I. CALL TO ORDER: Chairman Shaw

- Pledge of Allegiance: Commissioner Price
- Roll Call: Commissioners Brosious, Krick, Price, Schuler, Chairman Shaw

► New Commissioner: Commissioner Brosious

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 October 3, 2018 Regular Planning Commission meeting......................Page 1

IV. PUBLIC HEARING:

I. BANNING DISTRIBUTION CENTER - GENERAL PLAN AMENDMENT 17-2501; ZONE CHANGE 17-3501; DESIGN REVIEW 16-7002; AND ENVIRONMENTAL ASSESSMENT 16-1503 FOR THE PROPOSED DEVELOPMENT OF A
1,000,000 SQUARE FOOT DISTRIBUTION CENTER CONSISTING OF 1,000,000 SQUARE FOOT OF WAREHOUSE SPACE AND 10,000 SQUARE FOOT OF OFFICE SPACE WITH AUTO AND TRAILER PARKING, 2 DETENTION BASINS AND ASSOCIATED INFRASTRUCTURE WITHIN THE AIRPORT INDUSTRIAL (AI) AND PUBLIC FACILITIES AIRPORT (PF-A) LAND USE DISTRICTS (APN 532-110-006, 532-130-001 AND 532-130-002)

Staff Report – Sonia Pierce.................................................................Page 10

Recommendation:

That the Planning Commission adopt Resolution 2018-19:

1. Recommending that the City Council adopt Findings of Fact and a Statement of Overriding Considerations pursuant to CEQA, certify a Final Environmental Impact Report, and adopt a Mitigation Monitoring and Reporting Program for the proposed Banning Distribution Center Project.

2. Recommending that the City Council approve General Plan Amendment 17-2501, Zone Change 17-3501, and Design Review 2016-7002; and

<table>
<thead>
<tr>
<th>Order of Procedure:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Staff report presentation</td>
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<td>2. Applicant Presentation</td>
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<td>3. Planning Commission questions for staff and applicant</td>
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<tr>
<td>4. Open public comments</td>
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<tr>
<td>5. Close public comments</td>
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<tr>
<td>6. Planning Commission discussion</td>
</tr>
<tr>
<td>7. Motion and Second</td>
</tr>
<tr>
<td>8. Planning Commission discussion on motion</td>
</tr>
<tr>
<td>9. Call the question (Roll call vote)</td>
</tr>
</tbody>
</table>

**Recommendation:**

That the Planning Commission adopt Resolution No. 2018-14:

1. Recommending that the City Council find that in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required under CEQA; and

2. Recommending that the City Council approve the modifications to Tentative Tract Map No. 33540 and approve Design Review No. 18-7003, subject to the recommended Conditions of Approval.

**Order of Procedure:**

1. Staff report presentation
2. Applicant Presentation
3. Planning Commission questions for staff
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)

**III. TENTATIVE TRACT MAP NO. 37390. PROPOSAL TO SUBDIVIDE APPROXIMATELY 93 GROSS ACRES OF VACANT LAND FOR PURPOSES OF CREATING 362 SINGLE FAMILY LOTS, 1 LOT FOR A PARK SITE, 13 OPEN SPACE LETTERED LOTS (INCLUDING RECREATION AND DRAINAGE), AND PUBLIC STREETS, ALL WITHIN THE BUTTERFIELD SPECIFIC PLAN AREA**

**Recommendation:**

That the Planning Commission adopt Resolution 2018-21:

1. Recommending that the City Council find that in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required under CEQA; and
2. Recommending that the City Council approve Tentative Tract Map No. 37390 to subdivide approximately 93 gross acres of land for single family, parks, and open space uses, along with public streets, subject to the recommended Conditions of Approval.

Order of Procedure:
1. Staff report presentation
2. Applicant Presentation
3. Planning Commission questions for staff
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)

IV. TENTATIVE TRACT MAP NO. 37474, A PROPOSAL TO SUBDIVIDE APPROXIMATELY 16.5 GROSS ACRES OF VACANT LAND FOR PURPOSES OF CREATING 109 SINGLE FAMILY LOTS, 2 OPEN SPACE LETTERED LOTS, AND PUBLIC STREETS, ALL WITHIN THE BUTTERFIELD SPECIFIC PLAN, AREA

Staff Report – Maryann Marks

Recommendation:

That the Planning Commission adopt Resolution 2018-20, recommending that the City Council take the following actions:

1. Recommending that the City Council find that in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required under CEQA; and

2. Recommending that the City Council approve Tentative Tract Map No. 37474 to subdivide approximately 16.5 gross acres of land for single family, and open space uses, along with public streets, subject to recommended Conditions of Approval.

Order of Procedure:
1. Staff report presentation
2. Applicant Presentation
3. Planning Commission questions for staff
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)
V. PLANNING COMMISSIONER COMMENTS:

VI. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

VII. ADJOURNMENT:

The City of Banning Planning Commission is hereby adjourned to the Regular Planning Commission meeting of December 5, 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

October 3, 2018

A regular meeting of the City of Banning Planning Commission was held on Wednesday, October 3, 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 Schuler

 Commissioner Absent: Commissioner Price

 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:
Chairman Shaw called the meeting to order at 6:30 p.m.

II. PUBLIC COMMENTS:
No Comments

III. CONSENT CALENDAR ITEMS:

APPROVAL OF MINUTES: Regular Planning Commission Meeting – August 1, 2018.

ACTION: Motion/Second (SCHULER/KRICK)
(Motion Carried 3-0)

IV. PUBLIC HEARING:

1. DESIGN REVIEW 18-7004 PROPOSED CONSTRUCTION OF A 9,320 SQUARE FOOT, TWO-STORY CONTRACTOR’S CORPORATE OFFICE BUILDING AND STORAGE YARD, WITH A 600 SQUARE FOOT FUEL STORAGE AND TRASH ENCLOSURE STRUCTURE AND ASSOCIATED IMPROVEMENTS ON TWO VACANT PARCELS TOTALING 1.95 GROSS ACRES LOCATED AT THE TERMINUS OF GALLEHER WAY, EAST OF THE INTERSECTION OF SAN

Planning Commission Meeting Minutes
October 3, 2018
GORONIO AVENUE AND LINCOLN STREET IN THE INDUSTRIAL (I) LAND USE DISTRICT (APNS 541-220-009 AND 541-220-019)

Senior Planner Pierce presented the staff report. She said the proposed project is an infill development that is located in the industrial zone on two parcels. The applicant will be completing a parcel merger that will be a total of 1.95-acres. The project is designed to incorporate many of the desired elements that are in the code. It will have vertical and horizontal metal siding with multi-planed, pitched roofs and include a variety of materials for relief.

The site is located in the Land Use compatibility plan and it is consistent with the current zoning.

Ms. Pierce said the Public Works Department submitted modified conditions of approval pertaining to the improvements on Galleher Way.

Darry Cartozian from DKC Architects, Inc. asked staff a question regarding Conditions of Approval number 4. He wanted to know what happens if construction does not start within two (2) years as stated.

Director Nevins said the approval tonight would allow two years and prior to the end of the two years they may apply for a one-year administrative extension.

Commissioner Shaw asked if the code would allow a metal siding.

Ms. Pierce said the applicant has incorporated many desirable elements that are part of the design guidelines.

Commissioner Krick asked if the urinals in the restrooms would be water flush or waterless.

Mr. Cartozian said CalGreen requires a certain percentage of fixtures to be waterless and they will comply with the Building Code.

Mr. Cartozian said they will most likely install waterless urinals, and he added that it is nice to hear someone talk about water energy savings.

Commissioner Shaw opened public comments.

Paul Perkins, resident of Banning asked if a parcel merger would be done for this project.

Commissioner Shaw said yes, that is part of the conditions of approval.

Commissioner Shaw closed public comments

ACTION: Motion/Second (KRICK/SCHULER)

That the Planning Commission adopt Resolution 2018-15
1. Finding that, in accordance with the California Environmental Quality Act (CEQA) Guidelines Section §15332 (In-Fill Development Projects), the development is exempt from review under CEQA; and

2. Approving Design Review No. 18-7004 for the construction of a contractor’s corporate office building and storage yard, with a fuel storage and trash enclosure structure and associated improvements.

With the following amendments:

28. Applicant shall construct all public improvements on Galleher Way including curb and gutter and driveway approaches.

33. The primary entrance to the proposed project location shall be from Lincoln Street via Galleher Way. It is understood by all parties that the right-of-way for Galleher Way has not been dedicated and accepted by the City of Banning. Prior to the issuance of a grading permit, the applicant shall prepare right-of-way dedication documents (i.e. legals and plats) for Lots “B”, Lots “C” and Lots “D” as shown on Parcel Map No. 17851 and also recognized as the right-of-way encompassing the existing street section of Galleher Way. The applicant shall also have the dedication documents executed by the property owners of those parcels where the existing street section of Galleher Way exists over. The City will review and approve the dedication documents and the City will accept and have the right-of-way dedications recorded.

(Motion Carried 3-0)

2. ZONING TEXT AMENDMENT 18-97503 TO AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE TO ALLOW, REGULATE AND ZONE FOR RETAIL CANNABIS USES.

Director Nevins said the item presented tonight is for an ordinance that would address potential retail cannabis uses within the City of Banning. The City recently prepared an ordinance that would allow commercial cannabis uses, indoor cultivation, manufacturing and testing laboratories in the Industrial Zoning Districts through a cannabis use permit accompanied by the required regulatory permit (CUP).

The AdHoc committee recommended consideration of retail cannabis uses in response to a potential ballot measure, and the overall feeling was to put something forth for the voters to consider. The ordinance will not take effect unless the voters pass a tax measure that pertains to each one separately in November. If passed, it would take effect in January 2019.

The retail component, as drafted, would permit these uses in the Highway Serving Commercial Zone (HSC). This area is north of the freeway on Ramsey between 8th and Sunset Streets.

A variety of regulations listed on the resolution is similar to the commercial cannabis ordinance.
A letter of opposition was received (attachment 1) and a request from the Public Works Department to add an additional condition that pertains to wastewater permit requirement.

Commissioner Krick asked if the churches are not included as part of the 600-foot radius.

Director Nevins said no.

Commissioner Shaw opened public comments

Mr. Perkins, resident of Banning said he does not understand why this cannot wait a month or two until the vote passes.

Commissioner Shaw said the Zoning Text Amendment presented is not an approval for the sale of marijuana.

Assistant City Attorney Young said a draft ordinance is being reviewed to make a recommendation to the City Council who will consider the proposed ordinance for adoption. Section 6 of the Ordinance states that it will not take effect until January 1, 2019 and only if Measure O is approved by the voters at the November 6, 2018 election and such tax becomes operative.

Frank Burgess said he feels that it is unethical and illegal to try to pass something before the voters had a chance to vote on it. He asked the Commission to table it until after the election. He feels there is a homeless problem already in the City and this will welcome additional problems to the existing retail businesses.

Randy Plascencia, resident of Banning said he agrees with Mr. Burgess’s comments. He recently bought a property on Hay’s Street, and would not like this type of traffic around his child. He would like to see this be zoned away from any residential areas.

Richard Sahagun, resident of Banning said illegal activities happen regardless. He feels that the City is better off controlling this market because rules will be in place and he thinks that by passing the ordinance it will help lower the existing crime and better the economy.

Daniel Barela, resident of Banning said there is a marijuana shop across from where he lives. The house across was vandalized two times in the past year. He asked the Planning Commission not to vote tonight because many people are not aware of this proposal.

Commissioner Shaw closed public comments

Commissioner Krick said he understands everyone’s feelings. He said any recommendation to the Council is not a final approval. He thinks the City is trying to take a proactive stance by doing this ahead of time. He feels the north side of the Ramsey should be taken out of the picture completely because the rear of the commercial properties on Ramsey Street are touched by residential, and the 200-foot radius separation is not from the building to the front door of the house, it is from property line to the property line of the residential use. He said that because of the exclusions and State requirements, the only side available for cannabis sale would be the south side of Ramsey Street.

Director Nevins said that for any of the exclusion, we have not done a parcel-by-parcel analysis yet.
Ms. Young said it would be inappropriate to revise the ordinance to state “within the Highway Serving Commercial Zone, but only south of Ramsey Street” it is allowed within the entire zone or it is not.

There are distance restrictions that are within the ordinance. If someone proposes to locate on a site and does not meet those restrictions, then they cannot locate at that particular area. The ordinance has been drafted to require a Conditional Use Permit that will come to the Planning Commission as a recommendation to the City Council for final approval.

Commissioner Schuler said that the dispensaries that are operating illegally should not be used as a measure for the ones that want to pursue operations on a legal basis. She feels the City does not seem to have the enforcement capabilities to take those places out of business that create problems. She said this would allow legal existence of these businesses in a zone that is away from the Downtown Commercial area.

Commissioner Krick said a minimum square footage should be set for the size of the business; no shared operations and to include proper security as part of the conditions of approval. He feels that separation requirements between the retail stores should be eliminated, and that business should have their own security. He feels that ample parking and access is more important than saying that they cannot be closer than 600 feet to each other.

Commissioner Shaw said that the Commission or City Council could still modify any recommendations. He added that a recommendation can be made to staff to further look into square footage regulations from the State, and that any dual use building proposals to the Commission would not be consistent with the permit requirements.

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

That the Planning Commission adopt Resolution 2018-18

1. Making a determination under CEQA Guidelines Section 15060(c)(3) that the Zoning Text Amendments are not subject to CEQA and further that under CEQA Guidelines Section 15061(b)(1) the project is exempt from CEQA as it is exempt by statute (Business and Professions Code section 26055(h)).

2. Recommending that the City Council approve Zoning Text Amendment 18-97503 to amend various sections of the Zoning Ordinance to allow, regulate and zone for retail cannabis use.

With the following amendments:

17.54.180 Other Provisions.

D. **Minimum square footage of the building shall be 800 s.f. unless otherwise provided by State.**
1. Section 17.54.080 – Separation Requirements and Other Limitations.

17.54.080 Separation Requirements and Other Limitations.

B. No cannabis business shall be located within a 200-foot radius of any residential zoning district. No cannabis business shall be located within a 600-foot radius of any day care center, youth center, public or private school providing instruction in kindergarten or any of grades 1-12, park, or any other retail cannabis business that is lawfully operating in the City and that is in existence at the time the cannabis conditional use permit is issued. The 600-foot distance requirement does not include any private school in which education is primarily conducted in a private home or a family day care home. The distances specified in this subsection shall be the horizontal distance measured in a straight line without regard to intervening structures, from the property line of the lot on which the cannabis business is located to the nearest property line of those uses described in this subsection.

17.54.140 Cannabis Waste Management.

C. The permittee shall comply with Chapter 13.20, Industrial Wastewater Collection and Treatment of the Banning Municipal Code.

(Motion Carried 3-0)

V. PLANNING COMMISSIONER COMMENTS:

None

VI. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

Director Nevins said Commissioner Price called in and has an excused absence.

The City Council will select a new Planning Commissioner at a Special Meeting.

VII. ADJOURNMENT:

There being no further business, the meeting adjourned at 7:40 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.
1613 Jason Ct.
Redlands, CA 92374
(909) 647-7572
Naydreamer@hotmail.com

September 25, 2018

Community Development Department
City of Banning
P.O. Box 998
Banning, CA 92220

To Whom It May Concern:

Hello, my name is Naomi D’Silva and I am a concerned homeowner in Banning. I greatly appreciate the notice informing me that the city of Banning is considering selling legal cannabis for economic reasons. I respect the openness and the willingness to listen to the citizens of Banning about what this would mean for our beloved community. I am strongly against this decision for several reasons.

First, though there may be immediate economic benefits in terms of sales, it will have destructive results in the community. The quality of life goes down when drugs are commonplace and easily accessible. The benefits of legally selling marijuana do not outweigh the costs to the citizens. It will invite more individuals to our city who come with one purpose alone, to buy mind altering substances, and then possibly drive under their influence. Seeing dispensaries in their neighborhood sends a damaging message to our children. Our children should be protected by the local government and in my own family I have seen how devastating marijuana can be to their development.

Secondly, Banning takes pride in being a small town with strong values such as family, patriotism, and hard work. Bringing marijuana dispensaries does not strengthen any of these pillars of our community, it only erodes them. Marijuana has scientifically been proven to lead to lack of ambition, and I have never seen it bring someone from poverty to financial security. Recreational marijuana may bring temporary relief to an individual but in the long run it does not solve underlying problems and it does nothing to
strengthen the family. Because of the selfishness of my two cousins, my 90 year old grandmother accidentally ate a marijuana laced brownie and nearly died. After suffering in the hospital without sleeping for two days, she is finally making a slow and painful recovery. We will be held accountable for the decisions we make for those in our care.

Thirdly, I firmly believe that the God given ability to govern comes with the responsibility to be under authority ourselves. If this life we’re living is our own, then we can do whatever we want. If we were created to bring glory to God, then our life better reflect that high purpose. Our founding fathers did not want any one to serve in office who did not believe in a higher power because then they would not be accountable to anyone. “Righteousness exalts a nation, but sin is a disgrace to any people.” Proverbs 14:34. If selling pot is going to exalt our nation, bring out the best in its citizens, promote family, character, and perseverance, it should be encouraged. Everything I have seen and experienced within my own family tells me it will do the opposite.

At trying times like these, our city needs to strengthen its resolve to be a city of peace and integrity. If we ask God for His blessings on our citizens and our city, I know we will be successful. Selling marijuana is against what’s best for our families. That’s the bottom line.

Thank you so much for your time and for all you do to serve our community.

Sincerely,

Naomi D’Silva

Naomi D’Silva
CITY OF BANNING
Planning Commission Report

DATE: November 7, 2018
TO: Planning Commission
FROM: Maryann Marks, AICP, Interim Community Development Director
PREPARED BY: Sonia Pierce, Senior Planner

SUBJECT: BANNING DISTRIBUTION CENTER - GENERAL PLAN AMENDMENT 17-2501; ZONE CHANGE 17-3501; DESIGN REVIEW 16-7002; AND ENVIRONMENTAL ASSESSMENT 16-1503 FOR THE PROPOSED DEVELOPMENT OF 1,000,000-SQUARE FOOT DISTRIBUTION WAREHOUSE FACILITY CONSISTING OF 1,000,000 SQUARE FOOT OF WAREHOUSE SPACE AND 10,000 SQUARE FOOT OF OFFICE SPACE WITH AUTO AND TRAILER PARKING, 2 DETENTION BASINS AND ASSOCIATED INFRASTRUCTURE WITHIN THE AIRPORT INDUSTRIAL (AI) AND PUBLIC FACILITIES AIRPORT (PF-A) LAND USE DISTRICTS (APN 532-110-006, 532-130-001 AND 532-130-002)

RECOMMENDATIONS

I. That the Planning Commission adopt Resolution No. 2018-19 recommending that the City Council approve General Plan Amendment 17-2501, Zone Change 17-3501, and Design Review No. 2016-7002.

II. That the Planning Commission recommend that the City Council approve the adoption of a Statement of Overriding Considerations and CEQA Findings of Fact, certification of the Final Environmental Impact Report, approval of a Water Supply Assessment, adoption of the Mitigation Monitoring and Reporting Program for the Banning Distribution Center Project;
APPLICANT INFORMATION:

Project Location: In the southeastern portion of the City on approximately 63.9 acres. Affected parcels include Assessor Parcel Numbers (APNs) 532-110-006, 532-130-001 and 532-130-002. The Project site is located north of the Banning Municipal Airport, and south of Interstate 10 (I-10) freeway and the Union Pacific Railroad line the City of Banning, California.

APN Information: 532-110-006, 532-130-001 and 532-130-002

Project Applicant: Banning Industrial, LP
17842 Mitchell North, Suite 200
Irvine, CA 92614

Property Owner: Banning Industrial, LP
17842 Mitchell North, Suite 200
Irvine, CA 92614

REQUEST:

The distribution warehouse location is currently located within the Airport Industrial (AI) land use designation and zoning which allows for this type of use. However, the southern portion of the Project site (APNs 532-130-001 and 530-130-002) are currently designated Public Facilities-Airport (PF-A) which allows for uses specifically related to airport operations. Since an end user is not known at this time and it is unlikely that the distribution warehouse will be part of the Banning Airport operations, a General Plan Amendment (GPA 17-2501) and Zone Change (ZC 17-3501) to change the land use designation and zoning for APNs 532-130-001 and 530-130-002 from Public Facilities-Airport (PF-A) to Airport Industrial (AI) is included as well as the request for Design Review approval of the construction of a 1 million square foot warehouse distribution center and related infrastructure improvements are a part of the project.

PROJECT BACKGROUND AND SETTING:

The Project site consists of three vacant, undeveloped parcels; 532-110-006, 532-130-001, and 532-130-002. These three parcels were originally part of tentative parcel map 34335 (TPM 34335) which was approved by the City of Banning in 2007. The City of Banning prepared a Mitigated Negative Declaration for TPM 34335 which was approved by the City’s Planning Director in 2007. This TPM was set to expire in 2017. At the November 14, 2017, City Council meeting, it was extended until October 22, 2018. Most recently at the October 9, 2018, City Council meeting, the map received an additional extension until October 22, 2019. The proposed 1 million square foot building would be
constructed across several parcel lines if TPM 34335 recorded. Should the applicant move forward with the development of the Banning Distribution Center, prior to the issuance of building permits the existing three parcels should be merged into one parcel. If TPM 34335 has not expired, the map should be withdrawn to avoid constructing the Distribution Center over several parcel lines.

Concurrent to the preparation of the EIR, a General Plan Amendment (GPA) and Zone Change (ZC) were submitted to the City of Banning on June 15, 2017. A general plan amendment and zone change are needed to change two of the parcel designations and zoning to match the rest of the site. The land use and zoning of Public Facilities – Airport (PF-A) to Airport Industrial (AI) on the southern portion of the subject site (APN 532-130-001 and 532-130-002) is part of the project applications being considered. The site plan submittal dated November 17, 2017 for the proposed Project shows parking and a detention basin on the area presently designated as PF-A; the remainder of the site and building proposed is located on parcels which are zoned and designated as Airport Industrial.

Table 1
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>Vacant Land</td>
<td>Airport Industrial (AI) and Public Facilities – Airport (PF-A)</td>
<td>Airport Industrial (AI) and Public Facilities – Airport (PF-A)</td>
</tr>
<tr>
<td>South</td>
<td>Union Pacific Railroad (Railroad) and Interstate 10 (I-10)</td>
<td>Public Facilities – Railroad/Interstate/(PF-RI)</td>
<td>Public Facilities – Railroad/Interstate/(PF-RI)</td>
</tr>
<tr>
<td>East</td>
<td>Banning Municipal Airport facility</td>
<td>Public Facilities – Airport/(PF-A)</td>
<td>Public Facilities – Airport/(PF-A)</td>
</tr>
<tr>
<td></td>
<td>Vacant Land owned by the Morongo Band of Mission Indians</td>
<td>Not in City’s Sphere of Influence.</td>
<td>Not in City’s Sphere of Influence.</td>
</tr>
<tr>
<td>West</td>
<td>Banning Municipal Airport facility</td>
<td>Public Facilities – Airport/(PF-A) / Airport Industrial/(A-I)</td>
<td>Public Facilities – Airport/(PF-A) / Airport Industrial/(A-I)</td>
</tr>
</tbody>
</table>

PROJECT DESCRIPTION

The Project proposes development of a 1-million square feet speculative (i.e. the building’s tenant has not been determined) building on approximately 63.9 acres. The building consists of 990,000 square-feet of high-cube (non-refrigerated)
industrial/warehouse space and approximately 10,000 square feet of office space on the southwest and southeast corners of the proposed building for a total of 1 million square feet. The site plan is conceptual in nature and that minor modifications may occur during detailed final project review. The warehouse building will feature 88 dock doors on the northern side of the building, 25 dock doors on the western side, and 96 dock doors on the southern side of the proposed building.

Off-site infrastructure improvements will also be required. These improvements include construction of John Street, construction of the off-site extensions of water lines, sewer lines, and a lift station as well as the emergency access road. This corresponds to approximately 9.11 acres of off-site paving, for John Street and portions of the off-site sewer line, as well as approximately 4.7 acres of unpaved off-site improvements for portions of the off-site sewer line and lifts station, water line, and gravel emergency access road. Approximately 1,500 cubic yards of gravel will be imported during construction of the off-site emergency access road, which will remain unpaved.

The Project will include construction of a gravel emergency access road, since the site will not be able to have access to the east (Tribal land located east of the site). An unpaved, gravel emergency access road begins north of the intersection of East Lincoln Street and South Juarez Street for approximately 422 feet then heads east for approximately 6,864 feet until connecting to the southwest portion of the Project site 3,871 linear feet. The emergency access road also includes an at-grade crossing of Ramsey Street Wash.

The Project site will need to be served by water and sewer which are not currently available to the site. In order to serve the site, potable water and sewer lines, along with a sewer lift station, will be constructed as part of the project. The locations of these shared utility lines begin north of Charles Street and the City’s Water Reclamation Facility until it connects to East Westward Avenue and then heads east and northeast. From there, the shared utility lines head north along the eastern edge of the Banning Municipal Airport runway, until reaching the Project site.

<table>
<thead>
<tr>
<th>Area Calculations</th>
<th>Square footage</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross property area</td>
<td>2,783,415</td>
<td>63.90 Acres</td>
</tr>
<tr>
<td>Net Property Area</td>
<td>2,776,827</td>
<td>63.75 Acres</td>
</tr>
<tr>
<td>Building Area</td>
<td>1,000,000</td>
<td>36% of site area</td>
</tr>
<tr>
<td>Landscape Area</td>
<td>668,269</td>
<td>37% of site area</td>
</tr>
</tbody>
</table>

**General Plan Amendment and Zone Change**

The proposed project includes a General Plan Amendment (GPA) Public Facilities – Airport (PF-A) to Airport Industrial (AI).
The proposed project land use and zoning designations are Airport Industrial (AI) and Public Facilities-Airport (PF-A) in the City’s General Plan. The distribution warehouse is currently located within the Airport Industrial (AI) land use designation and zoning which allows for this type of use. However, the southern portion of the Project site (APNs 532-130-001 and 530-130-002) are currently designated Public Facilities-Airport (PF-A) which allows for uses specifically related to airport operations. Since an end user is not known at this time and it is unlikely that the distribution warehouse will be part of the Banning Municipal Airport operations, a General Plan Amendment (GPA 17-2501) and Zone Change ZC 17-3501 to change the land use designation and zoning for APNs 532-130-001 and 530-130-002 from Public Facilities-Airport (PF-A) to Airport Industrial (AI) is included as part of the request. The area proposed for a GPA and ZC is proposed for surface parking and infiltration basins which will retain run off from rain events up to and including the 3-hour storm event per the City of Banning’s regulations.

**Design Review**

**Building Design**

The design is modern industrial and includes concrete tilt-up wall construction with metal cap and window glazing and roof parapets. The applicant proposes to construct a white tilt-up building with gray, alternating cream and beige colored horizontal and vertical accent bands at selected intervals throughout the building elevations. Multi striped shades of cream, gray and beige have been incorporated on the columns spaced at 45-foot intervals to break up the appearance of the linear walls. Additional painted arches have been evenly distributed throughout the elevations to serve as additional articulation for the building. The office areas serve as two decorative focal points with accent metal canopies and accent colors, including blue reflective glazing and clear anodized mullions. The architectural forms, colors and materials are similar to and compatible with the newer industrial developments that have been seen along freeways throughout Southern California.

The building is situated approximately 200-feet from the main access street, John Street and over 90-feet from all other property lines, exceeding the minimum 10-foot street side and zero side yard setback requirement in the Airport Industrial (AI) Land Use District.

The project also includes the construction of the intersection of Lincoln Street and John Street. One driveway is proposed to access the project site at the end of John Street for vehicles and trucks. Access to the site is through a lot that is 3,306 gross acres, 322-feet in width and 500-feet deep.
Building Height

The building height ranges from forty-six to forty-eight feet in height. The majority of the building is forty-two to forty-four feet in height with 4-inch extended columns and parapet walls providing roof articulation. The maximum building height in the (AI) Land Use is 50-feet, however this property located within the Banning Municipal Airport Land Use Compatibility Plan and has additional height restrictions based on the height of 2161 feet site elevation (SE), 47 feet above ground level (AGL) and 2208 feet above mean sea level (AMSL). The project has been conditioned to require building pad and building height elevation certifications to comply with the attached ALUC and Federal Aviation Administration (FAA) conditions.

Parking and Loading

John Street located at the northwest corner of the site and one proposed emergency access point located at the southwest sections of the property. The project, as proposed, is a speculative building and no tenant has been selected. All office and warehousing areas are speculative at this time. Parking is based on the use at the time of occupancy. Once a tenant has been selected and prior to the issuance of building permits a detailed parking analysis will be required to assure the land use complies with Section 17.28 Parking and Loading Standards. There are over 400 parking spaces shown and it is adequate for a site of this size with minimal employee in the warehousing/distribution industry. The applicant has shown 495 parking spaces, this includes 174 standard spaces and 321 trailer parking spaces. Depending on the uses and the code the parking requirements can change. The project has been conditioned to comply with Section 17.28 of the Code.

Landscaping

The conceptual landscape plan depicts focal trees distributed throughout the automobile parking areas of the site and trees are also depicted at the entrance to the site at John Street, the perimeter of the property as well as at building and parking lot entrances.

The landscape plan provides a variety of planting materials, for the proposed slopes, flat areas, and around detention basins. There are over a thousand trees of various sizes and species proposed as well as a variety of shrubs and groundcovers.

The project’s landscape program must comply with standards set forth in Section 17.28.060 and Chapter 17.32 of the Municipal Code. Modifications to the proposed conceptual Planting Plan may be necessary as result of the identifying a tenant for this speculative building. The applicant will be required to coordinate the proposed conceptual Planting Plan with the proposed Lighting Plan. A Condition of Approval requires that the applicant address these items prior to the issuance of Building Permits.
Lighting

A photometric plan will be required per Section 17.12.170, in order to ensure that no adverse impacts from possible spillage of light and glare occur, and to verify compliance with ALUC lighting restrictions for developments that may impact the Banning Municipal Airport.

Refuse Storage

The building is for a speculative development and all details have not been provided at this time. Large facilities such as this usually incorporates trash compactors and have recycling programs. Prior to issuance of building permits the development will be required to finalize trash pick-up and trash enclosure details. A condition of approval has been included to require that project met the city requirements for trash enclosures including decorative walls and cover to complement the building. The project has a number of proposals that relate to sustainability and the California Green Building Code (CalGreen), including provisions to provide for interior and exterior areas for recyclables and green waste and adequate recycling containers located in public areas.

Conclusion

The proposed use and site, building, and landscape design, along with proposed and recommended improvements and conditions, will enhance the site and provide for a land use that would complement the adjacent the surrounding community. Staff recommends approval of the proposed project, subject to the attached conditions of approval.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

STATEMENT OF FACTS AND FINDINGS

The California Environmental Quality Act (CEQA) requires that a Lead Agency issue two sets of findings prior to approving a project that will generate a significant impact on the environment. The Statement of Facts and Findings is the first set of findings where the Lead Agency identifies the significant environmental impacts as identified in the Environmental Impact Report (EIR); presents facts supporting the conclusions reached in the analysis; makes one or more of three findings for each impact; and explains the reasoning behind the agency’s findings. The EIR was prepared by the City acting as Lead Agency pursuant to CEQA. Hereafter, the Notice of Preparation, Notice of Availability, Draft EIR, Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR, and the Mitigation Monitoring and Report Program will be referred to collectively herein as the “EIR”. The following Statement of Facts and Findings has been prepared in accordance with the State CEQA Guidelines (14 California
Code of Regulations, Section 15091), and California Public Resources Code, Section 21081 (collectively, CEQA). Section 15091 of the State CEQA Guidelines provides that:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.
Section 15093 of the State CEQA Guidelines further provides:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

(b) Where the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Statement of Overriding Considerations is the second set of findings. Where a project will cause unavoidable significant environmental impacts, the Lead Agency may still approve a project where its benefits outweigh the adverse impacts. Further, as provided in the Statement of Overriding Considerations, the Lead Agency sets forth specific reasoning by which benefits are balanced against effects, and approves the project.

The City of Banning (City), serving as the CEQA Lead Agency, finds and declares that the proposed Banning Distribution Center EIR (State Clearinghouse No. 2018011032) has been completed in compliance with CEQA and the State CEQA Guidelines. The City finds and certifies that the EIR was reviewed and that information contained in the EIR was considered prior to approving the proposed Banning Distribution Center Project, herein referred to as the “Project”.

Having received, reviewed and considered the EIR for the Project, as well as all other information in the record of proceedings on this matter and the Facts, Findings and Statement of Overriding Considerations included in this document are hereby adopted by the City in its capacity as the CEQA Lead Agency.

Based upon its review of the EIR, the City finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the proposed Project; represents the independent judgment of the City; and sets forth an adequate range of alternatives to this Project.
As further described in the Final EIR document, the Final EIR is composed of the following elements:

- Banning Distribution Center Draft EIR;
- Comment Letters Received and Responses to Comments;
- Corrections and Changes (Errata) from the Draft EIR to the Final EIR; and
- Mitigation Monitoring and Reporting Program.

PUBLIC COMMUNICATION:

Proposed GPA 17-2501, Zone Change 17-3501, DR 16-7002, and Environmental Assessment 16-1503 were advertised in the Record Gazette newspaper on October 26, 2018.

ATTACHMENTS:

1. Planning Commission Resolution No. 2018-19
   Exhibit A – Project Plans/General Plan / Zone Change Map
   Exhibit B – Conditions of Approval
2. Project Plans
3. Airport Land Use Commission Determination
4. DEIR/FEIR / Mitigation Monitoring and Reporting Program/ Statement of Overriding Consideration (Links to Documents)
5. Public Hearing Notice
ATTACHMENT 1

Planning Commission Resolution No. 2018-19
   Exhibit A. Project Plans
   Exhibit B. Conditions of Approval
RESOLUTION NO. 2018-19


WHEREAS, an application for General Plan Amendment 17-2501, Zone Change 17-3501, and Design Review 16-7002 to permit the development of a proposed 1 million square foot distribution center (the “Project”), has been duly filed by:

Project Applicant/Owner: Banning Industrial, LP

Authorized Agent: Albert A. Webb Associates

Project Location: In the southeastern portion of the City north of the Banning Municipal Airport, and south of Interstate 10 (I-10) freeway and the Union Pacific Railroad line the City of Banning, California

APNs: 532-110-006, 532-130-001, 532-130-002
Lot Area: 63.9 acres;

WHEREAS, pursuant to Banning Municipal Code Sections 17.64.050, 17.116.030, and 17.56.040, the Planning Commission has the authority to review and make recommendations to the City Council concerning General Plan Amendment No. 17-2501, Zone Change No. 17-3501, and Design Review 16-7002;

WHEREAS, in accordance with Government Code Sections 65353, 65854, 65090, and 65091 and Banning Municipal Code Section 17.68.020.B., on October 26, 2018, the City gave public notice, by advertisement in the Record Gazette Newspaper, and by mailing to the owner of the subject real property, the owner’s duly authorized agent, the Applicant, and the property owners within 300 feet of the Project site, of a public hearing concerning the Project; and

WHEREAS, in accordance with Banning Municipal Code Sections 17.64.050, 17.116.030, and 17.56.040, on November 7, 2018, the Planning Commission held a public hearing at which interested parties had an opportunity to testify in support of, or opposition to, the Project, and at which the Planning Commission considered the Project.

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

SECTION 1. California Environmental Quality Act Findings. The Planning Commission of the City of Banning does hereby make the following environmental findings and determinations in connection with the approval of the Project:

A. Pursuant to the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code § 21000 et seq.) and the State Guidelines (the "Guidelines") (14 Cal. Code Regs. §15000 et seq.) and City’s local CEQA Guidelines (collectively, the "Guidelines"), City staff prepared an Initial Study of the potential environmental effects of the approval of the Project. Based upon the findings contained in that Study, a Notice of Preparation ("NOP") was distributed by the City of Banning to responsible, trustee and local agencies for review and comment on January 22, 2018. The NOP was issued to the Riverside County Clerk, the State Clearinghouse, the California Office of Planning and Research, and organizations and persons considered likely to be interested in the Project and its potential impacts. The NOP public review period ran for 30 days; a total of eight comment letters were received.

B. On February 6, 2018, the City conducted a scoping meeting, pursuant to Guidelines Section 15082(c)(1). A Draft Environmental Impact Report (the "DEIR") was prepared for the Project between March 9, 2018, and June 25, 2018. In accordance with the CEQA and the Guidelines promulgated with respect thereto, the City analyzed the Project’s potential impacts on the environment.

C. On June 26, 2018, the City circulated a Notice of Availability ("NOA") and the DEIR for public review and filed a Notice of Completion ("NOC") with the State Clearinghouse (State Clearinghouse No. 2018011032) to start the 45-day review period. Consistent with Guidelines Section 15105, the City circulated the DEIR (including
appendices) for the Project to the public and other interested parties for a 45-day comment period, from June 26, 2018, to August 9, 2018. Copies of the DEIR were also made available at Banning City Hall and Banning Public Library. The City received a total of 11 comment letters.

D. The City prepared written responses to all comments received on the DEIR during the comment period and those responses to comments are incorporated into the Final Environmental Impact Report ("Final EIR"), which Final EIR was prepared in accordance with CEQA, is on file with the City Planning Division, and is incorporated herein by this reference. The responses to public agency comments were delivered to each public agency commenter on or about ____________, 2018, which is at least ten (10) days prior to any certification of the Final EIR.

E. On ____________, 2018, the City Council conducted a duly noticed public hearing to consider the Project and the Final EIR, reviewed the staff report, accepted and considered public testimony. After due consideration, the City Council found that agencies and interested members of the public were afforded ample notice and opportunity to comment on the EIR and the Project.

F. The findings attached to this Resolution, as Exhibit "_", are based upon the information and evidence set forth in the Final EIR and upon other substantial evidence that has been presented at the hearing and in the record of the proceedings. The documents, staff reports, technical studies, appendices, plans, specifications, and other materials that constitute the record of proceedings on which this Resolution is based are on file for public examination during normal business hours at the Department of Community Development, City of Banning, 99 East Ramsey Street, Banning, California 92220. The custodian of records is the Banning Community Development Department. Each of those documents is incorporated herein by reference.

G. Section 15093 of the State CEQA Guidelines requires that if the Project will cause significant unavoidable adverse impacts, the City must adopt a Statement of Overriding Considerations prior to approving the Project. The Statement of Overriding Considerations states that any significant adverse Project effects are acceptable if expected Project benefits outweigh unavoidable adverse environmental impacts.

H. A discussion of the Project benefits and a Statement of Overriding Considerations for the environmental impacts that cannot be fully mitigated to a less than significant level are set forth in Exhibit "_".

I. Section 15091 of the State CEQA Guidelines requires that the City, before approving the Project, make one or more of the following written finding(s) for each significant environmental effect identified in the Final EIR accompanied by a brief explanation of the rationale for each finding:
1. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; or,

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or,

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

J. Environmental impacts identified in the Initial Study and the Final EIR that are found to have no impact and be less than significant are described in Section 4.1.1 of the DEIR dated June 26, 2018, which is incorporated herein by reference.

K. Environmental impacts identified in the Final EIR as potentially significant, but that can be reduced to less than significant levels with mitigation, are described in Section 4.0 of the DEIR dated June 26, 2018, which is incorporated herein by reference.

L. Alternatives to the Project that might eliminate or reduce significant environmental impacts are discussed in Section 7.0 of the DEIR dated June 26, 2018, which is incorporated herein by reference.

M. California Public Resources Code Section 21081.6 requires the City to prepare and adopt a mitigation monitoring and reporting program for any project for which mitigation measures have been imposed to assure compliance with the adopted mitigation measures. The Mitigation Monitoring and Reporting Program for the Project is set forth in the attached Exhibit “_,” which is incorporated herein by reference.

N. Prior to taking action, the City Council reviewed and considered, and has exercised its independent judgment and analysis in considering, the Final EIR and all of the information and data in the administrative record, and all oral and written testimony presented to it during meetings and hearings and finds that the Final EIR:

1. Has been completed in compliance with CEQA;

2. Was presented to the City Council and the City Council reviewed and considered the information contained in the Final EIR prior to taking action regarding the Final EIR or the Project; and

3. Reflects the City’s independent judgment and analysis.

No changes to the Project, changes to the environment, comments on the Project, or any additional information submitted to the City have produced any substantial new
information requiring additional environmental review or documentation of the Project under CEQA.

O. Based upon the evidence presented at the hearing, including the staff report and oral testimony, the City Council hereby certifies the Final EIR, adopts findings and a Statement of Overriding Considerations pursuant to CEQA for the Project as set forth in Exhibit "_." and adopts a Mitigation Monitoring and Reporting Program for the Project as set forth in Exhibit "_."

P. The Interim Community Development Director is authorized and directed to file a Notice of Determination in accordance with CEQA.

SECTION 2. Findings for Recommendation of Approval of General Plan Amendment No. 17-2501. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning find and determine that General Plan Amendment No. 17-2501 should be approved because:

Finding No. 1: That the proposed General Plan Amendment No. 17-2501 is internally consistent with the General Plan.

Findings of Fact: The current General Plan Land Use and Zoning Overlay Map depicts portions of the 63.9 - acre site is located in the City of Banning and zoned Public Facilities–Airport (PF-A) and a portion is zoned Airport Industrial (AI). The proposed General Plan Amendment the change the General Plan land use designation from Public Facilities–Airport (PF-A) to Airport Industrial (AI) for the southern portion of the Project site (APNs 532-130-001 and 530-130-002) is consistent with the Banning General Plan because the City’s Industrial Goal is to provide a balanced mix of non-polluting industrial land uses which provide local jobs for the City’s residents. For a warehouse this size based on industry research conducted by the National Association for Industrial and Office Parks (NAIOP), it is estimated that there would be approximately one worker employed for every 2,000 square feet of space. For this Project, that would be approximately 500 workers employed at the site, depending on the type of use the building will ultimately operate. (Initial Study, January 15, 2018, Section XIII. Population and Housing)

Finding No. 2: The proposed General Plan Amendment No. 17-2501 would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Findings of Fact: The former land use of (PF-A) such as hangars, runways, and flight schools are allowed uses specifically related to the airport operations which are more intensive uses than allowed in the proposed (AI). Changing the General Plan Land Use Designation from (PF-A) to (AI) would not be detrimental to public interest, health safety,
convenience, or welfare to the City due to the less intensive land uses are specifically related to transportation functions as identified in the General Plan. The less intensive functions include manufacturing, warehousing, restaurants and office uses.

Finding No. 3: The proposed General Plan Amendment No. 17-2501 would maintain the appropriate balance of land uses within the City.

Findings of Fact: The proposed General Plan Amendment No. 17-2501 and the Project are consistent with Policy 7 of the Banning General Plan by including sufficient industrial lands for manufacturing, warehousing, and distribution, while carefully considering compatibility with adjacent lands. The proposed Project responds to the economic needs of the area, incorporates existing natural features, and expands the City’s infrastructure to provide development opportunities for other industrial properties around the Banning Municipal Airport, all of which is consistent with the goals, policies and objectives of the Banning General Plan.

Finding No. 4 That in the case of an amendment to the General Plan Land Use Map, the subject parcels are physically suitable and appropriately related to each other (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints), for the requested land use designations and the anticipated land use developments.

Findings of Fact: The subject parcels are physically suitable for the requested AI General Plan land use designation and the proposed Project. General Plan Policy 8 provides that Industrial lands shall be located on major roadways and with good access to Interstate 10 to assure that potential traffic impacts associated with tractor-trailers are minimized. The subject parcels are located in the far southeast portion of the City’s limits where there are no additional roads to cause conflict with traffic. No natural constraints exist to the imped the development, and significant adverse environmental impacts are anticipated with mitigation measures contained in the MND for the Project (Environmental Assessment 16-1503).

The project includes suitable access and all necessary utilities are to be constructed within the adjacent public rights-of-way or within utility easements. The subject site is basically flat with and has been rough graded in the past, thus no unique physical features or vegetation will be affected by the proposed Project.

Based on these facts and findings of fact stated above, the subject parcels are physically suitable for the requested AI land use designation and the proposed Project.
SECTION 3. Findings for Recommendation of Approval of Zone Change No. 17-3501. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning find and determine that Zone Change No. 17-3501 should be approved because:

Finding A: The proposed Zone Change No. 17-3501 is consistent with the goals and policies of the General Plan.

Finding of Fact: The current General Plan Land Use and Zoning Overlay Map depicts portions of the 63.9 - acre site is located in the City of Banning and zoned Public Facilities--Airport (PF-A) and a portion is zoned Airport Industrial (AI). The proposed Zone Change land use designation from Public Facilities--Airport (PF-A) to Airport Industrial (AI) for the southern portion of the Project site (APNs 532-130-001 and 530-130-002) is consistent with the Banning General Plan because the City’s Industrial Goal is to provide a balanced mix of non-polluting industrial land uses which provide local jobs for the City’s residents. For a warehouse this size based on industry research conducted by the National Association for Industrial and Office Parks (NAIOP), it is estimated that there would be approximately one worker employed for every 2,000 square feet of space. For this Project, that would be approximately 500 workers employed at the site, depending on the type of use the building will ultimately operate. (Initial Study, January 15, 2018, Section XIII. Population and Housing).

Finding B: The proposed Zone Change No. 17-3501 is internally consistent with the Zoning Ordinance.

Finding of Fact: The proposed Zone Change of land use designation from Public Facilities--Airport (PF-A) to Airport Industrial (AI) for the southern portion of the Project site (APNs 532-130-001 and 530-130-002) is consistent with the Zoning Ordinance because the proposed use of a distribution center is a permitted use in the zone and it could be airport related if the end user also makes use of the airport delivery system. Similar airport related uses are allowed in both zones and the distribution center is consistent with Industrial development standards identified in Table 17.12.030 of the Banning Municipal Code.

Finding C: That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Finding of Fact: See findings of fact in Section 1 of this Resolution.
SECTION 4. Findings for Recommendation of Approval of Design Review No. 16-7002. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning find and determine that Design Review No. 16-7002 should be approved because:

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

Finding of Fact: The proposed Project is consistent with the following General Plan Land Use Element Policy 7 under Commercial and Industrial Goals, which states: “The land use map shall include sufficient industrial lands for manufacturing, warehousing and distribution, while carefully considering compatibility with adjacent residential lands.”

The land use designation of Airport Industrial includes industrial parks and freestanding industrial users. Examples include light and medium intensity manufacturing operations, warehousing and distribution, mini-storage, and associated offices. Retail uses ancillary to the industrial use are also appropriate. The proposed Project is surrounded by, and consistent with, industrial uses, with the railroad to the north, the City limits to the east, and the Banning Municipal Airport to the south. Properties located adjacent to the subject site are mostly vacant and have been vacant for many years. Further, the proposed Project is consistent with General Plan Economic Development Policy 2, 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 assist in recruitment of new businesses and create employment opportunities for the City.

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

Finding of Fact: With the imposed conditions of approval, the proposed Project in the Airport Industrial (AI) zoning district will be consistent with the Zoning Ordinance and the applicable development standards set forth in Article II of Chapter 17.12 of the Banning Municipal Code, as the proposed Project meets or exceeds the Zoning Ordinance development standards. With the conditioned parcel merger, and/or withdrawal/expiration of Tentative Parcel Map No. 34335, the Project will be consistent with the maximum 75% lot coverage, and has been conditioned to meet the maximum height as conditioned by the Riverside County Airport Land Use Commission. The setbacks and building height, along with the public improvements, meets the City’s development standards. Additionally, all other applicable design
guidelines set forth in Article III of Chapter 17.12 of the Banning Municipal Code have been satisfied.

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

**Finding of Fact:** The proposed Project is located in an area that is undeveloped adjacent to the Banning Municipal Airport, the Union Pacific Railroad (UPRR), the Morongo Tribal property and located within Zones B1, B2 and D of the Banning Airport Land Use Compatibility Plan. The proposed Project design and layout is located at the terminus of a new cul-de-sac to be constructed. There will be minimal vehicular or pedestrian within the cul-de-sac area that is not related to the development. All Project activities will take place behind a security fence or block wall. The Riverside County Airport Land Use Commission has reviewed the proposed Project and has determined it is consistent with the airport land use compatibility plan. With the recommended conditions of approval, the proposed Project will not interfere with the use and enjoyment or future development of the neighborhood.

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

**Finding of Fact:** The Project is adjacent to the Banning Municipal Airport, the Morongo Tribal property, and railroad tracks to the north. The proposed site and circulation design is compatible with the existing vehicle circulation pattern in the surrounding neighborhood. The proposed tilt up concrete construction materials and building colors are of benefit to and will be compatible with the new architectural designs of industrial buildings that could be expected in surrounding neighborhood.

**SECTION 5. PLANNING COMMISSION ACTION - Recommendation of Approval of General Plan Amendment No. 17-2501, Zone Change No. 17-3501, and Design Review No. 16-7002 with Conditions.** Based on the foregoing, the Planning Commission of the City of Banning hereby recommends that the City Council of the City of Banning approve General Plan Amendment No. 17-2501, approve Zone Change No. 17-3501, and approve Design Review No. 16-7002, subject to the recommended Conditions of Approval attached as Exhibit "A."

PASSED, APPROVED AND ADOPTED this 7th day of November, 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, No. 2018-19, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 7th day of November, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:
Sandra Calderon, Recording Secretary
City of Banning, California
Banning Distribution Center

Legend
- Airport Industrial
- Business Park
- Downtown Commercial
- General Commercial
- High Density Residential-20/Acre
- High Density Residential (11-1)
- Highway Serving Commercial
- Industrial
- Industrial-Mineral Resources
- Low Density Residential (0-5 d)
- Medium Density Residential (0-10 d)
- Mobile Home Parks
- Open Space - Hillside Preserve
- Open Space - Parks
- Open Space - Resources
- Professional Office
- Public Facilities - Airport
- Public Facilities - Cemetery
- Public Facilities - Fire Station
- Public Facilities - Government
- Public Facilities - Hospital
- Public Facilities - Railroad
- Public Facilities - School
- Ranch/Agriculture - Hillside (0-10 ac min.)
- Ranch/Agriculture - Hillside (> 10 ac min.)
- Rural Residential - Hillside
- Rural Residential (0-1 du/ac)
- Very Low Density Residential (> 1 du/ac)

1" = 752 ft  From PF-A to Al  10/08/2018

This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.
General Plan Amendment 17-2501, Zone Change 17-3501,
Design Review 16-7002 and EA 16-1503

SUBJECT: Conditions of Approval (Planning Commission Resolution 2018-19)

APPLICANT: Banning Industrial, LP

LOCATION: APN: 532-110-006, 532-130-001, 532-130-002

EXHIBIT B

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

Community Development Department

1. 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.

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

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

4. Construction shall commence within two (2) years from the date of project approval, or the Design Review approval shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year the 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 Design Review comply with all current Ordinance provisions.

5. A copy of the signed resolution 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.

6. The applicant shall comply with all conditions of approval as stipulated by the Airport Land Use Commission (ALUC) Development Review Determination dated March 1, 2017, and any amendments; including any requirements stipulated by the Federal Aviation Administration (FAA) Aeronautical Study.

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

8. **PRIOR TO ISSUANCE OF BUILDING PERMITS:** The developer shall complete and record a parcel merger for the three parcels identified as Assessor’s Parcel Numbers 532-110-006, 532-130-001 and 532-130-002 and withdraw or confirm expiration of TPM 34335 for four parcels, prior to issuance of building permits.

9. The proposed project shall not exceed a height of 47 feet above ground level and a maximum elevation at the top point (including all roof mounted equipment, if any) of 2,208 feet above mean sea level.
10. Temporary construction equipment used during actual construction of the structure(s) shall not exceed 47 feet in height and maximum elevation of 2,208 feet above mean sea level, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.

11. 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.

12. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director. 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. 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.

13. Submit detailed landscape plans, prepared by a licensed landscape architect for compliance with Chapter 17.32, Section 17.12.120, and 17.28.060 and all pertinent landscape requirements. The plans shall be submitted to the Planning Division for approval prior to the issuance of building permits.

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

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

16. Prior to Issuance of Certificate of Occupancy, the applicant shall submit a detailed parking analysis to assure parking is in compliance with Section 17.28 Parking and Loading of the BMC.

17. Prior to Issuance of Certificate of Occupancy, the applicant shall coordinate trash enclosure locations with the Planning Divisions in coordination with the Public Works Department.
18. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.

19. All building address numbers shall be identified in a clear and concise manner, including proper illumination.

20. 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.

21. The applicant shall remove all graffiti immediately or within 24 hours of notice from the City

22. The proposed site, site plan and project design shall comply with all Mitigation Measures contained in EA No. 16-1503 and the Mitigation Monitoring and Reporting Program (MMRP).

23. Outdoor storage and screening shall comply with wall and fencing requirements of Section 17.12 of the BMC.

24. Prior to any use of the project site, all Conditions of Approval shall be completed, as required, to the satisfaction of the Community Development Director. Contact the Planning Department at (951) 922-3125 to request a FINAL INSPECTION prior to issuance of the Certificate of Occupancy a minimum of 48 hours in advance of requested inspection.

25. The applicant shall comply with all conditions of approval imposed on the Banning Distribution Center facility located at APN: 532-110-006, 532-130-001, 532-130-002 and the approval of GPA 17-2501, ZC 17-3501, ENV 16-1503 and DR 16-7002 prior to the issuance of a Certificate of Occupancy

Public Works Department

A. General Requirements

26. 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.

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

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

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

28. The following improvement plans shall be prepared by a Civil Engineer licensed by the State of California and submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized in writing by the City Engineer, the plans shall utilize the minimum scale specified and shall be drawn on 24" x 36" Mylar film. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors):

a. Rough Grading Plans
   (All Conditions of Approval shall be reproduced on last sheet of set)
   1" = 40' horizontal

b. Haul Route Plans
   1" = 40' horizontal

c. Clearing Plans
   (Include construction fencing plan)
   1" = 50' horizontal

d. Erosion Control & SWPPP, WQMP
   (Note: a, b, c & d shall be reviewed and approved concurrently)
   1" = 40' Horizontal

e. Storm Drain Plans
   1" = 40' Horizontal

f. Street Improvement Plans
   1" = 40' Horizontal
   1" = 4' Vertical
Exhibit B
Draft Conditions of Approval
GPA17-2501, ZC17-3501, DR16-7002, EA 16-1503
Page 6 of 14

   g. Signing & Striping Plans   1" = 40’ Horizontal
   h. Precise Grading Plans    1" = 40’ Horizontal
   i. Landscaping Plans        1" = 20 Horizontal
   j. Water Improvement Plans  1" = 40’ Horizontal
   k. Sewer Improvement Plans  1" = 4’ Vertical

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

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

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

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

B. Rights of Way/Street Improvements

30. Prior to issuance of any permit(s), the applicant shall offer to dedicate to the City of Banning for public purposes the right-of-way for John Street fronting as a local street; 60 feet in total width of street along the approved alignment. Also, prior to issuance of any permit(s), the applicant shall design and construct the connection of the new aligned John Street to the existing John Street to the west.

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

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

33. Applicant shall submit all access easements to the City for review and approval. All access easement shall be recorded by the County of Riverside Recorder’s Office. All related processing fees shall be paid by the applicant at the time of submittal.
34. All street improvement designs shall provide pavement and lane transitions per City of Banning and Caltrans standards for transition to existing street sections.

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

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

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

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

C. Grading and Drainage

39. 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.

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

41. If the site is located in a Flood Area as identified in Flood Insurance Rate Map dated August 28, 2008 the developer is responsible for providing a certification by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

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

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

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

The applicant’s SWPPP shall be reviewed and approved by the City Engineer prior to any permit issuance.

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

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

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

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

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

44. 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.

45. 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.
46. Prior to the issuance of any building permit(s), a precise grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any grading activity.

47. 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.”

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

D. Traffic/Airport Safety Zone

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

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

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

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

53. Prior to the issuance of a grading permit or building permit, the applicant shall conduct a Traffic Impact Analysis at the intersection of Lincoln Street and Hathaway Street and submit to the Engineering Division for review and approval. All mitigation identified in the Traffic Impact Analysis shall be implemented by the applicant to the satisfaction of the City Engineer.

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

E. Water

55. Design and construct an 8" D.I.P. water line on public/private street or common access 
driveway and connect to the existing water main at the intersection of Hathaway Street 
and Barbour Street. Submit Water Improvement Plans to Public Works Department, 
Engineering Division for review and approval. If the water line is not located on a public 
street, an easement over the water line, minimum 15 feet in width, shall be granted to 
the City of Banning for maintenance purposes.

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

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

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

F. Sewer

59. Design and construct sewer line on public street, private street or common driveway 
and connect to existing sewer main at the intersection of Hathaway Street and Barbour 
Street. Submit Sewer Improvement Plans to Public Works Department, Engineering 
Division for review and approval. If the sewer line is not located on a public street, an 
easement over the sewer line, minimum 15 feet in width, shall be granted to the City of 
Banning for maintenance purposes.

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

61. 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.

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

G. Trash/Recycling

63. 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.
64. 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 covered trash enclosure. The covered trash enclosure shall be designed and constructed in such a manner to accommodate a recycling bin as well as the necessary solid waste containers.

H. Final Map

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

- Faithful Performance Bond - 100% of estimated cost
- Labor and Material Bond - 100% of estimated cost
- Monumentation Bond - $7,500.00

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

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

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

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

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

I. Fees

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

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

72. Water and sewer connection fees including frontage fees and water meter installation charges shall be paid at the time of building permit issuance in accordance with the fee schedule in effect at that time.
73. A plan storage fee shall be paid for any engineering plans that may be required prior to issuance of certificate of occupancy in accordance with the fee schedule in effect at the time the fee is paid.

**Electric Utility Department**

74. The following will need to be completed in order to receive electric service. As a reminder obtaining the described information outlined below in a timely matter is critical for design, planning, and ordering of materials for this project. The developer shall be responsible for the following:

75. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. These plans are required in electronic format. We currently use 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. Additional sheets may be required upon request.

76. Paying required fees - electrical permit, plan check fee, inspection fees, meter fee, and cost of electrical apparatus for completing service upgrade.

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

The C.O.B. Electric Utility shall be responsible for:

78. Reviewing plans submitted by customer.

79. Design an electrical utility plan for the installation of substructures and conduit by developer.

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

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

82. Install electrical apparatus including primary conductors, terminations, metering, and transformer to provide electrical service for this project.
Building Department

The following comments are required at time of plan check submittal

83. 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.

84. 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 owner's 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.

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

86. 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.

Fire Department

87. The Fire Department requires the listed fire protection measures be provided in accordance with the City of Banning Municipal Code and/or the Riverside County Fire Department Fire Protection Standards. Final conditions will be addressed when complete buildings plans are reviewed.
88. Prior to building plan approval and construction, applicant/developer shall furnish two copies of the water system fire hydrant plans to Fire Department for review and approval. Plans shall be signed by a registered civil engineer, and shall confirm hydrant type, location, spacing, and minimum fire flow. Once plans are signed and approved by the local water authority, the originals shall be presented to the Fire Department for review and approval.

89. Install an alarm monitoring system for fire sprinkler system(s) with 20 or more heads, along with current permit fees, to the Fire Department for review and approval prior to installation.

90. Commercial address must be a minimum 12" tall in contrasting color visible from the street address side of the building. Illuminated internally or externally.

91. An approved Fire Department access key lock box (Minimum Knox Box 3200 series model) shall be installed next to the approved Fire Department access door to the building. If the buildings are protected with an alarm system, the lock box shall be required to have tampered monitoring. Required order forms and installation standards may be obtained at the Fire Department.

**END***
ATTACHMENT 2

Exhibits-Plans
(11" x 17" provided)
ATTACHMENT 3

Airport Land Use Commission Determination/ FAA Extension
March 1, 2017

Mr. Brian Guillot, Community Development Director
City of Banning
99 E. Ramsey Street
Banning CA 92220

RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW

File No.: ZAP1023BA16
Related File No.: DR16-7002 (Design Review)
APNs: 532-110-006, 532-130-001, 532-130-002

Dear Mr. Guillot:

On February 9, 2017, the Riverside County Airport Land Use Commission (ALUC) found City of Banning Case No. DR16-7002 (Design Review), a proposal to develop a 1,000,000 square foot industrial distribution warehouse building with 990,000 square feet of warehouse area and 10,000 square feet of office area and detention basins on 63.9 acres located southerly of Interstate 10, easterly of John Street, and northerly of Banning Municipal Airport, CONDITIONALLY CONSISTENT with the 2004 Banning Municipal Airport Land Use Compatibility Plan, as amended in 2016, pending Federal Aviation Administration (FAA) review, which has now been completed, subject to the following conditions, as amended to incorporate the provisions of the FAA’s Determination of No Hazard to Air Navigation letter issued on February 27, 2017 (new conditions, as added pursuant to FAA letter subsequent to hearing, shown in bold type).

CONDITIONS:

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

2. The following uses shall be prohibited:

(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
AIRPORT LAND USE COMMISSION

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. Prior to issuance of a building permit, the property owner shall convey an avigation easement to Banning Municipal Airport. Copies of the recorded avigation easement shall be forwarded to the Airport Land Use Commission and to the City of Banning.

4. The attached notice shall be provided to all potential purchasers and tenants of the property.

5. The proposed detention basins on the site (including water quality management basins) 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 basins that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. Landscaping in and around the detention basin(s) shall not include trees that produce seeds, fruits, or berries.

6. The ALUC eligible open area shall be kept obstacle and obstruction free per ALUC open area definition.

7. This project has been evaluated as a proposal for 990,000 square feet of industrial distribution warehouse area and 10,000 square feet of office area. Any increase in total building area, increase in office area, or relocation of the building into either Zone B1, Zone B2, or both will require review by the Airport Land Use Commission. In addition, this project shall not store, process or manufacture hazardous materials in the Zone B1 and B2 areas of the project site without review and approval by the Airport Land Use Commission.

The following conditions have been added subsequent to the ALUC hearing pursuant to the terms of the FAA Obstruction Evaluation Service letter issued on February 27, 2017 for Aeronautical Study No. 2017-AWP-376-OE.

8. The Federal Aviation Administration has conducted an aeronautical study of the proposed project (Aeronautical Study No. 2017-AWP-376-OE) and has determined that neither marking nor lighting of the structure(s) 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.
AIRPORT LAND USE COMMISSION

9. The proposed structure(s) shall not exceed a height of 47 feet above ground level and a maximum elevation at top point (including all roof-mounted equipment, if any) of 2,208 feet above mean sea level.

10. The maximum height and top point elevation specified above 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.

11. Temporary construction equipment used during actual construction of the structure(s) shall not exceed 47 feet in height and a maximum elevation of 2,208 feet above mean sea level, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.

12. Within five (5) days after construction 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(s).

If you have any questions, please contact Paul Rull, ALUC 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

Edward C. Cooper, Director

Attachment: Notice of Airport in Vicinity
Aeronautical Study No. 2017-AWP-376-OE

cc: William Patton, Banning Industrial, LP (applicant/property owner)
William Messenger Jr. (representative)
Nicole Torstvet, Albert Webb and Associates
Carl Szoyka, Airport Manager, City of Banning
ALUC Case File

Y:\AIRPORT CASE FILES\Banning\ZAP1023BA16\ZAP1023BA16LTR.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:

<table>
<thead>
<tr>
<th>Structure</th>
<th>Building Banning Industrial</th>
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<tbody>
<tr>
<td>Location</td>
<td>Banning, CA</td>
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<tr>
<td>Latitude</td>
<td>33-55-29.05N NAD 83</td>
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<tr>
<td>Longitude</td>
<td>116-50-52.11W</td>
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<tr>
<td>Heights</td>
<td>2161 feet site elevation (SE)</td>
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<td></td>
<td>47 feet above ground level (AGL)</td>
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<td>2208 feet above mean sea level (AMSL)</td>
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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:

- [ ] 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)

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 08/27/2018 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.

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 2017-AWP-376-OE.

Signature Control No: 314952255-323264589
LaDonna James
Technician

Attachment(s)
Map(s)
Project Site Relationship to Airports and Land Use Compatibility Zones
Banning Distribution Center

Source: Riverside Co. GIS, 2016.
"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.
**Extension**

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

- **Structure:** Building Banning Industrial
- **Location:** Banning, CA
- **Latitude:** 33-55-29.05N NAD 83
- **Longitude:** 116-50-52.11W
- **Heights:**
  - 2161 feet site elevation (SE)
  - 47 feet above ground level (AGL)
  - 2208 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 02/10/2020 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) 725-6557, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2017-AWP-376-OE.

**Signature Control No:** 314952255-372526105
Karen McDonald
Specialist
ALL REQUIREMENTS AND CONDITIONS ON ORIGINAL AIRSPACE DETERMINATION REMAIN IN EFFECT.
ATTACHMENT 4

Draft Environmental Impact Report

https://ci.banning.ca.us/Archive.aspx?ADID=1868 - Appendices

Final Environment Impact Report / Mitigated Monitoring Program

https://ci.banning.ca.us/Archive.aspx?AMID=78

Statement of Overriding Consideration

Mitigation Monitoring and Reporting Program
for
Banning Distribution Center

Prepared for

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

Contact: Patty Nevins, Community Development Director
(951) 922-3130

2018
4.0 Mitigation Monitoring and Reporting Program (MMRP)

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared for use in implementing the mitigation measures that are part of the EIR that will be certified by the City of Banning ("City") for the Banning Distribution Center ("Project").

The MMRP has been prepared in compliance with State law and the Banning Distribution Center Environmental Impact Report (EIR) (State Clearinghouse No. 2018011032 prepared for the Project by the City.

The California Environmental Quality Act (CEQA) requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment (California Public Resources Code § 21081.6). The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation.

The MMRP contains the following elements:

1) The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.

2) A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom compliance will be reported.

3) The MMRP has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the MMRP.

4.1 Mitigation Monitoring and Responsibilities

As the Lead Agency, the City is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the project area. In this regard, the responsibilities for implementation have been assigned to the Applicant, Contractor, or a combination thereof. If during the course of project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the project is required and/or whether alternative mitigation is appropriate.
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<tr>
<th>Impact Category</th>
<th>Mitigation Measure</th>
<th>Implementation Timing</th>
<th>Responsible Monitoring Party</th>
<th>Monitoring/Reporting Method</th>
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<td>Air Quality</td>
<td><strong>MM AQ 1</strong>: To reduce VOC emissions associated with architectural coating, the project designer and contractor shall reduce the use of paints and solvents by utilizing pre-coated materials (e.g., bathroom stall dividers, metal awnings), materials that do not require painting, and require coatings and solvents with a VOC content lower than required under Rule 1113 to be utilized. The construction contractor shall be required to utilize “Super-Compliant” VOC paints, which are defined in SCAQMD’s Rule 1113. Construction specifications shall be included in building specifications that assure these requirements are implemented. The specifications for each implementing development project shall be reviewed by the City of Banning’s Building and Safety Division for compliance with this mitigation measure prior to issuance of a building permit.</td>
<td>Prior to issuance of building permits.</td>
<td>City of Banning, Community Development Department, Building and Safety Division.</td>
<td>Confirmation that this requirement is included in contractor specifications.</td>
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<td><strong>MM AQ 2</strong>: To reduce NOX emissions associated with off-road construction equipment, the construction schedule for Site Preparation (clear and grub) and Grading of the Project site shall not overlap. During on-site Site Preparation and Off-site Grading (John Street) activities, heavy-duty construction equipment greater than 75 horsepower shall be certified to meet or exceed United States Environmental Protection Agency (USEPA) Tier 3 standards. Proof of compliance shall be reviewed by the Public Works Department Engineering Division prior to issuance of a grading permit.</td>
<td>Prior to issuance of a Grading Permit.</td>
<td>City of Banning Public Works Department, Engineering Division.</td>
<td>Confirmation that this requirement is included in contractor specifications.</td>
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<td><strong>MM AQ 3</strong></td>
<td>Although the Project does not include refrigerated warehouse space, trucks accessing the Project site may have auxiliary power units (APU) and/or transport refrigeration units (TRUs). Therefore, electrical hookups shall be installed at all loading docks, and to reduce/replace APU use while trucks are parked along the docks, to allow trucks with APU and/or TRUs with electric standby capabilities to plug in when TRUs are in use to reduce diesel fuel consumption and resulting NOx emissions. The City shall verify electrical hookups have been installed prior to occupancy.</td>
<td>Prior to issuance of certificate of occupancy and periodically after development.</td>
<td>City of Banning, Community Development Department, Building and Safety Division.</td>
<td>Confirmation that architectural plans include electrical hookups and/or auxiliary power units. Confirmation that tenants have been provided with required information.</td>
</tr>
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<td><strong>MM AQ 4</strong></td>
<td>All facilities shall post signs informing users of requirements limiting heavy-duty diesel truck idling to five minutes or less pursuant to Title 13 of the California Code of Regulations, Section 2485 in order to reduce diesel fuel consumption and resulting NOx emissions. Trucks with transport refrigeration units and/or auxiliary power units (TRU/APU) shall plug in to on-site electrical hookups if TRU/APU use exceeds 5 minutes. No overnight/long-term parking will be allowed. The City shall verify signage has been installed prior to occupancy</td>
<td>Prior to issuance of certificate of occupancy and periodically after development.</td>
<td>City of Banning, Community Development Department, Building and Safety Division.</td>
<td>Confirmation that this requirement is included in building specifications. Inspection to confirm signage posted.</td>
</tr>
<tr>
<td><strong>MM AQ 5</strong></td>
<td>Service equipment (i.e., yard hostlers and forklifts) used within the site shall be electric or compressed natural gas-powered in order to reduce diesel fuel consumption and resulting NOx emissions.</td>
<td>Prior to issuance of certificate of occupancy and periodically after development.</td>
<td>City of Banning, Community Development Department, Building and Safety Division, with periodic monitoring by Code Enforcement.</td>
<td>Confirmation that this requirement is included in Service Contractor Specifications.</td>
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<td>MM AQ 6:</td>
<td>In order to promote alternative fuels, and help support &quot;clean&quot; truck fleets, the developer/successor-in-interest shall provide building occupants and businesses with information related to SCAQMD's Carl Moyer Program, or other state programs that restrict operations to &quot;clean&quot; trucks, such as 2007 or newer model year or 2010 compliant vehicles and information including, but not limited to, the health effect of diesel particulates, benefits of reduced idling time, CARB regulations, and importance of not parking in residential areas. If trucks older than 2007 model year will be used at the facility, the developer/successor-in-interest shall require, within one year of signing a lease, future tenants to apply in good-faith for funding for diesel truck replacement/retrofit through grant programs such as the Carl Moyer, Prop 1B, VIP, HVIP, and SOON funding programs, as identified on SCAQMD's website (<a href="http://www.aqmd.gov">http://www.aqmd.gov</a>). Tenants will be required to use those funds, if awarded.</td>
<td>Prior to issuance of certificate of occupancy and periodically after development.</td>
<td>City of Banning, Community Development Department, Building and Safety Division.</td>
<td>Confirmation that tenants have been provided with required information.</td>
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<td>Biological Resources</td>
<td>MM BIO 1A A 30-day burrowing owl preconstruction survey consistent with the MSHCP Guidelines (MSHCP 2006) shall be conducted prior to the initiation of ground-disturbing construction to ensure protection for this species and compliance with the conservation goals as outlined in the MSHCP. A report that summarizes the results shall be prepared by the Project Biologist and submitted to the City of Banning (City) prior to</td>
<td>30-days prior to issuance of a Grading Permit or other construction-related vegetation removal, and ground disturbance.</td>
<td>City of Banning, Community Development Department, Planning Division in conjunction with construction contractor and qualified avian biologist approved by the City and retained</td>
<td>Project schedule and Pre-construction burrowing owl survey report submitted to the City Planning Division.</td>
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<td>any permit or approval for ground disturbing activities. If burrowing owls are detected on-site during the 30-day preconstruction survey, then construction activities shall be limited to no closer than 300 feet from the active burrows until the Project Biologist has confirmed that nesting efforts are completed or not initiated. If any owls are detected a relocation plan shall be submitted to the City, the California Department of Fish and Wildlife (CDFW), the United States Fish and Wildlife Service (Service), the Western Riverside County Regional Conservation Authority (RCA) for review and approval. The relocation plan shall encompass both passive and active relocation activities and shall include the development of a conservation strategy prepared in consultation with the CDFW, the Service and the RCA. The Relocation plan must follow the most current CDFW-approved protocols/mitigation and must be in accordance with the “Burrowing Owl Species Objectives and Mitigation Measures” outlined in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The City, CDFW, the Service, and the RCA shall be consulted to determine appropriate type of relocation (active or passive) and translocation sites. Occupation by this species on the project site may result in the need to revise grading plans so that take of “active” nests is avoided, or, alternately, a grading permit may be issued once the species has been relocated.</td>
<td>by the Project Applicant.</td>
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<td>MM BIO 1B</td>
<td>The 30-day burrowing owl preconstruction survey shall include identifying and flagging any active American badger burrows. If active American badger burrows are detected and flagged on-site during the 30-day preconstruction survey, then construction activities will be limited within the vicinity of the burrows until the Project Biologist has confirmed the burrow is vacated.</td>
<td>30-days prior to issuance of a Grading Permit or other construction-related vegetation removal, and ground disturbance.</td>
<td>City of Banning, Community Development Department, Planning Division in conjunction with construction contractor and qualified avian biologist approved by the City and retained by the Project Applicant.</td>
<td>Project schedule and Pre-construction American badger survey report submitted to the City Planning Division.</td>
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| MM BIO 2       | The removal of trees and vegetation shall be prohibited during the migratory bird nesting season (February 15 through August 31), unless a migratory bird nesting survey is completed in accordance with the following requirements:  
  a) A migratory bird nesting survey of all trees to be removed shall be conducted by the a qualified avian biologist approved by the City, to be retained by the Project applicant, within three days prior to initiating tree removal or vegetation clearing within 500 feet of a mature tree.  
  A copy of the migratory nesting bird survey results report shall be provided to the City of Banning Planning Division by the Project Biologist prior to vegetation clearing. If the survey identifies the presence of active nests, then the Project Biologist shall provide the City Planning Division with a copy of maps showing the location of all nests and an | Three days prior to vegetation removal, if removal of vegetation occurs between February 15 and August 31. | City of Banning, Community Development Department, Planning Division in conjunction with construction contractor and qualified avian biologist approved by the City and retained by the Project Applicant.                                                                 | Project schedule to confirm avoidance of the nesting season or nesting bird survey report submitted to City Planning Division. | Project schedule to confirm avoidance of the nesting season or nesting bird survey report submitted to City Planning Division. |
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<td>appropriate buffer zone around each nest sufficient to protect the nest from direct and indirect impact. The size and location of all buffer zones, if required, shall be subject to review and approval by the City Planning Division and shall be no less than a 300-foot radius around the nest for non-raptors and a 500-foot radius around the nest for raptors. The nests and buffer zones shall be field checked weekly by the Project Biologist. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the Project Biologist has provided the City Planning Division with verification that the nests are no longer occupied and the juvenile birds can survive independently from the nests.</td>
<td>Prior to issuance of Grading Permits.</td>
<td>City of Banning, Community Development Department, Planning Division, In coordination with the Public Works Department, Engineering Division.</td>
<td>Submittal of proof that permits have been obtained prior to issuance of Grading Permits.</td>
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<td>Immediately following a rain event, returning temporary construction areas to pre-existing elevations and replanting with native seed mix followed by at least one year of exotic weed removal in the affected area. These measures would lessen impacts to the onsite drainages.</td>
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<td>Habitat Mitigation and Monitoring Plan and mitigation monitoring reports from qualified biologist approved by the Planning Division.</td>
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<td><strong>MM BIO 4:</strong> Prior to issuance of grading permits, and as required by the Project’s DBESP, the Project proponent shall provide the City Planning Division a Habitat Mitigation and Monitoring Plan (HMMM) for Drainages 3 and 5 as depicted on Figure 4.3-6. Success criteria for the HMMM will include: 85 percent coverage of the existing native plant species, no more than 10 percent cover of non-native species, and reduction of supplemental watering during the last two years of monitoring. Propagules shall be collected from the Project site by the Project Biologist prior to vegetation clearance to use for revegetation in the two mitigation areas. This can be done during the preconstruction surveys described in MM BIO 1. The two onsite mitigation areas shall be monitored by a Project Biologist retained by the Project proponent for a minimum of five years and monitoring reports shall be provided to the City, RCA, USFWS, and CDFW. If it is determined that on-site mitigation is not feasible, additional alternatives could include, but are not limited to off-site purchase of land or payment into an acceptable mitigation bank as determined by the Wildlife Agencies and Western Riverside County Regional Conservation Authority (RCA), in-lieu fee program, or RCA conservation area.</td>
<td>Prior to issuance of grading permits.</td>
<td>City of Banning, Community Development Department, Planning Division.</td>
<td>Habitat Mitigation and Monitoring Plan and mitigation monitoring reports from qualified biologist approved by the Planning Division.</td>
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<td>MM BIO 5</td>
<td>Prior to the issuance of any occupancy permit, the Project proponent shall provide evidence to the City Planning Division that the two mitigation areas depicted on Figure 4.3-7 have been placed under a deed restriction. The deed restriction will also include avoidance of the onsite limits of Drainage 1/Ramsey Street Wash as depicted on Figure 4.3-7. The avoided areas of Drainage 1/Ramsey Street Wash on the Project site will also be included in the deed restriction.</td>
<td>Prior to issuance of occupancy permit.</td>
<td>City of Banning, Community Development Department, Planning Division.</td>
<td>Deed restriction.</td>
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<td>MM CR 1:</td>
<td>If cultural resources are found during project construction, all ground-disturbing activities within 100 feet of the find shall be halted. A Registered Professional Archaeologist shall prepare a Cultural Resources Management Plan in consultation with the consulting tribes and the City Planning Division to include relinquishment of all artifacts through one of the following methods: a) Reburial in consultation with the appropriate culturally affiliated Native American tribe or band. The reburial area shall be away from any future impacts. Reburial shall not occur until all cataloguing, analysis and any necessary special studies have been completed on the cultural resources. Details of contents and location of the reburial shall be documented in a Final Report, which shall be provided to the City Planning Department upon completion; or</td>
<td>During ground disturbing activities.</td>
<td>City of Banning, Community Development Department, Planning Division; and qualified archeologist, and tribal representative.</td>
<td>Cultural Resources Management Plan.</td>
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<td>b) Curation at a Riverside County Curation facility that meets federal standards per 36 CFR Part 79 and therefore will provide professional curation and ensure artifacts are made available to other archaeologists/researchers and tribal members for further study. The collection and associated records shall be transferred to the curation facility, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of these actions shall be provided to the City Planning Department in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.</td>
<td>Prior to issuance of a grading permit.</td>
<td>City of Banning, Community Development Department, Planning Division.</td>
<td>Native American monitoring agreement Confirmation of professional archeologist retention/on-going monitoring/submittal of Report of Findings and curate discovered resources, if applicable.</td>
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<td>MM CR 2:</td>
<td>Prior to the issuance of grading permits, the developer shall enter into a Native American monitoring agreement with one of the consulting tribes for the project. The Native American Monitor shall be on-site during all initial ground disturbing activities including clearing, grubbing, vegetation removal, grading and trenching. The Native American Monitor shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources.</td>
<td>Prior to issuance of a grading permit.</td>
<td>City of Banning, Community Development Department, Planning Division.</td>
<td>Paleontological Resource Impact Mitigation Monitoring Program.</td>
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<td>MM CR 3:</td>
<td>Prior to the issuance of grading permits, the project applicant shall submit to and receive approval from the City, a Paleontological Resource Impact Mitigation Monitoring Program (PRIMMP). The PRIMMP shall include the provision of a qualified</td>
<td>Prior to issuance of a grading permit.</td>
<td>City of Banning, Community Development Department, Planning Division.</td>
<td>Paleontological Resource Impact Mitigation Monitoring Program.</td>
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<td>Professional paleontologist (or his or her trained paleontological monitor representative) during on-site and off-site subsurface excavation that exceeds three (3) feet in depth. Selection of the paleontologist shall be subject to approval of the City of Banning Director of Community Development and no grading activities shall occur at the site until the paleontologist has been approved by the City. Monitoring shall be restricted to undisturbed subsurface areas of older alluvium, which might be present below the surface. The paleontologist shall be prepared to quickly salvage fossils as they are unearthed to avoid construction delays. The approved paleontologist shall also remove samples of sediments which are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontologist shall have the power to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens. Collected samples of sediments shall be washed to recover small invertebrate and vertebrate fossils. Recovered specimens shall be prepared so that they can be identified and permanently preserved. Specimens shall be identified and curated and placed into an accredited repository (such as the Western Science Center or the Riverside Metropolitan Museum) with permanent curation and retrievable storage. A report of findings, including an itemized inventory of recovered specimens, shall be prepared upon completion of the steps outlined above. The report shall include a</td>
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<td>discussion of the significance of all recovered specimens. The report and inventory, when submitted to the City of Banning Planning Division, would signify completion of the program to mitigate impacts to paleontological resources.</td>
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<td>Project contractor, County Coroner, Native American Heritage Commission, City of Banning, Community Development Department, Planning Division.</td>
<td>Record of consultation, if necessary.</td>
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<td>MM CR 4</td>
<td>In the event of discovery of human remains during grading or other ground disturbance, work in the immediate vicinity shall cease and the landowner shall comply with State Health and Safety Code §7050.5 and Public Resources Code §5097.98. In the event human remains are found and identified as Native American, the landowner shall also notify the City Planning Division so that the City can ensure PRC §5097.98 is followed.</td>
<td>During construction activities.</td>
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<td>Greenhouse Gas Emissions</td>
<td><strong>MM GHG 1:</strong> To reduce the Project's GHG emissions from energy consumption, high efficiency lighting shall be installed at the Project site. Prior to building permit issuance, the City shall verify building plans contain these features.</td>
<td>Prior to issuance of a building permit.</td>
<td>City of Banning, Community Development Department, Building and Safety Division.</td>
<td>Submission of energy-efficient lighting plan on building plans.</td>
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<td>Noise</td>
<td><strong>MM NOISE 1:</strong> In order to reduce noise levels during construction, the project proponent's construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.</td>
<td>During construction.</td>
<td>Construction Contractor and City of Banning, Community Development Department, Building and Safety Division.</td>
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<td><strong>MM NOISE 2:</strong> During Project construction, the project proponent's contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest to the construction activities.</td>
<td>During construction.</td>
<td>Construction contractor and City of Banning, Community Development</td>
<td>Verification by the City of incorporation of requirement in the Contractor Specifications, Periodic Monitoring Reports.</td>
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<td>MM NOISE 3:</td>
<td>During Project construction, equipment shall be shut off and not left to idle when not in use.</td>
<td>During construction.</td>
<td>Construction contractor and City of Banning Community Development Department, Building and Safety Division.</td>
<td>Verification by the City of incorporation of requirement in the Contractor Specifications, Periodic Monitoring Reports.</td>
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<td>MM NOISE 4:</td>
<td>During Project construction, the contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and sensitive receptors during all Project construction.</td>
<td>During construction.</td>
<td>Construction contractor and City of Banning Community Development Department, Building and Safety Division.</td>
<td>Verification by the City of incorporation of requirement in the Contractor Specifications, Periodic Monitoring Reports.</td>
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<td>MM NOISE 5:</td>
<td>During Project construction, jackhammers, pneumatic equipment and all other portable stationary noise sources shall be shielded and be directed away as far as possible from sensitive receptors.</td>
<td>During Construction.</td>
<td>Construction contractor and City of Banning Community Development Department, Building and Safety Division.</td>
<td>Verification by the City of incorporation of requirement in the Contractor Specifications, Periodic Monitoring Reports.</td>
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<td>Traffic and Transporta</td>
<td>MM TRANS 1: The following intersection improvements are proposed to bring the LOS for the Hargrave Street/I-10 westbound ramps intersection to an acceptable level from Existing Conditions through Existing plus Ambient Growth plus Cumulative Conditions plus Project: Hargrave Street/I-10 westbound ramps intersection. Improve the intersection to install an all-way stop control at the intersection of Hargrave Street and I-10 westbound ramps with the following geometrics:</td>
<td>Prior to Issuance of Grading Permits and Occupancy Permits.</td>
<td>City of Banning, Public Works Department, Engineering Division.</td>
<td>Site Plans Review, and field inspections prior to Occupancy.</td>
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<td>Northbound: One shared left-turn and through lane. Southbound: One shared through and right-turn lane. Eastbound: Not applicable. Westbound: One shared left turn, through and right turn lane.</td>
<td>Prior to Issuance of Grading Permits, and Occupancy Permits.</td>
<td>City of Banning, Public Works Department, Engineering Division.</td>
<td>Site Plan Review and field inspection prior to Occupancy.</td>
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<td><strong>MM TRANS 2</strong></td>
<td>The following intersection improvements are proposed to bring the LOS for the Hargrave Street/I-10 eastbound ramps intersection to an acceptable level from Existing Conditions through Existing plus Ambient Growth plus Cumulative Conditions plus Project: <strong>Hargrave Street/I-10 eastbound ramps intersection.</strong> Improve the intersection to install an all-way stop control at the intersection of Hargrave Street and I-10 eastbound ramps with the following geometrics: Northbound: One shared left-turn and through lane. Southbound: One shared through and right-turn lane. Eastbound: Not applicable. Westbound: One shared left turn, through and right turn lane.</td>
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<td><strong>MM TRANS 3</strong></td>
<td>The proposed Project will also include intersection improvements on Lincoln Street and John Street, to insure that the new</td>
<td>Prior to Issuance of Grading Permits, and</td>
<td>City of Banning, Public Works Department, Engineering Division.</td>
<td>Site Plans Review, and field inspection prior to Occupancy.</td>
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| Intersection    | **John Street/Lincoln Street.** Improve the intersection to install a one-way stop control at the intersection of John Street and Lincoln Street with the following geometrics:  
  - Northbound: Not Applicable.  
  - Southbound: One left turn lane. One right turn lane. Stop controlled.  
  - Eastbound: One left turn lane. One through lane.  
  - Westbound: One shared through and right turn lane.                                                                                                                                         | Occupancy Permits.    | City of Banning, Public Works Department, Engineering Division.                                                        | Payment of fees.                         |                            |
| MM TRANS 4:     | The Project shall participate in the phased construction of off-site traffic signals through payment of that project's fair share of traffic signal mitigation fees and the cost of other off-site improvements through payment of fair share mitigation fees which include, DIF (Development Impact Fee). The fees shall be collected and utilized as needed by the City of Banning to construct the improvements necessary to maintain the required level of service and build or improve roads to their build-out level. | Prior to Issuance of  
  Grading Permits.   | City of Banning, Public Works Department, Engineering Division.                                                        | Payment of fees.                         |                            |
<p>| Tribal Cultural | <strong>MM TCR 1:</strong> If cultural resources are found during project construction, all ground-disturbing activities within 100 feet of the find shall be halted. A Registered Professional Archaeologist shall prepare a Cultural Resources Management Plan in consultation with the consulting tribes and the City Planning Division to include relinquishment of | During ground disturbance. | City of Banning, Community Development Department, Planning Division, qualified archeologist, and tribal representative. | Cultural Resources Management Plan.      |                            |
| Resources       |                                                                                                                                                                                                                                                                                                                                                                        |                       |                                                                                                                        |                                          |                            |</p>
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<td>all artifacts through one of the following methods:</td>
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<td>a) Reburial in consultation with the appropriate culturally affiliated Native American tribe or band. The reburial area shall be away from any future impacts. Reburial shall not occur until all cataloguing, analysis and any necessary special studies have been completed on the cultural resources. Details of contents and location of the reburial shall be documented in a Final Report, which shall be provided to the City Planning Department upon completion; or</td>
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<td>b) Curation at a Riverside County Curation facility that meets federal standards per 36 CFR Part 79 and therefore will provide professional curation and ensure artifacts are made available to other archaeologists/researchers and tribal members for further study. The collection and associated records shall be transferred to the curation facility, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of these actions shall be provided to the City Planning Department in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.</td>
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<td>MM TCR 2: Prior to the issuance of grading permits, the developer shall enter into a Native American monitoring agreement with one of the consulting tribes for the project. The Native</td>
<td>Prior to issuance of a grading permit.</td>
<td>City of Banning, Community Development</td>
<td>Native American Monitoring Agreement. Confirmation of professional</td>
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<td>American Monitor shall be on-site during all initial ground disturbing activities including clearing, grubbing, vegetation removal, grading and trenching. The Native American Monitor shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources.</td>
<td></td>
<td>During construction activities.</td>
<td>Construction Contractor, City of Banning, Community Development Department, Planning Division; County Coroner; Native American Heritage Commission.</td>
<td>archeologist retention/on-going monitoring/submittal of Report of Findings and curate discovered resources, if applicable.</td>
<td>Record of consultation, if necessary.</td>
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**MM TCR 3**: In the event of discovery of human remains during grading or other ground disturbance, work in the immediate vicinity shall cease and the landowner shall comply with State Health and Safety Code §7050.5 and Public Resources Code §5097.98. In the event human remains are found and identified as Native American, the landowner shall also notify the City Planning Department so that the City can ensure PRC §5097.98 is followed.
ATTACHMENT 5

Public Hearing Notice
NOTICE OF PUBLIC HEARING

Environmental Impact Report (State Clearinghouse # 2018011032), General Plan Amendment No. 17-2501, Zone Change No. 17-3501, and Design Review No. 16-7002

NOTICE IS HEREBY GIVEN that the City of Banning (City), as a Lead Agency under the California Environmental Quality Act (CEQA), will hold a Public Hearing before the Planning Commission at the date, time, and location listed below for consideration of the project, as described below. The purpose of this hearing is for the Planning Commission to make a recommendation to the City Council on the project. The City's Planning Division prepared an Environmental Impact Report (EIR) for the project pursuant to CEQA and the SEDG Guidelines. Copies of available materials may be reviewed or obtained from the City's Planning Division at the address below. Any person may appear at the public hearing in person or by agent and be heard.

Planning Commission Hearing Date - Wednesday, November 7, 2018
Hearing Time - 6:30 p.m. (or soon thereafter)
Hearing Location - City of Banning Council Chambers
99 E. Ramsey Street, Banning, CA 92220

Project Location: The Banning Distribution Center project is proposed to be located in the southeastern portion of the City on approximately 55.8 acres. Affected parcels include Assessor Parcel Numbers (APNs) 632-110-005, 632-130-002 and 632-130-002. The proposed Project site is located north of the Banning Municipal Airport, and north of the Interstate 10 (I-10) freeway and the Union Pacific Railroad line the City of San Martin, California.

Project Description: The Project proposes construction and operation of an approximately 90,000 square foot, high-rise, non-refrigerated, warehouse building, which includes approximately 10,000 SF of office space. The proposed warehouse building will be constructed as a "spec" building with no specific tenant identified at this time. The proposed building includes 88 truck doors on the northern side, 26 dock doors on the eastern side and 56 dock doors on the southern side. The proposed Project will also provide 174 automobile parking spaces, 8 American Disabilities Act-compliant (ADA) parking spaces, and 321 trucker parking spaces. The project proposes approximately 66,862 square feet of landscaping covering approximately 24 percent of the Project site.

The proposed Project includes a paved 5,688 linear foot extension of John Street (90 ft. R/W; 44 ft. paved section) from the Project’s west property line to Lincoln Street. The Project also includes a 3,871 linear foot, full–depth, emergency access roadway, 30 feet in width, at the southwestern corner of the Project site that will incorporate a low-water crossing through the Ramsey Street Wash onto Banning Airport property. The proposed Project also includes the construction of the intersection of Lincoln Street and John Street. Primary access for vehicles and trucks is proposed via a 60 foot wide driveway to be located at the end of John Street, and an interior driveway (minimum 40 ft. in width) that encircles the proposed warehouse. The proposed Project will connect to existing potable water and sewer infrastructure on East Westward Avenue.

The proposed Project requires the following discretionary actions by the City of Banning: (1) Certification of the DEIR with the determination that the DEIR has been prepared in compliance with the requirements of CEQA, including the adoption of Findings of Fact and a Statement of Overriding Considerations; (2) approval of a General Plan Amendment; (3) approval of a Zone Change; and (4) Design Review Approval of the Project site plan.

Environmental Impact Report (EIR) Certification: Pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the Planning Division prepared an Initial Study of the potential environmental effects of the approval of the Project. Based upon the findings contained in that Study, a Notice of Preparation (NOP) was distributed by the City of Banning to responsible, trustee, and local agencies for review and comment on January 16, 2018. A DRAFT Environmental Impact Report (DEIR) was prepared for the Project and circulated to public and other interested parties for a 45-day comment period from June 26, 2018, to August 9, 2018. The City also held a public scoping meeting on February 6, 2018 to discuss the Project, answer questions pertaining to the analyses presented in the DEIR, and receive public comments on the DEIR. The Planning Division prepared written responses to all comments received on the DEIR during the comment period and those responses to comments are incorporated into the final Environmental Impact Report (FEIR), which proposed text revisions to the DEIR. The responses to public agency comments to be delivered to each public agency commenter on or about November 30, 2018.

The City Planning Commission will make a recommendation to the City Council regarding certification of the FEIR for the proposed Project, including adoption of Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

A copy of the FEIR for the proposed Project is available at the City of Banning City Clerk’s office; 99 E. Ramsey Street, Banning, CA 92220, as well as at the City Community Development Department’s website at http://www.ci.banning.ca.us.

If you challenge the proposed Project in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Planning Commission at, or prior to, the public hearing, or, you or someone else raised at the public hearing described in this Notice. (Cal. Gov. Code, § 65005).

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

Maryann Marks, AICP
Interim Community Development Director

Dated: October 23, 2018
Date Published: October 26, 2018
State of California
County of Riverside

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1996, 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:

October 25, 2018

Executed on: 10/28/2018
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

MEETING DATE: November 7, 2018

TO: Planning Commission

FROM: Maryann Marks, Interim Community Development Director

PREPARED BY: Sonia Pierce, Senior Planner


RECOMMENDATION:

That the Planning Commission adopt Resolution No. 2018-14:

I. Finding that in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162, Subsequent EIRs and Negative
Declarations, a subsequent environmental document is not required under CEQA; and

II. That the Planning Commission recommend that the City Council approve the modifications and phasing of Tentative Tract Map No. 33540 and approve Design Review No. 18-7003 subject to the conditions of approval.

APPLICANT INFORMATION:

Project Applicant: Drew Wilson
Civil Design and Drafting, Inc
885 Patriot Dr. Unit C
Moorpark, CA 93021

Property Owner: Vintage Stone Eagle
7 Upper Newport Plaza, Suite 250.
Newport Beach, CA 92660

Project Location: North side of Gilman Street, west of 8th Street

APN Information: 535-070-014; 535-110-002, -006, -011, -012; 535-311-006 THROUGH -023, 029; 535-312-001 THROUGH -024; 543-150-007 THROUGH 019

APPLICANT'S REQUEST:

The applicant is requesting approval of design review for single family residences and a modification and phasing (7 phases) of a previously approved Tentative Tract Map design and conditions of approval that would reduce the previously approved number of residential lots from 172 single family lots to 143 residential lots 3 open space lots, 3 private park lots 2 flood control lots and 9 lettered lots for streets in the Low Density Residential (LDR) District on approximately 65 acres located north of Gilman Street and west of Wyte. In addition, to modify the Final Conditions of Approval to be consistent with the modified map. See the attached list of requests below.
Section A.

Condition #4 – A parcel is to be dedicated to the Morongo Band.

Section C.

Condition #8 – The power transformers will be aboveground.

Section G.

Condition #18 – Revision of the lot number to match the new TTM lot numbering
Condition #19 – Revision of the lot number to match the new TTM lot numbering
Condition #22 – Revision of the lot number to match the new TTM lot numbering, acreage, and
Recordation date.
Condition #23 – No work to be done in the open space lot as agreed upon with the Morongo
Band.
Condition #25 – The access road has been removed as agreed upon with the City.
Condition #26 – The olive trees are now part of the open space lot.
Conditions #27 – The cemetery is now part of the open space lot to be maintained in its natural
c Condition.

Section I.

Condition #5 – Added the verbiage “Existing power lines on Gilman – Shall Remain”

Section K.

Condition #3 – Road requirement removed as agreed with the City. A new emergency road
added from the project to Wyte St.

Section L.

Condition #5 – Removed the required basin and line “A-4” since the entire impacted area has
been proposed as open space. All development has been removed from this
area. Area to remain natural.

Section M.

Condition #2 – Fixed lot numbers to match the new TTM lot numbering.

Section N.

Condition #2 – No TIA needed due to a reduction in lot numbers for this project.
FINAL CONDITIONS OF APPROVAL

PROJECT #: Tentative Tract Map 33540
SUBJECT: Subdivision of 65+ acres into 173 Single family residential lots
APPLICANT: HDS Group
APN: 535-070-014; 535-110-002, 006, 011, 012; 535-311-006 through 023, 029; 535-312-001 through 024
LOCATION:

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

A. General Requirements

1. The applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any Court costs and attorney's fees which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.

2. Tentative Tract No. 33540 is recommended for approval by the Planning Commission. Full approval is subject to City Council action.

3. A copy of the signed Resolution of Approval or Community Development Director's letter of approval, and all Standard Conditions, shall be included in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for plan check.

4. An easement shall be recorded against the subject property which provides legal and practical access from the project to the north via the extension of "F" Street (to be unimproved) for the purpose of maintenance of the existing antennas.

B. Time Limits

1. This tentative tract map shall expire unless extended by the Planning Commission, unless a complete final map is filed with the City Engineer within 2 years from the date of the approval.

C. Site Development

1. The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping, sign program, and grading on file in the Planning Division, the conditions contained herein, Development Code regulations.

Completion Date

116
2. 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.

3. Occupancy of the facilities shall not commence until such time as all Uniform Building Code and State Fire Marshal regulations have been complied with. Prior to occupancy, plans shall be submitted to the City of Banning Fire Marshal and the Building and Safety Division to show compliance. The buildings shall be inspected for compliance prior to occupancy.

4. Revised site plans and building elevations incorporating all Conditions of Approval shall be submitted for Community Development Director review and approval prior to the issuance of building permits.

5. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, tree removal, encroachment, building, etc.) or prior to final map approval in the case of a custom lot subdivision, or approved use has commenced, whichever comes first.

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

7. All trash pick-up shall be for individual units with all receptacles shielded from public view.

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

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

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

11. The Covenants, Conditions, and Restrictions (CC&Rs) and Articles of Incorporation of the Homeowners' Association are subject to the approval of the Planning and Engineering Divisions and the City Attorney. They shall be recorded concurrently with the Final Map or prior to the issuance of building permits, whichever occurs first. A recorded copy shall be provided to the City Engineer. The Homeowners' Association shall submit to the Planning Division a list of the name and address of their officers on or before January 1 of each and every year and whenever said information changes.

12. All parkways, open areas, and landscaping shall be permanently maintained by the property owner, homeowners' association, or other means acceptable to the City. Proof of this landscape maintenance shall be submitted for Community Development Director and City Engineer review and approved prior to the issuance of building permits.

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

14. Six-foot decorative block walls shall be constructed along the project perimeter. If a double wall condition would result, the developer shall make a good faith effort to work with the adjoining property owners to provide a single wall. Developer shall notify, by mail, all contiguous property owner at least 30 days prior to the removal of any existing walls/ fences along the project's perimeter.
15. On corner side yards, provide minimum 5-foot setback between walls/ences and sidewalk.

16. For residential development, return walls and corner side walls shall be decorative masonry.

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

D. Building Design

1. All dwellings shall have the front, side and rear elevations upgraded with architectural treatment, detailing and increased delineation of surface treatment subject to Community Development Director review and approval prior to issuance of building permits.

E. Parking and Vehicular Access (indicate details on building plans)

1. All units shall be provided with garage door openers if driveways are less than 18 feet in depth from back of sidewalk.

2. Multiple car garage driveways shall be tapered down to a standard two-car width at street.

3. On flag lots, use a 12-foot driveway within flag to maximize landscape area.

F. Landscaping

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

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

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

4. 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.

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

6. All walls shall be provided with decorative treatment. If located in public maintenance areas, the design shall be coordinated with the Engineering Division.

7. Tree maintenance criteria shall be developed and submitted for Community Development Director review and approval prior to issuance of building permits. These criteria shall encourage the natural growth characteristics of the selected tree species.
8. Landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape.

G. Environmental – Mitigation Measures

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

2. Any lot with a rear yard slope of more than 10 feet will be designed to include terracing of that slope, and intermediate usable yard space within the slope area. This may include staggered retaining walls, stairs and patios, to the clarification of the Director of Community Development.

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

4. All manufactured slopes of 10 feet or more shall be landscaped and irrigated in such a manner as to assure 100% coverage within 12 months. Landscaping shall be native groundcover or similar. Irrigation systems shall be operated and maintained by a groundcover or similar. All irrigation systems shall be operated and maintained by a homeowners’ association, in order to assure long term survival of the plantings. A maintenance easement shall be recorded on each lot on which such a slope occurs, in favor of the homeowners’ association.

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

6. SCAMQD Rule 403 shall be implemented.

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

8. During all grading and construction activities, the site shall be watered at least twice daily.

9. All trucks hauling dirt, sand or soil shall be covered, or shall maintain two feet of freeboard.

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

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

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

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

14. Ridesharing and transit incentives shall be provided to the construction crews.

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

16. Within 30 days prior to the issuance of grading permits, a protocol survey for burrowing owls shall be conducted to determine if the species occurs on the site. Should the species be identified, the biologist shall provide the Planning Department with recommendations for relocation, further review and approval. No grading permit shall be issued until the relocation has been completed.
17. Within 30 days prior to the issuance of grading permits, if the grading permit is sought between February 1 and August 31, a survey of nesting birds subject to the provisions of the Migratory Bird Treaty Act shall be conducted. Should nests be identified, the biologist shall provide the Planning Department with recommendations for buffer areas and construction restriction, for their review and approval. No grading permit shall be issued until the recommendations have been implemented.

18. No staging, grading or other ground disturbance shall be permitted within the open space area (Lot 146)

19. The open space area (Lot 146) shall be fenced to prevent encroachment. The Planning Department shall approve the fence. Signs shall be placed at each end of the fence, identifying the area as protected, and prohibiting encroachment by humans, dogs or other domestic animals.

20. Prior to any ground disturbing activity, the applicant shall secure, and shall provide written evidence of the same to the Planning Department, appropriate permits from the California Regional Water Quality Control Board, the US Army Corps of Engineers and the California Department of Fish and Game. The US Army Corps permit shall assure mitigation for the loss of 0.29 acres of federal jurisdictional areas; and the CDFG permit shall assure mitigation for the loss of 0.7 acres of state jurisdictional areas.

21. A Phase III recovery consistent with the Plan submitted by L & L Environmental shall be completed on the project site prior to any ground disturbing activity on the project site. The final report shall be provided to the City Planning Department for review and approval.

22. The project shall convey, 14 +/- Lot 145

23. The applicant shall, prior to the issuance of building permits, construct a temporary chain link fence to separate the cemetery from the tract. The fence shall be reviewed and approved by the Planning Department prior to the issuance of building permits. The fence shall be replaced by a permanent decorative block wall within 30 days of completion of grading activities.

24. The applicant shall, prior to issuance of grading permits, install wrought iron fencing to enclose the parcel to be conveyed to the Morongo Band, and extending to the entrance on 8th Street.

25. The applicant shall pave and landscape the access road from the 7 1/2 acre parcel to 8th Street.

26. The applicant shall, prior to the issuance of grading permits, have the site surveyed by a qualified arborist to determine whether the olive trees on the west end of the property can be transplanted to the boundary of the cemetery to act as a buffer. The transplantation shall be complete prior to the issuance of occupancy permits for any house on the property.

27. The applicant and the Morongo Band shall develop a plan for the preservation of the cemetery and other items to be relocated within the 7 1/2 acre parcel.

28. The applicant shall, at his expense, engage a qualified archaeologist to complete the cataloging of the artifacts collected in the 1990 survey, and shall cause these artifacts to be delivered to the Morongo Band upon completion of the cataloging effort.
29. All ground disturbing activities on any portion of the site will be monitored by a qualified archaeologist and a representative of the Morongo Band. The archaeologist shall be empowered to stop or redirect activities should artifacts be uncovered. The archaeologist shall deliver a report documenting all monitoring activities to the Planning Department and the Morongo Band within 30 days of completion of grading activities.

30. If human remains or potential human remains are identified during earth moving activities, all work shall stop in that area, and the Riverside County Coroner shall be contacted. No further activity shall occur in the area in the areas until the Coroner has completed his investigation, including Native American consultation.

31. A permanent name marker and the existing bronze plaque (in possession of the Riverside County Parks and History Division) shall be placed in the cemetery.

32. The applicant shall, in conjunction with City staff, prepare formal paperwork for nomination of the site to the National Register of Historic Places, California Register of Historic Places, and appropriate County and Local designations and assure the filing of the paperwork with the appropriate agencies.

33. A Historic American Engineering Record level recordation of the Gilman Home Channel shall be completed prior to any ground disturbing activity the project site.

34. Consistent with the recommendations of the L & L Environmental Survey, the channel shall be preserved in place, either in whole or in part, or relocated in part to the open space area north of the project site. If relocated, a memorial plaque explaining the significance of the structure shall be incorporated into the relocation.

35. Construction activities shall be limited to those hours prescribed in the Municipal Code.

36. All construction equipment, including heavy equipment, shall be muffled.

37. Construction staging and storage areas shall be located along the northern portion of the site, south of the open space and cemetery lots.

38. Continuous grading activities along the eastern boundary of the project site shall be limited to no more than 15 minutes within an hour.

H. Other Agencies

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

APPLICANT SHALL CONTACT THE ENGINEERING DIVISION, (951) 922-3130, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

I. General

1. The Department of Public Works recommends the following Conditions of Approval for Tentative Tract Map 33540. Unless stated otherwise, all conditions shall be completed by the Developer at no cost to any Government Agency.
2. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:

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

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

A. On-Site Rough Grading Plan  
   1" = 40' Horizontal

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

C. SWPPP  
   1" = 40' Horizontal

   Note: A, B & C shall be processed concurrently.

D. Storm Drain Plan  
   1" = 40' Horizontal

E. Off-Site Street Improvement Plans  
   1" = 40' Horizontal
   1" = 4' Vertical

F. Off-Site Landscaping Plans  
   1" = 20' Horizontal

G. Off-Site Signing & Striping Plans  
   1" = 40' Horizontal

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

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

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

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

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

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

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

   Existing power lines on Gilman - Shall remain

J. Rights of Way

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

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

3. Offer to dedicate for public purposes the right-of-way for "A" Street through "J" Street as a general local streets; 60 foot width. The geometrics for the knuckle shall be in accordance with the City of Banning Standard No. G-806. The geometrics for the cul-de-sac shall be in accordance with the City of Banning Standard No. G-800. Offers of dedication shall include corner cut-off at intersection.

4. Offer to dedicate for public purposes the 24 foot wide right-of-way for a secondary access way for Wyte Way.

5. Offer to dedicate for public purposes the necessary right-of-way in order to meet the City of Banning master planned half street width of 30 feet fronting Gilman Street.

6. Obtain right-of-way, or offer to dedicate for public purposes the necessary right-of-way to construct the knuckle at the westerly end of Gilman Street.

7. Grant slope easements to the City of Banning for road maintenance purposes for any slopes supporting street sections. The easements shall extend 5 feet from the toe of slope to provide adequate access.

8. Grant a storm drain easement along master planned storm drain Line "A" for the benefit of Riverside County Flood Control and Water Conservation District in accordance with their standards.
9. Prior to the issuance of any certificates of occupancy, the applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the City of Banning or the Riverside County Flood Control and Water Conservation District unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFC. Prior to granting any of said easements, the subdivider shall furnish a copy of the proposed easement to the City Engineer for review and approval. 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.

K. Public Improvements:

1. Construct half street improvements in accordance with City standards: fronting Gilman Street including street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, street name signs, traffic signs and striping, and any transitions. Curb returns have a 35 foot radius along Gilman Street. Street lights on Gilman Street shall be installed offsets of the existing street lights. Where the transverse slope of the existing pavement exceeds 3% the applicant shall remove pavement and join the existing pavement surface. Applicants' geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

2. Construct full street improvements for "A" Street through "J" Street in accordance with City Standards including street lighting, curb and gutter, cross gutters and spandrels, access ramps, drive approaches, sidewalk, and asphalt concrete paving, street name signs, traffic signs and striping, and any transitions. Applicants' geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

3. Construct 24 foot wide secondary access road connecting the cul-de-sac at Wyke Way to the cul-de-sac at 6th Street in accordance with City Standards including asphalt concrete paving, traffic signs and striping, and any transitions. Applicants' geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method. The road shall be accessed by drive approaches at the respective cul-de-sacs.

4. Construct the missing portion of curb, gutter and sidewalk along Gilman Street at the southwesterly end that joins to the knuckle, approximately 150 feet more or less.

5. Construct drive approach(s) for the properties/utilities accessed from the knuckle at the westerly end of Gilman Street. The applicant shall be responsible for paving the drive ways located within the public right-of-way.

6. Construct drive approach(s) for the properties/utilities accessed from the knuckle at the northerly end of Gilman Street. The applicant shall be responsible for paving the drive ways located within the public right-of-way.

7. All street improvement design shall provide pavement transitions per Caltrans standards for transition to existing street sections.
L. Grading and Drainage:

1. 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 must be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFC), RCFC Hydrolgy 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.

2. Prior to recordation of the final map or approval of the grading plan, the subdivider shall submit a geologic investigation/report for review and approval to demonstrate that the site is not threatened by surface displacement from future faulting in accordance with the Alquist-Priolo Earthquake Fault Zoning Act. Such a report may require building setbacks and/or engineering strengthening that could significantly alter the design of the proposed tentative tract map. The subdivider shall be responsible for the costs associated with the review and approval of geologic investigation/report.

3. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Note: Discharge to the rock and mortar channel (existing Line "A") downstream of project shall not be increased from existing discharge rate.

4. Design and Construct master planned storm drain system Line "A" within tract boundary in accordance with RCFC design and construction standards.

5. Design and Construct missing portion of master planned storm drain system Line "A-4" and in accordance with RCFC design and construction standards.

6. Design and Construct master planned East Gilman Home Debris Basin in accordance with RCFC design and construction standards.

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

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

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

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

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

      i) Temporary Soil Stabilization (erosion control).

      ii) Temporary Sediment Control.

      iii) Wind Erosion Control.

      iv) Tracking Control.

      v) Non-Storm Water Management.

      vi) Waste Management and Materials Pollution Control.

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

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

9. 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.

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

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

13. Obtain clearance or approval from the U.S. Army Corps of Engineers, California Department of Fish and Game, Regional Water Quality Control Board, and Riverside County Flood Control and Water Conservation District as required. Comply with all conditions and mitigation measures if so determined and submit copies of all correspondence with the agencies to the Community Development Director and City Engineer.

M. Landscaping:

1. Prior to occupancy of the first dwelling unit of the development, an automatic sprinkler system and landscaping shall be installed within the common areas including perimeter slopes. The system shall include a landscape controller, a separate water meter, a separate electric meter, and plantings as approved by the Community Development Director. A homeowner's association shall be responsible for the maintenance and upkeep of the common areas in a manner meeting the approval of the Community Development Director.

2. Prior to the recordation of the final map, the subdivider shall reserve open space Lots 174 to 178 for granting in fee to a homeowner's association who shall be responsible for their maintenance and upkeep in a manner meeting the approval of the Fire Marshall and Community Development Director. If a particular lot may not be granted in fee, the subdivider shall reserve the necessary rights to maintain the lot(s) as described herein.

N. Traffic:

1. The subdivider shall be responsible for the preparation of a Traffic Impact Analysis (TIA) in order to identify the fair share part of any improvements that may be required. The TIA shall be prepared in accordance with County of Riverside guidelines.

2. The subdivider shall be responsible for the preparation of a Traffic Impact Analysis (TIA) in order to identify the fair share part of any improvements that may be required. The TIA shall be prepared in accordance with County of Riverside guidelines.
3. Prior to the issuance of any certificate of occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the property owner until the street is accepted for maintenance.

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

5. Place a two way stop with limit lines along Gilman Street at 8th Street.

6. Place centerline striping along Gilman Street.

7. Perform a traffic signal warrant study in accordance with Caltrans standards for the intersection of Wilson Street and 8th Street. If a traffic signal is warranted, the subdivider shall be responsible for constructing the traffic signal at this location prior to occupancy of the 85 single family dwelling.

O. Final Map:

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

2. The applicant shall file an Environmental Constraint Sheet. An Environmental Constraint Sheet means a duplicate of the final map on which are shown the Environmental Constraint Notes. This sheet shall be filed simultaneously with the final map, with the County Surveyor, and labeled ENVIRONMENTAL CONSTRAINT SHEET in the top margin. Applicable items will be shown under a heading labeled Environmental Constraints Notes. The Environmental Constraint Sheet shall contain the statement: THE ENVIRONMENTAL CONSTRAINT INFORMATION SHOWN ON THIS MAP SHEET IS FOR INFORMATIONAL PURPOSES DESCRIBING CONDITIONS AS OF THE DATE OF FILING, AND IS NOT INTENDED TO AFFECT RECORD TITLE INTEREST. THIS INFORMATION IS DERIVED FROM PUBLIC RECORDS OR REPORTS, AND DOES NOT IMPLY THE CORRECTNESS OR SUFFICIENCY OF THOSE RECORDS OR REPORTS BY THE PREPARER OF THIS MAP SHEET. The sheet shall delineate constraints involving, but not limited to, any of the following that are conditioned by the Advisory Agency: archaeological sites, geologic mapping, grading, building, building setback lines, flood hazard zones, seismic lines and setbacks, fire protection, water availability, and sewage disposal.
3. Prior to the recordation of final map or the issuance of a grading permit, the applicant shall obtain approval from the Fire Marshall in consultation with the City Engineer, for a conceptual fuel modification plan and program. Prior to the issuance of any certificate of occupancy, the fuel modification shall be installed and completed under the supervision of the Fire Marshall with an approved plant pallet. The CC&Rs or other approved documents shall contain provisions for maintaining the fuel modification zones, including the removal of all dead and dying vegetation.

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

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

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

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

6. Revisions to the tentative map during plan check including, but not limited to, lot line alignments, easements, improvement plan revisions, and similar minor changes which do not alter the design (property rights, number of lots, environmental impact, etc.) may be administratively approved through the plan check process with the mutual consent and approval of the Community Development Director and City Engineer. Final maps shall be amended in accordance with the Subdivision Map Act.

7. Prior to approval of any final map the applicant shall identify and include in its improvement plans those routine structural and non-structural Best Management Practices (BMP's) as outlined in Supplement A to the Riverside County Drainage Area Management Plans and any attachments

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

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

10. A map of the proposed subdivision drawn at 1"=200' showing the outline of the streets including street names shall be submitted to the City to update the city atlas map.
11. An original Mylar of the final map (after recordation) shall be provided to the City for the record files.

P. Fees:

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

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

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

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

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

6. A fee shall be paid to Riverside County Flood Control and Water Conservation District in the amount specified by them to perform plan checking for drainage purposes for the proposed subdivision.

APPLICANT SHALL CONTACT THE FIRE MARSHAL AT, (951) 922-3210, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

Q. Fire Department Developer Fees:

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

   Residential Dwelling Units - $543.00 per unit +
   $  5.00 per unit Disaster Planning

   Plan Check & Inspection - $ 84.00 per unit

R. Fire Hydrants:

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

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

   a.

3. Minimum 6-inch riser, street valve, approved shear valve and blue dot identification marker shall be provided for each fire hydrant.
4. The City standard fire hydrant is the Residential, James Jones #J3700, or an equivalent approved by the Fire Marshal.

5. 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.

S. Water Supply:

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

T. Fire Department Access:

1. Shall be required when any portion of the first story of any structure is more than 150 feet from Fire Department apparatus access.
2. Minimum clearances or widths may be increased when the minimum standards are not adequate for Fire Department access.
3. Surfaces shall be designed and maintained to support the imposed loads of fire apparatus. Surfaces shall have all-weather driving capabilities, including bridges.
4. Minimum quality road surfaces shall be in place prior to combustible materials being delivered to the site.
5. Minimum unobstructed width shall be 20 feet.
6. Minimum unobstructed vertical clearance shall not be less than 13 feet 6 inches.
7. Minimum turning radius shall be 42 feet.
8. All dead-end access roads in excess of 150 feet shall have approved provisions for turning around of fire apparatus.
9. Maximum grade shall be established by the Fire Department
10. Vehicles shall not be parked or otherwise obstruct the required width of any fire apparatus access.
11. Two means of ingress/egress shall be provided for emergency vehicles and fire apparatus.
12. The requirements for this segment are covered in UFC Article 9.
U. Premises Identification.

1. 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.

Residential - 3-1/2" mm. Size

V. Spark Arrestors

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

W. Inspections

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

2. Fee for each inspection is $42.00 per hour per person. Exception, residential inspections are $21.00 per unit per person.

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

X. Hazardous Materials:

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

Y. Fuel Modification/Hazard Reduction Plan (Req'd Note for all Maps and Plans)

1. A "greenbelt" or fuel modification zone will be required along the northern portion of the project.

The Greenbelt/Zone Plan and the provisions for maintenance shall meet the standard developed by the Fire Department. That standard is presented below.
Standard Banning Fire Services Requirements for
“Fuel Modification Zones”
Around Projects in High Fire Hazard Areas

Lots that are within planning areas adjacent to open space (Wildland/Urban Interface Areas) will be developed in accordance with a Fire Protection Plan that provides adequate buffering and fuel modification zones consistent with City Fire Department standards. Fuel management zones will be provided as outlined below.

Areas where slopes exceed 30% will undergo trimming and/or clearing of flammable native vegetation for a minimum distance of one-hundred (150) feet from any structure and a minimum distance of seventy-five (75) feet from any property line. No less than fifty (50) feet of these cleared areas will be planted with non-flammable (“wet-zone”) vegetation with the remainder remaining clear of trees or large shrubs. The fuel management zones may be reduced through the use of concrete walls as a rear yard edge treatment or as otherwise approved by the City Fire Department. Where residential areas are adjacent to open space areas with slopes not exceeding 30%, a minimum of 100 feet from any structure and a minimum of 50 feet of non-flammable (“wet zone”) vegetation must be provided outside of any property line.

The above listed fuel modification zone widths may be increased in areas of extremely steep slopes or where strong winds may influence fire behavior. Fuel modification areas can extend into private lots as long as a Homeowners Association establishes enforceable restrictions related to no additional structures (i.e. garages, barns, storage buildings, wooden decks, patio covers, etc.) within required setbacks. Maintenance of fuel management zones will be the responsibility of either a Homeowners Association, neighborhood association or other appropriate maintenance agency/entity approved by the City of Banning.

Prior to approval of any Tentative Tract Map or Land Use Permit for properties adjacent to wildland interface zones, the project proponent will prepare a Fire Protection Plan for approval by the City Fire Department. The Fire Protection Plan will provide definition of standards, locations, roadway widths, emergency access, design, maintenance, types of vegetation to be used in “wet zones”, construction timing, financing and other applicable conditions related to fire protection.

Construction of the buildings that are directly adjacent to the wildland areas must meet the following minimum requirements in addition to other applicable codes:

1. All eaves must be fire protected (i.e. boxed and stuccoed)
2. All attic openings must be screened with a mesh no larger than 1/8 inch.
3. Windows must be dual-paned with aluminum frames.
4. Only non-combustible siding may be used.

Z. Other Requirements/Comments

1. NOTE: Prior to Planning Division approval the applicant must address all, and resolve all Fire Department comments and/or conditions.
2.
3.
4.
5.
6.

CC 6/13/06 (final)
Figure 1: Previously Approved Map (2006)

TENTATIVE TRACT MAP NO. 33540
IN THE CITY OF BANNING, CALIFORNIA

Figure 2: Proposed Modification Exhibit (2018)

MINOR MODIFICATION TO APPROVED
TENTATIVE TRACT MAP NO. 33540
CITY OF BANNING, CALIFORNIA
BACKGROUND:

Tentative Tract Map 33450 was originally approved by the City Council on September 26, 2006, by Resolution No. 2006-58 (MND) and 2006-59 (Lot Split 05-4501) for the subdivision of 65 acres into 172 single family residential lots, 3 open space and 1 flood control basin and 10 lettered lots for streets in the Low Density Residential district. Over the years the applicant has been granted time extensions while in the process of working out solutions that would provide for larger open space areas for preservation of historic areas. The applicant has reached a compromise with the interested parties and is now ready to move forward with the development.

The original approval provided the applicant two (2) years in which to record the map (until September 26, 2008).

On June 10, 2008 a discretionary extension of time was approved by City Council by adoption of Resolution No. 2008-59 extending the tentative map expiration date to September 26, 2009.

Actions by the State Legislature specifically SB1185, AB333, AB208, and AB116 extended TTM 33540 to September 26, 2016. The State of California is not providing additional automatic extensions at this time. If approved, this would grant the second discretionary extension and will require the project applicant to record the subdivision map by September 26, 2017.

On June 28, 2016 a discretionary extension of time was approved by City Council by adoption of Resolution No. 2016-50 extending the tentative map expiration date to September 26, 2021.

ANALYSIS:

The continues to be consistent with standards of the Low Density Residential zoning district and the reduction of residential lots and the additional open space and parks are a benefit to the neighborhood.

Per Zoning Ordinance Section 17.08.250 (Single-family architecture), the design and architecture of new development in the Low Density Residential zoning district shall be consistent with the Single Family Guidelines of the Zoning Ordinance. New Developments should be compatible with the character of the surrounding neighborhoods by providing architectural styles that are similar or harmonious to those of the existing neighborhoods through the use of form, size, color, materials, orientation, and rooflines. While individual residences should be compatible with one another, each design should be unique in its own way.
Land Use Summary Table

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Vacant Hillside</td>
<td>Ranch Agricultural (RA)</td>
<td>Ranch Agricultural (RA)</td>
</tr>
<tr>
<td>South</td>
<td>Residential</td>
<td>Low Density Residential (LDR)</td>
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<td>East</td>
<td>Residential</td>
<td>Very Low Density Residential (VLDR)</td>
<td>Very Low Density Residential (VLDR)</td>
</tr>
<tr>
<td>West</td>
<td>Open Space/ Gilman Park</td>
<td>Open Space/ Park</td>
<td>Open Space/ Park</td>
</tr>
</tbody>
</table>

Architectural Design

The design and architecture of the single-family residences are consistent with the Design Guidelines of the Zoning Ordinance. Desirable elements include three floor plans with three elevation designs and color schemes. The elevations include a Spanish design called The Spanish Colonial, a more contemporary design called The Early California and a rustic design called The Farmhouse. With three plans and three elevations there is a possibility of nine different designs and multiple color schemes to provide a variety of design mixtures throughout the development. The designs include various roof pitches, window awnings, arched windows, multi-pane windows, wall articulations, insets, covered porches, balconies, railings, exposed brackets, and will blend well with the existing neighborhood.

**Plan 1** is a single story, 1,600 s.f. residence with 3-bedrooms, 2. bathrooms, and a 2-car garage.

**Plan 2** is a single story, 1,758 s.f. residence with 3-bedrooms, 2 bathrooms, and a 2-car garage.

**Plan 3** is a two-story 2,408 s.f. residence with 3-bedrooms 2 bathrooms and a 2-car garage.

**The Spanish Colonial** design materials include: concrete "s" tile for the roof, stucco and tile accent tiles, wood trim, wood post and corbels with metal ties, wood
railing, wood trim and shutters, multi-paned windows, pot shelves arched doors and windows.

**The Early California** design materials include: concrete “s” tile for the roof, smooth stucco and brick walls, exposed wood beams and corbels, decorative roll up garage doors, and wood shutters.

**The Farmhouse** design materials include: composite shingles for the roof, and metal seam accent roofing and awnings, vertical and horizontal wood siding, stucco crib walls, wood window trim, wood posts and brackets, wood railings and wood shutters.

**Landscaping and Lighting Design**

A conceptual landscape plan has been shown on the colored site map. The project has been conditioned to submit a detailed landscape plans subject to Section 17.08 and 17.32 of the Banning Municipal Code, prior to issuance of building permits and to provide a detailed landscape plan prior to certificate of occupancy for any single family residence.

**Conclusion**

Staff recommends approval as the proposed project is consistent with the requirements of the City of Banning General Plan and the City’s Zoning Code. The project adequately meets the 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 (CEQA)**

On September 26, 2064, the City Council approved Lot Split #05 4501/Tentative Tract Map 33450 and adopted a Mitigated Negative Declaration for the project in accordance with Public Resources Code Section 21152(a) and CEQA Guidelines Section 15063(b)(2).

The California Environmental Quality Act (CEQA) Guidelines Section 15162 sets forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration for the project. Section 15162(a) states that when a Negative Declaration has been adopted for a project, no subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:
1. Substantial changes are proposed in the project which will require major revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was adopted, shows any of the following:

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

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

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

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

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

Multiple Species Habitat Conservation Plan (MSHCP).

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee3.
PUBLIC COMMUNICATION

The proposed Modified Tentative Tract Map 33450 and DR 18-7003 was advertised in the Record Gazette newspaper on October 26, 2018. Additionally, notices were mailed to all property owners within 300 feet of the project.

ATTACHMENTS:

1. Planning Resolution No. 2018-14
   Exhibit A - Project Plans
   Exhibit B - Conditions of Approval
2. Project Plans
3. Prior Time Extension Resolution 2016-50
4. TM 33450 City Council Report, Conditions, Initial Study, Mitigation
   Monitoring Program
5. Public Hearing Notice
ATTACHMENT 1
Resolution No. 2018-14
RESOLUTION 2018-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE THE MODIFICATION AND PHASING OF PREVIOUSLY APPROVED TENTATIVE TRACT MAP NO. 33540 AND DESIGN REVIEW NO. 18-7003. PREVIOUSLY APPROVED TO SUBDIVIDE 65 ACRES INTO 172 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, 1 FLOOD CONTROL BASIN AND 10 LETTERED LOTS FOR STREETS. THE PROPOSED MODIFICATION IS TO REDUCE THE LOTS TO 143 RESIDENTIAL LOTS, 3 OPEN SPACE LOTS, 3 PRIVATE PARK LOTS, 2 FLOOD CONTROL LOTS AND 9 LETTERED LOTS FOR STREETS IN THE LOW DENSITY RESIDENTIAL (LDR) DISTRICT. THE PROPERTY IS LOCATED NORTH OF GILMAN STREET AND WEST OF WYTE WAY WITHIN APNS 535-070-014, 535-110-002, 006, 011, 012; 535-311-006 THROUGH 023; AND 535-312-001 THROUGH 024.

WHEREAS, on September 26, 2006, the City Council of Banning adopted Resolution 2006-58 adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for Tentative Tract Map 33540, to allow the subdivision of 65 acres into 172 single family residential lots and 3 open space lots within the Low Density Residential Land Use District generally located north of Gilman Street and west of Wyte Way; and

WHEREAS, the applicant has submitted an application for a modification of Tentative Tract Map 33540, a Design Review approval, including phasing for the development of 143 single family residential lots on 65 acres within the Low Density Residential Land Use District. The proposed 7 phases include 21 residential lots, 2 detention basins, 3 open space lots and 1 Home Owners Association lot within Phase 1, 9 residential lots in Phase 2, 5 residential lots in Phase 3, 9 residential lots in Phase 4, 38 residential lot in Phase 5, 37 residential lots in Phase 6 and 24 residential lots in Phase 7. The application has been duly filed by:

Project Applicant: Drew Wilson – Civil Design and Drafting, Inc.
885 Patriot Dr., Unit C
Moorpark, CA 93021

Project Location: North side of Gilman Street, west of Wyte Way

APN: 535-070-014; 535-110-002, -006, -011, -012; 535-311-006 THROUGH -023, 029; 535-312-001 THROUGH -024; 543-150-007 THROUGH 019

Lot Area: 65 Acres
WHEREAS, the Municipal Code allows for the subdivision of 65 acres into 143 single family residential lots ranging in size from 7,000 square feet to 14,000 square feet, subject to the approval of a Tentative Tract Map; and

WHEREAS, on October 23, 2018 the City gave public notice as required under Government Code Section 66451.3 by mailing notices to property owners and advertising in a newspaper of general circulation within the City of Banning of the holding of a public hearing at which the project would be considered; and

WHEREAS, on November 1, 2018 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Tentative Tract Map and at which the Planning Commission considered the Tentative Tract Map; and

WHEREAS, at this public hearing on November 1, 2018 the Planning Commission considered, heard public comments on and adopted a Mitigated Negative Declaration and Mitigation Monitoring Program for the project by Resolution 2006-12.

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Modifications and Phasing to Tentative Tract Map 33540 and Design Review 18-7003 and determined that, pursuant to CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required.

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

SECTION 1. ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)
The California Environmental Quality Act (CEQA) Guidelines Sections 15162(a) and 15164(b) set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration for the project. CEQA Guidelines, Section 15162(a) and 15164(b) state that when a Negative Declaration has been adopted for a project, no subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

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

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was adopted, shows any of the following:
   
   a. The project will have one or more significant effects not discussed in the previous Negative Declaration; or
   
   b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration; or
   
   c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
   
   d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

On September 26, 2006, the City Council adopted Resolution 2006-58 adopted a Mitigated Negative Declaration and Mitigation Monitoring Program in accordance with Public Resources Code Section 21152(a) and CEQA Guidelines Section 15063(b)(2), for Tentative Tract Map 33540.

In accordance with the requirements of CEQA, the Planning Commission considered the Modification and Phasing of Tentative Tract Map 33540 and Design Review 18-7003 and has determined that, on the basis of substantial evidence in light of the whole public record and the criteria pursuant to CEQA Section 15062(a) and 15164(b), no factors listed in CEQA Guidelines Sections 15162(a) or 15164(b) have occurred. The basis of this determination is based on the fact the modifications have reduced the number of residential lots and increased the open space preservation and Design Review 18-7003 had already been identified and addressed. The phasing of the proposed development does not result in any potential environmental impacts or substantial changes in the project. Therefore, no changes to the previously adopted Mitigated Negative Declaration and Mitigation Monitoring Program are necessary.

Pursuant to CEQA and the state CEQA Guidelines, City staff has considered the potential environmental impacts of the Modification and Phasing of Tentative Tract Map 33540 and Design Review 18-7003 (the “Project”). City staff has also reviewed the MND and MMRP prepared for Tentative Tract Map 33540 and adopted by the City
Council on September 26, 2006, including the impacts and mitigation measures identified therein. Based on that review, the City of Banning Planning Division 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 prior adopted MND. All potential environmental impacts associated with Tentative Tract Map 33540 and Design Review 18-7003 are adequately addressed by the prior MND, and the mitigation measures contained in the prior MND will reduce those impacts to a level that is less than significant. The Planning Commission has independently reviewed City staff’s determination, and based upon the whole record before it, City staff’s determination, and its independent review and judgment, finds that that the Project, as designed, 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 prior MND; and (2) All potential environmental impacts associated with Tentative Tract Map 33540 and Design Review 18-7003 are adequately addressed by the prior MND, and the mitigation measures contained in the prior MND will reduce those impacts to a level that is less than significant. The custodian of records for the prior MND, and all other materials that constitute the record of proceedings upon which the Planning Commission’s recommendation is based, is the Planning Division of the City Banning. Those documents are available for public review in the Planning Division located at 99 E. Ramsey Street, Banning, California 92220

Multiple Species Habitat Conservation Plan (MSHCP).

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

SECTION 2. REQUIRED FINDINGS

MAP ACT FINDINGS.

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

1. Tentative Tract Map 33540 is consistent and compatible with the objectives, policies, general land uses, and programs specified the City’s General Plan in that:
The General Plan land use designation for the site is Low Density Residential "LDR" which allows project densities from 0 to 5 dwelling units per acre. The proposed Map will result in reduction from 173 single family residential dwelling to the development of 143 single family residential dwelling units at a density of 2.2 units per acre. This density level within the range permitted under the General Plan land use designation for this site. One of the primary goals stated in the Land Use Element of the General Plan is that existing neighborhoods be preserved and enhanced (Goal 1). The proposed Map serves to achieve this objective through the development of single family residential lots and supporting infrastructure while maintaining the City’s scenic and cultural resources for the enjoyment of existing and future residents. Specifically, the open space at the base of the slop/ridge has been preserved as open space. This area will be maintained in perpetuity by a Home Owners Association. The lots are expected to be used for detached single-family homes, a use allowed in the General Plan. Further the project serves to achieve Goal 1 of the General Plan Circulation Element, the development of a safe and efficient transportation system. Gilman Street, the primary access for the project, as well as all internal streets will meet the street designation depicted in the City’s General Plan (local streets). Further all streets have been reviewed by the Engineering/Public Work’s Department to ensure proper design standards. Considering all of these aspects, the proposed Map furthers the objectives and policies of the General Plan and is compatible with the general land uses specific in the General Plan.

2. The design and improvement of the subdivision proposed under Tentative Tract Map 33540 is consistent with the City’s General Plan in that:

The proposed subdivision has been designed to meet City standards, which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities have been designed and are conditioned to be constructed in conformance with City standards.

3. The site is physically suitable for the type of development proposed under Tentative Tract Map 33540, in that:

The site is generally rectangular in shape and slopes from the northwest to the south east, and consists of 65 acres. The site is not located within a flood plan. The project is located within an Alquist Priolo special studies zone, seismic and geologic reports have been generated and a "no build zone has been established. No structures or residential lots are proposed for this zone.

4. The site is physically suitable for the density of development proposed under Tentative Tract Map 33540, in that:
The site is generally rectangular in shape, relatively flat, and slopes from the northwest to the southeast and consists of 65 acres. The subdivision designed has been reduced to accommodate the development of 143 (e.g. single family residential dwelling) units considering the shape and topography of the site. The project as proposed has a density of 2.2 units per acre. According to the density ranges provided in the Land Use Element of the City’s General Plan for the Low Density Residential (LDR) land use designation and in the City’s Zoning Ordinance for the LDR zone, a density of 0-5 units per acres is appropriate for a site of this size and configuration.

5. The design of the subdivision and improvements proposed under Tentative Tract Map 33540, is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that:

A portion of the site contains a cemetery; the balance of the site is vacant with the exception of some remnant foundations from the previously occurring Indian School on the property. A biological assessment was conducted on the proposed project site. The study included records searches as well as surveys. The general biological survey found that the majority of the habitat on the site consists of non-native grasslands. The on-site survey identified 49 common species on the site. The northern edge of the site is foraging habitat for avian species and provides a corridor for wildlife, and will be preserved as open space. A preliminary assessment for burrowing owl habitat was completed as required by the Riverside County Multi-Species Habitat Conservation Plan (MSHCP). The site was found to contain suitable habitat for the species, however, no birds were observed. A mitigation measure has been included which requires a protocol survey for burrowing owl to be completed 30-days prior to the issuance of grading permits. Should burrowing owls be located on site, a biologist shall submit recommendations for relocation of the animals to the Planning Department for review and approval. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. This determination is based on the Biological Assessment conducted by Pacific Southwest in November 2004 and the City’s General Plan. In addition, this project has been conditioned to comply with the environmental policies and regulations of the City of Banning and those of all local and regional governmental agencies having jurisdiction over the site.

6. The design of the subdivision and improvements proposed under Tentative Tract Map 33540, is not likely to cause serious public health problems in that:

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

7. The design of the subdivision and improvements proposed under Tentative Tract Map 33540, will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision in that:

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

8. The design of the subdivision proposed Tentative Tract Map 33540, adequately provides for future passive or natural heating and cooling opportunities in the subdivision in that:

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

SECTION 3. REQUIRED FINDINGS:

REQUIRED FINDINGS FOR DESIGN REVIEW No.18-7003:

Section 17.56.050 of the City of Banning Zoning Ordinance requires that Design Review applications meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval of Design Review No.18-7003:

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

Finding of Fact: Design Review No.18-7003 is consistent with the General Plan Land Use Element’s Residential Goals, Policies and Programs which, Goal 1 states to “Preserve and enhance the City’s neighborhoods” and Goal 2 states to have “A broad range of housing types to fill the needs of the City’s current and future residents.” The proposed residential development is consistent with the City Council strategic plan relating to Economic Development Strategy I, in that development of the subdivision is expected to
contribute to achieving a stable and diversified economy within the community. The construction of the proposed tract will generate property and sales tax revenues to the City which will help offset the provision of services to the project residents.

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

Finding of Fact: The proposed project, the construction of 143 single family residential units and associated improvements in the Low Density Residential Land Use District, is consistent with the Zoning Ordinance and development standards as the subdivision meets or exceeds the Zoning Ordinance development standards for the LDR Zone as to lot width, lot depth, setbacks and building height and provides public improvements that meet City standards. Additionally, all other standards and design guidelines have been considered.

Finding C: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards. Public Roadway improvement dedications have already been taken.

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

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

Finding of Fact: The proposed project is generally rectangular in shape, relatively flat, and slopes from the northwest to the southeast and consists of
65 acres. The subdivision designed has been reduced to provide more open space and accommodate the development of 143 (e.g. single family residential dwelling) units considering the shape and topography of the site. The project as proposed has a density of 2.2 units per acre. According to the density ranges provided in the Land Use Element of the City’s General Plan for the Low Density Residential (LDR) land use designation and in the City’s Zoning Ordinance for the LDR zone, a density of 0-5 units per acres is appropriate for a site of this size and configuration in an area which is relatively quiet.

SECTION 4. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution 2018-14 recommending that the City Council approve:

   a. Findings, in accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15162(a), that the project, as designed, is not subject to further environmental review pursuant to CEQA Guidelines Section 15162(a) 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 prior MND adopted for Lot Split Tentative Tract Map 33540; and (2) All potential environmental impacts associated with Tentative Tract Map 33540 and Design Review 18-7003 are adequately addressed by the prior MND, and the mitigation measures contained in the prior MND will reduce those impacts to a level that is less than significant; and

   b. Modifications and Phasing of Tentative Tract Map 33450 and Design Review No. 18-7003, in accordance with the plans attached as Exhibit A and Conditions of approval attached as Exhibit B. subject to the attached Conditions of Approval:

PASSED, APPROVED AND ADOPTED this 1st day of November 2018.
Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

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

CERTIFICATION:

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 2018-14, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 1st day of November 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
CONDITIONS OF APPROVAL

PROJECT #: Tentative Tract Map 33540

SUBJECT: Subdivision of 65+ acres into 173 Single family residential lots

APPLICANT: HDS Group
APN: 535-070-014; 535-110-002,-006,-011,-012; 535-311-006 through -023,-029; 535-312-001 through -024

LOCATION:

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

A. General Requirements

1. The applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any Court costs and attorney’s fees which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.

2. Tentative Tract No. 33540 is recommended for approval by the Planning Commission. Full approval is subject to City Council action.

3. A copy of the signed Resolution of Approval or Community Development Director’s letter of approval, and all Standard Conditions, shall be included in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for plan check.

B. Time Limits

1. This tentative tract map shall expire unless extended by the Planning Commission, unless a complete final map is filed with the City Engineer within 2 years from the date of the approval.

C. Site Development

1. The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping, sign program, and grading on file in the Planning Division, the conditions contained herein, Development Code regulations.

2. 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.
3. Occupancy of the facilities shall not commence until such time as all Uniform Building Code and State Fire Marshal regulations have been complied with. Prior to occupancy, plans shall be submitted to the City of Banning Fire Marshal and the Building and Safety Division to show compliance. The buildings shall be inspected for compliance prior to occupancy.

4. Revised site plans and building elevations incorporating all Conditions of Approval shall be submitted for Community Development Director review and approval prior to the issuance of building permits.

5. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, tree removal, encroachment, building, etc.) or prior to final map approval in the case of a custom lot subdivision, or approved use has commenced, whichever comes first.

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

7. All trash pick-up shall be for individual units with all receptacles shielded from public view.

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

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

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

11. The Covenants, Conditions, and Restrictions (CC&Rs) and Articles of Incorporation of the Homeowners' Association are subject to the approval of the Planning and Engineering Divisions and the City Attorney. They shall be recorded concurrently with the Final Map or prior to the issuance of building permits, whichever occurs first. A recorded copy shall be provided to the City Engineer. The Homeowners' Association shall submit to the Planning Division a list of the name and address of their officers on or before January 1 of each and every year and whenever said information changes.

12. All parkways, open areas, and landscaping shall be permanently maintained by the property owner, homeowners' association, or other means acceptable to the City. Proof of this landscape maintenance shall be submitted for Community Development Director and City Engineer review and approved prior to the issuance of building permits.

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

14. Six-foot decorative block walls shall be constructed along the project perimeter. If a double wall condition would result, the developer shall make a good faith effort to work with the adjoining property owners to provide a single wall. Developer shall notify, by mail, all contiguous property owner at least 30 days prior to the removal of any existing walls/ fences along the project's perimeter.
15. On corner side yards, provide minimum 5-foot setback between walls/fences and sidewalk.

16. For residential development, return walls and corner side walls shall be decorative masonry.

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

D. Building Design

1. All dwellings shall have the front, side and rear elevations upgraded with architectural treatment, detailing and increased delineation of surface treatment subject to Community Development Director review and approval prior to issuance of building permits.

E. Parking and Vehicular Access (indicate details on building plans)

1. All units shall be provided with garage door openers if driveways are less than 18 feet in depth from back of sidewalk.

2. Multiple car garage driveways shall be tapered down to a standard two-car width at street.

3. On flag lots, use a 12-foot driveway within flag to maximize landscape area.

F. Landscaping

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

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

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

4. 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.

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

6. All walls shall be provided with decorative treatment. If located in public maintenance areas, the design shall be coordinated with the Engineering Division.

7. Tree maintenance criteria shall be developed and submitted for Community Development Director review and approval prior to issuance of building permits. These criteria shall encourage the natural growth characteristics of the selected tree species.
8. Landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape.

G. Environmental – Mitigation Measures

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

2. Any lot with a rear yard slope of more than 10 feet will be designed to include terracing of that slope, and intermediate usable yard space within the slope area. This may include staggered retaining walls, stairs and patios, to the clarification of the Director of Community Development

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

4. All manufactured slopes of 10 feet or more shall be landscaped and irrigated in such a manner as to assure 100% coverage within 12 months. Landscaping shall be native groundcover or similar. Irrigation systems shall be operated and maintained by a groundcover or similar. All irrigation systems shall be operated and maintained by a homeowners' association, in order to assure long term survival of the plantings. A maintenance easement shall be recorded on each lot on which such a slope occurs, in favor of the homeowners’ association.

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

6. SCAQMD Rule 403 shall be implemented.

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

8. During all grading and construction activities, the site shall be watered at least twice daily.

9. All trucks hauling dirt, sand or soil shall be covered, or shall maintain two feet of freeboard.

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

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

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

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

14. Ridesharing and transit incentives shall be provided to the construction crews.

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

16. Within 30 days prior to the issuance of grading permits, a protocol survey for burrowing owls shall be conducted to determine if the species occurs on the site. Should the species be identified, the biologist shall provide the Planning Department with recommendations for relocation, frothier review and approval. No grading permit shall be issued until the relocation has been completed.
17. Within 30 days prior to the issuance of grading permits, if the grading permit is sought between February 1 and August 31, a survey of nesting birds subject to the provisions of the Migratory Bird Treaty Act shall be conducted. Should nests be identified, the biologist shall provide the Planning Department with recommendations for buffer areas and construction restriction, for their review and approval. No grading permit shall be issued until the recommendations have been implemented.

18. No staging, grading or other ground disturbance shall be permitted within the open space area (lot 176)

19. The open space area (lot 176 shall be fenced to prevent encroachment. The Planning Department shall approve the fence. Signs shall be placed at each end of the fence, identifying the area as protected, and prohibiting encroachment by humans dogs or other domestic animals.

20. Prior to any ground disturbing activity, the applicant shall secure, and shall provide written evidence of the same to the Planning Department, appropriate permits from the California Regional Water Quality Control Board, the US Army Corps of Engineers and the California Department of Fish and Game. The US Army Corps permit shall assure mitigation for the loss of 0.29 acres of federal jurisdictional areas; and the CDFG permit shall assure mitigation for the loss of 0.71 acres of state jurisdictional areas.

21. A Phase III recovery consistent with the Plan submitted by L& L Environmental shall be completed on the project site prior to any ground disturbing activity on the project site. The final report shall be provided to the City Planning Department for review and approval.

22. The project shall convey, with recordation of the final map, a 7+ acre parcel (lot 175) to the Morongo Band of Mission Indians.

23. The applicant shall, prior to the issuance of grading permits, construct a block wall to separate the cemetery from the tract.

24. The applicant shall, prior to the issuance of grading permits, complete the design of the burial grounds by a licensed landscape architect, including the relocation of cement slabs, the adobe wall, the grotto, selected stone works, planters and trees.

25. The applicant shall, prior to the issuance of grading permits, install wrought iron fencing to enclose the parcel, and extending to the entrance on 8th Street.

26. The applicant shall pave and landscape the access road from the 7+ acre parcel to 8th Street.

27. The applicant shall, prior to the issuance of grading permits, have the site surveyed by a qualified arborist to determine whether the olive trees on the west end of the property can be transplanted to the boundary of the cemetery to act as a buffer. The transplantation shall be complete prior to the issuance of occupancy permits for any house on the property.

28. The applicant and the Morongo Band shall develop a plan for the preservation of the cemetery and other items to be relocated within the 7+ acre parcel.

29. The applicant shall, at his expense, engage a qualified archaeologist to complete the cataloging of the artifacts collected in the 1990 survey, and shall cause these artifacts to be delivered to the Morongo Band upon completion of the cataloging effort.

30. All ground disturbing activities on any portion of the site will be monitored by a qualified archaeologist and a representative of the Morongo Band. The archaeologist shall be empowered to stop or redirect activities should artifacts be uncovered. The archaeologist shall deliver a report documenting all monitoring activities to the Planning Department and the Morongo Band within 30 days of completion of grading activities.
31. If human remains or potential human remains are identified during earth moving activities, all work shall stop in that area, and the Riverside County Coroner shall be contacted. No further activity shall occur in the area in the areas until the Coroner has completed his investigation, including Native American consultation.

32. A permanent name marker and the existing bronze plaque (in possession of the Riverside County Parks and History Division) shall be placed in the cemetery.

33. The applicant shall, in conjunction with City staff, prepare formal paperwork for nomination of the site to the National Register of Historic Places and the California Register of Historic Places, and assure the filing of the paperwork with the appropriate agencies.

34. A Historic American Engineering Record level recordation of the Gilman Home Channel shall be completed prior to any ground disturbing activity the project site.

35. Consistent with the recommendations of the L&L Environmental Survey, the channel shall be preserved in place, either in whole or in part, or relocated in part to the open space area north of the project site. If relocated, a memorial plaque explaining the significance of the structure shall be incorporated into the relocation.

36. Construction activities shall be limited to those hours prescribed in the Municipal Code.

37. All construction equipment, including heavy equipment, shall be muffled.

38. Construction staging and storage areas shall be located along the northern portion of the site, south of the open space and cemetery lots.

39. Continuous grading activities along the eastern boundary of the project site shall be limited to no more than 15 minutes within an hour.

H. Other Agencies

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

APPLICANT SHALL CONTACT THE ENGINEERING DIVISION, (951) 922-3130, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

I. General

1. The Department of Public Works recommends the following Conditions of Approval for Tentative Tract Map 33540. Unless stated otherwise, all conditions shall be completed by the Developer at no cost to any Government Agency.
2. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:

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

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

A. On-Site Rough Grading Plan
   1" = 40' Horizontal

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

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

D. Storm Drain Plan
   1" = 40' Horizontal

E. Off-Site Street Improvement Plans
   1" = 40' Horizontal
   1" = 4' Vertical

F. Off-Site Landscaping Plans
   1" = 20' Horizontal

G. Off-Site Signing & Striping Plans
   1" = 40' Horizontal

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

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

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

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

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

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

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

J. Rights of Way

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

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

3. Offer to dedicate for public purposes the right-of-way for "A" Street through "J" Street as a general local streets; 60 foot width. The geometrics for the knuckle shall be in accordance with the City of Banning Standard No. G-806. The geometrics for the cul-de-sac shall be in accordance with the City of Banning Standard No. G-800. Offers of dedication shall include corner cut-off at intersection.

4. Offer to dedicate for public purposes the 24 foot wide right-of-way for a secondary access way for Wyte Way.

5. Offer to dedicate for public purposes the necessary right-of-way in order to meet the City of Banning master planned half street width of 30 feet fronting Gilman Street.

6. Obtain right-of-way, or offer to dedicate for public purposes the necessary right-of-way to construct the knuckle at the westerly end of Gilman Street.

7. Grant slope easements to the City of Banning for road maintenance purposes for any slopes supporting street sections. The easements shall extend 5 feet from the toe of slope to provide adequate access.

8. Grant a storm drain easement along master planned storm drain Line "A" for the benefit of Riverside County Flood Control and Water Conservation District in accordance with their standards.
9. Prior to the issuance of any certificates of occupancy, the applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the City of Banning or the Riverside County Flood Control and Water Conservation District unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFC. Prior to granting any of said easements, the subdivider shall furnish a copy of the proposed easement to the City Engineer for review and approval. 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.

K. Public Improvements:

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

2. Construct full street improvements for "A" Street through "J" Street in accordance with City Standards including street lighting, curb and gutter, cross gutters and spandrels, access ramps, drive approaches, sidewalk, and asphalt concrete paving, street name signs, traffic signs and striping, and any transitions. Applicants' geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

3. Construct 24 foot wide secondary access road connecting the cul-de-sac at Wyte Way to the cul-de-sac at 8th Street in accordance with City Standards including asphalt concrete paving, traffic signs and striping, and any transitions. Applicants' geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method. The road shall be accessed by drive approaches at the respective cul-de-sacs.

4. Construct the missing portion of curb, gutter and sidewalk along Gilman Street at the southwesterly end that joins to the knuckle, approximately 150 feet more or less.

5. Construct drive approach(s) for the properties/utilities accessed from the knuckle at the westerly end of Gilman Street. The applicant shall be responsible for paving the drive ways located within the public right-of-way.

6. Construct drive approach(s) for the properties/utilities accessed from the knuckle at the northerly end of Gilman Street. The applicant shall be responsible for paving the drive ways located within the public right-of-way.

7. All street improvement design shall provide pavement transitions per Caltrans standards for transition to existing street sections.
L. Grading and Drainage:

1. 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 must be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFC), RCFC Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way; when this criteria is exceeded, additional drainage facilities shall be designed and constructed.

2. Prior to recordation of the final map or approval of the grading plan, the subdivider shall submit a geologic investigation/report for review and approval to demonstrate that the site is not threatened by surface displacement from future faulting in accordance with the Alquist-Priolo Earthquake Fault Zoning Act. Such a report may require building setbacks and/or engineering strengthening that could significantly alter the design of the proposed tentative tract map. The subdivider shall be responsible for the costs associated with the review and approval of geologic investigation/report.

3. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Note: Discharge to the rock and mortar channel (existing Line "A") downstream of project shall not be increased from existing discharge rate.

4. Design and Construct master planned storm drain system Line "A" within tract boundary in accordance with RCFC design and construction standards.

5. Design and Construct missing portion of master planned storm drain system Line "A-4" and in accordance with RCFC design and construction standards.

6. Design and Construct master planned East Gilman Home Debris Basin in accordance with RCFC design and construction standards.

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

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

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

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

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

   i) Temporary Soil Stabilization (erosion control).

   ii) Temporary Sediment Control.

   iii) Wind Erosion Control.

   iv) Tracking Control.

   v) Non-Storm Water Management.

   vi) Waste Management and Materials Pollution Control.

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

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

9. 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.

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

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

13. Obtain clearance or approval from the U.S. Army Corps of Engineers, California Department of Fish and Game, Regional Water Quality Control Board, and Riverside County Flood Control and Water Conservation District as required. Comply with all conditions and mitigation measures if so determined and submit copies of all correspondence with the agencies to the Community Development Director and City Engineer.

M. Landscaping:

1. Prior to occupancy of the first dwelling unit of the development, an automatic sprinkler system and landscaping shall be installed within the common areas including perimeter slopes. The system shall include a landscape controller, a separate water meter, a separate electric meter, and plantings as approved by the Community Development Director. A homeowner’s association shall be responsible for the maintenance and upkeep of the common areas in a manner meeting the approval of the Community Development Director.

2. Prior to the recordation of the final map, the subdivider shall reserve open space Lots 174 to 178 for granting in fee to a homeowner’s association who shall be responsible for their maintenance and upkeep in a manner meeting the approval of the Fire Marshall and Community Development Director. If a particular lot may not be granted in fee, the subdivider shall reserve the necessary rights to maintain the lot(s) as described herein.

N. Traffic:

1. The subdivider shall be responsible for the preparation of a Traffic Impact Analysis (TIA) in order to identify the fair share part of any improvements that may be required. The TIA shall be prepared in accordance with County of Riverside guidelines.

2. The subdivider shall be responsible for the preparation of a Traffic Impact Analysis (TIA) in order to identify the fair share part of any improvements that may be required. The TIA shall be prepared in accordance with County of Riverside guidelines.
3. Prior to the issuance of any certificate of occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the property owner until the street is accepted for maintenance.

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

5. Place a two way stop with limit lines along Gilman Street at 8th Street.

6. Place centerline striping along Gilman Street.

7. Perform a traffic signal warrant study in accordance with Caltrans standards for the intersection of Wilson Street and 8th Street. If a traffic signal is warranted, the subdivider shall be responsible for constructing the traffic signal at this location prior to occupancy of the 85 single family dwelling.

O. Final Map:

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

2. The applicant shall file an Environmental Constraint Sheet. An Environmental Constraint Sheet means a duplicate of the final map on which are shown the Environmental Constraint Notes. This sheet shall be filed simultaneously with the final map, with the County Surveyor, and labeled ENVIRONMENTAL CONSTRAINT SHEET in the top margin. Applicable items will be shown under a heading labeled Environmental Constraints Notes. The Environmental Constraint Sheet shall contain the statement: THE ENVIRONMENTAL CONSTRAINT INFORMATION SHOWN ON THIS MAP SHEET IS FOR INFORMATIONAL PURPOSES DESCRIBING CONDITIONS AS OF THE DATE OF FILING, AND IS NOT INTENDED TO AFFECT RECORD TITLE INTEREST. THIS INFORMATION IS DERIVED FROM PUBLIC RECORDS OR REPORTS, AND DOES NOT IMPLY THE CORRECTNESS OR SUFFICIENCY OF THOSE RECORDS OR REPORTS BY THE PREPARER OF THIS MAP SHEET. The sheet shall delineate constraints involving, but not limited to, any of the following that are conditioned by the Advisory Agency: archaeological sites, geologic mapping, grading, building, building setback lines, flood hazard zones, seismic lines and setbacks, fire protection, water availability, and sewage disposal.
3. Prior to the recoderation of final map or the issuance of a grading permit, the applicant shall obtain approval from the Fire Marshall in consultation with the City Engineer, for a conceptual fuel modification plan and program. Prior to the issuance of any certificate of occupancy, the fuel modification shall be installed and completed under the supervision of the Fire Marshall with an approved plant pallet. The CC&Rs or other approved documents shall contain provisions for maintaining the fuel modification zones, including the removal of all dead and dying vegetation.

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

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

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

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

6. Revisions to the tentative map during plan check including, but not limited to, lot line alignments, easements, improvement plan revisions, and similar minor changes which do not alter the design (property rights, number of lots, environmental impact, etc.) may be administratively approved through the plan check process with the mutual consent and approval of the Community Development Director and City Engineer. Final maps shall be amended in accordance with the Subdivision Map Act.

7. Prior to approval of any final map the applicant shall identify and include in its improvement plans those routine structural and non-structural Best Management Practices (BMP's) as outlined in Supplement A to the Riverside County Drainage Area Management Plans and any attachments.

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

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

10. A map of the proposed subdivision drawn at 1"=200' showing the outline of the streets including street names shall be submitted to the City to update the city atlas map.
11. An original Mylar of the final map (after recordation) shall be provided to the City for the record files.

P. Fees:

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

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

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

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

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

6. A fee shall be paid to Riverside County Flood Control and Water Conservation District in the amount specified by them to perform plan checking for drainage purposes for the proposed subdivision.

APPLICANT SHALL CONTACT THE FIRE MARSHAL AT, (951) 922-3210, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

Q. Fire Department Developer Fees:

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

   Residential Dwelling Units - $543.00 per unit +
   $ 5.00 per unit Disaster Planning
   Plan Check & Inspection - $ 84.00 per unit

R. Fire Hydrants:

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

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

3. Minimum 6-inch riser, street valve, approved shear valve and blue dot identification marker shall be provided for each fire hydrant.
4. The City standard fire hydrant is the Residential, James Jones #J3700, or an equivalent approved by the Fire Marshal.

5. 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.

S. Water Supply:

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

T. Fire Department Access:

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

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

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

4. Minimum quality road surfaces shall be in place prior to combustible materials being delivered to the site.

5. Minimum unobstructed width shall be 20 feet.

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

7. Minimum turning radius shall be 42 feet.

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

9. Maximum grade shall be established by the Fire Department

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

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

12. The requirements for this segment are covered in UFC Article 9.
U. Premises Identification.
   1. 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.

   Residential - 3-1/2" mm. Size

V. Spark Arrestors
   1. Chimneys used in conjunction with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with an approved spark arrester.

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

   2. Fee for each inspection is $42.00 per hour per person. Exception, residential inspections are $21.00 per unit per person.

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

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

Y. Fuel Modification/Hazard Reduction Plan (Req'd Note for all Maps and Plans)
   1. A "greenbelt" or fuel modification zone will be required along the northern portion of the project.

   The Greenbelt/Zone Plan and the provisions for maintenance shall meet the standard developed by the Fire Department. That standard is presented below.
Standard Banning Fire Services Requirements for
"Fuel Modification Zones"
Around Projects in High Fire Hazard Areas

Lots that are within planning areas adjacent to open space (Wildland/Urban Interface Areas) will be developed in accordance with a Fire Protection Plan that provides adequate buffering and fuel modification zones consistent with City Fire Department standards. Fuel management zones will be provided as outlined below.

Areas where slopes exceed 30% will undergo trimming and/or clearing of flammable native vegetation for a minimum distance of one-hundred (150) feet from any structure and a minimum distance of seventy-five (75) feet from any property line. No less than fifty (50) feet of these cleared areas will be planted with non-flammable ("wet-zone") vegetation with the remainder remaining clear of trees or large shrubs. The fuel management zones may be reduced through the use of concrete walls as a rear yard edge treatment or as otherwise approved by the City Fire Department. Where residential areas are adjacent to open space areas with slopes not exceeding 30%, a minimum of 100 feet from any structure and a minimum of 50 feet of non-flammable ("wet zone") vegetation must be provided outside of any property line.

The above listed fuel modification zone widths may be increased in areas of extremely steep slopes or where strong winds may influence fire behavior. Fuel modification areas can extend into private lots as long as a Homeowners Association establishes enforceable restrictions related to no additional structures (i.e. garages, barns, storage buildings, wooden decks, patio covers, etc.) within required setbacks. Maintenance of fuel management zones will be the responsibility of either a Homeowners Association, neighborhood association or other appropriate maintenance agency/entity approved by the City of Banning.

Prior to approval of any Tentative Tract Map or Land Use Permit for properties adjacent to wildland interface zones, the project proponent will prepare a Fire Protection Plan for approval by the City Fire Department. The Fire Protection Plan will provide definition of standards, locations, roadway widths, emergency access, design, maintenance, types of vegetation to be used in "wet zones", construction timing, financing and other applicable conditions related to fire protection.

Construction of the buildings that are directly adjacent to the wildland areas must meet the following minimum requirements in addition to other applicable codes:

1. All eaves must be fire protected (i.e. boxed and stuccoed)
2. All attic openings must be screened with a mesh no larger than 1/8 inch.
3. Windows must be dual-paned with aluminum frames.
4. Only non-combustible siding may be used.

Z. Other Requirements/Comments

1. NOTE: Prior to Planning Division approval the applicant must address all, and resolve all Fire Department comments and/or conditions.
2.
3.
4.
5.
6.
ATTACHMENT 3
Resolution No. 2016-50
RESOLUTION NO. 2016-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A TWELVE (12) MONTH EXTENSION FOR TENTATIVE TRACT MAP NO. 33540 (TTM 33540)

WHEREAS, an application for time extension for Tentative Tract Map No. 33540 has been duly filed by:

Project Applicant: Vintage Pacific, LLC

Project Location: Located generally on the north side of Gilman Street, and one block west of Wyte Way (St. Boniface subdivision)


Project Area: 65 acres

WHEREAS, it has been determined that no additional environmental review is required pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162 in that a previous negative declaration was duly adopted and no substantial changes to the project that require major revisions are proposed by the extension of time for the tentative map; and

WHEREAS, on September 26, 2006, the Planning Division reviewed the proposed Mitigated Negative Declaration and Tentative Tract Map No. 33540; and, findings were made to approve the tentative map subject to the Conditions of Approval; and, the tentative map provides for the subdivision of a 65 acres into 172 single family residential lots and 3 open space lots within the low density residential land use district generally located on the north side of Gilman Street, one block west of Wyte Way; and

WHEREAS, on June 17, 2016, the City gave public notice as required under Government Code Section 66451.3 by mailing notices to property owners and advertising in a newspaper of general circulation within the City of Banning of the holding of a public hearing at which the project be considered; and

WHEREAS, Actions by the State Legislature specifically SB1185, AB333, AB 208, and AB116 extended Tentative Tract Map No. 34335 to September 16, 2016; and

WHEREAS, The State Legislature has not provided the automatic extensions of time as previously recited.
NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Banning hereby approves a five (5) year extension of time for Tentative Tract Map No. 33540 in accordance with Government Code Section 66452.6. Therefore, said tentative tract map shall expire September 26, 2021.

The above action is final unless an appeal is filed pursuant to Section 17.68.100 of the Banning Municipal Code within fifteen (15) calendar days following City Council action.

PASSED, APPROVED AND ADOPTED this 28th day of June, 2016.

[Signature]
Arthur L. Welch, Mayor
City of Banning

ATTEST:

[Signature]
Marie A. Calderon, City Clerk
City of Banning, California

APPROVED AS TO FORM
AND LEGAL CONTENT:

[Signature]
John C. Cotti, Interim City Attorney
Jenkins & Hogin, LLC

Reso. No. 2016-50
CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2016-50 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 28th day of June, 2016.

AYES: Councilmembers Franklin, Moyer, Peterson, Mayor Welch

NOES: None

ABSENT: Councilmember Miller

ABSTAIN: None

Marie A. Calderon, City Clerk
City of Banning, California
ATTACHMENT 4

Staff Report (TM 33450 City Council Previous Approval, Adopted Initial Study/Mitigated Negative Declaration, Conditions of Approval)

https://ci.banning.ca.us/DocumentCenter/View/5974/Staff-Report-dated-20060926
Record Gazette
218 N. Murray St.

Proof of Publication
(2015.5 C.C.P.)

159523 PHN ST. BONIFACE

State of California
County of Riverside

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and circulated as 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:

October 26, 2018

Executed on: 10/26/2018
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

MEETING DATE: November 7, 2018

TO: Planning Commission

FROM: Maryann Marks, AICP, Interim Community Development Director

SUBJECT: TENTATIVE TRACT MAP NO. 37390. PROPOSAL TO SUBDIVIDE APPROXIMATELY 93 GROSS ACRES OF VACANT LAND FOR PURPOSES OF CREATING 362 SINGLE FAMILY LOTS, 1 LOT FOR A PARK SITE, 13 OPEN SPACE LETTERED LOTS (INCLUDING RECREATION AND DRAINAGE), AND PUBLIC STREETS, ALL WITHIN THE BUTTERFIELD SPECIFIC PLAN AREA

RECOMMENDATION:

1. Adopt Resolution No. 2018-21 (Attachment 1), recommending that the City Council take the following actions:

   I. Find that in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required and a Notice of Exemption shall be filed.

   II. Approve Tentative Tract Map No. 37390 to subdivide approximately 93 gross acres of land for single family, parks, and open space uses along with public streets, subject to conditions of approval.

APPLICANT INFORMATION:

Project Applicant: Pardee Homes
1250 Corona Pointe Court, #600
Corona, CA 92879

Property Owner: Pardee Homes
1250 Corona Pointe Court, #600
Corona, CA 92879

Project Location: North of Wilson Street, east of Highland Springs Avenue, generally in the southwesterly portions of the Butterfield Specific Plan.

APN Information: Portions of 408-120-010 408-120-012, 408-120-013, and 408-120-020

REQUEST:

Proposed Tentative Tract Map No. 37390 would subdivide approximately 93 gross acres of vacant land into 362 single family lots, 1 lot for parks, 13 open space lots, and public streets. The Project site is located north of Wilson Street and east of Highland Springs Road within the Butterfield Specific Plan area; see Figures 1 and 2 for the overall Butterfield Specific Plan area, and a colored site plan of Tentative Tract Map No. 37390. The proposed Tentative Tract Map No. 37390 is attached to this report as Attachment No. 2.

Figure 1: Butterfield Specific Plan  Figure 2: TTM No. 37390 Exhibit
BACKGROUND:

The Butterfield Specific Plan, General Plan and Zoning Map Amendments, Development Agreement, and accompanying Environmental Impact Report were originally approved by the City Council in March of 2012. (See Attachment Nos. 3 through 7 and 9.) Subsequent litigation and a settlement agreement resulted in a request by the applicant for approval of a General Plan Amendment related to Highland Home Road as well as certain minor modifications to the Specific Plan. These applications were reviewed by the Planning Commission in January 2017 and were reviewed and approved by the City Council in February 2017 (Attachment No. 8).

In May of 2017, the Planning Commission reviewed and recommended approval of Tentative Maps for the Butterfield project for financing and conveyance purposes. The City Council subsequently approved these maps at their June 27, 2017 meeting.

On June 6, 2018, the Planning Commission held a public hearing and considered the first submittal, Phase 1A of the Butterfield Specific Plan, Tentative Tract Map No. 37298. The Planning Commission voted 2-1 to recommend that the City Council approve Tentative Tract Map No. 37298.

On July 10, 2018, the City Council held a public hearing and considered the first submittal, Phase 1A of the Butterfield Specific Plan, Tentative Tract Map No. 37298. The City Council subsequently approved Tentative Tract Map No. 37298.

ANALYSIS:

The overall Butterfield Specific Plan project site is approximately 1,528 acres and is located in the northwestern corner of the City of Banning (see Figure 1). Tentative Tract Map No. 37390 is located generally within the southwesterly area of the Specific Plan.

The proposed Tentative Tract Map No. 37390 includes the following Planning Areas (PA) within the Butterfield Specific Plan: Planning Areas 2B, 6, 7, and 50B (Low Density Residential); Planning Areas 8A, and 8B, (Medium Density Residential); Planning Area 24 (Parks); and Planning Area 25, and portions of 23, 35A, 35B (Open Space). See Figure 3 below; a larger copy of the Butterfield Specific Plan land use map is included with this report as Attachment 3.

Additionally, the proposed Tentative Tract Map will create public streets, identified as "A" through "Z" and "AA" through "HH".

Residential Planning Areas

Low Density Residential: Planning Areas 2B, 6, 7, and 50B

The proposed Tentative Tract Map encompasses four Planning Areas (PAs) –
2B, 6, 7, and 50B – that are identified within the Butterfield Specific Plan as “Low Density Residential” (LDR) development planning areas.

LDR lots are intended as detached single-family homes with private yards. There are two categories of development standards within the Butterfield Specific Plan for LDR planning areas. The minimum LDR lot sizes and dimensions for PAs 2B, 6, 7, and 50B are as follows:

Minimum lot area: 5,000 square feet
Minimum lot width:
  - Interior 46’
  - Corner 51’
Minimum lot frontage: 20’

Each of the LDR lots presented within the proposed Tentative Tract Map No. 37390 meets the lot area and dimensional requirements specified for PAs 2B, 6, 7, and 50B. In PA 2B, the minimum lot size allowed is 5,000 square feet; the minimum lot size proposed is 5,500 square feet and the average lot size is 6,217 square feet. In PA 6, the minimum lot size allowed is 5,000 square feet; the minimum lot size proposed is 5,500 square feet and the average lot size provided is 7,126 square feet. In PA 7, the minimum lot size allowed is 5,000 square feet; the minimum lot size proposed is 6,000 square feet and the average lot size is 8,177 square feet. In PA 50B, the minimum lot size allowed is 5,000 square feet; the minimum lot size proposed is 6,000 square feet and the average lot size provided is 7,225 square feet.

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<td>PA 2B acreage</td>
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<td>PA 2B density</td>
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<td>PA 6 density</td>
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<td>PA 7 # units</td>
<td>88</td>
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<td>within approved range</td>
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The Butterfield Specific Plan allows adjustment of residential planning boundaries of up to 20% to be approved by the Community Development Director as substantially conforming to the Specific Plan, and revisions to the
number of dwelling units within a PA can be approved by the Community Development Director as substantially conforming to the Specific Plan as long as the total number of units for the Specific Plan area does not exceed the maximum number of approved Specific Plan units nor the maximum density allowed in a Planning Area. The number of dwelling units within PA 2B has increased by 2, the number of dwelling units within PA 6 has increased by 2, and the number of dwelling units within PA 50B has increased by 3, for a total increase of 7. The number of dwelling units within PA 7 has decreased by 5, producing a total increase of 2 units. As such, the proposed Tentative Tract Map No. 37390 meets the required criteria for substantial conformance approval.

Grading:

Where pad elevations provided for residential lots indicate that there may be elevation differentials between residential lots, lot lines will be at top of slope.

Future City Approvals:

Grading permits may be issued by the City’s Engineering Department after approval of the proposed Tentative Tract Map No. 37390.

Planning Commission approval of Design Review applications for building architecture and related site improvements (e.g. landscaping, walls) will be required prior to construction of structures and/or other improvements associated with the single family homes.

Medium Density Residential: Planning Areas 8A and 8B

The proposed Tentative Tract Map No. 37390 encompasses one Medium Density Residential Planning Area (PA) 8A and one High Density Residential Planning Area (PA) 8B, which is being developed as MDR. Low Density Residential or Medium Density Residential uses may also be developed within the HDR planning areas. MDR lots are intended as either conventionally plotted detached single-family homes on individual lots with private yards, or as a cluster product (green court, motor court, or stub street court).

PA 8A and PA 8B MDR lots contained within the proposed Tentative Tract Map No. 37390 are conventionally plotted detached single-family home lots. The minimum MDR lot sizes and dimensions for conventionally plotted detached single family homes as requested are as follows:

- Minimum lot area: 3,400 square feet
- Minimum lot width:
  - Interior: 46’
  - Corner: 51’
- Minimum lot frontage: 20’
- Maximum density: 10 du/ac
Each of the MDR lots presented within the proposed Tentative Tract Map No. 37390 meets the lot area and dimensional requirements specified for PAs 8A and 8B. In PA 8A, the minimum lot size proposed is 4,500 square feet and the average lot size is 6,168 square feet. In PA 8B, the minimum lot size proposed is 4,500 square feet and the average lot size is 6,144 square feet.

Below is a comparison of the proposed Tentative Tract Map No. 37390 dwelling unit numbers, acreages, and densities to the approved Specific Plan:

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<td>PA 8B acreage</td>
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<td>PA 8B density</td>
<td>0-10 du/ac</td>
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<td>within approved range</td>
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Adjustment of residential planning boundaries of 20% or less can be approved by the Community Development Director as substantially conforming to the Specific Plan, and revisions to the number of dwelling units within a PA can be approved as substantially conforming to the Specific Plan as long as the total number of units for the Specific Plan area does not exceed the maximum number of approved Specific Plan units nor the maximum density allowed in a Planning Area.

Grading:

Pad elevations provided for some residential lots indicate that there may be elevation differentials between residential lots of twelve feet or more. The applicant has noted that the lot lines will be at top of slope where this condition occurs, that the elevation difference will be addressed via a 2:1 slope bank in the rear yard of the lower lot, and that the slope bank will occur outside of required rear yard setbacks to ensure usable yard area for the residence.

Future City Approvals:

Grading permits may be issued by the City’s Engineering Department after approval of the proposed Tentative Tract Map No. 37390.

Planning Commission approval of Design Review applications for building architecture and related site improvements (e.g. landscaping, walls) will be required prior to construction of structures and/or other improvements associated with the residential development.
Parks

The Tentative Tract Map No. 37390 includes one park. PA 22 is a 2.02-acre park lot located between the residential PA 8A and 8B lots.

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<tr>
<td>PA 22 acreage</td>
<td>2.2</td>
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Future City Approvals:

Permits for grading may be issued by the Engineering Department after approval of the proposed Tentative Tract Map No. 37390.

Planning Commission approval of Design Review applications for the design of park improvements (e.g. structures, trails or other recreational amenities, landscaping, and any other proposed improvements) will be required prior to development of the park.

Open Space (PA) 25, portions of 23, 35A, 35B (Open Space) and Lettered Lots

The proposed Tentative Tract Map No. 37390 includes 9.89 acres of open space identified as Lots "J," "K," and "L" within PA 23, Lot "D" within PA 25, Lots "H" and "M" within PA 35A, Lot "F" within PA 35B, and various other lettered open space lots identified as lots "A" through "C", Lot "E", Lot "G", and Lot "I". PA 23 Lots "J," "K," and "L" will be part of the open space system that replaced the former golf course as included in the minor modifications that were approved in February 2017. PA 23 Lots "J," "K," and "L" open space lots will provide for stormwater management and an irrigation reservoir BMP and are also required to provide for active and/or passive recreational amenities (e.g. trails, seating areas, etc.).

Lots "J," "K," and "L" are .43 acres within PA 23. PA 23 is planned as a reservoir that will be integrated into the overall storm drain system to receive stormwater runoff from a large area of Butterfield Ranch. The reservoir design is expected to provide water quality treatment for stormwater runoff and opportunity for capture and reuse as irrigation water. To accomplish this, the reservoir will be constructed with a liner to prevent water loss into the ground, the shoreline will be stabilized to prevent erosion and eliminate muddy areas, and vegetation will be permitted to grow in some areas. The reservoir will include equipment to circulate and aerate the water, supporting natural processes that will clean the water in the reservoir. Water depth is anticipated to be 18" at the edge of the reservoir, with an approximate maximum depth of fifteen feet in the middle. Water levels will fluctuate during the day, drawing down and being replaced.

Open Space Lots "J," "K," and "L" within PA 23, Lots "H" and "M" within PA 35A, and Lot "F" within PA 35B, are part of the approximately 139.5 acres of central
open space located throughout the central portions of the Specific Plan area. This area will take advantage of the natural terrain to accommodate drainage from Smith Creek, contain water quality features to treat urban run-off, incorporate landscaped amenities, and incorporate native landscaping for biological mitigation. Uses of these planning areas will include active and passive recreational uses such as trails, exercise, education, and view areas, all linkable to the residential tracts, parks, and open space areas.

Open space Lots “A” through “C”, Lot “E”, Lot “G”, and Lot “I” total 2.39 acres and will provide landscaped buffers and connectivity along and between streets and trails.

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<td>PA 25 acreage</td>
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<td>PA 35A acreage</td>
<td>12.4</td>
<td>.26 + 5 (37298) + 5.28 (37389) <strong>Ttl 10.54</strong></td>
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<tr>
<td>PA 35B acreage</td>
<td>13.8</td>
<td>.10 +13.69 (37389) <strong>Ttl 13.79</strong></td>
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</table>

* PA 23 consists of Open Space Lots “J,” “K,” and “L” as well as 13.12 acres approved within Tentative Tract Map No. 37298. The combined total is 13.56 acres, which represents a reduction in open space of 17.82%. This total acreage is in substantial conformance with the Specific Plan. Tentative Tract Map No. 37298 included a condition of approval requiring that prior to grading permits, the applicant provide an exhibit depicting the overall area within PA 23 showing substantial conformance. The information is included in Figure 3.

* PA 35A consists of Open Space Lots “H” and “M” as well as 5 acres approved within Tentative Tract Map No. 37298. Open Space Planning Area 35A also includes an additional 5.28 acres that will be contained within Phase 2 maps. The applicant has indicated that PA 35A will ultimately be 10.56 acres (a 14.92% decrease). PA 35A will be within allowable substantial conformance limits. Staff has included a condition of approval requiring that upon submittal of the tentative tract map that includes the remaining open space areas, the applicant shall confirm that the above acreages are being met. An exhibit depicting the overall area within (PA) 35A showing substantial conformance is included in Figure 3.

* PA 35B consists of Open Space Lot “F” as well as 13.69 acres proposed within Tentative Tract Map No. 37389 within Phase 2. The applicant has
indicated that PA 35B will ultimately be 13.79 acres (a .01% decrease). PA 35B will be within allowable substantial conformance limits. Staff has included a condition of approval requiring that upon submittal of the tentative tract map that includes the remaining open space areas, the applicant shall confirm that the above acreages are being met and to provide an exhibit depicting the overall area within PA 35B showing substantial conformance.

Adjustment of planning boundaries of 20% or less can be approved by the Community Development Director as substantially conforming to the Specific Plan.

Figure 3: OPEN SPACE CONFORMANCE EXHIBIT
PA 23/proposed open space Lots “J,” “K,” and “L,” PA 35A/proposed open space Lots “H” and “M,” and PA 35B/proposed open space Lot “F” are anticipated to be maintained by a Landscape Maintenance District or an established Home Owner’s Association (HOA) with the exception of the Stormwater Management/Irrigation Reservoir, which is identified as being maintained by an established HOA.

Future City Approvals

Permits for grading may be issued after approval of the proposed Tentative Tract Map No. 37390.

Planning Commission approval of Design Review applications for the design of open space improvements (e.g. structures, trails, and any other recreational amenities, planting/landscaping, and any other proposed improvements) will be required prior to development of the open space areas.

Streets/Circulation System

Proposed streets within the subdivision will be public streets and are consistent with sections provided in the Butterfield Specific Plan. Residential streets proposed will be 36’ wide from curb to curb, consistent with the approved Specific Plan and allowing for on-street parking.

Proposed entry streets to residential neighborhoods will include medians.

Utilities

Electrical service will be provided by the City of Banning. The Electric Utility has provided conditions of approval that have been incorporated into the draft Project conditions. Permanent City of Banning electrical utilities will be underground with the exception of temporary overhead electrical lines and pad-mount equipment such as transformers and switchgear.

Water and wastewater services will be provided by the City of Banning.

Other Improvements

Additionally, a stormwater management/flood control basin (Basin 3) will be constructed at the corner of Wilson and “C” Streets as part of Phase 1 of the Butterfield project. The project requires a larger drainage storage capacity in Basin 3 in Phases 1 and 2 than what will be required in later phases of the project, therefore Basin 3 will be constructed in a way that facilitates future alteration of the basin. In Phases 1 and 2 of the project, Basin 3 will serve as both a stormwater quality treatment/infiltration basin and as a 100-year flood retention basin. After the construction of Phase 3 the basin will serve only as a water quality/infiltration basin. Therefore, the basin size will be reduced concurrently with the construction of Phase 3 of Butterfield. Reducing the size of
Basin 3 will allow the construction of the realigned Smith Creek channel. Basin 3 will include a low berm dividing the permanent portion of the basin on the western side, and adjacent “C” Street from the temporary portion of the basin nearer to Smith Creek. Basin 3 will be hydroteed in the interim condition and is ultimately expected to be landscaped with primarily riparian plantings.

ENVIRONMENTAL DETERMINATION:

1. California Environmental Quality Act (CEQA)

Potential environment issues associated with the proposed Tentative Tract Map were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149) as modified by the Addendum approved by the City Council on February 14, 2017, which documents are on file in the Community Development Department. There have been no substantial changes in the Project nor in the circumstances under which the Project is undertaken which will require major revisions of the previous environmental document; nor is there new information that shows that the Project will have a significant environmental effect or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required and a Notice of Exemption will be filed.

The project will be conditioned to comply with the mitigation measures of the approved Mitigation Monitoring and Reporting Program (MMRP).

2. Multiple Species Habitat Conservation Plan (MSHCP): The Project EIR’s mitigation measures, including submittal of a Determination of Biologically Equivalent of Superior Preservation (DBESP), ensure consistency with the Western Riverside County MSHCP. These mitigation measures will be incorporated into all development approvals as required by the project MMRP to ensure consistency with the MSHCP.

SUBDIVISION MAP ACT FINDINGS

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

1. Tentative Tract Map No. 37390 is consistent and compatible with the objectives, policies, general land uses, and programs specified in the City’s General Plan and the Butterfield Specific Plan.
Findings of Fact: The General Plan land use designation for the site is classified as Specific Plan; the Butterfield Specific Plan includes land use designations of Low Density Residential, Medium Density Residential, Open Space, and Parks uses within the proposed Project area. The proposed Tentative Tract Map No. 37390 is consistent with the City’s General Plan in that as it will provide for a range of housing types, parks, and open space as envisioned by the General Plan’s Land Use element and an efficient transportation system as envisioned by the General Plan’s Circulation element. It is consistent with the Butterfield Specific Plan as it provides for land uses consistent with those designated for the Project area by the Specific Plan land use map. As such, the proposed Tentative Tract Map No. 37390 is consistent with the objectives, policies, general land uses, and programs specified in the City’s General Plan and the Butterfield Specific Plan.

2. The design and improvement of the subdivision proposed under Tentative Tract Map No. 37390 is consistent with the City’s General Plan and the Butterfield Specific Plan.

Findings of Fact: The design and improvement of the proposed subdivision is consistent with the City’s General Plan and the Butterfield Specific Plan in that it will provide for a range of housing to meet the needs of the City’s residents, and is designed to meet City standards, including providing satisfactory pedestrian and vehicular circulation, emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities consistent with the Specific Plan.

3. The site is physically suitable for the type of development proposed under Tentative Tract Map No. 37390.

Findings of Fact: The Project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the Project site is provided by Highland Springs Avenue and Wilson Street. Analysis of the Project site relative to the physical suitability of the site for development was included in previous approvals for the Butterfield Specific Plan and the site is physically suitable for future development as allowed under the Butterfield Specific Plan.

4. The site is physically suitable for the density of development proposed under Tentative Tract Map No. 37390.

Findings of Fact: The Project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the site is provided by Highland Springs Avenue and Wilson Street. Analysis of the Project site relative to the physical suitability for density of development was included in
the approvals for the Butterfield Specific Plan, and the proposed number of dwelling units is lower than that allowed under the Butterfield Specific Plan.

5. The design of the subdivision and improvements proposed under Tentative Tract Map No. 37390 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

**Findings of Fact:** Potential environment issues associated with the proposed Tentative Tract Map No. 37390 were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149), as amended by the Addendum approved by the City Council in February 2017. With the imposition of mitigation measures, the Project will not have a significant effect on biological resources. There have been no substantial changes in the Project, nor in the circumstances under which the Project is undertaken, that will require major revisions of the prior certified EIR; nor is there new information that shows that the Project will have a significant environmental effect or an effect more severe than originally thought. Therefore, the proposed Tentative Tract Map No. 37390 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

6. The design of the subdivision and improvements proposed under Tentative Tract Map No. 37390 is not likely to cause serious public health problems.

**Findings of Fact:** The proposed Tentative Tract Map No. 37390 is in conformance with the City’s General Plan, Zoning Ordinance, and Subdivision Ordinance and the Butterfield Specific Plan, and the Project has been conditioned to comply with all applicable Specific Plan requirements and requirements of the City’s ordinances, codes, and standards. In addition, the design and construction of improvements are conditioned to be in conformance with adopted City street and public works standards. The City’s ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety, and welfare.

7. The design of the subdivision and improvements proposed under Tentative Tract Map No. 37390 will not conflict with easement, acquired by the public at large, for access through or use of, property within the proposed subdivision.

**Findings of Fact:** Tentative Tract Map No. 37390 does not conflict with any easements for access through or use of property within the proposed subdivision.

8. The design of the proposed Tentative Tract Map No. 37390 provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.
Findings of Fact: Tentative Tract Map No. 37390 does not propose any design features that would conflict with future passive or natural heating or cooling opportunities.

PUBLIC COMMUNICATION

The Planning Commission’s consideration of the proposed Tentative Tract Map No. 37390 was advertised in the Record Gazette newspaper on October 26, 2018 (Attachment 10). Additionally, the notice was mailed to all property owners within 300 feet of the Project and the mailing was expanded to include property owners within 300’ of the Specific Plan boundaries. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

Prepared By:

Maryann Marks
Interim Community Development Director

Attachments:

1. Planning Commission Resolution 2018-21
2. Tentative Tract Map 37390
3. Butterfield Specific Plan, Land Use Plan
4. Butterfield Specific Plan Excerpts, Development Regulations
5. Ordinance 1450 (Approving the Butterfield Specific Plan)
6. Butterfield Specific Plan Development Agreement
7. Settlement Agreement
8. CC Resolution 2017-07 Approving Minor Modifications and Attachment C, Conditions of Approval
9. Mitigation Monitoring and Reporting Program and Addendum Modifications
10. Public Hearing Notice
Attachment 1

Planning Commission Resolution 2018-21
RESOLUTION 2018-21


WHEREAS, an application for Tentative Tract Map No. 37390, attached hereto as Exhibit "A," to subdivide approximately 93 gross acres of vacant real property into residential, park, and open space lots, along with public streets (the "Project"), has been duly filed by:

Project Applicant: Pardee Homes
1250 Corona Pointe Court, #600
Corona, CA 92879

Property Owner: Pardee Homes
1250 Corona Pointe Court, #600
Corona, CA 92879

Parcel Address: North of Wilson Street, east of Highland Springs Avenue

APNs: Portions of 408-120-010, 408-120-012, 408-120-013, and 408-120-020

Lot Area: Approximately 93 gross acres;

WHEREAS, pursuant to Title 16 of the Banning Municipal Code, the Planning Commission has the authority to review and make recommendations to the City Council concerning Tentative Tract Map No. 37390;

WHEREAS, the Community Development Department has evaluated the Project's potential effects on the environment as required under the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code, § 21000 et seq.) and determined that potential impacts associated with proposed Tentative Tract Map No. 37390 were adequately analyzed under the previously approved Final Environmental Impact Report
for the Butterfield Specific Plan project (SCH No. 2007091149) and that pursuant to CEQA Guidelines Section 15162 no further environmental analysis is required;

WHEREAS, in accordance with Government Coce Sections 66451.3, 65090 and 65091, on October 26, 2018 the City gave public notice, by advertisement in the Record Gazette Newspaper, and by mailing to the owner of the subject real property, the owner's duly authorized agent, the Project applicant, and property owners within 300 feet of the Project site, of a public hearing concerning the Project; and

WHEREAS, in accordance with Banning Municipal Code Section 16.12.080, on September 05, 2018, the Planning Commission held a public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the Project, and at which the Planning Commission considered Tentative Tract Map No. 37390.

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

SECTION 1: California Environmental Quality Act and Multiple Species Habitat Conservation Plan Findings. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning make the following environmental findings and determinations in connection with the approval of the Project:

A. Pursuant to the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code, § 21000 et seq.), the State Guidelines (14 Cal. Code Regs. § 15000 et seq.), and the City’s Local Guidelines, City staff has considered the potential environmental impacts of Tentative Tract Map No. 37390. City staff has also reviewed the previously certified Environmental Impact Report (EIR) for the Butterfield Specific Plan project (SCH No. 2007091149), including the impacts and mitigation measures identified therein, and reviewed the EIR in accordance with CEQA for the Project. Based on that review, the City of Banning Planning Division 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 prior EIR. All potential environmental impacts associated with the Butterfield Specific Plan and Tentative Tract Map No. 37390 are adequately addressed by the prior EIR.

B. The City Council has independently reviewed the Planning Division’s determination, and based upon the whole record before it, the the Planning Division’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 prior EIR; and (2)
all potential environmental impacts associated with Butterfield Specific Plan
and the proposed Tentative Tract Map No. 37390 are adequately addressed
by the prior EIR.

C. The custodian of records for the prior EIR, and all other materials that
constitute the record of proceedings upon which the City Council’s
recommendation is based, is the Planning Division 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.

D. Multiple Species Habitat Conservation Plan (MSHCP). The Project EIR’s
mitigation measures, including submittal of a Determination of Biologically
Equivalent of Superior Preservation (DBESP), ensure consistency with the
Western Riverside County MSHCP. These mitigation measures will be
incorporated into future development approvals as required by the Project
Mitigation Monitoring and Reporting Program to ensure consistency with the
MSHCP.

SECTION 2: Findings for Recommendation of Approval of Tentative Tract Map
No. 37390. The Planning Commission of the City of Banning does hereby recommend
that the City Council of the City of Banning find and determine that Tentative Tract Map
No. 37390 should be approved because:

A. Finding: Tentative Tract Map No. 37390 is consistent with the
objectives, policies, general land uses, and programs specified in the
City’s General Plan and the Butterfield Specific Plan.

Findings of Fact:
The General Plan land use designation for the site is classified as Specific
Plan; the Butterfield Specific Plan includes land use designations of Low
Density Residential, Medium Density Residential, Open Space, and Parks
uses within the proposed Project area. The proposed Tentative Tract Map
No. 37390 is consistent with the City’s General Plan in that as it will provide
for a range of housing types, parks, and open space as envisioned by the
General Plan’s Land Use element and an efficient transportation system as
envisioned by the General Plan’s Circulation element. It is consistent with
the Butterfield Specific Plan as it provides for land uses consistent with
those designated for the Project area by the Specific Plan land use map. As
such, the proposed Tentative Tract Map No. 37390 is consistent with the
objectives, policies, general land uses, and programs specified in the City’s
General Plan and the Butterfield Specific Plan.

B. Finding: The design and improvement of the subdivision proposed
under Tentative Tract Map No. 37390 is consistent with the City’s
General Plan and the Butterfield Specific Plan.

Findings of Fact:
The design and improvement of the proposed subdivision is consistent with the City’s General Plan and the Butterfield Specific Plan in that it will provide for a range of housing to meet the needs of the City’s residents, and an efficient transportation system as envisioned by the General Plan, and is designed to meet City standards, including providing satisfactory pedestrian and vehicular circulation, emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities consistent with the Specific Plan.

C. Finding: The subject site is physically suitable for the type of development proposed under Tentative Tract Map No. 37390.

Findings of Fact:
The Project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the Project site is provided by Highland Springs Avenue and Wilson Street. Analysis of the Project site relative to the physical suitability of the site for development was included in previous approvals for the Butterfield Specific Plan and the site is physically suitable for the proposed development as allowed under the Butterfield Specific Plan.

D. Finding: The site is physically suitable for the proposed density of development under Tentative Tract Map No. 37390.

Findings of Fact:
The Project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the site is provided by Highland Springs Avenue and Wilson Street. Analysis of the Project site relative to the physical suitability for density of development was included in the approvals for the Butterfield Specific Plan, and the proposed number of dwelling units is lower than that allowed under the Butterfield Specific Plan.

E. Finding: The design of the subdivision and improvements proposed under Tentative Tract Map No. 37390 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Findings of Fact:
Potential environment issues associated with the proposed Tentative Tract Map No. 37390 were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149), as amended by the Addendum approved by the City Council in February 2017. With the imposition of mitigation measures, the Project will not have a significant effect on biological resources. There have been no substantial changes in the Project, nor in the circumstances under which the Project is undertaken, that will require major revisions of the prior
certified EIR; nor is there new information that shows that the Project will have a significant environmental effect or an effect more severe than originally thought. Therefore, the proposed Tentative Tract Map No. 37390 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

F. Finding: The design of the subdivision and improvements proposed under Tentative Tract Map No. 37390 is not likely to cause serious health problems.

Findings of Fact:
The proposed Tentative Tract Map No. 37390 is in conformance with the City's General Plan, Zoning Ordinance, and Subdivision Ordinance and the Butterfield Specific Plan, and the Project has been conditioned to comply with all applicable Specific Plan requirements and requirements of the City’s ordinances, codes, and standards. In addition, the design and construction of improvements are conditioned to be in conformance with adopted City street and public works standards. The City’s ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety, and welfare.

G. Finding: The design of the subdivision and improvements proposed under Tentative Tract Map No. 37390 will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Findings of Fact:
Tentative Tract Map No. 37390 does not conflict with any easements for access through or use of property within the proposed subdivision.

H. Finding: The design of the proposed Tentative Tract Map No. 37390 provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Findings of Fact:
Tentative Tract Map No. 37390 does not propose any design features that would conflict with future passive or natural heating or cooling opportunities.

SECTION 3: PLANNING COMMISSION ACTION - Recommendation of Approval of Tentative Tract Map No. 37390 with Conditions. Based on the foregoing, the Planning Commission of the City of Banning hereby recommends that the City Council of the City of Banning approve Tentative Tract Map No. 37390, attached hereto as Exhibit "A," a subdivision of approximately 93 gross acres into 362 single family lots, 362 single family lots, 1 lot for parks, 13 open space lots, and public streets on real property located north of Wilson Street and east of Highland Springs avenue within the southwesterly portion of the Butterfield Specific Plan (APNs: Portions of 408-120-010 408-120-012, 408-120-013,
and 408-120-020), subject to the recommended Conditions of Approval attached as Exhibit "B".

PASSED, APPROVED AND ADOPTED this 7th day of November, 2018.

__________________________________________
Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

__________________________________________
Serita 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, No. 2018-21, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 7th day of November, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT: None

ABSTAIN: None

______________________________
Sandra Calderon, Recording Secretary
City of Banning, California
Exhibit “A”
Tentative Tract Map No. 37390
Exhibit "B"
Tentative Tract Map No. 37390 Conditions of Approval
Exhibit “B”
Tentative Tract Map 37390 Conditions of Approval
(Phase 1B)

Community Development

1. The City and Developer are parties to a Development Agreement, recorded on
July 17, 2012, as document number 2012-0332888 (“DA”). In the event of any direct
inconsistency or conflict between these Conditions of Approval and the DA, the DA shall control.
The Developer shall indemnify the City as described in the DA.

2. Approval of this entitlement shall not waive compliance with any sections of the
DA, Butterfield Specific Plan, or other applicable City Ordinances in effect at the time of building
permit issuance to the extent such City Ordinances are applicable to the project and not vested
under the DA.

3. Approval of Tentative Tract Map 37390 shall run with the term of the DA. All
conditions of approval must be met on or before the expiration date or the applicant must
request an extension of time at least thirty (30) days prior to the expiration date, and receive
approval of said extension; otherwise, the approval shall expire and become null and void.

4. Unless approved otherwise by City, the developer shall comply with all applicable
conditions of City Council Ordinance No. 1450 approving the Butterfield Specific Plan and
conditions of City Council Resolution No. 2017-07 approving Minor Modifications to the
Butterfield Specific Plan.

5. All mitigation measures required by the Butterfield Specific Plan Environmental
Impact Report Mitigation Monitoring and Reporting Program (MMRP), as modified pursuant to
the approved Addendum, and conditions of the project’s Settlement Agreement shall be
implemented if those measures/conditions relate to this phase or part of the development or are
required to be satisfied in connection with this phase or part of the development.

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

7. The Developer shall pay all development fees adopted by the City in effect at the
time of issuance of any building permits, which shall include but not be limited to: TUMF,
MSHCP, police and fire safety developer fees, water and sewer fees, park land dedication fees,
electric meter installation fees, etc. Adjustments and/or fee credits to the applicable DIFs may
be provided as defined in the Development Agreement. The project proponent shall provide
written evidence to the City that school mitigation fees have been paid or other arrangements
acceptable to the applicable school district have been met.

8. The Developer shall provide an initial $10,000.00 deposit to cover the City’s work
associated with the Tentative Tract Map, including but not limited to the cost of condition
tracking, review of required plans, and mitigation monitoring and shall replenish the deposit
account, as needed, following the City’s written notification that the account is at or below
$1,000. City shall provide a detailed accounting of deposit account upon request for additional
deposit and the parties shall meet to discuss any disputed invoices, amounts or replenishment requests.

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

10. All slopes exceeding five (5) feet in vertical height shall be planted as required by the approved erosion control plan. Prior to grading plan approval, the project proponent shall submit five copies of a drought-tolerant slope planting and irrigation plan prepared by a licensed landscape architect to the Planning Department for review and approval. The approved slope planting plan shall be implemented/installed on a phase by phase basis prior to issuance of a Certificate of Occupancy for each single-family residence constructed within that phase.

11. Prior to commencement of development within the tract, the Developer shall provide a written Phasing Plan specifying when the lots within the subdivision will be developed and when all appropriate public infrastructure within the subdivision will be constructed. Prior to approval of the Final Map, all conditions requiring the provision or proposed project facilities and subdivision improvements for the area covered by the Tentative Map must be satisfied either through performance or through the provision of suitable security prior to recordation of the Final Map.

12. Prior to precise grading plan approval, a conceptual project wall/fencing plan to include retaining walls, perimeter walls, and interior walls shall be developed and shall be subject to design review approval by the Planning Commission.

13. Prior to precise grading plan approval for PA 23, a Design Review application for Open Space PA 23 shall be reviewed and approved by the Planning Commission. The Design Review application for PA 23 shall include conceptual details on recreational uses to be provided within PA 23, including how these facilities will be linkable to other tracts, parks and open space including public access.

14. Prior to construction of the two proposed parks, the Developer shall obtain approval of a detailed site plan demonstrating the facilities to be provided from the Director of Community Development.

15. All residential and commercial neighborhoods and public facilities shall require Design Review approval by the Planning Commission.

16. Temporary construction fencing shall be installed around portions of the tract under construction until replacement by permanent walls/fencing or completion of improvements.

17. Developer shall meet all requirements of responsible agencies.

18. The proposed temporary detention basin adjacent to the southeast corner of the Tentative Tract Map shall be screened from views by temporary fencing with screen material at Wilson Street to the satisfaction of the Community Development Director.
19. Upon submittal of the adjacent tentative tract map that includes the remaining open space for PA 23 and PA 35A, the applicant shall provide an exhibit depicting the overall area within PA 23 and PA 35A confirming that PA 23 acreage and PA 35A acreage are in conformance with the Specific Plan. Future open space planning areas shall be increased in size to ensure that the overall project open space complies with the acreages required by the specific plan.

20. The Developer and the City have agreed upon an approximately 6-acre site for a Community Recreation/Emergency Center in PA 39 and 67, park areas combined. The Developer shall dedicate the site to City "Prior to the City's issuance of the 1200th building permit for the Project. Concurrently with the processing of the TTM containing the park sites, the Developer shall grade and stub utilities to the site. The Center will be developed per the requirements outlined in the Development Agreement Sections 6.2.3, 7.4.2 and 8.1.4 and any other sections of the Development Agreement and Specific Plan as applicable.

21. A fire station site has tentatively been identified in Planning Area 72 as the possible site for a future fire station. Prior to the City's issuance of the 1200th building permit for the Project, the Developer and the City shall come to a final agreement on a minimum 1.6 acre site within the Butterfield Specific Plan for the fire station site. Depending on the final location of the fire station site, concurrent with the development of the tract containing the site or the City's issuance of the 1500th building permit for the Project the Developer shall grade and stub utilities to the Project site and transfer title to the City. The fire station will be developed per the requirements outlined in the Development Agreement and Specific Plan as applicable.

**Engineering/Public Works**

A. **General Requirements**

22. 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 new public improvements accepted or 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.

23. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any applicable and legally required clearances and/or permits. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvement plans to the City:

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

24. 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 for final signatures. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors):

a. Rough Grading Plans 1" = 40' Horizontal

b. Haul Route Plans
   (If soils is exported off site) 1" = 40' Horizontal

c. Clearing Plans
   (Include fuel modifications zones)
   (Include construction fencing plan) 1" = 50' Horizontal

d. Erosion Control & SWPPP, WQMP
   (Note: a, b, c & d shall be reviewed and approved concurrently) 1" = 40' Horizontal

e. Storm Drain Plans 1" = 40' Horizontal

f. Street Improvement Plans
   1" = 40' Horizontal
   1" = 4' Vertical

g. Traffic Signal Plans
   (Caltrans Standard) 1" = 20' Horizontal

h. Signing & Striping Plans 1" = 40' Horizontal

i. Construction Traffic Control Plan
   (Major or Arterial Highways only) 1" = 40' Horizontal

j. Precise Grading Plans 1" = 40' Horizontal

k. Landscaping Plans 1" = 20' Horizontal

l. Water, Sewer, & Recycled Water Plans 1" = 40' Horizontal

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

25. 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.

26. 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.

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

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

29. All future utility systems including gas, electric, telephone, water, sewer, and cable TV, except for temporary utility systems as defined under the DA, 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.

B. Rights of Way/Public Improvements

30. 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.

31. The applicant shall offer for dedication on the Final Map, within Final Map boundaries, all public street right-of-way in conformance with the DA and the Butterfield Specific Plan. The City may reject the dedications and leave them open for future acceptance until all public improvements are installed by the applicant in the rights of way.

32. Maintenance easements dedicated to the City of Banning shall extend at most 10-feet beyond the toe of slope, where sufficient space available or as approved by the City Engineer, for those slope areas where maintenance falls within the responsibility of the City.

33. Prior to the issuance of any certificates of occupancy, the applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer 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.

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

35. Design and construct full street improvements in accordance with City standards for ALL streets as approved on the Final Tract Map including, but not limit to street lighting, curb
and gutter, cross gutters and spandrels, access ramps, driveway approaches, sidewalk, asphalt concrete pavement, street name signs, traffic signs and striping, and any transitions. Applicant's geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method. STREET AND SIDEWALK WIDTHS AND CROSS SECTIONS SHALL COMPLY WITH THE APPROVED 2016 UPDATED BUTTERFIELD SPECIFIC PLAN.

36. 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 until maintenance of such area is turned over to HOA, LMD or other public financing District. This includes providing irrigation and the clearing of debris and weed removal.

37. All applicable public improvements shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy. City to provide inspections in timely manner and any inspections exceeding 2 inspections to require meeting with City Engineer to address.

C. Grading and Drainage

38. The applicant shall submit an Updated 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.

39. At a minimum, all development will make provisions to store runoff from rainfall events up to and including the 100-year 3-hour duration event. Post-development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates.

40. If the site is located in a Flood Area as identified in Flood Insurance Rate Map dated August 28, 2008 the developer is responsible for providing a certification by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

41. 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 properties.

42. The applicant shall comply with Chapter 13.24 "Stormwater Management Systems" of the Banning Municipal Code (BMC) and Title 18 "Grading, Erosion and Sediment Control" of the California Building Code related to excavation and grading; and, the State Water Resources Control Board's orders, rules and regulations.
43. 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.

44. 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.

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

   a. Temporary Soil Stabilization (erosion control).
   b. Temporary Sediment Control.
   c. Wind Erosion Control.
   d. Tracking Control.
   e. Non-Storm Water Management.
   f. Waste Management and Materials Pollution Control.

46. All erosion and sediment control BMPs proposed by the applicant shall be designed using the CASQA BMP handbook and approved by the City Engineer prior to any onsite or offsite grading, pursuant to this phase.

47. 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.

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

49. 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.

50. Prior to the issuance of a grading permit, the applicant shall execute a Stormwater Management Facilities Agreement on terms agreed to by the parties guaranteeing the maintenance of stormwater pollution controls. Said agreement shall be recorded with the Riverside County Recorder and run with the land.

51. Prior to issuance of any grading or building permit, the applicant shall install trash filters in all catch basins that will be constructed as part of the storm drain improvements for this development. The trash filters shall comply with the requirements of the Trash Amendment as amended and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.

52. A notation shall be placed on the grading plan: “Compliance with Mitigation Measures BIO-1 and BIO-2 is required.” Biologist to conduct site visit for to re-validate survey
findings no more than fourteen (14) days prior to any construction activities and provide technical memo to the City upon completion of re-validation.

53. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification. The pad certification shall include an elevation and compaction certification. The elevation certification shall be stamped and signed by a licensed civil engineer or land surveyor and shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. The compaction certification shall list the relative compaction of the pad soil and shall be certified by a licensed geotechnical engineer.

54. This final map includes areas within a designated Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Special Flood Hazard Zone. A letter of map revision (LOMR) shall be processed through FEMA and provided to the City Engineer prior to occupancy of affected lots.

55. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Prior to issuance of any grading permits, FEMA requires a hydrologic and hydraulic analysis to be submitted and approved that demonstrates that the development will not cause any rise in base flood levels.

D. Landscaping Public Right of Way

56. The developer shall prepare a water conservation 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), 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.

57. An automatic sprinkler system and landscaping shall be installed, prior to certificate of occupancy for the portion of the project for which certificates of occupancy are requested, within the common areas including perimeter slopes and the interior collector streets. Each system shall include a smart landscape irrigation controller (including remote communication), 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.

58. A home owners' association shall be established 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 on-site lighting and landscaping, slopes adjacent to public right-of-ways, onsite private parking/roadway, any debris basins, BMP's referenced in the approved WQMP, and median island landscaping. The developer shall appoint the initial members of the Board of Directors of the home 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.
59. The conditions, covenants, and restrictions shall contain provisions which prohibit dissolution of the home owners' association unless another entity has agreed to assume the operation and maintenance responsibilities of the home 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.

60. Alternatively to condition #55, a Landscaping Maintenance District (LMD), or other public financing mechanism, can be formed to provide for the maintenance of the parkway on-site lighting, and/or median island landscaping on Highland Springs Avenue, Wilson Street and Highland Home Road.

61. 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.

E. Traffic

62. As part of each final tract map, a TIA validation report shall be prepared as required per Mitigation Measure TRF-2 for review and approval by the City Engineer.

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

64. Prior to first building permit issuance of the phase, 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.

65. Driveway grades shall be designed in accordance with current City standards.

66. Parking areas shall be designed and improved with grades not to exceed five percent slope. All applicable ADA standards will be adhered to.

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

68. Prior to the issuance of any certificate of occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the applicant or developer until the street is accepted by the City for maintenance.
F. Final Map

69. Prior to approval of any Final Map, the applicant shall construct appropriate on-site and off-site improvements in accordance with the approved plans and satisfy its obligations for same, or shall furnish a fully secured and executed Agreement for Construction of Public Improvements on terms agreed to by the Parties guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, unless such improvements are deferred with City approval under the terms of the DA or as otherwise set forth under the terms of the DA.

70. The applicant shall file an Environmental Constraint Sheet. An Environmental Constraint Sheet means a duplicate of the final map on which are shown the Environmental Constraint Notes. This sheet shall be filed simultaneously with the final map, with the County Surveyor, and labeled ENVIRONMENTAL CONSTRAINT SHEET in the top margin. Applicable items will be shown under a heading labeled Environmental Constraints Notes. The Environmental Constraint Sheet shall contain the statement: THE ENVIRONMENTAL CONSTRAINT INFORMATION SHOWN ON THIS MAP SHEET IS FOR INFORMATIONAL PURPOSES DESCRIBING CONDITIONS AS OF THE DATE OF FILING, AND IS NOT INTENDED TO AFFECT RECORD TITLE INTEREST. THIS INFORMATION IS DERIVED FROM PUBLIC RECORDS OR REPORTS, AND DOES NOT IMPLY THE CORRECTNESS OR SUFICIENTY OF THOSE RECORDS OR REPORTS BY THE PREPARER OF THIS MAP SHEET. The sheet shall delineate constraints involving, but not limited to, any of the following that are conditioned by the Advisory Agency: archaeological sites, geologic mapping, grading, building, building setback lines, flood hazard zones, seismic lines and setbacks, fire protection, water availability, and sewage disposal.

71. Prior to the recordation of final map or the issuance of a grading permit, the applicant shall obtain approval from the Fire Marshall in consultation with the City Engineer, for a conceptual fuel modification plan and program. Prior to the issuance of any certificate of occupancy, the fuel modification shall be installed and completed under the supervision of the Fire Marshall with an approved plant palette. The CC&Rs or other approved documents shall contain provisions for maintaining the fuel modification zones, including the removal of all dead and dying vegetation.

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

- **Faithful Performance Bond** 100% of estimated cost
- **Labor and Material Bond** 100% of estimated cost
- **Monumentation Bond** $10,000.00

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

73. Prior to approval of the Final Map, the applicant shall submit a list of street names and addresses in Microsoft Excel spread sheet format for review and approval. The house number system shall be in accordance with Section 12.32 of the Banning Municipal Code. A reduced copy of the subdivision map shall be included with the submittal.
74. Revisions to the tentative map during plan check including, but not limited to, lot line alignments, easements, improvement plan revisions, and similar minor changes that are in substantial compliance with the tentative map may be administratively approved through the plan check process with the mutual consent and approval of the Community Development Director and City Engineer. Final maps shall be amended in accordance with the Subdivision Map Act.

75. Prior to approval of any final map the applicant shall identify and include in its improvement plans those routine structural and non-structural Best Management Practices (BMP's) as outlined in Supplement A to the Riverside County Drainage Area Management Plans and any attachments or as approved by the City Engineer.

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

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

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

79. All public improvements shall be completed and accepted by City of Banning prior to release of Faithful Performance Bond and Labor and Material Bond. Faithful Performance Bond for applicable public improvements shall be reduced to 10% once City accepts improvements into maintenance period. Final 10% to serve as the maintenance bond for the 1-year maintenance period.

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

G. Water

81. Submit Water Improvement Plans along with the infrastructure phasing plan to the City Engineer for review and approval. The phasing plan, which shall be supported by a hydraulic analysis, shall identify all required water infrastructure (e.g. water mains, wells, booster stations, pressure reducing stations, reservoirs, etc.) required to meet the demands of this tract map. Design and construct water lines throughout and to property boundaries to tract. The proposed new water lines shall connect to the City's water system and provide a connection to the Beaumont Cherry Valley Water District (BCVWD) system.

82. Submit a hydraulic analysis report demonstrating adequate pressures throughout the Phase 1A water system during max day demand (MDD) with fire flow conditions. The hydraulic analysis, based on the City's latest calibrated water model, shall identify when and if additional facilities would be required to meet Phase 1A water demands.

83. All water lines and fitting shall be a minimum of 8-inch in diameter and shall be DIP. Water line easements shall be a minimum width of 20 feet if installed outside of right-of-way or public utility easement.
84. Fire hydrants shall be installed within and on the tract boundaries as per approved plans, at a 300-foot maximum spacing.

85. A backflow device must be installed on all commercial buildings and at each irrigation water connection. The backflow device must be in compliance with City of Banning.

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

87. Timing and sizing of the required construction of the storage tanks shall be identified in the phasing plan as determined by the Water & Sewer system analysis

H. Sewer

88. Submit Sewer Improvement Plans along with the infrastructure phasing plan to the City Engineer for review and approval. The phasing plan shall identify all required sewer infrastructure (e.g. sewer mains, lift stations, treatment facilities, manholes, etc.) required to meet the demands of the tract map. A hydraulic analysis will need to be prepared and submitted that demonstrates the maximum discharge that can be accommodated by the existing collections system before a new trunk line is needed. Design and construct sewer lines throughout and to property boundaries of tract. The proposed new sewer lines shall connect into the City’s sewer system.

89. All sewer Lines up to 15” diameter shall be PVC SDR 26 and be a minimum of 8” diameter, but in no case smaller than that required per the final approved overall Atwell Water and Sewer facilities analysis. Gravity mains larger than 15” diameter shall be extra strength Vitrified Clay Pipe (VCP) or ductile iron pipe with polyethylene lining. Force mains shall be ductile iron pipe with polyethylene lining. All sewer lines are to be constructed within the public right-of-way. Where sewer line easements are necessary, they shall be a minimum of 20 feet wide.

90. Each residential unit shall have its own sewer lateral and shall be PVC SDR 26.

91. 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.

I. Recycled Water (Non-Potable)

92. Submit Recycled Water Improvement Plans along with a Recycled Water Master Plan that includes a written phasing plan to the City Engineer for review and approval. Design and construct recycled water lines throughout to parks, schools, and other large irrigation areas and to tie-in points at the tract boundary. The proposed new recycled water lines shall have an interconnection to the BCVWD’s existing stub-outs located along Highland Springs Avenue.

93. All recycled water lines to be constructed within the Public right-of-way shall be a minimum of 8-inches in diameter DIP, encased in purple polyethylene wrap. Final sizes shall be approved by the City Engineer based on hydraulic calculations provided by the design
94. engineer. Recycled waterline easements shall be a minimum of 20 feet wide if improvements are installed outside of right-of-way or public utility easements.

95. If the Phase 1A map does not have more than 500 units “Developer shall provide the Public Works Department with all recent data and calculations related to anticipated water demands and quantify any changes in assumptions made to the previously prepared Water Supply Assessment”. If the Phase 1A map has more than 500 units “A sufficient water supply shall be available. In connection with the City’s preparation of a Water Verification, which preparation has been requested by Developer and is underway by the City, Developer shall promptly provide the Public Works Department with all recent data and calculations related to anticipated water demands and quantify any changes in assumptions made to the previously prepared Water Supply Assessment.”

96. All recycled water lines shall be Ductile Iron Pipe (DIP) Class 350, with restrained joints conforming to DIPRA design guidelines. All recycled water DIP mains shall be protected with purple-colored V-Bio polyethylene encasement.

97. A backflow device must be installed on each irrigation water connection; and in compliance with the State of California Department of Health Regulations. Contact the City of Banning, Water Operations Division, prior to the installation.

98. Submit a signage plan for irrigation of publicly-accessible areas with non-potable water as required by the California Code of Regulations.

J. Electric Utility

99. The City of Banning Electric Utility (“Utility”) will require adequate easements needed to service the project. An easement area behind sidewalk may be needed for Wilson Street and Highland Springs Avenue for vaults, conduits, street lights and pad mounted transformers and switches.

100. Easements will be required for Arterial Streets “A”, “B”, “C”, “H”, & “K” for vaults, conduits, meter pedestals, and pad mounted transformers and switches. Easements will also be required for Local Streets “D” – “HH” to serve residential lots. A non-exclusive easement shall
be provided to the City of Banning to include the installation of electric distribution facilities within all common areas.

101. All street lights to be installed on the major thoroughfares, arterial streets, and local streets will be assumed to be publicly owned and maintained by the Utility unless otherwise approved by the Electric Department for private maintenance.

102. Prior to constructing the Utility’s electric distribution system, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the Utility.

103. The Developer shall execute any legally required agreement with the Utility on terms agreed to by the Parties providing for the installation, construction, improvement and dedication of the utility system following recordation of final map.

Fire Department

104. For residential areas, approved standard fire hydrants, located at each intersection and spaced 300 feet apart with no portion of any lot frontage more than a maximum of 250 feet from a hydrant. Minimum fire flow for all residential structures shall be 1000 GPM for a 2-hour duration at 20 psi residual operating pressure, which must be available in time permitted per the DA.

105. The required water system, including fire hydrants, shall be accepted by the City of Banning Public Works, Water Division in accordance with the timing per the DA. Two sets of water plans are to be submitted to the Fire department for approval.

106. Applicant/Developer shall mount blue dot retro-reflectors pavement markers on private/public streets and driveways to indicate locations of all fire hydrants. Marker to be 8 inches from the centerline to the side that the fire hydrant is on, to identify the hydrant location.

107. Residential fire sprinklers are required in all dwellings per the California Residential Code.

108. Fire Apparatus access roads and driveways shall be in compliance with the Riverside County Fire Department Standard number 06-05 (located at www.rvcfire.org). Access lanes will not have an up or downgrade of more than 15%. Access roads shall have an unobstructed vertical clearance not less than 13 feet 6 inches. Access lanes will be designed to withstand the weight of 80 thousand pounds over 2 axles. Access will have a turning radius
capable of accommodating fire apparatus. Access lane shall be constructed with a surface so as to provide all the weather driving capabilities.

109. Roadways may not exceed 1320 feet without secondary access. This access may be restricted to emergency vehicles only however, public egress must be unrestricted.

110. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provision for the turn-around capabilities of the fire apparatus.

111. Any turn-around requires a minimum 38-foot turning radius or as approved by the Fire Marshall.

112. The minimum dimensions for gates is 20 feet clear and unobstructed width and a minimum vertical clearance of 13 feet 6 inches in height. Any gate providing access from a road shall be located at least 35 feet setback from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, a 38-foot foot turning radius shall be used.

113. Gates may be automatic or manual and shall be equipped with a rapid entry system (KNOX).

114. Plans shall be submitted to the Fire Department for approval prior to installation. Automatic gate pins shall be rated with a shear pin force, not to exceed 30 pounds. Gates activated by the rapid entry system shall remain open until closed by the rapid entry system. Automatic gates shall be provided with backup power.

-END-
Attachment 2

Tentative Tract Map 37390
Attachment 3

Butterfield Specific Plan Land Use Plan
Attachment 4

Butterfield Specific Plan Land Excerpts – Development Regulations


(Full Pardee Butterfield Specific Plan available on City website at under Butterfield Specific Plan)

http://www.ci.banning.ca.us/Archive.aspx?ADID=1741
Attachment 5

Ordinance 1450 Approving the Butterfield Specific Plan and associated conditions of approval

https://ci.banning.ca.us/Archive.aspx?ADID=1874
Attachment 6

Butterfield Specific Plan Development Agreement

https://ci.banning.ca.us/Archive.aspx?ADID=1875
Attachment 7

Butterfield Specific Plan Settlement Agreement

https://ci.banning.ca.us/Archive.aspx?ADID=1876
Attachment 8

CC Resolution 2017-07 Approving Minor Modifications and Attachment C, Conditions of Approval

https://ci.banning.ca.us/Archive.aspx?ADID=1878
Attachment 9

Mitigation Monitoring and Reporting Program and Addendum Modifications

https://ci.banning.ca.us/Archive.aspx?ADID=1877

(Butterfield Specific Plan Environmental Impact Report available on City website at http://www.ci.banning.ca.us/Archive.aspx?AMID=56

Minor Modification Addendum and appendices available on City website at http://www.ci.banning.ca.us/Archive.aspx?ADID=1630
Attachment 10

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:

October 26, 2018

Executed on: 10/26/2018
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

MEETING DATE: November 7, 2018

TO: Planning Commission

FROM: Maryann Marks, Interim Community Development Director

SUBJECT: TENTATIVE TRACT MAP No. 37474, A PROPOSAL TO SUBDIVIDE APPROXIMATELY 16.5 GROSS ACRES OF VACANT LAND FOR PURPOSES OF CREATING 109 SINGLE FAMILY LOTS, 2 OPEN SPACE LETTERED LOTS, AND PUBLIC STREETS, ALL WITHIN THE BUTTERFIELD SPECIFIC PLAN, PLANNING AREA 3

RECOMMENDATION:

1. Adopt Planning Commission Resolution 2018-20 (Attachment 1), recommending that the City Council take the following actions:

   I. Find that in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required and a Notice of Exemption shall be filed.

   II. Approve Tentative Tract Map No. 37474 to subdivide approximately 16.5 gross acres of land for single family, and open space uses along with public streets, subject to conditions of approval.

APPLICANT INFORMATION:

Project Applicant: Pardee Homes
1250 Corona Pointe Court, #600
Corona, CA 92879

Property Owner: Pardee Homes
1250 Corona Pointe Court, #600
Corona, CA 92879
Project Location: North of Wilson Street, east of Highland Springs Avenue, generally in thesouthwesterly portions of the Butterfield Specific Plan.

APN Information: Portions of 405-120-002, 408-120-005, 408-120-007

REQUEST:

Proposed Tentative Tract Map No. 37474 would subdivide approximately 16.5 gross acres of vacant land into 109 single family lots, 2 open space lots, and public streets. The Project site is located north of Wilson Street and east of Highland Springs Road within the Butterfield Specific Plan area; see Figures 1 and 2 for the overall Butterfield Specific Plan area, and a colored site plan of Tentative Tract Map No. 37474. The proposed Tentative Tract Map No. 37474 is attached to this report as Attachment No. 2.

Figure 1: Butterfield Specific Plan

Figure 2: TTM No. 37474 Site Exhibit
BACKGROUND:

The Butterfield Specific Plan, General Plan and Zoning Map Amendments, Development Agreement, and accompanying Environmental Impact Report were originally approved by the City Council in March of 2012. (See Attachment Nos. 3 through 7 and 9.) Subsequent litigation and a settlement agreement resulted in a request by the applicant for approval of a General Plan Amendment related to Highland Home Road as well as certain minor modifications to the Specific Plan. These applications were reviewed by the Planning Commission in January 2017 and were reviewed and approved by the City Council in February 2017 (Attachment No. 8).

In May of 2017, the Planning Commission reviewed and recommended approval of Tentative Maps for the Butterfield project for financing and conveyance purposes. The City Council subsequently approved these maps at their June 27, 2017 meeting.

On June 6, 2018, the Planning Commission held a public hearing and considered the first submittal, Phase 1A of the Butterfield Specific Plan, Tentative Tract Map No. 37298. The Planning Commission voted 2-1 to recommend that the City Council approve Tentative Tract Map No. 37298.

On July 10, 2018, the City Council held a public hearing and considered the first submittal, Phase 1A of the Butterfield Specific Plan, Tentative Tract Map No. 37298. The City Council subsequently approved Tentative Tract Map No. 37298.

ANALYSIS:

The overall Butterfield Specific Plan project site is approximately 1,528 acres and is located in the northwestern corner of the City of Banning (see Figure 1). Tentative Tract Map 37474 is located generally within the southwesterly area of the Specific Plan.

The proposed Tentative Tract Map No. 37474 includes Planning Area 3 (Medium Density Residential) within the Butterfield Specific Plan and Lots A and B (Open Space). See Figure 2 above; a larger copy of the Butterfield Specific Plan land use map is included with this report as Attachment 3.


Residential Planning Areas

Medium Density Residential: Planning Area 3

The proposed Tentative Tract Map No. 37474 encompasses one Medium Density Residential Planning Area (PA) 3.
PA 3 MDR lots contained within the proposed Tentative Tract are conventionally plotted detached single-family home lots. The minimum MDR lot sizes and dimensions for conventionally plotted detached single family homes as requested are as follows:

Minimum lot area: 3,400 square feet
Minimum lot width:
   Interior 46’
   Corner 51’
Minimum lot frontage: 20’
Maximum density: 10 du/ac

Each of the MDR lots presented within the proposed Tentative Tract Map No. 37474 meet the lot area and dimensional requirements specified for PA 3. In PA 3, the minimum lot size proposed is 3,525 square feet and the average lot size is 4,636 square feet.

Below is a comparison of the proposed Tentative Tract Map No. 37474 dwelling unit numbers, acreages, and densities to the approved Specific Plan:

<table>
<thead>
<tr>
<th></th>
<th>Approved SP</th>
<th>Proposed TTM</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>PA 3 # units</td>
<td>101</td>
<td>109</td>
<td>+8</td>
</tr>
<tr>
<td>PA 3 acreage</td>
<td>19.3</td>
<td>16.5</td>
<td>-6.89%</td>
</tr>
<tr>
<td>PA 3 density</td>
<td>0-10 du/ac</td>
<td>6.6 du/ac</td>
<td>within approved range</td>
</tr>
</tbody>
</table>

Adjustment of residential planning boundaries of 20% or less can be approved by the Community Development Director as substantially conforming to the Specific Plan, and revisions to the number of dwelling units within a PA can be approved as substantially conforming to the Specific Plan as long as the total number of units for the Specific Plan area does not exceed the maximum number of approved Specific Plan units nor the maximum density allowed in a Planning Area.

Grading:

Pad elevations provided for some residential lots indicate that there may be elevation differentials between residential lots of approximately two to three feet. The applicant has noted that the lot lines will be at top of slope where this condition occurs, that the elevation difference will be addressed via a 2:1 slope bank in the rear yard of the lower lot, and that the slope bank will occur outside of required rear yard setbacks to ensure usable yard area for the residence.

Future City Approvals:

Grading permits may be issued by the City’s Engineering Department after approval of the proposed Tentative Tract Map No. 37474.
Planning Commission approval of Design Review applications for building architecture and related site improvements (e.g. landscaping, walls) will be required prior to construction of structures and/or other improvements associated with the residential development.

**Open Space Lettered Lots**

Open space lots "A" and "B" total .04 acres and will provide a landscaped buffer along "A' street. Proposed Open Space Lots "A" and "B" are anticipated to be maintained by an established Home Owner's Association (HOA).

**Future City Approvals**

Permits for grading may be issued after approval of the Tentative Tract Map No. 37474.

Planning Commission approval of Design Review applications for the design of open space improvements (e.g. structures, planting/landscaping, and any other proposed improvements) will be required prior to development of the open space areas.

**Streets/Circulation System**

Proposed streets within the subdivision will be public streets and are consistent with requirements set forth in the Butterfield Specific Plan. Residential streets proposed will be 36' wide from curb to curb, consistent with the approved Specific Plan and allowing for on-street parking.

Proposed entry streets to residential neighborhoods will include medians.

**Utilities**

Electrical service will be provided by the City of Banning. The Electric Utility has provided conditions of approval that have been incorporated into the proposed project conditions. Permanent City of Banning electrical utilities will be underground with the exception of temporary overhead electrical lines and pad-mount equipment, such as transformers and switchgear.

Water and wastewater services will be provided by the City of Banning.

**ENVIRONMENTAL DETERMINATION:**

1. **California Environmental Quality Act (CEQA)**

Potential environment issues associated with the proposed Tentative Tract Map were analyzed in the previously certified Environmental Impact Report.
for the Butterfield Specific Plan project (SCH 2007091149) as modified by the Addendum approved by the City Council on February 14, 2017, which documents are on file in the Community Development Department. There have been no substantial changes in the project nor in the circumstances under which the project is undertaken which will require major revisions of the previous environmental document; nor is there new information that shows that the project will have a significant environmental effect or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required and a Notice of Exemption will be filed.

The project will be conditioned to comply with the mitigation measures of the approved Mitigation Monitoring and Reporting Program (MMRP).

2. Multiple Species Habitat Conservation Plan (MSHCP): The Project EIR’s mitigation measures, including submittal of a Determination of Biologically Equivalent of Superior Preservation (DBESP), ensure consistency with the Western Riverside County MSHCP. These mitigation measures will be incorporated into all development approvals as required by the project MMRP to ensure consistency with the MSHCP.

SUBDIVISION MAP ACT FINDINGS

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

1. Tentative Tract Map No. 37474 is consistent and compatible with the objectives, policies, general land uses, and programs specified in the City’s General Plan and the Butterfield Specific Plan.

Findings of Fact: The General Plan land use designation for the site is classified as Specific Plan; the Butterfield Specific Plan land use designations of Medium Density Residential uses within the proposed Project area. The proposed Tentative Tract Map No. 37474 is consistent with the City’s General Plan in that as it will provide for medium density housing as envisioned by the General Plan’s Land Use element and an efficient transportation system as envisioned by the General Plan’s Circulation element. It is consistent with the Butterfield Specific Plan as it provides for land uses consistent with those designated for the Project area by the Specific Plan land use map. As such, the proposed Tentative Tract Map No. 37474 is consistent and compatible with the objectives, policies, general land uses, and programs specified in the City’s General Plan and the Butterfield Specific Plan.
2. The design and improvement of the subdivision proposed under Tentative Tract Map No. 37474 is consistent with the City’s General Plan and the Butterfield Specific Plan.

Findings of Fact: The proposed subdivision is consistent with the City’s General Plan and the Butterfield Specific Plan in that it will provide for housing to meet the needs of the City’s residents, and an efficient transportation system as envisioned by the General Plan, and is designed to meet City standards, including providing satisfactory pedestrian and vehicular circulation, emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities.

3. The site is physically suitable for the type of development proposed under Tentative Tract Map No. 37474.

Findings of Fact: The Project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the Project site is provided by Highland Springs Avenue and Wilson Street. Analysis of the Project site relative to the physical suitability of the site for development was included in previous approvals for the Butterfield Specific Plan and the site is physically suitable for the proposed development as allowed under the Butterfield Specific Plan.

4. The site is physically suitable for the density of development proposed under Tentative Tract Map No. 37474.

Findings of Fact: The project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the site is provided by Highland Springs Avenue and Wilson Street. Analysis of the Project site relative to the physical suitability for density of development was included in the approvals for the Butterfield Specific Plan, and the proposed number of dwelling units is consistent with that allowed under the Butterfield Specific Plan.

5. The design of the subdivision and improvements proposed under Tentative Tract Map No. 37474 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Findings of Fact: Potential environmental issues associated with the proposed Tentative Tract Map No. 37474 were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH 2007091149) as amended by an Addendum approved by the City Council in February 2017. With the imposition of mitigation measures, the Project will not have a significant effect on biological resources. There have been no substantial changes in the Project, nor in the circumstances under which the project is undertaken, that will require major revisions of the prior certified EIR; nor is there new information that shows that the Project will have
a significant environmental effect or an effect more severe than originally thought. Therefore, the proposed Tentative Tract Map No. 37474 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

6. The design of the subdivision and improvements proposed under Tentative Tract Map No. 37474 is not likely to cause serious public health problems.

**Findings of Fact:** The proposed Tentative Tract Map No. 37474 is in conformance with the City’s General Plan, Zoning Ordinance, Subdivision Ordinance, and the Butterfield Specific Plan, and the Project has been conditioned to comply with all applicable Specific Plan requirements and City’s ordinances, codes, and standards. In addition, the design and construction of improvements are conditioned to be in conformance with adopted City street and public works standards. The City’s ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety, and welfare.

7. The design of the subdivision and improvements proposed under Tentative Tract Map No. 37474 will not conflict with easement, acquired by the public at large, for access through or use of, property within the proposed subdivision.

**Findings of Fact:** Tentative Tract Map No. 37474 does not conflict with any easements for access through or use of property within the proposed subdivision.

8. The design of the proposed Tentative Tract Map No. 37474 provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

**Findings of Fact:** Tentative Tract Map No. 37474 does not propose any design features that would conflict with future passive or natural heating or cooling opportunities.

**PUBLIC COMMUNICATION**

The Planning Commission’s consideration of the proposed Tentative Tract Map No. 37474 was advertised in the Record Gazette newspaper on October 26, 2018 (Attachment 10). Additionally, the notice was mailed to all property owners within 300 feet of the Project and the mailing was expanded to include property owners within 300’ of the Specific Plan boundaries. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

Prepared By:
Attachments:

1. Planning Commission Resolution No. 2018-20
2. Tentative Tract Map No. 37474
3. Butterfield Specific Plan, Land Use Plan
4. Butterfield Specific Plan Excerpts, Development Regulations
5. Ordinance 1450 (Approving the Butterfield Specific Plan)
6. Butterfield Specific Plan Development Agreement
7. Settlement Agreement
8. CC Resolution 2017-07 Approving Minor Modifications and Attachment C, Conditions of Approval
9. Mitigation Monitoring and Reporting Program and Addendum Modifications
10. Public Hearing Notice
Attachment 1

Planning Commission Resolution 2018-20
RESOLUTION 2018-20


WHEREAS, an application for Tentative Tract Map No. 37474, attached hereto as Exhibit "A," to subdivide approximately 16.5 gross acres of vacant real property into residential and open space lots, along with public streets (the "Project"), has been duly filed by:

Project Applicant:   Pardee Homes
                    1250 Corona Pointe Court, #600
                    Corona, CA 92879

Property Owner:     Pardee Homes
                    1250 Corona Pointe Court, #600
                    Corona, CA 92879

Parcel Address:     North of Wilson Street, east of Highland Springs Avenue

APN’s:              Portions of 405-120-002, 408-120-005, 408-120-007

Lot Area:           Approximately 16.5 gross acres;

WHEREAS, pursuant to Title 16 of the Banning Municipal Code, the Planning Commission has the authority to review and make recommendations to the City Council concerning Tentative Tract Map No. 37474;

WHEREAS, the Community Development Department has evaluated the Project’s potential effects on the environment as required under the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code, § 21000 et seq.) and determined that potential impacts associated with proposed Tentative Tract Map No. 37474 were adequately analyzed under the previously approved Final Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149) and that
pursuant to CEQA Guidelines Section 15162 no further environmental analysis is required;

WHEREAS, in accordance with Government Code Sections 66451.3, 65090 and 65091, on October 26, 2018, the City gave public notice, by advertisement in the Record Gazette Newspaper, and by mailing to the owner of the subject real property, the owner’s duly authorized agent, the Project applicant, and property owners within 300 feet of the Project site, of a public hearing concerning the Project; and

WHEREAS, in accordance with Banning Municipal Code Section 16.12.080, on November 7, 2018, the Planning Commission held a public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the Project, and at which the Planning Commission considered Tentative Tract Map No. 37474.

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

SECTION 1: California Environmental Quality Act and Multiple Species Habitat Conservation Plan Findings. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning make the following environmental findings and determinations in connection with the approval of the Project:

A. Pursuant to the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code, § 21000 et seq.), the State Guidelines (14 Cal. Code Regs. § 15000 et seq.), and the City’s Local Guidelines, City staff has considered the potential environmental impacts of Tentative Tract Map No. 37474. City staff has also reviewed the previously certified Environmental Impact Report (EIR) for the Butterfield Specific Plan project (SCH 2007091149), including the impacts and mitigation measures identified therein, and reviewed the EIR in accordance with CEQA for the Project. Based on that review, the City of Banning Planning Division 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 prior EIR. All potential environmental impacts associated with the Butterfield Specific Plan and Tentative Tract Map No. 37474 are adequately addressed by the prior EIR.

B. The City Council has independently reviewed the Planning Division’s determination, and based upon the whole record before it, the the Planning Division’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 prior EIR; and (2) all potential environmental impacts associated with Butterfield Specific Plan and the proposed Tentative Tract Map No. 37474 are adequately addressed by the prior EIR.

C. The custodian of records for the prior EIR, and all other materials that constitute the record of proceedings upon which the City Council’s recommendation is based, is the Planning Division 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.

D. **Multiple Species Habitat Conservation Plan (MSHCP).** The Project EIR’s mitigation measures, including submittal of a Determination of Biologically Equivalent of Superior Preservation (DBESP), ensure consistency with the Western Riverside County MSHCP. These mitigation measures will be incorporated into future development approvals as required by the Project Mitigation Monitoring and Reporting Program to ensure consistency with the MSHCP.

**SECTION 2: Findings for Recommendation of Approval of Tentative Tract Map 37474.** The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning find and determine that the proposed Tentative Tract Map No. 37474 should be approved because:

A. **Finding: Tentative Tract Map No. 37474 is consistent with the objectives, policies, general land uses, and programs specified in the City’s General Plan and the Butterfield Specific Plan.**

**Findings of Fact:**
The General Plan land use designation for the site is classified as Specific Plan; the Butterfield Specific Plan land use designations of Medium Density Residential uses within the proposed Project area. The proposed Tentative Tract Map No. 37474 is consistent with the City’s General Plan in that as it will provide for medium density housing as envisioned by the General Plan’s Land Use element and an efficient transportation system as envisioned by the General Plan’s Circulation element. It is consistent with the Butterfield Specific Plan as it provides for land uses consistent with those designated for the Project area by the Specific Plan land use map. As such, the proposed Tentative Tract Map No. 37474 is consistent and compatible with the objectives, policies, general land uses, and programs specified in the City’s General Plan and the Butterfield Specific Plan.
B. Finding: The design and improvement of the subdivision proposed under Tentative Tract Map No. 37474 is consistent with the City's General Plan and the Butterfield Specific Plan.

Findings of Fact:
The design and improvement of the proposed subdivision is consistent with the City's General Plan and the Butterfield Specific Plan in that it will provide for housing to meet the needs of the City's residents, and an efficient transportation system as envisioned by the General Plan, and is designed to meet City standards, including providing satisfactory pedestrian and vehicular circulation, emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities consistent with the Specific Plan.

C. Finding: The subject site is physically suitable for the type of development proposed under Tentative Tract Map No. 37474.

Findings of Fact:

D. The Project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the Project site is provided by Highland Springs Avenue and Wilson Street. Analysis of the Project site relative to the physical suitability of the site for development was included in previous approvals for the Butterfield Specific Plan and the site is physically suitable for the proposed development as allowed under the Butterfield Specific Plan.

E. Finding: The site is physically suitable for the proposed density of development under Tentative Tract Map No. 37474.

Findings of Fact:
The Project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the site is provided by Highland Springs Avenue and Wilson Street. Analysis of the Project site relative to the physical suitability for density of development was included in the approvals for the Butterfield Specific Plan, and the proposed number of dwelling units is consistent with that allowed under the Butterfield Specific Plan.

F. Finding: The design of the subdivision and improvements proposed under Tentative Tract Map No. 37474 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Findings of Fact:
Potential environment issues associated with the proposed Tentative Tract Map No. 37474 were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH 2007091149), as amended by the Addendum approved by the City Council in February 2017. With the imposition of mitigation measures, the Project will not have a significant effect on biological resources. There have been no substantial changes in the Project, nor in the circumstances under which the Project is undertaken, that will require major revisions of the prior certified EIR; nor is there new information that shows that the Project will have a significant environmental effect or an effect more severe than originally thought. Therefore, the proposed Tentative Tract Map No. 37474 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

G. Finding: The design of the subdivision and improvements proposed under Tentative Tract Map No. 37474 is not likely to cause serious health problems.

Findings of Fact:
The proposed Tentative Tract Map No. 37474 is in conformance with the City’s General Plan, Zoning Ordinance, Subdivision Ordinance, and the Butterfield Specific Plan, and the Project has been conditioned to comply with all applicable Specific Plan requirements and requirements of the City’s ordinances, codes, and standards. In addition, the design and construction of improvements are conditioned to be in conformance with adopted City street and public works standards. The City’s ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety, and welfare.

H. Finding: The design of the subdivision and improvements proposed under Tentative Tract Map No. 37474 will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Findings of Fact:
Tentative Tract Map No. 37474 does not conflict with any easements for access through or use of property within the proposed subdivision.

I. Finding: The design of the proposed Tentative Tract Map No. 37474 provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Findings of Fact:
Tentative Tract Map No. 37474 does not propose any design features that would conflict with future passive or natural heating or cooling opportunities.
SECTION 3: PLANNING COMMISSION ACTION - Recommendation of Approval of Tentative Tract Map No. 37474 with Conditions. Based on the foregoing, the Planning Commission of the City of Banning hereby recommends that the City Council of the City of Banning approve Tentative Tract Map No. 37474, attached hereto as Exhibit "A," a subdivision of approximately 16.5 gross acres into 109 single family lots and 2 open space lots, and public streets on real property located north of Wilson Street and east of Highland Springs Avenue within the southwesterly portion of the Butterfield Specific Plan (APNs: 405-120-002, 408-120-005, 408-120-007), subject to the recommended Conditions of Approval attached as Exhibit "B".

PASSED, APPROVED AND ADOPTED this 7th day of November, 2018.

Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

_____________________________________
Serita 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 2018-20, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 7th day of November, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
Exhibit “A”
Tentative Tract Map No. 37474
Exhibit “B”
Tentative Tract Map NO. 37474 Conditions of Approval
Exhibit “B”
Tentative Tract Map 37474 Conditions of Approval
(NA 3)

Community Development

1. The City and Developer are parties to a Development Agreement, recorded on July 17, 2012, as document number 2012-0332888 (“DA”). In the event of any direct inconsistency or conflict between these Conditions of Approval and the DA, the DA shall control. The Developer shall indemnify the City as described in the DA.

2. Approval of this entitlement shall not waive compliance with any sections of the DA, Butterfield Specific Plan, or other applicable City Ordinances in effect at the time of building permit issuance to the extent such City Ordinances are applicable to the project and not vested under the DA.

3. Approval of Tentative Tract Map 37474 shall run with the term of the DA. All conditions of approval must be met on or before the expiration date or the applicant must request an extension of time at least thirty (30) days prior to the expiration date, and receive approval of said extension; otherwise, the approval shall expire and become null and void.

4. Unless approved otherwise by City, the developer shall comply with all applicable conditions of City Council Ordinance No. 1450 approving the Butterfield Specific Plan and conditions of City Council Resolution No. 2017-07 approving Minor Modifications to the Butterfield Specific Plan.

5. All mitigation measures required by the Butterfield Specific Plan Environmental Impact Report Mitigation Monitoring and Reporting Program (MMRP), as modified pursuant to the approved Addendum and conditions of the project’s Settlement Agreement, shall be implemented if those measures/conditions relate to this phase or part of the development or are required to be satisfied in connection with this phase or part of the development.

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

7. The Developer shall pay all development fees adopted by the City in effect at the time of issuance of any building permits, which shall include but not be limited to: TUMF, MSHCP, police and fire safety developer fees, water and sewer fees, park land dedication fees, electric meter installation fees, etc. Adjustments and/or fee credits to the applicable DIFs may be provided as defined in the Development Agreement. The project proponent shall provide written evidence to the City that school mitigation fees have been paid or other arrangements acceptable to the applicable school district have been met.
8. The Developer shall provide an initial $10,000.00 deposit to cover the City’s work associated with the Tentative Tract Map, including but not limited to the cost of condition tracking, review of required plans, and mitigation monitoring and shall replenish the deposit account, as needed, following the City’s written notification that the account is at or below $1,000. City shall provide a detailed accounting of deposit account upon request for additional deposit and the parties shall meet to discuss any disputed invoices, amounts or replenishment requests.

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

10. All slopes exceeding five (5) feet in vertical height shall be planted as required by the approved erosion control plan. Prior to grading plan approval, the project proponent shall submit five copies of a drought-tolerant slope planting and irrigation plan prepared by a licensed landscape architect to the Planning Department for review and approval. The approved slope planting plan shall be implemented/installed on a phase by phase basis prior to issuance of a Certificate of Occupancy for each single-family residence constructed within that phase.

11. Prior to commencement of development within the tract, the Developer shall provide a written Phasing Plan specifying when the lots within the subdivision will be developed and when all appropriate public infrastructure within the subdivision will be constructed. Prior to approval of the Final Map, all conditions requiring the provision or proposed project facilities and subdivision improvements for the area covered by the Tentative Map must be satisfied either through performance or through the provision of suitable security prior to recordation of the Final Map.

12. Prior to precise grading plan approval, a conceptual project wall/fencing plan to include retaining walls, perimeter walls, and interior walls shall be developed and shall be subject to design review approval by the Planning Commission.

13. All residential structures shall require Design Review approval by the Planning Commission.

14. Temporary construction fencing shall be installed around portions of the tract under construction until replacement by permanent walls/fencing or completion of improvements.

15. Developer shall meet all requirements of responsible agencies.

Engineering/Public Works

A. General Requirements
16. 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 new public improvements accepted or 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.

17. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any applicable and legally required clearances and/or permits. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvement plans to the City:

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

18. 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 for final signatures. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors):

   - Rough Grading Plans 1” = 40’ Horizontal
   - Haul Route Plans 1” = 40’ Horizontal
     (If soils is exported off site)
   - Clearing Plans 1” = 50’ Horizontal
     (Include fuel modifications zones)
     (Include construction fencing plan)
   - Erosion Control & SWPPP, WQMP 1” = 40’ Horizontal
     (Note: a, b, c & d shall be reviewed and approved concurrently)
   - Storm Drain Plans 1” = 40’ Horizontal
   - Street Improvement Plans 1” = 40’ Horizontal
     1” = 4’ Vertical
   - Traffic Signal Plans 1” = 20’ Horizontal
     (Caltrans Standard)
   - Signing & Striping Plans 1” = 40’ Horizontal
i. Construction Traffic Control Plan (Major or Arterial Highways only) 1" = 40' Horizontal
j. Precise Grading Plans 1" = 40' Horizontal
k. Landscaping Plans 1" = 20' Horizontal
l. Water, Sewer, & Recycled Water Plans 1" = 40' Horizontal

19. 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.

20. 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.

21. 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.

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

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

24. All future utility systems including gas, electric, telephone, water, sewer, and cable TV, except for temporary utility systems as defined under the DA, 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.

B. Rights of Way/Public Improvements

25. 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.

26. The applicant shall offer for dedication on the Final Map, within Final Map boundaries, all public street right-of-way in conformance with the DA and the Butterfield
Specific Plan. The City may reject the dedications and leave them open for future acceptance until all public improvements are installed by the applicant in the rights of way.

27. Maintenance easements dedicated to the City of Banning shall extend at most 10-feet beyond the toe of slope, where sufficient space available or as approved by the City Engineer, for those slope areas where maintenance falls within the responsibility of the City.

28. Prior to the issuance of any certificates of occupancy, the applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer 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.

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

30. Design and construct full street improvements in accordance with City standards for ALL streets as approved on the Final Tract Map and for those streets that are immediately adjacent to the tract map boundaries including, but not limit to street lighting, curb and gutter, cross gutters and spandrels, access ramps, driveway approaches, sidewalk, asphalt concrete pavement, street name signs, traffic signs and striping, and any transitions. Applicant's geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method. STREET AND SIDEWALK WIDTHS AND CROSS SECTIONS SHALL COMPLY WITH THE APPROVED 2016 UPDATED BUTTERFIELD SPECIFIC PLAN.

31. 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 until maintenance of such area is turned over to HOA, LMD or other public financing District. This includes providing irrigation and the clearing of debris and weed removal.

32. All applicable public improvements shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy. City to provide inspections in timely manner and any inspections exceeding 2 inspections to require meeting with City Engineer to address.

C. Grading and Drainage

33. The applicant shall submit an Updated 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.

34. At a minimum, all development will make provisions to store runoff from rainfall events up to and including the 100-year 3-hour duration event. Post-development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates.

35. If the site is located in a Flood Area as identified in Flood Insurance Rate Map dated August 28, 2008 the developer is responsible for providing a certification by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

36. 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 properties.

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

38. 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.

39. 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.

1. Temporary Soil Stabilization (erosion control).
2. Temporary Sediment Control.
3. Wind Erosion Control.
4. Tracking Control.
5. Non-Storm Water Management.
6. Waste Management and Materials Pollution Control.
40. The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs"): All erosion and sediment control BMPs proposed by the applicant shall be designed using the CASQA BMP handbook and approved by the City Engineer prior to any onsite or offsite grading, pursuant to this phase.

41. 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.

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

43. 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.

44. Prior to the issuance of a grading permit, the applicant shall execute a Stormwater Management Facilities Agreement on terms agreed to by the parties guaranteeing the maintenance of stormwater pollution controls. Said agreement shall be recorded with the Riverside County Recorder and run with the land.

45. Prior to issuance of any grading or building permit, the applicant shall install trash filters in all catch basins that will be constructed as part of the storm drain improvements for this development in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.

46. A notation shall be placed on the grading plan: "Compliance with Mitigation Measures BIO-1 and BIO-2 is required." Biologist to conduct site visit for to re-validate survey findings no more than fourteen (14) days prior to any construction activities and provide technical memo to the City upon completion of re-validation.

47. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification. The pad certification shall include an elevation and compaction certification. The elevation certification shall be stamped and signed by a licensed civil engineer or land surveyor and shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. The compaction certification shall list the relative compaction of the pad soil and shall be certified by a licensed geotechnical engineer.

48. If the final map includes areas within a designated Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Special Flood
Hazard Zone then a letter of map revision (LOMR) shall be processed through FEMA and provided to the City Engineer prior to occupancy of affected lots.

49. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Prior to issuance of any grading permits, FEMA requires a hydrologic and hydraulic analysis to be submitted and approved that demonstrates that the development will not cause any rise in base flood levels.

D. **Landscaping Public Right of Way**

50. The developer shall prepare a water conservation 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), 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.

51. An automatic sprinkler system and landscaping shall be installed, prior to certificate of occupancy for the portion of the project for which certificates of occupancy are requested, within the common areas including perimeter slopes and the interior collector streets. Each system shall include a smart landscape irrigation controller (including remote communication), 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.

52. A home owners’ association shall be established 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 on-site lighting and landscaping, slopes adjacent to public right-of-ways, onsite private parking/roadway, any debris basins, BMP’s referenced in the approved WQMP, and median island landscaping. The developer shall appoint the initial members of the Board of Directors of the home 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.

53. The conditions, covenants, and restrictions shall contain provisions which prohibit dissolution of the home owners' association unless another entity has agreed to assume the operation and maintenance responsibilities of the home 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.
54. Alternatively to condition #55, a Landscaping Maintenance District (LMD), or other public financing mechanism, can be formed to provide for the maintenance of the parkway on-site lighting, and/or median island landscaping on Highland Springs Avenue.

55. 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.

E. Traffic

56. As part of each final tract map, a TIA validation report shall be prepared as required per Mitigation Measure TRF-2 for review and approval by the City Engineer.

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

58. Prior to first building permit issuance of the phase, 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.

59. Driveway grades shall be designed in accordance with current City standards.

60. Parking areas shall be designed and improved with grades not to exceed five percent slope. All applicable ADA standards will be adhered to.

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

62. Prior to the issuance of any certificate of occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the applicant or developer until the street is accepted by the City for maintenance.
F. Final Map

63. Prior to approval of any Final Map, the applicant shall construct appropriate on-site and off-site improvements in accordance with the approved plans and satisfy its obligations for same, or shall furnish a fully secured and executed Agreement for Construction of Public Improvements on terms agreed to by the Parties guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, unless such improvements are deferred with City approval under the terms of the DA or as otherwise set forth under the terms of the DA.

64. The applicant shall file an Environmental Constraint Sheet. An Environmental Constraint Sheet means a duplicate of the final map on which are shown the Environmental Constraint Notes. This sheet shall be filed simultaneously with the final map, with the County Surveyor, and labeled ENVIRONMENTAL CONSTRAINT SHEET in the top margin. Applicable items will be shown under a heading labeled Environmental Constraints Notes. The Environmental Constraint Sheet shall contain the statement: THE ENVIRONMENTAL CONSTRAINT INFORMATION SHOWN ON THIS MAP SHEET IS FOR INFORMATIONAL PURPOSES DESCRIBING CONDITIONS AS OF THE DATE OF FILING, AND IS NOT INTENDED TO AFFECT RECORD TITLE INTEREST. THIS INFORMATION IS DERIVED FROM PUBLIC RECORDS OR REPORTS, AND DOES NOT IMPLY THE CORRECTNESS OR SUFFICIENCY OF THOSE RECORDS OR REPORTS BY THE PREPARE OF THIS MAP SHEET. The sheet shall delineate constraints involving, but not limited to, any of the following that are conditioned by the Advisory Agency: archaeological sites, geologic mapping, grading, building, building setback lines, flood hazard zones, seismic lines and setbacks, fire protection, water availability, and sewage disposal.

65. Prior to the recordation of final map or the issuance of a grading permit, the applicant shall obtain approval from the Fire Marshall in consultation with the City Engineer, for a conceptual fuel modification plan and program. Prior to the issuance of any certificate of occupancy, the fuel modification shall be installed and completed under the supervision of the Fire Marshall with an approved plant palette. The CC&Rs or other approved documents shall contain provisions for maintaining the fuel modification zones, including the removal of all dead and dying vegetation.

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

<table>
<thead>
<tr>
<th>Bond Type</th>
<th>Security Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faithful Performance Bond</td>
<td>100% of estimated cost</td>
</tr>
<tr>
<td>Labor and Material Bond</td>
<td>100% of estimated cost</td>
</tr>
<tr>
<td>Monumentation Bond</td>
<td>$10,000.00</td>
</tr>
</tbody>
</table>

Securities for the public improvements shall be on file with the City Clerk prior to scheduling the final map for approval by City Council. Unit prices for bonding estimates shall be those specified or approved by the City Engineer.
67. Prior to approval of the Final Map, the applicant shall submit a list of street names and addresses in Microsoft Excel spreadsheet format for review and approval. The house number system shall be in accordance with Section 12.32 of the Banning Municipal Code. A reduced copy of the subdivision map shall be included with the submittal.

68. Revisions to the tentative map during plan check including, but not limited to, lot line alignments, easements, improvement plan revisions, and similar minor changes that are in substantial compliance with the tentative map may be administratively approved through the plan check process with the mutual consent and approval of the Community Development Director and City Engineer. Final maps shall be amended in accordance with the Subdivision Map Act.

69. Prior to approval of any final map the applicant shall identify and include in its improvement plans those routine structural and non-structural Best Management Practices (BMP's) as outlined in Supplement A to the Riverside County Drainage Area Management Plans and any attachments or as approved by the City Engineer.

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

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

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

73. All public improvements shall be completed and accepted by City of Banning prior to release of Faithful Performance Bond and Labor and Material Bond. Faithful Performance Bond for applicable public improvements shall be reduced to 10% once City accepts improvements into maintenance period. Final 10% to serve as the maintenance bond for the 1-year maintenance period.

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

G. Water

75. Submit Water Improvement Plans along with the infrastructure phasing plan to the City Engineer for review and approval. The phasing plan, which shall be supported by a hydraulic analysis, shall identify all required water infrastructure (e.g. water mains, wells, booster stations, pressure reducing stations, reservoirs, etc.) required to meet the
demands of this tract map. Design and construct water lines throughout and to property boundaries to tract.

76. Submit a hydraulic analysis report demonstrating adequate pressures throughout the development water system during max day demand (MDD) with fire flow conditions. The hydraulic analysis, based on the City's latest calibrated water model, shall identify when and if additional facilities would be required to meet the development's water demands.

77. All water lines and fitting shall be a minimum of 8-inch in diameter and shall be DIP. Water line easements shall be a minimum width of 20 feet if installed outside of right-of-way or public utility easement.

78. Fire hydrants shall be installed within and on the tract boundaries as per approved plans, at a 300-foot maximum spacing.

79. A backflow device must be installed on all commercial buildings and at each irrigation water connection. The backflow device must be in compliance with City of Banning.

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

81. Timing and sizing of the required construction of the storage tanks shall be identified in the phasing plan as determined by the Water & Sewer system analysis.

H. Sewer

82. Submit Sewer Improvement Plans along with the infrastructure phasing plan to the City Engineer for review and approval. The phasing plan shall identify all required sewer infrastructure (e.g. sewer mains, lift stations, treatment facilities, manholes, etc.) required to meet the demands of the tract map. A hydraulic analysis will need to be prepared and submitted that demonstrates the maximum discharge that can be accommodated by the existing collections system before a new trunk line is needed. Design and construct sewer lines throughout and to property boundaries of tract. The proposed new sewer lines shall connect into the City’s sewer system.

83. All sewer Lines up to 15" diameter shall be PVC SDR 26 and be a minimum of 8" diameter, but in no case smaller than that required per the final approved overall Atwell Water and Sewer facilities analysis. Gravity mains larger than 15" diameter shall be extra strength Vitrified Clay Pipe (VCP) or ductile iron pipe with polyethylene lining. Force mains shall be ductile iron pipe with polyethylene lining. All sewer lines are to be constructed within the public right-of-way. Where sewer line easements are necessary, they shall be a minimum of 20 feet wide.

84. Each residential unit shall have its own sewer lateral and shall be PVC SDR 26.
85. 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.

I. Recycled Water (Non-Potable)

86. Submit Recycled Water Improvement Plans along with a Recycled Water Master Plan that includes a written phasing plan to the City Engineer for review and approval. Design and construct recycled water lines throughout to parks, schools, and other large irrigation areas and to tie-in points at the tract boundary.

87. All recycled water lines to be constructed within the Public right-of-way shall be a minimum of 8-inches in diameter DIP, encased in purple polyethylene wrap. Final sizes shall be approved by the City Engineer based on hydraulic calculations provided by the design engineer. Recycled waterline easements shall be a minimum of 20 feet wide if improvements are installed outside of right-of-way or public utility easements.

88. If the development does not have more than 500 units “Developer shall provide the Public Works Department with all recent data and calculations related to anticipated water demands and quantify any changes in assumptions made to the previously prepared Water Supply Assessment”. If the development has more than 500 units “A sufficient water supply shall be available. In connection with the City’s preparation of a Water Verification, which preparation has been requested by Developer and is underway by the City, Developer shall promptly provide the Public Works Department with all recent data and calculations related to anticipated water demands and quantify any changes in assumptions made to the previously prepared Water Supply Assessment.”

89. All recycled water lines shall be Ductile Iron Pipe (DIP) Class 350, with restrained joints conforming to DIPRA design guidelines. All recycled water DIP mains shall be protected with purple-colored V-Bio polyethylene encasement.

90. A backflow device must be installed on each irrigation water connection; and in compliance with the State of California Department of Health Regulations. Contact the City of Banning, Water Operations Division, prior to the installation.

91. Submit a signage plan for irrigation of publicly-accessible areas with non-potable water as required by the California Code of Regulations.

J. Electric Utility

92. The City of Banning Electric Utility (“Utility”) will require adequate easements needed to service the project. An easement area behind sidewalk may be
needed for Wilson Street and Highland Springs Avenue for vaults, conduits, street lights and pad mounted transformers and switches.

93. Easements will be required for Arterial Streets “A”, “B”, “C”, “H”, & “K” for vaults, conduits, meter pedestals, and pad mounted transformers and switches. Easements will also be required for Local Streets “D” – “HH” to serve residential lots. A non-exclusive easement shall be provided to the City of Banning to include the installation of electric distribution facilities within all common areas.

94. All street lights to be installed on the major thoroughfares, arterial streets, and local streets will be assumed to be publicly owned and maintained by the Utility unless otherwise approved by the Electric Department for private maintenance.

95. Prior to constructing the Utility’s electric distribution system, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the Utility.

96. The Developer shall execute any legally required agreement with the Utility on terms agreed to by the Parties providing for the installation, construction, improvement and dedication of the utility system following recordation of final map.

Fire Department

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

98. Effective January 1st 2011 all one/two family dwellings and townhouses will require an automatic residential fire sprinkler system designed and installed in accordance with section HCD R313.3 or NFPA 13D.

99. For residential areas, approved standard fire hydrants shall be located within 400 feet of all exterior portions of the structure. Minimum fire flow shall be 500 GPM for 1-hour duration at 20 PSI.

100. Prior to building plan approval and construction, applicant/developer shall furnish two copies of the water system fire hydrant plans to Fire Department for review and approval. Plans shall be signed by a registered civil engineer, and shall confirm hydrant type, location, spacing, and minimum fire flow. Once plans are signed and approved by the local water authority, the originals shall be presented to the Fire Department for review and approval.

101. Prior to issuance of building permits, the water system for fire protection must be provided as approved by the Fire Department and the local water authority.
102. Blue dot retro-reflectors pavement markers on private streets, public streets and driveways to indicated location of the fire hydrant.

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

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

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

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

End
Attachment 2

Tentative Tract Map 37474
Attachment 3

Butterfield Specific Plan Land Use Plan
Attachment 4

Butterfield Specific Plan Land Excerpts – Development Regulations


(Full Pardee Butterfield Specific Plan available on City website at under Butterfield Specific Plan)

http://www.ci.banning.ca.us/Archive.aspx?ADID=1741
Attachment 5

Ordinance 1450 Approving the Butterfield Specific Plan and associated conditions of approval

https://ci.banning.ca.us/Archive.aspx?ADID=1874
Attachment 6

Butterfield Specific Plan Development Agreement

https://ci.banning.ca.us/Archive.aspx?ADID=1875
Attachment 7

Butterfield Specific Plan Settlement Agreement

https://ci.banning.ca.us/Archive.aspx?ADID=1876
Attachment 8

CC Resolution 2017-07 Approving Minor Modifications and Attachment C, Conditions of Approval

https://ci.banning.ca.us/Archive.aspx?ADID=1878
Attachment 9

Mitigation Monitoring and Reporting Program and Addendum Modifications
https://ci.banning.ca.us/Archive.aspx?ADID=1877

(Butterfield Specific Plan Environmental Impact Report available on City website at
http://www.ci.banning.ca.us/Archive.aspx?AMID=56

Minor Modification Addendum and appendices available on City website at
http://www.ci.banning.ca.us/Archive.aspx?ADID=1630
Attachment 10

Public Hearing Notice
NOTICE OF A PUBLIC HEARING ON PROPOSED TENTATIVE TRACT MAP NO. 37474 TO SUBDIVIDE APPROXIMATELY 19.5 GROSS ACRES OF VACANT LAND FOR RESIDENTIAL AND OPEN SPACE USES ALONG WITH PUBLIC STREETS ON REAL PROPERTY LOCATED NORTH OF WILSON STREET AND EAST OF HIGHLAND SPRINGS AVENUE WITHIN THE BUTTERFIELD SPECIFIC PLAN AREA

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, November 7, 2018, at 6:30 p.m. (or soon thereafter) in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider proposed Tentative Tract Map No. 37474 to subdivide approximately 19.5 gross acres of vacant land into 108 single family lots, 2 open space/timenet lots, and public streets, all within the Butterfield Specific Plan Area. The property is located north of Wilson Street and east of Highland Springs Avenue, within the Butterfield Specific Plan Area. Assessor Parcel Numbers are identified as portions of A1/PN: 400-120-006, 400-120-005, and 400-120-007, within the City of Banning.

City staff has considered the potential environmental impacts of the proposed Tentative Tract Map No. 37474 in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. City staff also reviewed the previously certified Environmental Impact Report prepared for the Butterfield Specific Plan project (SCH No. 2007091140) as modified by the Addendum approved by the City Council on February 14, 2017, including the impacts and mitigation measures identified therein, which documents are on file in the Community Development Department. Based on that review, the City of Banning Planning Division has determined that the proposed Project and the circumstances under which the proposed 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 a substantial importance which shows that the Project will have significant effects not discussed in the prior EIR. All potential environmental impacts associated with the Butterfield Specific Plan project and the proposed Tentative Tract Map No. 37474 are adequately addressed by the prior EIR, and the mitigation measures contained in the prior EIR will reduce those impacts to a level that is less than significant. Therefore, in accordance with CEQA Guidelines Section 15163 (Subsequent EIRs and Negative Declarations), a subsequent environmental document is not required.

Information regarding Tentative Tract Map No. 37474 can be obtained by contacting the City's Community Development Department at (951) 922-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning. You may also go to the City of Banning website at http://www.banning.ca.us/. All parties interested in speaking either in support of or in opposition of this item are invited to attend said hearing, or to send their written comments to the Community Development Department, City of Banning at P.O. Box 586, Banning, California, 92220.

If you challenge the proposed Tentative Tract Map No. 37474 in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. If you or someone else raised at the public hearing described in the Notice [Cal. Gov. Code, 65005], BY ORDER OF THE INTERIM COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

Mayrane Marks, AICP
Interim Community Development Director
Date: October 23, 2018

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