I. CALL TO ORDER: Chairman Shaw

   ➢ Pledge of Allegiance: Commissioner Price
   ➢ Roll Call: Commissioners Ellis, Krick, Price, Schuler, 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 February 7, 2018 Regular Planning Commission meeting…………….Page 1

IV. REVIEW AND DISCUSSION ITEMS:

I. FINDINGS OF GENERAL PLAN CONFORMITY FOR REAL PROPERTY ACQUISITION OF APPROXIMATELY 0.17 ACRES OF LAND

Staff Report – Ted Shove……………………………………………………………………………………………………………………………Page 6
**Recommendation:**

That the Planning Commission adopt Resolution 2018-05:

Finding that the proposed acquisition of 0.17 acres of real property located on the southeast corner of the intersection of Ramsey Street and Third Street in the City of Banning, California, for a public parking facility conforms with the City of Banning General Plan.

II. **FINDINGS OF GENERAL PLAN CONFORMITY FOR REAL PROPERTY ACQUISITION OF APPROXIMATELY 0.13 ACRES OF LAND**

Staff Report – Ted Shove.................................................................Page 15

**Recommendation:**

That the Planning Commission adopt Resolution 2018-06:

Finding that the proposed acquisition of 0.13 acres of real property located at the intersection of San Gorgonio Avenue and Williams Street in the City of Banning, California, for a public parking facility conforms with the City of Banning General Plan.

III. **NOTIFICATION OF BANNING UNIFIED SCHOOL DISTRICT OF PROPOSED PURCHASE OF REAL PROPERTY IDENTIFIED BY ASSESSOR’S PARCEL NUMBERS 543-030-003, 543-030-004, 543-030-019**

Staff Report – Patty Nevins.................................................................Page 24

**Recommendation:**

Staff recommends that the Planning Commission consider information related to the proposed property acquisition and provide a recommendation concerning acquisition of the site.

V. **PUBLIC HEARING:**

1. **CONDITIONAL USE PERMIT 17-8003, DETERMINATION OF CATEGORICAL CLASS 1 EXEMPTION, AND RESOLUTION 2018-03 FOR A PROPOSAL TO INSTALL AN UNMANNED VERIZON WIRELESS TELECOMMUNICATIONS FACILITY WITH ANTENNA ARRAY AND EQUIPMENT ENCLOSURE ON AN EXISTING LIGHT POLE LOCATED AT 124 E. WILSON STREET**

Staff Report – Marie Gilliam.................................................................Page 37

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</tbody>
</table>
4. Open public comments  
5. Close public comments  
6. Planning Commission discussion  
7. Motion and Second  
8. Planning Commission discussion on motion  
9. Call the question (Roll call vote)

**Recommendation:**

That the Planning Commission adopt Resolution 2018-03:

I. Making a determination that the proposed project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301; and

II. Approving Conditional Use Permit 17-8003, subject to Conditions of Approval

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2. **CONDITIONAL USE PERMIT 18-8001, DESIGN REVIEW 18-7002 AND A NOTICE OF EXEMPTION FOR THE CONSTRUCTION OF A PROPOSED 24-UNIT AIRPORT INDUSTRIAL LIVE/WORK LOFT DEVELOPMENT ON PROPERTY IDENTIFIED AS APN 541-290-013 AND LOCATED AT 1450 E. LINCOLN STREET**

Staff Report – Sonia Pierce…………………………………………………………………………..Page 92

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<tr>
<td>9. Call the question (Roll call vote)</td>
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**Recommendation:**

That the Planning Commission adopt Resolution 2018-04:

I. Making a determination under CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations).

II. Approving Conditional Use Permit 18-8001 for the construction of a 24-unit airport industrial live/work loft development, with related office/warehouse space and parking, subject to findings and conditions of approval; and
III. Approving Design Review 18-7002 for the design of a 24-unit airport industrial live/work development, with related office/warehouse space and parking, subject to findings and conditions of approval.

VI. PLANNING COMMISSIONER COMMENTS:

VII. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

VIII. ADJOURNMENT:

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of May 2, 2018 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

February 7, 2018

A regular meeting of the City of Banning Planning Commission was held on Wednesday, February 7, 2018 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

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

Staff Present: Community Development Director, Patty Nevins
Assistant City Attorney, Serita R. Young
Senior Planner, Sonia Pierce
Recording Secretary, Sandra Calderon

I. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Chairman Shaw.

II. PUBLIC COMMENTS:

No Comments

III. CONSENT CALENDAR ITEMS:


ACTION: Motion/Second (KRICK/SCHULER) to approve the January 3, 2018 Planning Commission meeting minutes. (Motion Carried 5-0)

IV. REVIEW AND DISCUSSION ITEMS:

1. CITY OF BANNING GENERAL PLAN ANNUAL PROGRESS REPORT FOR CALENDAR 2017.

Senior Planner Pierce presented the staff report. She said the City of Banning is required by State Law to have a legally adequate General Plan that primarily addresses the physical development of the City. The State further mandates the preparation of a general plan annual progress report to the City Council that must be filed by April 1st of each year with the Governor’s office. She said that as in previous years, budgetary constraints have played a role in implementing some of the General Plan programs.

Pierce mentioned some of the progress that the City made during the calendar year of 2017.
In the Economic Development Element: new restaurants have been opened at the Sun Lakes Shopping Center, a new skydiving business and a microbrewery in the Downtown area.

Air Quality Element: City’s compress natural gas fuel station is currently open.

Energy and Mineral Resources Element: City’s Electric Utility has installed a new public charging station, located behind the McDonald’s restaurant.

Wild Fire Hazard Element: Fire Department has developed a one page hand-out for property owner’s describing safety requirements and building code requirement that will be available in 2018.

Code Enforcement: Two new positions were approved that will help maintain the City’s standards.

City Staff is developing a stakeholder plan to identify those with interest in the Downtown area, and the Downtown AdHoc committee is developing a plan for engaging stakeholders.

Commissioner Krick asked if the charging station at McDonald’s is free to use.

Pierce said the charging station is open to the public, but she’s not sure if it’s free of charge. She will follow-up with the utilities department to find out.

Commissioner Schuler said that on page 57 of the report there is a reference to the HERO program that had been previously discussed at a City Council, where they agreed that it would discontinued and taken off the City’s website. She asked if that reference should be removed from the report.

Director Nevins said that verbiage is part of the General Plan. The next opportunity for that to be removed from the report will be at the next General Plan update. The purpose of the report is simply to provide status updates to the State.

Commissioner Shaw opened public comments.

Rick Pippenger, resident of Banning said the General Plan means nothing, and it can be easily changed before it’s due by the request of a developer.

Commissioner Shaw closed public comments.

Commissioner Shaw opened Planning Commission discussion.

ACTION: Motion/Second (SCHULER/ELLIS)

That the Planning Commission adopt Resolution 2018-02, recommending that the City Council approve the General Plan Annual Progress Report for Calendar Year 2017 and direct staff to file the report with the State of California Office of Planning and Research and State Department of Housing and Community Development.

(Motion Carried 5-0)
2. Planning Commissioner Comments, December 6, 2017 and January 3, 2018 meeting.

Director Nevins said this summary memo is for information and discussion only. The first item: Homeless Temporary Shelters information will be provided at the next meeting. The second request was to agendize the I-10 Bypass and the third item is a notation on Standard Conditions of Approval.

Commissioner Schuler said there are several projects in town where a developer came in and was not required to prove there would be secure financing to build and finish the project. She asked to receive a legal opinion on the matter from Assistant City Attorney Serita Young.

Assistant City Attorney, Young said discussion could take place for City staff to receive the appropriate approvals to move forward with extensive legal research. She said discussions have taken place on this topic, discussing the implications of imposing financial conditions on property owners.

She said imposing requirements that an applicant must provide proof of secure financing when they come and seek approval for a project is not within the purview of the Planning Commission. The review is only whether the project is compliant with the City’s Zoning Ordinance.

Commissioner Ellis said an opinion should be requested from the Attorney General. He thinks proving secure financing to build and finish a project from a developer is similar to a letter of intent.

Assistant City Attorney, Young explained that the funding aspect is different from receiving planning approvals.

Assistant City Attorney, Young said an incomplete project could be classified as a nuisance under our code, and then the City would follow the procedures to abate the nuisance.

Director Nevins said they will look into making sure all the tools are being utilized to address this issue.

Commissioner Price asked about the status of the Business Center.

Director Nevins said she doesn’t know the specifics of the status of the receivership.

Commissioner Ellis said he understands they are in negotiations of a sale right now.

Commissioner Krick said he thinks reason the Business Center became a problem was due to the lack of code or due to an error. He said the project started out with three parcels that were built over property lines, later on a tax sale resulted in these parcels being sold off by the County individually.

Commissioner Krick asked if we changed the way we are doing business regarding lot consolidations.
Director Nevins said a lot merger is always a condition of approval, and doesn’t know why a final map wasn’t filed and the underlying lots were not merged. She said the Planning Commission will see this as a conditional of approval for a Design Review application. She said the regulations were a little different ten years ago, during that time the Community Development Director was able to make determinations that now go to Planning Commission and/or City Council.

Commissioner Ellis said twenty-two homeless people were counted on one day period. He feels our City does not have has much problems as the State.

Commissioner Schuler talked about the Vanir project, she said the City lost money with the negotiation with the developer; she feels situations such as this should be avoided. Commissioner Ellis said that was a project that failed because of the lack financing.

Commissioner Krick said developers will not come to Banning if rules are made difficult for them.

Assistant City Attorney, Young said a Commissioner should only be considering the project that is being proposed, and all other aspects that the City would apply in that particular zone with the Planning and Zoning laws without considering who the owner/or developer is.

Development agreements do come before the Planning Commission to review and make suggested recommendations to the City Council.


Director Nevins said a letter was received from a firm representing the school district indicating that they are anticipating acquiring a piece of property near the existing Banning High School. She asked if the Planning Commission wished to provide a response and staff would draft a letter based on their direction.

Commissioner Schuler asked why does the school district trying to acquire such a large parcel that is not connected to the High School.

Commissioner Krick said the Lovell land is unusable and can’t get State’s approval because of the surrounding conditions. The School District is trying to acquire this parcel to have a future Elementary site. Many sites in the City of Banning are not suitable for schools because of existing natural gas pipe lines, earthquake faults, etc. He feels that the Commission should respond with a letter in favor of this acquisition to show cooperation between the two agencies.

**ACTION:** Motion/Second (Krick/Price)

That the Planning Commission that a letter be sent to the Banning Unified School District supporting the acquisition of the proposed property acquisition of the site.

(Motion Carried 5-0)

V. SELECTION OF CHAIRMAN AND VICE-CHAIRMAN:
Chairman Shaw opened nominations for the office of Chairperson.

Commissioner Shuler made a motion to nominate Commissioner Shaw for Chairperson.

**ACTION:** Motion/Second (SHULER/KRICK)

(Motion Carried 5-0)

Chairman Shaw opened nominations for the office of Vice-chairperson.

Commissioner Ellis made a motion to nominate Commissioner Krick for Vice-Chairperson.

**ACTION:** Motion/Second (ELLIS/SCHULER)

(Motion Carried 5-0)

VI.   PLANNING COMMISSIONER COMMENTS:

Commissioner Ellis said he had been discussing crosswalks and healthy city, he hopes that a discussion will be brought back in the future.

Director Nevins remembers the topic was discussed a few meetings ago; she said this request is not normally in the purview of the Planning Commission. A request would probably need to be addressed to the City Engineer.

VII.    COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

Director Nevins mentioned the upcoming Planning Commission Academy in April and there was discussion made to possibly move the regular Planning Commission meeting to April 11th.

VIII.  ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:31 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.
CITY OF BANNING
Planning Commission Report

TO: Planning Commission
FROM: Patty Nevins, Community Development Director
PREPARED BY: Ted Shove, Economic Development Manager
MEETING DATE: April 4, 2018
SUBJECT: FINDINGS OF GENERAL PLAN CONFORMITY FOR REAL PROPERTY ACQUISITION OF APPROXIMATELY 0.17 ACRES OF LAND

RECOMMENDATION:

Staff recommends that the Planning Commission:

I. Adopt Planning Commission Resolution 2018-05, finding that the proposed acquisition of 0.17 acres of real property located on the southeast corner of the intersection of Ramsey Street and Third Street in the City of Banning, California, for a public parking facility conforms with the City of Banning General Plan.

APPLICANT INFORMATION:

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

BACKGROUND:

California Government Code Section 65402 requires that a city’s planning agency (i.e. Planning Commission) review and report upon whether the location, purpose, and extent of a proposed real property acquisition by the local agency, for public purposes, conforms with the adopted General Plan or parts thereof.

The Banning City Council authorized the acquisition of 0.17 acres of vacant real property pursuant to an Agreement for Purchase and Sale and Escrow Instructions. The real property is located at the southeast corner of the intersection of Ramsey Street and Third Street. The acquisition would allow for the future construction of a public parking facility.
DISCUSSION / ANALYSIS:

The Planning Commission is required to report on the conformity of the proposed real property acquisition with the Banning General Plan to the City Council within 40 days after the matter has been submitted to the Planning Commission. Staff has reviewed the proposed real property acquisition and has determined that the location, purpose, and extent of the acquisition conforms with the following applicable policies set forth in the Banning General Plan:

LAND USE ELEMENT:
The General Plan Land Use Element designates the site and surrounding properties as Downtown Commercial ("DC"). The Element designates DC land uses for small scale commercial retail and office uses, services, restaurants, and entertainment retail. The proposed public parking facility is a permitted use within the Downtown Commercial zoning land use district, will not alter the surrounding land use designations, and is consistent with the General Plan Land Use Element.

CIRCULATION ELEMENT:
The Circulation Element identifies Ramsey Street as a Major Local Roadway that runs east-west north of I-10 and serves mixed-commercial land uses. The public parking facility will serve to improve the existing circulation network and will facilitate safe, efficient traffic circulation in the Banning Downtown area.

NATURAL RESOURCES ELEMENT:
The Natural Resources Element includes: Geology and Soils; Hydrology; Water Resources/Quality; Air Quality; Visual Impacts; and Biological Resources. Though vacant, the subject property has been previously disturbed. To the extent applicable, the public parking facility will be subject to the Multi-Species Habitat Conservation Plan ("MSHCP").

CULTURAL RESOURCES ELEMENT:
The San Gorgonio Pass area is rich in “historical resources” dating back to AD 1000. However, with the subject property being previously developed, the proposed public parking facility is not expected to compromise earthen historical resources in the surrounding area.

RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

Adopt Planning Commission Resolution No. 2018-05:

I. Finding that the proposed acquisition of 0.17 acres of real property located on the southeast corner of the intersection of Ramsey Street and Third Street in the City of Banning, California, for a public parking facility conforms with the City of Banning General Plan.
Prepared By:  

Ted Shove  
Economic Development Manager

Reviewed and Recommended By:  

Patty Nevins  
Community Development Director

Attachments:
1. Resolution 2018-05  
2. Site Map
RESOLUTION 2018-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, FINDING THAT THE PROPOSED ACQUISITION OF 0.17 ACRES OF REAL PROPERTY LOCATED ON THE SOUTEAST CORNER OF THE INTERSECTION OF RAMSEY STREET AND THIRD STREET IN THE CITY OF BANNING, CALIFORNIA, FOR A PUBLIC PARKING FACILITY CONFORMS WITH THE CITY OF BANNING GENERAL PLAN

WHEREAS, California Government Code Section 65402 requires that a planning agency review and report upon whether the location, purpose, and extent of a real property acquisition for public purposes by a local agency is consistent with the local agency’s adopted general plan, or parts thereof;

WHEREAS, the City of Banning, as a local agency defined under Government Code Section 65402 is considering the acquisition of 0.17 acres for improvement and use as a public parking facility pursuant to an Agreement for Purchase and Sale and Escrow Instructions;

WHEREAS, on April 4, 2018, the Planning Commission of the City of Banning considered whether the location, purpose, and extent of the proposed acquisition of approximately 0.17 acres of land for improvement and use as a public parking facility conforms with the City of Banning General Plan; and

WHEREAS, on April 4, 2018, interested persons had an opportunity to comment in support of, or opposition to, the Planning Commission’s report upon whether the location, purpose, and extent of the proposed acquisition of approximately 0.17 acres of land for improvement and use as a public parking facility conforms with the City of Banning General Plan.

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

SECTION 1: The proposed acquisition of approximately 0.17 acres of land for improvement and use as a public parking facility conforms with the following applicable objectives, policies, general land uses and programs of the City of Banning General Plan:

A. LAND USE ELEMENT: The General Plan Land Use Element designates the site and surrounding properties as Downtown Commercial ("DC"). The Element designates DC land uses for small scale commercial retail and office uses, services, restaurants, and entertainment retail. The proposed public parking facility is a permitted use within the Downtown Commercial zoning land use district, will not alter the surrounding land use designations and is consistent with the General Plan Land Use Element.
B. CIRCULATION ELEMENT: The Circulation Element identifies Ramsey Street as a Major Local Roadway that runs east-west north of I-10 and serves mixed-commercial land uses. The public parking facility will serve to improve the existing circulation network and will facilitate safe, efficient traffic circulation in the Banning Downtown area.

C. NATURAL RESOURCES ELEMENT: The Natural Resources Element includes: Geology and Soils; Hydrology; Water Resources/Quality; Air Quality; Visual Impacts; and Biological Resources. Though vacant, the subject property has been previously disturbed. To the extent applicable, the public parking facility will be subject to the Multi-Species Habitat Conservation Plan ("MSHCP").

D. CULTURAL RESOURCES ELEMENT: The San Gorgonio Pass area is rich in “historical resources” dating back to AD 1000. However, with the subject property being previously developed, the proposed public parking facility is not expected to compromise earthen historical resources in the surrounding area.

SECTION 2: Based on the findings made in Section 1 of this Resolution, the Planning Commission hereby determines that the proposed acquisition of approximately 0.17 acres of land for improvement and use as a public parking facility conforms with the City of Banning General Plan.

SECTION 3: The Planning Commission hereby directs the Community Development Director to forward a copy of this Resolution to the City Council by or before May 14, 2018.

PASSED, APPROVED, AND ADOPTED this 4th day of April, 2018.

______________________________
Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

______________________________
Serita R. Young, Assistant City Attorney
Richards Watson & Gershon
Serita R. Young, Assistant City Attorney
Richards Watson & Gershon

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 2018-05, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of April, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
ATTACHMENT 2
Site Map
CITY OF BANNING
Planning Commission Report

TO: Planning Commission
FROM: Patty Nevins, Community Development Director
PREPARED BY: Ted Shove, Economic Development Manager
MEETING DATE: April 4, 2018
SUBJECT: FINDINGS OF GENERAL PLAN CONFORMITY FOR REAL PROPERTY ACQUISITION OF APPROXIMATELY 0.13 ACRES OF LAND

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Adopt Planning Commission Resolution 2018-06, finding that the proposed acquisition of .13 acres of real property located at the intersection of San Gorgonio Avenue and Williams Street in the City of Banning, California, for a public parking facility conforms with the City of Banning General Plan.

APPLICANT INFORMATION:

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

BACKGROUND:

California Government Code Section 65402 requires that a city's planning agency (i.e. Planning Commission) review and report upon whether the location, purpose, and extent of a proposed real property acquisition by the city for public purposes, conforms with the adopted General Plan or parts thereof.
The Banning City Council is considering the acquisition of 0.13 acres of vacant real property pursuant to an Agreement for Purchase and Sale and Escrow Instructions. The property is located at in the general vicinity of the San Gorgonio Avenue and Williams Street intersection. The acquisition would allow for the future construction of a public parking facility.

DISCUSSION / ANALYSIS:

The Planning Commission is required to report on the conformity of the proposed real property acquisition with the Banning General Plan to the City Council within 40 days after the matter has been submitted to the Planning Commission. Staff has reviewed the proposed real property acquisition and has determined that the location, purpose, and extent of the acquisition conforms with the following applicable policies set forth in the Banning General Plan:

LAND USE ELEMENT:
The General Plan Land Use Element designates the site and surrounding properties as Downtown Commercial ("DC"). The Element designates DC land uses for small scale commercial retail and office uses, services, restaurants, and entertainment retail. The proposed public parking facility is a permitted use within the Downtown Commercial zoning land use district, will not alter the surrounding land use designations, and is consistent with the General Plan Land Use Element.

CIRCULATION ELEMENT:
The Circulation Element identifies San Gorgonio Avenue as a Secondary Highway that runs north-south, north of I-10 and serves mixed-commercial land uses. The public parking facility would serve to improve the existing circulation network and will facilitate safe, efficient traffic circulation in the Banning Downtown area.

NATURAL RESOURCES ELEMENT:
The Natural Resources Element includes: Geology and Soils; Hydrology; Water Resources/Quality; Air Quality; Visual Impacts; and Biological Resources. Though vacant, the subject property has been previously disturbed. To the extent applicable, the public parking facility would be subject to the Multi-Species Habitat Conservation Plan ("MSHCP").

CULTURAL RESOURCES ELEMENT:
The San Gorgonio Pass area is rich in "historical resources" dating back to AD 1000. However, with the subject property being previously developed, the proposed public parking facility is not expected to compromise earthen historical resources in the surrounding area.
RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

Adopt Planning Commission Resolution No. 2018-06:

1. Finding that the proposed acquisition of 0.13 acres of real property located at the intersection of San Gorgonio Avenue and Williams Street in the City of Banning, California, for a public parking facility conforms with the City of Banning’s General Plan.

Prepared By: 

[Signature]
Ted Shove
Economic Development Manager

Reviewed and Recommended By:

[Signature]
Patty Nevins
Community Development Director

Attachments:

1. Resolution 2018-06
2. Site Map
ATTACHMENT 1
PC Resolution No. 2018-06
RESOLUTION 2018-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, FINDING THAT THE PROPOSED ACQUISITION OF 0.13 ACRES OF REAL PROPERTY LOCATED IN THE GENERAL VICINITY OF THE INTERSECTION OF SAN GORGONIO AVENUE AND WILLIAMS STREET IN THE CITY OF BANNING, CALIFORNIA, FOR A PUBLIC PARKING FACILITY CONFORMS WITH THE CITY OF BANNING GENERAL PLAN

WHEREAS, California Government Code Section 65402 requires that a planning agency review and report upon whether the location, purpose, and extent of a real property acquisition for public purposes by a city is consistent with the city’s adopted general plan, or parts thereof;

WHEREAS, the City of Banning, as a local agency defined under Government Code Section 65402 is considering the acquisition of 0.13 acres for improvement and use as a public parking facility pursuant to an Agreement for Purchase and Sale and Escrow Instructions;

WHEREAS, on April 4, 2018, the Planning Commission of the City of Banning considered whether the location, purpose, and extent of the proposed acquisition of approximately 0.13 acres of land for improvement and use as a public parking facility conforms with the City of Banning General Plan; and

WHEREAS, on April 4, 2018, interested persons had an opportunity to comment in support of, or opposition to, the Planning Commission’s report upon whether the location, purpose, and extent of the proposed acquisition of approximately 0.13 acres of land for improvement and use as a public parking facility conforms with the City of Banning General Plan.

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

SECTION 1: The proposed acquisition of approximately 0.13 acres of land for improvement and use as a public parking facility conforms with the following applicable objectives, policies, general land uses and programs of the City of Banning General:

A. LAND USE ELEMENT: The General Plan Land Use Element designates the site and surrounding properties as Downtown Commercial (“DC”). The Element designates DC land uses for small scale commercial retail and office uses, services, restaurants, and entertainment retail. The proposed public parking facility is a permitted use within the Downtown Commercial zoning land use district, will not alter the surrounding land use designations and is consistent with the General Plan Land Use Element.
B. CIRCULATION ELEMENT: The Circulation Element identifies San Gorgonio Avenue as a Secondary Highway that runs north-south, north of I-10 and serves mixed-commercial land uses. The public parking facility would serve to improve the existing circulation network and will facilitate safe, efficient traffic circulation in the Banning Downtown area.

C. NATURAL RESOURCES ELEMENT: The Natural Resources Element includes: Geology and Soils; Hydrology; Water Resources/Quality; Air Quality; Visual Impacts; and Biological Resources. Though vacant, the subject property has been previously disturbed. To the extent applicable, the public parking facility would be subject to the Multi-Species Habitat Conservation Plan ("MSHCP").

D. CULTURAL RESOURCES ELEMENT: The San Gorgonio Pass area is rich in "historical resources" dating back to AD 1000. However, with the subject property being previously developed, the proposed public parking facility is not expected to compromise earthen historical resources in the surrounding area.

SECTION 2: Based on the findings made in Section 1 of this Resolution, the Planning Commission hereby determines that the proposed acquisition of approximately 0.13 acres of land for improvement and use as a public parking facility conforms with the City of Banning General Plan.

SECTION 3: The Planning Commission hereby directs the Community Development Director to forward a copy of this Resolution to the City Council by or before May 14, 2018.

PASSED, APPROVED AND ADOPTED this 4th day of April, 2018.

Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

Serita R. Young, Assistant City Attorney
Richards Watson & Gershon
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 2018-06, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of April, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
ATTACHMENT 2
Site Map
CITY OF BANNING
Planning Commission Staff Report

MEETING DATE: April 4, 2018

TO: Planning Commission

FROM: Patty Nevins, Community Development Director


STAFF RECOMMENDATIONS:

Staff recommends that the Planning Commission consider the location, purpose, and extent of a proposed real property acquisition by the Banning Unified School District (“District”) and make a (1) determination as to the conformity of the proposed acquisition with the Banning General Plan and (2) recommendation concerning the District’s acquisition of the subject sites for submission to the District in a letter signed by the Chair on the Commission’s behalf.

BACKGROUND:

On March 9, 2018, the Community Development Department received a letter from the District (see Attachment 1) notifying the City of the District’s proposal to purchase real property identified by Assessor’s Parcel Numbers (APN) 543-030-003, 543-030-004, 543-030-019 for the Banning High School Expansion Project. The letter was sent in accordance with the requirements of Government Code section 65402(c) (see Attachment 2), which states that a local agency, such as the District, may not acquire real property for public purposes in a city, if the city has adopted a general plan and such general plan, or part thereof, is applicable to the proposed acquisition, until the location, purpose, and extent of such acquisition has been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with the adopted general plan, or part thereof, within 40 days after the matter was submitted to the planning agency.

The failure of a planning agency to report within 40 days after the matter has been submitted to it will be conclusively deemed a finding that the proposed acquisition does conform with the adopted general plan, or part thereof. If a planning agency disapproves of the location, purpose or extent of an acquisition, that disapproval may be overruled by the local agency.

Additionally, although not cited in the District’s letter, Public Resources Code 21151.2 (see Attachment 3) provides that the governing board of a school district, before acquiring title to property for an addition to a present school site, must give the planning commission having
jurisdiction notice in writing of the proposed acquisition. The planning commission must investigate the proposed site and within 30 days after receipt of the notice submit to the governing board a written report of the investigation and its recommendations concerning acquisition of the site. The governing board may not acquire title to the property until the report of the planning commission has been received.

**ANALYSIS:**

The subject property is approximately 11.14 acres of vacant land, located west of the existing Banning High School campus (see aerial view below). The Planning Commission recently considered the District's proposed acquisition of the real property located adjacent to the west (APN: 543-030-018) during its February meeting, at which meeting the Planning Commission issued a report in accordance with Public Resources Code 21151.2 in support of the proposed acquisition.

The property is zoned Very Low Density Residential (VLDR). Property to the west and south of the subject site is zoned VLDR. Property to the north across Westward is zoned Low Density Residential. The Banning High School site is located adjacent to the east and is zoned Public Facilities-School (PF-S). See General Plan/Zoning Map excerpt below (see Attachment 3 for full General Plan/Zoning map).

The letter indicates that the Banning High School Expansion Project would accommodate future master plan improvements, including approximately 200 event parking spaces and the addition of a soccer field, golf training facility, pasture and crop area, and 6 module classrooms to accommodate a future agricultural program. District staff have indicated that the parking area would provide parking for a future performing arts center on the existing school property, sports activities, a future agricultural program, etc.

![Aerial View](image_url)
Banning General Plan Consistency

The City of Banning General Plan identifies the Very Low Density Residential (VLDR) zone in which the project is located as allowing detached single family homes at a density of up to 2 units per acre, home occupations, animal keeping according to Zoning Ordinance restrictions, and potentially appropriate for bed & breakfast and similar uses. The Zoning Ordinance, which implements the General Plan, allows the consideration of private schools, but not public schools, through the conditional use permit process.

The General Plan provides the Public Facilities - Schools (PF-S) land use category for public and private schools; this is implemented by a PF-S zoning district wherein public and private schools, amongst other uses, are identified as permitted uses. As public school facilities are not identified as permitted or conditionally permitted uses in the VLDR land use district that the proposed acquisition properties are located within, the proposed uses would not be considered consistent with the City's General Plan.

As discussed above, the Planning Commission must report on whether the District’s proposed real property acquisition conforms with the Banning General Plan within 40 days after the matter has been submitted to it (i.e., by or before May 14, 2018). If the Planning Commission’s fails to report on the proposed acquisition within the 40-day period, it is conclusively deemed a finding by the Commission that the proposed acquisition does conform with the Banning General Plan, or parts thereof.

Additionally, the Planning Commission must investigate the proposed sites and within 30 days after receipt of the notice of the proposed property acquisition (i.e., by or before April 8, 2018) submit a written report of the investigation and its recommendations concerning acquisition of the site to the District’s Board. If the Planning Commission disapproves of the location, purpose, or extent of the District’s proposed property acquisition, the District may overrule the
Planning Commission's disapproval. Further, if the Commission's report does not favor the acquisition of the subject sites for the Banning High School Expansion Project, the District may nevertheless purchase the property but must wait until 30 days has passed since the District's receipt of the Planning Commission's report.

CONCLUSION:

Based on the above analysis, the indicated use of the properties that are proposed for acquisition would not conform with the General Plan.

Prepared By:

[Signature]

Patty Nevins
Community Development Director

ATTACHMENTS
1. Letter from Banning Unified School District
2. Government Code Section 65402
3. Public Resources Code (PRC) Section 21151.2
4. General Plan / Zoning Map
ATTACHMENT 1

Letter from Banning Unified School District
March 5, 2018

Planning Division
City of Banning
Community Development Department
P.O. Box 998
99 E. Ramsey Street
Banning, CA 92220

Government Code § 65402 Notice
Riverside County APNs 543-030-003, 543-030-004, 543-030-019

Dear Planning Division:

The Banning Unified School District ("District") would like to purchase certain real property located in the City of Banning. In accordance with requirements of Government Code section 65402, we write to notify you of the location, purpose, and extent of the District's proposed purchase of real property for purposes of determining its conformity with the Banning General Plan.

The District is considering the purchase of an approximately 11.14 acres of land at 654 West Westward Avenue, located within Banning, Riverside County Assessor Parcel Numbers 543-030-003, 543-030-004, 543-030-019 ("the Property"), near the Banning High School site at 100 West Westward Avenue. The Banning High School Expansion Project would accommodate future master plan improvements including: approximately 200 event parking spaces, addition of a soccer field, golf training facility, pasture and crop area, and 6 modular classrooms to accommodate a future agricultural program.

We hope the above information is helpful. If you have any questions regarding this request, please contact me at (951) 922-0205

Sincerely,

[Signature]
Robert T. Guillen
Associate Superintendent, Business Services

cc: Project File
    Kayla Knott, School Site Solutions, Inc.

Board of Education ● Alfredo Andrade ● Anne K. Price ● Alex Cassadas ● Kerri Mariner ● Jason Smith

161 W. Williams Street, Banning, CA 92220 ● Ph (951) 922-0200 ● FAX (951) 922-0227 ● www.banning.k12.ca.us
GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (Heading of Title 7 amended by Stats. 1974, Ch. 1536.)

DIVISION 1. PLANNING AND ZONING [65000 - 66210] (Heading of Division 1 added by Stats. 1974, Ch. 1536.)

CHAPTER 3. Local Planning [65100 - 65763] (Chapter 3 repealed and added by Stats. 1965, Ch. 1880.)

ARTICLE 7. Administration of General Plan [65400 - 65404] (Article 7 added by Stats. 1965, Ch. 1880.)

(a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition,
or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency.

Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.

(Amended by Stats. 1974, Ch. 700.)
ATTACHMENT 3

Public Resources Code (PRC) Section 21151.2
PUBLIC RESOURCES CODE - PRC

DIVISION 13. ENVIRONMENTAL QUALITY [21000 - 21189.57] (Division 13 added by Stats. 1970, Ch. 1433.)

CHAPTER 4. Local Agencies [21150 - 21154] (Chapter 4 added by Stats. 1970, Ch. 1433.)

To promote the safety of pupils and comprehensive community planning the governing board of each school district before acquiring title to property for a new school site or for an addition to a present school site, shall give the planning commission having jurisdiction notice in writing of the proposed acquisition. The planning commission shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board a written report of the investigation and its recommendations concerning acquisition of the site.

The governing board shall not acquire title to the property until the report of the planning commission has been received. If the report does not favor the acquisition of the property for a school site, or for an addition to a present school site, the governing board of the school district shall not acquire title to the property until 30 days after the commission’s report is received.

(Added by Stats. 1987, Ch. 1452, Sec. 533.)
ATTACHMENT 4
General Plan / Zoning Map
CITY OF BANNING
Planning Commission Report

TO: Planning Commission
FROM: Patty Nevins, Community Development Director
PREPARED BY: Marie Gilliam, Contract Planner
MEETING DATE: April 4, 2018
SUBJECT: CONDITIONAL USE PERMIT 17-8003, DETERMINATION OF CATEGORICAL CLASS 1 EXEMPTION, AND RESOLUTION 2018-03 FOR A PROPOSAL TO INSTALL AN UNMANNED VERIZON WIRELESS TELECOMMUNICATIONS FACILITY WITH ANTENNA ARRAY AND EQUIPMENT ENCLOSURE ON AN EXISTING LIGHT POLE LOCATED AT 124 E. WILSON STREET

RECOMMENDATION ACTION:
The Planning Commission adopt Resolution 2018-03

I. Making a determination that the proposed project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301; and
II. Approving Conditional Use Permit 17-8003, subject to Conditions of Approval.

APPLICANT INFORMATION:
Project Location: 124 E. Wilson Street – Sports Field
APN Information: 541-020-014
Project Applicant: James A. Rogers
Smartlink LLC
18401 Von Karman, Suite 400
Irvine, CA 92612

Property Owner: Banning Union High School District
161 W. Williams Street
Banning, CA 92220
**PROJECT BACKGROUND:**

The applicant, James A. Rogers with Smartlink LLC, is requesting approval of Conditional Use Permit 17-8003 to construct a wireless telecommunications facility for Verizon Wireless. An antenna array will be installed on a 60 foot tall light pole used to illuminate the adjacent sports field. An eight foot high equipment enclosure with wrought iron fence and privacy slats will be located at the base of the light pole. The location of the site is 124 E. Wilson Street, which is the campus of the Nicolet Middle School. The site is zoned Public Facility School (PF-S). The table below summarizes existing land uses surrounding the subject site.

**Nicolet Middle School Sports Field**  
**Verizon Wireless, CUP 17-8003**  
**Land Use Summary**

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Single-Family Residential</td>
<td>Low Density Residential (LDR)</td>
<td>LDR</td>
</tr>
<tr>
<td>South</td>
<td>Nicolet Middle School</td>
<td>PF-S</td>
<td>PF-S</td>
</tr>
<tr>
<td>East</td>
<td>Sports Field and Single-Family Residential</td>
<td>PF-S and LDR</td>
<td>PF-S and LDR</td>
</tr>
<tr>
<td>West</td>
<td>Repllier Park</td>
<td>Public Facility Park (PF-PK)</td>
<td>PF-PK</td>
</tr>
</tbody>
</table>

**PROJECT ANALYSIS**

In accordance with Section 17.16.020 and Table 17.16.020 of the Banning Municipal Code, “antennae and communications towers” are permitted in the Public Facilities School (PF-S) Zoning District subject to approval of a Conditional Use Permit.

Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use must be conducted by comparing the use to established development standards and design guidelines. This review determines whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use, against any negative or undesirable impacts that it may cause.
The applicant proposes to replace an existing 60 foot tall wooden sports field light pole with a new metal 60 foot tall light pole that is designed to support the existing ball field light array and new wireless telecommunications facility, including six panel antennas and one microwave antenna. The pole will be painted brown to match the remaining wooden light poles surrounding the sports field. In addition to the light pole, a new 8 foot by 20 foot equipment enclosure is proposed to be placed adjacent to the new light pole. This equipment enclosure will be 8 feet high and enclosed in wrought iron fencing with privacy slats and a wrought iron security lid. The enclosure will contain electrical cabinets, standby generator and a 54 gallon fuel tank mounted on a concrete pad.

Short term noise will be generated during construction from delivery trucks, cranes and construction equipment. Long term noise may be generated by the standby generator, which has built-in sound attenuation equipment that complies with local noise standards. Generator noise will only be experienced during power outages. The proposed telecommunications facility will improve wireless communication services in the area, including 911 services.

The subject site is located within Airport Compatibility Zone D of the Banning Municipal Airport Land Use Plan, which requires review by the Riverside County Airport Land Use Commission (ALUC) prior to approval by the local jurisdiction. The proposed project has been reviewed by ALUC and determined to be consistent with the Banning Municipal Airport Land Use Compatibility Plan, subject to certain conditions, which conditions have been incorporated into the Conditions of Approval for this proposed project.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

Planning Division staff has determined that the project is categorically exempt from the requirements of CEQA and the State’s CEQA Guidelines. The project qualifies under the Class 1 categorical exemption pursuant to CEQA Guidelines Section 15301 (Existing Facilities) because the project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. Accordingly, staff has prepared a Notice of Exemption for the project.

Multiple Species Habitat Conservation Plan (MSHCP).

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

Staff advertised the public hearing on proposed Conditional Use Permit 17-8003 in the Record Gazette newspaper on March 23, 2018 (Attachment 4). As of the date of this report, staff has not received any comments for or against the proposal.

ATTACHMENTS:

1. Resolution No. 2018-03, with Conditions of Approval
2. Exhibits – Plans
3. ALUC Development Review
4. Public Hearing Notice

Prepared By:  Reviewed and Recommended By:

[Signature]
Marie E Gilliam
Contract Planner

[Signature]
Patty Nevins
Community Development Director
ATTACHMENT 1

Resolution 2018-03
with Conditions of Approval
RESOLUTION 2018-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, MAKING A DETERMINATION OF CATEGORICAL EXEMPTION UNDER CEQA, AND APPROVING CONDITIONAL USE PERMIT 17-8003 TO PERMIT THE INSTALLATION OF A PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY AT AN EXISTING SCHOOL SITE LOCATED AT 124 E. WILSON STREET IN THE PUBLIC FACILITIES-SCHOOL (PF-S) ZONING DISTRICT

WHEREAS, an application for a Conditional Use Permit to permit the installation of a wireless telecommunications facility on an existing sports field light pole, with equipment enclosure, has been duly filed by:

Project Applicant: Smartlink LLC for Verizon Wireless
Attn: James A Rogers
18401 Von Karman, Suite 400
Irvine, CA 92612

Parcel Address: Nicolet Middle School, Sports Field
124 E. Wilson Street
Banning, CA.

APN: 541-020-014 (sports field)
Lot Area: 8.70 acres (sports field)

WHEREAS, the Planning Commission has the authority per Chapter 17.52 of the Banning Municipal Code to take action on Conditional Use Permit 17-8003 to permit the installation of a wireless telecommunications facility on an existing sports field on a school site located at 124 E. Wilson Street in the Public Facility-School (PF-S) Zoning District;

WHEREAS, on March 23, 2018, the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered;

WHEREAS, on April 4, 2018, the Planning Commission held a duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to Conditional Use Permit 17-8003; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Conditional Use Permit 17-8003 and determined that, pursuant to CEQA Guidelines Section 15301 (Existing Facilities), the project is categorically exempt from the requirements of the CEQA and the State’s CEQA Guidelines.
NOW THEREFORE, the Planning Commission of the City of Banning does hereby resolve, determine, find, and order as follows:

SECTION 1. ENVIRONMENTAL DETERMINATION:

A. California Environmental Quality Act (CEQA).

Planning Division staff has determined that the project is categorically exempt from the requirements of CEQA and the State's CEQA Guidelines. The project qualifies under the Class 1 categorical exemption because it consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs in staff's determination of exemption under CEQA Guidelines Section 15301 because the project meets the required criteria to qualify as "existing facilities" as defined in Section 15301 of the CEQA Guidelines.

B. Multiple Species Habitat Conservation Plan (MSHCP).

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

SECTION 2. REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT 17-8003:

Section 17.52.050 of the City of Banning Zoning Ordinance requires that Conditional Use Permit applications meet certain findings prior to the approval by the Planning Commission. Based on all the evidence in the record, the Planning Commission finds the evidence presented does justify the granting of Conditional Use Permit pursuant to Banning Municipal Code Section 17.52.050 for the following reasons:

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

Findings of Fact: The proposed wireless telecommunications facility is consistent with the General Plan Land Use Element Policy, which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands." The land-use designation of Public Facilities-School allows wireless telecommunications facilities with the approval
of a Conditional Use Permit. The proposed project under Conditional Use Permit 17-8003 is consistent with General Plan Economic Development Policy which states: “The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues.” The proposed improvements of an existing facility and providing a new telecommunications facility will assist in retaining an existing business, and maintain and create employment opportunities within the City.

B. Finding: The proposed use is conditionally permitted within the subject land use district and complies with all the applicable provisions of the City's Zoning Ordinance:

Findings of Fact: The proposed wireless telecommunications facility, a form of an “antennae and communications tower,” is conditionally permitted in the Public Facilities School (PF-S) Zoning District pursuant to Section 17.16.020 and Table 17.16.020 of the Zoning Ordinance, and complies with all applicable provisions in the City’s Zoning Ordinance.

C. Finding: The proposed use would not impair the integrity and character of the land use district in which it is to be located:

Findings of Fact: The proposed wireless telecommunications facility is conditionally permitted in the Public Facilities School (PF-S) Zoning District under Section 17.16.020 and Table 17.16.020 of the Zoning Ordinance. The site is an existing school sports field, which contains an existing light pole that will be upgraded as part of the installation of the proposed wireless telecommunications facility and upon which the facility equipment will be co-located with lighting for the sports field. The approval of the proposed wireless telecommunications facility will be conditioned to require maintenance of the facility in a manner that will not interfere with the use and enjoyment of future development.

D. Finding: The subject site is physically suitable for the type and intensity of land use being proposed:

Findings of Fact: The subject site is suitable for the type and intensity of proposed wireless telecommunications facility in that the proposed facility will installed on a replacement light pole located in an existing sports field. The subject site is designed in a way that the proposed wireless telecommunications facility will be compatible with the character of the surrounding neighborhood and the design guidelines set forth in the City’s Zoning Ordinance.

E. Finding: There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety:
Findings of Fact: The proposed wireless telecommunications facility is non-residential in character and will place little or no additional demand upon City services or utilities, except during construction. The applicant will be conditioned to contract with the City’s waste hauler for the removal of construction materials. The subject site is serviced by the City’s Electrical Department.

F. Finding: There will not be significant harmful effects upon environmental quality; natural resources; or neighborhood characteristics; and

Findings of Fact: The proposed wireless telecommunications facility will improve wireless service reception in the area and has been conditioned to ensure that it will not be detrimental to the public interests, health, safety, convenience, or welfare of the City. Furthermore, the installation of the proposed wireless telecommunications facility has been determined not to have a significant effect on the environment because it is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301.

G. Finding: The proposed location, size, design, and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Findings of Fact: The proposed location, size, design, and operating characteristics of the proposed wireless telecommunications facility will improve wireless service reception in the area and has been conditioned to ensure that it will not be detrimental to the public interests, health, safety, convenience, or welfare of the City. Furthermore, the installation of the proposed wireless telecommunications facility has been determined not to have a significant effect on the environment because it is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301.

SECTION 3. PLANNING COMMISSION ACTION:

Based on the findings specified above, and all other evidence in the record, the Planning Commission hereby approves Conditional Use Permit 17-8003 to permit the installation of a wireless telecommunications facility on a replacement light pole located in an existing sports field on an existing school site at 124 E. Wilson Street in the Public Facilities School (PF-S) Zoning District, subject to Conditions of Approval attached hereto as Exhibit A.

PASSED, APPROVED AND ADOPTED this 4th day of April, 2018.

Eric Shaw, Chairman
Banning Planning Commission
ATTEST:

______________________________
Sandra Calderon, Recording Secretary
City of Banning, California

APPROVED AS TO FORM AND LEGAL CONTENT:

______________________________
Serita R. Young
Assistant City Attorney

CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution 2018-03 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of April, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________________________
Sandra Calderon, Recording Secretary
City of Banning, California
PROJECT #: Conditional Use Permit 17-8003
SUBJECT: Conditions of Approval (Planning Commission Resolution No. 2018-03)
APPLICANT: Smartlink LLC for Verizon Wireless
LOCATION: APN: 541-020-014

EXHIBIT A

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

I. On-going.

Community Development Department

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, state Planning and Zoning Laws, 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. Approval of this entitlement shall not waive compliance with any sections of the Development Code, or other applicable City Ordinances, in effect at the time of building permit issuance.

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

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

5. The applicant shall comply with all conditions of approval as stipulated in the Airport Land Use Commission (ALUC) Development Review - Director’s Determination dated February 21, 2018, and any amendments thereto; including any requirements stipulated by the Federal Aviation Administration (FAA) Aeronautical Study.

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

7. The City shall review Conditional Use Permit (CUP) 17-8003 every two years to insure compliance with the Conditions of Approval. If at any time the applicant becomes non-compliant with the Conditions of Approval, the City can reevaluate the project and make recommendations to continue, revoke, or make changes to the project approval.

8. The applicant shall comply with all Conditions of Approval imposed on the wireless telecommunications facility located at 124 East Wilson Street and the approval of CUP 17-8003 prior to the issuance of a Certificate of Occupancy.

9. There shall be no storage of vehicles, equipment, or any other materials in the parking or landscaping areas of the project.
10. The applicant shall remove all graffiti on the pole and wireless telecommunications facility immediately or within 24 hours of notice from the City.

11. The applicant shall keep the entire project site free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.

12. All equipment or utility equipment on the ground shall not be visible from adjacent properties, the public rights-of-way or the sports field. Any architectural screening that is proposed to shield the equipment shall be compatible in terms of colors and materials of the light pole. Landscape screening for ground mounted equipment shall be of sufficient size and quantity to fully screen the equipment.

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

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

**Public Works Department**

15. Any trench repair in the public right-of-way shall be performed per City of Banning Standard W-30.

**Electric Utility Department**

16. The City’s Electric Utility Department will design the point of connection for this project once the applicant provides the Department with required information.

17. The applicant shall:

   a. Submit detailed plans indicating lot lines, streets, easements, layout, anticipated loading information, etc.... These plans are required in electronic format. The City currently uses AutoCad2016. Plans should consist of a plot plan, site plan, one line diagram of proposed electrical main service panel and a sheet showing load calculations by an electrical engineer. The applicant shall provide additional sheets upon the request of the Electric Utility Department.

   b. Pay all required fees – electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension.

   c. Grant an easement for electric facilities installation/maintenance, etc.
II. Prior to Issuance of Building Permit

Community Development Department

18. The applicant shall file a copy of a signed lease agreement between the applicant and the property owner with the Community Development Department.

III. Prior to the Issuance of Certificate of Occupancy.

Community Development Department

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

Building and Safety Department

20. The applicant shall develop the project site in compliance with all current model codes. The applicant shall design all project plans in compliance with the latest editions of the California Building Codes, as adopted by the City of Banning.

21. Separate submittals and building permits are required for all accessory structures such as, but not limited to, ground mounted equipment enclosures.

***END***
ATTACHMENT 2
Exhibits-Plans
February 21, 2018

Mr. Mark de Manincor, Contract Planner
City of Banning Planning Division
99 E. Ramsey Street
Banning CA 92220

RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW –
DIRECTOR’S DETERMINATION

File No.: ZAP1026BA17
Related File No.: CUP17-8003 (Conditional Use Permit)
APN: 541-020-014

Dear Mr. de Manincor:

Under the delegation of the Riverside County Airport Land Use Commission (ALUC) pursuant to Policy 1.5.2(d) of the Countywide Policies of the 2004 Riverside County Airport Land Use Compatibility Plan, staff reviewed City of Banning Case No. CUP17-8003 (Conditional Use Permit), a proposal to replace an existing 60 foot high wooden football field light pole at the sports facilities located on a 9.5 acre parcel with an address of 124 E. Wilson Street (on the south side of Wilson Street, northerly of George Street and Nicolet Middle School, westerly of Alessandro Street, and easterly of San Gorgonio Avenue) with a new 60 foot high steel pole that would support wireless communication facilities (including six panel antennas and one microwave antenna), as well as the existing ball field light array. (The use permit would also provide for an equipment enclosure.)

The site is located within Airport Compatibility Zone D of the Banning Municipal Airport Influence Area (AIA). Zone D restricts nonresidential intensity to 200 people per average acre and 800 people per single acre. The proposed project is an unmanned wireless facility with no onsite occupancy.

The elevation of Runway 8-26 at Banning Municipal Airport is approximately 2,219 feet above mean sea level (2219 feet AMSL). At a distance of approximately 6,100 feet from the runway to the above-referenced parcel, Federal Aviation Administration (FAA) review would be required for any structures with top point exceeding 2,280 feet AMSL. The existing site elevation is approximately 2,406 feet AMSL. The proposed light pole/wireless facility structure is 60 feet in height, for an approximate total maximum elevation of 2,466 feet AMSL. Therefore, FAA Obstruction Evaluation Service review for height/elevation reasons was required. Verizon submitted Form 7460-1 to the Federal Aviation Administration Obstruction Evaluation Service (FAAOES) in 2017. A “Determination of No Hazard to Air Navigation” letter for Aeronautical Study No. 2017-AWP-11919-OE was issued on January 1, 2018. The study revealed that, while the structure would exceed Section 77.19(b) obstruction standards by 47 feet and exceed the
AIRPORT LAND USE COMMISSION

Conical Surface due to the “significantly rising natural terrain,” upon further review, it was 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” provided conditions are met. These FAAOES conditions have been incorporated into this finding.

As ALUC Director, I hereby find the above-referenced project **CONSISTENT** with the 2004 Banning Municipal Airport Land Use Compatibility Plan, as amended in 2016, provided that the City of Banning applies the following recommended conditions:

**CONDITIONS:**

1. Any new outdoor lighting that is installed shall be hooded or shielded so as 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 at this site:
   
   (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.

3. The attached notice shall be provided to all potential purchasers of the property and to tenants of any building(s) thereon, and shall be recorded as a deed notice.

4. Any new aboveground detention basins on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be used in project
landscaping.

5. The Federal Aviation Administration has conducted an aeronautical study of the proposed structure (Aeronautical Study No. 2017-11919-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 Change 1 and shall be maintained in accordance therewith for the life of the project.

6. The maximum height of the proposed structure to top point shall not exceed 60 feet above ground level, and the maximum elevation at the top of the structure shall not exceed 2,467 feet above mean sea level.

7. The specific coordinates, height, top point elevation, frequencies, and power of the proposed structure 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.

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

9. Within five (5) days after construction of the structure reaches its greatest height, FAA Form 7460-2 (Part II), Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to https://oceaa.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 structure.

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

Sincerely,
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

Simon A. Housman, ALUC Director

Attachments: Notice of Airport in Vicinity
Aeronautical Study No. 2017-AWP-11919-OE

cc: Verizon Wireless Attn: Kelly McDonough (applicant)
Smartlink LLC, Attn: James Rogers (representative)
Banning Union High School District, Attn: Kookie Williams (property owner)
Carl Szoyka, Airport Manager, City of Banning
ALUC Case File
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: Monopole Hays - A - 2241037  
Location: Banning, CA  
Latitude: 33-55-54.19N NAD 83  
Longitude: 116-52-34.17W  
Heights: 2407 feet site elevation (SE)  
60 feet above ground level (AGL)  
2467 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 in accordance with FAA Advisory circular 70/7460-1 L Change 1.

This determination expires on 07/01/2019 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.
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 January 31, 2018. 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 of the Airspace Policy Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on February 10, 2018 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 Policy Group via telephone – 202-267-8783.

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, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, 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 includes all previously filed frequencies and power for this structure.

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.

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).
A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact Karen McDonald, at (310) 725-6557, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2017-AWP-11919-OE.

Signature Control No: 348884898-352117569 (DNH)
Mike Helvey
Manager, Obstruction Evaluation Group

Attachment(s)
Additional Information
Frequency Data
Map(s)

cc: FCC
The proposal, submitted by Los Angeles SMSA Limited Partnership, will construct a 60-foot above ground level (agl) Monopole, on significantly rising natural terrain in Banning, California. The site approximately 1.37 nautical miles (NM) northwest of the Banning Municipal (BNG) airport reference point. The BNG Field Elevation (FE) is 2,222 feet above mean sea level (amsl). BNG is the closest civilian public-use landing area. The site elevation of this proposal is 2,407 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 47 feet, 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. Similar structures are in the area. 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 civilian public-use or military airports, including BNG. The proposal does not penetrate the maneuvering area associated with VFR Traffic Pattern operations at BNG to a significantly greater degree than existing structures and natural terrain. 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.
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My Map

City of Banning

City of Banning

Legend
- City Boundaries
- Cities
- roads
- highways
- HWY
- INTERCHANGE
- INTERSTATE
- OFFRAMP
- ONRAMP
- US HWY
- counties
- cities
- hydrography/lines
- waterbodies
- Lakes
- Rivers

Notes

*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.
ATTACHMENT 4
Public Hearing Notice
I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

March 23, 2018

EXECUTED ON: 03/23/2018

At Banning, CA

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

Signature
CITY OF BANNING
PLANNING COMMISSION REPORT

TO: Planning Commission
FROM: Patty Nevins, Community Development Director
PREPARED BY: Sonia Pierce, Senior Planner
MEETING DATE: April 4, 2018

SUBJECT: CONDITIONAL USE PERMIT 18-8001, DESIGN REVIEW 18-7002 AND A NOTICE OF EXEMPTION FOR THE CONSTRUCTION OF A PROPOSED 24-UNIT AIRPORT INDUSTRIAL LIVE/WORK LOFT DEVELOPMENT ON PROPERTY IDENTIFIED AS APN 541-290-013 AND LOCATED AT 1450 E. LINCOLN STREET

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution 2018-04:

1. Making a determination under CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations).
2. Approving Conditional Use Permit 18-8001 for the construction of a 24-unit airport industrial live/work loft development, with related office/warehouse space and parking, subject to findings and conditions of approval; and
3. Approving Design Review 18-7002 for the design of a 24-unit airport industrial live/work development, with related office/warehouse space and parking, subject to findings and conditions of approval.

PROJECT/APPLICANT INFORMATION:

Project Location: 1450 E. Lincoln Street
APN Information: 541-290-013
Project Applicant: Mark Quental
1838 N. Valencia Avenue
Placentia, CA 92870
Property Owner: Edward Quental, a single man; and, Mark Quental and Lisa Quental, husband and wife as joint tenants.
Project Architect: Watermark Development, Inc.
PROJECT BACKGROUND AND DESCRIPTION:

The applicant is proposing a 24-unit airport industrial live/work loft development (the "Project"). On April 8, 2014, the City Council approved the project, Conditional Use Permit (CUP) 13-8005, and Design Review (DR) 13-7003 by a 5-0-0 vote on appeal by the applicant of the Planning Commission's denial of CUP 13-8005 and DR 13-7003. Since the City's approval of CUP 13-8005 and DR 13-7003, the applicant has worked towards satisfying the Conditions of Approval imposed under CUP 13-8005 in order to obtain project building permits. In 2016, the Acting Community Development Director granted a time extension for CUP No. 13-8005 and DR 13-7003, and the City's Building Official issued a building permit for the project in 2017. The project's building permits are active and will expire in April 2018. (At that point, CUP 13-8005 and DR 13-7003 are deemed null and void due to the discontinuation of work, after the commencement of construction.) The applicant is seeking the Planning Commission's approval of the project, as previously proposed and approved by the City Council in 2014, in order to be able to seek an extension of the project's building permit.

The applicant is again requesting approval to construct a 64,327 square foot mixed use residential/industrial development on a 3.7-acre parcel in the Airport Industrial (AI) zoning district. Specifically, the project proposes the construction of one building consisting of approximately 9,900 square feet of office space; 26,950 square feet of warehouse space; 11,864 square feet of residential space; 8,360 square feet of enclosed parking; and, 7,253 square feet of miscellaneous space (closets, stairs, walls, etc). Improvements to the site include a parking lot for approximately 125 vehicles, landscaping, and utilities.

Site Description

The project is located on the south side of Lincoln Street at 1450 E. Lincoln Street, west of Hathaway Street. The project area consists of one parcel, Assessor's Parcel Number (APN) 541-290-013 totaling approximately 3.7 acres.

The site is vacant ground sloping to the southeast and contains little or no vegetation. Lincoln Street, a paved arterial highway, is located immediately north of the site. Barbour Street is located immediately to the south of the site and is partially improved with asphalt pavement. Banning Municipal Airport is located across Lincoln Street adjacent to the project site.

Surrounding Land Use

The project is located in an urban environment in the Airport Industrial (AI) Zone that has been developed since the early part of the 20th century. Banning Municipal Airport, described as a general aviation facility, is located to the north and east across Lincoln Street; the airport includes a small terminal building, aircraft hangars and tie-downs, along with a small aircraft fueling station. The area of the airport closest to the development (across Lincoln Street) is vacant land reserved as a runway protection zone for runway 8-26. To the west are two legal non-conforming single family dwellings and a large industrial building presently being used as a recreational vehicle storage lot. East of the project site are a few legal non-conforming single family dwellings and a vacant parcel of land. Barbour Street serves as the southern border
for the project site with a vacant parcel of land located across the street (see Attachment 2-Aerial Photo).

The surrounding uses, Zoning and General Plan land use designations are indicated in the following table.

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>airport</td>
<td>Public Facilities-Airport</td>
<td>Public Facilities-Airport</td>
</tr>
<tr>
<td>South</td>
<td>vacant parcel</td>
<td>Industrial (south of Barbour Street)</td>
<td>Industrial (south of Barbour Street)</td>
</tr>
<tr>
<td>East</td>
<td>residential/vacant parcel</td>
<td>Airport Industrial</td>
<td>Airport Industrial</td>
</tr>
<tr>
<td>West</td>
<td>residential/industrial</td>
<td>Airport Industrial</td>
<td>Airport Industrial</td>
</tr>
</tbody>
</table>

**ANALYSIS:**

The proposed project is located in the Airport Industrial (AI) Zone. Proposed uses must be focused on airport-related and transportation-related functions, including machining, manufacturing, warehousing, flight schools, etc. Aircraft maintenance and repair are also appropriate; and mixed-use projects may also be permitted, subject to approval of a conditional use permit. Historically, some residential uses are associated with other developments located near airports. For example, hotels are often located on or near airport uses. Some airport specific uses like flight schools, air ambulance services, and other aviation businesses find it convenient to have a place where employees may live while performing their duties.

The developer proposes a project with a mixed-use residential component that will provide a live/work loft arrangement where the business owner would have a residential space (loft) located above the workspace. This type of development is advantageous for airport related businesses and in particular for those who are just starting out in business and cannot afford to purchase or rent both a residence and work space.

The project is described as mixed-use residential/industrial project consisting of 24-units. At this time the applicant has not included a subdivision map for the project. A condition of approval is added to the project condition that requires a subdivision map be filed prior to the sale of any units located within the project area (see condition
number 97). The parking, access, and maintenance, including landscaping of the overall site, will be established through agreements that will be finalized by the developer prior to final map approval and recordation.

Compliance with Airport Industrial Development Standards

Below is a chart showing the minimum development standards for the Airport Industrial (AI) Zone as stated in Table 17.12.030. The proposed project complies with all applicable standards.

<table>
<thead>
<tr>
<th>Development Standards</th>
<th>Required</th>
<th>Provided</th>
<th>Complies With Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>5 Acre</td>
<td>3.7 acres</td>
<td>legal non-conforming</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>150 feet</td>
<td>242 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>150 feet</td>
<td>609 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td>10 feet</td>
<td>95 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>0 feet</td>
<td>68 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>0 feet</td>
<td>57 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Street Side</td>
<td>10 feet</td>
<td>N/A</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>75%</td>
<td>40%</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Height (stories/feet)</td>
<td>2/50 feet</td>
<td>2 story/28'-6'' feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Fence/Wall Height</td>
<td>8 feet</td>
<td>8 feet</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Site Design/Grading

The proposed project will be accessed by a split drive approach entryway (one drive approach for ingress and a separate drive approach for egress) along Lincoln Street; and, one commercial type drive approach along Barbour Street. Both access points are located midway in the parcel frontage. The driveway around the proposed building is approximately 21 feet wide along the north-south axis and 28 feet wide minimum along the east-west axis to allow the fire department adequate access for protecting the structure. Parking is set back from all access points along the street to allow at least one vehicle to enter and exit the parking lot without being blocked by vehicles pulling out from or into the parking spaces. This design feature helps reduce vehicle congestion along Lincoln Street and Barbour Street by allowing vehicles to enter the site
unobstructed. The onsite driveways provide for vehicle circulation in both directions. The design of the parking spaces and driveway comply with the requirements of the Parking Lot Design Standards of the zoning ordinance.

The existing ground surface is flat and slopes to the southeast. The site is not developed and a grading permit along with grading plans will be required. A precise grading plan will be submitted to the City Engineer for review and approval in accordance with the City’s Grading Ordinance and a grading permit will be issued prior to any construction activities taking place. The City’s Grading Ordinance makes provision for dust prevention and control during construction, erosion and sediment control, protection of adjoining properties, water quality, and other regulations related to grading.

Parking Requirements

Portions of Table 17.28.040.B (Commercial and Industrial Parking Requirements) of the Zoning Code are reproduced below. Based upon the uses proposed for the project (residential, office, and warehouse) the Zoning Ordinance for the City of Banning requires 107 total parking spaces, to account for the potential higher office use and 125 parking spaces are proposed for the project. Additionally, one loading space will be provided for the front office. Loading for each unit may take place adjacent to the respective units.

<table>
<thead>
<tr>
<th>Residential/studio and one-bedroom</th>
<th>One covered parking space per unit, plus one uncovered guest parking space for every 4 units. 22 residential spaces + 6 guest spaces = 28 spaces required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>22 Residential units proposed</strong></td>
<td></td>
</tr>
<tr>
<td>General Offices 9,900 s.f. office proposed</td>
<td>For up to 2000 square feet of gross floor area, one space for each 200 sq. ft. For 2001 to 7500 square feet of gross floor area, one space for each 250 sq. ft. For over 7500 square feet of gross floor area, one space for each 300 sq. ft. <strong>50 spaces required</strong></td>
</tr>
<tr>
<td>Industrial Warehousing 1,225 s.f. for 22 units proposed</td>
<td>For 1-20,000 sq. ft. a minimum of two spaces plus one space for each 1,000 sq. ft. of gross floor area; for over 20,000 sq. ft., 22 spaces plus one space per 2,000 sq. ft. for portion over 20,000 sq. ft. <strong>29 spaces required</strong></td>
</tr>
</tbody>
</table>

Vehicle Trip Reduction

Vehicle trip reduction principles are required to be incorporated into projects that employ 100 persons or more as required in Chapter 8.60 of the Banning Municipal Code. Based on the methodology set forth in Section 8.60.040.A. of Chapter 8.60, the project is estimated to employ 100 persons. The purpose of the City’s vehicle trip reduction program requirements is to reduce the number of work-related vehicle trips and thus
improve traffic congestion and air quality. Using the methodology in the Trip Generation Handbook published by the Institute of Traffic Engineers, staff has calculated that the proposed project will generate 152 employees. Therefore, the project must incorporate facilities and/or programs into the project’s development plan sufficient to attain a 12% work-related trip reduction from the estimated 152 trips. Facilities provided for in accordance with the provisions of Section 8.60.040 may include, but are not limited to:

1. Preferential parking for carpool vehicles;
2. Bicycle parking and shower facilities;
3. Information center for transportation alternatives;
4. Rideshare vehicle loading area;
5. Vanpool vehicle accessibility;
6. Bus stop improvements;
7. On-site child care facilities;
8. Local TSM and road improvements;
9. Facilities to encourage telecommuting;
10. Contributions to support regional facilities designed to reduce vehicle trips and miles traveled;
11. On-site amenities, such as cafeterias and restaurants, automated teller machines and other services that would eliminate the need for additional trips.

The code section is permissive in the case of trip reduction provisions. However, as a condition of approval for the project, items 1, 2, 3, as listed above will be required by the building permit and then implemented by the applicant. Other provisions of the program may be implemented as tenants fill the units. Therefore, the provisions of the trip reduction program will assure that the congestion management program for the City will not be significantly impacted.

By its very nature the live/work concept for this development will reduce vehicle trips by not requiring a commute to the work place for some businesses. Since the specific businesses that will occupy the project are not known at this time, it is difficult to estimate the reduced traffic impacts; however, it may be reasoned that this concept will have a positive effect on vehicle trip reduction.

Architectural Design

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

The basic building type is concrete wall tilt-up construction. The textures used for the concrete finishes include smooth painted surfaces, scored panels, along with exposed aggregate panels with wall plane articulation. The finish/paint colors may be described
as brown and tan earth tones. Wall articulation is accomplished at nearly every unit along the building elevation, which provides significant desirable shadow effect. Second floor patio decks are provided and break the mass of the building plane as well as provide outdoor private space. The roof plane changes at intervals and provides articulation for the building mass. Significant landscaping features both adjacent to the building and along the property lines in the parking area contribute to the desirable design elements of the project.

The monument sign proposed for the project is included as an entry statement for the project at the main drive entrance for Lincoln Street. The monument sign with the project title "AIRPORT INDUSTRIAL WORK/ LOFTS" with painted metal textured lettering standing off the background includes architectural details consisting of stone veneered pilasters and wall elements, and a planter wall in front of the sign. Other hardscape features include raised planters with trees providing shade in the parking areas.

**Landscaping and Lighting Design**

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

The Parking Lot Design Standards of the Zoning Code require that at least 15% of the parking area be landscaped. The parking area as proposed in the design plans is approximately 59,528 square feet. Therefore, the minimum landscape area is 8,929 square feet. The applicant is proposing 11,070 square feet of landscaping in the parking area and 10,588 square feet of landscaping for the street frontages.

Exterior lighting is conditioned to be shielded or recessed so that light is contained within the boundaries of the parcel on which the lighting is located. All lighting will be directed downward and away from adjoining properties and public rights-of-way. Additionally, any lighting that would interfere with the nearby airport operations is prohibited in accordance with Federal Aviation Administration (FAA) regulations and the conditions imposed by the Riverside County Airport Land Use Commission (see Attachment 6).

**Projects Near Airports**

The project is located within Airport Compatibility Zones B1 and D of the Riverside County Airport Land Use Compatibility Plan as adopted by the Riverside County Airport Land Use Commission (ALUC) for Banning Municipal Airport. On December 12, 2013, the Riverside County Airport Land Use Commission determined the project is conditionally consistent with the Airport Land Use Compatibility Plan. The results of the determinations and conditions are as shown in Exhibit 6. The conditions imposed
through the ALUC review are incorporated into the Conditions of Approval imposed on CUP 18-8001 (see Attachment 6).

Conclusion

Staff recommends approval of the subject Conditional Use Permit and Design Review as the proposed project is, and remains, consistent with the requirements of the City of Banning General Plan and the City's Zoning Code. The project adequately meets the performance standards and design guidelines as discussed in the staff report; or, will meet those requirements as stated in the Conditions of Approval and upon review and approval of the construction plans and specifications.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act.

Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City staff has considered the potential environmental impacts of CUP 18-8001 and DR 18-7002. City staff has also reviewed the Initial Study and Mitigated Negative Declaration prepared for CUP 13-8005 and DR 13-7003 and approved by the City Council on April 8, 2014, including the impacts and mitigation measures identified therein. Based on that review, the City of Banning Community Development Department has determined that the project and the circumstances under which the project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the project does not involve new information of substantial importance which shows that the project will have significant effects not discussed in the Initial Study and Mitigated Negative Declaration prepared for CUP 13-8005 and DR 13-7003. All potential environmental impacts associated with CUP 13-8005, DR 13-7003, CUP 18-8001, and DR 18-7002 are adequately addressed by the prior Initial Study and Mitigated Negative Declaration, and the mitigation measures contained in the prior Initial Study and Mitigated Negative Declaration will reduce those impacts to a level that is less than significant.

Multiple Species Habitat Conservation Plan (MSHCP).

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

REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT:

Section 17.52.050 requires that each Conditional Use Permit application meet certain findings in order to be approved by the Planning Commission. The following findings are provided for Planning Commission consideration:
A. Finding: The proposed project is consistent with the General Plan.

Findings of Fact: The project is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands”. The land-use designation of Airport Industrial (AI) allows a mixed-use development subject to approval of a Conditional Use Permit by Planning Commission. The proposed project will provide approximately 9,900 square feet of office space, 26,950 square feet of warehouse space, and 11,864 square feet of residential space.

Further, the project is consistent with General Plan Economic Development Policy which states: “The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues”. The proposed project will generate an estimated 152 jobs and generate sales tax from retail sales if commercial uses occupy the space.

B. Finding: The proposed use is conditionally permitted within the subject land use district and complies with the applicable provisions of the Zoning Code.

Findings of Fact: Mixed-use development is allowed in accordance with Section 17.12.020 (“Permitted, conditional and prohibited uses”) of the Zoning Ordinance, subject to approval of a Conditional Use Permit by Planning Commission. Additionally, the existing building meets the front, rear, and side setback requirements of the AI development standards as shown in the staff report dated April 4, 2018. The proposed project is conditioned to meet all local standards pertaining to office, warehouse, and residential use and any proposed improvements.

C. Finding: The proposed use would not impair the integrity and character of the land use district in which it is to be located.

Finding of Fact: The proposed use will not impair the integrity and character of the AI land use district in which it is to be located because it is surrounded by existing developments and on the Lincoln Street corridor, which is a long-established commercial/industrial corridor. Banning Municipal Airport, described as a general aviation facility, is located to the north and east across Lincoln Street; the airport includes a small terminal building, aircraft hangars and tie-downs, along with a small aircraft fueling station. To the west are located two legal non-conforming single family dwellings and a large industrial building presently being used as a recreational vehicle storage lot. East of the project site are a few legal non-conforming single family dwellings and a vacant parcel of land. The building architecture and site circulation and landscaping have been designed in a way that the project is compatible with the character of the surrounding neighborhood. Additionally, an 8-
foot tall solid wall, along with landscaping, will separate the site from the legal non-conforming residential properties nearby.

D. Finding: The subject site is physically suitable for the type and intensity of land use being proposed.

Findings of Fact: The subject site is basically flat with a gentle slope to the southeast, and is surrounded by developed roadways providing suitable access (Lincoln Street and Barbour Street). The 3.7-acre land area is of adequate size to accommodate the proposed use including building area, parking area, and landscaping with conditions as shown in the staff report dated April 4, 2018.

Furthermore, Condition No. 7 imposed on the project by the Riverside County Airport Land Use Commission (ALUC) through the ALUC Development Review requires that the applicant record Covenants, Conditions, and Restrictions (CC&Rs) prior to occupancy of the 24 units and that the CC&Rs note that occupancy for units 1 through 16, as identified on the project plans, must be limited to a maximum of five (5) people per unit to limit building occupancy intensity near the Banning Municipal Airport and reduce potential hazards. Condition No. 7 imposed by ALUC has been incorporated into the Conditions of Approval.

E. Finding: There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

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

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

F. Finding: There will not be significant harmful effects upon environmental quality, natural resources or neighborhood characteristics

Findings of Fact: There is no evidence that the proposed project will have the potential for any adverse effect on environmental quality, wildlife resources, or the habitat upon which wildlife depends as demonstrated in the facts listed in the prior Initial Study/Mitigated Negative Declaration for the project dated January 30, 2014.
The proposed use will not impair the integrity and character of the AI land use district in which it is to be located because it is surrounded by existing developments and is on the Lincoln Street corridor, which is a long-established commercial/industrial corridor. Banning Municipal Airport, described as a general aviation facility, is located to the north and east across Lincoln Street; the airport includes a small terminal building, aircraft hangars and tie-downs, along with a small aircraft fueling station. The building architecture and site circulation and landscaping have been designed in a way that the project is compatible with the character of the surrounding neighborhood. Additionally, an 8-foot tall solid wall along with landscaping will separate the site from the legal non-conforming residential properties nearby.

G. Finding: The proposed location, size, design and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Findings of Fact: A mixed-use development is a conditionally permitted use in the Airport Industrial (AI) Zone. The proposed office, warehouse, and residential use will not be detrimental to the City's health, safety, and welfare in that it complies with the development standards of the Zoning Ordinance and will be subject to Conditions of Approval. The project will not generate excessive noise or traffic. Furthermore, there is no evidence that the proposed project will have the potential for any adverse effect or detriment to the public interests, health, safety, convenience, or welfare of the City as demonstrated in the facts listed in the prior Initial Study/Mitigated Negative Declaration for the project dated January 30, 2014, along with the Mitigation, Monitoring and Reporting Program.

REQUIRED FINDINGS FOR DESIGN REVIEW:

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

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

Findings of Fact: The project is consistent with the General Plan Land Use Element Policy which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands". The land-use designation of Airport Industrial (AI) allows a mixed use development subject to approval of a Conditional Use Permit by Planning Commission. The proposed project will provide approximately 9,900 square feet of office space, 26,950 square feet of warehouse space, and 11,864 square feet of residential space.

Further, the project is consistent with General Plan Economic Development Policy which states: "The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate
and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues”. The proposed project will generate an estimated 152 jobs and generate sales tax from retail sales if commercial uses occupy the space.

B. Finding: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Findings of Fact: The proposed project is consistent with the Zoning Ordinance and the development standards of the AI Zone, including setbacks, building height, building coverage on the lot. The Zoning Ordinance requires 107 total parking spaces. The proposed project provides 125 parking spaces. The project provides 11,070 square feet of landscaping in the parking area and 10,588 square feet of landscaping for the street frontages, which is greater than the 15% minimum landscaping requirement of the Zoning Ordinance.

C. Finding: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards.

Findings of Fact: The proposed project has provided site and circulation layout design in such a way that the project will not interfere with the use and enjoyment of existing and future development. The proposed project provides two separate vehicle access driveways, one fronting Lincoln Street, and one fronting Barbour Street, with a driveway that circulates around the entire building. The proposed project provides pedestrian walks around the building. Additionally, the City Engineer and Fire Department have reviewed the site circulation for pedestrian, motor vehicle, and emergency access, and have determined that the design and layout of the project will not result in vehicular and/or pedestrian hazards.

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

Findings of Fact: The proposed use will not impair the integrity and character of the AI land use district in which it is to be located because it is surrounded by existing developments and on the Lincoln Street corridor, which is a long-established commercial/industrial corridor. Banning Municipal Airport, described as a general aviation facility, is located to the north and east across Lincoln Street; the airport includes a small terminal building, aircraft hangars and tie-downs, along with a small aircraft fueling station. To the west are located two legal non-conforming single family dwellings and a large industrial building presently being used as a recreational vehicle storage lot. East of the project site are a few legal non-conforming single family dwellings and a vacant parcel of land. The building architecture and site circulation and landscaping have been designed in a way that the project is compatible with the character of the surrounding neighborhood. Additionally, an 8-foot tall solid wall, along with landscaping, will separate the site from the legal non-conforming residential properties nearby.
PUBLIC COMMUNICATION:

This hearing was advertised in the Record Gazette newspaper on March 23, 2018, and notices were mailed to all property owners within a 300-foot radius of the site in compliance with the City's noticing requirements for public hearings. As of the writing of this report, staff has not received any verbal or written comments for or against the proposed project.

PREPARED BY:                      APPROVED BY:

Sonia Pierce                      Patty Nevins
Senior Planner                   Community Development Director

PC Attachments:

1. PC Resolution No. 2018-04 (with Conditions of Approval)
2. Location map, APN map, and Aerial Photo
3. Project Plans
4. Initial Study/Mitigated Negative Declaration (January 2014)
6. Public Hearing Notice (PHN)
Attachment 1

(Resolution No. 2018-04 with Conditions of Approval)
RESOLUTION NO. 2018-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 18-8001 AND DESIGN REVIEW 18-7002 TO CONSTRUCT A 24-UNIT AIRPORT INDUSTRIAL LIVE/WORK LOFT PROJECT ON A 3.7 ACRE PARCEL LOCATED AT 1450 E. LINCOLN STREET (APN 541-290-013) IN THE AIRPORT INDUSTRIAL (AI) ZONE, AND DETERMINING NO FURTHER CEQA REVIEW REQUIRED

WHEREAS, an application for a Conditional Use Permit and Design Review to construct a mixed-use development has been duly filed by:

Applicant/Owner: Mark Quental-Watermark Development, Inc.
Project Location: 1450 E. Lincoln Street
APN Number: 541-290-013
Lot Area: 3.7 Acres;

WHEREAS, the Planning Commission has the authority per Chapter 17.52 and 17.56 of the Banning Municipal Code to take action on Conditional Use Permit 18-8001 and Design Review 18-7002 to construct a mixed-use development on a 3.7-acre parcel in the Airport Industrial (AI) Zone located at 1450 E. Lincoln Street, west of Hathaway Street;

WHEREAS, on March 23, 2018, the City gave public notice by advertisement in the Record Gazette newspaper and mailed notice to property owners within 300 feet of the site of the holding of a public hearing at which the project would be considered;

WHEREAS, on April 4, 2018, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Conditional Use Permit 18-8001 and Design Review 18-7002; and

WHEREAS, at the public hearing on April 4, 2018, the Planning Commission considered and heard public comments on the project and the proposed approval of Conditional Use Permit 18-8001 and Design Review 18-7002.

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

A. California Environmental Quality Act (CEQA).

Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City staff has considered the potential environmental impacts of CUP 18-8001 and DR 18-7002. City staff has also reviewed the Initial Study and Mitigated Negative Declaration prepared for CUP 13-8005 and DR 13-7003 and approved by the City Council on April 8, 2014, including the impacts and mitigation measures identified therein. Based on that review, the City of Banning Community Development Department has determined that the project and the circumstances under which the project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the project does not involve new information of substantial importance which shows that the project will have significant effects not discussed in the Initial Study and Mitigated Negative Declaration prepared for CUP 13-8005 and DR 13-7003. All potential environmental impacts associated with CUP 13-8005, DR 13-7003, CUP 18-8001, and DR 18-7002 are adequately addressed by the prior Initial Study and Mitigated Negative Declaration, and the mitigation measures contained in the prior Initial Study and Mitigated Negative Declaration will reduce those impacts to a level that is less than significant.

The Planning Commission, based upon the whole record before it, staff's determination, and its independent review and judgment, finds that that the Project is not subject to further environmental review pursuant to the Guidelines because: (1) the Project and the circumstances under which the Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the Initial Study and Mitigated Negative Declaration prepared for CUP 13-8005 and DR 13-7003 and approved by the City Council on April 8, 2014; and (2) all potential environmental impacts associated with CUP 13-8005, DR 13-7003, CUP 18-8001, and DR 18-7002 are adequately addressed by the prior Initial Study and Mitigated Negative Declaration, and the mitigation measures contained in the prior the Initial Study and Mitigated Negative Declaration will reduce those impacts to a level that is less than significant.

The custodian of records for the prior Initial Study and Mitigated Negative Declaration, and all other materials that constitute the record of proceedings upon which the Planning Commission’s decision is based, is the Planning Division of the Community Development Department of the City of Banning. Those documents are available for public review in the Planning Division located at 99 E. Ramsey Street, Banning, California 92220.
B. Multiple Species Habitat Conservation Plan (MSHCP).

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

SECTION 2. REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT 18-8001.

Section 17.52.050 requires that each Conditional Use Permit application meet certain findings in order to be approved by the Planning Commission. The Planning Commission of the City of Banning does hereby find, determine, and declare that the proposed CUP 18-8001 should be granted because:

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

Findings of Fact: The project is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands”. The land-use designation of Airport Industrial (AI) allows a mixed-use development subject to approval of a Conditional Use Permit by Planning Commission. The proposed project will provide approximately 9,900 square feet of office space, 26,950 square feet of warehouse space, and 11,864 square feet of residential space.

Further, the project is consistent with General Plan Economic Development Policy which states: “The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues”. The proposed project will generate an estimated 152 jobs and generate sales tax from retail sales if commercial uses occupy the space.

B. Finding: The proposed use is conditionally permitted within the subject land use district and complies with the applicable provisions of the Zoning Code.

Findings of Fact: Mixed-use development is allowed in accordance with Section 17.12.020 (“Permitted, conditional and prohibited uses”) of the Zoning Ordinance, subject to approval of a Conditional Use Permit by Planning Commission. Additionally, the existing building meets the front, rear, and side setback requirements of the AI development standards as shown in the staff report dated April 4, 2018. The proposed project is conditioned to meet all local standards pertaining to office, warehouse, and residential use and any proposed improvements.
C. Finding: The proposed use would not impair the integrity and character of the land use district in which it is to be located.

Finding of Fact: The proposed use will not impair the integrity and character of the Al land use district in which it is to be located because it is surrounded by existing developments and on the Lincoln Street corridor, which is a long-established commercial/industrial corridor. Banning Municipal Airport, described as a general aviation facility, is located to the north and east across Lincoln Street; the airport includes a small terminal building, aircraft hangars and tie-downs, along with a small aircraft fueling station. To the west are located two legal non-conforming single family dwellings and a large industrial building presently being used as a recreational vehicle storage lot. East of the project site are a few legal non-conforming single family dwellings and a vacant parcel of land. The building architecture and site circulation and landscaping have been designed in a way that the project is compatible with the character of the surrounding neighborhood. Additionally, an 8-foot tall solid wall, along with landscaping, will separate the site from the legal non-conforming residential properties nearby.

D. Finding: The subject site is physically suitable for the type and intensity of land use being proposed.

Findings of Fact: The subject site is basically flat with a gentle slope to the southeast, and is surrounded by developed roadways providing suitable access (Lincoln Street and Barbour Street). The 3.7-acre land area is of adequate size to accommodate the proposed use including building area, parking area, and landscaping with conditions as shown in the staff report dated April 4, 2018.

Furthermore, Condition No. 7 imposed on the project by the Riverside County Airport Land Use Commission (ALUC) through the ALUC Development Review requires that the applicant record Covenants, Conditions, and Restrictions (CC&Rs) prior to occupancy of the 24 units and that the CC&Rs note that occupancy for units 1 through 16, as identified on the project plans, must be limited to a maximum of five (5) people per unit to limit building occupancy intensity near the Banning Municipal Airport and reduce potential hazards. Condition No. 7 imposed by ALUC has been incorporated into the Conditions of Approval.

E. Finding: There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

Findings of Fact: The site is served by the public and private utilities, including the City’s water, sewer, and electrical utilities. There is an existing 8-inch steel waterline in Lincoln Street and an existing 12-inch steel waterline in Barbour Street. An existing 8-inch clay gravity sewer main is located in Barbour Street, which is downstream of the project site.
The City is required to adhere to the requirements of their discharge permit with the Regional Water Quality Control Board for the wastewater treatment facility and all wastewater discharges are expected to be treated by the City’s system. Additionally, the City requires industrial facilities to comply with the Industrial Wastewater Collection and Treatment Ordinance, which Ordinance requires connection permits and project monitoring and inspection, and imposes restrictions on certain wastewater discharges.

F. Finding: There will not be significant harmful effects upon environmental quality, natural resources or neighborhood characteristics.

Findings of Fact: There is no evidence that the proposed project will have the potential for any adverse effect on environmental quality, wildlife resources, or the habitat upon which wildlife depends as demonstrated in the facts listed in the prior Initial Study/Mitigated Negative Declaration for the project dated January 30, 2014.

The proposed use will not impair the integrity and character of the AI land use district in which it is to be located because it is surrounded by existing developments and is on the Lincoln Street corridor, which is a long-established commercial/industrial corridor. Banning Municipal Airport, described as a general aviation facility, is located to the north and east across Lincoln Street; the airport includes a small terminal building, aircraft hangars and tie-downs, along with a small aircraft fueling station. The building architecture and site circulation and landscaping have been designed in a way that the project is compatible with the character of the surrounding neighborhood. Additionally, an 8-foot tall solid wall along with landscaping will separate the site from the legal non-conforming residential properties nearby.

G. Finding: The proposed location, size, design and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Findings of Fact: A mixed-use development is a conditionally permitted use in the Airport Industrial (AI) Zone. The proposed office, warehouse, and residential use will not be detrimental to the City’s health, safety, and welfare in that it complies with the development standards of the Zoning Ordinance and will be subject to Conditions of Approval. The project will not generate excessive noise or traffic. Furthermore, there is no evidence that the proposed project will have the potential for any adverse effect or detriment to the public interests, health, safety, convenience, or welfare of the City as demonstrated in the facts listed in the prior Initial Study/Mitigated Negative Declaration for the project dated January 30, 2014, along with the Mitigation, Monitoring and Reporting Program.
SECTION 3. REQUIRED FINDINGS FOR DESIGN REVIEW 18-7002.

The Zoning Code requires that each Design Review (BMC §17.56.050) application meet certain findings in order to be approved by the Planning Commission. The Planning Commission of the City of Banning does hereby find, determine, and declare that the proposed DR 18-7002 should be granted because:

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

Findings of Fact: The project is consistent with the General Plan Land Use Element Policy which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands". The land-use designation of Airport Industrial (AI) allows a mixed use development subject to approval of a Conditional Use Permit by Planning Commission. The proposed project will provide approximately 9,900 square feet of office space, 26,950 square feet of warehouse space, and 11,864 square feet of residential space.

Further, the project is consistent with General Plan Economic Development Policy which states: "The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues". The proposed project will generate an estimated 152 jobs and generate sales tax from retail sales if commercial uses occupy the space.

B. Finding: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Findings of Fact: The proposed project is consistent with the Zoning Ordinance and the development standards of the AI Zone, including setbacks, building height, building coverage on the lot. The Zoning Ordinance requires 107 total parking spaces. The proposed project provides 125 parking spaces. The project provides 11,070 square feet of landscaping in the parking area and 10,588 square feet of landscaping for the street frontages, which is greater than the 15% minimum landscaping requirement of the Zoning Ordinance.

C. Finding: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards.

Findings of Fact: The proposed project has provided site and circulation layout design in such a way that the project will not interfere with the use and enjoyment of existing and future development. The proposed project provides two separate vehicle access driveways, one fronting Lincoln Street, and one fronting Barbour
Street, with a driveway that circulates around the entire building. The proposed project provides pedestrian walks around the building. Additionally, the City Engineer and Fire Department have reviewed the site circulation for pedestrian, motor vehicle, and emergency access, and have determined that the design and layout of the project will not result in vehicular and/or pedestrian hazards.

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

**Findings of Fact:** The proposed use will not impair the integrity and character of the AI land use district in which it is to be located because it is surrounded by existing developments and on the Lincoln Street corridor, which is a long-established commercial/industrial corridor. Banning Municipal Airport, described as a general aviation facility, is located to the north and east across Lincoln Street; the airport includes a small terminal building, aircraft hangars and tie-downs, along with a small aircraft fueling station. To the west are located two legal non-conforming single family dwellings and a large industrial building presently being used as a recreational vehicle storage lot. East of the project site are a few legal non-conforming single family dwellings and a vacant parcel of land. The building architecture and site circulation and landscaping have been designed in a way that the project is compatible with the character of the surrounding neighborhood. Additionally, an 8-foot tall solid wall, along with landscaping, will separate the site from the legal non-conforming residential properties nearby.

**PLANNING COMMISSION ACTIONS.**

Based on the foregoing, the Planning Commission of the City of Banning hereby approves Conditional Use Permit 18-8001 and Design Review 18-7002 to permit the construction of a 24-unit airport industrial live/work loft project on approximately 3.7 acres of real property located at 1450 E. Lincoln Street (APN: 541-290-013) in the Airport Industrial (AI) Zone and designated Airport Industrial (AI), subject to Conditions of Approval attached hereto as Exhibit A.

**CERTIFICATION.**

The Recording Secretary of the Planning Commission of the City of Banning shall certify the adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED** this 4th day of April, 2018.

________________________________________________________
Eric Shaw, Chairman  
Banning Planning Commission

ATTEST:
Sandra Calderon
Recording Secretary

APPROVED AS TO FORM AND LEGAL CONTENT:

Serita R. Young, Assistant City Attorney
Richards Watson & Gershon

CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2018-04, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of April, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

LOCATION: 1450 E. Lincoln Street (APN 541-290-013)
PROJECT #: Conditional Use Permit #18-8001, and Design Review #18-7002

SUBJECT: Conditions of Approval* (PC Reso No. 2018-04)

APPLICANT: Mark Quental-Watermark Development, Inc. of Placentia, CA

LOCATION: 1450 E. Lincoln Street (APN 541-290-013)

Conditions of Approval Nos. 1-134 were imposed on CUP 13-8005 and DR 13-7003 and are imposed on CUP 18-8001 and DR 18-7002 because building permits have been issued for the Project originally approved under CUP 13-8005 and DR 13-7003. New Conditions of Approval imposed on CUP 18-8001 and DR 18-7002 in addition to Conditions 1-134 begin at Conditions of Approval No. 135.

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

I. On-going.

Community Development Department

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalties 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 instrumentalties 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 instrumentalties thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent
jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City’s defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

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

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

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

5. The applicant shall comply with all conditions of approval as stipulated by the Airport Land Use Commission (ALUC) project review held on December 12, 2013, and any amendments; including any requirements stipulated by the Federal Aviation Administration (FAA) Aeronautical Study.

6. The site shall be developed and maintained in accordance with the plans stamped approved by the City dated April 4, 2018, which include site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division; the conditions contained herein; and, municipal code regulations.

7. The development shall maintain an onsite building manager to manage the 24 units to directly address any on-site related issues such as noise, traffic, lighting, etc.
8. The respective live/work units may not be separated, that is dividing the live portion (residence) of the unit from the work portion (office/warehouse) of the unit, and offered for lease, rent, or sale apart from what is approved by this entitlement.

9. There shall be no storage of vehicles, equipment, or any other materials in the parking or landscaping areas of the project.

10. Approval of this entitlement shall not waive compliance with any sections of the Development Code, other applicable City Ordinances, in effect at the time of building permit issuance.

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

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

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

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

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

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

17. The buildings used in the development for office use shall designate one preferred parking space for carpool vehicles.

18. The developer shall provide a bicycle parking spot including a rack to secure bicycles.

19. The office buildings shall be designed to accommodate telecommuting facilities.

20. The developer shall prepare a trip reduction program for the proposed development. This will include an information center for transportation alternatives. The program shall be subject to the review and approval of the City Engineer.

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

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

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

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

25. Comply with all environmental mitigation measures, as detailed in the previously
approved Mitigated Negative Declaration and the Mitigation Monitoring and
Reporting Plan, as approved by the City Council at their regularly scheduled
meeting held on April 8, 2014.

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

Public Works Department

27. 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.

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

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

30. Access drives to the public right-of-way shall be restricted to those approved by
the City Engineer as shown on plans approved by Planning Commission on April
4, 2018.
31. 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 surveyors):

a. Rough and Precise Grading Plans
b. Haul Route Plans
c. Clearing Plans
d. Street Improvement Plans
e. Signing & Striping Plans (on/off site)
f. Landscaping Plans-Streets
g. Water & Sewer Improvement Plans

1” = 40’ Horizontal
1” = 40’ Horizontal
1” = 50’ Horizontal
1” = 40’ Horizontal
1” = 4’ Vertical
1” = 40’ Horizontal
1” = 20’ Horizontal
1” = 40’ Horizontal
1” = 4’ Vertical

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

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

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

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

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

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

34. Offer to dedicate to the City of Banning for public purposes the right-of-way for Lincoln Street fronting the site as an Arterial Highway; 55 feet one-half width.

35. Offer to dedicate to the City of Banning for public purposes the right-of-way for Barbour Street fronting the site as a Collector Highway; 33 feet one-half width.

36. Offer to dedicate to the City of Banning an aviation easement for the airspace related to the operation of Banning Municipal Airport (BNG).

37. 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.

38. 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.

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

40. 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.

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

42. The project shall provide two separate and approved access points to the public right-of-way (secondary access).
43. All street improvement design shall provide pavement and lane transitions per Caltrans standards for transition to existing street sections.

44. The developer shall participate in the City’s recycling program by providing two trash receptacles, one for regular trash and one for recycling, within the trash enclosure. The trash enclosure shall be designed and constructed in such a manner to accommodate a recycling bin as well as the necessary solid waste containers.

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

46. 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.

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

48. The CC & R's shall contain provisions which prohibit dissolution of the property owners' association unless another entity has agreed to assume the operation and maintenance responsibilities of the property owners' association. The CC & R's shall contain provisions that prohibit the developer and his/her successors-in-interest from amending said covenants, conditions and restrictions to conflict with these conditions of approval, City codes and/or standards. The CC & R's shall be subject to prior review and approval of the City Attorney. The applicant or developer shall bear the cost of the review.

**Electric Utility Department**

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

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

**Community Development Department**

50. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency such as grading, tree removal, encroachments, building location, etc. or prior to final map approval in the case of a subdivision, or approved use has commenced, whichever comes first.
51. The developer shall submit a construction access plan and schedule for the
development of the project for Community Development Director and City
Engineer approval; including, but not limited to, public notice requirements,
special street posting, phone listing for community concerns, hours of
construction activity, dust control measures, and security fencing.

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

**Public Works Department**

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

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

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

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

57. The applicant shall obtain any necessary clearances and/or permits from the
following agencies:

- Fire Marshal
- Public Works Department (Grading Permit, Improvement Permit)
- Community Development Department
- Riverside County Environmental Health Department
- California Regional Water Quality Control Board Colorado River Basin (RWQCB)
South Coast Air Quality Management District (SCAQMD)

Riverside County Flood Control District (RCFCD)

58. 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.

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

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

61. 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.

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

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

64. The applicant shall comply with Chapter 13.24 “Stormwater Management and Discharge Controls” of the Banning Municipal Code (BMC); California Building Code related to excavation and grading; and, the State Water Resources Control Board’s orders, rules and regulations.
65. 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.

66. 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.

67. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.

68. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California. A grading permit shall be obtained prior to commencement of any grading activity.

69. The applicant shall submit and obtain approval in writing from the Fire Marshall for the plans for all public or private access roads, drives, streets, and alleys. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end access exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable covenant, conditions or restrictions or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Marshall is granted.
Electric Utility Department

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

III. Prior to the Issuance of Building Permit.

Community Development Department

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

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

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

74. Obtain clearance and/or permits from the Banning Unified School District

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

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

77. A complete landscape/irrigation package prepared by a landscape architect licensed by the State of California shall be reviewed and approved by the Planning Division prior to issuance of building permit. The plans shall include the following elements:

   a. Water conservation concept statement.
b. Calculation of maximum applied water allowance.

c. Calculation of estimated total water use.

d. Landscape design plan.

e. Irrigation design plan.

f. Grading design plan.

g. Soil analysis.

h. Certificate of substantial completion.

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

79. All landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape in accordance with Zoning Ordinance requirements.

80. Building and Safety plans shall be submitted for plan check and approval. All plans shall be marked with the project number (i.e., DR 18-7002). The applicant shall comply with 2013 California Building Codes, and all other applicable codes, ordinances, and regulations in effect at the time of permit application including but not limited to those regulations that relate to ground movement.

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

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

**Public Works Department**

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

84. A precise grading plan shall be submitted to the City Engineer for review and approval. Precise grading plans shall include perimeter walls with top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions.
85. Prior to issuance of any grading or building permit, a Project-Specific Water Quality Management Plan (WQMP) shall be reviewed and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011. At a minimum, all development will make provisions to store runoff from rainfall events up and including the one-hundred year, three-hour duration. Post development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates.

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

87. In accordance with the approved plans, the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed project/development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.

88. The developer shall prepare a water conservation plan to reduce water consumption in the landscape environment using xeriscape principles. “Xeriscape” shall mean a combination of landscape features and techniques that in the aggregate reduce the demand for and consumption of water, including appropriate low water using plants, non-living ground-cover, a low percentage of turf coverage (limited to 25% of the planted area), permeable paving and water conserving irrigation techniques and systems. A low water-using drought tolerant plant includes species suited to our climate, requiring less water in order to grow well.

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

90. Fire hydrants shall be installed within and on the project boundaries as per the approval plans, and/or as approved by the Fire Department.

91. Provide fire flow calculations for the project and construct the necessary facilities to meet those flows for the project.

92. A property owners' association shall be established promptly following grading permit issuance and the applicable Conditions, Covenants & Restrictions (CC & R's), shall be prepared for review and approval of the City Engineer providing for maintenance of the parkway, slopes adjacent to public right-of-ways, any debris basins and median island landscaping. The developer shall appoint the members of the Board of Directors of the property owners' association, or take
such other steps as may be reasonably necessary to assure that members have been appointed or elected to such Board of Directors, until under the terms of the applicable CC & R's individual lot owners have the power to elect the members of the Board of Directors in accordance with the CC & R's. The, conditions, covenants, and restrictions shall contain provisions which prohibit dissolution of the property owners' association unless another entity has agreed to assume the operation and maintenance responsibilities of the property owners' association. The conditions, covenants and restrictions shall contain provisions that prohibit the developer and his/her successors-in-interest from amending said covenants, conditions and restrictions to conflict with these Conditions of Approval.

**Electric Utility Department**

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

**IV. Prior to the Issuance of Certificate of Occupancy.**

**Community Development Department**

94. In order to reduce energy consumption from the proposed project development, applicable plans (e.g., electrical plans, improvement maps, etc.) submitted to the City shall include the installation of energy efficient lighting throughout the project site.

These plans shall be reviewed and approved by the Electric Utility, Public Works Department and Building and Safety Division

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

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

97. The applicant shall cause the final map to be recorded.

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

99. Provide for the following design features in each trash enclosure, to the satisfaction of the Community Development Director:
a. Architecturally integrated into the design of the project.

b. Separate pedestrian access that does not require the opening of the main doors and to include self-closing pedestrian doors.

c. Large enough to accommodate two trash bins (see Public Works Dept for details).

d. Trash bins with counter-weighted lids.

e. Architecturally treated overhead shade trellis, or cover.

f. Chain link screen on top to prevent trash from blowing out of the enclosure and designed to be hidden from view.

100. The buildings shall be constructed in substantial compliance with the design elements as depicted in Attachment 3 of the staff report approved by the Planning Commission at their regularly scheduled meeting held on April 4, 2018; and, in accordance with Zoning Code regulations.

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

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

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

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

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

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

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

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

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

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

**Public Works Department**

112. Construct full street improvements in accordance with City standards fronting Barbour Street including street lighting, curb and gutter, commercial style drive approaches, sidewalk, and asphalt concrete paving, traffic signs and striping, and any transitions. Street lights shall be installed offset of the existing street lights, if existing. Applicant’s geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

113. The applicant shall furnish the City with reproducible record drawings on Mylar of all improvement plans that were approved by the City Engineer. Each sheet shall be clearly marked "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files submitted to the City, revised to reflect the “As-Built” conditions.

114. There is an existing 12” CML&WS (Steel) Water line on Lincoln Street and a 12” CML&WS (Steel) line on Barbour Street. The on-site water system shall be designed to have a connection at both lines (looped).

115. Each condominium unit shall have a water meter with a backflow on the customer side.

116. The on-site water line shall be a public water system and shall therefore be within a utility easement dedicated to the City of Banning. It will be constructed per the requirements of the City of Banning Specifications (Ductile Iron).

117. A backflow device must be installed on all commercial/industrial buildings and at each irrigation water connection. The backflow device must be in compliance with the State Department of Health Regulations.

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

119. There is an existing 8” VCP sewer line along Barbour Street. All sewer lines to be constructed within the Public right-of-way shall be Extra Strength Vitrified Clay Pipe (VCP). Each condominium shall have its own sewer lateral. All sewer
laterals shall be a minimum of 6-inches and all sewer mains shall be a minimum of 8-inches. The City Engineer shall approve final sizes.

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

121. Submit a condominium map prepared by a surveyor licensed by the State of California to the City Engineer for review and approval. The map shall clearly identify all easements and common maintenance areas.

122. All fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the property owner until the street is accepted for maintenance.

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

124. An automatic sprinkler system and landscaping shall be installed, prior to occupancy of the first unit of the development, within the parkway fronting Lincoln Street and Barbour Street, and any interior public spaces. The system shall include a landscape controller, a separate water meter and electric meter, and plantings as approved by the Community Development Director. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.

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

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

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

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

**Electric Utility Department**

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

130. The developer shall provide all conduits, vaults, and other materials associated with electric facility installations (except cables and their terminations).

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

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

POLICE DEPARTMENT

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

FIRE DEPARTMENT

134. The following codes and standards quoted in this review response are selected from the various regulations that apply to this development. Other regulations that are not included on this review response may also apply after additional information is provided:
CITY OF BANNING FIRE SERVICES
STANDARD CONDITIONS OF APPROVAL
As amended for the proposed commercial project
Lincoln Work – Live Complex, APN #541-290-013

Date: January 27, 2014

The following are the minimum Fire Department requirements. There may be additional requirements when the project specifics are defined and the final proposal is submitted for approval.

1. FIRE DEPARTMENT DEVELOPER FEES:

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

Light Industrial/Multi-Family units –
$1335.00 per Multi-family unit
$468.00 per Light Industrial unit
$25.00 per unit Disaster Planning

Plan Check and Inspection - $134.00 per hour

2. SPRINKLER SYSTEMS REQUIRED:

Fire Sprinkler System shall be required for this 45,650 square foot mixed occupancy structure.

Install a complete fire sprinkler system per NFPA 13 2010 edition (13D and 13R system are not allowed) in all buildings requiring a fire flow of 1500 GPM or greater sprinkler system(s) with pipe size in excess of 4” inch diameter will require the project structural engineer to certify (wet signature) the stability of the building system for seismic and gravity loads to support the sprinkler system. All fire sprinkler risers shall be protected from any physical damage. The post indicator valve and fire department connection shall be located to the front, within 50 feet of a hydrant, and the minimum of 25 feet from the building (s). A statement that the building (s) will be automatically fire sprinkled must be included on the title page of the building plans.

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

When fire sprinkler systems are required in buildings of undetermined use, they shall be designed and installed to have a sprinkler density of not less than that required for Ordinary Hazard Group 2 use with a minimum design area of 3,000 sq. ft. Use is considered undetermined if not specified at time permit is issued.

Maintenance on fire sprinkler systems shall be provided to the Banning Fire Marshal office in writing.

3. FIRE HYDRANTS:

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

All hydrants must be installed, working and inspected by the public works department before any combustible materials can be placed at the worksite.

Spacing of fire hydrants shall comply with CFC Appendix C and the City of Banning Public Works Standards. (Maximum 300 feet between hydrants)

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

The City standard fire hydrant is the Commercial, James Jones #13765, or an equivalent approved by the Fire Marshal.
Fire Hydrants are to be painted by the developer, contractor, etc., prior to the final inspection. (EOS Standard W714) Rustoleum Red, damp proof #769 and two (2) coats of Rustoleum semi-gloss yellow #659, or an approved equivalent.

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

5. Super fire hydrant (5) (6" x 4" x 2 1/2") shall be located not less than 25 feet or more than 165 feet from any portion of the building as measured along approved vehicular travel ways.

6. RAPID ENTRY BOX

Rapid entry Hazardous Material data and key storage cabinet shall be installed on outside of each building, and KNOX key switch at all gates. Plan shall be submitted to the City of Banning’s Fire Marshal’s office for approval prior to installation.

7. HIGH RACK STORAGE

A separate permit is required for high pile storage and/or racks. Sprinkler Plans and/or sprinkler review must be submitted by a licensed sprinkler Contractor with storage and/or rack plans to Riverside County Fire Department for review and approval of the 2010 CFC Chapters 24 and 34 compliance. Complete Chapters 24 and 34, Information re: all commodities stored, rack dimensions, placement in building, etc. must be provided with suppression system for racks and/or high-pile storage review. A complete listing of commodities classified using UFC Chapters 24 and 34, 2010 Edition, and NFPA 13, 2010 Edition guidelines by a licensed Fire protection Engineer (or other consultant to approve by this jurisdiction.)

8. WATER SUPPLY:

Fire flow shall be established by the Fire Department using the information provided in the CFC Appendix B. Fire Flow may be adjusted upward where conditions indicate an unusual susceptibility to fire.

The applicant or developer shall be responsible to submit written certification from the water company noting the location of the existing fire hydrant and that the existing water system is capable of delivering 2,250 GPM fire flow for a 2 hours duration at 20 PSI residual operating pressure. If a water system currently does not exist, the applicant/developer shall be responsible to provide written certification that financial arrangements have been made to provide them.

9. WATER PLANS

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

10. FIRE LANES

Fire lanes shall be assigning by the City of Banning’s Fire Marshal’s office. Contact the City of Banning Fire Marshal’s office for guideline handout.

11. FIRE EXTINGUISHERS

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

12. FIRE DEPARTMENT ACCESS:

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

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

Surfaces shall be designed and maintained to support the imposed loads of fire apparatus (75,000gww). Surfaces shall have all-weather driving capabilities, including bridges. All roads must be placed and meet the above standard before any combustible materials can be delivered to the site.
Minimum unobstructed width shall be 20 feet.

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

Minimum turning radius shall be 42 feet.

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

Cul-de-sacs shall not exceed 600 feet in length

Maximum grade shall be established by the Fire Department.

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

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

The requirements for this segment are covered in CFC Chapter 5.

A “Knox” box will be required for fire department access for gates and buildings.

13. PREMISES IDENTIFICATION:

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

Commercial - 6" mm. Size, (Recommended 12")

14. INSPECTIONS:

Inspections shall be requested a minimum of forty-eight (48) hours prior to the time the required inspection is needed. Annual inspections on fire sprinkler and fire alarm systems shall be required, and the Banning Fire Marshal will issue an operational permit per the CFC 2010 edition.

Fee for each inspection is $134.00 per hour/ person, (One hour minimum).

15. FIRE ALARM SYSTEM:

A Fire Alarm System will be required for this project. A fire department control center will be required, where all fire alarm panels shall be installed. This system will be designed and inspected with NFPA 72, 2010 edition. Maintenance on fire alarm systems shall be provided to the Banning Fire Marshal office in writing.

16. BUILDING PLANS:

When final building plans are submitted additional requirement may apply.

Sincerely,

Doug Clarke
Assistant Fire Marshal
Banning Fire Services
(951) 922-3211
dclarke@ci.banning.ca.us
Building Department

135. The following added conditions of approval shall be complied with at time of plan check submittal:

1. 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.

2. Site development and grading shall be designed to provide access to all entrances and exterior ground floor exits and access to normal paths of travel, and where necessary to provide access. Paths of travel shall incorporate (but not limited to) exterior stairs, landings, walks and sidewalks, pedestrian ramps, curb ramps, warning curbs, detectable warnings, signage, gates, lifts and walking surface material. The accessible route(s) of travel shall be the most practical direct route between accessible building entrances, site facilities, accessible parking, public sidewalks, and the accessible entrance(s) to the site. California Building Code (CBC) 11A and 11B.

   a. City of Banning enforces the State of California provisions of the California Building Code disabled access requirements. The Federal ADA standards differ in some cases from the California State requirements. It is the building owners responsibility to be aware of those differences and comply accordingly.

   b. Disabled access parking shall be located on the shortest accessible route. Relocate parking spaces accordingly.

3. Multi-family buildings on the site shall be accessible/adaptable per California Building Code (CBC), Chapters; 11A and 11B.

4. Commercial buildings on the site shall be accessible per California Building Code (CBC) 11B.

5. Site Facilities such as parking (open and covered), recreation facilities, and trash dumpsters, shall be accessible per California Building Code (CBC) 11A, 11B and 31B.

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

7. Pursuant to California Business and Professions Code Section 6737, this project is required to be designed by a California licensed architect or engineer. Based on change of use and potential exiting and fire life safety improvements.
Attachment 2

(Location Map, APN map, and Aerial Photograph)
Attachment 3
(Project Plans)
BANNING, CALIFORNIA 90222
1450 E. LINCOLN STREET
MIXED USE DEVELOPMENT
24 UNIT - AIRPORT INDUSTRIAL ZONED
BANNING WORK / LOFTS

WEST ELEVATION

NORTH ELEVATION
Attachment 4

(Initial Study/Mitigation Monitoring and Reporting Program)
CITY OF BANNING
Initial Study/Mitigated Negative Declaration

24 Unit Airport Industrial Live/Work Lofts

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

January 30, 2014

Zai Abu Bakar
Community Development Director
(951) 922-3131
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City of Banning Initial Study/Mitigated Negative Declaration for 24 Unit Airport Industrial Live/Work Lofts

EXECUTIVE SUMMARY

This Initial Study assesses the potential environmental impacts of the proposed project. The purpose of the project is to develop approximately 3.7 acres along Lincoln Street east of Hathaway Street in the City of Banning as a 24 Unit Airport Industrial Live/Work Lofts (see Project Location - Figure 1). The proposed project consists of approximately 64,327 square feet of proposed building area along with parking for 125 vehicles, landscaping, signage, and utilities.

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

**Figure 1 – Project Location**
Figure 3 – Conceptual Elevation
1. INTRODUCTION

Purpose and Scope

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

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

Incorporation by Reference

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

2. EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

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

There are four possible responses to each question:

A. Potentially Significant Impact.

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

B. Potentially Significant Unless Mitigation Incorporated.

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

- Mitigation measures have been incorporated into the Project design in order to reduce the impact to a less than significant level; or,
- Adherence to existing policies, regulations, and/or design standards would reduce the impact of the Project to a less than significant level.

C. Less Than Significant Impact.

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

D. No Impact.

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

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

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

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

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

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

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

Approved for distribution by:

Signature: [Signature]
Zal Abu Bakar, Community Development Director

Prepared by: Brian Guillot, Associate Planner

Date: January 30, 2014

4. PROJECT DESCRIPTION

Project Title: 24 Unit Airport Industrial Live/Work Lofts

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

Applicant: Mark Quental
1838 N. Valencia Avenue
Placentia, CA 92870

General plan designation: Airport Industrial

Zoning: Airport Industrial (AI)

Project Description: The project consists of a Design Review application along with a Conditional Use Permit application to entitle the construction and operation of 24 Airport Industrial Live/Work Lofts (Industrial Condominiums) on a 3.7 acre site in the Airport Industrial zoning district. The site consists of vacant land gently sloping to the south-east that fronts on two improved roadways, Lincoln Street along the northerly boundary and Barbour Street along the southerly boundary.

Specifically, the project proposes the construction of one building consisting of approximately 9,900 square feet of office space; 26,950 square feet of warehouse space; 11,864 square feet of residential space; 8,360 square feet of enclosed parking; and, 7,253 square feet of miscellaneous space (closets, stairs, walls, etc) (see Site Plan – Figure 2). Improvements to the site include a parking lot for approximately 125 vehicles, landscaping, and utilities.

Surrounding land uses and setting: The Project is located in a urban environment that has been developed since the early part of the 20th century. Banning Municipal Airport is located across Lincoln Street and to the east of the project site. Located to the west is a legal non-conforming single-family dwelling and RV storage facility; and, to the east is a contractor’s storage yard along with two legal non-conforming single-family dwellings. Located to the south and across Barbour Street is vacant land located within the Industrial zoning district. All surrounding land uses are located within the Airport Industrial or Industrial zoning district.
Approvals Required:

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

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

5. ENVIRONMENTAL ANALYSIS CHECKLIST

<table>
<thead>
<tr>
<th>Item</th>
<th>AESTHETICS. Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>I</td>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td></td>
<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>
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<tr>
<td></td>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td></td>
<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>
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<tr>
<td>II</td>
<td>AGRICULTURAL RESOURCES. Would the Project:</td>
<td>☐</td>
<td>☐</td>
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<td>■</td>
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<tr>
<td></td>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td></td>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td>☐</td>
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<td></td>
<td>Potentially Significant Impact</td>
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<tr>
<td>c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>d) Result in the loss of forest land or conversion of forest land to non-forest use?</td>
<td>☐</td>
<td>☐</td>
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<td></td>
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<tr>
<td>e) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?</td>
<td>☐</td>
<td>☐</td>
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</table>

**III. AIR QUALITY. Would the Project:**

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<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>b) Violate any air quality standard or contribute to an existing or projected air quality violation?</td>
<td>☐</td>
<td>☐</td>
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<td>☑</td>
</tr>
<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions with exceeded quantitative thresholds for ozone precursors)?</td>
<td>☐</td>
<td>☐</td>
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<td>☐</td>
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<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>IV. BIOLOGICAL RESOURCES. Would the Project:</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
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<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<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>
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<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>
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<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>
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<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservancy Conservation Plan, or other approved local,</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>V. CULTURAL RESOURCES. Would the Project:</td>
<td>Potentially Significant Impact</td>
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<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
<td>☐</td>
<td>☐</td>
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<td>■</td>
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<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
<td>☐</td>
<td>☐</td>
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<td>■</td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>☐</td>
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<tr>
<td>d) Disturb any human remains including those interred outside of formal cemeteries?</td>
<td>☐</td>
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<tr>
<th>VI. GEOLOGY AND SOILS. Would the Project:</th>
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<th>No Impact</th>
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<tbody>
<tr>
<td>a)Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
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<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?</td>
<td>☐</td>
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<tr>
<td>ii) Strong seismic ground shaking?</td>
<td>☐</td>
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<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>iv) Landslides?</td>
<td>☐</td>
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<td>Potentially Significant Impact</td>
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<tr>
<td>b)</td>
<td>Result in substantial soil erosion or the loss of topsoil?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c)</td>
<td>Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>d)</td>
<td>Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e)</td>
<td>Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems if sewers are not available?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>VII. GREENHOUSE GAS EMISSIONS. Would the Project:</td>
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<tr>
<td>a)</td>
<td>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b)</td>
<td>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the Project:</td>
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<tr>
<td>a)</td>
<td>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>
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<tr>
<td>b)</td>
<td>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>
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<tr>
<td>c)</td>
<td>Emit hazardous emissions or handle hazardous or acutely hazardous</td>
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<td>Potentially Significant Impact</td>
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<td>materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>☐</td>
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</tr>
<tr>
<td><strong>d)</strong> Be located on a site included on the list of hazardous materials sites compiled per Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td><strong>e)</strong> For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would it result in a safety hazard for people residing or working in the project area?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td><strong>f)</strong> For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the area?</td>
<td>☐</td>
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<tr>
<td><strong>g)</strong> Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
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</tr>
<tr>
<td><strong>h)</strong> 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>
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<tr>
<td><strong>IX. HYDROLOGY AND WATER QUALITY. Would the Project:</strong></td>
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<tr>
<td><strong>a)</strong> Violate any water quality standards or waste discharge requirements?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td><strong>b)</strong> 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.,</td>
<td>☐</td>
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<td>Potentially Significant Impact</td>
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<td>the production rate of pre-existing nearby wells would drop to a level which would not support existing or planned land uses for which permits have been granted?</td>
<td>☐</td>
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<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?</td>
<td>☐</td>
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<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in such a way as to result in flooding either on-site or off-site?</td>
<td>☐</td>
<td>☐</td>
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<td>☑</td>
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<tr>
<td>e) Create or contribute runoff water exceeding the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
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<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td>☐</td>
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<tr>
<td>h) Place, within a 100-year flood hazard area, structures that would impede or redirect flood flows?</td>
<td>☐</td>
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</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>
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<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
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<tr>
<td>X. LAND USE AND PLANNING. Would the Project:</td>
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<tr>
<td>a) Physically divide an established community?</td>
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<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>☐</td>
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<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td>☐</td>
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<tr>
<td>XI. MINERAL RESOURCES. Would the Project:</td>
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<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>
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<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>
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<td>XII. NOISE. Would the Project:</td>
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<tr>
<td>a) Expose persons to a generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
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<td>☐</td>
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<tr>
<td>b) Expose persons to a generation of excessive groundborne vibration or groundborne noise levels?</td>
<td>☐</td>
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<td>☐</td>
<td>■</td>
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<tr>
<td>c) Create a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?</td>
<td>☐</td>
<td>☐</td>
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<td>■</td>
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<tr>
<td>d) Create a substantial temporary or periodic increase in ambient noise</td>
<td>☐</td>
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<td>☐</td>
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<tr>
<td>Levels in the Project vicinity above levels existing without the Project?</td>
<td>Potentially Significant Impact</td>
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<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>
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</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>
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### XIII. POPULATION AND HOUSING. Would the Project:

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<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</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 a substantial number 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>

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

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

**XV. RECREATION:**

<table>
<thead>
<tr>
<th>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?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Does the Project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>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?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>Issue</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------</td>
<td>---------------------------------------------------</td>
<td>----------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>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) Result in inadequate parking capacity?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>g) Conflict with adopted policies, plans, or 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>

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

<table>
<thead>
<tr>
<th>Issue</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) 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></td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------</td>
<td>---------------------------------------------------</td>
<td>-----------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>c)</td>
<td>Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>d)</td>
<td>Have sufficient water supplies available to serve the Project from existing entitlements and resources, or new or expanded entitlements needed?</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>e)</td>
<td>Result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it has adequate capacity to serve the Project’s projected demand in addition to the provider’s existing commitments?</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>f)</td>
<td>Be served by a landfill with sufficient permitted capacity to accommodate the Project’s solid waste disposal needs?</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>g)</td>
<td>Comply with federal, state and local statutes and regulations related to solid waste?</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>
### XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or an endangered threatened species, or eliminate important examples of the major periods of California history or prehistory?</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>b)</td>
<td>Does the Project have impacts that are individually limited, but cumulatively considerable? (Are the incremental effects of the Project considerable when viewed in connection with those of past Projects, those of other current Projects, and those of probable future Projects?)</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>c)</td>
<td>Does the Project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>

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

#### Checklist Item I Aesthetics.

a)-d) No Impact (Scenic Vista, Scenic Resources-State Scenic Highway, Visual Character, Light/Glare). The Project is located in an urban environment that has been developed since the early part of the 20th century. Banning Municipal Airport is located across Lincoln Street and to the east of the project site. Located to the west is a legal non-conforming single-family dwelling and RV storage facility; and, to the east is a contractor’s storage yard along
with two legal non-conforming single family dwellings. Located to the south and across Barbour Street is vacant land located within the Industrial zoning district. All surrounding land uses are located within the Airport Industrial or Industrial zoning district.

Project implementation would replace the view of a vacant parcel of land with new industrial building with desirable architectural features including landscaping. Project implementation would not have a substantial adverse effect on a scenic vista as identified by the General Plan. Additionally, views of streetscapes along Lincoln Street or Barbour Street would not be obstructed because the building is set back from the property lines 120 feet and 50 feet respectively.

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

The "Zoning Ordinance" limits the height of the buildings to a maximum of 2 stories or 50 feet. The building structure as proposed for the project is 2 stories with a height of 28 feet 6 inches. The project as proposed is not anticipated to significantly increase the amount of shadows in public or private open spaces because of the set back of the building from the right-of-way and property lines.

**Checklist Item II Agricultural and Forestry Resources.**

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

The small size of the site (3.7 acres) and location (surrounded by developed properties) make the site not suitable for agricultural production.

The project site is located within the Airport Industrial zoning district and agricultural uses are not permitted by the Zoning Ordinance is this district. There is no Williamson Act contract that affects the project site according to the title report prepared by First American Title Company dated June 25, 2013.

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

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

Sensitive Receptors
The project is a 24 unit industrial condominium complex. The following table summarizes the land uses in the vicinity of the project that could potentially generate air pollution emissions that could adversely impact sensitive receptors.

<table>
<thead>
<tr>
<th>Source Category</th>
<th>Distance from Project Site</th>
<th>Recommended Separation Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freeway and High Traffic Roads</td>
<td>950 feet</td>
<td>500 feet</td>
</tr>
<tr>
<td>Gasoline Facility Dispensing</td>
<td>1,100 feet</td>
<td>300 feet</td>
</tr>
</tbody>
</table>

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

Odors
The project consists of the construction of an approximately 64,327 square feet of proposed building area along with parking for 125 vehicles. During construction there is the potential for the generation of objectionable odors in the form of diesel exhaust and volatile organic compounds (from architectural coatings and paint) in the immediate vicinity of the site. However, these emissions will rapidly dissipate and be diluted by the atmosphere downwind of the site.

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

Checklist Item III  Air Quality.

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

**SCAQMD Thresholds**

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

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

**Regional Significance Thresholds**

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

<table>
<thead>
<tr>
<th>Pollutant*</th>
<th>Construction (pounds per day)</th>
<th>Operational (pounds per day)</th>
<th>Project Construction</th>
<th>Project Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oxides of Nitrogen (NOx)</td>
<td>100</td>
<td>55</td>
<td>16.91</td>
<td>4.22</td>
</tr>
<tr>
<td>Volatile Organic Compounds (VOC)</td>
<td>75</td>
<td>55</td>
<td>68.92</td>
<td>2.98</td>
</tr>
<tr>
<td>Particulate Matter (PM10)</td>
<td>150</td>
<td>150</td>
<td>1.00</td>
<td>8.10</td>
</tr>
<tr>
<td>Particulate Matter (PM2.5)</td>
<td>55</td>
<td>55</td>
<td>0.87</td>
<td>1.60</td>
</tr>
<tr>
<td>Oxides of Sulfur (SOx)</td>
<td>150</td>
<td>150</td>
<td>0.02</td>
<td>0.05</td>
</tr>
<tr>
<td>Carbon Monoxide (CO)</td>
<td>550</td>
<td>550</td>
<td>15.7</td>
<td>34.22</td>
</tr>
</tbody>
</table>

*Source: South Coast Air Quality Management District Air Quality Significance Thresholds, March 2011.

Evaluation of the above table’s indicates that all criteria pollutant emissions from construction and operation of this project will not exceed the SCAQMD regional daily thresholds and therefore the impacts are considered less than significant.
Checklist Item IV  Biological Resources.

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

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

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

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

Checklist Item V  Cultural Resources.

a)-d) No Impact (Historic Resource, Archeological Resources, Paleontological Resources, Disturbance of Human Remains). When the General Plan for the City of Banning was prepared in 2006, Historical maps, previous cultural resource surveys, aerial photographs, topographic maps and other cultural records were consulted to determine the presence of known archaeological resources in the planning area. A total of 20 archaeological sites have been identified and recorded in the planning area, 12 of which are prehistoric (Native American) sites. The planning area for the General Plan has not been extensively surveyed for cultural resources due to the fact that large scale development projects have not been as widespread in the planning area as other communities in the San Gorgonio Pass/Coachella Valley region.
A detailed review of Table IV-11 of the General Plan found that the site is not listed as a Historic-Era Building, in fact there are no structures located on the site. A detailed review of Exhibit IV-7 found that there are no designated heritage properties located in the vicinity of the project site. Therefore, the potential to find such cultural resources on the project site is very low due to the lack of history or structures being located on the site and the heavy disturbance of the ground (active weed control). There are no known archaeological resources, paleontological resources, or cemeteries on the site. In the event of accidental discovery of human remains, the County Coroner will be contacted and the remains will be dealt with in accordance with State regulations.

Checklist Item VI  Geology and Soils.

a)-e) No Impact (Alquist-Priolo Zone, Seismic Ground Shaking, Seismic Ground Failure, Liquefaction, Landslide, Soil Erosion, Loss of Topsoil, Unstable Geologic Unit, Expansive Soil, Septic Tank Suitability). A geotechnical investigation was prepared for the project by Noreal Engineering of Los Alamitos, California dated April 30, 2009. Section 7 of the report concluded that based on the results of their review, field exploration, laboratory testing, and geotechnical analysis the proposed development is considered feasible from a geotechnical standpoint provided that the recommendations of the report are addressed.

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

The City of Banning General Plan Exhibit V-4 indicates that the site is located within a zone of moderate liquefaction susceptibility. However, the analysis prepared in the report indicates that the potential for liquefaction at this site is considered to be very low due to the depth of ground water in excess of 200 feet within the vicinity of the area. Free ground water is required for liquefaction to occur.

The geotechnical investigation did not identify any soil conditions of concern other than those standard conditions that will be addressed during the grading operation. The recommendations of the report will be made part of the grading plans through the project conditions of approval and in accordance with the “Grading Ordinance” for the City of Banning.


a)-b) No impact (Global Climate Change). The project consists of 24 industrial condominium units in the South Coast Air Quality Management District (SCAQMD). The SCAQMD has established the following regional significance thresholds expressed as yearly emission totals
released by a project during construction and operation. The URBEMIS 2007 software version 9.2.4 was utilized to demonstrate compliance with regional significant thresholds as shown in the table below:

<table>
<thead>
<tr>
<th>Emission Source</th>
<th>SCAQMD Emissions Threshold (Metric Tons CO2/Year for Industrial facilities)</th>
<th>URBEMIS Estimate (Metric Tons CO2/Year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Construction</td>
<td>10,000 eq</td>
<td>444</td>
</tr>
<tr>
<td>Project Operations</td>
<td>10,000 eq</td>
<td>444</td>
</tr>
</tbody>
</table>

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

Checklist Item VIII Hazards and Hazardous Materials.

a)-d), f)-h) No impact (Transport, Use, Disposal of Hazardous Materials, Upset and Accident Conditions Involving Hazardous Materials, Emit if Handle Hazardous Materials within 1/4 mile from a School, Identified Hazardous Site, Within Airport Plan Area, Safety Hazard from Private Airstrip, Impair Emergency Evacuation Plan, Wildland Fire Hazard). The project is a 24 unit industrial condominium complex. The project will permit industrial users that may transport or use hazardous materials in accordance with State, Federal, and local regulations. However, the site is not located within ¼ mile of any school, or identified hazardous site as identified by the Cortese List provided by the Department of Toxic Substances Control.

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

A review of the City of Banning Emergency Operations Plan as well as a consultation with the Fire Services Division revealed that the project will not impair an emergency evacuation plan at this time.

Exhibit V-9 of the City’s General Plan reveals that the site is not located in a Very High Fire Severity Zone; and, therefore will not impact wildland fire hazards.

Checklist Item VIII Hazards and Hazardous Materials.

e) Potentially Significant Unless Mitigation Incorporated (Transport, Use, Disposal of Hazardous Materials, Upset and Accident Conditions Involving Hazardous Materials, Emit if Handle Hazardous Materials within 1/4 mile from a School, Identified Hazardous Site, Within Airport Plan Area, Safety Hazard from Private Airstrip, Impair Emergency Evacuation Plan, Wildland Fire Hazard). The project is a 24 unit industrial condominium complex. The project will permit industrial users that may transport or use hazardous materials in accordance with State, Federal, and local regulations.
The project is located within Airport Compatibility Zones B1 and D of the Riverside County Airport Land Use Compatibility Plan as adopted by the Riverside County Airport Land Use Commission (ALUC) for Banning Municipal Airport. On December 12, 2013, the Riverside County Airport Land Use Commission determined the project is conditionally consistent with the Airport Land Use Compatibility Plan. The conditions are listed as follows:

1. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection in the sky.

2. The following uses shall be prohibited:

   (a) Any use which would direct a steady flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than a 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 a 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, including landscaping utilizing water features, trash transfer stations that open one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, and incinerators.

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

   (e) In Zone B1: Children’s schools, day care centers, libraries, hospitals, nursing homes, places of worship, highly noise sensitive outdoor non-residential uses, aboveground bulk storage of hazardous materials, critical infrastructure facilities, or hazards to flight.

   (f) In Zone D: Highly noise-sensitive outdoor non-residential uses or hazards to flight.

3. A “Notice of Airport in Vicinity” shall be provided to all potential purchasers of property, and shall be recorded as a deed notice.

4. Any new retention basins on the site shall be designed so as to provide for a maximum of 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in the project landscaping.

5. Incorporate noise attenuation measure into building construction to ensure interior noise levels are at or below 45 CNEL for the included residential uses.
6. The deed notice for the property and any properties created by subdivision of the site shall record that occupancy for units 1 through 16 as identified on the site plan dated October 17, 2013, as submitted to the Riverside County Airport Land Use Commission shall be limited to a maximum of three (3) people per unit to limit building occupant intensity near the Banning Municipal Airport and reduce potential hazards. [deleted at hearing by Airport Land Use Commission]

7. Covenants, Conditions, and Restrictions (CC&Rs) shall be recorded prior to occupancy of the proposed units that notes that occupancy for units 1 through 16 as identified on the site plan dated October 17, 2013, as submitted to the Riverside County Airport Land Use Commission shall be limited to a maximum of five (5) three (3) people per unit to limit building occupant intensity near the Banning Municipal Airport and reduce potential hazards.

8. Prior to any tenant improvement for units 1 through 16 for uses other than office, manufacturing, and warehousing as identified on the site plan dated October 17, 2013, as submitted to the Riverside County Airport Land Use Commission the plans identified for the tenant improvement and any pertinent business plan or other document indicating planned use and occupancy shall be transmitted to the ALUC for evaluation of occupancy level to confirm whether any individual unit would exceed five (5) three (3) people.

9. Individual units shall not be further subdivided so as to allow separate ownership and use of residential and commercial/industrial uses within the same unit.

The project requires approval of a Conditional Use Permit, and conditions imposed through the ALUC review will be incorporated into the project conditions. Therefore, the potentially significant hazards will be reduced by the above stated restrictions to levels that are less than significant.

Checklist Item IX Hydrology and Water Quality.

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

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

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

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

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

Checklist Item X  Land Use and Planning.

a)-c) No Impact (Physical Division, Land Use Plans, Conservation Plans). The Project is located in an urban environment that has been developed since the early part of the 20th century. Banning Municipal Airport is located across Lincoln Street and to the east of the project site. Located to the west is a legal non-conforming single family dwelling and RV storage facility; and, to the east is a contractor's storage yard along with two legal non-conforming single family dwellings. Located to the south and across Barbour Street is vacant land located within the Industrial zoning district. All surrounding land uses are located within the Airport Industrial or Industrial zoning district. This urban area of the City is connected by Lincoln Street to the north, Barbour Street to the south and Hathaway Street to the east. The project will connect to the existing roadway system and will not create any barriers that will divide the neighborhood.

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

"Land uses must be focused on airport-related and transportation-related functions, including machining, manufacturing, warehousing, flight schools, restaurants and office uses. Aircraft maintenance, repair and catering services are also appropriate."

The project as proposed consists of warehouse space, office space, and other facilities that may be utilized for airport and transportation related functions. Therefore, the use is in compliance with the land use policies of the City.
The project will not conflict with any conservation plan. The project will be required to comply with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and pay a local development mitigation fee for funding the preservation of natural ecosystems in accordance with the plan. The purpose of the plan is to protect the existing character of the city and the region through the implementation of a system of reserves which will provide for permanent open space, community edges, and habitat conservation for species covered by the MSHCP.

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

Checklist Item XI  Mineral Resources.

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

Checklist Item XII. Noise.

a)-d), f). No impact (Exceed Noise Standard, Groundborne Vibration, Ambient Noise Levels, Temporary Noise Levels, Airport Noise, Private Airstrip). The project involves the construction of 24 Airport Industrial Condominium units. The applicable noise regulations are contained in the City’s General Plan Noise Element and Municipal Code. In addition to those regulations the Federal Aviation Administration noise standards apply as the project is located adjacent to an airport. The project is not a U.S. Department of Housing and Urban Development Project therefore HUD regulations do not apply. A review of area surrounding the project site shows that there are no personal use airports operating in the vicinity. Therefore, there will be noise impact from a nearby private airstrip.

The Noise Element of the City of Banning General Plan coordinates land use with existing and future noise environment. Noise is measured in decibels (dB). The A-weighted decibel (dBA) approximates the subjective response of the ear to noise source by discriminating against the very low and very high frequencies in the spectrum. Table V-3 of the GP identifies that the existing noise contour for Lincoln Street east of San Gorgonio (the closest listed location) for 55 dBA extends to approximately 106 feet. Table V-4 of the GP identifies that residential-multiple family uses, which is the most conservative case, are compatible with noise environments up to 65 dBA. Since the site is farther away than the 55 dBA noise
contour, existing noise from motor vehicle traffic is not a factor. The requirements for noise reduction related to proximity to the airport is the controlling factor.

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

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

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

**Checklist Item XII. Noise.**

e) **Potentially Significant Unless Mitigation Incorporated (Exceed Noise Standard, Groundborne Vibration, Ambient Noise Levels, Temporary Noise Levels, Airport Noise, Private Airstrip).** The project involves the construction of 24 Airport Industrial Condominium units. The applicable noise regulations are contained in the City’s General Plan Noise Element and Municipal Code. In addition to those regulations the Federal Aviation Administration noise standards apply as the project is located adjacent to an airport. The project is not a U.S. Department of Housing and Urban Development Project therefore those regulations do not apply.

The project is located within Airport Compatibility Zones B1 and D of the Riverside County Airport Land Use Compatibility Plan as adopted by the Riverside County Airport Land Use Commission (ALUC) for Banning Municipal Airport. On December 12, 2013, the Riverside County Airport Land Use Commission determined the project is conditionally consistent with the Airport Land Use Compatibility Plan. The conditions are listed as follows:

1. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection in the sky.

2. The following uses shall be prohibited:
   
   (a) Any use which would direct a steady light of flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than a 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 a takeoff or towards a 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, including landscaping utilizing water features, trash transfer stations that open one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, and incinerators.

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

(e) In Zone B1: Children’s schools, day care centers, libraries, hospitals, nursing homes, places of worship, highly noise sensitive outdoor non-residential uses, aboveground bulk storage of hazardous materials, critical infrastructure facilities, or hazards to flight.

(f) IN Zone D: Highly noise-sensitive outdoor non-residential uses or hazards to flight.

3. A “Notice of Airport in Vicinity” shall be provided to all potential purchasers of property, and shall be recorded as a deed notice.

4. Any new retention basins on the site shall be designed so as to provide for a maximum of 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in the project landscaping.

5. Incorporate noise attenuation measure into building construction to ensure interior noise levels are at or below 45 CNEL for the included residential uses.

6. The deed notice for the property and any properties created by subdivision of the site shall record that occupancy for units 1 through 16 as identified on the site plan dated October 17, 2013, as submitted to the Riverside County Airport Land Use Commission shall be limited to a maximum of three (3) people per unit to limit building occupant intensity near the Banning Municipal Airport and reduce potential hazards. [deleted at hearing by Airport Land Use Commission]

7. Covenants, Conditions, and Restrictions (CC&Rs) shall be recorded prior to occupancy of the proposed units that notes that occupancy for units 1 through 16 as identified on the site plan dated October 17, 2013, as submitted to the Riverside County Airport Land Use Commission shall be limited to a maximum of five (5) three (3) people per unit to limit building occupant intensity near the Banning Municipal Airport and reduce potential hazards.

8. Prior to any tenant improvement for units 1 through 16 for uses other than office, manufacturing, and warehousing as identified on the site plan dated October 17, 2013, as submitted to the Riverside County Airport Land Use Commission the plans identified for the tenant improvement and any pertinent business plan or other document indicating planned use and occupancy shall be transmitted to the ALUC for evaluation of occupancy level to confirm whether any individual unit would exceed five (5) three (3) people.

9. Individual units shall not be further subdivided so as to allow separate ownership and use of residential and commercial/industrial uses within the same unit.
The project requires approval of a Conditional Use Permit, and conditions imposed through the ALUC review will be incorporated into the project conditions. Specifically, condition number 5 requires noise attenuation measures be incorporated into the building construction to reduce interior noise levels to at or below 45 CNEL. Therefore, the potentially significant noise hazards will be reduced to levels that are less than significant.

Checklist Item XIII  Population and Housing.

(a-c) No Impact (Population Growth, Displace Housing). The project proposes the construction of 24 Unit Airport Industrial Lofts that includes provisions for 22 residential lofts. This feature is unique in that airport related business often require living facilities to accomplish their purpose (i.e. air ambulance services, air charter companies, and other on-call services). Based on the information from the 2010 Census, there are 2.37 persons per owner occupied household in the City. This would result in a population increase of 53 persons. Although the project will induce minor population growth, the growth is not above General Plan buildout projections because the project does not exceed the General Plan density of 2.6 persons per household.

The project would not displace any existing housing or people, necessitating the construction of replacement housing because it is to be constructed on a vacant site.

Checklist Item XIV  Public Facilities.

(a-c) Less Than Significant Impact (Fire Services, Police Services, Schools, Parks, Other Public Facilities). The project proposes the construction of 24 Unit Airport Industrial Lofts that includes provisions for 22 residential lofts with a projected population increase of 53 persons:

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

Police
The General Plan requires a level of service goal of 2.0 sworn officers per 1000 residents. A review of the project by the Police Department determined that no new or altered facilities would be required to maintain the level of service goal. Additionally, a Police Facilities Development Fee will be collected for the provision of capital facilities for police services which provides for future facilities as the City develops. Based on the above analysis, the impacts to police services are considered less than significant.
Schools
While the project does include a residential component, it will not add any additional students to the school district. The residential units are live/work units that are specialized in that the two uses are related and the project by its design is not intended to house families with children (no play facilities or outdoor use areas). Also, the estimated population increase for the project is 53 persons which by itself is not considered significant. Impacts on schools will be mitigated by the payment of mandatory school impact fees. Based on the above analysis, the impacts to schools are considered less than significant.

Parks
The nearest park is Lions Park which is located approximately ½ mile to the east of the project site. No new or altered parks are required to provide park services to the project. Additionally, a Park Land Development Fee will be collected for the provision of new parks which provides for future facilities as the City develops. Based on the above analysis, the impacts to parks are considered less than significant.

Other Public Facilities
The City’s library system includes the library located at 21 W. Nicolet Street and is funded through as a special Riverside County tax district. Based on library usage, the existing library is considered adequate to provide services for the City including the addition of the proposed 53 residents through the project. No new or altered library facilities are needed at this time. Based on the above analysis, the impacts to libraries are considered less than significant.

Checklist Item XVI Recreation.

a)-b) No Impact (Existing Facilities, New or Altered Facilities). The project proposes the construction of 24 Unit Airport Industrial Lofts that includes provisions for 22 residential lofts with a projected population increase of 53 persons. The project of and by itself does not result in the need for new recreation facilities because the overall ratio of 5 acres of parkland per 5,000 residents is maintained even with construction of the project. The nearest park is Lions Park, which is a neighborhood park that is less than ½ mile away, and contains three ball fields, a playground, picnic tables, restrooms, and barbecue grills. It was designed to accommodate the recreational needs of the neighborhood in which the project site is located. Therefore, it is not anticipated that the project will substantially contribute to the physical deterioration of the park.

Checklist Item XVI Transportation/Traffic.

a)-g) No Impact (Roadway Capacity and Level of Service, Congestion Management Program (CMP), Air Traffic Patterns, Roadway Design Hazards, Emergency Access, Parking, Alternative Transportation). A focused traffic impact analysis was prepared by Kunzman Associates, Inc. dated August 14, 2013. The proposed development is projected to generate approximately 841 daily vehicle trips, 49 of which will occur during the morning peak hour and 67 of which will occur during the evening peak hour. The report analyzed roadway capacity, and level of service and determined that the traffic generated from the proposed project will not significantly impact any of the study intersections and roadway segments. Lincoln Street is a
fully improved arterial roadway. However, Barbour Street is partially improved and does not have curb and gutters constructed to the General Plan design standards. Therefore, it is necessary to construct Barbour Street from the west project boundary to the east project boundary at its ultimate half-section width including landscaping and parkway improvements to address roadway design hazards and street parking.

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

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

Based upon the uses proposed for the project (manufacturing-warehouse, office, and residential) the Zoning Ordinance for the City of Banning requires 107 total parking spaces for the project as follows:

The manufacturing-warehouse component (2 spaces for the first 1,000 square feet plus one space for each 1,000 square feet of gross floor area), is calculated at 29 spaces required.
The office component (1 space for each 200 square feet) is calculated at 50 spaces required.
The residential component (1 covered space per unit plus 1 space per 4 units) is calculated at 28 spaces required.

The total spaces required by the project are 107 spaces with the total spaces provided by the project being 125 spaces. Therefore, the parking provided by the project is in accordance with the Zoning Ordinance requirements and parking demand will not result in significant impacts related to parking.

Section 8.60 of the Banning Municipal Code sets forth the standards for Vehicle Trip Reduction Programs for new developments. The program requires businesses with 100 or more employees to provide certain facilities to encourage vehicle trip reductions (program). Using the methodology listed in Section 8.60.040(A) the project is estimated to have 152 employees thus requiring a program. The provisions of this section may include but are not limited to the following items:

1. Preferential parking for carpool vehicles;
2. Bicycle parking and shower facilities;
3. Information center for transportation alternatives;
4. Rideshare vehicle loading area;
5. Vanpool vehicle accessibility;
6. Bus stop improvements;
7. On-site child care facilities;
8. Local TSM and road improvements;
9. Facilities to encourage telecommuting;
10. Contributions to support regional facilities designed to reduce vehicle trips and miles traveled;
12. On-site amenities, such as cafeterias and restaurants, automated teller machines and other services that would eliminate the need for additional trips.

The code section is permissive in the case of trip reduction provisions. However, as a condition of approval for the project, items 1, 2, 3, as listed above will be required by the building permit and then implemented by the applicant. Other provisions of the program may be implemented as tenants fill the units. Therefore, the provisions of the trip reduction program will assure that the congestion management program for the City will not be significantly impacted.

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

The project is located within Airport Compatibility Zones B1 and D of the Riverside County Airport Land Use Compatibility Plan as adopted by the Riverside County Airport Land Use Commission (ALUC) for Banning Municipal Airport. On December 12, 2013, the Riverside County Airport Land Use Commission determined the project is conditionally consistent with the Airport Land Use Compatibility Plan. The review did not identify any items that would affect air traffic patterns and therefore the impact to air traffic patterns is not considered significant.

Checklist Item XVII Utilities and Service Systems.

a)-g) No Impact (RWQCB Wastewater Treatment, New Water and Wastewater Facilities, New Storm-water Drainage Facilities, Water Supplies, Wastewater, Landfill, Solid Waste). The project proposes the construction of 24 Unit Airport Industrial Lofts. There is an existing 8 inch steel waterline in Lincoln Street and an existing 12 inch steel waterline in Barbour Street. An existing 8 inch clay gravity sewer main is located in Barbour Street, which is downstream of the project site. The City is required to adhere to the requirements of their discharge permit with the Regional Water Quality Control Board for the wastewater treatment facility and all wastewater discharges are expected to be treated by the City’s system. Additionally, the City requires industrial facilities to comply with the Industrial Wastewater Collection and Treatment Ordinance. Provisions of the Ordinance will require connection permits, monitoring and inspection of the project, and restrictions on certain wastewater discharges. Therefore, no additions or new facilities are anticipated to be required in connection with the project.

The only storm drain improvements required in connection with the project are onsite catch basins, gutters, and storm drain pipes which will connect to the existing system. The City Engineer has reviewed the project and no additional upgrades will be required for the public
storm drain system. Therefore, the project will not result in the construction or expansion of new public storm drain facilities.

The City contracts with a solid waste handling company. The project will require the construction of a trash enclosure that includes provisions for recycling in order to comply with the City’s recycling program. The nearest landfill is the County of Riverside’s Lamb Canyon landfill that has excess capacity.

Checklist Item XVIII Mandatory Findings of Significance.

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

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

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

c) No Impact (Human Beings). Based on the analysis contain in this Initial Study Checklist, no human impacts associated with the project will significantly affect the environment.

7. INCORPORATION BY REFERENCE

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

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

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

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

C. City of Banning Municipal Code

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

D. City of Banning Local Procedures for Complying with CEQA

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

E. Multi-Species Habitat Conservation Plan (MSHCP)

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

F. Geotechnical Investigation

A geotechnical investigation and report prepared by NorCal Engineering of Los Alamitos, California dated April 30, 2009, for the proposed Banning Industrial Park. The report was updated for the current project submittal.

G. Focused Traffic Analysis

This study was prepared by Kunzman Associates of Orange, California dated August 14, 2013. The report analyzed roadway capacity, and level of service to determine traffic impacts generated from the proposed project.

H. Preliminary Title Report
This study was prepared by First American Title of Corona, California dated June 25, 2013. The report provides ownership, legal description, and encumbrance information for the site.

8. LIST OF PREPARERS

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

Project Manager: Brian Guillot, Associate Planner

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

(Site photographs)
Lincoln Street looking to the south-west

Lincoln Street looking south
Barbour Street looking to the north-east
Barbour Street looking to the north

EXHIBIT B

(Mitigation Monitoring and Reporting Program)
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Timing</th>
<th>Verification</th>
</tr>
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<tbody>
<tr>
<td><strong>H-1</strong> In Airport Compatibility Zone B1: Children’s schools, day care centers, libraries, hospitals, nursing homes, places of worship, highly noise sensitive outdoor non-residential uses, aboveground bulk storage of hazardous materials, critical infrastructure facilities, or hazards to flight are prohibited.</td>
<td>Condition of approval for the Conditional Use Permit Prior to issuance of the first building permit.</td>
<td>Community Development</td>
</tr>
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<td><strong>H-2</strong> Covenants, Conditions, and Restrictions (CC&amp;Rs) shall be recorded prior to occupancy of the proposed units that notes that occupancy for units 1 through 16 as identified on the site plan dated October 17, 2013, as submitted to the Riverside County Airport Land Use Commission shall be limited to a maximum of <strong>five (5)</strong> three (3) people per unit to limit building occupant intensity near the Banning Municipal Airport and reduce potential hazards.</td>
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<td><strong>NO-1</strong> Incorporate noise attenuation measure into building construction to ensure interior noise levels are at or below 45 CNEL for the included residential uses.</td>
<td>Prior to issuance of the first building permit.</td>
<td>Community Development Building &amp; Safety</td>
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Attachment 5

(ALUC Development Review and FAA Letter)
January 27, 2014

Mr. Brian Guillot, Associate Planner
City of Banning
99 East Ramsey Street
Banning, CA 92220

RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW
File No.: ZAP1014BA13
Related File No.: Design Review Case No. DR-13-7003
APN: 541-290-013

Dear Mr. Guillot:

On December 12, 2013, the Riverside County Airport Land Use Commission (ALUC) found City of Banning Design Review Case No. DR-13-7003, a proposal to develop a 64,327 square foot 24-unit live/work building (including 62,483 square feet of 1st floor area total for office/industrial use and 11,864 square feet of 2nd floor area total for loft/living space) on 3.74 gross acres located southerly of Lincoln Street, northerly of Barbour Street, westerly of Hathaway Street, and easterly of Juarez Street CONDITIONALLY CONSISTENT with the 2004 Banning Municipal Airport Land Use Compatibility Plan, pending Federal Aviation Administration (FAA) review, which has now been completed, and providing that the City grants the maximum risk reduction intensity bonus of 1.3 times the typical maximum single-acre and average acre intensities for Banning Municipal Airport Compatibility Zone B1 pursuant to Countywide Policy 4.2.6, subject to the following conditions (as modified to incorporate the provisions of the FAA's Determination of No Hazard to Air Navigation letter issued on January 24, 2014):

CONDITIONS:

1. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.

2. The following uses shall be prohibited:

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

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

   (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area, including landscaping utilizing water features, trash transfer stations that are open on one or more sides, recycling centers containing putrescible...
wastes, construction and demolition debris facilities, and incinerators.

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

(e) In Zone B1: Children's schools, day care centers, libraries, hospitals, nursing homes, places of worship, highly noise-sensitive outdoor non-residential uses, aboveground bulk storage of hazardous materials, critical infrastructure facilities, or hazards to flight.

(f) In Zone D: Highly noise-sensitive outdoor non-residential uses or hazards to flight

3. The attached notice shall be provided to all potential purchasers of the property.

4. Any new retention basins on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.

5. Incorporate noise attenuation measures into the building construction to ensure interior noise levels are at or below 45 CNEL for the included residential uses.

6. The deed notice for the property and any properties created by subdivision of the site shall record that occupancy for units 1 through 16 as identified on the site plan dated October 17, 2013, shall be limited to a maximum of three (3) people per unit to limit building occupant intensity near the Banning Municipal Airport and reduce potential hazards. [deleted at hearing by Airport Land Use Commission]

7. Covenants, Conditions, and Restrictions (CC&Rs) shall be recorded prior to occupancy of the proposed units that notes that occupancy for units 1 through 16 as identified on the site plan dated October 17, 2013, shall be limited to a maximum of five (5) people per unit to limit building occupant intensity near the Banning Municipal Airport and reduce potential hazards. [modified at hearing by Airport Land Use Commission]

8. Prior to any tenant improvement for units 1 through 16 for uses other than office, manufacturing and warehousing as identified on the site plan dated October 17, 2013, the plans for the tenant improvement and any pertinent business plan or other document indicating planned use and occupancy shall be transmitted to ALUC for evaluation of occupancy levels to confirm whether any individual unit would exceed five (5) people. [modified at hearing by Airport Land Use Commission]

9. Individual units shall not be further subdivided so as to allow separate ownership and use of residential and commercial/industrial uses within the same unit.

10. Prior to issuance of building permits, the applicant shall have received a determination of "Not a Hazard to Air Navigation" from the Federal Aviation Administration (FAA) Obstruction Evaluation Service. Copies of the FAA determination shall be provided to the City of Banning Planning Department and the Riverside County Airport Land Use Commission. [This condition shall be considered to have been MET as of January 24, 2014.]

11. Prior to issuance of building permits, the applicant shall convey and have recorded an avigation easement to the City of Banning as owner-operator of Banning Municipal Airport. (In the event that the City of Banning declines to accept an avigation
The following conditions have been added subsequent to the ALUC hearing pursuant to the terms of the FAA Obstruction Evaluation Service letter issued on January 27, 2014 for Aeronautical Study No. 2013-AWP-6265-OE:

12. The Federal Aviation Administration has conducted an aeronautical study of the proposed building (Aeronautical Study No. 2013-AWP-6265-OE) and has determined that neither marking nor lighting of the structure is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 K Change 2 and shall be maintained in accordance therewith for the life of the project.

13. The maximum height of the proposed structure shall not exceed 29 feet above ground level, and the maximum elevation of the proposed structure, including all roof-mounted appurtenances (if any), shall not exceed 2,248 feet above mean sea level.

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

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

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

If you have any questions, please contact Russell Brady, ALUC Contract Planner, at (951) 955-0549 or John Guerin, ALUC Principal Planner, at (951) 955-0982.

Sincerely,

RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

Edward C. Cooper, Director

RB:bks

Attachments: Notice of Airport in Vicinity
FAA Aeronautical Study No. 2013-AWP-6265-OE
cc: Watermark Development, Inc. – Attn.: Mark Quental
Duane Burk, City of Banning Director of Public Works
Arturo Vela, Senior Engineer
ALUC Staff

Y:\AIRPORT CASE FILES\Banning\ZAP1014BA13\ZAP1014BA13.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 Banning Industrial Work/Live Lofts
Location: Banning, CA
Latitude: 33-55-16.00N NAD 83
Longitude: 116-51-39.00W
Heights:
- 2219 feet site elevation (SE)
- 29 feet above ground level (AGL)
- 2248 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, 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 I)
- [X] Within 5 days after the construction reaches its greatest height (7460-2, Part II)

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 K Change 2.

This determination expires on 07/24/2015 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 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.

If we can be of further assistance, please contact our office at (817) 321-7760. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2013-AWP-6265-OE.

Signature Control No: 199370678-206110147 (DNE)
Joan Tengowski
Technician

Attachment(s)
Map(s)
Banning Airport Elevation: 2219'
Proposed Project Site Elevation 2220'
Proposed Building Height 25'
Overall Height 2245'

Project Distance to Airport
Measurement 'A' 157'
Measurement 'B' 545'
Total Distance 702'
RIVERSIDE COUNTY GIS

Selected parcel(s):
541-290-013

*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...Tue Oct 29 12:34:42 2013
Version 131001

http://www3tlma.co.riverside.ca.us/cw/relis/NoSelectionPrint.htm
Selected parcel(s):
541-290-013

*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...Tue Oct 29 12:35:25 2013
Version 131001

http://www3.tlma.co.riverside.ca.us/cw/rclis/NoSelectionPrint.htm
Selected parcel(s):
541-290-013

*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... Tue Oct 29 12:35:57 2013
Version 13.1.001
Selected parcel(s):
541-290-013

*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: Tue Oct 29 12:36:50 2013
Version 131001

http://www3.tlma.co.riverside.ca.us/cw/rclis/NoSelectionPrint.htm
** Extension **

A Determination was issued by the Federal Aviation Administration (FAA) concerning:

Structure: Building Banning Work Lofts  
Location: Banning, CA  
Latitude: 33-55-16.00N NAD 83  
Longitude: 116-51-39.00W  
Heights: 2219 feet site elevation (SE)  
29 feet above ground level (AGL)  
2248 feet above mean sea level (AMSL)

In response to your request for an extension of the effective period of the determination, the FAA has reviewed the aeronautical study in light of current aeronautical operations in the area of the structure and finds that no significant aeronautical changes have occurred which would alter the determination issued for this structure.

Accordingly, pursuant to the authority delegated to me, the effective period of the determination issued under the above cited aeronautical study number is hereby extended and will expire on 09/16/2018 unless otherwise extended, revised, or terminated by this office. You must adhere to all conditions identified in the original determination.

This extension issued in accordance with 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerns the effect of the 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.

If we can be of further assistance, please contact our office at (310) 725-6558. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2015-AWP-8473-OE.

Signature Control No: 261001282-325759988  
LaDonna James  
Technician  
Attachment(s)
Additional information for ASN 2015-AWP-8473-OE

All conditions and safety requirements cited in the original FAA determination remain valid and unchanged.
Attachment 6

(Public Hearing Notice)
I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of Riverside, under the date October 14, 1986, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

March 23, 2018

Executed on: 03/23/2018
At Banning, CA

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

Signature