts with the current Airport Land Use Plan and provided the following statement.

On December 8, 2016 the Riverside County Airport Land Use Commission (ALUC) found City of Banning Case No. 15-7004 (Tentative Tract Map 36710), a proposal to divide 10.67 acres located on the northerly side of Wilson Street, westerly of Florida Street, southerly of Hoffer Street, and easterly of Alessandro Road into 46 single-family residential lots, one drainage basin lot, and one open space lot, **CONSISTENT** with the 2004 Banning Municipal Airport Land Use Compatibility Plan, as amended in 2016, pursuant to Policy 3.3.6 of the Countywide Policies based on special Findings 1 and 2 specified below and subject to the following conditions:

**FINDINGS FOR A DETERMINATION OF CONSISTENCY PURSUANT TO POLICY 3.3.6 OF THE COUNTYWIDE POLICIES OF THE 2004 RIVERSIDE COUNTY AIRPORT LAND USE COMPATIBILITY PLAN:**

1. The City of Banning has guidelines requiring a minimum lot width of fifty (50) feet, thus limiting the applicant’s ability to increase the project density within the single-family residential design model, which generally provides for lots that are 50-60 feet in width.
2. There are significant amounts of open area in the immediate vicinity, to wit, existing baseball and soccer fields on the school properties located along the south side of Wilson Street opposite from and to the southwest of the project site, which can supplement the open area provided on-site in serving as potential emergency landing areas.

Therefore the project will not have a significant effect on the environment as the City of Banning has adopted the 2004 Airport Land Use Plan and requires all new development to remain in
compliance with the provisions of the Land Use Plan. This requirement is included in the typical Conditions of Approval for this project and requires no further analysis.

3.8(f) For a project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?

Determination: Less than Significant

Source: Riverside County Airport Land Use Commission response, December 16, 2016.

Plans, Policies, or Programs (PPP)

The City of Banning has adopted the 2004 Banning Airport Land Use Plan which guides development in the area. All projects are conditioned to comply with the Airport Land Use Plan.

Project Design Features (PDF)

PDF 3.8-1 The Applicant is proposing a Planned Unit Development (PUD) to permit a housing density of 4.5 dwelling units per acre.

Impact Analysis

The project is located within Zone D of the Banning Municipal Airport Influence Area. The Riverside County Airport Land Use Compatibility (RCALUC) Plan assigns various zones which either prohibit, control or guide development within each district’s airport influence area. Each specific alpha character, with Zone “A” being most restrictive based on safety and airspace protection factors and concerns to “E”, less restrictive incorporate site specific density provisions for housing development and other uses. Zone D as noted in Figure 5 is classified as a “Primary Traffic Patten and Runway Buffer Area”. Table 3A of the RCALUC cites Zone D Risk Level as “Low”. The table indicates that 20% to 30% of general aviation accidents take place in this zone. However the large area encompassed by this district as noted in Figure 5 means a low likelihood of accident occurrence in any given location. The primary concern is with uses for which potential consequences are severe, such as with very-high intensity level development in a confined area and noise impacts. For projects located within an airport influence area, the Riverside County Airport Land Use Commission (ALUC) is responsible for reviewing the plans, regulations and land use actions of local agencies for consistency with the RCALUC. ALUC’s have no authority over existing land uses. The authority of the ALUC extends only to land in the vicinity of airports that is "not already devoted to incompatible uses".

Therefore the project will not have a significant effect on the environment as the City of Banning has adopted the 2004 Airport Land Use Plan and requires all new development to remain in compliance with the provisions of the Land Use Plan. This requirement is included in the typical Conditions of Approval for this project and requires no further analysis.

3.8(g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
Determination: Less Than Significant Impact.

Sources: Banning General Plan, Public Services and Facilities, Chapter VI.

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Activities associated with the proposed project would not impede existing emergency response plans for the project site and/or other land uses in the project vicinity. The project would not result in any closures of existing roadways that might have an effect on emergency response or evacuation plans in the vicinity of the project site. In addition, all vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. Accordingly, implementation of the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Consequently, impacts would be less than significant.

3.8 (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?

Determination: Less than Significant

Source: Banning General Plan, Public Services and Facilities, Chapter VI.

Plans, Policies, or Programs (PPP)

There are no Plans, Policies or Programs applicable to the project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, because there are no wildlands adjacent to this site. The project site is in an urban area and is not located in fire prone area. Therefore, the project will not expose people, structures, or infrastructure to risks of wildland fires. Consequently, impacts would be less than significant.
### 3.9 HYDROLOGY AND WATER QUALITY

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Violate any water quality standards or waste discharge requirements?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner, which would result in substantial erosion or siltation on- or offsite?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or offsite?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Create or contribute runoff which would exceed 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 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>
<td></td>
</tr>
<tr>
<td>h. Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>j. Inundation by seiche, tsunami, or mudflow?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3.9(a) Violate any water quality standards or waste discharge requirements?

Determination: Less Than Significant Impact.


Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts relating water quality and waste discharge requirements. These measures will be included in the project’s Mitigation Monitoring and Reporting Program:

PPP 3.9-1 Prior to grading permit issuance, the Project Proponent shall obtain a National Pollutant Discharge Elimination System permit from the State Resources Control Board. Evidence that an National Pollutant Discharge Elimination System permit has been issued shall be provided to the City of Banning prior to issuance of the first grading permit.

PPP 3.9-2 Prior to grading permit issuance, the Project Proponent shall prepare a Storm water Pollution Prevention Plan. Project contractors shall be required to ensure compliance with the Storm water Pollution Prevention Plan and permit periodic inspection of the construction site by City of Jurupa Valley staff or its designee to confirm compliance.

PPP 3.9-3 During construction, Project contractors shall be required to ensure compliance with the Project’s Water Quality Management Plan associated with the Project and permit periodic inspection of the construction site by City of Banning staff or its designee to confirm compliance.


Project Design Features (PDF)

The following is incorporated into the Project by the applicant, and would reduce impacts related to water quality and discharge requirements. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PDF 3.9-1 Tentative Tract Map No. 36710 provides for 64,469 cubic foot (1.48 acre foot) water quality basin and infiltration. These areas shall be designed to manage water quality runoff to the satisfaction of the City Engineer and in accordance with the United Engineering Group Preliminary Drainage Report, September 6, 2016.
Impact Analysis

Construction

Construction of the Project would involve clearing, grading, paving, utility installation, building construction, and the installation of landscaping, which would result in the generation of potential water quality pollutants such as silt, debris, chemicals, paints, and other solvents with the potential to adversely affect water quality. As such, short-term water quality impacts have the potential to occur during construction of the Project in the absence of any protective or avoidance measures.

Pursuant to the requirements Chapter 13.24 of the City of Banning Municipal Code, the Project would be required to obtain a National Pollutant Discharge Elimination System Municipal Stormwater Permit for construction activities. The National Pollutant Discharge Elimination System permit is required for all Projects that include construction activities, such as clearing, grading, and/or excavation that disturb at least one acre of total land area.

In addition, the Project would be required to comply with the Colorado River Regional Water Quality Control Board’s Colorado River Basin Water Quality Control Program. Compliance with the National Pollutant Discharge Elimination System permit and the Colorado River Basin Water Quality Control Program involves the preparation and implementation of a Storm Water Pollution Prevention Plan for construction-related activities, including grading. The Storm Water Pollution Prevention Plan would specify the Best Management Practices that the Project would be required to implement during construction activities to ensure that all potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property.

Operation

Storm water pollutants commonly associated with the land uses proposed by the Project (i.e., residential) include sediment/turbidity, nutrients, trash and debris, oxygen-demanding substances, organic compounds, bacteria and viruses, oil and grease, pesticides, and metals.

Pursuant to the requirements of the City’s National Pollutant Discharge Elimination System permit, a Water Quality Management Plan (WQMP) is required for managing the quality of storm water or urban runoff that flows from a developed site after construction is completed and the facilities or structures are occupied and/or operational. A WQMP describes the Best Management Practices that will be implemented and maintained throughout the life of a project to prevent and minimize water pollution that can be caused by storm water or urban runoff.

Based on the analysis above, with implementation of PPP 3.9-1 through PPP 3.9-4 and PDF 3.9-1, impacts would be less than significant and no mitigation measures are required.
3.9(b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

**Determination: Less Than Significant Impact.**

*Source: Tentative Tract Map 36710 United Engineering Group Preliminary Drainage Report, September 6, 2016, EnGEN Soils Percolation Feasibility Study for Infiltration Testing, TT 36710, March 24, 2014*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The sole source of potable water supply is provided by the City of Banning Water Utility Department. More than 30,000 residents in Banning depend on the Water Utility Department to provide water service to their homes and businesses. By supplying local groundwater pumped from City owned wells the department is able to meet the daily demands of these customers. The department provides plan reviews, design and construction management for Water Utility projects

The City’s Water Utility Department does not have an immediate concern with water supply reliability. Because the District’s water supply is groundwater, which is not subject to seasonal or year-to-year climatic change, it is not subject to short-term water shortages resulting from temporary dry weather conditions. The Water Utility Department and other groundwater users in the San Gorgonio Pass Sub Basin have been implementing ongoing groundwater management practices to extend the useful life of the groundwater resource to meet current and future demands. In the foreseeable future, the Water Utility Department will continue to be reliant on local groundwater supplies. The Water Utility Department will develop additional groundwater extraction and groundwater treatment facilities as needed to ensure a continuous and adequate water supply for its service area.

Based on the above analysis, the Project’s demand for domestic water service would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Impacts would be less than significant and no mitigation is required.

3.9(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or offsite?

**Determination: Less Than Significant Impact.**

*Source: Tentative Tract Map 36710, Drainage Study, WQMP*
Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts relating to soil erosion. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:


Project Design Features (PDF)

The following is incorporated into the Project by the applicant, and would reduce impacts related to soil erosion. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PDF 3.9-1  Tentative Tract Map No. 36710 provides for 64,469 cubic foot (1.48 acre foot) water quality basin and infiltration. These areas shall be designed to manage water quality runoff to the satisfaction of the City Engineer and in accordance with the United Engineering Group Preliminary Drainage Report, September 6, 2016.

Impact Analysis

The Construction of single family homes on the Project site will result in an increase in impermeable surfaces, and therefore an increase in runoff. The WQMP basins must be designed to retain a 100 year, three (3) hour storm event.

Based on the analysis above, with implementation of PPP 3.9-4 and PDF 3.9-1, impacts would be less than significant and no mitigation measures are required.

3.9(d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on or offsite?

Determination: Less Than Significant Impact.


Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts relating to flooding. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:


Project Design Features (PDF)
The following is incorporated into the Project by the applicant, and would reduce impacts related to flooding. This measure will be included in the Project’s Mitigation Monitoring and Reporting Program:

**PDF 3.9-1** Tentative Tract Map No. 36710 provides for 64,469 cubic foot (1.48 acre foot) water quality basin and infiltration. These areas shall be designed to manage water quality runoff to the satisfaction of the City Engineer and in accordance with the United Engineering Group Preliminary Drainage Report, September 6, 2016.

**Impact Analysis**

Based on the analysis above, with implementation of PPP 3.9-1 through PPP 3.9-4 and PDF 3.9-1, impacts would be less than significant and no mitigation measures are required.

**3.9(e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?**

**Determination: Less than Significant Impact.**

*Source: Tentative Tract Map 36710 United Engineering Group Preliminary Drainage Report, September 6, 2016, EnGEN Soils Percolation Feasibility Study for Infiltration Testing, TT 36710, March 24, 2014*

**Plans, Policies, or Programs (PPP)**

The following apply to the Project and would reduce impacts relating to drainage capacity and additional sources of polluted runoff. These measures will be included in the project’s Mitigation Monitoring and Reporting Program:

**PPP 3.9-1.** Prior to grading permit issuance, the Project Proponent shall obtain a National Pollutant Discharge Elimination System permit from the State Water Resources Control Board. Evidence that a National Pollutant Discharge Elimination System permit has been issued shall be provided to the City of Banning prior to issuance of the first grading permit.

**PPP 3.9-2** Prior to grading permit issuance, the Project Proponent shall prepare a Storm Water Pollution Prevention Plan (SWPPP). Project contractors shall be required to ensure compliance with the SWPPP and permit periodic inspection of the construction site by City of Banning staff or its designee to confirm compliance.

**PPP 3.9-3** During construction, Project contractors shall be required to ensure compliance with the Project’s Water Quality Management Plan associated with the Project and permit periodic inspection of the construction site by City of Banning staff or its designee to confirm compliance.


**Project Design Features (PDF)**
The following is incorporated into the Project by the applicant, and would reduce impacts related to drainage capacity and additional sources of polluted runoff. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PDF 3.9-1 Tentative Tract Map No. 36710 provides for 64,469 cubic foot (1.48 acre foot) water quality basin and infiltration. These areas shall be designed to manage water quality runoff to the satisfaction of the City Engineer and in accordance with the United Engineering Group Preliminary Drainage Report, September 6, 2016.

Impact Analysis

Water runoff from the site will be directed to the on-site water quality basin and an infiltration pit before discharging into the storm drain system.

Based on the analysis above, with implementation of PPP 3.9-1 through PPP 3.9-4 and PDF 3.9-1, impacts would be less than significant and no mitigation measures are required.

3.9(f) Otherwise substantially degrade water quality?

Determination: Less Than Significant Impact.

Sources: Project Application Materials.

Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts relating to water quality. These measures will be included in the project’s Mitigation Monitoring and Reporting Program:

PPP 3.9-1. Prior to grading permit issuance, the Project Proponent shall obtain a National Pollutant Discharge Elimination System permit from the State Water Resources Control Board. Evidence that a National Pollutant Discharge Elimination System permit has been issued shall be provided to the City of Banning prior to issuance of the first grading permit.

PPP 3.9-2 Prior to grading permit issuance, the Project Proponent shall prepare a Storm Water Pollution Prevention Plan. Project contractors shall be required to ensure compliance with the Stormwater Pollution Prevention Plan and permit periodic inspection of the construction site by City of Banning staff or its designee to confirm compliance.

PPP 3.9-3 During construction, Project contractors shall be required to ensure compliance with the Project’s Water Quality Management Plan associated with the Project and permit periodic inspection of the construction site by City of Banning staff or its designee to confirm compliance.


Project Design Features (PDF)
The following is incorporated into the Project by the applicant, and would reduce impacts related to water quality. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PDF 3.9-1 Tentative Tract Map No. 36710 provides for 64,469 cubic foot (1.48 acre foot) water quality basin and infiltration. These areas shall be designed to manage water quality runoff to the satisfaction of the City Engineer and in accordance with the United Engineering Group Preliminary Drainage Report, September 6, 2016.

Impact Analysis

There are no conditions associated with the proposed Project that could result in the substantial degradation of water quality beyond what is described above in Responses 3.9 (a), 3.9(c), and 3.9 (e).

Based on the analysis above, with implementation of PPP 3.9-1 through PPP 3.9-4 and PDF 3.9-1, impacts would be less than significant and no mitigation measures are required.

3.9(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?

Determination: No Impact.

Source: FEMA Information, Site within Zone X; denotes 500-yr flood area, United Engineering Group Preliminary Drainage Report for TTM 36710, September 6, 2016

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The site is not located in Flood Zone X, which denotes a 500-yr flood area as designated by FEMA

3.9(h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

Source: FEMA Information, Site within Zone X; denotes 500-yr flood area, United Engineering Group Preliminary Drainage Report for TTM 36710, September 6, 2016

Determination: No Impact.

Plans, Policies, Programs (PPP)

There are no Plans, Policies, Programs applicable to the Project relating to this issue.

Project Design Features (PDF)
There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Refer to Issue 3.9(g) above. The Project area is not within a 100-year flood hazard. No Impact would occur and no mitigation measures are required.

3.9(i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Source: FEMA Information. Site within Zone X; denotes 500-yr flood area, United Engineering Group Preliminary Drainage Report for TTM 36710, September 6, 2016

Determination: No Impact.

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

As noted Issue 3.9(g), the Project site is not subject to flooding. No dams, levees or water bodies exist in the immediate vicinity of the Project site that could adversely affect the site should a structural failure occur. No impact would occur and no mitigation measures are required.

3.9(f) Inundation by seiche, tsunami, or mudflow?

Determination: No Impact.

Sources: Project Application Materials, Google Earth

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The Project site would not be subject to inundation by a seiche, mudflow, and/or tsunami. No impact would occur and no mitigation measures are required.
### 3.10 LAND USE AND PLANNING

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Physically divide an established community?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**3.10(a) Physically divide an established community?**

**Determination: No Impact.**

*Sources: Project Application Materials, Google Earth*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

An example of a Project that has the potential to divide an established community includes the construction of a new freeway or highway through an established neighborhood. The Project site is an in-fill development consisting of 10.6 acres and located within proximity of residential development. Therefore, no impacts would occur with respect to dividing an established community.

**3.10(b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

**Determination: Less Than Significant Impact.**

*Source: City of Banning General Plan, Zoning Code.*
Plans, Policies, or Programs (PPP)

The applicable plans and policies relating to a conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect are described in the analysis below.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

As demonstrated throughout this Initial Study Checklist/Mitigated Negative Declaration, the Project would otherwise not conflict with any applicable goals, objectives, and policies of the General Plan, or the City of Banning Zoning Ordinance. The Project would not conflict with any applicable policy document, including, without limitation, the Western Riverside Multiple Species Habitat Conservation Plan, South Coast Air Quality Management District's Air Quality Management Plan, Southern California Association of Government's 2012, 2035 Regional Transportation Plan/Sustainable Communities Strategy, and Government's 2008 Regional Transportation Plan. The purpose of these plans are to avoid or mitigate an environmental effect.

In conclusion, the Project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating adverse environmental effects and impacts would be less than significant.

3.10(c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

Determination: Less than Significant


Plans, Policies, or Programs (PPP)

There are no Plans, Policies or Programs relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The Project site lies within the Pass Plan Area Plan Unit. The “Pass Plan Area Plan Unit” is a unit area of the MSHCP mapped by the Regional Conservation Authority (RCA), Western Riverside County. The RCA MSHCP Information mapping website lists the following environmental status of the project site:
- The Project site is not located within an MSHCP Criteria Cell (area proposed for conservation).
- The Project site is not located within a Cell group.
- The Project site is not in a criteria area species survey area.
- The Project site is not in a narrow endemic plan survey area.
- The Project site is not in a mammal, owl, or amphibian survey area.
- The property does not support any stream channels or desert

In conclusion, the RCA Associates LLC Biological report prepared for this project, dated January 16, 2014 determined that the 46 single family unit subdivision with regard to General Vegetation and Wildlife, that the impacts associated with displacement of threatened or endangered wildlife species given the past disturbance of the site is not anticipated to be significant. The project would displace certain wildlife, such as rodents and birds. However, the number of wildlife species that would be displaced is very low; Threatened, Endangered, and Species of Special Concern will not be impacted as a result of the project. Consequently, future development of the site is not expected to generate significant impacts to any biological resources; and lastly, impacts associated with Habitat Fragmentation and Wildlife Movement will not be affected as there are no wildlife corridors present on the site or in adjacent areas. Moreover, the project will not impede regional wildlife movement or impact any MSHCP-designated corridors or habitat linkages. Consequently, impacts will be less than significant and no mitigation is required. (RCA Associates LLC, Bio Report, pg. 7)
3.11 MINERAL RESOURCES

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3.11(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?

Determination: No Impact.

Sources: City of Banning General Plan, Environmental Resources, Chapter IV

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

No mineral resource extraction activity is known to have ever occurred on the property. According to mapping conducted by the California Geological Survey which maps areas known as Mineral Resources Zones (MRZs), the proposed Project site is mapped within MRZ-3, which is defined as "areas with no known significant mineral deposits."

The Project site is not located within an area of known to be underlain by regionally- or locally important mineral resources, or within an area that has the potential to be underlain by regionally or locally-important mineral resources, as disclosed by the General Plan. Accordingly, implementation of the proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State of California. Accordingly, no impact would occur.

3.11(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?

Determination: No Impact.

Sources: City of Banning General Plan, Environmental Resources, Chapter IV
Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Refer to the Issue 3.11(a), above. The General Plan does not identify any locally important mineral resource recovery sites on-site or within close proximity to the Project site, nor are any mineral resource recovery operations located on-site or in the surrounding area. No impact.
### 3.12 NOISE

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td></td>
<td></td>
<td></td>
<td>□</td>
</tr>
<tr>
<td>b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</td>
<td></td>
<td></td>
<td>□</td>
<td></td>
</tr>
<tr>
<td>c. A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?</td>
<td></td>
<td></td>
<td>□</td>
<td></td>
</tr>
<tr>
<td>d. A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?</td>
<td></td>
<td></td>
<td>□</td>
<td></td>
</tr>
<tr>
<td>e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?</td>
<td></td>
<td></td>
<td>□</td>
<td></td>
</tr>
<tr>
<td>f. For a project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?</td>
<td></td>
<td></td>
<td></td>
<td>□</td>
</tr>
</tbody>
</table>

### 3.12(a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

**Determination: Less Than Significant Impact.**


**Plans, Policies, or Programs (PPP)**

The following apply to the Project and would reduce impacts relating to noise. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PPP 3.12-1 In order to ensure compliance with the Banning Municipal Code Chapter 8.44 Noise Regulations, prior to the issuance of a grading permit, the developer is required to submit a construction-related noise mitigation plan to the City for review and approval. The plan must depict the location of construction equipment and how the noise from this equipment will be mitigated during construction of this project. In addition, the plan shall require that the following notes are included on grading
plans and building plans. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City of Banning staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

a) All construction activities shall comply with Chapter 8.44 (Noise Regulations) of the City of Banning Municipal Code.

b) Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards.

c) All stationary construction equipment shall be placed in such a manner so that emitted noise is directed away from any sensitive receptors adjacent to the Project site.

d) Construction equipment staging areas shall be located the greatest distance between the staging area and the nearest sensitive receptors.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

Development of the Project site as a residential community has the potential to expose persons to or result in elevated noise levels during both short-term construction activities and under long-term conditions. Short-term (i.e., construction) and long-term (i.e., operational) noise impacts associated with the Project are discussed below.

*Short-term Construction Noise*

The most significant source of short-term noise impact is related to noise generated during construction activities on the Project site which would result in potential noise impacts to nearby sensitive receptors. Construction is performed in discrete steps, each of which has its own mix of equipment and consequently its own noise characteristics. Thus noise levels will fluctuate depending upon construction phase, equipment type, duration of equipment use, distance between the noise source and receptor, and the presence or absence of noise attenuation structures.

As shown on Table 11 below, noise levels generated by heavy construction equipment can range from approximately 75 dBA to 99 dBA when measured at 50 feet.
Table 16. Typical Construction Equipment Noise Levels

<table>
<thead>
<tr>
<th>Type of Equipment</th>
<th>Range of Sound Levels Measured (dBA at 50 feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pile Drivers</td>
<td>81 to 96</td>
</tr>
<tr>
<td>Rock Drills</td>
<td>83 to 99</td>
</tr>
<tr>
<td>Jack Hammers</td>
<td>75 to 85</td>
</tr>
<tr>
<td>Pneumatic Tools</td>
<td>78 to 88</td>
</tr>
<tr>
<td>Pumps</td>
<td>68 to 80</td>
</tr>
<tr>
<td>Dozers</td>
<td>85 to 90</td>
</tr>
<tr>
<td>Tractors</td>
<td>77 to 82</td>
</tr>
<tr>
<td>Front-End Loaders</td>
<td>86 to 90</td>
</tr>
<tr>
<td>Graders</td>
<td>79 to 89</td>
</tr>
<tr>
<td>Air Compressors</td>
<td>76 to 86</td>
</tr>
<tr>
<td>Trucks</td>
<td>81 to 87</td>
</tr>
</tbody>
</table>


However, these noise levels diminish with distance from the construction site at a rate of 6 dBA per doubling of distance. For example, a noise level of 75 dBA for a jack hammer measured at 50 feet from the noise source to the receptor would be reduced to 69 dBA at 100 feet from the source to the receptor, and would be further reduced to 63 dBA at 200 feet from the source to the receptor.

Chapter 8.44 of the City of Banning Municipal Code (Noise Regulations) includes a provision that exempts construction activities from any maximum noise level standard, provided that construction activities occur between the hours of 7:00 A.M. and 6:00 P.M. The person engaged in such activity is hereby permitted to exceed sound levels otherwise set forth in this chapter for the duration of the activity during the above described hours for purposes of construction. However, nothing contained herein shall permit any person to cause sound levels to at any time exceed fifty-five dB(A) for intervals of more than fifteen minutes per hour as measured in the interior of the nearest occupied residence or school. If the building official should determine that the public health and safety will not be impaired by the construction related noise, the building inspector may issue a permit for construction within the hours of 6:00 P.M. and 7:00 A.M., upon application being made at the time the permit for the work is awarded or during the progress of the work. The building official may place such conditions on the issuance of the permit as to him or her shall seem appropriate to maintain the public health and safety.
Noise Impacts to the Project

The Project is considered a "sensitive receptor" because it is a residential development. Impacts to the Project would be significant if the exterior area of the homes (i.e. yards) would be exposed to noise levels in excess of 55 dBA. For the interior area of the homes impacts would be significant if exposed to noise levels in excess of 45 dBA.

The Project site is located in an area largely characterized by urban development. Residential land uses surround the site on all sides. Noise producing land uses that impact residential uses include, but are not limited to, agriculture uses, industrial uses, commercial uses, and noise from major highways and roads.

The Project site is located north of Wilson Street and lies between Alessandro Street and Florida Street. Wilson Street, Alessandro Road and Florida Street are classified as “Local Streets” and are not considered a major highway or roadway that produces significant levels of traffic noise. As such, impacts are considered to be less than significant.

Noise Impacts Generated by the Project

As established by the General Plan performance standards, project-related noises, as projected to any portion of any surrounding property containing a habitable dwelling, hospital, school, library or nursing home, shall not exceed 55 equivalent level dBA (dBA Leq) between 7 a.m. and 10 p.m. or 45 dBA Leq between 10 p.m. and 7:00 a.m. for a cumulative period of more than fifteen (15) minutes per hour.

The primary source of noise generated by the Project will be from the vehicle traffic generated by the new homes to the nearby residential uses. The Project would generate an estimated additional 457 trip-ends per day with 36 total vehicles per hour during the AM peak hour, and 48 total vehicles per hour during the PM peak hour.

The City of Banning considers a project to result in a significant traffic-related noise impact if traffic generated by that project would cause or contribute to exterior noise levels at sensitive receptor locations in excess of 55 dBA CNEL and the project’s contribution to the noise environment equals 3.0 dBA CNEL or more. (A change of 3.0 dBA is considered “barely perceptible” by the human ear and changes of less than 3.0 dBA CNEL generally cannot be perceived except in carefully controlled laboratory environments). Due to the low traffic volume and speeds, traffic noise from the Project will not make a significant contribution to the noise environment.

Based on the analysis above, with implementation of PPP 3.12-1 impacts would be less than significant.

3.12(b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Determination: Less Than Significant Impact.


Plans, Policies, or Programs (PPP)
There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

*Construction Vibration*

Under existing conditions, there are no known sources of ground-borne vibration or noise that affect the Project site. The Project would not generate ground-borne vibration or ground-borne noise, except, potentially, during the construction phase from the use of heavy construction equipment. The Project will not employ any pile driving, rock blasting, or rock crushing equipment during construction activities, which are the primary sources of ground-borne noise and vibration during construction.

*Operational Vibration*

There are no conditions associated with the long-term operation of the proposed Project that would result in the exposure of on- or off-site residents to excessive ground-borne vibration or noise. The proposed Project would develop the subject property as a residential community and would not include nor require equipment, facilities, or activities that would generate ground-borne vibration or ground-borne noise. In addition, the Project site is not located in the vicinity of a railroad line or any other use associated with ground-borne vibration or ground-borne noise; therefore, the Project would not expose future on-site residents to substantial ground-borne vibration or noise.

Based on the above analysis, operation the Project would not expose on- or off-site sensitive receptors to substantial ground-borne vibration or ground-borne noise. Impacts are less than significant and no mitigation is required.

| 3.12(c) | A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project? |

**Determination: Less Than Significant Impact.**


**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

93
As discussed above under Issue 3.12(a), the only potential for the Project to create a permanent increase in ambient noise levels is the result of future traffic generated by the proposed Project that has the potential to cause or contribute to elevated traffic-related noise volumes at offsite locations. The analysis presented under Issue 3.12(a) concluded that the Project’s incremental noise contributions to study area roadways would be considered “barely perceptible” (i.e., less than 3.0 dBA CNEL). As such, offsite transportation-related noise impacts would be less than significant and no mitigation is required.

3.12(d) A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?

Determination: Less Than Significant Impact.


Plans, Policies, or Programs (PPP)

See PPP 3.12-1

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

As discussed above under Issue 3.12(a), the only potential for the Project to create a substantial temporary or periodic increase in ambient noise levels is during its construction phase. The analysis presented under Issue 3.12(a) concluded that the Project would result in elevated noise levels during construction but were less than significant.

Based on the analysis above, with implementation of PPP 3.12-1, impacts would be less than significant and no mitigation measures are required.

3.12(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?

Determination: Less than significant with mitigation.


Plans, Policies, or Programs (PPP)

This measure will be included in the project’s Mitigation Monitoring and Reporting Program:
PPP 3.12-2 The City shall require building setbacks, the installation of wall and window insulation, soundwalls, earthen berms, and/or other mitigation measures in areas exceeding the City's noise standards for private development projects as they occur.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The project is located within Zone D of the Banning Municipal Airport Influence Area. The Riverside County Airport Land Use Compatibility (RCALUC) Plan assigns various zones which either prohibit, control or guide development within each district's airport influence area. Each specific alpha character, with Zone "A" being most restrictive based on safety and airspace protection factors and concerns to "E", less restrictive incorporate site specific density provisions for housing development and other uses. Zone D as noted in Figure 5 is classified as a "Primary Traffic Patten and Runway Buffer Area". The primary concern is with uses for which potential consequences are severe, such as with very-high intensity level development in a confined area and noise impacts.

The Banning Municipal Airport averages approximately 10 to 15 takeoffs and landings daily, and about 12,000 operations per year. Air traffic is comprised primarily of private, single-engine fixed-wing airport. The Banning Municipal Airport Master Plan (December 1990), shows typical takeoff noise levels for such aircraft. Levels range from approximately 56 dba to 68 dba at 7,100 feet from brake release. As noted in Figure 6 below, noise contours are generally contained within the airport boundary, and extend to lands designated for airport and related industrial uses, which are considered less sensitive.

Figure 6

![Map of Banning Municipal Airport Influence Area with noise contours and project site highlighted.](image)
For the City of Banning, the applicable limit one-hour average for outdoor noise levels in residential areas is 55 dBA during daytime hours, and 45 dBA during evening and nighttime hours (Ordinance 1138). The project site is well outside the 65 db CNEL noise contour. For project's located within an airport influence area'. As noted in Figure 6,

In accordance with ALUC recommendations, the residential housing development will incorporate noise attenuating measures to ensure that the ambient noise conforms to the City of Banning noise standards. Pursuant to the ALUC recommendations and PPP 3.12-1 and PPP 3-12.2 impacts associated with noise will be less than significant with mitigation. ALUC mitigation measures are as follows:

**Mitigation Measures:** *Source: Airport Land Use Commission Development Review Report, December 16, 2016.*

**MM- NOISE- 1** Highly noise-sensitive outdoor nonresidential uses are prohibited.

**MM- NOISE- 2** The following notice shall be provided to all potential purchasers of the property, and shall be recorded as a deed notice.

NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances [can vary from person to person. You may wish to consider what airport annoyances], if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b) (13) (A)

| 3.12(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? |

**Determination: Less than Significant with Mitigation**

*Source: Riverside County Airport Land Use Compatibility Plan Policy Document (Adopted October 2004), Banning General Plan*

**Plans, Policies, or Programs (PPP)**

PPP 3.12-1 and PPP 3.12-2

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

As discussed Response 3.12 (e), the project site is outside the Banning Airport noise contours. Impacts associated with aviation noise will not exceed the residential ambient noise standards for
residential development. Moreover, in accordance with ALUC’s mitigation and PPP 3.12-1 and PPP 3.122, exposure of people to impacts arising from the private airstrip will be less than significant.

3.13 POPULATION AND HOUSING

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td></td>
<td></td>
<td></td>
<td>■</td>
</tr>
<tr>
<td>b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td></td>
<td></td>
<td></td>
<td>■</td>
</tr>
<tr>
<td>c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td></td>
<td></td>
<td></td>
<td>■</td>
</tr>
</tbody>
</table>

3.13(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)?*

**Determination: Less than Significant Impact.**

*Sources: Project Application City of Banning General Plan, Housing Element.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The Project would be developed with 46 single-family detached residential homes. Pursuant to population estimates prepared by the State Department of Finance, single-family detached units within the City are occupied by an average of 2.7 persons per dwelling unit (*City of Banning General Plan, Housing Element, Page III-127*). Therefore, using population generation estimates provided by the State, the Project could increase the City of Banning's population by up to 124 new residents if all the new residents currently reside outside the City limits.
Typically, population growth would be considered a significant impact pursuant to CEQA if it
directly or indirectly affects the ability of agencies to provide needed public services and requires
the expansion or new construction of public facilities and utilities.

Section 3.14, Public Services, of this Initial Study Checklist demonstrates that the impacts on public
services is less than significant so the public service providers' ability to provide services will not be
reduced. As such, impacts are less than significant and no mitigation measures are required.

### 3.13(b) Displace substantial numbers of existing housing, necessitating the construction of
replacement housing elsewhere?

**Determination: No Impact.**

Sources: Project Application City of Banning General Plan, Housing Element

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The Project site is vacant and contains no housing. As such, there are no impacts that would require
the construction of replacement housing elsewhere. No mitigation measures are required.

### 3.13(c) Displace substantial numbers of people, necessitating the construction of
replacement housing elsewhere?

**Determination: No Impact.**

Sources: Project Application City of Banning General Plan, Housing Element

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, Programs, or Standard Conditions applicable to the Project relating to
this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The Project site is vacant and contains no housing. As such, there are no impacts that would require
the construction of replacement housing elsewhere.
### 3.14 PUBLIC SERVICES

**Would the Project:**

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) Fire protection?</td>
<td></td>
<td></td>
<td></td>
<td>■</td>
</tr>
<tr>
<td>2) Police protection?</td>
<td></td>
<td></td>
<td></td>
<td>■</td>
</tr>
<tr>
<td>3) Schools?</td>
<td></td>
<td></td>
<td></td>
<td>■</td>
</tr>
<tr>
<td>4) Parks?</td>
<td></td>
<td></td>
<td></td>
<td>■</td>
</tr>
<tr>
<td>5) Other public facilities?</td>
<td></td>
<td></td>
<td></td>
<td>■</td>
</tr>
</tbody>
</table>

**3.14(a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

**FIRE PROTECTION**

**Determination:** Less Than Significant Impact.

*Sources: City of Banning General Plan, Police and Fire Protection Element*

**Plans, Policies, or Programs (PPP)**

There are no Project Design Features applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**
Buildout of the site will have a less than significant impact on public services. The proposed Project will be served by the City Police Department and Riverside County Fire Department under contract. The project will be required to pay the mandated school fees, development impact fees and park in lieu fees in place at the time of issuance of building permits. Payment of these fees and future revenue stream from property tax will lower potential impacts associated with additional services to a less than significant impact.

**POLICE PROTECTION**

**Determination: Less Than Significant Impact.**

*Sources: City of Banning General Plan, Police and Fire Protection Element.*

**Plans, Policies, or Programs (PPP)**

The following applies to the Project and would reduce impacts relating to police protection. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PPP 3.14-1 The Project shall comply with applicable City’s Development Impact Fees which requires payment of a development mitigation fee to assist in providing funds to offset the incremental increase in the demand for public services, parks and open space that would be created by the Project. Prior to the issuance of building permits. The Project Applicant shall pay fees in accordance with the City of Banning Municipal Code Requirements.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The City of Banning Police Department provides community policing to the Project area. The Banning Police Station is located at 125 East Ramsey, just under one (1) mile from the Project site. The Banning Police Department current level of law enforcement staffing is approximately 1.4 sworn officers for every 1,000 residents. Banning has historically maintained a goal of 1.8 police officers per 1,000 residents. The Banning Police Department has a total of 35 sworn positions, of which three are grant positions and 16 unsown positions for a total of 51 positions. At full buildout, the Project would introduce approximately 124 new residents to the Project area. The Project's buildout would not affect or alter the current ratio of sworn officers per 1,000 residents. No additional police staffing or the construction of new or expanded police facilities is required.

The Project would be required to comply with the provisions of the City’s Development Impact Fee Ordinance, which requires a fee payment to assist the City in providing for public services, including police protection services. Payment of the Development Impact Fee would ensure that the Project provides its fair share of funds for additional police protection services, which is intended, to offset the incremental increase in the demand that would be created by the Project.

Based on the above analysis, with implementation of PPP 3.14-2, impacts related to police protection would be less than significant and no mitigation measures are required.
SCHOOLS

Determination: Less Than Significant Impact.

Sources: City of Banning General Plan, Police and Fire Protection Element

Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts relating to schools. This measure will be included in the project's Mitigation Monitoring and Reporting Program:

PPP 3.14-2 Prior to the issuance of building permits, the Project Applicant shall pay required development impact fees to the Banning Unified School District following protocol for impact fee collection.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The construction of 46 residential homes as proposed by the Project would have an incremental increase in the population in the local area and would generate additional demands to the existing public school system by generating additional students to be served by the Banning Unified School District. The Project would be required to contribute fees to the Banning Unified School District in accordance with the Leroy F. Greene School Facilities Act of 1998 (Senate Bill 50). Pursuant to Senate Bill 50, payment of school impact fees constitutes complete mitigation for Project-related impacts to school services.

Based on the above analysis, with implementation of PPP 3.14-2, impacts related to schools would be less than significant and no mitigation measures are required.

PARKS

Determination: Less Than Significant Impact.

Source: City of Banning General Plan Parks and Recreation Element, Open Space and Conservation Element

Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts relating to parks.

PPP 3.14-3 Prior to the issuance of a building permit, the Project Applicant shall pay required park development impact fees to the City of Banning Recreation and Park District.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.
Impact Analysis

The Project proposes the construction of 46 residential units. Based on population estimates prepared by the State Department of Finance, the Project is estimated to provide housing for up to 124 residents (2.7 persons per household \( \times \) 46 = 124). The Project does not propose any park land so it will be subject to the park land impact fee.

Based on the above analysis, with implementation of PPP 3.14-3, impacts related to parks would be less than significant and no mitigation measures are required.

OTHER PUBLIC FACILITIES

Determination: Less Than Significant Impact.

Source: City of Banning General Plan, Public Building and Facilities Element

Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts relating to parks.

PPP 3.14-2 above is applicable to the Project.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Development of the Project would result in an increase in the population of the Project area and would have an incremental increase the demand for public services, including public health services and library services. However, the population increase generated by the Project would not require the construction of new or expanded public facilities.

The Project would be required to comply with the provisions of the City’s Development Impact Fee, which requires a fee payment to assist the City in providing public services. Payment of the Development Impact Fee would ensure that the Project provides fair share of funds for additional public services. These funds may be applied to the acquisition and/or construction of public services and/or equipment.

Based on the above analysis, with implementation of PPP 3.14-1 and 3.14-2, above, impacts related to parks would be less than significant and no mitigation measures are required.
3.15 RECREATION

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Does the Project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3.15(a) Would the proposed 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?

Determination: Less than Significant Impact.

Sources: City of Banning General Plan Parks and Recreation Element

Plans, Policies, or Programs (PPP)

There are no Project Design Features applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The Project’s 124 estimated residents would not substantially increase the use of existing public park facilities and would not require the modification existing parks or modification of new park facilities.

With implementation of PDF 3.14-1, impacts related to recreational facilities would be less than significant and no mitigation measures are required.

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

Determination: Less than Significant Impact.

Source: Project Application Materials, City of Banning Parks and Recreation Element

Plans, Policies, or Programs (PPP)
There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The Project does not propose any on-site recreational facilities nor does it required the construction or expansion of recreational facilities given its limited population generation (124 residents).

Based on the above analysis, impacts related to parks and recreational facilities would be less than significant and no mitigation measures are required.
### 3.16 TRANSPORTATION/TRAFFIC

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Result in inadequate emergency access?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**3.16(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?**

**Determination: Less Than Significant Impact.**

*Sources: Project Application Materials, Focused Traffic Impact for Banning TTM 36710 (RK Engineering Group, Inc.), July 11, 2016*
Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts relating to transportation and traffic. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PPP 3.16-1 Prior to the issuance of any building permits, the Project Proponent shall make pay the City’s Traffic Control Facility Fee per household unit constructed.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Motorized Vehicle Travel

Trips generated by the Project’s proposed land uses have been estimated based on trip generation rates identified in the Focused Traffic Impact Study prepared by RK Engineering Group, Inc., shown in Table 17.

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Units</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
<th>Daily</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>In</td>
<td>Out</td>
<td>Total</td>
</tr>
<tr>
<td>Single-Family Detached Housing Trips/Unit</td>
<td>46</td>
<td>0.75</td>
<td>0.19</td>
<td>0.56</td>
</tr>
<tr>
<td>Land Use Category: 210</td>
<td>36</td>
<td>9</td>
<td>27</td>
<td>48</td>
</tr>
</tbody>
</table>


The Project is estimated to generate the following number of trips:

Based on the Banning General Plan Amendment Change in Level of Service Policy, dated September 2012, the City of Banning establishes Level of Service (LOS) D as the minimum LOS to be maintained on all roadway segments and intersections. Trip generation for the proposed project was calculated using rates from the Institute of Transportation Engineers (ITE) Trip Generation (9th Edition) for Land Use 46 Single-Family Detached Housing. The project trip generation would generate 36 trips in the a.m. peak hour, 48 trips in the p.m. hour and 457 daily trips.

Based on the project’s trip generation, under existing and opening year conditions, all the studied intersections operate at satisfactory LOS or better.

Mass Transit and Pedestrian Facilities

Transit Service

The Project area is currently served by the Banning Transit Services, which provides fixed route bus service along three routes. The Project is not proposing to construct any improvements and will not interfere with the existing bus service. As such, the Project as proposed will not conflict with an applicable plan, ordinance or policy applying to transit services.
Bicycle & Pedestrian Facilities

The Project is not proposing to construct any improvements that will interfere with bicycle and pedestrian use. The Project will not conflict with an applicable plan, ordinance or policy applying to non-motorized travel. Impacts are less than significant.

Based on the above analysis, with implementation of PPP 3.16-1 would be less than significant and no mitigation measures are required.

3.16(b) Conflict with an applicable congestion management program, including, but not limited to, level-of-service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Determination: Less Than Significant Impact.

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The Project proposes only 46 lots and would generate less than 457 daily trips on intersections in the vicinity of the Project site. As such, the Project is not forecast to deteriorate the minimum Level of Service in the Project area as required by the General Plan. Therefore, the Project will not be in conflict with the City of Banning’s Congestion Management Program. Impacts are less than significant and no mitigation measures are required.

3.16(c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

Determination: Less Than Significant Impact.

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The Project does not include any air travel component (e.g., runway, helipad, etc.) Accordingly, the Project would not have the potential to affect air traffic patterns, including an increase in traffic.
levels or a change in flight path location that results in a substantial safety risk. Therefore, impacts are less than significant.

3.16(d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Determination: Less Than Significant Impact.


Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The residential land uses proposed Project would be compatible with existing development in the surrounding area; therefore, implementation of the Project would not create a transportation hazard as a result of an incompatible use.

The Project would provide adequate vehicular and pedestrian safety and ensure that no hazardous transportation design features would be introduced by the Project. Accordingly, the Project would not substantially increase hazards due to a design feature or incompatible use. Impacts would be less than significant.

3.16(e) Result in inadequate emergency access?

Determination: Less Than Significant Impact.


Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Project would result in a new residential community, which would increase the need for emergency access to-and-from the site. Adequate emergency access would be provided to the Project site via Wilson Street. During the course of the required review of the Project, the Project's transportation design was reviewed by the City's Public Works/Engineering Department, County Fire Department,
and City of Banning Police Department to ensure that adequate access to and from the site would be provided for emergency vehicles. With the City/County requirements for emergency vehicle access, impacts would be less than significant and no mitigation measures are required.

3.16(f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Determination: Less Than Significant Impact.


Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The Project as proposed will not conflict with an applicable plan, ordinance or policy applying to transit services. Impacts are less than significant.
### TRIBAL CULTURAL RESOURCES

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**a-b Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

**Determination: Less than significant impact with mitigation.**

*Source: Banning Zoning Code Section 18.18.120 D, BCR Consulting LLC, Cultural Resources Records Search for TTM 36710, March 2, 2017 and BCR Consulting LLC, Cultural Resources Assessment (Field Survey) for APN’s 534-183-014, 534-200-004 and 534-200-047, May 1, 2017*

**Plans, Policies, or Programs (PPP)**

The following apply to the Project and would reduce impacts relating to Tribal Cultural Resources. These measures will be included in the project’s Mitigation Monitoring and Reporting Program:

**PPP 3.17-1** If human remains are encountered during the undertaking, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of the origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify
the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC.

PPP 3.17-2  Banning Zoning Code: As required by the City of Banning Zoning Regulations, Section 18.18.120 D, discoveries made of archaeological or paleontological interest shall stop operations until a qualified archeologist or paleontologist has assessed the significance of the find.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

BCR Consulting LLC (BCR Consulting) was under contract to United Engineering Group to conduct a Cultural Resources Assessment of Assessor Parcel Numbers 534-183-014, 534-200-004, and 534-200-047 (the project) in the City of Banning, Riverside County, California. The work was performed pursuant to the California Environmental Quality Act (CEQA). A cultural resources records search and field survey were conducted for the project.

The records search revealed that 14 cultural resource studies have taken place resulting in the recording of 105 cultural resources within one-mile of the project site. Of these resources, 104 were historic-period and one was a prehistoric archaeological site. The nearest historic-period resource was a single-family residence adjacent to the northwest of the project site. The only prehistoric resource in the records search radius was a prehistoric habitation site (designated P-33-99) located approximately ½ mile to the northwest of the project site. Of the 14 previous studies, none has assessed the project site. No cultural resources have been previously recorded within its boundaries.

During the field survey, BCR Consulting archaeologists did not discover any cultural resources (including prehistoric or historic-period archaeological sites or historic-period buildings) within the project site boundaries. Based on these results, BCR Consulting recommends a finding of no impacts to historical resources under CEQA. BCR Consulting also recommends that no additional cultural resources work or monitoring is necessary during proposed activities associated with the development of the project site. However, if previously undocumented cultural resources are identified during earthmoving activities, a qualified archaeologist should be contacted to assess the nature and significance of the find, diverting construction excavation if necessary.

After consultation with local Native American Tribes, it was agreed that a Native American Monitor be present during initial grading of the project site to help identify any undiscovered cultural resources that may not have been visible from the surface. This request was initiated by the Morongo Band of Mission Indians who expressed the theory that no discoveries have been made at the site due to the fact that the site has never been disturbed. Typically, cultural resources lie within the first several feet of soil and are not exposed until some type of earthwork is performed. Therefore, the following mitigation measure will be required to assist in the identification of any potential discoveries.
Mitigation Measures:

MM- TRIBAL-1 The project proponent shall notify and invite, Morongo Band of Mission Indians Tribal Resource Monitor(s) be present during all required ground disturbing activities pertaining to the project.
**3.18 UTILITIES AND SERVICE SYSTEMS**

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Result in a determination by the wastewater treatment provider, which serves or may serve the Project that it has adequate capacity to serve the Project’s projected demand in addition to the provider’s existing commitments?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Be served by a landfill with sufficient permitted capacity to accommodate the Project’s solid waste disposal needs?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. Comply with federal, state, and local statutes and regulations related to solid waste?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 3.18(a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

**Determination:** Less Than Significant Impact.

*Source: City of Banning General Plan, Water, Wastewater and Utilities Element*

**Plans, Policies, or Programs (PPP)**

The following applies to the Project and would reduce impacts relating to wastewater treatment requirements. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

**PPP 3.18-1** As per Title 16 of the City of Banning Municipal Code Subdivision section, prior to recordation of a Final Map, improvement plans shall be submitted to the City Engineer that provide for sewage disposal by connection to an existing collection
system capable of accepting the waste load. The collection system shall meet the City of Banning Utility Department standards and requirements.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

Wastewater treatment and collection services would be provided to the Project site by the City of Banning Public Works and Utilities Department. The Banning Public Works and Utilities Department is required to operate all of its treatment facilities in accordance with the waste treatment and discharge standards and requirements set forth by the Colorado River Regional Water Quality Control Board.

Wastewater generated by the Project will be treated at the Banning Waste Water Treatment Plant. The Project would not install or utilize septic systems or alternative wastewater treatment systems, therefore, the Project would have no potential to exceed the applicable wastewater treatment requirements established by the Colorado River Regional Water Quality Control Board or Banning Waste Water Treatment Plan specifications. Accordingly, impacts would be less than significant.

| 3.18(b) | Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? |
|--------------------------|

**Determination: Less Than Significant Impact.**

*Sources: Project Application Materials,*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The Project would construct an on-site network of water and sewer pipes which would connect to the existing 8 inch water line in Wilson Street and 8 inch sewer line in Wilson Street. The installation of water and sewer lines as proposed by the Project would result in physical impacts to the surface and subsurface of the Project site. These impacts are considered to be part of the Project's construction phase and are evaluated throughout this Initial Study Checklist. In instances where impacts have been identified for the Project’s construction phase, Plans, Policies, Programs, or Standard Conditions (PPP), Project Design Features (PDF), or development recommendations cited in the EnGen report dated, April 4, 2014, these measures are intended to reduce impacts to less-than-significant levels. Accordingly, additional measures beyond those identified throughout this Initial Study Checklist would not be required.
Based on the above analysis, impacts would be less than significant and no mitigation measures are required.

3.18(c) **Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

**Determination: Less Than Significant Impact.**

*Sources: City of Banning General Plan, Water, Wastewater and Utilities Element*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

Drainage patterns will generally follow the existing frontage Wilson Street public street gutter and remain in the existing condition.

The construction of the on-site drainage facilities would result in physical impacts to the surface and subsurface of the Project site. Project engineers shall be required to design the WQMP basins to retain the 100yr - 3 hour storm event provided on site. These impacts are part of the Project’s construction phase and are evaluated in the appropriate sections of this Initial Study/Mitigated Negative Declaration document. In instances where impacts have been identified for the Project’s construction phase, Plans, Policies, Programs, or Standard Conditions (PPP), Project Design Features (PDF), or Mitigation Measures are required to reduce impacts to less-than-significant levels. Accordingly, additional measures beyond those identified throughout this Initial Study Checklist would not be required.

Based on the above analysis, impacts would be less than significant and no mitigation measures are required.

3.18(d) **Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

**Determination: Less Than Significant Impact.**

*Sources: City of Banning General Plan, Water, Wastewater and Utilities Element)*

**Plans, Policies, or Programs (PPP)**

The following applies to the Project and would reduce impacts relating to water supply requirements. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:
PPP 3.18-2 Prior to recordation of a Final Map, required improvement plans shall be submitted to the satisfaction of the City Engineer that provide for the installation of a domestic water supply and distribution system that meets the requirements per the City of Banning Public Services and Utility requirements.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Utilities are available at the project site. The service providers for water, sewer, electricity and other utilities have facilities in the immediate vicinity of the site, and will collect connection and usage fees to balance for the cost of providing services. The project will control on-site storm water to the satisfaction of the City Engineer (please see Hydrology, above). The City’s solid waste hauler will continue to implement the requirements of AB 939, requiring the reduction of the solid waste stream. The construction of the proposed project is expected to have less than significant impacts on utility providers.

3.18(e) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project’s projected demand in addition to the provider’s existing commitments?

Determination: Less Than Significant Impact.

Sources: City of Banning General Plan, Water, Wastewater and Utilities Element

Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts relating to water supply requirements. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PPP 3.18-3 Prior to the issuance of a grading permit, the Project proponent shall be required to provide written verification to the City of Banning Public Works Department that adequate capacity exists at the City of Banning Water Control Plant to serve the Project. All water and sewer connection fees shall be paid prior to the issuance of a building permit.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Sanitary sewer service to the Project site would be provided by the Banning Waste Water Treatment Plant.
Based on the above analysis, with implementation of PPP 3.18-3, impacts would be less than significant and no mitigation measures are required.

3.18(f) Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?

Determination: Less Than Significant Impact.

Sources: [City of Banning General Plan]

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, Programs, or Standard Conditions applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Construction Related Impacts

Waste generated during the construction phase of the Project would primarily consist of discarded materials from the construction of streets, common areas, infrastructure installation, and other project-related construction activities. The City of Banning Contracts with Waste Management Inland Empire for solid waste and disposal services. Construction debris and waste is taken to the Lamb Canyon Sanitary Land fill, El Sobrante Landfill and the Badlands Landfill for disposal.

The California Integrated Waste Management Board (CIWMB) database cites that Lambs Canyon Sanitary Landfill occupies an area of 1,088 acres for all of its land fill operations and has a total permitted disposal volume of 23,601,596 cubic yards and permit to accept a maximum of 1,900 ton of solid waste per day. CIWBM estimates that the Lamb Canyon Sanitary Landfill had a remaining capacity of 16,926,000 cubic yards in 1998. The El Sobrante Landfill operated by Waste Management encompasses a total of 1,322 acres and has a total permitted disposal volume of 184,930,000 cubic yards. On a daily basis, this landfill is permitted to accept a maximum of 10,000 tons of solid waste. CIWMB estimates that as of 2001, the El Sobrante Landfill has an estimated remaining capacity of 3,674,267 cubic yards.

Operational Related Impacts

Solid waste generated during long-term operation of the Project would be disposed at the Lamb Canyon Sanitary Landfill and/or the El Sobrante Landfill. During long-term operation, the Project's solid waste would be minuscule amount of the daily permitted disposal capacity at the Lamb Canyon Sanitary Landfill and El Sobrante Landfill.

These landfills receive well below their maximum permitted daily disposal volume and solid waste generated by the Project is not anticipated to cause these landfills to exceed their maximum permitted daily disposal volume. Because the proposed Project would generate a relatively small
amount of solid waste per day, as compared to the permitted daily capacities for Lamb Canyon Sanitary Landfill and the El Sobrante Landfill, these regional landfill facilities would have sufficient daily capacity to accept solid waste generated by the Project.

Based on the above analysis, impacts would be less than significant and no mitigation measures are required.

3.18(g) Comply with federal, state, and local statutes and regulations related to solid waste?

Determination: Less Than Significant Impact.

Sources: City of Banning General Plan

Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts relating to solid waste. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PPP 3.18-4 The California Waste Management Act (AB 939) requires municipalities to reduce the amount of waste it sends to landfills by 50%. The Project shall participate in established Citywide recycling programs in response to AB 92. Individuals may also participate through privately run recycling operators.

Impact Analysis

The California Integrated Waste Management Act established an integrated waste management system that focused on source reduction, recycling, composting, and land disposal of waste. In addition, the Act established a 50% waste reduction requirement for cities and counties by the year 2000, along with a process to ensure environmentally safe disposal of waste that could not be diverted.

The Project’s proponent would be required to coordinate with the waste hauler to develop collection of recyclable materials for the Project on a common schedule as set forth in applicable local, regional, and State programs. Recyclable materials that would be recycled by the Project include paper products, glass, aluminum, and plastic.

Additionally, the Project’s waste hauler would be required to comply with all applicable local, State, and Federal solid waste disposal standards, thereby ensuring that the solid waste stream to the landfills that serve the Project are reduced in accordance with existing regulations.

Based on the above analysis, with implementation of PPP 3.18-4, impacts would be less than significant and no mitigation measures are required.
3.19  MANDATORY FINDINGS OF SIGNIFICANCE

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Does the Project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a Project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Does the Project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Impact Analysis

3.19(a)  Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Determination: Less Than Significant Impact with Mitigation Incorporated.

Source: This Initial Study Checklist.

As noted in the analysis throughout this Initial Study Checklist/Mitigated Negative Declaration document, the following apply to the Project and would reduce impacts relating to this issue.

Plans, Policies, or Programs (PPP)
PPP 3.4-1, PPP 3.4-2, and PPP 3.5-1 shall apply.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Mitigation Measures (MM)**

MM GEO-1 shall apply

**Impact Analysis**

All impacts to the environment, including impacts to habitat for fish and wildlife species, fish and wildlife populations, plant and animal communities, rare and endangered plants and animals, and historical and pre-historical resources were evaluated as part of this Initial Study Checklist.

In instances where impacts have been identified, the Plans, Policies, or Programs, Project Design Features, or Mitigation Measures listed above are required to reduce impacts to less than significant levels. Therefore, the Project would not substantially degrade the quality of the environment.

| 3.19(b) | Does the Project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a Project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? |

**Determination: Less Than Significant With Mitigation Incorporated.**

*Source: This Initial Study Checklist.*

As noted in the analysis throughout this Initial Study Checklist/Mitigated Negative Declaration document, the following apply to the Project and would reduce impacts relating to this issue. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program:

**Plans, Policies, or Programs (PPP)**

All Plans, Policies, or Programs (PPP) identified in this Initial Study Checklist/Mitigated Negative Declaration shall apply.

**Project Design Features (PDF)**

All Project Design Features (PDF) identified in this Initial Study Checklist/Mitigated Negative Declaration shall apply.

**Mitigation Measures (MM)**

All Project Mitigation Measures (MM) identified in this Initial Study Checklist/Mitigated Negative Declaration shall apply.

**Impact Analysis**
As discussed throughout this Initial Study Checklist, implementation of the proposed Project has the potential to result in effects to the environment that are individually limited, but cumulatively considerable. In instances where impacts have been identified, the Plans, Policies, or Programs, Project Design Features, or Mitigation Measures, listed above are required to reduce impacts to less than significant levels. Therefore, the Project would not contribute to environmental effects that are individually limited, but cumulatively considerable.

3.19(c) Does the Project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?

**Determination: Less Than Significant Impact.**

As noted in the analysis throughout this Initial Study Checklist/Mitigated Negative Declaration document, the following apply to the Project and would reduce impacts relating to this issue. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program:

**Plans, Policies, or Programs (PPP)**

The following shall apply:

PPP 3.1-1 and 3.1.2  
PPP 3.3-1 and 3.3-2  
PPP 3.4-1  
PPP 3.5-1  
PPP 3.6-1 and 3.6-2  
PPP 3.7-1  
PPP 3.8-1  
PPP 3.9-1 through 3.9-4  
PPP 3.12-1 and 3.12-2  
PPP 3.14-1 through 3.14-3  
PPP 3.16-1  
PPP 3.17-1 and 3.17-2  
PPP 3.18-1 through 3.18-4  

**Project Design Features (PDF)**

The following shall apply:

PDF 3.1-1 and 3.1-2  
PDF 3.8-1  
PDF 3.9-1  

**Mitigation Measures (MM)**

The following shall apply:

MM AIR-1  
MM GEO-1
Impact Analysis

The Project’s potential to result in environmental effects that could adversely affect human beings, either directly or indirectly, has been discussed throughout this Initial Study Checklist/Mitigated Negative Declaration.

In instances where impacts have been identified, the Plans, Policies, or Programs, Project Design Features and Mitigation Measures are required to reduce impacts to less-than-significant levels. Therefore, the Project would not result in environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.
4.0 REFERENCES

http://www.arb.ca.gov/homepage.htm


California Environmental Quality Act (CEQA) Air Quality Handbook.  
http://opr.ca.gov/m_ceqa.php

City of Banning General Plan, 2006  www.ci.banning.ca.us

City of Banning General Plan EIR, 2006  www.ci.banning.ca.us

California Department of Toxic Substances Control, www.dtsc.ca.gov

Countywide Integrated Waste Management Plan www.rivcowom.org


South Coast Air Quality Management District, Final 2012 Air Quality Management Plan  www.aqmd.gov

Southern California Association of Governments, 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy.  
http://rtpscs.scag.ca.gov/Pages/default.aspx

Western Riverside County Multiple Species Habitat Conservation Plan.  
http://www.rcrlma.org/mshcp/
5.0 REPORT PREPARATION PERSONNEL

LEAD AGENCY:

City of Banning
Community Development Department
99 East Ramsey Street
Banning, CA 92220

Patty Nevins, Community Development Director
Mark de Manincor, Contract Planner
<table>
<thead>
<tr>
<th>Mitigation Measures</th>
<th>Timing</th>
<th>Verification</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Department</td>
</tr>
<tr>
<td><strong>Aesthetics</strong></td>
<td></td>
<td>Signature</td>
</tr>
<tr>
<td>Plans, Policies, or Programs (PPP)</td>
<td></td>
<td>Date</td>
</tr>
<tr>
<td>Project Design Features (PDF)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mitigation Measures (MM)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PPP 3.1-1 Banning Zoning Code: As required by the City of Banning Zoning Regulations, Table 17.08.030, residential building heights shall not exceed thirty-five (35) feet in height.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PPP 3.1-2 The Project site is within Zone D of the Banning Municipal Airport Compatibility Map. Consequently, object heights are limited to 35 feet.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PDF 3.1-1 The project site will be a Planned Unit Development (PUD) and incorporate specific land use and Right-of-Way (ROW) design features unique to the Project.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PDF 3.1-2 Any Public Street Lighting shall not exceed 35 feet in height.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Air Quality</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plans, Policies, or Programs (PPP)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Design Features (PDF)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mitigation Measures (MM)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PPP 3.3-1 The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 402, A person</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Timing</td>
<td>Department</td>
</tr>
<tr>
<td>--------------------</td>
<td>--------</td>
<td>------------</td>
</tr>
<tr>
<td>shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PPP 3.3-2 The Project is required to comply with Rule 403 “Fugitive Dust.” Rule 403 requires implementation of best available dust control measures during construction activities that generate fugitive dust, such as earth moving and stockpiling activities, grading, and equipment travel on unpaved roads.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MM AIR-1 To be compliant with CALEEMod modeling, the equipment planned to be used on a peak day during site preparation and grading operations will disturb no more than 5 acres in a day.</td>
<td>During Grading</td>
<td>Engineering</td>
</tr>
</tbody>
</table>

**Biological Resources**

- Plans, Policies, or Programs (PPP)
- Project Design Features (PDF)
- Mitigation Measures (MM)

<p>| PPP 3.4-1 The Project is required to pay Fish and | | | | |</p>
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Timing</th>
<th>Department</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wildlife fees to California Department of Fish and Wildlife.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Cultural Resources</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plans, Policies, or Programs (PPP)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Design Features (PDF)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mitigation Measures (MM)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PPP 3.5-1 The project is required to comply with the applicable provisions of California Health and Safety Code §7050.5, Public Resources Code §5097 et. seq., and provisions of AB 52 concerning consideration of Tribal Cultural Values in determination of project impacts and mitigation.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Geology and Soils</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plans, Policies, or Programs (PPP)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Design Features (PDF)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mitigation Measures (MM)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PPP 3.6-1 The project is required to comply with the California Building Standards Code and City Building Code to preclude significant adverse effects associated with seismic hazards.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PPP 3.6-2 Prior to grading permit issuance, the Project Proponent shall prepare a <em>Stormwater Pollution Prevention Plan</em>. Project contractors shall be required to</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Timing</td>
<td>Department</td>
<td>Signature</td>
<td>Date</td>
</tr>
<tr>
<td>--------------------</td>
<td>-----------------</td>
<td>------------------</td>
<td>-----------</td>
<td>------</td>
</tr>
<tr>
<td>ensure compliance with the Stormwater Pollution Prevention Plan and permit periodic inspection of the construction site by City of Banning staff and the state water resources control board staff.</td>
<td>During Grading</td>
<td>Engineering</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MM- GEO -1 Developer shall adhere to the recommendations cited in the EnGEN Corp Geotechnical Engineering Study with regard to the project’s development per Section 8.0.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Greenhouse Gas Emissions**

<table>
<thead>
<tr>
<th>Plans, Policies, or Programs (PPP)</th>
<th>Project Design Features (PDF)</th>
<th>Mitigation Measures (MM)</th>
</tr>
</thead>
<tbody>
<tr>
<td>PPP 3.7-1 Prior to issuance of the first residential building permit, the Project Applicant shall submit energy usage calculations in the form of a Title 24 Compliance Report to the City of Banning Building &amp; Safety Department showing that the Project will be constructed in compliance with the most recently adopted edition of the applicable California Building Code Title 24 requirements.</td>
<td>During Plan Check process</td>
<td>Building and Safety</td>
</tr>
</tbody>
</table>

**Hazards and Hazardous Materials**

<table>
<thead>
<tr>
<th>Plans, Policies, or Programs (PPP)</th>
<th>Project Design Features (PDF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mitigation Measure</td>
<td>Timing</td>
</tr>
<tr>
<td>--------------------</td>
<td>--------</td>
</tr>
<tr>
<td><strong>Mitigation Measures (MM)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>PPP 3.8-1</strong></td>
<td>The Project is subject all applicable federal, state, and local laws and regulations regarding hazardous materials, including but not limited requirements imposed by the Environmental Protection Agency, California Department of Toxic Substances Control, South Coast Air Quality Management District, and the Santa Ana Regional Water Quality Control Board.</td>
</tr>
<tr>
<td><strong>PDF 3.8-1</strong></td>
<td>The Applicant is proposing a Planned Unit Development (PUD) to permit a housing density of 4.5 dwelling units per acre.</td>
</tr>
<tr>
<td><strong>Hydrology and Water Quality</strong></td>
<td></td>
</tr>
<tr>
<td>Plans, Policies, or Programs (PPP)</td>
<td></td>
</tr>
<tr>
<td>Project Design Features (PDF)</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measures (MM)</td>
<td></td>
</tr>
<tr>
<td><strong>PPP 3.9-1</strong></td>
<td>Prior to grading permit issuance, the Project Proponent shall obtain a National Pollutant Discharge Elimination System permit from the State Resources Control Board. Evidence that an National Pollutant Discharge Elimination System permit has been issued shall be provided to the City of Banning prior to issuance of the first grading permit.</td>
</tr>
<tr>
<td><strong>PPP 3.9-2</strong></td>
<td>Prior to grading permit issuance, the</td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Timing</td>
</tr>
<tr>
<td>--------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Project Proponent shall prepare a Storm water Pollution Prevention Plan. Project contractors shall be required to ensure compliance with the Storm water Pollution Prevention Plan and permit periodic inspection of the construction site by City of Jurupa Valley staff or its designee to confirm compliance.</td>
<td></td>
</tr>
<tr>
<td>PPP 3.9-3</td>
<td>During construction, Project contractors shall be required to ensure compliance with the Project’s Water Quality Management Plan associated with the Project and permit periodic inspection of the construction site by City of Banning staff or its designee to confirm compliance.</td>
</tr>
<tr>
<td>PDF 3.9-1</td>
<td>Tentative Tract Map No. 36710 provides for 64,469 cubic foot (1.48 acre foot) water quality basin and infiltration. These areas shall be designed to manage water quality runoff to the satisfaction of the City Engineer and in accordance with the United Engineering Group Preliminary Drainage Report, September 6, 2016.</td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Timing</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Noise</td>
<td></td>
</tr>
<tr>
<td>Plans, Policies, or Programs (PPP)</td>
<td></td>
</tr>
<tr>
<td>Project Design Features (PDF)</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measures (MM)</td>
<td></td>
</tr>
<tr>
<td>PPP 3.12-1 In order to ensure compliance with the Banning Municipal Code Chapter 8.44 Noise Regulations, prior to the issuance of a grading permit, the developer is required to submit a construction-related noise mitigation plan to the City for review and approval. The plan must depict the location of construction equipment and how the noise from this equipment will be mitigated during construction of this project. In addition, the plan shall require that the following notes are included on grading plans and building plans. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City of Banning staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.</td>
<td></td>
</tr>
<tr>
<td>a) All construction activities shall comply with Chapter 8.44 (Noise Regulations) of the City of Banning Municipal Code.</td>
<td></td>
</tr>
<tr>
<td>b) Construction contractors shall equip all construction equipment, fixed or mobile,</td>
<td></td>
</tr>
</tbody>
</table>
with properly operating and maintained mufflers, consistent with manufacturers’ standards.  

c) All stationary construction equipment shall be placed in such a manner so that emitted noise is directed away from any sensitive receptors adjacent to the Project site.

d) Construction equipment staging areas shall be located the greatest distance between the staging area and the nearest sensitive receptors.

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Timing</th>
<th>Department</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>PPP 3.12-2</td>
<td>The City shall require building setbacks, the installation of wall and window insulation, soundwalls, earthen berms, and/or other mitigation measures in areas exceeding the City’s noise standards for private development projects as they occur.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MM- NOISE-1</td>
<td>During construction and operation Prior to sales of property</td>
<td>Developer, Owner</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MM- NOISE-2</td>
<td>The following notice shall be provided to all potential purchasers of the property, and shall be recorded as a deed notice. NOTICE OF AIRPORT IN VICINITY This property is presently located in the</td>
<td>Owner</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Timing</td>
<td>Department</td>
<td>Signature</td>
<td>Date</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
<td>--------</td>
<td>------------</td>
<td>-----------</td>
<td>------</td>
</tr>
<tr>
<td>vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances [can vary from person to person. You may wish to consider what airport annoyances], if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business &amp; Professions Code Section 11010 (b) (13) (A)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Public Services**

- Plans, Policies, or Programs (PPP)
- Project Design Features (PDF)
- Mitigation Measures (MM)

**PPP 3.14-1** The Project shall comply with applicable City’s Development Impact Fees which requires payment of a development mitigation fee to assist in providing funds to offset the incremental increase in the demand for public services, parks and open space that would be created by the Project. Prior to the issuance of building permits. The Project Applicant shall pay fees in accordance with the City of Banning Municipal Code Requirements.
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Timing</th>
<th>Department</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>PPP 3.14-2</td>
<td>Prior to the issuance of building permits, the Project Applicant shall pay required development impact fees to the Banning Unified School District following protocol for impact fee collection.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Transportation/Traffic**

- Plans, Policies, or Programs (PPP)
- Project Design Features (PDF)
- Mitigation Measures (MM)

| PPP 3.16-1        | Prior to the issuance of any building permits, the Project Proponent shall make pay the City's Traffic Control Facility Fee per household unit constructed. |

**Tribal Cultural Resources**

- Plans, Policies, or Programs (PPP)
- Project Design Features (PDF)
- Mitigation Measures (MM)

<p>| PPP 3.17-1        | If human remains are encountered during the undertaking, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of the origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage |</p>
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Timing</th>
<th>Department</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PPP 3.17-2 Banning Zoning Code: As required by the City of Banning Zoning Regulations, Section 18.18.120 D, discoveries made of archaeological or paleontological interest shall stop operations until a qualified archeologist or paleontologist has assessed the significance of the find.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MM-TRIBAL-1 The project proponent shall notify and invite, Morongo Band of Mission Indians Tribal Resource Monitor(s) be present during all required ground disturbing activities pertaining to the project.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Utilities and Service Systems</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plans, Policies, or Programs (PPP)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Design Features (PDF)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mitigation Measures (MM)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PPP 3.18-1 As per Title 16 of the City of Banning Municipal Code Subdivision section, prior to recordation of a Final Map,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Timing</td>
<td>Department</td>
<td>Signature</td>
<td>Date</td>
</tr>
<tr>
<td>-------------------</td>
<td>--------</td>
<td>------------</td>
<td>-----------</td>
<td>------</td>
</tr>
<tr>
<td>improvement plans shall be submitted to the City Engineer that provide for sewage disposal by connection to an existing collection system capable of accepting the waste load. The collection system shall meet the City of Banning Utility Department standards and requirements.</td>
<td>PPP 3.18-2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior to recordation of a Final Map, required improvement plans shall be submitted to the satisfaction of the City Engineer that provide for the installation of a domestic water supply and distribution system that meets the requirements per the City of Banning Public Services and Utility requirements.</td>
<td>PPP 3.18-3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior to the issuance of a grading permit, the Project proponent shall be required to provide written verification to the City of Banning Public Works Department that that adequate capacity exists at the City of Banning Water Control Plant to serve the Project. All water and sewer connection fees shall be paid prior to the issuance of a building permit.</td>
<td>PPP 3.18-4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The California Waste Management Act (AB 939) requires municipalities to reduce the amount of waste it sends to landfills by 50%. The Project shall participate in</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Timing</td>
<td>Department</td>
<td>Signature</td>
<td>Date</td>
</tr>
<tr>
<td>--------------------</td>
<td>--------</td>
<td>------------</td>
<td>-----------</td>
<td>------</td>
</tr>
<tr>
<td>established Citywide recycling programs in response to AB 92. Individuals may also participate through privately run recycling operators.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
ATTACHMENT 4
Tentative Tract Map 36710
ATTACHMENT 5
Architectural Plans
Exterior Materials
1. Stucco
2. Stucco Raised
3. Stucco Raised
4. Stucco Raised
5. Concrete "S" Tile
6. Concrete Tile
7. Wood Fence/Roof
8. False Clay Tile Vent
9. Decorative Wood Shutters
10. Stone Veneer
11. Brick Veneer
12. Metal Roofing
13. Wood Railing
14. Decorative Metal
15. Decorative Light Fixtures
16. Wood Paneling
17. Metal Paneling
18. Metal Roll-up Garage Door
19. Entry Door per Builder
20. Stucco Corbel
21. Wood Corbel
22. Expanded Wood Roof
23. Wood Outskirt
24. Built-up Wood Column
25. Wood Siding
26. Painted Stucco Wall
27. Stucco-Wing Wall
28. Eave/over Roof
29. Wood Sidewall
30. Wood Outskirt

50' x 90' Lots
Plan 1
Front Elevations

Scale: 1/4" = 1'-0"

Replier Park Vistas
Banning California
Right Elevation

Rear Elevation

Left Elevation

50' x 90' Lots
Plan 2
Elevations
Early California

Scale: 1/4" = 1'-0"

Repplier Park Vistas
Banning California

RMG Residential 2010 LLC

PEKAREK-CRANDELL, Inc.
architecture - planning
31451 camino capistrano, suite 200
san juan capistrano, ca 92675
949 487-2925
7-31-05
ATTACHMENT 6
Letter from Banning Unified School District
August 29, 2017

City of Banning
Patty Nevins, Director
Community Development Department
99 E. Ramsey Street
Banning, CA 92220

Dear Ms. Nevins,

The Banning Unified School District ("District") is in support of the Planned Unit Development to create 46 single-family residential lots and five lettered lots ("Project").

However, because there have been pedestrian issues already in that area, I strongly recommend that East Wilson Street and North Florida Street become a controlled intersection. The District and the Riverside County Office of Education have three (3) educational facilities adjacent to this intersection. The Project can only add to the current pedestrian issues.

Thank you for the opportunity to respond to the Mitigated Negative Declaration regarding Tentative Track Map No. 36710. If you have any questions please feel free to contact me at (951) 922-4049, or via email at kwilliams@banning.k12.ca.us.

Best Regards,

Robert T. Guillen,
Superintendent
ATTACHMENT 7
Public 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, 1968, 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:

August 25, 2017

NOTICE OF PUBLIC HEARING AND NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM; APPROVING TENTATIVE TRACT MAP (TTM) 30710, PROJECT NUMBER 15-4932 A PROPOSAL TO SUBDIVIDE 10.64 ACRES OF VACANT LAND INTO 40 SINGLE-FAMILY RESIDENTIAL LOTS AND FIVE LETTERED LOTS, AND, APPROVING A PLANNED UNIT DEVELOPMENT PERMIT AND DESIGN REVIEW 15-7004; APNS 534-183-614, 534-200-004, 534-200-028, ANE 534-200-047

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, September 6, 2016, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider proposed Tentative Tract Map 30710, to create 40 single-family residential lots and five lettered lots. The subject parcels are located generally north of East Wilson Street and west of North Florida Street in the City of Banning. The review period on the proposed Mitigated Negative Declaration is August 11, 2017, through August 31, 2017. Information regarding the Mitigated Negative Declaration, Tentative Tract Map 30710, Planned Unit Development and Design Review can be obtained by contacting the City's Community Development Department at (619) 922-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning. You may also go to the City of Banning website at http://www.ci.banning.ca.us.

All parties interested in speaking either in support of, or in opposition to this item are invited to attend the hearing, or to send their written comments to the Community Development Department, City of Banning at 99 E. Ramsey Street, P.O. Box 988, Banning, California, 92220. If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the City Clerk at, or prior to, the time the Planning Commission makes its recommendation on the proposal, or, you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65039).

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

Patty Nevin
Community Development Director
Dated: August 22, 2017
Publish: August 25, 2017
Published in: The Record Gazette
No: 47087
9-25-2017

Executed on: 08/25/2017
At Banning, CA

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

Ana Rivera
Signature
CITY OF BANNING
Planning Commission Report

MEETING DATE: September 6, 2017

TO: Planning Commission

FROM: Patty Nevins, Community Development Director

BY: Mark de Manincor, Contract Planner

SUBJECT: ZONING TEXT AMENDMENT 17-97503 TO AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) REGARDING ACCESSORY DWELLING UNITS WITHIN THE TEXT

RECOMMENDED ACTION:

That the Planning Commission adopt Resolution 2017-10:

1. Recommending to the City Council the adoption of a Notice of Exemption for Zone Text Amendment 17-97503; and

2. Recommending to the City Council the adoption of Ordinance 1512 approving Zone Text Amendment 17-97503.

APPLICANT INFORMATION:

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

BACKGROUND:

The California legislature, in an attempt to address housing unaffordability, has spent this past year prioritizing several proposals to create a greater supply of more affordable housing. Assembly Bills ("AB") 2299 and 2406, and Senate Bill ("SB") 1069 collectively and significantly impact local authority to regulate accessory dwelling units.
Commonly referred to as “second units,” accessory dwelling units (“ADUs”) are additional living quarters on single-family lots that are independent of the primary dwelling unit. Also known as accessory apartments, accessory dwellings, mother-in-law units, or granny flats. ADUs are either attached to or detached from the primary dwelling unit and provide complete independent living facilities for one or more persons; including, permanent provisions for living, sleeping, eating, cooking and sanitation. AB 2299 and SB 1069 effectively render the term “second units” obsolete by replacing that term with “accessory dwelling units,” for this reason, all references to either second units, accessory apartments, accessory dwellings, mother-in-law units, or granny flats shall hereafter be collectively referred to as “accessory dwelling units” or ADUs.

Prior to the adoption of these bills, local governments were authorized to adopt ordinances for the creation of second units in single-family zones; however, they were not required to do so. In 2006, the City enacted Section 17.08.100 to regulate the procedures and standards for the development of second units in certain residential zones.

However, because the legislature has determined that ADUs can provide for additional rental housing stock, such prohibitions have now been invalidated regardless of the sufficiency of the City’s findings in support thereof. SB 1069 and AB 2299 apply a clear standard for the ADU permit review process, regardless of whether a local government has an adopted ordinance or not.1 The legislature has now eliminated the ability of cities to exempt ADUs within their jurisdictions and has required that every city in the state accommodate the creation of ADUs.

PROPOSAL/ANALYSIS:

SB 1069 and AB 2299 require the creation of ADUs in single-family residential zones on lots that contain an existing single-family dwelling.2 Specifically, the amendments enacted pursuant to AB 2299 and SB 1069 include specified provisions regarding (among other things) parking, types and size of units, approval process and timelines and water and sewer utility fees. Signed by the Governor on September 27, 2016, SB 1069 and AB 2299 create a state-mandated local program that took effect on January 1, 2017 and which mollifies any local ordinance that does not comply with the requirements of these bills.3

Below are the suggested changes to the City of Banning Development Code (Title 17).

All text that has a strikethrough, such as; Second-Unit, is to be deleted and all text that is underlined, such as; Accessory Dwelling, is to be included in the development code. Notes in italics describe significant changes.

---

1 If a local government has an ADU ordinance, that ordinance must include specified provisions for standards such as parking, setback and zoning requirements. If a local agency has not adopted an ordinance, it must review the application pursuant to these same standards. An application must be ministerially reviewed and approved or disapproved within 120 days after receipt.
2 See Government Code section 65852.2 (a) (1) (D) (ii)
3 While AB 2299 differed in some aspects from SB 1069, because both SB 1069 and AB 2299 were approved by the Governor, the reconciliation language of the two bills provides that the language of SB 1069 prevails.

Accessory Dwelling Unit/Second Unit is a fully self-contained residential dwelling unit located on the same lot as a single-family residence, which meets all the development standards for such a structure as enumerated in Section 17.07.050.

Dwelling Unit, Accessory means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Living area means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

Primary Unit shall mean a single-family residential unit constructed and intended as the principal building on a lot.

Second Dwelling Unit is a fully self-contained residential dwelling unit located on the same lot as a single-family residence, which meets all the development standards for such a structure as enumerated in Section 47.08.100. See, Dwelling Unit, Accessory.

Note: Two of the above definitions with strikethroughs are to be removed and three of the underlined will be inserted into the definitions section of Chapter 17.04 Basic Provisions.

2. Table 17.08.020 Permitted, Conditional and Prohibited Residential Uses

<table>
<thead>
<tr>
<th>Accessory Dwelling Unit</th>
<th>R/A</th>
<th>R/A/H</th>
<th>RR</th>
<th>RR/H</th>
<th>VLDR</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR*</th>
<th>MH P</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>P</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>
</tr>
</tbody>
</table>

3. Table 17.08.040 – Use Specific Development Standards

<table>
<thead>
<tr>
<th>F. Accessory Dwelling Units</th>
<th>R/A</th>
<th>R/A/H</th>
<th>RR</th>
<th>RR/H</th>
<th>VLDR</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR*</th>
<th>MH P</th>
</tr>
</thead>
<tbody>
<tr>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
</tbody>
</table>
Note: The above tables allow Accessory Dwelling Units in all Single-Family and Multi-Family Residential zones.

4. 17.08.100 – Second Accessory dwelling unit standards

A. These standards are adopted pursuant to California Government Code Section 65852.2. The purpose of these standards is to establish procedures and standards for the development of residential second accessory dwelling units in a manner that preserves the integrity of single-family and multi-family residential areas, avoids adverse impacts on such areas and ensures a safe and attractive residential environment. It is not the intent of this chapter to override private, lawful use restrictions as may be set forth in conditions, covenants and restrictions (CC&Rs) or similar instruments.

B. An application for an accessory dwelling unit shall be considered ministerially without discretionary review or a hearing within 120 days after receiving the application.

B. Residential second units shall be permitted in the R/A (Ranch Agriculture), R/A/H (Ranch Agriculture Residential Hillside), RR (Rural Residential), RR/H (Rural Residential Hillside), VLDR (Very Low Density Residential), LDR (Low Density Residential), MDR (Medium Density Residential), and HDR (High Density Residential) zone districts.

Note: Item B. above is being removed as it is a development standard which is described in Table 17.08.020 above.

C. For the purpose of these development standards, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Primary Unit shall mean a single-family or multi-family residential unit constructed and intended as the principal building on a lot.

Second Unit. In accordance with Government Code Section 65852.2(i)(4), Second Unit shall mean:

1. An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. A second unit also includes the following:
   a. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
   b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Note: The definitions under item C above have been moved to Chapter 17.04 Basic Provisions.

C. The following standards shall apply to residential second accessory dwelling units:
1. An residential second accessory dwelling unit shall be consistent with the provisions of the applicable zoning district and the goals and policies of the general plan.

26. The lot shall contain an existing primary unit at the time an application for an residential second accessory dwelling unit is submitted, or the application for the second accessory dwelling unit may be made in conjunction with the development of the primary unit.

32. No more than one residential second accessory dwelling unit shall be permitted on any one lot.

3. The minimum lot size on which an attached residential second unit may be located shall be seven thousand square feet. The minimum lot size on which a detached residential second unit may be located shall be ten thousand square feet.

Note: Item D. 3. above has been removed to be compliant with State Law.

4. The minimum gross floor area of an accessory dwelling unit shall be 500 square feet.

54. The increased floor area of an attached second accessory dwelling unit shall not exceed thirty 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

65. The total area of the floor space for a detached second accessory dwelling unit shall not exceed one thousand two hundred 1,200 square feet.

7. A residential second unit shall comply with all development standards for the applicable zoning district, including, but not limited to, standards for front, rear and side yard setbacks, requirements for a primary unit under the regulations of the applicable zoning district.

Note: Item D. 7. above is being removed because it is the same as item C. 1. Above.

78. The owner of the lot shall reside on the lot, either in the primary unit or in the residential second accessory dwelling unit. Prior to issuance of a building permit approval, the property owner shall enter into a restrictive covenant with the city regarding such owner-occupancy requirement on a form prepared by the city, which shall be recorded against the property, and that a minimum of one off-street parking space shall be provided per bedroom of the residential second unit. Such covenant shall further provide that the residential second accessory dwelling unit shall not be sold, or title thereto transferred separate from that of the property. If the owner ceases to reside on the property, use of the residential second accessory dwelling unit shall be discontinued and (a) if it is an attached residential second accessory dwelling unit, the unit converted into a portion of the primary unit, or (b) if it is a detached residential second accessory dwelling unit, the unit removed or converted to a legal use. The director may grant temporary relief from this owner-occupancy requirement.

89. An attached residential second accessory dwelling unit shall share at least one common wall with the living area of the primary unit. The floor area of the garage shall be included in the calculation of existing living area if the garage is
to be converted to living area as part of the same permit to allow the attached residential second accessory dwelling unit.

40. The minimum gross floor area of an attached residential second unit shall be four-hundred square feet.

Note: Item D. 40. above has been moved to C. 4. to be grouped with similar standards.

944. The total gross floor area of all covered structures, including an attached residential second accessory dwelling unit, shall not exceed the lot coverage area as prescribed by the applicable zoning district.

102. No attached residential second accessory dwelling unit shall cause the height of the primary unit to exceed the height limitation for the applicable zoning district. If the attached second accessory dwelling residential second unit is not located above any portion of the existing primary unit, the maximum height of such unit shall not exceed the height of the primary dwelling unit.

113. An attached residential second accessory dwelling unit may shall have a separate entrance; provided, however, in no event shall any external stairwell be placed within the side yard setback.

14. An residential second unit shall not be permitted on a lot where there is a guest house or other dwelling or structure used for habitation in addition to the primary unit. If an residential second unit exists or is currently approved on a lot, a guest house or other dwelling may not be approved unless the residential second unit is removed or converted into a portion of the primary unit.

Note: Item D–14. Is being removed as it is the same as item C. 3.

15. A residential second unit shall contain separate kitchen and bathroom facilities, and shall be metered separately from the primary dwelling for gas, electricity, communications, water, and sewer services.

Note: Item 45. above is being removed as it is already described in the definition of an Accessory Dwelling Unit and E. 1. b. below.

16. All attached residential second units shall be equipped with approved smoke detectors conforming to the latest building code standards as adopted by the State of California, mounted on the ceiling or wall at a point centrally located in an area giving access to rooms used for sleeping purposes.

Note: Item 46. above is being removed as it is a Building and Safety and Fire Department requirement.

127. In addition to the required parking for the primary unit, a minimum of one off-street parking space shall be provided on the same lot that the residential second accessory dwelling unit is located on for (a) each bedroom in the residential second accessory dwelling unit and (b) for each studio unit. Additional parking shall be provided in accordance with the applicable parking regulations of the base zoning district. This paragraph shall not apply to a unit described in item 13.

a. Off street parking shall be permitted in setback areas in locations determined by the Planning Department or through tandem parking. This paragraph shall not apply to a unit described in item 13.
b. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and those off street parking spaces are required to be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This paragraph shall not apply to a unit described in item 13 or to the required covered parking for the primary structure.

Note: Items C. 12. a. and b., 13., 15., D. and E. are new requirements included with this Text Amendment to be compliant with State Law.

13. No parking requirements shall be imposed on the proposed accessory dwelling unit if the unit satisfies any of the following:

a. The accessory dwelling unit is located within one-half mile of public transit.

b. The accessory dwelling unit is located within an architecturally and historically significant historic district.

c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or

e. When there is a car share vehicle located within one block of the accessory dwelling unit.

18. A residential second unit shall have no more than two bedrooms.

149. The design of an accessory dwelling unit shall be architecturally compatible with the primary unit on the same parcel with the predominant architecture of the area.

2015. No setback shall be required for a legally constructed existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

D. Within 120 days of a complete application, the Director of Community Development, or designee, shall approve an application for an accessory dwelling unit if all of the following requirements are met: (1) the accessory dwelling unit is located within a single-family residential zone; (2) there is only one accessory dwelling unit per single-family lot and the unit is contained within the existing space of a single-family residence or accessory structure; (3) the accessory dwelling unit has independent exterior access from the existing residence; and (4) the side and rear setbacks are sufficient for fire safety.

E. Fees charged for accessory dwelling units.

1. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

a. For an accessory dwelling unit described in item D., the applicant shall not be required to install a new or separate utility connection directly between the
accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

b. For an accessory dwelling unit that is not described in item D., the applicant shall be required to install a new or separate utility connection directly between the accessory dwelling unit and the utility.

FE. Upon approval of an residential second accessory dwelling unit on a lot, the lot shall not be further divided unless there is adequate land area to divide the lot consistent with the general plan and zoning designation.

GF. All construction, structural alterations or additions made to create an residential seecond accessory dwelling unit shall comply with current building, electrical, fire, plumbing and zoning code regulations.

HG. In the event of any conflicts between the standards set forth in this chapter and those set forth in the regulations of the applicable zoning district, the provisions of this chapter shall prevail.

IH. The applicant shall pay to the city all applicable fees imposed on such new development, including, but not limited to, park and recreational facility fees.

JF. Decisions of the director approving or denying an application for an residential seecond accessory dwelling unit shall be subject to an appeal to the Planning Commission in accordance with procedures set forth in chapter 17.68, hearings and appeals. To maintain the nondiscretionary review required under Government Code Section 65852.2, the issues on appeal shall be limited to the applications compliance with the regulations in this chapter.

5. 17.08.250 Single-family architecture

H. Ancillary Structures. Ancillary structures such as guest houses, accessory dwelling units, barns, storage sheds, cabanas, and the like, should be designed to be architecturally compatible with the main structure through the use of walls, roofs, trellises, fences, wall connections, and/or landscaping.

6. Table 17.12.020 – Permitted, Conditional and Prohibited Commercial and Industrial 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>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second Accessory Dwelling Unit</td>
<td>PX</td>
<td>PX</td>
<td>PX</td>
<td>PX</td>
<td>PX</td>
<td>PX</td>
<td>PX</td>
<td>X</td>
</tr>
</tbody>
</table>

Note: Table 17.12.020 no longer allows Accessory Dwelling Units in the Commercial and Industrial zones.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)
In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed proposed Zone Text Amendment 17-
97503 and has determined that it is 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 17-97503 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.

PUBLIC COMMUNICATION

The proposed Notice of Exemption and Zone Text Amendment was advertised in the Record Gazette newspaper on June 23, 2017. As of the date of this report, staff has not received any oral or written comments for or against the proposal.

Attachments:

1. Resolution No. 2017-10
2. Draft Ordinance 1512
3. Public Hearing Notice

Prepared by

[Name]
Contract Planner

Recommended By:

[Name]
Community Development Director
ATTACHMENT 1
PC Resolution No. 2017-10
RESOLUTION 2017-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A NOTICE OF EXEMPTION AND ZONING TEXT AMENDMENT 17-97503 AMENDING VARIOUS SECTIONS OF THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) REGARDING ACCESSORY DWELLING UNITS WITHIN THE TEXT

WHEREAS, January 1, 2017 amendments to Section 65852.2 of the California Government Code became effective that regulate Residential Second Units which will now be defined as Accessory Dwelling Units; and

WHEREAS, Staff has identified areas within the text of the Development Code, Title 17, of the City of Banning Municipal Code that require amending to become compliant with California Government Code 65852.2; and

WHEREAS, staff has identified the need to amend Section 17.04.040 Definitions of the City of Banning Municipal Code; and

WHEREAS, Staff has identified the need to amend Table 17.08.020 Permitted, Conditional and Prohibited Residential Uses, Table 17.08.040 Use Specific Development Standards, 17.08.100 Second unit standards, 17.08.250 Single-family architecture of the City of Banning Municipal Code; and

WHEREAS, staff has identified the need to amend Table 17.12.020 Permitted, Conditional and Prohibited Commercial and Industrial Uses of the City of Banning Municipal Code; 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 17-97503 is not a ‘project” under CEQA Guidelines 15061(b)(3); and

WHEREAS, on June 23, 2017, the City gave public notice by advertisement in the Record Gazette newspaper of a public hearing concerning the project, which included a Notice of Exemption and Zone Text Amendment 17-97503; and
WHEREAS, on July 5, 2017, the Planning Commission held the noticed public hearing at which time the Planning Commission continued the project to the, August 2, 2017 meeting where it was continued again to the September 6, 2017 meeting; and

WHEREAS, on September 6, 2017, the Planning Commission held the duly noticed meeting where interested persons had an opportunity to testify in support of, or opposition to, the project and at which time the Planning Commission considered the Notice of Exemption and Zone Text Amendment 17-97503.

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 17-97503 and has determined that it is 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 17-97503 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 17-97503.

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 17-97503:

Finding A: Proposed Zone Text Amendment 17-97503 is consistent with the
goals and policies of the General Plan.

Findings of Fact: Proposed Zone Text Amendment 17-97503 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 B: Proposed Zone Text Amendment 17-97503 is internally consistent
with the Zoning Ordinance.

Findings of Fact: Proposed Zone Text Amendment 17-97503 is consistent with the
existing provisions of the Zoning Ordinance in accordance with
Chapter 17.116 that allow amendments for public health,
environmental protection, safety, general welfare and the aesthetic
harmony of the City. The proposed amendments to the
Development Code are necessary to bring the City of Banning
Municipal Code in compliance with recent legislation amending
California Government Code 65852.2 that became effective,
January 1, 2017 regarding Accessory Dwelling Units.

Finding C: 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 17-97503 and has
determined that it is 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 17-97503 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 2017-10:

1. Recommending to the City Council the adoption of a Notice of Exemption for Zone Text Amendment 17-97503; and

2. Recommending to the City Council the adoption of Ordinance 1512 approving Zone Text Amendment 17-97503.

PASSED, APPROVED AND ADOPTED this 6th day of September, 2017.

__________________________
Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

__________________________
Gregg C. Kettles
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, 2017-10, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of September, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

____________________________________________________________________
Sandra Calderon, Recording Secretary
City of Banning, California
ATTACHMENT 2
Draft Ordinance No. 1512
ORDINANCE 1512

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A NOTICE OF EXEMPTION AND APPROVING ZONING TEXT AMENDMENT 17-97503 AMENDING VARIOUS SECTIONS OF THE ZONING CODE (TITLE 17 OF THE BANNING MUNICIPAL CODE) REGARDING ACCESSORY DWELLING UNITS WITHIN THE TEXT

WHEREAS, the City of Banning has enacted procedural regulations as part of the adopted Municipal Code; 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, as of January 1, 2017, amendments to Section 65852.2 of the California Government Code became effective that regulate Residential Second Units which are now defined as Accessory Dwelling Units; and

WHEREAS, text within the Development Code, Title 17, of the City of Banning Municipal Code require amending to become compliant with California Government Code Section 65852.2; and

WHEREAS, on September 6, 2017, during a duly noticed public hearing, the Planning Commission adopted Resolution 2017-10 recommending to the City Council the adoption of Ordinance 1512 approving the Notice of Exemption and Zoning Text Amendment 17-97503; 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 Notice of 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 time 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 Notice of Exemption and Zoning Text Amendment 17-97503; 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. The above recitals are all true and correct.

SECTION 2. The City Council has reviewed and considered the information included in the General Plan, Zoning Code and Staff Report for the public hearing and public testimony prior to taking action on the proposed Zoning Text Amendment and Ordinance. This information is on file and available at the Community development Department at the City Hall of the City of Banning.

SECTION 3. The City Council finds that the Zoning Text Amendment is consistent with the goals and policies of the General Plan and is internally consistent with the Zoning Ordinance.

SECTION 4. The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act and finds and determines that the adoption of Ordinance 1512 and Zoning Text Amendment 17-97503 is exempt pursuant to Section 15061 (b)(3), Review for Exemption, of the California Environmental Quality Act (CEQA) as the project will not have a significant effect on the environment.

SECTION 5. The City Council hereby further finds and determines that the City has followed the procedures for Ordinance Amendments as set forth in Sections 65850 thru 65863.12 of the California Government Code.

SECTION 6. The City Council of the City of Banning hereby adopts Ordinance 1512, adopting Zoning Text Amendment 17-97503, amending various sections of the Development Code, Title 17 as described below:

Section 17.04.070 – Definitions.

Dwelling Unit, Accessory means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Living area means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
**Primary Unit** shall mean a single-family residential unit constructed and intended as the principal building on a lot.

**Second Dwelling Unit** See, Dwelling Unit, Accessory.

### Table 17.08.020 Permitted, Conditional and Prohibited Residential Uses

<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>Accessory Unit</td>
<td>P</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>
</tr>
</tbody>
</table>

### Table 17.08.040 – Use Specific Development Standards

<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>F. Accessory Dwelling Unit</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td></td>
</tr>
</tbody>
</table>

### 17.08.100 – Accessory dwelling unit standards

A. These standards are adopted pursuant to California Government Code Section 65852.2. The purpose of these standards is to establish procedures and standards for the development of accessory dwelling units in a manner that preserves the integrity of single-family and multi-family residential areas, avoids adverse impacts on such areas and ensures a safe and attractive residential environment. It is not the intent of this chapter to override private, lawful use restrictions as may be set forth in conditions, covenants and restrictions (CC&Rs) or similar instruments.

B. An application for an accessory dwelling unit shall be considered ministerially without discretionary review or a hearing within 120 days after receiving the application.

C. The following standards shall apply to accessory dwelling units:

1. An accessory dwelling unit shall be consistent with the provisions of the applicable zoning district and the goals and policies of the general plan.

2. The lot shall contain an existing primary unit at the time an application for an accessory dwelling unit is submitted, or the application for the accessory dwelling unit may be made in conjunction with the development of the primary unit.

3. No more than one accessory dwelling unit shall be permitted on any one lot.

4. The minimum gross floor area of an accessory dwelling unit shall be 500 square feet.

5. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.
6. The total area of floor space for a detached accessory dwelling unit shall not exceed 1,200 square feet.

7. The owner of the lot shall reside on the lot, either in the primary unit or in the accessory dwelling unit. Prior to issuance of a building permit approval, the property owner shall enter into a restrictive covenant with the city regarding such owner-occupancy requirement on a form prepared by the city, which shall be recorded against the property. Such covenant shall further provide that the accessory dwelling unit shall not be sold, or title thereto transferred separate from that of the property. If the owner ceases to reside on the property, use of the accessory dwelling unit shall be discontinued and (a) if it is an attached accessory dwelling unit, the unit converted into a portion of the primary unit, or (b) if it is a detached accessory dwelling unit, the unit removed or converted to a legal use. The director may grant temporary relief from this owner-occupancy requirement.

8. An attached accessory dwelling unit shall share at least one common wall with the living area of the primary unit. The floor area of the garage shall be included in the calculation of existing living area if the garage is to be converted to living area as part of the same permit to allow the attached accessory dwelling unit.

9. The total gross floor area of all covered structures, including an attached accessory dwelling unit, shall not exceed the lot coverage area as prescribed by the applicable zoning district.

10. No attached accessory dwelling unit shall cause the height of the primary unit to exceed the height limitation for the applicable zoning district. If the attached accessory dwelling unit is not located above any portion of the existing primary unit, the maximum height of such unit shall not exceed the height of the primary dwelling unit.

11. An attached accessory dwelling unit shall have a separate entrance; however, in no event shall any external stairwell be placed within the side yard setback.

12. In addition to the required parking for the primary unit, a minimum of one off-street parking space shall be provided on the same lot that the accessory dwelling unit is located on for (a) each bedroom in the accessory dwelling unit and (b) for each studio unit. This paragraph shall not apply to a unit described in item 13.

a. Off street parking shall be permitted in setback areas in locations determined by the Planning Department or through tandem parking. This paragraph shall not apply to a unit described in item 13.

b. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and those off street parking spaces are required to be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This paragraph
shall not apply to a unit described in item 13 or to the required covered parking for the primary structure.

13. No parking requirements shall be imposed on the proposed accessory dwelling unit if the unit satisfies any of the following:

a. The accessory dwelling unit is located within one-half mile of public transit.

b. The accessory dwelling unit is located within an architecturally and historically significant historic district.

c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or

e. When there is a car share vehicle located within one block of the accessory dwelling unit.

14. The design of an accessory dwelling unit shall be architecturally compatible with the primary unit on the same parcel with the predominant architecture of the area.

15. No setback shall be required for a legally constructed existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

D. Within 120 days of a complete application, the Director of Community Development, or designee, shall approve an application for an accessory dwelling unit if all of the following requirements are met: (1) the accessory dwelling unit is located within a single-family residential zone; (2) there is only one accessory dwelling unit per single-family lot and the unit is contained within the existing space of a single-family residence or accessory structure; (3) the accessory dwelling unit has independent exterior access from the existing residence; and (4) the side and rear setbacks are sufficient for fire safety.

E. Fees charged for accessory dwelling units.

1. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

a. For an accessory dwelling unit described in item D., the applicant shall not be required to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

b. For an accessory dwelling unit that is not described in item D., the applicant shall be required to install a new or separate utility connections directly between the accessory dwelling unit and the utility.
F. Upon approval of an accessory dwelling unit on a lot, the lot shall not be further divided unless there is adequate land area to divide the lot consistent with the general plan and zoning designation.

G. All construction, structural alterations or additions made to create an accessory dwelling unit shall comply with current building, electrical, fire, plumbing and zoning code regulations.

H. In the event of any conflicts between the standards set forth in this chapter and those set forth in the regulations of the applicable zoning district, the provisions of this chapter shall prevail.

I. The applicant shall pay to the city all applicable fees imposed on such new development, including, but not limited to, park and recreational facility fees.

J. Decisions of the director approving or denying an application for an accessory dwelling unit shall be subject to an appeal to the Planning Commission in accordance with procedures set forth in chapter 17.68, hearings and appeals. To maintain the nondiscretionary review required under Government Code Section 65852.2, the issues on appeal shall be limited to the applications compliance with the regulations in this chapter.

17.08.250 Single-family architecture

H. Ancillary Structures. Ancillary structures such as guest houses, accessory dwelling units, barns, storage sheds, cabanas, and the like, should be designed to be architecturally compatible with the main structure through the use of walls, roofs, trellises, fences, wall connections, and/or landscaping.

Table 17.12.020 – Permitted, Conditional and Prohibited Commercial and Industrial 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>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

SECTION 7. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provision to the other persons or circumstances shall not be affected thereby.

SECTION 8. The Mayor shall sign and the City Clerk shall certify passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in this regard and this Ordinance shall take effect thirty days after its final passage.

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

George Moyer, Mayor
City of Banning
CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance 1512 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
Record Gazette
218 N. Murray St.
Proof of Publication
(2015.5 C.C.P.)

145183 PHN JULY 5TH PC MEETING

State of California
County of Riverside

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

June 23, 2017

NOTICE OF PUBLIC HEARING:
NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, July 5, 2017, at 6:30 in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider the following projects:
Design Review 16-7033, Conditional Use Permit 16-8002 and Notice of Exemption pursuant to section 15332 of the California Environmental Quality Act for a proposal by Andy Anderson to construct an 8,000 square foot warehouse with 2,240 square foot office for a rental equipment and recreational vehicle storage and parking facility on 4.93 acres of land located north of Charan Street, west of Hathaway Street, Assessor’s Parcel Number 543-095-019
Design Review 17-7031 and Notice of Exemption pursuant to section 15332 of the California Quality Act for a proposal by Greg Lukosky to construct a 29,336 square foot neighborhood grocery store located on the south side of Ramsey Street, east of Highland Springs Avenue, Assessor’s Parcel Number 418-112-016
Zone Text Amendment 17-97523 and Notice of Exemption pursuant to section 15061 (b)(3) of the California Quality Act for a proposal by the City of Banning to amend various sections of the Zoning Ordinance (Title 17 of the Banning Municipal Code) regarding Accessory Dwelling Units within the text

Information regarding the above projects can be obtained by contacting the City’s Community Development Department at (951) 922-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning. You may also go to the City of Banning website at http://www.ci.banning.ca.us/. All parties interested in speaking either in support of or in opposition of this Item are invited to attend said hearing, or to send their written comments to the Community Development Department, City of Banning, P.O. Box 398, Banning, California, 92220.

If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the City Clerk at, or prior to, the time the Planning Commission makes its decision on the proposal, or, you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65595).

BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA
Patty Nevins Dated: June 20, 2017 Community Development Director Publish: June 23, 2017

Published in
The Record Gazette
No. 145183
6/23/2017

Executed on: 06/23/2017
At Banning, CA

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

[Signature]

Ana Rivera