I. CALL TO ORDER: Chairman Shaw
   - Pledge of Allegiance: Commissioner Price
   - Roll Call: Commissioners Brosious, Krick, Price, Schuler, Chairman Shaw

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

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

Minutes of November 7, 2018 Regular Planning Commission meeting

IV. PUBLIC HEARING:
   I. FINESSE LOUNGE - DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY AND CONDITIONAL USE PERMIT 18-8003 TO PERMIT A LOUNGE AND DRINKING ESTABLISHMENT IN THE DOWNTOWN COMMERCIAL (DC) ZONE ON REAL PROPERTY LOCATED AT 144 WEST RAMSEY STREET (APNS: 540-203-009, 540-203-007)
Recommendation:

That the Planning Commission adopt Resolution 2019-02:

1. Recommending the City Council adopt a Categorical Exemption, pursuant to Section 15301 (Existing Facilities); and

2. Recommending the City Council approve Conditional Use Permit 18-8003 for a Bar/Lounge in the Downtown Commercial zoning district; and

3. Recommending the City Council approve a determination that public convenience or necessity would be served by the issuance an ABC type 48 license for ‘On-Sale General for Public Premises’ and type 58 license ‘Caterer’s Permit’; and


Order of Procedure:

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

That the Planning Commission adopt Resolution No. 2019-01:

1. Recommending that the City Council approve General Plan Amendment 18-2501, Zone Change 18-3501, and Design Review 18-7001.

2. Recommending that the City Council Adopt the Mitigated Negative Declaration (MND) for the project (Environmental Assessment 18-1501).

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<td>9. Call the question (Roll call vote)</td>
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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 March 6, 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

November 7, 2018

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

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

Staff Present: Interim Community Development Director Maryann Marks
Assistant City Attorney Serita R. Young
Senior Planner Sonia Pierce
Public Works Director Art Vela
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:


ACTION: Motion/Second (SCHULER/PRICE)
(Motion Carried 4-0)
Brosious Abstained

IV. PUBLIC HEARING:

1. 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 990,000 SQUARE FOOT OF WAREHOUSE SPACE AND 10,000 SQUARE FOOT OF OFFICE SPACE WITH AUTO AND TRAILER PARKING, 2 DETENTION BASINS
Senior Planner Pierce presented the staff report. She said the proposed project is a General Plan Amendment (GPA) and a Zone Change (ZC) to change the property zoning from Public Facilities-Airport (PFA) to Airport Industrial (AI). The development will include the extension of John Street. The warehouse/distribution facility is approximately 90,000 square feet and will include approximately 10,000 square feet for two office areas. The project is conditioned to provide a detailed parking analysis at the time of building permit issuance. The elevations of the building show concrete tilt-up wall construction with metal canopies and blue reflecting glazing at each end. The property is located in the Banning Municipal Airport Land Use (ALUC) District. A consistency determination was received from ALUC and they received an extension from the Federal Aviation Administration (FAA) of the effective period of the determination.

Bill Patton, the applicant and Company President, stated that this project has been moving forward for about 8 to 10 years. The project slowed down because of the economic recession. He said that due to the length of time since the original environmental document was done, they decided to file a new environmental impact report and they are moving forward as rapidly as they can.

He said they have been successful in attracting well-known tenants at their previous developments, and hopes to attract the same quality tenants for this building and bring long-term jobs.

Senior Planner Pierce said a letter was received on the project from Mr. Hague (Attachment 1) His comments on the letter were previously addressed in the EIR or the FEIR.

Commissioner Schuler asked how many trucks are going to be expected at full capacity per day.

Public Works Director Vela said the project is estimated to generate 2,652 trips throughout the day. The AM peak hour trips will be approximately 156 and the PM peak trip number is approximately 181 trips.

Commissioner Shuler said if trucks travel on Hargrave Street they immediately would encounter the railroad tracks, and if a train stalls, it will create a backup onto the freeway, same way as when they leave the Distribution Center. She expressed concern about big rigs pulling off east bound off ramp that would go south.

Director Vela said it is an existing condition. He believes a train averages every twenty minutes. He said a solution to this problem would be to build a grade separation, the problem with that would be funding. The County of Riverside prepared a prioritization study of grade separations. The Hargrave grade separation scored in the top ten and that project is a great candidate for receiving funding from several available sources.

Commissioner Krick asked if the applicant would be willing to contribute with their fair share to mitigate the problem in the future.
Director Vela said a discussion could be brought to the applicant to sign an agreement to contribute for future funding, but the timing for a project that big could take decades from now because it could be a 60M project.

Commissioner Krick said a new John street extension is being created coming into Lincoln Street. The existing John Street alignment will remain at the intersection of Hargrave and John Street. This existing alignment may pose a challenge, and it would have to be relocated or removed.

Commissioner Krick asked if there is a maintenance agreement for upkeep to the gravel surface in order to make it accessible for the Fire Department in the future.

Director Vela said draft documents were circulated and the property owner will be responsible for the maintenance of the easement. It will be gated with the Knox box for the Fire Department. The secondary access was part of their requirements.

Caltrans would get involved in a grade separation if there were modifications to the eastbound ramps only.

Commissioner Schuler said she is concerned with the proximity of the west corner of the property to the blue steam.

Stephanie Standerfer, Vice President with Webb Associates said the Ramsey Street Wash is along the south edge of the property. Work was done with the Engineers and the applicant to avoid affecting that Wash. The project has been designed to leave the Wash intact except for the Arizona crossing that must remain for Fire Department access. Other drainages will be impacted with culverts related to John Street and drainage in the northeast corner. A mitigation plan was established to keep the drainage intact to make widening improvements, and to provide additional habitat.

Commissioner Brosious asked if the road would be improved on the existing John Street.

Director Vela said the existing John Street would be widened coming off Lincoln Street. He said Lincoln Street is an existing truck route, and if a driver continues westbound to get onto 8th Street it would help alleviate some of the traffic congestion.

Commissioner Price asked if a single or multi-tenant is going to be consider for this building.

Mr. Patton said they are looking for one tenant but it could also be divided.

Commissioner Krick asked if needed, could there be access to the airport in the future in case the Distribution Center would like to use it.

Director Vela said that is a possibility.

Commissioner Krick asked if there would be a security system in placed for the outside of the building to review in case an incident happens.
Mr. Patton said he thinks is a good idea to install a few cameras during construction and while vacant also.

Director Vela said there is a change to the mitigation measures.

Ms. Standerfer said she wanted to clarify that the traffic analysis and the distribution of the project traffic study did not envision the closing of John Street completely from Hargrave Street. A redirection of project traffic using the new connection from John Street to Lincoln Street, then Lincoln Street to Hargrave Street was considered.

Commissioner Krick asked if there could be no left turn from Hargrave onto John Street.

Director Vela said that could happen if there was no traffic blocking that access point, but it would be a future City project when feasible to create the “right only” restriction.

Condition #30 says, “The applicant shall design and construct the connection of the new aligned John Street to the existing John Street to the west”.

Commissioner Krick said a letter was sent to the Planning Commission by Abigail Smith (Attachment 2) he asked if there is a condition for “no parking on John Street” in order to eliminate the overnight or long term parking.

Assistant Attorney Young said the Engineering staff would do an analysis and then present the proposal to the Council, as opposed to condition the applicant to install signage on a public right-of-way. They would do the analysis.

Commissioner Shaw opened public comments.

Daniel Brennan, Laborers’ International Union of North America (LIUNA) said they have about 4500 members in Riverside County and Imperial County. He said they are in favor of this project moving forward because this project will create jobs with good wages that will allow for a good quality of life. They have an apprenticeship program that will be used on this project. Many members live in close proximity to the project.

Jimmy Elrod, Southwest Regional Council of Carpenters (SWRCC) said he represents about 10,000 members in the Inland Empire. Many members are residents of Banning who make long commutes to make a livable wage to provide a good life for their families. He asked the Planning Commission for approval of this project.

Patrick Haninger, Golden State Environmental Justice Alliance said a comment letter was submitted to the City that included deficiencies that were found in the Draft Environmental Impact Report (“DEIR”). He believes the DEIR report is flawed.

Commissioner Shaw closed public comments

ACTION: Motion/Second (KRICK/SCHULER)

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

With the following amendment:

92. The applicant shall provide an exterior security camera system capable of 60 days’ backup storage for the entire property.

(Motion Carried 5-0)


Commissioner Krick recused himself due to the proximity of property that he owns to this project.

Senior Planner Pierce presented the staff report. She said this proposal is for TTM 33450 and Design Review for 143 homes on the site. She said the applicant requested revisions to the conditions of approval. The Commission has a copy of the additional conditions and requested revisions. Some of those requests were not granted because they are mitigation measures.

Some of the mitigation measures are to protect the tribal properties in the area. One of the reasons the map took a while to record is because the developer had to reach an agreement with the tribe regarding some sensitive properties in the area.

The land use designation is Low Density Residential (LDR) that is minimum 7000 feet per lot. The map was originally approved for 172 single-family residences. The number of residences have now been reduced to 143. The tribes were given 14 acres of additional land. It will allow them to protect some of the historic area they would like to preserve.
Three sets of plans are being proposed for the residences. Plan 1 is 1,600 s.f. Plan 2 is 1,750 s.f. and Plan 3 is a two-story residence at 2,408 s.f. The designs that will be available are Spanish Colonial, Early California and The Farmhouse. These give a possibility of nine elevations that will provide a variety of design mixtures throughout the development.

Alicia Bartley, Attorney representing the applicant said she agrees with the staff report and conditions of approval. The project is a subdivision near the St. Boniface School and cemetery site. The tribe considers these very valuable to their culture. Negotiations were conducted between both parties and this resulted on agreeing to donate double the land to the tribe and maintain the site as is.

Commissioner Price asked if Spec homes will be built and price for the homes. Applicant said they do not have plans to build Spec homes and will be sold at the current market rate for the area.

Commissioner Shuler asked if phasing would be done for this project.

Ms. Barley said a request was submitted to the City to build in seven phases.

Commissioner Schuler asked about the secondary access road that runs through tribal property. She asked if there will be any provisions, and is there an easement?

Ms. Barley said there is a road that will be paved to City standards and will be gated on Wyte Way, and an additional gate will be added entering the subdivision. The Fire Department will have a key to access the road.

Commissioner Shaw asked how the drainage would be mitigated on the lots facing Gilman Street.

Drew Wilson, Civil Engineer said the lots facing Gilman Street would have an onsite detention system for each lot and a new culvert. The City and The Riverside County Flood Control are reviewing the entire Gilman channel.

Commissioner Brosious asked if the land that will be deeded to the tribe is going to be fenced off.

Ms. Barley said the land would be fenced but probably not completely due to the terrain towards the rear.

Commissioner asked what happens to the easements behind the homes on Wyte Street on the west side and the distance between the rears of the homes to the edge of the road on the east end of the project.

Mr. Wilson said that just judging from the depth of the lot it is 300 feet.

Commissioner Brosious asked how is the HOA process created and who makes the rules for CCR’s for a new development.

Director Vela said the applicant drafts the CCR’s and City staff and legal counsel and other departments review it. Once staff agrees with the document, then it is recorded with the tract map.
Ms. Young said there is a particular state law that governs HOA’s and the contents of those covenants. The City reviews any conditions of approval that are applicable to the HOA and the contents of the document.

Commissioner Price asked who makes the decision to add an HOA to a development.

Ms. Young said usually staff discusses with the applicant the need to maintain common areas within the development.

Commissioner Shaw asked if there is an access point on lot 150.

Mr. Wilson said there is about 25-foot frontage between the channel and the park. The channel will be gated.

Commissioner Shaw opened public comments

Bob Fuller, Citizen of Banning said he bought 248 acres a long time ago. He owns 160 acres immediately adjoining this project. He is in favor of this project.

Keith Cortez owns a property on Wyte way since 2017. He is concern is that the emergency access road at the end of Wyte way, he asked how is that area going to be graded and how is it going to be gated and secured at the end of the road. Currently that road and to the hillside is accessible to the public.

Ms. Barley said they would be fencing the property. He will provide a copy of the fence and wall plan to Mr. Cortez.

Commissioner Krick spoke as a member of the public, he asked if the fencing around the tribe’s parcel will be a block wall along the development and he hopes the Commission will insist on anti-graffiti on the walls.

Ms. Barley said they are proposing a tubular steel fence in the land that will be going to the tribe to keep people out of that area.

There will be an emergency access road through Wyte way to access the utility antennas. The road will have minimal grade due to potential cultural artifacts in that area, and no open space will be touched.

Director Vela said that during the design review they would consider a way to minimize water flow impacts to the property owner.

Commissioner Shaw closed public comments

ACTION: Motion/Second (BROSIOUS/SCHULER)

That the Planning Commission adopt Resolution 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.

(Motion Carried 4-0)
Kick Abstained

3. TENTATIVE TRACT MAPNO. 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

4. 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

Interim Director Marks said Pardee Homes has requested that items number 3 and 4 be pulled from the agenda this evening.

V. PLANNING COMMISSIONER COMMENTS:

Commissioner Brosious asked to minimize or eliminate any additional changes to the reports that are presented to the Commissioners before the meeting.

Commissioner Shaw welcomed Interim Director Marks to the Commission and asked to have the agenda packets be delivered early, especially if it involves a large agenda.

VI. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

Interim Director Marks said the reports will be provided on Fridays in the future, and that she enjoys working with the Commission.

VII. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:03 p.m.

Respectfully submitted,

Sandra Calderon

Planning Commission Meeting Minutes
November 7, 2018
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.
Please forward these comments to each Planning Commissioner on Tuesday so they do not have to try and read this during Wednesday's meeting.

Good afternoon Planning Commissioners of Banning,

I appreciate your willingness to read these comments prior to voting on the Banning Distribution Center. As you have read the the environmental documents I hope you will always have in your mind that we live in a non-attainment area and continually ask yourself what can I do to require this projects to lessen its impacts on our Air Quality and Greenhouse Gas (GHG).

Your Errata section mentions:

The proposed “Clean” truck fleets are not clean — especially since 2007 trucks will be allowed. 2010 or newer trucks must be required and even those are not clean, but they are cleanER. Simply providing information on SCAQMD’s Carl Moyer Program accomplishes very little.

“The mass daily significant threshold for NOx would be exceeded during project operations even with the implementation measures MM AQ 3 through MM AQ 5 6. (page FEIR 3-8). So how can anyone consider the trucks “clean”, but again the Final EIR almost always uses quotation marks and so we may never know who they are quoting as saying these trucks are “clean”?

Where is the requirement that infrastructure be in place for the electric charging of future fleets of electric big rigs for at least 50% of the parking spaces?

Where are the requirement that electric yard goats and hostlers must be used and not diesel or natural gas? The entire life of producing/using natural gas is almost as bad as diesel and therefore electric must be required.

I read where signs will be posted concerning idling, but nothing that they and all other signs must also be in Spanish.

In other Mitigation Measures such as MM AQ 2 fails to require the best that is available for off-road equipment and the horsepower is too high. It should read any off-road equipment with a horsepower of 25 horsepower or greater used on the project site during the construction of the project must meet a minimum Tier 4 rating. (page FEIR 4-3)

In Mitigation Measure MMAQ 4 states that "no overnight/long term parking will be allowed". (page 4-4)
signs be posted and enforced that will not allow any street parking by trucks? How far away from the project will the signs be posted? Who will enforce the restrictions.

Greenhouse Gas (GHG) emissions will not be solved to meet state guidelines and targets by just installing high efficiency lighting. The MM GHG 1 only acknowledges such from energy consumption. Fossil fuel-based electricity production is a major cause and yet I cannot see where this warehouse’s roof is covered in solar panels. The GHG generated during construction is also not reduced to an insignificant level. Relying on 2007 diesel trucks indicates the project will continue to produce significant amounts of GHG.

**Project Impacts on Air Quality** found on page 45 reads the Project would exceed SCAQMD thresholds.

**Projects Impacts on Greenhouse Gas Emissions** on page 45 reads that its reduction levels fall below the threshold level required in the Subregional Climate Action Plan.

Weasel words on page 45 like “potentially” try to comfort the reader, but the truth is that the project can and should do much more to protect us in our non-attainment area. Other warehouse projects reduce their GHG and Air Quality Impacts significantly more than this one does. You haven’t even done what SCAQMD recommended. Excuses do not protect the area residents from health impacts from this and other similar projects.

You should ask your planning department if they accepted SCAQMD’s offer to work with them and how much time did they spent with SCAQMD in coming up with the best plan possible to project the public — especially the elderly and young — from the direct, indirect, cumulative and growth inducing impacts this project will bring to Banning/region.

This warehouse needs to join others that are built to at least LEED Silver certification. This would be another way of reducing Air Quality and GHG impacts. How many trees — no palm trees should be allowed — will be planted and maintained. Will the car parking area be 50% covered with shade within ten years. How many electric car charging stations will be made available to the warehouse worker and also made available to the public? The electricity should be provide by solar on the roof of the warehouse. The solar on the roof should be enough to offset the total operation of the warehouse and related uses. Will the equipment of the company maintaining the landscaping use only the latest CARB certified equipment? There are other conditions of approval which can be required to reduce health impacts on Banning area residents.

Most people feel sorry for Moreno Valley because of all their warehousing. They understand that warehouses/logistic centers are automated and will become more so during the next ten years. The claim of “approximately 500 permanent jobs” will not be the result in a few years as people power is replaced with more and more robots and other forms of mechanization. Just like Moreno Valley where they will be producing a city of commuters with all their land covered with robot operated warehouses, Banning will also slowly move in that direction by approving project like this.

Thank you for forwarding these comments to each Planning Commissioner on Tuesday so they do not have to try and read them during the meeting.

Please keep me informed of all meetings and documents related to the Banning Distribution Center by using this email address as well as the address found below.

Sincerely,

George Hague

Sierra Club
Moreno Valley Group
Conservation Chair

26711 Ironwood Ave
Moreno Valley, CA 92555
VIA E-MAIL ONLY

August 9, 2018

Ms. Patty Nevins
Community Development Director
City of Banning
99 E. Ramsey Street
Banning, CA 92220
pnevins@ci.banning.ca.us

RE: Public Comments—Banning Distribution Center Draft EIR (SCH 2018011032)

Dear City of Banning:

On behalf of the Sierra Club, I submit the following comments regarding the Draft Environmental Impact Report (“DEIR”) for the Banning Distribution Center Project.

The Project proposes the construction and operation of a 1 million square foot industrial warehouse building on 63.9 acres north and east of the Banning Airport. The Project also includes off-site improvements such as construction of a sewer lift station and major extensions of sewer and water lines. The Project site is currently vacant with natural terrain, vegetation and several drainages.

As discussed below, the DEIR fails to comply with the California Environmental Quality Act (“CEQA”) in multiple important respects. Among other defects, the Draft EIR fails to propose feasible mitigation measures for significant air quality and GHG impacts. The Draft EIR also fails to evaluate a reasonable range of project alternatives, as required by CEQA. We submit that there are feasible mitigation measures and alternatives that must be considered for adoption.

Air Quality

The DEIR concludes that long-term NOx emissions exceed the SCAQMD threshold. In the unmitigated scenario, NOx emissions are calculated to be 255.12 lbs per day (summer) and 263.06 lbs per day (winter). These emission levels far exceed the applicable 55 lbs per day threshold. Notably, the DEIR does not disclose the “mitigated” NOx emission scenario, and in fact fails to disclose the “operational air quality” emissions in
the “mitigated” scenario at all, which arguably renders the document deficient on an informational basis. Rather, the DEIR states that since mitigation measures MM AQ 3 and MM AQ 5 “do not have quantitative reductions associated with them available in CalEEMod” that there is no “mitigated” scenario at least in terms of NOx (p. 4.2-40). The CalEEMod model shows that there is in fact no difference between the Unmitigated and Mitigated scenarios, meaning that the Project fails to mitigate – to any extent – the Project’s operational air quality emissions including significant NOx emissions.

Proposed air quality mitigation measures are, in fact, illusory. It is already a regulatory requirement that idling is prohibited in excess of five minutes, thus the posting of signs does nothing to address actual emissions beyond the existing regulation (MM AQ-4). MM AQ-3 does not even require that trucks plug in when at the site. It merely states that plug-ins shall be installed “to allow trucks with APU and/or TRU with electric capabilities to plug in”. However, there are a number of meaningful and feasible measures available to reduce significant NOx emissions, as further discussed below. Moreover, the Project is manifestly inconsistent with General Plan Air Quality Element Policy 4 which states that development proposals “shall be required to mitigate any significant impacts”. Clearly the Project has not mitigated its significant NOx impacts to any reasonable extent.

It is very disappointing that the Project has not proposed a single mitigation measure to address significant NOx emissions. The Project has ignored feasible mitigation in spite of recommendations by the SCAQMD in response to the Notice of Preparation (NOP). We incorporate the AQMD’s recommendations herein, and submit there are a number of feasible mitigation measures for significant air quality impacts, including, but not limited to:

- Only Tier 4 construction equipment shall be used (MM AQ-2). If Tier 4 equipment is unavailable, the applicant shall provide written verification to the City of the Tier 4 equipment search of three or more qualified rental companies.
- Construction on-road trucks shall be model year 2010 or newer.
- A requirement shall be imposed on the Project that all trucks entering the site shall be 2010 model year or newer or powered by alternative fuels. To the extent that model year 2010 trucks are legally required by year 2023, this is feasible measure. (See, ARB website stating regulations)¹ (See also, Exhibit 1 hereto.) Project tenants should also be required to keep a log of trucks that enter the site to verify compliance with this provision, subject to inspection and verification by City Staff.

¹ https://www.arb.ca.gov/msprog/onrdiesel/documents/multirule.pdf
This hyperlink and all hyperlinks cited herein are fully incorporated by reference.
Required phase-in of electric, hybrid electric, hydrogen electric, or battery operated (i.e., non-diesel) trucks. Non-diesel trucks are reasonably foreseeable in the commercial market and therefore are feasible within the life of the Project. (See, article describing Tesla unveiling electric semi-truck; see also, article entitled “Nikola and Bosch set to battle Tesla with hydrogen-electric truck,” article describing Toyota working on hydrogen fuel cell semi-trucks). A mitigation measure is feasible if it can be achieved in a reasonable period of time. (CEQA Guidelines § 15364) (See, 2013 comments by AQMD regarding AQMD’s opinion that zero emission long-haul trucks are expected to be deployed in the near future.) The Project should at least be required to reevaluate whether some portion of the fleet serving the Project must be zero emission or battery powered in the future. (See, article describing AQMD studying and working with manufacturers to develop zero emission Class 8 trucks; article describing CARB using cap and trade funds to work with manufacturers to “accelerate the market for next generation of clean, heavy-duty trucks and buses, both those that run on electricity and on hydrogen”, article describing Transpower company testing “on road” zero emission trucks.) In fact, zero emission vehicles (ZEV’s) are a priority in California. The Governor’s 2016 ZEV Action Plan (October 2016) identifies as a priority “Making ZEV technologies commercially viable in targeted applications the medium-duty, heavy-duty, and freight sectors”. Id. The Ports of Los Angeles and Long Beach are drafting a new Climate Action Plan which proposes that “[s]tarting in 2018, phase in clean engine standards for new trucks entering port drayage registries followed by a truck rate structure that encourages the use of near-zero and zero emissions trucks, with the goal of transitioning to zero emissions drayage fleet by 2035.” It is not infeasible or impractical to require the use of alternatively fueled trucks presently or at some reasonable time in the future. The AQMD and CARB both agree that zero emission trucks are the future and are necessary mitigation measures to go beyond the 2010 truck requirement, in order to meet Legislative targets for emission reductions. (See, Exhibits 2 and 3 hereto). CARB’s Sustainable Freight Pathways to Zero and

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2 http://mashable.com/2017/09/14/tesla-semi-truck-launch/#YIueEqm9faq
3 http://mashable.com/2017/09/19/nikola-bosch-hyrdrogen-electric-development/#X1uV0KLxZiq4
7 https://www.arb.ca.gov/newsrcl/newsrelease.php?id=915
8 http://www.transpowerusa.com/on-road-trucks/
9 http://www.energy.ca.gov/renewables/trackng_progress/documents/electric_vehicle.pdf
10 http://www.c_alignactionplan.org/2017-clean-air-action-plan-update/
Near-Zero Emissions Discussion Document (April 2015) is a helpful resource in this regard. (Exhibit 4 hereto)

- Trucks shall be required to use the TRU/APU plug-ins while at the site. (MM AQ-3)
- Adequate indoor facilities shall be provided for truck operators such as restrooms, waiting areas, and vending machines to minimize the need for APU use.
- The applicant shall make reasonable efforts to acquire and operate electric yard trucks/goats over the life of the Project. (See, ARB article noting that battery-electric Class 8 yard trucks will operate at facilities in southern California representing “a step toward the commercialization of heavy-duty, advanced, zero-emission technologies” with the deployment “providing a model for truck electrification that could be scaled to any facility”\(^{11}\).) Additionally, if electric yard trucks are presently infeasible, applicant shall acquire and operate CNG or LNG yard trucks.
- All refrigerated trucks/TRU’s accessing the site must be equipped with electric hookup capabilities.
- The Project should be limited to the number of transport diesel trucks as assumed by the DEIR.
- The Project shall be designed to USGBC LEED Silver or better current standards, and should be conditioned to obtain LEED certification from USGBC. *This will help to mitigate significant GHG impacts.
- The Project must build and use solar panels to generate enough power to achieve “net zero” meaning that solar panels shall be installed to handle the peak energy demands from the building and electricity use at loading docks and parking areas. The DEIR states that roofs will be built to be “solar ready” to accommodate future solar panels. This is already a requirement of the most current Title 24 regulatory standards. There is no plausible reason why the Project cannot utilize solar. The fact that tenants have not been identified is not a barrier, legal or otherwise, to the City imposing a condition on the Project requiring the installation and utilization of PV solar. Moreover, the fact that solar is not required conflicts with General Plan Policy 2 which states that the City shall “promote the integration of alternative energy systems”. Solar is increasingly common in industrial warehouse projects.\(^{12} \,^{13} \,^{14}\)
- Refrigerated warehouse space must be prohibited consistent with the assumptions of the DEIR’s analysis. (Air Quality Technical Memorandum p. 3)

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\(^{11}\) https://www.arb.ca.gov/newsrel/newsrelease.php?id=900
\(^{12}\) https://techcrunch.com/2017/03/02/amazon-begins-large-scale-rooftop-solar-installation-across-its-warehouses/
\(^{13}\) http://www.prologis.com/docs/Prologis-sim0901.pdf
\(^{14}\) https://www.cnbc.com/2017/03/02/amazon-looks-to-go-big-on-solar-clean-energy.html
City of Banning  
August 9, 2018  
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- All design or sustainability “features” shall be made requirements of the Project. Further, it is unclear whether the air quality analysis assumes the implementation of the “design features” listed at DEIR, Section 4.2.5. If so, the design features must be made enforceable requirements of the Project through the mitigation program.

Finally, with respect to air quality, the DEIR considers the Project’s consistency with the SCAG Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS) in the “Growth Inducement” section. The DEIR does not consider or discuss the “project-level” air quality mitigation measures set forth in the Final Program EIR for the 2016 RTP/SCS. See,

http://scagrtpscs.net/Documents/2016/peir/final/2016fPEIR_ExhibitB_MMRP.pdf

Biology

The Project will impact six jurisdictional drainage features. The DEIR’s conclusions with respect to the Project’s level of impact to these features are not supported by substantial evidence, and the analysis appears to rely on future determinations and approvals to determine that impacts are less-than-significant. This is improper under CEQA.

For instance, the DEIR notes that “notifications to the USACE, RWQCB and CDFW will be required prior to any ground disturbance” (emphasis added). It is unclear what is meant by “notification.” This represents deferred analysis and mitigation under CEQA. The mitigation program is also based on the future preparation of a Habitat Mitigation and Monitoring Plan (HMMPP) (MM BIO 4), but the HMMPP has yet to be reviewed or approved by the necessary agencies rendering it inadequate as mitigation.

Further, the DEIR contains conclusory statements that have not been evaluated for effectiveness by relevant agencies such as that “[t]ypically, habitat creation areas established for the purpose of mitigation for impacts to riparian/riverine areas under the MSHCP are placed in a conversation easement” but that for the project “a conservation easement may not be appropriate”, rather, a “deed restriction” is more appropriate. The purpose of a conservation easement and a “non-wasting endowment” is to ensure the long-term management, and therefore success, of the mitigation area. That is, the habitat is managed by a qualified entity with adequate resources. MM BIO 5 calling for a “deed restriction” is vague and ineffective. It is not known what is meant by “deed restriction”. It is not known that a “deed restriction” over the areas in question will ensure that mitigation is enforceable and effective. The fact that the land may restricted from development by legal instrument does not ensure long-term management of the mitigation area to ensure that the area is maintained consistent with environmental protection goals and
mitigation requirements. Indeed, the CDFW commented in response to the NOP that habitat restoration plans must identify the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.

Finally, the Project will impact a wildlife corridor—the MSHCP Special Linkage Area (SLA 99). The DEIR’s discussion of this potential impact is conclusory and not based on substantial evidence. For instance, despite the MSHCP delineating the area as being part of a wildlife linkage area, the DEIR summarily concludes that “the configuration of the site being part of the SLA would not make sense from a biological standpoint...”. Has this statement been evaluated by the relevant agencies? The CDFW in response to the NOP wrote that the DEIR must address how the proposed project will affect the policies and procedures of the MSHCP. It appears that the DEIR merely assumes without evidence or consultation with relevant agencies that no impacts to the MSHCP-designated wildlife will occur. Additionally, impacts may be potentially significant on a cumulative where the Project eliminates/takes a large portion of the SLA 99 without any corresponding mitigation to off-set the loss of habitat.

**Greenhouse Gas Emissions**

Many of the air quality mitigation measures discussed above are capable of reducing the Project’s significant GHG impacts, and thus must be adopted per CEQA. The vast majority of the Project’s GHG emission are related to “mobile” sources. (DEIR Table 4.5-D) The only mitigation measure adopted for significant GHG impacts is that “high efficiency lighting shall be installed”. This so-called mitigation measure may already be a requirement of Title 24. The Project adopts not a single GHG measure related to the greatest source of Project GHG impacts – mobile emissions.

**Growth Inducement**

The DEIR’s conclusion that the Project will not be growth-inducing is not supported by substantial evidence. The Project will provide 6,000 linear feet of sewer line and an associated lift station. The Project will contribute fees for the future needs of the City’s wastewater treatment system. The Project requires the construction of an offsite water line of 8,350 feet to connect to existing lines. A large portion of this will be east and south of the Project site. These facilities may induce growth by bringing new infrastructure to the area, and therefore removing obstacles to growth or creating growth. The DEIR states that these improvements have been planned for by the City’s General Plan. This is not substantiated. Even if it could be argued that the Project’s “growth” was accounted for in a relevant planning document, this reasoning was rejected in *Environmental Planning and Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 354. Whether an
agency's existing plan may predict growth is irrelevant to an analysis of growth-inducing impacts: CEQA is not concerned with a project's impacts on a plan, but "with the impacts of the project on the environment, defined as the existing physical conditions in the affected area." (Id. (emphasis added).) Thus, the EIR must analyze the impacts of the Project's likely inducement of growth, regardless of whether planning documents had already envisioned it.

**Energy Impacts**

The DEIR indicates significant energy impacts in terms of State CEQA Guidelines Appendix F, contrary to the DEIR's conclusions. Guidelines, § 15126.4 (a) (1)(C) states that, "energy conservation measures ... shall be discussed when appropriate." Guidelines Appendix F provides that "[t]he goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include: (1) decreasing overall per capita energy consumption; (2) decreasing reliance on fossil fuels such as coal, natural gas and oil, and (3) increasing reliance on renewable energy sources." (emphasis added)

Appendix F puts "particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy." With respect to the Project, it is estimated that annually it will consume 1,554,697 million gallons of fuel and have a demand for 1.63 million kwh/year of energy. The Project (a warehouse logistics center) is a fuel-intensive use; there is not substantial evidence to conclude that the Project achieves the goal of "decreasing reliance on fossil fuels." The Project will likely receive goods from the Ports of Long Beach and Los Angeles (100 miles away) and then process (store and sort) those goods for destination in and outside of California. This activity generates significant impacts in terms of fuel consumption. Furthermore, the Project takes no affirmative steps beyond compliance with Title 24 in terms of increasing reliance on renewable energy. There is no requirement that the Project utilize solar energy. Focusing on purported sustainability features and compliance with Title 24 is not adequate. (See, Ukiah Citizens for Safety First v. City of Ukiah (2016) 248 Cal.App.4th 256, 262- 265.) Moreover, reliance on compliance with "regulatory programs" does not demonstrate that the Project adopts mitigation measures consistent with Appendix F.

**Traffic Mitigation**

MM TRANS 4 is uncertain. It states that the Project shall participate in the "phased construction of off-site traffic signals" through the payment of fair share fees which shall be "collected and utilized as needed by the City of Banning." The mitigation program implies that the fair share fees may be collected at some time in the future. The Project must be fully conditioned at the time of Project approval to pay all applicable fair share fees.
Cumulative Impacts

The discussion of cumulative impacts includes a list of projects in the City of Banning. The list is unreasonably limited where it excludes projects in other jurisdictions such as in the adjacent city of Beaumont, approximately seven miles from the Project site. Cumulative projects along Interstate 10 should be evaluated.

The Alternatives Analysis is Inadequate

The CEQA Guidelines specify that an EIR must “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives,” focusing on alternatives that would “avoid[ ] or substantially lessen[ ] any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” (Guidelines § 15126.6 (a), (b).) The DEIR does not examine a “reasonable range” of project alternatives where it evaluates only one alternative apart from the “no project” alternative. Moreover, neither alternative is capable of meeting “basic” Project Objectives. Id. Three of the five Project Objectives involve the development of a warehouse building. The “no project” alternative (Alternative 1) assumes no development on the site, while the Existing General Plan Land Use Designation alternative (Alternative 2) would not involve the development of a warehouse building. The EIR must evaluate a range of alternatives which are capable of meeting basic Project Objectives.

For instance, the EIR should examine an alternative involving a reduced size warehouse building. Such an alternative would meet “basic” project objectives and would presumably reduce significant air quality and GHG emissions as a result of fewer diesel truck trips.

Conclusion

Thank you for your consideration of these comments as you prepare the Final EIR and consider the scope of the proposed Project.
City of Banning
August 9, 2018
Draft EIR – Banning Distribution Center

Sincerely,

Abigail Smith
Law Offices of Abigail Smith

Enclosures
CITY OF BANNING
Planning Commission Report

MEETING DATE: January 16, 2019

TO: Planning Commission

FROM: Maryann Marks, AICP,
Interim Community Development Director

PREPARED BY: Mark De Manincor, Contract Planner
Adrianna Ortiz, Contract Planner

SUBJECT: CONDITIONAL USE PERMIT NO. 18-8003
FINESSE LOUNGE
144 WEST RAMSEY STREET

APPLICANT’S REQUEST:

The applicant, Old Eagle Enterprises, LLC, is requesting approval of a Conditional Use
Permit, a determination of public convenience and necessity, and approval of Business
Permit per Banning Municipal Code 5.48. Old Eagle Enterprises, LLC, proposes to
operate a 2,637 square foot bar with dining, dancing, poolroom and catering services.
The proposed project is located in an existing building in the Downtown Commercial (DC)
zone on the property identified as 144 West Ramsey St, APN 540-203-009, 007.

RECOMMENDATION:

That the Planning Commission adopt Resolution No. 2019-02 (Attachment 1):

I. Recommending the City Council adopt a Categorical Exemption, pursuant to Section
   15301 (Existing Facilities); and
II. Recommending the City Council approve Conditional Use Permit 18-8003 for a
    Bar/Lounge in the Downtown Commercial zoning district; and
III. Recommending the City Council approve a determination that public convenience or
     necessity would be served by the issuance an ABC type 48 license for ‘On-Sale
     General for Public Premises’ and type 58 license ‘Caterer’s Permit’; and
IV. Recommending the City Council approve a business permit required by Section 5.48
    of the Banning Municipal Code for Public Dances, Poolrooms, Bowling Alleys and
    Shooting Galleries.
APPLICANT INFORMATION:

Project Location: 144 West Ramsey

APN Information: 540-203-009, 007

Project Applicant: Old Eagle Enterprises, LLC
46775 Morongo Rd.
Banning, CA 92220

Property Owner: Don M. Peterson and Ixchel Peterson
494 Weather Way
Banning, CA 92220

PROJECT BACKGROUND AND DESCRIPTION:

Subject Site

The applicant is requesting approval of a Conditional Use Permit for Finesse Lounge, a proposed bar with dining and catering services to be located at 144 West Ramsey St, APN 540-203-009. The project site is a 7,725 square foot lot that includes an existing building occupying the entire lot. The building is currently vacant. The South section of the parcel is adjacent to the existing patio area located on parcel 540-203-007. The current owner of both parcels has leased the patio space and 2,637 sf. of the existing building space to the applicant.

The site is located within the Downtown Commercial (DC) zoning district, wherein bars and breweries are permitted with approval of a Conditional Use Permit by the Planning Commission. The Downtown Commercial (DC) zoning district is the City’s traditional commercial core, and has special significance to the community because small scale commercial retail and office uses, services, restaurants, and entertainment serve as the primary uses in this district.

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>
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<tr>
<td>Subject Site</td>
<td>Existing Vacant Building</td>
<td>Downtown Commercial</td>
<td>Downtown Commercial</td>
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<tr>
<td>North</td>
<td>Office Building</td>
<td>Downtown Commercial</td>
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<td>Church</td>
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<td>East</td>
<td>Restaurant and Vacant Office</td>
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<tr>
<td>West</td>
<td>Retail Shop</td>
<td>Downtown Commercial</td>
<td>Downtown Commercial</td>
</tr>
</tbody>
</table>
PROPOSAL AND ANALYSIS

The Finesse Lounge will occupy the 2,637 square foot building space and the 1,250 square foot patio to the south. Entertainment includes a dance floor, pool tables, and corn-hole. The Finesses Lounge proposed hours of operation are 10:00 a.m. to 2:00 a.m. seven days a week.

Conditional Use Permit

Table 17.12.020 “Permitted, Conditional and Prohibited Commercial and Industrial Uses” of Title 17 of the Zoning Code requires that a Conditional Use Permit be approved by the Planning Commission for both Bars and Drinking Establishments in the Downtown Commercial zoning district. In order to apply the most conservative standards, staff has applied the required Conditional Use Permit conditions and associated findings for alcoholic beverage sales to the analysis for this project. Those conditions include the following standards: (a) Establishments shall not be located within 500 feet of any school or public park within the City; and, (b) The license shall be reviewed by the police department prior to planning commission approval.

The Banning Police Department was notified of the project upon submittal of the application and no letter of approval or denial has been received. In response to their review, they did provide the attached Incident Report which demonstrates that very little criminal activity has occurred in the area over the past 14 years. Since we have not received any negative information from the Police Department, we can conclude that they are not opposed to the project.

Additionally, the Department of Alcoholic Beverage Control is requiring approval of a finding of public convenience or necessity by the local governing body (City Council) prior to issuing a type 48 license. Therefore, the Planning Commission will be the recommending body, recommending to the City Council, consideration of the project and possibly a finding of public convenience or necessity.

Parking Requirements

Per code section 17.24.020 Applicability, all new projects, redevelopment projects, and project modifications which add twenty-five percent or more to a structure’s building area are required to conform to standards and regulations related to off-street parking, setbacks, public street improvements, storage, fences, and so forth. The applicant’s proposal includes approval of a use, not an expansion of the building area.

The parking requirements for the Downtown Commercial zone are specified under 17.12.050 (provided for informational purposes only for the proposed use):

17.12.050 (H) (4) (b) Parking for commercial land uses shall be 1 space per 300 square feet of building area.
A City-owned parking lot with 36 parking spaces is located adjacent to the project site, and 57 additional city owned public parking spaces are available in close proximity to the north and west. The reported 2,637 square foot building area would require 9 spaces. Staff finds that there is adequate parking available to patrons of this business as well as other nearby businesses.

The proposed business will provide a new venue that will complement existing businesses and restaurants in the immediate area. The existing businesses include Wings Garden Cafe and historic Fox Theatre. Finesse Lounge will help to create a destination location within the City that will attract both residents and visitors.

A conditional use permit review requires a determination as to whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use against any negative or undesirable impact which it may cause. The limits which staff is recommending include conditions that help make the use compatible with the existing and nearby land uses.

**Public Convenience or Necessity**

If an applicant is applying for a license to sell alcoholic beverages at a premises where an undue concentration exists, they are required to be denied a license by the Department of Alcoholic Beverage Control unless the local governing body of the area determines that public convenience or necessity would be served by the issuance of the license. The Department of Alcoholic Beverage Control has made the determination of over concentration and is requesting confirmation that the City has determined that issuing a license to the applicant will serve the public convenience or necessity.

Staff believes that issuing a license will serve the community by providing jobs, tax revenue and assist in the revitalization of the downtown area.

The applicant has submitted an application to ABC for type 48 license for ‘On-Sale General for Public Premises’ (Bar, Night Club) authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. In addition, it authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.

The applicant has also applied for type 58 license ‘Caterer’s Permit’ with ABC. Catering Authorization (Form ABC-218) authorizes Type 47, 48, 51, 52, 57, 75 and 78 licensees (and catering businesses that qualify under Section 24045.12) to sell beer, wine and distilled spirits for consumption at conventions, sporting events, trade exhibits, picnics, social gatherings, or similar events. Type 47, 48 and 57 licensees may cater alcoholic beverages at any ABC-approved location in the State. All licensees wishing to cater alcoholic beverages must obtain prior written authorization from the Department for each event. At all approved events, the licensee may exercise only those privileges authorized by the licensee’s license and shall comply with all provisions of the ABC Act pertaining to
the conduct of on-sale premises and violation of those provisions may be grounds for suspension or revocation of the licensee’s license or permit, or both, as though the violation occurred on the licensed premises. (Section 23399 and Rule 60.5 California Code of Regulations)

**Business Permit (BMC 5.48)**

Per Banning Municipal Code section 5.48.010 *Permit-Required*, no person shall conduct a public dance where intoxicating liquor or beer or wine are then being sold, offered for sale, distributed or given away, or conduct a room or place where billiards or pool is played, or a bowling alley, shooting gallery or similar place without first obtaining a permit so to do.

The applicant has requested in writing, City Council approval of the required business permit per section 5.48 of the Banning Municipal Code.

**ENVIRONMENTAL DETERMINATION:**

**California Environmental Quality Act (CEQA)**

In accordance with §15301 (Existing Facilities) a Class 1 Categorical Exemption of the California Environmental Quality Act (CEQA), the project is being exempt from further environmental review. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.

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

The project is not subject to MSHCP as the project is an existing facility and no new exterior improvements are identified.

**PUBLIC COMMUNICATION**

Proposed Conditional Use Permit No. 18-8003 was advertised in the Record Gazette newspaper on January 4, 2019 (Attachment 5). As of the date of this report, staff has received one written comment for the project.
ATTACHMENTS:

1. Planning Resolution No. 2019-02
   Exhibit A - Project Site Plan
   Exhibit B - Conditions of Approval
2. Project Plans and Exhibits
3. Applicant's letter requesting Business License Permit
4. Comments (Church / Banning Police Department Incident Report)
5. Public Hearing Notice

Prepared By:  Reviewed and Recommended By:

[Signature]
Mark De Manincor
Contract Planner
Adrianna Ortiz
Contract Planner

[Signature]
Maryann Marks, AICP
Interim Community Development Director
ATTACHMENT 1

1. Planning Resolution No. 2019-02
2. Exhibit A - Project Site Plan
3. Exhibit B - Conditions of Approval
RESOLUTION NO. 2019-02

I. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL ADOPTION OF A CATEGORICAL EXEMPTION, APPROVAL OF CONDITIONAL USE PERMIT 18-8003 TO ALLOW A BAR AND DRINKING ESTABLISHMENT WITH OUTDOOR SEATING AREA, FINESSE LOUNGE, APPROVAL OF A BUSINESS PERMIT REQUIRED BY SECTION 5.48 FOR PUBLIC DANCES AND POOL ROOMS AND A FINDING OF PUBLIC CONVENIENCE OR NECESSITY IN THE DOWNTOWN COMMERCIAL (DC) ZONE ON THE PROPERTY IDENTIFIED AS 144 WEST RAMSEY ST (APN 540-203-009, 007)

WHEREAS, an application for a Conditional Use Permit including a request for a drinking and catering establishment has been duly filed by:

Project Location: 144 West Ramsey Street
APN Information: 540-203-009, 007
Project Applicant: Old Eagle Enterprises, LLC
46775 Morongo Road.
Banning, CA 92220
Property Owner: Don M. Peterson and Ixchel Peterson
494 Weather Way
Banning, CA 92220

WHEREAS, the Planning Commission has the authority per Chapter 17 of the Banning Municipal Code to take action on Conditional Use Permit 18-8003 for a drinking and catering establishment in the Downtown Commercial Zoning District;

WHEREAS, the California Department of Alcoholic Beverage Control requires a finding of Public Convenience or Necessity be submitted by the local governing authority, (City Council);

WHEREAS, the City Council is required to approve a business license for Public Dances and Pool Rooms pursuant to Section 5.48 of the Banning Municipal Code.

WHEREAS, on January 4, 2019 the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered;
WHEREAS, on January 16, 2019 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to Conditional Use Permit No. 18-8003;

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Conditional Use Permit No. 18-8003 determined that, pursuant to CEQA Section 15301 (Existing Facilities) is Categorically Exempt;

NOW THEREFORE, the Planning Commission of the City of Banning does hereby recommend to the City Council of the City of Banning 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. In accordance with §15301 (Existing Facilities) a Class 1 Categorical Exemption of the California Environmental Quality Act (CEQA), the project is being exempt from further environmental review. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

B. The Planning Commission has analyzed proposed Conditional Use Permit No. 18-8003 and has determined that it is Categorically Exempt from CEQA pursuant to §15301 of the CEQA Guidelines due to the fact that the proposal meets the required criteria to qualify as a "existing facilities" as defined by §15301 of the CEQA Guidelines.

C. Staff has analyzed proposed Conditional Use Permit No. 16-8005 and has determined that it is Categorically Exempt from CEQA pursuant to §15301 due to the fact that the proposed meets the required criteria to qualify as "existing facilities" as defined by §15301 and of the CEQA Guidelines. Therefore, Conditional Use Permit No. 18-8003 is Categorically Exempt from CEQA pursuant to §15301 and of the CEQA Guidelines.

D. Multiple Species Habitat Conservation Plan (MSHCP). The project is not subject to MSHCP as the project is an existing facility.

SECTION 2: Required Findings for Conditional Use Permit 18-8003: The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning find and determine that CUP No. 18-8003 should be approved because:
REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT 18-8003:

Section 17.52 of the City of Banning Zoning Ordinance requires each Conditional Use Permit application shall be analyzed to assure that the application is consistent with the intent and purpose of this chapter, the policies and programs of the General Plan, and the Development Standards and Guidelines of the district in which it is located. The following findings are provided in support of the approval of Conditional Use Permit No. 18-8003:

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

Finding of Fact: Conditional Use Permit 18-8003 is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands.” The land-use designation of Downtown Commercial allows small scale commercial retail and office uses, services, restaurants, and entertainment as the primary uses in this designation. Further, Conditional Use Permit 18-8003 is consistent with General Plan Economic Development Policy which states: “The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues.” Approval of the permit would allow the applicant to promote business diversity while providing an economic benefit to the City.

Finding No. 2: The proposed use is conditionally permitted within the subject land use district and complies with all the applicable provisions of this Ordinance;

Finding of Fact: Table 17.12.020 Permitted, Conditional and Prohibited Commercial and Industrial Uses, of Title 17 of the Municipal Code, classifies ‘Bars and Drinking Establishments’, as conditionally permitted uses. Section 17.12.050 Use Specific Standards provides specific provisions for the Alcohol Beverage Control “ABC” Licenses and these provisions have been addressed in this approval as well.

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

Finding of Fact: The proposed use will provide a new and upscale use that will complement existing restaurants and other businesses in the vicinity in the downtown area and will provide a desirable new use for residents and visitors to the City.

Finding No. 4 The subject site is physically suitable for the type and intensity of land use being proposed;
Finding of Fact: The subject site currently consists of a vacant building and the applicant is not proposing any significant exterior changes to the building. Furthermore, the small scale commercial retail, office uses, services, restaurants, bars, and entertainment are the primary uses in Downtown Zoning district.

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

Finding of Fact: The site is served by the public and private utilities, including the City's water and electrical utilities. The site is accessed and served from West Ramsey Street which is an existing developed roadway with existing utilities.

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

Finding of Fact: The minor tenant improvements to the building to accommodate the sale for alcohol related beverages, was reviewed pursuant to the California Environmental Quality Act (CEQA). The tenant improvements to accommodate alcohol related inventory qualifies for a Class 1 Existing Facilities categorical exemptions.

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

Finding of Fact: The proposed use will not have a negative impact to the environment or natural resources and will complement existing businesses. Restaurants and the theater are located in close proximity and the proposed use will serve as a further draw to the downtown core. Sales of alcohol are regulated by the State of California, Department of Alcoholic Beverage Control (ABC), the applicant must maintain a valid license to be compliant with ABC. If determined for good cause that the continuance of such license would be contrary to the public welfare or morals ABC is authorized to suspend or revoke any license to sell alcoholic beverages. Furthermore, the City of Banning Police Department has provided an incident report that demonstrates that this is not a high crime area.

REQUIRED SPECIFIC USE FINDINGS FOR CONDITIONAL USE PERMIT 18-8003:

Section 17.12 of the City of Banning Zoning Ordinance requires businesses seeking an Alcohol Beverage Control license shall be analyzed to assure that the proposed project is consistent with the intent and purpose of this chapter, the policies and programs of the General Plan, and the Development Standards and Guidelines of the district in
which it is located. The following findings are provided in support of the approval of Conditional Use Permit No. 18-8003:

Finding No. 1: Establishments shall not be located within 500 feet of any school or public park within the City;

Finding of Fact: Staff has determined that the proposed location is not located within 500 feet of any school or public park within the City.

Finding No. 2: The license application shall be reviewed by the police department prior to Planning Commission approval;

Finding of Fact: The Banning Police Department has reviewed the project and provided an incident report for the area. This report demonstrated that very little criminal activity has been experienced in the area for the last 14 years and is attached to the Staff Report. No negative information has been provided by the Police Department.

REQUIRED FINDINGS FOR A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY:

In accordance with Section 23817.7(3) of the business and professions Code the following findings are made regarding the determination of public convenience or necessity:

(a) Notwithstanding Section 23817.5, the department may approve an application for an on-sale license in areas covered by Section 23817.5, if the applicant shows that public convenience or necessity would be served by the issuance, and where all of the following conditions are found to exist:

A. The applicant premises are located in a crime reporting district that is below that specified pursuant to paragraph (1) of subdivision (a) of Section 23958.4. In considering an application, the department may take into account adjacent crime reporting districts, if the applicant premises are located within 100 feet of the boundaries of any adjacent district. The department shall use an average of reported crimes in the crime reporting district in which the premises are located and reported crimes in any adjacent crime reporting district, if the total of crimes reported in the adjacent district or districts is greater than the crime reporting district in which the premises are located.

B. The applicant premises are located in an area that falls below the concentration level provided in paragraph (3) of subdivision (a) of Section 23958.4.

C. The local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines that public convenience or necessity would be served by the issuance.

Finding: The area is not in a high crime area as determined by the Banning Police Department Incident Report. The project will generate jobs
and tax revenue for the City and the project will assist in the revitalization of the Downtown area.

(b) The department may impose reasonable conditions on a licensee as may be needed in the interest of the public health, safety, and welfare regarding signing, training for responsible beverage sales and hours, and mode of sale.

SECTION 3: PLANNING COMMISSION ACTION - Recommendation of Approval of Conditional Use Permit No. 18-8003 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 Conditional Use Permit No. 18-8003, attached hereto as Exhibit "A," (APNs: Portions of 540-203-009, 007), subject to the recommended Conditions of Approval attached as Exhibit "B".

PASSED, APPROVED AND ADOPTED this 16th day of January 2019.

________________________________________
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. 2018-07, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of June, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
PROJECT #: Conditional Use Permit No. 18-8003
SUBJECT: Conditions of Approval (Planning Commission Resolution No. 2019-02)
APPLICANT: Old Eagle Enterprises, LLC / Finesse Lounge
LOCATION: APN: 540-204-009, 007

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

2. 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.

3. Construction and/or occupancy shall commence within two (2) years from the date of project approval, or the Conditional Use Permit approval shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year the Conditional Use Permit shall become null and void. 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 and Conditional Use Permit complies with all current Ordinance provisions.

4. If there more than three calls for service in any six-month period or any future issues that arise with the use that is the subject of this discretionary approval (e.g., complaints from neighboring residents or businesses) the Community Development Director or other appropriate City designee has the authority to require that the Conditional Use Permit be brought back before the Planning Commission for immediate remedy which may include, but not necessarily be limited to, the imposition of additional conditions of approval.

5. 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.

**Police Department Comments**

6. A licensee shall maintain an alarm system as defined in Business and Professions Code section 7590.1(n) at the licensed premises.

7. A licensee shall ensure a licensed alarm company operator or one or more of its registered alarm agents installs, maintains, monitors, and responds to the alarm system.

8. The business premises shall have a digital video surveillance system with a minimum camera resolution of 1280 x 720 pixels.
9. The surveillance-system storage device or the cameras shall be transmission control protocol (TCP) capable of being accessed through the internet.

10. The video surveillance system shall at all times be able to effectively and clearly record images of the area under surveillance and provide a time and date stamp.

11. Each camera shall be permanently mounted and in a fixed location. Each camera shall be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the licensed premises, and allows for the clear and certain identification of any person and activities in all areas required to be filmed under subsection (e).

12. Areas that shall be recorded on the video surveillance system include the following:
   a. Areas where merchandise is being served and all exits.
   b. Limited-access areas;
   c. Security rooms;
   d. Areas storing a surveillance-system storage device with at least one camera recording the access points to the secured surveillance recording area; and
   e. Entrances and exits to the premises, which shall be recorded from both indoor and outdoor vantage points.

13. Cameras shall record continuously 24 hours per day and at a minimum of 15 frames per second (FPS).

14. The physical media or storage device on which surveillance recordings are stored shall be secured in a manner to protect the recording from tampering or theft.

15. Surveillance recordings shall be kept for a minimum of 90 days.

16. Surveillance recordings are subject to inspection by the police department, and shall be kept in a manner that allows the police department to view and obtain copies of the recordings at the licensed premises immediately upon request. The licensee shall also send or otherwise provide copies of the recordings to the police department upon request within the time specified by the police department.

17. Recorded images shall clearly and accurately display the time and date. Time is to be measured in accordance with the United States National Institute Standards and Technology standards.
18. The video surveillance system shall be equipped with a failure notification system that provides notification to the licensee of any interruption or failure of the video surveillance system or video surveillance-system storage device.

Public Works Department

19. Submit verification that the existing water meter size is adequate to meet anticipated use.

20. Backflow protection devices are tested annually to ensure they are repaired, maintained, working properly, and in compliance with the State Department of Health Regulations. A backflow certification shall be submitted to the Public Works Department for each backflow device.

21. Grease trap may be needed if one does not exist. Fill out the attached “Industrial Waste Water Survey” form and if applicable the “Grease Interceptor Waiver Request” form and submit to Public Works for review.

Building Department

22. The following requirements will be required at the time of plan check submittal and/or prior to building occupancy, whichever occurs first:

(a) 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.

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

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

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

(e) 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

23. 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. All measures shall be complied with prior to building occupancy unless otherwise stated or approved by the Fire Department.

(a) Compliance with applicable provisions of the California Fire Code (CFC), 2016 edition and Riverside County Fire Department is required. Depending on the size and type of the event, additional conditions not listed below may be required.

(b) Any fire alarm and/or fire sprinkler plans may be deferred submittal, separate from the tenant improvement plans.

(c) Install door hardware and exit signs as per the 2016 CBC (A Occupancy).

(d) Exit signs must be internally/externally illuminated.

(e) Portable fire extinguishers having a minimum 2A:10BC rating shall be provided at an interval of not less than 75 feet of travel distance. Contact a certified extinguisher company for proper placement and spacing of equipment.

(f) Approved building address shall be placed in such a position as to be plainly visible and legible from the street and rear access if applicable. Building address numbers shall be a minimum of 12". All addressing must be legible and of a contrasting color with the background and adequately illuminated to be visible from the street at all hours.

(g) (If applicable) Applicable room door(s) shall be posted "ELECTRICAL ", "FACP", "FIRE RISER" and "ROOF ACCESS" on the outside of the door so it is visible and in a contrasting color.

(h) If the building has a fire alarm-Fire department emergency key (KNOX) box will be required. Provide keys to the tenant space for inclusion in the main building Knox Box. Key(s) shall have durable and legible tags affixed for identification of the correlating tenant space. Provide Knox Key switch for the gate. Forms can be picked up at Banning City Hall.
(i) Patio occupant load will need to be calculated at a net floor area when patrons are playing the games. When the games are not in use and stored the occupant load may be increased. Architect to calculate multiple occupant loads for uses. Must show on the plans.

***END***
ATTACHMENT 2

Project Plans and Exhibits
(11" x 17" plans provided)
paninis

HAM & CHEESE
* Smoked ham, sharp cheddar, and chipotle aioli.

TURKEY & SWISS
* Smoked turkey, swiss cheese, and jalapeno cranberry sauce.

wings

YOUR CHOICE OF...
- Buffalo
- Sweet Chili
- BBQ
- Sweet & Spicy
  (Served with celery and carrots, ranch or bleu cheese)

wraps

CHEFS WRAP
* Romaine, turkey, ham, cheddar, swiss, tomato, olives and your choice of dressing.

CHICKEN CAESAR
* Romaine, chicke, parmesan cheese, tomato, and caesar dressing.

CALI WRAP
* Romaine, chicken, crispy prosciutto, avocado, onion, tomato, and your choice of dressing.

TURKEY & SWISS PANINI
* Smoked turkey, swiss cheese, and jalapeno cranberry sauce.

HOT WINGS
* Your choice of wings!

YOUR CHOICE OF...
- Chicken
- Spinach
- Artichoke
- Chefs daily special

flat bread

pizza
Finesse Lounge – 144 West Ramsey St. Banning, CA 92220

<table>
<thead>
<tr>
<th>Before</th>
<th>After</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front of building</td>
<td></td>
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BAR

Page 1 of 3
<table>
<thead>
<tr>
<th>Before</th>
<th>After</th>
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<tr>
<td><strong>Dinning Area</strong></td>
<td><img src="image1" alt="Before Dinning Area" /> <img src="image2" alt="After Dinning Area" /></td>
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<tr>
<td><strong>Dance Floor</strong></td>
<td><img src="image3" alt="Before Dance Floor" /> <img src="image4" alt="After Dance Floor" /></td>
</tr>
<tr>
<td>Before</td>
<td>After</td>
</tr>
<tr>
<td>--------</td>
<td>-------</td>
</tr>
<tr>
<td>Pool Table area</td>
<td></td>
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</tbody>
</table>

![Before Image](image1.png)  ![After Image](image2.png)
ATTACHMENT 3

Applicant’s Letter
Old Eagle Enterprises, LLC

Business License Request

Attn: City of Banning

We Old Eagle Enterprises, LLC(OEE) are requesting a business permit at 144 W Ramsey St & 45 S. 1st St, Banning, CA, 92220 APN#'s 540203009,(007).

regarding Banning Municipal Code Section 5.48.010. to allow billiards table and dance floor

Arthur S-Cabral
Print

Signature

DATE

1/3/19
ATTACHMENT 4

Comments (Church Letter & Banning Police Department Incident Report)
November 26, 2018

To Whom it May Concern:

After meeting with Arthur Cabral, representing the Finesse Lounge, who is applying for a liquor license at the business addresses of 144 W. Ramsey St. and at 45 S. 1st St. in the city of Banning CA, 92220, I, Pastor Dan Thompson of Faith Builders Family Church, am writing to say that regarding what we have heard, dealing with parking, security, and clientele, we support and understand the following:

   Business type - Bar/Lounge
   Liquor License type - 48
   Hours of operation - Sunday through Saturday 10 a.m. to 2 a.m.

there are no objections or any conflict of interest regarding this endeavor at this time.

Mr. Cabral stated that he is willing to discuss concerns that arise, and assist in working them out to suit us both. We look forward to the Finesse Lounge opening and generating sales tax for the city as well as bringing new people to the City of Banning.

Sincerely yours,

[Signature]
Pastor Dan Thompson, PhD.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event #</th>
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<td>AOD/BMT - ASSISTED</td>
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<td>THREATS - LOG NOTE ONLY</td>
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<td>06/13/2007</td>
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<td>Case 17-3547</td>
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<td>11/06/2018</td>
<td>Case 18-2895</td>
<td>Munoz, Rene</td>
<td>CANCEL: CASE PULLED IN ERROR</td>
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NOTICE OF PUBLIC HEARING FOR A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY AND CONDITIONAL USE PERMIT 18-8003 TO PERMIT A LOUNGE AND DRINKING ESTABLISHMENT IN THE DOWNTOWN COMMERCIAL (DC) ZONE ON REAL PROPERTY LOCATED AT 144 WEST RAMSEY STREET (APNs: 540-203-003, 540-203-007) NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, January 16, 2019, at 6:30 p.m. (or soon thereafter) in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider a Notice of Exemption from CEQA, a determination of Public Convenience or Necessity for the issuance of a license by the California Department of Alcohol Beverage Control, and Conditional Use Permit 18-8003 (CUP 18-8003) to allow a 2,851 square foot lounge and indoor bar and 1,236 square foot patio with dining and catering services in an existing building located in the Downtown Commercial (DC) Zone on real property located at 144 West Ramsey Street (APNs: 540-203-003, 540-203-007).

Information regarding the Notice of Exemption, the determination of Public Convenience or Necessity, and CUP 18-8003 can be obtained by contacting the City’s Community Development Department at (951) 522-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning. You may also go to the City of Banning website at http://www.ci.banning.ca.us/. All parties interested in speaking either in support of or in opposition of this item are invited to attend the hearing, or to send their written comments to the Community Development Department, City of Banning at P.O. Box 996, Banning, California 92220.

If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the City Clerk at, or prior to, the time the Planning Commission makes its decision on the proposal, or, you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code Section 65026).

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

Maryan Marks, AICP
Interim Community Development Director
Dated: January 1, 2019
Published: January 4, 2019
Published in:
The Record Gazette
No. 161321
01-04-2019
CITY OF BANNING
Planning Commission Report

DATE: January 16, 2019
TO: Planning Commission
FROM: Maryann Marks, AICP, Interim Community Development Director
PREPARED BY: Sonia Pierce, Senior Planner


RECOMMENDATIONS

I. That the Planning Commission adopt Resolution 2019-01 recommending that the Council approve General Plan Amendment 18-2501, Zone Change 18-3501, and Design Review 18-1501.

II. That the Planning Commission recommend that the City Council adopt the Mitigated Negative Declaration (MND) for the project (Environmental Assessment 18-1501).
APPLICANT INFORMATION:

Project Location: North side of Lincoln Street at 1897 West Lincoln Street, 1661 West Lincoln Street, 1617 West Lincoln Street and 1589 West Lincoln Street, between 22ND Street and 8th Street including 6 vacant parcels to the west


Project Applicant: David J. Hidalgo
David Hidalgo Architects, Inc.
316 South First Avenue
Arcadia, CA 91006

Property Owners: DJL Properties, LLC
2034 Peck Road
South El Monte, CA 91733

APPLICANT'S REQUEST:

The applicant, is requesting approval of a General Plan Amendment to change the General Plan land use designation of 19.69 partially developed acres from General Commercial (GC) to Business Park (BP); a Zone Change to change the Zoning District from General Commercial (GC) to Business Park (BP) and Design Review approval for the construction of a new 146,890 square foot industrial warehouse building on 6.7 vacant acres located to the east, adjacent to the existing development at 1897 West Lincoln Street.

PROJECT BACKGROUND AND SETTING:

For over 40 years, the site was occupied by Pacific Windows, a door and window manufacturing plant. In 2010, Lawrence Equipment, a family owned business purchased the site and shortly thereafter began manufacturing machinery used to make tortillas, flatbreads and similar products. Over the years, as the business expanded to include general warehousing, and incidental retail sales additions were added to the buildings.

The site is surrounded by the single family residential developments to the south and west. The Southern Pacific Railroad line and Interstate 10 to the north of the property. Table 1 lists the land uses surrounding the site. To the east of the existing warehouse buildings is vacant property once used as residential lots and recently used for cattle grazing.
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>Industrial and Vacant Land/ Abandoned Residence</td>
<td>General Commercial (GC)</td>
<td>Business Park (BP)</td>
</tr>
<tr>
<td>South</td>
<td>Vacant and Single Family Residential/ Montgomery Creek</td>
<td>Very Low Density Residential (VLDR) and Business Park (BP)</td>
<td>Very Low Density Residential (VLDR) and Business Park (BP)</td>
</tr>
<tr>
<td>East</td>
<td>Vacant</td>
<td>General Commercial (GC)</td>
<td>General Commercial (GC)</td>
</tr>
<tr>
<td>West</td>
<td>Vacant/ Montgomery Creek / Single Family Residential</td>
<td>General Commercial (GC)</td>
<td>General Commercial (GC)</td>
</tr>
</tbody>
</table>

PROJECT DESCRIPTION

The applicant proposes a General Plan Amendment (GPA 18-2501), Zone Change (ZC 18-3501) for 19.69 acres from the General Commercial land use district to the Business Park land use district and Design Review (DR 18-7001) on 6.7 acres to allow construction of a single story, 146,890 square-foot light manufacturing and warehouse building for the expansion of the existing manufacturing business. The proposed building would include 73,445 square-feet of light manufacturing, and 73,445 of Industrial warehousing. In addition, 174 parking spaces, and related fencing, walls and landscaping is proposed on site. The expansion is expected to employ 25 employees for both warehousing and manufacturing for a total of 50 employees.

Table 2
Project Characteristics

<table>
<thead>
<tr>
<th>Area Calculations</th>
<th>Square footage</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Property Area</td>
<td>857,696</td>
<td>19.69 Acres</td>
</tr>
<tr>
<td>Net Property Area</td>
<td>849,485</td>
<td>19.50 Acres</td>
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<tr>
<td><strong>New Addition</strong></td>
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<tr>
<td>Gross Property Area</td>
<td>293,792</td>
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<tr>
<td>Net Property Area*</td>
<td>270,573</td>
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<tr>
<td>Building pad</td>
<td>146,890</td>
<td>54% % of site area</td>
</tr>
<tr>
<td>Landscaping</td>
<td>18,551</td>
<td>15% of parking area</td>
</tr>
</tbody>
</table>
Existing Site Conditions

The project site is a total 19.69 acres and the westerly 13 acres is fully developed with 5 Lawrence Equipment metal buildings totaling 170,000 square foot used for manufacturing, warehouses, related retail sales and 220 parking spaces. The easterly 6.7 acres are mostly disturbed, with the remaining vacant parcels having been used for cattle grading for several years. The site is generally flat and slopes towards the Montgomery Creek at the west boundary.

General Plan Amendment and Zone Change

The proposed project includes a General Plan Amendment (GPA) and a Zone Change (ZC) from General Commercial (GC) to Business Park (BP) land use district and zoning district. Upon the City Council’s approval of the requested GPA and ZC, the site’s land use designation and zoning classification would change to Business Park, and the proposed development would be consistent with uses permitted within the Business Park land use designation and the BP zoning district. The Business Park land use designation
and BP Zone are intended to allow “light industrial and office/warehouse buildings also, ancillary restaurants and retail uses are permitted uses.

**Design Review**

**Building Design**

The design is modern industrial and includes concrete tilt-up wall construction with aluminum composite panels, canopies and bronze storefront mullions. The applicant proposes to construct an off-white tilt-up concrete building with two alternating textures, “dimple finish” and sandblast finish”. Aluminum composite panels will also be incorporated at select intervals to accent the entrances. The concrete panels are a series of multi colors that include blues, greys and white colors as accents at selected intervals throughout the building elevations.

The building is setback 60-feet from the main access street, Lincoln Street and 60-feet from the east and west interior property lines. At the north property line, the building setback is 20-feet. All setbacks meet or exceed the minimum zero or 10-foot requirement of the Business Park (BP) land use district.

The subject 6.4 - acre site proposed for development consists of seven parcels. The applicant will be required to merge the lots into one parcel, prior to the issuance of building permits. The building pad is 146,890 sq. ft. or 54% lot coverage, which is less than the maximum 60% allowed in the Business Park Zone. The development meets all setback and lot coverage requirements for the proposed zone.

**Building Height**

The single-story building height ranges from twenty-six feet, eight inches (26'-8") to thirty-six feet (36') in height. The majority of the building is twenty-eight feet (28') in height with accent walls incorporated at various locations to add articulation to the building and to help screen the mechanical roof top equipment. The Business Park Zone allows for building at a maximum of two-stories at fifty feet (50) in height. Staff is supportive of the height at thirty-six feet (36’), since it is an integral part of the building architectural design and it helps to screen the roof top equipment.

**Perimeter Walls**

The existing 6-foot high perimeter wrought iron fencing along Lincoln Street will remain and an 8-foot high combination wrought iron and concrete tilt up wall is proposed for construction along the frontage of the new building. The wall will screen the facility and with dense landscaping will soften the appearance along Lincoln Street. In accordance with Section 17.12.030(16), the additional height may be permitted for security and be approved by the Community Development Director under a separate review and permit.
The Municipal Code (Section 17.28.060(E) (11)) requires a 6-foot high “solid architecturally treated decorative masonry wall” approved by the Community Development Director in any non-residential development abutting “residentially designated property”.

Parking and Loading

Vehicle access will be provided primarily through two driveways directly off of Lincoln Street. Secondary access is provided through the adjacent parcel to the west. The existing site development is well established and has been in operation for many years. The proposed development is an expansion of an existing business and has an already established parking area with 220 parking spaces for employees and businesses on site. The new development, as proposed, provides 174 parking spaces and 12 truck loading stalls. The total parking for the site is 394 spaces which is more than adequate. Table 3 illustrates parking required by the Municipal Code and parking proposed. ADA

The parking for this project is based on Section 17.28.040(C) Parking and Loading Standards of the Municipal Code. The building floor plan is divided into 2 uses averaging 73,445 square feet each. The spaces are identified as manufacturing and Industrial warehousing a total 146,890 square-feet in area. The building is an expansion of an existing business and support facilities are located within the existing buildings on the property. A condition of approval has been included requiring a parking analysis prior to the time of occupancy.

<table>
<thead>
<tr>
<th>Type of use</th>
<th>Parking Standard</th>
<th>Parking Required</th>
<th>Parking Provided (per applicant calculations)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Warehousing</td>
<td>22 spaces plus 1 space per 2,000 sq.ft. of portion over 20,000 sq.ft.+</td>
<td>48 parking spaces</td>
<td>48 parking spaces</td>
</tr>
<tr>
<td>(73,445 sq.ft.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing</td>
<td>2 spaces plus one space per 600 sq. ft.</td>
<td>125 parking spaces</td>
<td>126 parking spaces</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>173 spaces</td>
<td>174 spaces</td>
</tr>
</tbody>
</table>

Landscaping

The majority of the site is development and the site proposed for expansion has been previously graded for the development of residences, that have been recently demolished or is sparsely vegetated, with no distinctive natural features. The proposed conceptual “Planting Plan” depicts landscaping with trees and shrubs along the site perimeter and
distributed throughout parking areas. The landscape plan provides a variety of planting materials, including fifteen – 36 inch box trees, fifty-seven - 24 inch box trees and twenty-eight 15 gallon size trees, as well as a variety of shrubs and ground cover. The project’s landscape program must comply with standards set forth in Section 17.28.060 and Chapter 17.32 of the Municipal Code. In addition, the applicant will be required to coordinate the proposed conceptual Planting Plan with the proposed Lighting Plan.

**Lighting**

A photometric plan has been prepared for the project and was evaluated on a preliminary Basis in the Initial Study/MND. See the Aesthetics discussion, item 1(d). In order to ensure that no adverse impacts from possible spillage of light and glare occur, Mitigation Measure AES-1, requiring compliance with the Municipal Code, has been incorporated into the project. A Condition of Approval has been included to require compliance with all applicable standards and requirements in the Municipal Code. In addition, the project is required to be in compliance with all CEQA mitigation measures.

**Refuse Storage**

The facility has incorporated two trash compactors and typically will have a recycling program. Prior to issuance of building permits the development will be required to finalize trash pick-up and/or trash enclosure details. A condition of approval has been included to require that project met the city requirements for refuse.

**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 the surrounding community. Staff recommends approval of the proposed project, subject to conditions contained in Exhibit “A” attached.

**ENVIRONMENTAL DETERMINATION:**

**California Environmental Quality Act (CEQA)**

The proposed General Plan Amendment No. 18-2501, Zone Change 18-3501 and Design Review 18-7001 are considered a “project” as defined by the California Environmental Quality Act (“CEQA”) (Public Resources Code § 21000 et seq.). An Initial Study (EA 18-1501) has been prepared and made available for public review beginning on January 11, 2019 and closing on January 31, 2019.

Based upon analysis contained in the Initial Study, staff determined that any potentially significant effects on the environment would be reduced to less than significant levels by mitigation measures incorporated in the Initial Study and that the preparation of an MND
was appropriate. All mitigation measures are carried forward into project Conditions of Approval. An MMRP has also been prepared, as required by CEQA.

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

The project is 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 at the time of building permit issuance.

**PUBLIC COMMUNICATION:**

Proposed GPA 18-2501, Zone Change 18-3501, DR 18-7001, and Environmental Assessment 18-1501 were advertised in the *Record Gazette* newspaper on January 4, 2019 (Attachment No. 4).

**ATTACHMENTS:**

1. Planning Commission Resolution No. 2019-01
   Exhibit A – Project Plans/General Plan / Zone Change Map
   Exhibit B – Conditions of Approval
2. Project Plans
3. Mitigated Negative Declaration/Mitigation Monitoring and Reporting Program
4. Public Hearing Notice

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**Prepared By:**

Sonia Pierce
Senior Planner

**Reviewed and Recommended By:**

Maryann Marks, AICP
Community Development Director
ATTACHMENT 1

Planning Commission Resolution No. 2019-01
Exhibit A. Project Plans
Exhibit B. Conditions of Approval
RESOLUTION 2019-01


WHEREAS, an application for General Plan Amendment 18-2501, Zone Change 18-3501, and Design Review 18-7001 to permit the development of a proposed 146,890 square foot Light Manufacturing and Warehouse building (the “Project”) has been duly filed by:
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 prepared an Initial Study of the potential environmental effects of the approval of the Project as described in the Initial Study. Based upon the findings contained in that Study, City staff determined that, with the incorporation of mitigation measures, there was no substantial evidence that the Project could have a significant effect on the environment and a Mitigated Negative Declaration (MND) was prepared in full compliance with the requirements of CEQA.

B. Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the MND as required by law. The public comment period commenced on January 11, 2019, and expires on January 31, 2019. Copies of the documents have been available for public review and inspection at City Hall, 99 E. Ramsey Street, Banning, California 92220, and the Banning Public Library, 21 West Nicolet Street, Banning, California 92220. The City received did not receive any comments during the public review period.

C. The City Council reviewed MND and the MMRP, which is on file with the Planning Department and incorporated herein by this reference, and all comments received regarding the MND and, based on the whole record before it, finds that: (1) the MND was prepared in compliance with CEQA; (2) with the incorporation of mitigation measures, there is no substantial evidence that the Project will have a significant effect on the environment; and (3) the MND reflects the independent judgment and analysis of the City Council.

D. Based on the findings set forth in this Resolution, the City Council hereby adopts the MND and MMRP for the Project.

E. The Community Development Director is authorized to file a Notice of Determination in accordance with CEQA.

SECTION 2: Findings for Recommendation of Approval of General Plan Amendment 18-2501. 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 18-2501 should be approved because:

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

Findings of Fact:
Upon City Council approval of the requested General Plan Amendment, the site's land use designation will be changed to Business Park, and the
Applicant / Owner: David Hildago Architects, Inc.
Project Sponsor: DJL Properties, LLC.
Authorized Agent: David Hildago Architects, Inc
Project Location: North side of Lincoln Avenue at 1879 West
Lincoln Street, 1661 West Lincoln Street, 1617
West Lincoln Street and 1589 West Lincoln
Street, between 22nd Street and 8th Street,
APN Numbers: 538-230-014, 538-220-002, 538-220-003, 538-
220-004, 540-180-041, 540-180-042, 540-180-
043, 540-180-044, & 540-180-045.
Lot Area: 19.69 acres;

WHEREAS, the Planning Commission has the authority to review and make
recommendations to the City Council concerning General Plan Amendment 18-2501,
Zone Change 18-3501, and Design Review 18-7001;

WHEREAS, in accordance with Government Code Sections 65353, 65090, and
65091, on January 4, 2019, the City gave public notice, by advertisement in the Record
Gazette newspaper, of a public hearing concerning the Project, which included the
General Plan Amendment 18-2501, Zone Change 18-3501, Design Review 18-7001, and
Environmental Assessment 18-1501 (a Mitigated Negative Declaration (MND) and
Mitigation Monitoring and Reporting Program (MMRP)). The public hearing notice was
also mailed 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 on or before
January 6, 2019. Further, in accordance with Public Resources Code Section 21165, a
Notice of Availability and Public Hearing Notice was advertised in the Record Gazette
Newspaper on January 11, 2019, announcing the 20-day circulation for public review and
comment of the draft MND for the proposed Project. Copies of the draft MND were made
available at Banning City Hall and Banning Public Library;

WHEREAS, in accordance with Government Code Section 65353, on January 16,
2019, the Planning Commission held the public hearing at which interested parties had
an opportunity to testify in support of, or opposition to, General Plan Amendment 18-2501,
Zone Change 18-3501, Design Review 18-7001, and at which the Planning Commission
considered the Project, each of the proposed entitlements, and the MND; and

WHEREAS, at this public hearing on January 16, 2019, the Planning Commission
heard public comments on, and adopted this Resolution recommending that the City
Council adopt the MND and MMRP for the Project, and approve General Plan
Amendment 18-2501, Zone Change 18-3501, and Design Review 18-7001.

NOW THEREFORE, the Planning Commission of the City of Banning does hereby
recommend to the City Council of the City of Banning as follows:

SECTION 1: California Environmental Quality Act Findings and Recommendation
for Adoption of Mitigated Negative Declaration and Mitigation Monitoring and Reporting
Program. The Planning Commission of the City of Banning does hereby recommends
proposed development would be consistent with uses permitted within the Business Park land use designation. The Business Park land use designation is intended to allow “light industrial manufacturing and office/warehouse buildings also, ancillary restaurants and retail uses, professional offices and club stores”.

B. Finding: That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Findings of Fact:
The proposed Project will complement the adjoining light industrial manufacturing and warehouse facility to the west and allow the expansion of the existing facility. As demonstrated in the analysis contained in the Planning Commission staff report dated January 16, 2019, and the MND prepared for the Project (Environmental Assessment 18-1501), there are no features unique to the Project site or the proposed use that would create conditions detrimental to the public interest, health, safety, convenience, or welfare of the City.

C. Finding: That the proposed amendment would maintain the appropriate balance of land uses within the City.

Findings of Fact:
Upon City Council approval of the requested General Plan Amendment, the site’s land use designation will be changed to Business Park (BP), and the proposed development would be consistent with uses permitted within the Business Park land use designation. The Business Park land use designation is intended to allow “light industrial manufacturing and office/warehouse buildings also, ancillary restaurants and retail uses, professional offices and club stores”.

The Project is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands”. The land-use designation of Business Park allows the proposed light manufacturing and warehouse use. The proposed light manufacturing and warehouse building will provide approximately 73,445 square feet of manufacturing space and 73,445 square feet of warehousing.

D. Finding: That in the case of an amendment to the General Plan Land Use Map, the subject parcels (s) is physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints), for the
requested land use designation(s) and the anticipated land use developments(s).

**Findings of Fact:**
The 6.4-acre portion of the 19.69-acre project area is of adequate size to accommodate the proposed light manufacturing and warehouse building, subject to compliance with the proposed Conditions of Approval. No natural constraints exist to the proposed development, and no significant adverse environmental impacts are anticipated with mitigation measures contained in the MND for the Project (Environmental Assessment 18-1501).

Lincoln Street provides suitable access and all necessary utilities are in place within adjacent public rights-of-way. As has been described in the preceding analysis, the site is surrounded by a railroad line and freeway to the north, light manufacturing, warehousing to the west, vacant parcels to the east and residential to the south across Lincoln Street. Public Facility-Railroad/Interstate adjoins the Project site on the north, with General Commercial land use designation and a single family residential land uses to the west and to the east and Very Low Density and Business Park across Lincoln Street to the south. A six foot wrought iron perimeter fence buffers the existing facility, a proposed six-foot concrete, stucco covered wall is proposed on the north and east perimeter and an eight-foot concrete tilt up wall will buffer the proposed Project on the south boundary. The subject site is basically flat with and has been graded and developed in the past, thus no unique physical features or vegetation will be affected by the proposed Project.

**SECTION 3: Findings for Recommendation of Approval of Zone Change 18-3501.**
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 18-3501 should be approved because:

A. **Finding: The proposed Amendment is consistent with the goals and policies of the General Plan.**

**Findings of Fact:**
The Project is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands”. The zoning classification of Business Park (BP) allows light industrial manufacturing and office/warehouse buildings also, ancillary restaurants and retail uses, professional offices and club stores.

B. **Finding: The proposed Amendment is internally consistent with the Zoning Ordinance.**
Findings of Fact:
The proposed Project is not anticipated to result in exceeding, either cumulatively or individually, any applicable level of service standards. Pursuant to the Project’s Conditions of Approval, the proposed Project will be constructed in conformance with City standards and specifications.

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

Findings of Fact:
See findings of fact in Section 1 of this Resolution.

SECTION 4: Findings for Recommendation of Approval of Design Review 18-7001. 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 18-7001 should be approved because:

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

Findings of Fact:
The Project is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands”. The land-use designation of Business Park (BP) allows the proposed light industrial manufacturing and office/warehouse buildings also, ancillary restaurants and retail uses, professional offices and club stores. The proposed light manufacturing and warehouse building will provide approximately 73,445 square feet of manufacturing space and 73,445 square feet of warehousing.

Further, the Project is consistent with General Plan Economic Development Policy which states: “The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues”. The proposed Project is estimated to generate approximately 50 jobs.

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

Findings of Fact:
The proposed Project is consistent with the Zoning Ordinance and the development standards of the Business Park (BP) Zone, with imposition of Conditions of Approval, as detailed in the analysis contained in the Planning Commission staff report dated January 16, 2019.
C. Finding: The design and layout of the proposed Project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards.

Findings of Fact:
The proposed Project has provided site and circulation layout design in such a way that the Project will not interfere with the use and enjoyment of existing and future development in the surrounding area. The proposed Project provides vehicular access from Lincoln Street as well as through the adjacent property to the west. A minimum six-foot solid perimeter wall will buffer residential development to the south of the proposed Project and design of lighting on-site is subject to compliance with the Municipal Code to prevent spillage onto adjacent areas.

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

Findings of Fact:
The proposed light manufacturing and warehouse building use will not impair the integrity and character of the BP land use district in which it is to be located because it is surrounded by existing light manufacturing and warehousing developments and is on Lincoln Street, an established corridor to other business parks, industrial and warehouse businesses. The building architecture, site circulation and landscaping have been designed in a manner that the Project is compatible with the character of the surrounding neighborhood, with the imposition of Conditions of Approval and CEQA mitigation measures. Additionally, a minimum 6-foot solid wall, along with landscaping, will buffer the site from residential areas to the south.

PLANNING COMMISSION ACTION - Recommendation of Approval of Project 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 18-2501, Zone Change 18-3501, and Design Review 18-7001 to permit the development of a 146,890 square foot light manufacturing and warehouse building on 6.4 acres of a 19.69 acre Project Site of real property located on the north side of Lincoln Street, at 1897 West Lincoln Street, 1661 West Lincoln Street, 1617 West Lincoln Street and 1589 West Lincoln Street and adjacent parcels to the east, between 22nd Street and 8th Street as shown in plans attached as Exhibit A (APNs: 538-230-014, 538-220-002, 538-220-003, 538-220-004, 540-180-041, 540-180-042, 540-180-043, 540-180-044 & 540-180-045)

SECTION 5: ) and, subject to the recommended Conditions of Approval attached as Exhibit B. Further, the Planning Commission of the City of Banning hereby recommends to the City Council of the City of Banning that the Council’s approval of Design Review 18-7001 not be effective until the effective date of the City Council
resolution approving General Plan Amendment 18-2501 and the ordinance adopting Zone Change 18-3501, whichever date occurs later.

PASSED, APPROVED AND ADOPTED this 16th day of January, 2019.

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. 2019-01, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 16th day of January, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

From General Commercial (GC) to Business Park (BP)

GPA 18-2501 / ZC 18-3501
City of Banning

General Plan Amendment 18-2501, Zone Change 18-3501,
PROJECT #: Design Review 18-7001, Conditions of Approval
SUBJECT: Planning Commission Resolution No. 2019-01
APPLICANT: David Hildago Architects, Inc
LOCATION: 1879 WEST LINCOLN, 1617 WEST LINCOLN, 1661 WEST LINCOLN

EXHIBIT B

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

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

3. Construction shall commence within two (2) years from the date of project approval, or the 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 approval 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 approval complies with all current Ordinance provisions.

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

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

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


8. PRIOR TO ISSUANCE OF BUILDING PERMITS: The developer shall complete and record a parcel merger for the seven parcels identified as Assessor’s Parcel

9. **PRIOR TO ISSUANCE OF BUILDING PERMITS**: The developer shall complete and record a parcel merger or lot line adjustment for the two parcels that have an existing 610,890 square foot building across the parcel lines on the parcels identified as Assessor’s Parcel Numbers APN: 538-230-014 and 538-220-004.

10. **PRIOR TO ISSUANCE OF BUILDING PERMITS** file and obtain the required demolition permits for the structure at 1661 W. Lincoln Street.

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

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

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

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

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

16. The site plan and project design shall comply with all Mitigation Measures contained in Mitigated Negative Declaration (MND) 18-1501 and the Mitigation Monitoring and Reporting Program (MMRP).

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

18. Prior to approval of Building Permits, the Landscape Plan shall be coordinated with the Lighting Plan to avoid conflicts and ensure proper placement of trees and lighting standards. 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.

19. No spillage of light shall be allowed off-site on any property line.

20. All signage shall comply with Chapter 17.36 of the Banning Municipal Code. A coordinated comprehensive signage program shall be submitted for review and the approval of the Planning Department prior to issuance of Occupancy Permits.
21. Prior to the issuance of Building Permits, a comprehensive lighting plan, including specification details, shall be submitted to the Planning Department for review and approval prior to the issuance of Building Permits. The Lighting Plan shall comply with Title 24 of the California Uniform Building Code. Any existing lighting along Lincoln Street shall be plotted on the Lighting Plan, Site Plan and Landscape Plan. Any proposed wall lighting shall be schematically plotted on the Lighting Plan, Site Plan and on building facades.

22. 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.

23. Prior to certificate of occupancy, a comprehensive parking plan shall be submitted to Community Development identifying each use and related parking. Thereafter, at the time of submittal for building permits, each tenant shall submit a comprehensive parking plan identifying that the facility is in compliance with the parking code.

Public Works Department

A. General Requirements

24. 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.

25. 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:

   a. Fire Marshal (access)

   b. Public Works Department (grading permits, street improvement permits)

   c. Riverside County Flood Control & Water Conservation District (storm drain)

   d. California Regional Water Quality Control Board Colorado River Basin (RWQCB)
e. South Coast Air Quality Management District (SCAQMD)

f. California Department of Transportation (CALTRANS)

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.

26. 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  
   \[1" = 40' Horizontal\]  
   \[1" = 40' Vertical\]

g. Signing & Striping Plans  
   \[1" = 40' Horizontal\]

h. Precise Grading Plans  
   \[1" = 40' Horizontal\]

i. Landscaping Plans  
   \[1" = 20' Horizontal\]

j. Water & Sewer Improvement Plans  
   \[1" = 40' Horizontal\]  
   \[1" = 4' Vertical\]
Other engineered improvement plans prepared for City approval that are not listed herein shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

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

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.

27. 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. Street Improvements/Rights of Way

28. The Applicant shall dedicate to the City of Banning the additional right-of-way of 25-feet fronting Lincoln Street (50 feet from centerline of the street) for public street and utilities purposes. Legal descriptions and plats of street dedication shall be provided to the Engineering Division for review and approval before acceptance by the City Council and recorded by the County of Riverside.

29. 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.

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

31. Construct half-width (50-feet from centerline) street improvements fronting Lincoln Street including street lighting, curb and gutter, driveway 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.

32. Construct commercial driveway approach or approaches fronting Lincoln Street in accordance with the City of Banning Standard No. C-209 or C210.
33. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee.

34. 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.

35. 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

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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, 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.

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

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.
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.

49. 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.

50. 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.”

51. 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

52. Prior to the issuance of a grading permit or building permit, the applicant shall submit and obtain approval in writing from the Fire Marshal 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 Marshal. 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 Marshal is granted.

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

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

55. 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/8th street and Lincoln Street and 22nd Street and submit the report to the Engineering Division for review and approval. All mitigation identified in the Traffic Impact
Analysis shall be implemented by the applicant to the satisfaction of the City Engineer.

56. 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.

E. Water

57. Construct all water improvements including connection to the existing City water system. All water mains to be constructed within the Public right-of-way shall be Ductile Iron Pipe and shall be a minimum of 8”. Final size shall be approved by the City Engineer.

58. 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.

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

60. 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.

61. Submit water plans along with water demand calculations, based on fixture counts for indoor domestic use for each unit (i.e., per building, tenant, etc.) and computed separately for outdoor irrigation. Separate irrigation meter(s) with RP backflow device will be required. Each potential building/unit shall have a dedicated domestic water meter with RP backflow protection.

62. The private fire protection system shall be designed to meet Fire Department requirements, and include an RPDA backflow protection device approved by USC.

F. Sewer

63. Design and construct sewer line and connect to existing City sewer system. Submit any sewer improvement plans to 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.

64. 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.

65. 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.

66. 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.

67. Some industrial users may require a discharge permit, depending on the nature of the anticipated quality and quantity of the discharge. Before connecting to the City Sewer System, applicant shall provide detailed information on the anticipated discharge flows, patterns and characteristics.

68. Submit sewer plans showing one or multiple sewer lateral connections to the existing 8" sewer main on Lincoln

G. Trash/Recycling

69. 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.

70. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City's franchised solid waste hauler, Waste Management of the Inland Valley at 1-800-423-9986, for disposal of construction debris.

H. Fees

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

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

73. 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.
74. 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.

75. Prior to issuance of grading permits, the applicant shall submit to the City Engineer a Notice of Intent (NOI) to comply with obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit from the State Water Resources Control Board. Evidence that this has been obtained (i.e., a copy of the Waste Dischargers Identification Number) shall be submitted to the City Engineer for coverage under the NPDES General Construction Permit prior to initiation of construction activities.

I. Lot Merger

76. Applicant shall submit copy of Grant Deed of the proposed lot mergers to the City.

77. Applicant shall submit legal descriptions and plats of the proposed lot merger to the City for review and approval.

78. All legal descriptions and plats must be prepared, stamped and signed by a Registered Land Surveyor or Civil Engineer in the State of California on letter size paper.

79. Applicant shall pay all associated engineering fees to the City at the time of submittal.

Electric Utility Department

80. Any electric utility pole(s) that need to be relocated for this project will be done at developer's expense.

81. Submit the outlined information in a timely fashion is critical for design, planning and ordering of material for this project.

82. 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.

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

84. Granting easement for electric facilities installation / maintenance, etc.
85. Installation of all electric utility conduits and substructures.

86. The City of Banning Electric Utility shall be responsible for:

   a. Reviewing plans submitted by customer.

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

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

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

   e. Install electrical apparatus including primary conductors, terminations, metering, and transformer to provide electrical service for your project.

**Fire Department**

Fire Access and Fire Water to comply with the 2016 editions of California Fire Code and California Building Code, including but not limited to the following:

87. For commercial areas, the required fire flow shall be available from Super hydrant(s) (6" x 4" x 21/2" x 21/2") spaced not more than 350 apart and shall be capable of delivering a fire flow 8000 GPM per minute for 4 hours duration at 20 psi residual operating pressure, which must be available before any combustible material is placed on the construction site.

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 a complete commercial fire sprinkler system. Fire sprinkler system(s) with pipe sizes in excess of 4" in diameter will require the project Structural Engineer to certify with a "wet signature", that the structural system is designed to support the seismic and gravity loads to support the additional weight of the sprinkler system. All fire sprinkler risers shall be protected from any physical damage.

90. The PIV and FDC shall be located to the front of building within 50 feet of approved roadway and within 200 feet of an approved hydrant. Sprinkler riser room must
have indicating exterior and/or interior door signs. A C-16 licensed contractor must submit plans, along with current permit fees, to the Fire Department for review and approval prior to installation.

91. 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.

92. Gate(s) shall be automatic or manual operated. Install Knox key operated switches, with dust cover, mounted per recommended standard of the Knox Company. Building plans shall include mounting location/position and operating standards for Fire Department approval.

93. Fire Apparatus access road 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 and 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 weather driving capabilities. Width must be a minimum 20'. 24' preferred.

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

95. Applicant/Developer shall mount blue dot retro-reflectors pavement markers on private streets, public streets and driveways to indicated location of the fire hydrant. It should be 8 inches from centerline to the side that the fire hydrant is on, to identify fire hydrant locations.

96. 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.

97. On the North side of the building near railroad property, if the project will only have 20' of clearance/distance to the property line a minimum 3 hour fire resistive rating will be required on the exterior wall.

98. Maximum allowable area for F2 occupancy is 72,000 sq. ft. a minimum 3 hour area separation of fire resistive construction will be needed to achieve the increase of allowable area.
Building and Safety Department

The following conditions are required to be met at time of plan check submittal:

99. 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.

100. 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.

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

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

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

104. 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.

***END***
ATTACHMENT 2

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

Mitigated Negative Declaration
<table>
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<tr>
<th>Mitigation Measures</th>
<th>Timing</th>
<th>Verification</th>
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<tbody>
<tr>
<td><strong>Aesthetics</strong></td>
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<tr>
<td><strong>Mitigation Measure AES-1</strong></td>
<td>Prior to Issuance of Building Permits</td>
<td>Planning Department</td>
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<td>Installation of lighting within the parking area and building entries shall be designed in a manner to control spillage of light from the Project Site, as required by the City of Banning Municipal Code. Attention will be made to assure no spillage of light onto adjacent residential properties to the west, north and east.</td>
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<td><strong>Cultural Resources</strong></td>
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<td><strong>Mitigation Measure CR-1</strong>: 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 the Issuance of Grading Permits.</td>
<td>Planning Department</td>
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<tr>
<td><strong>Mitigation Measure CR-2</strong>: 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</td>
<td>During Grading and Construction</td>
<td>Planning Department</td>
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<td>Mitigation Measure</td>
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<td>Planning Department so that the City can ensure PRC §5097.98 is followed.</td>
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<td><strong>Mitigation Measure CR-3</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 Department to include relinquishment of all artifacts through one of the following methods:</td>
<td>During Grading and Construction</td>
<td>Planning Department</td>
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<td>• A fully executed reburial agreement with the appropriate culturally affiliated Native American tribe or band. This reburial area should 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.</td>
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<td>• Curation at a Riverside County Curation facility that meets federal standards per 36 CFR Part 79 and therefore will be professionally curated and made available to other archaeologists/researchers and tribal members for further study. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be provided 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><strong>NOISE</strong></td>
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<td>To reduce potential construction noise impacts, the following multi-part mitigation measure shall be implemented for the proposed project:</td>
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<td><strong>Mitigation Measure N-1:</strong>  The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, etc.) and establishment reasonable measures necessary to correct the problem. The construction contractor shall visibly post a telephone number for the disturbance coordinator at the construction site.</td>
<td>Prior to the Issuance of Grading Permits</td>
<td>Building &amp; Safety Department; Planning Division</td>
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<td><strong>Mitigation Measure N-2</strong>  The construction contractor shall ensure that all on-site construction activities, including deliveries and engine warm-up, shall be restricted to the hours of 7:00 a.m. and 6:00 p.m. The contractor shall inform all workers and subcontractors of these restrictions.</td>
<td>During Grading and Construction</td>
<td>Building &amp; Safety Department; Planning Division</td>
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<td><strong>Mitigation Measure N-3:</strong>  The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.</td>
<td>During Grading and Construction</td>
<td>Building &amp; Safety Department; Planning Division</td>
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<td>Mitigation Measure</td>
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<td><strong>Mitigation Measure N-4:</strong></td>
<td>The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.</td>
<td>During Grading &amp; Construction</td>
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<td><strong>Mitigation Measure N-5:</strong></td>
<td>The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.</td>
<td>During Grading &amp; Construction</td>
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<td><strong>Mitigation Measure N-6:</strong></td>
<td>At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from the nearest residential land uses.</td>
<td>At All Times</td>
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<td><strong>Mitigation Measure TR-1:</strong></td>
<td>Construct Lincoln Street ultimate half-section width including landscaping and parkway improvements in conjunction with development, as necessary to the satisfaction of the Department of Public Works.</td>
<td>Prior to the issuance of Building Permits</td>
<td>Department of Public Works</td>
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<td>Mitigation Measure</td>
<td>Timing</td>
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<td>Signature</td>
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<td><strong>Mitigation Measure TR-2:</strong> The Project Proponent shall ensure that final site plans address safe access to the Project Site from Lincoln Street.</td>
<td>Prior to Issuance of Building Permits</td>
<td>Department of Public Works</td>
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<tr>
<td><strong>Mitigation Measure TR-3:</strong> The Project Proponent shall ensure that the access to the Project Site from Lincoln Street has a stopping sight distance of 250 feet or as specified by the Public Works Director of unobstructed line of sight.</td>
<td>Prior to Issuance of Building Permits</td>
<td>Department of Public Works</td>
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CITY OF BANNING
PLANNING DIVISION
INITIAL STUDY

City of Banning
Planning Division
Initial Study

DJL Properties, LLC
Zoning Change; New Construction

Project Description and Location:

This project proposes to change the zoning from General Commercial to Business Park and to construct a 146,890 square foot industrial/warehouse as an expansion of the existing businesses at 1879 W. Lincoln Street. This project includes the parcels: 538-230-014; 538-220-002; 538-220-003; 538-220-004; 540-180-041; 540-180-042; 540-180-043; 540-180-044; 540-180-045.

August 2017

Prepared by:
Environmental Regulatory Compliance, LLC, 1145 E. Orange Show Rd., Unit K, San Bernardino, CA 92408
Wade Riddering, President, REPA, CPESC

Prepared for:
City of Banning
Community Development Department, Planning Division
and
DJL Properties, LLC
2034 North Peck Road
South El Monte, CA 91733

Reviewed by:
1. **Project Title:** DJL Properties, LLC, Zoning Change and new construction

2. **Lead agency name and address:** City of Banning, Community Development Department 99 E. Ramsey Street, Banning, CA 92220

3. **Contact person and phone number:** Patty Nevins, Community Development Director (951) 922-3160

4. **Project location:** Mailing Address is 1879 W. Lincoln Street, Banning, CA 92220, for parcel numbers 538-230-014; 538-220-002; 538-220-003; 538-220-004; 540-180-041; 540-180-042; 540-180-043; 540-180-044; 540-180-045

5. **Project sponsor’s name and address:** Jose Jacquez; DJL Properties, LLC 2034 North Peck Road, South El Monte, CA 91733

6. **General plan designation:** The current land use designation of the project site is General Commercial

7. **Zoning:** Same as the General Plan, General Commercial

8. **Description of project:** One phase of the project consists of changing the zoning of the parcels listed above from General Commercial to Business Park, to be consistent with the historical and current use of industrial and manufacturing. Historically there has been door and window manufacturing onsite approved by the City of Banning Planning Department. The current use is a retail business, The Rowdy Rose; general warehousing; and Lawrence Equipment, Inc. which is a manufacturer of bakery equipment.

The zone change is consistent with the current and historic use of the project site, and is also consistent with the surrounding zoning and uses. The mixed use of commercial, industrial, business park is generally used as a buffer to residential areas. The proposed project is such a buffer between the residential uses south of Lincoln Street and the railroad and Interstate 10 to the North of the proposed project.

To the East of the proposed project is one parcel of General Commercial, currently used for cattle grazing, and further east are several industrial parcels and another General Commercial that abuts Eighth Street.

Directly south of the new construction proposed in the project are parcels zoned Business Park and extend East to Eighth Street south of Lincoln Avenue.

Directly south of the central part of the proposed project is six parcels zoned Very Low Density Residential.

To the west of the proposed project to 22nd Street and north of Lincoln Avenue the parcels are zoned General Commercial and Low Density Residential. And Low Density Residential south of Lincoln Street.

The second phase of the project the applicant proposes to construct an industrial warehousing building on parcels 540-180-041; 540-180-042; 540-180-043; 540-180-044; 540-180-045. This will allow the applicant to expand their manufacturing ability and to hire additional employees.
Future Construction
Future Construction Elevations
Aerial View

Overhead view

Current

Future
View from the South
View from the North

North West View

North Central View

North East View

View from the East
View from the West
9. **Surrounding land uses and setting**: Briefly describe the project’s surroundings:

South, Very Low Density Residential, Business Park and vacant land;
West, General Commercial, Low Density Residential and vacant land;

East, Vacant Land General Commercial, Industrial;
North, Santa Fe Pacific Railway, then Interstate 10 and Commercial beyond.
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

1. Colorado River Basin Regional Water Quality Control Board, Stormwater Pollution Protection Plan
2. City of Banning, Business Registration
3. City of Banning, Building & Safety
4. City of Banning, Fire Protection
5. City of Banning, Planning Department
7. Riverside County Fire, Hazardous Waste Generator Permit
8. Riverside County Fire, Hazardous Materials Permit
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

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

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

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

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

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

Signature ___________________________ Date ____________
Signature ___________________________ Date ____________
EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance
I. AESTHETICS.
Would the project:

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

a
The proposed project of constructing a new industrial/warehouse building of 146,890 square feet is consistent with the current use. The project site is relatively flat. The San Jacinto Mountains rise steeply southeast of the project site. The San Bernardino Mountains rise steeply from the north side of the San Gorgonio Pass about two miles north of the site. The Little San Bernardino Mountains are also visible to the east. Two of the highest peaks in southern California bracket the project site: San Gorgonio Mountain in the San Bernardino Mountains, the highest point in southern California at 11,503 feet, is about 6.5 miles north of the site and visible from nearly the whole site. San Jacinto Peak in the San Jacinto Mountains, 10,834 feet, is about 6.6 miles southeast of the site. The City of Banning Municipal Code addresses construction height limits to protect scenic vistas. The proposed project will have a less than significant impact on a scenic vista.

b-c
The proposed project of constructing a new industrial/warehouse building of 146,890 square feet is consistent with the current use. The proposed project will not damage any scenic resources. The proposed project site does not contain any trees or rock outcroppings and Lincoln Street is not designated a State Scenic Highway. The proposed project will not degrade the existing visual character or quality of the site or its surroundings. There is no impact on scenic resources or visual character from the project.

d
The proposed project of constructing a new industrial/warehouse building of 146,890 square feet is consistent with the current use of adjacent parcels. Lighting will be in compliance with the City of Banning Municipal Code. The impact of light and glare is less than significant.

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1. City of Banning Municipal Code Chapter 17.12 (Commercial and Industrial Districts), Section 17.12.050 (Development Standards)
3. City of Banning Municipal Code Chapter 17.12 (Commercial and Industrial Districts), Section 17.12.170 (Lighting)
II. AGRICULTURE AND FORESTRY RESOURCES.

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

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

**ii.ii**

The proposed project site is listed as Other Land on the Department of Conservation website mapping Prime, Unique or Farmland of Statewide Importance.¹ No farmland will be converted to non-agriculture use by the proposed project. The proposed project site is currently zoned General Commercial and seeks to change the zone to Business Park, and which does not conflict with any agriculture zoning or Williamson Act. The current use is industrial and commercial, the new construction is also industrial/commercial. According to Riverside County the proposed project site is listed as Non-Williamson Act Land, Urban and Built-Up Land.² There will be no loss of, or conversion of farmland or forest land to non-agriculture use. There is no conflict of zoning. There is no impact on agriculture or forestry resources by the proposed project.

² http://www.conservation.ca.gov/fpg/ica Riverside County FY 2015-2016 Sheet 1 of 3
III. AIR QUALITY

Where applicable, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

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

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

d) Expose sensitive receptors to substantial pollutant concentrations?

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

a-c

Construction Phase

The Sample Construction Scenarios for Localized Significant Thresholds (LST) on the South Coast AQMD website was utilized on September 12, 2017 for Appendix B, a Five Acre Site Example.1 The lbs/day of all pollutants is well below the LST. Chart III-1 is a summary from Caleemod for the construction phase.2 The prevailing wind is from the southwest to the northeast.2 The project will not conflict with nor obstruct implementation of the applicable air quality plan. The impact on air quality is less than significant during the construction.

<table>
<thead>
<tr>
<th>Chart III-1</th>
<th>Peak Daily Construction Emissions (lb/day)</th>
<th>MT/yr</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ROG</td>
<td>NOX</td>
</tr>
<tr>
<td>Peak Daily Total</td>
<td>3.9112</td>
<td>34.5782</td>
</tr>
<tr>
<td>Current Emissions</td>
<td>4.8923</td>
<td>6.8678</td>
</tr>
<tr>
<td>Total</td>
<td>8.8035</td>
<td>41.446</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>75</td>
<td>100</td>
</tr>
<tr>
<td>Exceed Significance</td>
<td>no</td>
<td>no</td>
</tr>
</tbody>
</table>

2. see appendix B for construction summary sheet from Caleemod 2016.3.3
3. see appendix C for wind site obtained from losu.edu website at http://mesonet.agron.missouri.edu/sites/site.php?station=BUD&network=CA_ASOS

137
III. AIR QUALITY (continued)

a-c (continued)

Operating Phase

One phase of the proposed project involves a zoning change of existing industrial buildings. There is no impact from this phase. The second phase of the proposed project involves the construction of an additional industrial building of 146,890 sq. ft. The emissions from the current industrial operations were compared to the future operational emissions with the new building included and found to be less than significant.\(^1\) (see chart III-2 and III-3) The project will not conflict with an air quality plan; will not violate any air quality standard; and will not produce a net increase of any criteria pollutant.

<table>
<thead>
<tr>
<th>Chart III-2</th>
<th>Current Peak Daily Operational Emissions (lb/day)</th>
<th>MT/yr</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ROG</td>
<td>NOX</td>
</tr>
<tr>
<td>Peak Daily Total</td>
<td>4.8923</td>
<td>6.8678</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>75</td>
<td>100</td>
</tr>
<tr>
<td>Exceed Significance</td>
<td>no</td>
<td>no</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chart III-3</th>
<th>Future Peak Daily Operational Emissions (lb/day)</th>
<th>MT/yr</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ROG</td>
<td>NOX</td>
</tr>
<tr>
<td>Peak Daily Total</td>
<td>9.2179</td>
<td>13.9109</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>75</td>
<td>100</td>
</tr>
<tr>
<td>Exceed Significance</td>
<td>no</td>
<td>no</td>
</tr>
</tbody>
</table>

d

See a-c above. The closest sensitive receptor is 1575 feet north with the SFPP Railway and Interstate 10 between the project site and the sensitive receptors. The prevailing wind is from the northwest to the southeast.\(^2\) The impact of substantial pollutant concentrations to sensitive receptors is less than significant.

e

The proposed project is in CalEnviroScreen census tract 6065044300. The prevailing wind, from southwest to northeast will effect census tract 6065044101 and this census tract has a population of 2973. The majority of the zoning in this tract is Highway Commercial. The number of homes within 1/4 mile radius of the proposed project site is 66. The lbs/day of all pollutants is well below the LST.\(^3\) The facility does not generate odors, and does not use chemicals that generate odors. The long-term operations of the proposed project will keep any industrial activity of the warehouse indoors. The impact of objectionable odors to a substantial number of people is less than significant.

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\(^1\) see appendix D for Current Operational summary sheets and appendix E for future operational summary sheets from CalEnviroScreen.

\(^2\) see appendix C for wind rose obtained from Iowa State University Web site at http://wwwrstn.agron.iastate.edu/sites/site.php?option=BU&network=CA_ASOS.

\(^3\) see appendix A for LST worksheets obtained from SCAQMD at http://www.scaqmd.gov/airregulations/csaq/air-quality-analysis-handbook/local-significance-thresholds.
IV. BIOLOGICAL RESOURCES:
Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

a-d

The Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) provides for special species surveys for covered species that do not fit well into design of criteria areas and expected locations of habitat reserves. The Banning planning area falls within the special survey areas for three of these species. They are the Yucaipa Onion, the Burrowing Owl, and the Los Angeles Pocket Mouse. The proposed project site is not located within any of these three special survey areas. The proposed project site has been developed and previously contained four houses. It is bounded on the north by a major Railroad and Interstate 10. Sensitive natural communities are natural communities that are considered rare in the region by regulatory agencies, that are known to provide habitat for sensitive animal or plant species, or that are known to be important wildlife corridors.2 Riparian habitats are those occurring along the banks of rivers and streams. The western property line borders the Montgomery Creek for 541 feet. Montgomery Creek is ephemeral and stays dry most of the time, therefore, there is little to no riparian habitat along the creek bed. The closest construction to the Montgomery Creek will be 959 feet to the east and will not have an adverse affect on Montgomery Creek. The proposed project site is not identified as being in or near any riparian habitat or other sensitive natural community.3

Wetlands are defined under the federal Clean Water Act as land that is flooded or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normally does support, a prevalence of vegetation adapted to life in saturated soils. Wetlands include areas such as swamps, marshes, and bogs. The proposed project site is not listed as a federally protected wetland.4 Further the proposed project construction is more than 900 feet from the Montgomery Creek and will not involve filling or removal of creek material.

The proposed project site is not located in a critical area nor a special linkage area as set forth in the MSHCP. There is no impact on the movement, migration, or impede the use of a nurse site of any native resident or wildlife.5 The proposed project site has contained houses, is bounded on the north by a major Railroad and Interstate 10. There will be no impact on biological resources during construction or operation.

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1. City of Banning General Plan Chapter IV Exhibit IV-4-1, IV-4-2, IV-4-3, IV-4-4, IV-4-5
2. City of Banning General Plan Chapter IV, Biologic Resources Element
5. City of Banning General Plan Chapter IV Exhibit IV-2
IV. BIOLOGICAL RESOURCES: (continued)

e
Current site conditions of the proposed new warehouse construction consists of three single family residences that have been removed. There are typical trees around these residences that will be removed for the construction of the new 146,890 sq. ft. industrial/warehouse building. The proposed project will include the required typical landscaping and be in compliance with the City of Banning Municipal Code.¹ The impact is less than significant.

f

The proposed project site is not located within an MSHCP Conservation Area, and is not in conflict with any conservation plan.² There is no impact on habitat conservation during construction or operation.

¹ City of Banning Municipal Code Chapter 17.32 Landscaping Standards
² Western Riverside County Multi-Species Habitat Conservation Plan Section 3.2, http://rcrmha.org/Portals/0/mshec/volume1/sec3.html#3.2
V. CULTURAL RESOURCES
Would the project:

| a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? |
|---|---|---|---|
| ☑ | ☐ | ☐ | ☜ |

| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? |
|---|---|---|---|
| ☐ | ☑ | ☐ | ☐ |

| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? |
|---|---|---|---|
| ☐ | ☐ | ☐ | ☜ |

| d) Disturb any human remains, including those interred outside of formal cemeteries? |
|---|---|---|---|
| ☐ | ☐ | ☜ | ☐ |

Historical resources are recognized as part of the environment under CEQA (PRC Section 21084.1). The California Register is an authoritative guide to the State's historical resources and to which properties are considered significant for purposes of CEQA.

The California Register includes resources listed in or formally determined eligible for listing in the National Register of Historic Places, as well as some California State Landmarks and Points of Historical Interest. Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the California Register and are presumed to be significant resources for purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC Section 5024.1, 14 CCR § 4850).

Resources eligible for listing include buildings, sites, structures, objects, or historic districts that retain historic integrity and are historically significant at the local, state or national level under one or more of the following four criteria per CEQA Guidelines Section 15064.5. (3):

A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
B) Is associated with the lives of persons important to our past;
C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
D) Has yielded, may be likely to yield, information important in prehistory or history.

The proposed project site is now vacant land. Four homes have been built along Lincoln Street in the past. These homes were built in 1946, 1947 and 1979. No structures and no portion of the properties are listed on the National Register of Historic Places, as a State Landmark, on the California State Register or as a Point of Interest. There is no impact on historic resources from the proposed project.¹

The area that includes the proposed project has been identified as having a low sensitivity for archaeological resources in the City of Banning General Plan.² Of the seven parcels that will be used for the construction of the 146,890 sq. ft. warehouse/industrial building, four have had prior development. The impact on archeological resources is less than significant during construction and operation.

There are no unique geologic features onsite. The topography is flat with no rock outcroppings. No impacts to unique geologic features would occur during construction or operations.

¹ [http://www.parks.ca.gov/Lands/Resources/?topic=arctic&criterion=33]
² City of Banning General Plan Chapter IV Exhibit IV-4
V. CULTURAL RESOURCES (continued)

d
California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. Specifically, California Health and Safety Code Section 7050.5 requires that, if human remains are discovered in a project site, disturbance of the site shall halt until the coroner has conducted an investigation into the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe that the human remains are those of a Native American, he or she shall contact the Native American Heritage Commission by telephone within 24 hours. Although soil-disturbing activities associated with construction of a 146,890 sq. ft. industrial/warehouse building could result in the discovery of human remains, compliance with existing law would ensure that significant impacts to human remains would not occur.
VI. GEOLOGY AND SOILS
Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
   i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
   ii) Strong seismic ground shaking?
   iii) Seismic-related ground failure, including liquefaction?
   iv) Landslides?

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

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

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

The majority of injuries and loss of life related to earthquakes are typically linked to the collapse of buildings and structures. While preventing the occurrence of an earthquake is not feasible, their destructive effects can be minimized through comprehensive hazard mitigation measures that include the identification and mapping of potential hazards, sensible planning, strict implementation of building codes, and the retrofitting and rehabilitation of weak structures. All construction will be completed using the most up-to-date research available to consultants, engineers and the City to mitigate any risk to less than significant.1

Based on the Riverside County Land Information System, the site is not located within an Alquist-Priolo Earthquake Fault Zone, nor is it located within 1/2 mile of any fault. The San Gorgonio Pass Fault is more than 4000 feet to the northwest.2 The impact is less than significant with mitigation, see VI.a above.

---

1. City of Banning General Plan Section V page 20
2. City of Banning General Plan Exhibit V.3
VI. GEOLOGY AND SOILS (continued)

ii 
The degree of Seismic Ground Shaking is primarily based on a site's proximity to an earthquake fault. The site is not within an Alquist-Priolo Fault Zone or within 1/2 mile of any other fault zone. Seismically induced ground shaking is the most significant potential geotechnical hazard facing the Banning area. Given the City's proximity of the San Andreas and San Jacinto faults, the urban core of the City has the potential to experience very high and extremely high ground shaking values of about 50% of the force of gravity, with a 10% chance of such a seismic event occurring in 50 years. These are probabilistic values, which combine all seismic sources in the area and assess the likelihood of each source to generate an earthquake. These values are among the highest in southern California and are the result of the City's proximity to major fault systems with high earthquake recurrence rates. The effects of ground motion on structures are difficult to predict, and depend on the intensity of the quake, the distance from the epicenter to the site, the composition of soils and bedrock, building design, and other physical criteria. Based on these factors, ground shaking may cause no, little, or major structural damage or destruction; however, in general, peak ground accelerations and seismic intensity values decrease with increasing distance from the causative fault. Local conditions, such as soft soils, shallow ground water, and the presence of ridge tops, could amplify the effects of seismic waves and result in higher localized accelerations. The Uniform Building Code, California Building Code, and Unreinforced Masonry Law are the primary tools used by local agencies to ensure seismic safety in structures. The impact is less than significant with mitigation, see VI.a above.

iii 
Liquefaction in the proposed project site is listed as moderate in the City of Banning General Plan. Three general conditions induce liquefaction. One condition is strong ground shaking of relatively long period. Another condition is the presence of unconsolidated granular sediments. A third condition is the occurrence of water-saturated sediments within 50 feet of the ground surface. Because the alluvium that underlies the Banning areas is coarsely granular and percolates well, the water table is not within 50 feet of the ground surface. However, in the past, shallow groundwater was detected on the southernmost part of the valley before water pumping activity. The impact is less than significant with mitigation, see VI.a above.

iv 
Based on a field review and USGS topographic maps, the site is relatively flat. The adjacent topography is also relatively flat. There are no slopes that would create a risk on or off site due to landslides. The proposed project site is not located in an area potentially prone to landslides. Therefore, the Project is forecast to have no impact with respect to landslides.

b 
Based on a field review and USGS topographic maps, the project site is a flat area that will be built as an industrial/warehouse building using the NPDES requirements and the guidelines in the City of Banning Municipal Code. No loss of topsoil or erosion will occur during or after construction. There is no impact on soil erosion from the proposed project.

c 
Liquefaction in the proposed project site is listed as moderate in the City of Banning General Plan. Three general conditions induce liquefaction. One condition is strong ground shaking of relatively long period. Another condition is the presence of unconsolidated granular sediments. A third condition is the occurrence of water-saturated sediments within 50 feet of the ground surface. Because the alluvium that underlies the Banning areas is coarsely granular and percolates well, the water table is not within 50 feet of the ground surface. However, in the past, shallow groundwater was detected on the southernmost part of the valley before water pumping activity. The impact is less than significant with mitigation, see VI.a above.

1 City of Banning General Plan Chapter V Exhibit V-16
2 City of Banning General Plan Chapter V Exhibit V-1
3 City of Banning General Plan Chapter V Exhibit V-2
4 City of Banning Municipal Code Chapters 15 and 17
5 City of Banning General Plan Chapter V Exhibit V-4
VI. GEOLOGY AND SOILS (continued)

d The majority of the proposed project site is Greenfield Sandy Loam and a small portion is Ramona Sandy Loam. Sandy Loams are stable soils that are not heavily affected by changes in moisture content. The impact of expansive soils is less than significant.

e The Project will have no impact with respect to septic tanks because the Project does not propose the use of a septic tank system.

---

VII. GREENHOUSE GAS EMISSIONS

Would the project:

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

a-b

The construction and operational greenhouse gas emissions have been calculated using Caleemod 2016.3.1 and are well below the SCAQMD threshold of 10,000 MT/year. See charts III-1, 2 and 3 of this document. The effect on greenhouse gas emissions from the proposed project is less than significant.

---

1 see appendix B, D and E for construction and operational summary sheets from Caleemod 2016.3.1 and appendix A for the LST worksheets obtained from SCAQMD at http://www.aqmd.gov/home/registrants/capital-quality-analysis-handbook/localized-significance-thresholds
VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

a) Construction

Hazardous materials such as fuels, greases, paints, and cleaning materials would be used during construction of the proposed project. Onsite construction equipment might require routine or emergency maintenance that could result in the release of oil, diesel fuel, transmission fluid, or other materials. The use, storage, transport, and disposal of hazardous materials in construction would comply with existing regulations of several agencies including the EPA, US Department of Transportation (DOT), Occupational Safety and Health Administration (OSHA), California Division of Occupational Safety and Health (Cal/OSHA), and Riverside County Department of Environmental Health (DEH) that is the Certified Unified Program Agency (CUPA) for Riverside County.¹ Impacts of hazardous materials would be less than significant.

Operations

The proposed project's use of hazardous materials is similar to the adjacent land use. No materials of significant danger will be used onsite. Any that are used onsite will be listed on the Emergency Planning and Community Right-to-Know documents. Uses of hazardous materials during project operation would be subject to many of the same regulations as govern hazardous materials use in construction operations. Impacts of hazardous materials would be less than significant.

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¹ The Riverside County Department of Environmental Health is the Certified Unified Program Agency (CUPA) for Riverside County; the Certified Unified Program coordinates and makes consistent enforcement of several state and federal regulations governing hazardous materials.
VIII. HAZARDS AND HAZARDOUS MATERIALS (continued)

b. Construction
Hazardous materials such as fuels, greases, paints, and cleaning materials would be used during construction of the proposed project. Onsite construction equipment might require routine or emergency maintenance that could result in the release of oil, diesel fuel, transmission fluid, or other materials. The use, storage, transport, and disposal of hazardous materials in construction would comply with existing regulations of several agencies including the EPA, US Department of Transportation (DOT), Occupational Safety and Health Administration (OSHA), California Division of Occupational Safety and Health (Cal/OSHA), and Riverside County Department of Environmental Health (DEH), the Certified Unified Program Agency (CUPA) for Riverside County. Impacts of hazardous materials release would be less than significant.

Operations
Commercial and industrial land uses utilizing hazardous materials are required to prepare and submit a Hazardous Materials Business Plan (HMBP) to the DEH. A HMBP includes an inventory of hazardous materials used and stored onsite; a site map; an emergency plan; and a training program for employees. The release of hazardous materials in operations would not cause significant hazards to the public or the environment. The impact of accidental releases of hazardous materials would be less than significant.

c. The closest schools to the proposed project is Banning High School over 4200 feet to the southeast, and Mt. Sac Community College over 5000 feet to the southwest. An elementary school is proposed adjacent to Banning High School and approximately 4000 feet to the southeast of the proposed project, and Mt. Sac Community College has proposed expansion to be within 3000 feet of the proposed project. There is no impact from hazardous materials or emissions from the proposed project.

d. An environmental database search was conducted in August 2017. Hazardous materials sites were identified on the project site. Environmental records were identified for three parcels of the project site, as described below in Table VIII-1. None of the environmental records are considered "recognized environmental conditions" for the project site. There are no Underground Storage Tanks identified on the state database. The proposed project buildout would not create a substantial hazard for the public or the environment related to hazardous materials sites identified in the database search. The impact is less than significant.

<table>
<thead>
<tr>
<th>Site Address</th>
<th>Database</th>
<th>Reason of Listing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intown Properties 1661 W. Lincoln</td>
<td>HAZNET</td>
<td>HAZNET is a database of hazardous waste shipment manifests. One manifest shipment in 1997 of unspecified solvent mixture.</td>
</tr>
<tr>
<td>Kelly Lawrence 1617 W. Lincoln</td>
<td>HAZNET</td>
<td>One manifest shipment in 2015 of asbestos containing waste</td>
</tr>
<tr>
<td>Pacific Window 1879 W. Lincoln</td>
<td>HAZNET</td>
<td>One manifest shipment in 2004 of hydrocarbon solvents</td>
</tr>
<tr>
<td>Lawrence Equipment 1879 W. Lincoln</td>
<td>HAZNET</td>
<td>One manifest shipment in 2017 of unspecified oil-containing waste and unspecified organic liquid mixture</td>
</tr>
</tbody>
</table>

e. The proposed project is 1.95 miles west of the Banning Municipal Airport and is listed outside of the compatibility zone by the Riverside County Airport Land Use Commission.

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1. The Riverside County Department of Environmental Health is the Certified Unified Program Agency (CUPA) for Riverside County; the Certified Unified Program coordinates and makes consistent enforcement of county and federal regulations governing hazardous materials.
2. City of Banning, Rancho San Gabriel Specific Plan Figure 8
3. ArcGIS-generated environmental condition is the presence or likely presence of hazardous materials or petroleum products under conditions indicating an existing or past release or a material threat of a release into structures or soil or groundwater or surface water, even under conditions in compliance with laws.
5. Riverside County Land Use Commission, Banning Municipal Airport, Map B3-1

Accessed on 09/30/2017
VIII. HAZARDS AND HAZARDOUS MATERIALS (continued)

f
The project site is not within the vicinity of a private airstrip. The nearest heliport to the site is at San Gorgonio Memorial Hospital at 600 North Highland Springs Avenue in the City of Banning, about 3.3 miles northwest of the site. Over congested areas, helicopters must maintain an altitude of at least 1,000 feet above the highest obstacle within 2,000 feet of the aircraft, except as needed for takeoff and landing.¹ Project development would not create any hazard for people living or working onsite arising from helicopters operating to or from the above mentioned heliport, and no impact would occur.

g
The emergency response plan for the City of Banning is the Riverside County Emergency Operations Plan adopted by the County Board of Supervisors in 2006. Project construction activities, and staging activities will be kept off of city streets and rights-of-ways. Impairment to emergency access of the surrounding areas will be less than significant.

h
No part of the project site is in Very High Fire Hazard Severity Zones designated by the California Department of Forestry and Fire Prevention.² Project development could not result in hazards arising from wildland fires. There is no impact by the proposed project.

¹ Code of Federal Regulations Title 14 Section 91.119
IX. HYDROLOGY AND WATER QUALITY

Would the project:

a) Violate any water quality standards or waste discharge requirements?
   □ [ ] [ ] [ ]

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
   □ [ ] [ ] [ ]

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
   □ [ ] [ ] [ ]

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
   □ [ ] [ ] [ ]

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
   □ [ ] [ ] [ ]

f) Otherwise substantially degrade water quality?
   □ [ ] [ ] [ ]

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
   □ [ ] [ ] [ ]

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
   □ [ ] [ ] [ ]

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
   □ [ ] [ ] [ ]

j) Inundation by seiche, tsunami, or mudflow?
   □ [ ] [ ] [ ]

a

Construction Phase

Project construction could generate pollutants that could contaminate water. The project site is in the Whitewater River Watershed and in the Colorado River Basin Regional Water Quality Control Board (CRB RW/QCB) region. Waste-discharge requirements for discharges to stormwater for construction activities are set by the State Water Resources Control Board. Waste-discharge requirements for post-construction stormwater discharges to municipal storm drainage systems in the Whitewater River Watershed are set by the CRB RW/QCB. Best management practices for mitigating potential pollutants is an integral part of the regulations governing water quality. This impact is less than significant with mitigation incorporated.

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IX. HYDROLOGY AND WATER QUALITY (continued)

a continued

Operating Phase
Project operations are not planned to generate waste water discharges, but could generate pollutants that could contaminate water. The project site is in the Whitewater River Watershed and in the Colorado River Basin Regional Water Quality Control Board (CRB RWQCBB). Waste-discharge requirements for discharges to stormwater from industrial activities are set by the State Water Resources Control Board. Waste-discharge requirements for stormwater discharges to municipal storm drainage systems in the Whitewater River Watershed are set by the CRB RWQCBB. Best management practices for mitigating potential pollutants is an integral part of the regulations governing water quality. This impact is less than significant with mitigation incorporated.

b

Construction Phase
A minimal amount of water is used during the construction phase of the proposed project. The impact from water use is less than significant.

Operating Phase
The 146,890 sq. ft. industrial/warehouse building will have offices and approximately 50 employees. The average water use is calculated at 18,600 gpd, with a peak use at 37,200 gpd. The projected water supply in 2015 was 13.89 mgd, with a total wet year capacity of 34.99 mgd and dry year capacity of 25.66 mgd. The impact of operations of the proposed project on water supplies of is less than significant.

c-e

Construction Phase
Construction of the proposed project will not alter nor increase natural drainage.

Operating Phase
The proposed project is to construct a 146,890 sq. ft. industrial/warehouse building on 6.2 acres with the required landscaping per the City of Banning Municipal Code Development Standards. The month of January has the highest average rainfall at 3.76 inches. Accessing data from the National Oceanic and Atmospheric Administration 10 year data from the closest station in Beaumont shows that the highest hourly rainfall is 7 inches. This will calculate to an average of 633,020 gallons in the month of January and a maximum of 129,010 gallons in an hour of stormwater run-off added to the Montgomery Creek. The maximum flow through the concrete culverts under Lincoln Street is calculated to be 3,584,581 gallons per hour. Even allowing for 100% run-off the maximum run-off is only 3.5% of the maximum flow under Lincoln Street. The impact of drainage and run-off will be less than significant.

f

The proposed project does not involve the generation of industrial waste waters. Storm water discharges are regulated by the Colorado Rivers Basin Regional Water Quality Board. See 1Xa above. The impact is less than significant.

g

The proposed project does not include housing; there is no impact.

h

The western edge of the proposed project, parcel 538-230-014, that is adjacent to Montgomery Creek is in zone AH, flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined. The eastern edge of parcel 538-230-014 and the western edge of parcel 538-220-004 are zone X areas of 0.2% chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% chance of flood. The rest of the parcels in the proposed project are in zone X, areas determined to be outside the 0.2% annual chance floodplain. There is no impact of placing structures within a 100-year floodplain.

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1. Industrial General Permit order 2014-0057-DWQ; https://www.waterboards.ca.gov/water_issues/programs/wetlands/igp_20140057dwq.shtml
2. City of Banning Water Department 3/2000 as shown on the Environmental Information Form; http://bc.banning.ca.us/documentcenter/view/3951
3. City of Banning 2010 Urban Waste Management Plan Table 4-1 and 4-2
4. Time related maps accessed on 09/17/2017 https://gis.ncc.noaa.gov/mapping/ed/e/re/day1?; see appendix F
5. Two 30' concrete pipes at 2% slope with a Manning N of 0.101 flow 68.534 cfs each, see appendix G
6. FEMA, Flood Insurance Rate Map, Map number 06065C3817G/4; August 28, 2008
IX. HYDROLOGY AND WATER QUALITY (continued)

The project site is not in an area mapped by FEMA as protected from 100-year floods by levees. There are no dams upstream from the site on Montgomery Creek or the San Gorgonio River that could pose a flood threat to the site due to dam failure. No impact would occur.

Seiche
A seiche is a surface wave created when an inland water body is shaken, usually by an earthquake. There are no inland bodies of water near enough to the site to pose a flood threat to the site due to a seiche, and no impact would occur.

Tsunami
A tsunami is a sea wave caused by a sudden displacement of the ocean floor, most often due to earthquakes. The site elevation ranges from about 2,215 to 2,402 feet above mean sea level, and is about 52 miles inland from the Pacific Ocean; thus, there is no potential for flooding onsite due to tsunamis.

Mudflow
A mudflow is a landslide composed of saturated rock debris and soil with a consistency of wet cement. The site consists of gently sloping terrain vegetated with grasses, and is unlikely to be capable of generating a mudflow. The general slope of the area is from the north to the south. The railway and Interstate 10, directly north, will prevent a threat of mudflow. The proposed project site slopes generally from north to south 8 feet in 556 feet. There is no impact from mudflows for the proposed project.
X. LAND USE AND PLANNING

Would the project:

a) Physically divide an established community?

☐ Potentially Significant Impact
☐ Less Than Significant with Mitigation Incorporated
☐ Less than Significant Impact
☒ No Impact

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

☐ Potentially Significant Impact
☐ Less Than Significant with Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

☐ Potentially Significant Impact
☐ Less Than Significant with Mitigation Incorporated
☐ Less than Significant Impact
☒ No Impact

The proposed project is contiguous to current industrial land use to the west, vacant land to the east, U.P. Railroad and I-10 to the north, and Lincoln Street to the south.¹ The project will not divide an established community, there is no impact.

The construction phase of the project would also require approval of the project water quality management plan (WQMP) by the CRB RWQCB. The proposed project area has historically been used for industrial purposes and is zoned commercial. Three parcels were used out of zoning as low density residential and have been vacant for a number of years. The proposed project seeks to continue use as industrial and commercial and would require discretionary approval of General Plan amendment/zone change to Business Park to reflect the proposed project. The proposed project does not conflict with a land-use plan, policy or regulation. The impact is less than significant.

The proposed project does not conflict with any natural habitat or community conservation plan.² There is no impact by the proposed project.

¹ Surrounding land use maps, pages 6-9 of this document
² Western Riverside County Multiple Species Habitat Conservation Plan, http://rcfema.org/Portals/0/Projects/volume1/sec3.html
XI. MINERAL RESOURCES

Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

a

The proposed project site is located in an area designated Mineral Resource Zone-3 as an area containing known or inferred mineral occurrences of unknown significance. None of the project site is mapped by the CGS as containing known Portland-cement concrete (PCC) grade aggregate resources (CGS 2008). Project development would not cause a loss of availability of known mineral resources valuable to the region and the state, no impact would occur.

b

No mining site in or near the project is identified in the City of Banning General Plan. The nearest mine to the project site present on the Office of Mine Reclamation’s map is the Banning Quarry, mine ID 91-33-00012. It is an active sand and gravel mine located about 2.2 miles northeast of the site project. No impact would occur to mineral resources.

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1. City of Banning General Plan Chapter IV Exhibit IV-4
XII. NOISE
Would the project result in:

| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? |
|---|---|---|
| ☐ | ☐ | ☒ |

| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? |
|---|---|---|
| ☐ | ☐ | ☒ |

| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? |
|---|---|---|
| ☐ | ☐ | ☒ |

| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? |
|---|---|---|
| ☐ | ☐ | ☒ |

| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? |
|---|---|---|
| ☐ | ☐ | ☒ |

| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? |
|---|---|---|
| ☐ | ☐ | ☒ |

**a-b**
Groundborne Vibration and noise is most typically associated with operation of heavy construction equipment. Because of the flat topography of the site and no demolition a minimal amount of heavy equipment is required. There are 24 homes within 1000 feet of the project site, the closest is 300 feet south. The Project is required to comply with the mandatory noise requirements contained in Section 8.44.090.E and F of the Banning Municipal Code for construction activities and the operation of an industrial/warehouse building. Operation of the industrial/warehouse building will not produce groundborne vibrations beyond six additional truck trips per day. The impacts from noise and groundborne vibrations are considered to be less than significant.

**g**
**Construction Phase**
Permanent noise is typically generated by building mechanical equipment, such as heating and air conditioning units, and by vehicle traffic associated with the use of a site. The construction of the industrial warehouse building will not produce permanent noise.

**Operating Phase**
The proposed project is anticipated to produce 56 new vehicle trips per day beyond current levels. These vehicle trips produce similar noise levels to those that already occur on Lincoln Street. The average daily trips on Lincoln Street between 8th and 22nd Streets is 2,500. All industrial activity will occur indoors. The impact of permanent noise is less than significant.

**d**
**Construction Phase**
During the construction phase of the proposed project it is anticipated that there will be an increase in daytime noise levels. These will be managed by the construction schedule. Per Section 8.44.090.E and F of the City of Banning Municipal Code, construction activity is required to be limited to certain hours and days to minimize noise impacts. This is a mandatory requirement. Therefore, impacts are forecast to be less than significant.

---
1. City of Banning 2011 Engineering and Traffic Surveys, Table 3
XII. NOISE (continued)

d continued

Operating Phase
The proposed project of an industrial/warehouse building is anticipated to produce 56 new vehicle trips per day beyond current levels. These vehicle trips produce similar noise levels, during a similar time period, to those that already occur on Lincoln Street. The average daily trips on Lincoln Street between 8th and 22nd Streets is 2,500.\(^1\) The industrial activity will occur indoors and the nearest residence is 300 feet south of the industrial buildings. The impacts of temporary, periodic noise is less than significant.

\(g\)

The proposed project is 1.95 miles west of Banning Municipal Airport. The proposed project is outside the 55 dB CNEL noise contour of the airport and will not expose people residing or working at the proposed project to excessive noise levels.\(^2\) There will be no impact.

\(f\)

The proposed project is not within the vicinity of a private air strip. There will be no impact.

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1. City of Banning 2011 Engineering and Traffic Surveys, Table 3
2. Riverside County Airport Land Use Commission; Banning Municipal Airport, Map-BN-3

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**XIII. POPULATION AND HOUSING**

Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b)</td>
<td>Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c)</td>
<td>Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**a**
The proposed project will increase employment by 50, it is anticipated that 42 will be from the local area. The proposed project does not propose new homes and is not expected to induce population growth. The impact of the proposed project on population and housing is expected to be less than significant.

**b-c**
The proposed project will be constructed on parcels that have had four single family houses that have been removed and the land is now vacant. There is no impact from the proposed project.
XIV. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Fire protection?</td>
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<tr>
<td>b) Police protection?</td>
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<tr>
<td>c) Schools?</td>
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<tr>
<td>d) Parks?</td>
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<tr>
<td>e) Other public facilities?</td>
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</tr>
</tbody>
</table>

a) Fire Services - The Riverside County Fire Department (RCFD) provides fire protection and emergency medical services to the City of Banning. Fire Station 89 is located 1.5 driving miles northeast of the project site. The proposed project will add a 146,890 square foot industrial warehouse building with automatic sprinklers. The impact on fire services will be less than significant.

b) Police Protection - The Banning Police Department (BPD) provides police protection to the City of Banning. The Banning Police Department consists of 41 sworn personnel and 20 classified personnel. The police station is located at 125 E. Ramsey Street. The proposed project will add a 146,890 square foot industrial warehouse building and add 50 employees. The impact on police services will be less than significant.

c) Schools - The project site is in the Banning Unified School District (BUSD). The proposed project will increase employment by 50, it is anticipated that 42 will be from the local area, which will have less than significant impact on the BUSD.

d) Parks - The proposed project will increase employment by 50, it is anticipated that 42 will be from the local area, which will have less than significant impact on city parks.

e) Other public facilities - The proposed project will increase employment by 50, it is anticipated that 42 will be from the local area, which will have less than significant impact on any other public facilities.
XV. RECREATION

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
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</tbody>
</table>

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

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? ☒

a
The proposed project will increase employment by 50, it is anticipated that 42 will be from the local area. There will not be a substantial increase in the use of local recreation facilities. There is no impact from the proposed project.

b
The proposed project does not include recreational facilities and will not require the expansion of existing or the construction of new recreational facilities. There is no impact from the proposed project.
XVI. TRANSPORTATION/TRAFFIC

Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</td>
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</tr>
<tr>
<td>b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</td>
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<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
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<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
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<tr>
<td>e) Result in inadequate emergency access?</td>
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<tr>
<td>f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a-b

Construction Phase
During construction all equipment and supplies will be staged on the proposed project site and away from roadways. There is no impact.

Operating Phase
The proposed project is anticipated to produce 6 new truck trips per day beyond current levels. These vehicle trips produce similar noise levels to those that already occur on Lincoln Street. The addition of 50 employees is anticipated to add 50 vehicle trips per day. The average daily trips on Lincoln Street between 8th and 22nd Streets is 2,500. The impact is expected to be less than significant.

c
The proposed project is 1.95 miles west of the Banning Municipal Airport runway and is not within the Airport Influence Area. The project will be constructed in compliance with the City of Banning Municipal Code Building Standards for Commercial/Industrial projects. There will be no impact from this project.

d
Construction
All construction equipment will be staged on the project site ensuring that the roadway stays clear. Vehicle trips will be limited to persons working at the site during construction. There will not be design hazards.

Operational
The existing roadway in front of the current commercial/industrial buildings is wider than the majority of Lincoln Street. This reduces the hazards of truck traffic entering the new industrial/warehouse building drive approaches. The impact of design features is less than significant.

1 City of Banning 2011 Engineering and Traffic Surveys, Table 3
2 Riverside County Land Use Commission, Banning Municipal Airport, Map B-1

160
XVI. TRANSPORTATION/TRAFFIC (continued)

e
All portions of the project site will be fully accessible to emergency vehicles during construction and will remain accessible during operations. There is no impact to emergency vehicle access.

f
The Project does not conflict with any policies, plans, or programs that support use of alternative transportation such as bus service, bike lanes, or other modes of transportation. Thus, there are no impacts to alternative modes of transportation.
XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>☑️</td>
<td>☐️</td>
<td>☐️</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐️</td>
<td>☐️</td>
<td>☑️</td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐️</td>
<td>☐️</td>
<td>☑️</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>☐️</td>
<td>☐️</td>
<td>☑️</td>
</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</td>
<td>☐️</td>
<td>☐️</td>
<td>☑️</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
<td>☐️</td>
<td>☐️</td>
<td>☑️</td>
</tr>
<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
<td>☐️</td>
<td>☐️</td>
<td>☑️</td>
</tr>
</tbody>
</table>

A

Construction Phase

Project construction could generate pollutants that could contaminate water. The project site is in the Whitewater River Watershed and in the Colorado River Basin Regional Water Quality Control Board (CRB RWQCB) region. Waste-discharge requirements for discharges to stormwater during construction activities are set by the State Water Resources Control Board. Waste-discharge requirements for post-construction stormwater discharges to municipal storm drainage systems in the Whitewater River Watershed are set by the CRB RWQCB. Best management practices for mitigating potential pollutants is an integral part of the regulations governing water quality.¹ This impact is less than significant with mitigation incorporated.

Operating Phase

Project operations are not planned to generate waste water discharges to the utility, but could generate pollutants that could contaminate storm water. The project site is in the Whitewater River Watershed and in the Colorado River Basin Regional Water Quality Control Board (CRB RWQCB) region. Waste-discharge requirements for discharges to stormwater from industrial activities are set by the State Water Resources Control Board. Waste-discharge requirements for stormwater discharges to municipal storm drainage systems in the Whitewater River Watershed are set by the CRB RWQCB. Best management practices for mitigating potential pollutants is an integral part of the regulations governing water quality.² This impact is less than significant with mitigation incorporated.

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XVII. UTILITIES AND SERVICE SYSTEMS (continued)

b  Construction Phase
Project construction will not generate wastewater and will not require the construction of new water or wastewater treatment facilities. There is no impact from the proposed construction project.

Operating Phase
The project operating phase will not result in the construction of new water or wastewater treatment facilities. The 146,890 sq. ft. industrial/warehouse building will have offices and approximately 50 employees. The average water use is calculated at 18,600 gpd, with a peak use at 37,200 gpd. The projected water supply in 2015 was 13.89 mgd, with a total wet year capacity of 34.99 mgd and dry year capacity of 25.66 mgd. The impact of operations of the proposed project is less than significant.

Using the City’s wastewater generation rates, the project would generate approximately 9,300 gpd of wastewater. The existing wastewater treatment plant is designed to treat an average flow of 3.6 mgd and a peak flow of 7.2 mgd. The impact of the proposed project on the wastewater treatment facilities is less than significant.

c  Construction Phase
The project site is in the Whitewater River Watershed and in the Colorado River Basin Regional Water Quality Control Board (CRB RWQCB) region. Waste-discharge requirements for discharges to stormwater for construction activities are set by the State Water Resources Control Board. Waste-discharge requirements for post-construction stormwater discharges to municipal storm drainage systems in the Whitewater River Watershed are set by the CRB RWQCB. Best management practices for mitigating potential pollutants is an integral part of the regulations governing water quality. This impact is less than significant with mitigation incorporated.

Operating Phase
The proposed project is to construct a 146,890 sq. ft. industrial/warehouse building on 6.2 acres with the required landscaping per the City of Banning Municipal Code Development Standards. The month of January has the highest average rainfall at 3.76 inches. Accessing data from the National Oceanic and Atmospheric Administration, 10 year data from the closest station in Beaumont shows that the highest hourly rainfall is .7 inches. This will calculate to an average of 633,020 gallons in the month of January and a maximum of 129,010 gallons in an hour of stormwater run-off added to the Montgomery Creek. The maximum flow through the concrete culverts under Lincoln Street is calculated to be 3,584,581 gallons per hour. The impact will be less than significant.

d  Construction Phase
Project construction will not use any significant amount of water. The impact from the proposed project is expected to be less than significant.

Operating Phase
The project operating phase will not require new or expanded water entitlements. The 146,890 sq. ft. industrial/warehouse building will have offices and 50 employees. The average water use is calculated at 18,600 gpd, with a peak use at 37,200 gpd. The projected water supply in 2015 was 13.89 mgd, with a total wet year capacity of 34.99 mgd and dry year capacity of 25.66 mgd. The average water year supply surplus is 5,187 acre-ft/year or 4.6 mgd. The impact from the proposed project is expected to be less than significant.

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2. City of Banning 2010 Urban Water Management Plan Tables 4-1 and 4-2
3. Rancho San Pedro Specific Plan Draft EIR June 2016. 4.1-6.14
5. City of Banning 2010 Urban Water Management Plan Table 4-1
7. Two 3" concrete pipes at 2' slope with a Manning N of 0.01 flow 68.354 cfs each, see appendix O
9. City of Banning 2010 Urban Water Management Plan Tables 6-1 and 6-2
10. City of Banning 2010 Urban Water Management Plan Table 5-9
XVII. UTILITIES AND SERVICE SYSTEMS (continued)

e
The Proposed Project's wastewater effluent will be collected by the City of Banning sewer system and transported to the City's Wastewater Reclamation Plant. This plant has a secondary treatment capacity of 3.6 million gallons per day, and a designed capacity of 7.8 MGD. The average throughput of the plant is 2.4 MGD from 2005-2010. The predicted wastewater generation average rate of the project is 9,750 GPD. The increase of total throughput of the plant with the additional of the wastewater of the Project is minuscule to the 2.4 million gallons per day, and does not impact the design capacity of 3.6 million gallons per day. Since the Proposed Project will not result in a substantial impact on the wastewater facility and an expansion will eventually be constructed, impacts will be less than significant.

f

Construction
The project proposed to construct a 146,890 sq. ft. industrial/warehouse building. The construction activities will generate a minimal amount of solid waste.

Operations
The project will generate solid waste from the warehouse offices supporting 50 new employees. Waste Management provides service to the City. The new warehouse/industrial building is estimated to generate 186 tons/year for solid waste. Solid waste is most likely to be transported to the Lamb Canyon Landfill. According to CalRecycle, the Lamb Canyon landfill has an estimated closure date of 04/01/2029 accepting 5,500 tons/day. The impact from the proposed project is less than significant.

g
Waste Management provides service to the Project site. Any solid waste disposal will be in compliance with the City's mandatory requirements. Therefore, no impacts are forecast to occur.

2. CalRecycle 2016.3.1 current vs future comparison, see appendix D and E
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
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<tr>
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<tr>
<td>b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
<td>☐</td>
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<tr>
<td>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
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</tbody>
</table>

a) The project site is considered highly disturbed, developed, and is devoid of native vegetation. Single family houses have existed on the site and have been removed. The project site does not contain any habitat to support candidate, sensitive, or special-status species and the project site is not within a designated critical habitat of any species. No drainage features, ponded areas, or riparian habitat exist on the project site. Likewise, no rare or endangered species have been found to inhabit the site. There are no structures of a historical nature, and no archaeological or paleontological resources are known to exist on site. Therefore, the project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory, and no impacts related to these topics would occur with project implementation.

b) The project is not considered growth inducing and will not alter planned development patterns in the region. Also, no expansion of supporting infrastructure would be required to accommodate the proposed project. Therefore, no impacts related to this project are individually limited, but cumulatively considerable.

c) The areas of potential significant impact are V. Geology and Soils; IX Water Quality and XVII Utilities.

V. Geology and soils are affected by earthquakes and liquefaction. The site is not within an Alquist-Priolo Fault Zone or within 1/2 mile of any other fault zone. Liquefaction in the proposed project site is listed as moderate in the City of Banning General Plan. The water table is not within 50 feet of the ground surface. All construction will be completed using the most up-to-date research available to consultants, engineers and the City to mitigate any risk to less than significant.
IX Water Quality has the potential to be affected by industrial activity. Waste-discharge requirements for discharges to stormwater for construction activities and industrial are set by the State Water Resources Control Board. During construction the project site will operate with a construction Storm Water Pollution Prevention Plan (SWPPP). During operations the business will obtain an Industrial SWPPP. These SWPPPs have incorporated within them Best Management Practices to minimize potential pollutants in stormwater discharges.

XVII Utilities has the same potential as Water Quality and the discussion is the same.
<table>
<thead>
<tr>
<th>Page</th>
<th>Ref. #</th>
<th>Appendix</th>
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<tr>
<td>12</td>
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<td>13</td>
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<td><a href="http://www.conservation.ca.gov/dlfp/ica">http://www.conservation.ca.gov/dlfp/ica</a> County FY 2015-2016 Sheet 1 of 3 Riverside</td>
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<td>14</td>
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<td>see appendix A for LST worksheets obtained from SCAQMD at <a href="http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds">http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds</a></td>
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<td>B</td>
<td>see appendix B for construction summary sheet from Calenmod 2016.3.3</td>
</tr>
<tr>
<td>14</td>
<td>3</td>
<td>C</td>
<td>see appendix C for wind rose obtained from Iowa state University Web site at <a href="http://mesonet.agron.iastate.edu/sites/site.php?station=BU0&amp;network=CA_ASOS">http://mesonet.agron.iastate.edu/sites/site.php?station=BU0&amp;network=CA_ASOS</a></td>
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<td>15</td>
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<td>see appendix D for Current Operational summary sheet and appendix E for Future Operational Summary Sheet from Calenmod 2016.3.3</td>
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<td>see appendix C for wind rose obtained from Iowa state University Web site at <a href="http://mesonet.agron.iastate.edu/sites/site.php?station=BU0&amp;network=CA_ASOS">http://mesonet.agron.iastate.edu/sites/site.php?station=BU0&amp;network=CA_ASOS</a></td>
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<td>City of Banning General Plan Chapter IV Exhibit IV-3, IV-4 and IV-5</td>
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<td>16</td>
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<td>City of Banning General Plan Chapter IV, Biologic Resources Element</td>
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<td>Western Riverside County Multiple Species Habitat Conservation Plan Section 3.2, <a href="http://rcflma.org/Portals/0/rshep/volume1/sec3.2.html#3.2">http://rcflma.org/Portals/0/rshep/volume1/sec3.2.html#3.2</a></td>
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<td>24</td>
<td>1</td>
<td></td>
<td>The Riverside County Department of Environmental Health is the Certified Unified Program Agency (CUPA) for Riverside County; the Certified Unified Program coordinates and makes consistent enforcement of several state and federal regulations governing hazardous materials.</td>
</tr>
<tr>
<td>25</td>
<td>1</td>
<td></td>
<td>The Riverside County Department of Environmental Health is the Certified Unified Program Agency (CUPA) for Riverside County; the Certified Unified Program coordinates and makes consistent enforcement of several state and federal regulations governing hazardous materials.</td>
</tr>
<tr>
<td>25</td>
<td>2</td>
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<td>City of Banning, Rancho San Gorgonio Specific Plan Figure-6</td>
</tr>
<tr>
<td>25</td>
<td>3</td>
<td></td>
<td>A recognized environmental condition is the presence or likely presence of hazardous materials or petroleum products under conditions indicating an existing or past release or a material threat of a release into structures or soil or groundwater or surface water, even under conditions in compliance with laws.</td>
</tr>
<tr>
<td>25</td>
<td>4</td>
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<td>Code of Federal Regulations Title 14 Section 91.119</td>
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<td>City of Banning Water Department. 3/2006 as shown on the Environmental Information Form; <a href="http://ci.banning.ca.us/documentcenter/view/3951">http://ci.banning.ca.us/documentcenter/view/3951</a></td>
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<tr>
<td>28</td>
<td>4</td>
<td>G</td>
<td>Two 30&quot; concrete pipes at 2% slope with a Manning N of .011 flow 68.554 cfs each, see appendix G</td>
</tr>
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<td>28</td>
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<td>FEMA, Flood Insurance Rate Map, Map number 06065C0817G August 28, 2008</td>
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<td>30</td>
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<td>Surrounding land use maps, pages 6-8 of this document</td>
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<td>Western Riverside County Multiple Species Habitat Conservation Plan; <a href="http://rectima.org/Portals/0/mshcp/volume1/sec3.html">http://rectima.org/Portals/0/mshcp/volume1/sec3.html</a></td>
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<td>41</td>
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## Summary of Five Acre Site Example Results By Phase

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<th>PM10</th>
<th>PM2.5</th>
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<td>0.0</td>
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<td>44.4</td>
<td>8.6</td>
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<td>32.4</td>
<td>68.4</td>
<td>7.2</td>
<td>4.2</td>
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<td>Building</td>
<td>21.3</td>
<td>46.2</td>
<td>2.8</td>
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<td>Arch Coating and Paving</td>
<td>17.7</td>
<td>34.3</td>
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<td>2.2</td>
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<td>698</td>
<td>405</td>
<td>189</td>
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<td>Exceed Significance?</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
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* For illustration purposes only, this analysis is based on the most stringent LSTs. Please consult App. C of the Methodology Paper for applicable LSTs.
Appendix B

Lawrence Equipment - Riverside-South Coast County, Summary Report

Lawrence Equipment
Riverside-South Coast, Summary Report

1.0 Project Characteristics

1.1 Land Usage

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Size</th>
<th>Metric</th>
<th>Lot Acreage</th>
<th>Floor Surface Area</th>
<th>Population</th>
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<td>Manufacturing</td>
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<td>10000sqft</td>
<td>3.46</td>
<td>150,590.00</td>
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1.2 Other Project Characteristics

Urbanization: Rural
Wind Speed (m/s): 2.4
Precipitation Freq (Days): 28
Climate Zone: 10
Operational Year: 2019
Utility Company: Southern California Edison

CO2 Intensity (lb/MWhr): 702.44
CH4 Intensity (lb/MWhr): 0.029
N2O Intensity (lb/MWhr): 0.006

1.3 User Entered Comments

Only CalEEMod defaults were used.
Appendix B

Project Characteristics -
Land Use - rounding
Construction Phase - only concrete pads of houses to demolish
Off-road Equipment - no
Off-road Equipment - No construction
Off-road Equipment - only concrete pads of houses to demolish
Off-road Equipment - No construction
Off-road Equipment - no
Off-road Equipment - Customer Input
Trips and VMT - Customer Input
On-road Fugitive Dust - estimates
Demolition -
Grading -
Architectural Coating - no construction
Vehicle Trips - Construction Only
Area Coating - construction only
Energy Use - construction only
Water and Wastewater - construction only
Solid Waste - construction only
Construction Off-road Equipment Mitigation -
Area Mitigation -
Energy Mitigation -
Road Dust - construction calcs only
Consumer Products - construction calcs only
Landscape Equipment - construction calcs only
Waste Mitigation - Comply with waste diversion goal of 75% per AB341
Water Mitigation -
### 2.0 Peak Daily Emissions

#### Peak Daily Construction Emissions

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<th>Year</th>
<th>Phase</th>
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<th>NOX</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
<th>PM2.5</th>
<th>ROG</th>
<th>NOX</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
<th>PM2.5</th>
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<tr>
<td>2017</td>
<td>Site Preparation</td>
<td>2.0177 W</td>
<td>10.7121 W</td>
<td>10.7588 W</td>
<td>0.0181 S</td>
<td>6.1531 W</td>
<td>1.8225 W</td>
<td>2.0177 W</td>
<td>10.7121 W</td>
<td>10.7588 W</td>
<td>0.0181 S</td>
<td>3.0052 W</td>
<td>2.4106 W</td>
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<tr>
<td>2017</td>
<td>Grading</td>
<td>3.2999 W</td>
<td>14.4952 W</td>
<td>18.2762 S</td>
<td>0.0937 S</td>
<td>18.4193 W</td>
<td>0.0763 W</td>
<td>3.2999 W</td>
<td>14.4952 W</td>
<td>18.2762 S</td>
<td>0.0937 S</td>
<td>3.2903 W</td>
<td>3.3315 W</td>
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<tr>
<td>2018</td>
<td>Grading</td>
<td>2.8874 W</td>
<td>31.3008 W</td>
<td>17.8121 W</td>
<td>0.0536 S</td>
<td>12.5687 W</td>
<td>0.5005 W</td>
<td>2.8874 W</td>
<td>31.3008 W</td>
<td>17.8121 W</td>
<td>0.0536 S</td>
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<td>2.8997 W</td>
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<tr>
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<td>Building Construction</td>
<td>3.9117 W</td>
<td>50.9555 W</td>
<td>27.7125 W</td>
<td>0.0639 S</td>
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<td>50.9555 W</td>
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<tr>
<td>2018</td>
<td>Fencing</td>
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<td>17.0976 W</td>
<td>15.7798 W</td>
<td>0.0254 S</td>
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<td>1.6501 W</td>
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<td>7.1000x-000 S</td>
<td>1.0739 S</td>
<td>2.0908 S</td>
<td>0.4541 W</td>
<td>1.6501 W</td>
<td>2.4133 S</td>
<td>7.1000x-000 S</td>
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<td>34.5762 W</td>
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### 3.0 Annual GHG Emissions

#### Annual GHG

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<th>CH4</th>
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<th>CO2e</th>
<th>CO2</th>
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Appendix B

CalEEMod Version: CalEEMod.2016.3.1
[BUO] BEAUMONT
Windrose Plot [All Year]
Period of Record: 01 Sep 1997 - 01 Sep 2001

Generated: 12 Sep 2017

Summary
n: 10882
Missing: 6
Calm: 2.6%
Avg Speed: 9.6 mph
Appendix D

Lawrence Equipment - Riverside-South Coast County, Summary Report

Lawrence Equipment
Riverside-South Coast, Summary Report

1.0 Project Characteristics

1.1 Land Usage

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Size</th>
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<th>Lot Acreage</th>
<th>Floor Surface Area</th>
<th>Population</th>
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1.2 Other Project Characteristics

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<td>Utility Company</td>
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<td>0.006</td>
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</table>

1.3 User Entered Comments

Only CalEEMod defaults were used.
Appendix D

Project Characteristics - Current Operations
Land Use - Small Specialized retail store and large retail storage warehouse.
Construction Phase - No construction current Operational only
Off-road Equipment - no
Off-road Equipment - No construction
Off-road Equipment - No Construction
Off-road Equipment - No construction
Off-road Equipment - no
Off-road Equipment - No Construction
Trips and VMT - no construction
On-road Fugitive Dust - no construction
Grading - No construction
Architectural Coating - no construction
Vehicle Trips - no commercial customers
Energy Use -
Mobile Land Use Mitigation -

2.0 Peak Daily Emissions

Peak Daily Construction Emissions
Peak Daily Construction Emissions
### Appendix D

**CalEEMod Version: CalEEMod 2016.3.1**  
**Page 3 of 4**  
**Date: 9/27/2017 9:13 AM**

**Lawrence Equipment - Riverside-South Coast County, Summary Report**

<table>
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<th>Year</th>
<th>Phase</th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
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<th>PM2.5</th>
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<td>0.0000 S</td>
<td>0.0000 S</td>
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<td>0.0000 S</td>
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<td>2015</td>
<td>砼 production</td>
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#### Peak Daily Operational Emissions

**Peak Daily Operational Emissions**

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<th>Operational Activity</th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
<th>PM2.5</th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
<th>PM2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off-Site Air</td>
<td>0.0567 S</td>
<td>4.9000e-004 S</td>
<td>0.0519 S</td>
<td>0.0000 S</td>
<td>1.0000e-004 S</td>
<td>1.0000e-004 S</td>
<td>0.0567 S</td>
<td>4.9000e-004 S</td>
<td>0.0519 S</td>
<td>0.0000 S</td>
<td>1.0000e-004 S</td>
<td>1.0000e-004 S</td>
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<tr>
<td>Off-Site Energy</td>
<td>0.1035 S</td>
<td>0.9568 S</td>
<td>0.0000 S</td>
<td>5.7809e-003 S</td>
<td>0.0727 S</td>
<td>0.0727 S</td>
<td>0.1035 S</td>
<td>0.9568 S</td>
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<td>5.7809e-003 S</td>
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<tr>
<td>Off-Site Mobile</td>
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<td>5.0103 S</td>
<td>11.6900 S</td>
<td>0.0067 S</td>
<td>1.2729 W</td>
<td>0.4025 W</td>
<td>0.8005 S</td>
<td>5.9105 S</td>
<td>11.6900 S</td>
<td>0.0067 S</td>
<td>1.2729 W</td>
<td>0.4025 W</td>
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<tr>
<td>Peak Daily Total</td>
<td>4.9955 S</td>
<td>0.8979 W</td>
<td>12.5445 S</td>
<td>0.0024 S</td>
<td>1.3457 W</td>
<td>0.4754 W</td>
<td>4.9955 S</td>
<td>0.8979 W</td>
<td>12.5445 S</td>
<td>0.0024 S</td>
<td>1.3457 W</td>
<td>0.4754 W</td>
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<tr>
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<td>55</td>
<td>55</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
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<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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</table>

#### 3.0 Annual GHG Emissions
### Annual GHG

#### Annual GHG

<table>
<thead>
<tr>
<th>GHS Activity</th>
<th>Year</th>
<th>Unmitigated</th>
<th>Mitigated</th>
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<tr>
<td></td>
<td></td>
<td>CO₂</td>
<td>CH₄</td>
</tr>
<tr>
<td>Construction</td>
<td>2015</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Construction</td>
<td>2016</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Operational</td>
<td>2017</td>
<td>1,310.4510</td>
<td>0.6415</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>1,310.4510</td>
<td>0.6415</td>
</tr>
<tr>
<td>Significance Threshold</td>
<td></td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>Exceeded Significance?</td>
<td></td>
<td>No</td>
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</tr>
</tbody>
</table>
Appendix E

Lawrence Equipment - Riverside-South Coast County, Summary Report

Lawrence Equipment
Riverside-South Coast, Summary Report

1.0 Project Characteristics

1.1 Land Usage

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Size (ft²)</th>
<th>Metric</th>
<th>Lot Acreage</th>
<th>Floor Surface Area</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing</td>
<td>45.15</td>
<td>1000sqft</td>
<td>1.04</td>
<td>46,150.00</td>
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<td>1000sqft</td>
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<td>Unrefrigerated Warehouse-No Rail</td>
<td>19.94</td>
<td>1000sqft</td>
<td>0.46</td>
<td>19,940.00</td>
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<td>Unrefrigerated Warehouse-No Rail</td>
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<td>1000sqft</td>
<td>1.04</td>
<td>45,360.00</td>
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<tr>
<td>Other Non-Asphalt Surfaces</td>
<td>294.22</td>
<td>1000sqft</td>
<td>6.75</td>
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<td>Parking Lot</td>
<td>61.05</td>
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<td>61,051.00</td>
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<td>Manufacturing</td>
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<td>1000sqft</td>
<td>3.14</td>
<td>136,985.00</td>
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<td>Manufacturing</td>
<td>150.89</td>
<td>1000sqft</td>
<td>3.46</td>
<td>150,590.00</td>
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</tr>
</tbody>
</table>

1.2 Other Project Characteristics

Wind Speed (mi/h): 2.4  Precipitation Freq (Days): 25
Climate Zone: 10  Operational Year: 2017

Utility Company: Southern California Edison

CO2 Intensity (lb/MWhr): 702.44  CH4 Intensity (lb/MWhr): 0.029
N2O Intensity (lb/MWhr): 0.006

1.3 User Entered Comments

Only CalEEMod defaults were used.
Appendix E

Project Characteristics - Current Operations
Land Use - Small Specialized retail store and large retail storage warehouse.
Construction Phase - No construction current Operational only
Off-road Equipment - no
Off-road Equipment - No construction
Off-road Equipment - No Construction
Off-road Equipment - No construction
Off-road Equipment - no
Off-road Equipment - No Construction
Trips and VMT - no construction
On-road Fugitive Dust - no construction
Grading - No construction
Architectural Coating - no construction
Vehicle Trips - no commercial customers
Energy Use -
Mobile Land Use Mitigation -

2.0 Peak Daily Emissions

Peak Daily Construction Emissions
Peak Daily Construction Emissions
### Appendix E

**CalEEMod Version: CalEEMod 2016.3.1**

**Lawrence Equipment - Riverside-South Coast County, Summary Report**

<table>
<thead>
<tr>
<th>Year</th>
<th>Phase</th>
<th>ROG</th>
<th>NOX</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
<th>PM2.5</th>
<th>ROG</th>
<th>NOX</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
<th>PM2.5</th>
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<td>2015</td>
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<td>0.0000 B</td>
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<td>0.0000 B</td>
<td>0.0000 B</td>
<td>0.0000 B</td>
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<td>2015</td>
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<tr>
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<td>Grading</td>
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<td>2015</td>
<td>Building Construction</td>
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<tr>
<td>2015</td>
<td>Parking</td>
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<td>0.0000 B</td>
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<tr>
<td>2015</td>
<td>Architectural Coating</td>
<td>0.0000 B</td>
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</tr>
<tr>
<td>Peak Daily Total</td>
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</table>

**Peak Daily Operational Emissions**

**3.0 Annual GHG Emissions**
### Annual GHG

#### Construction

<table>
<thead>
<tr>
<th>Year</th>
<th>CO₂</th>
<th>CH₄</th>
<th>N₂O</th>
<th>CO₂e</th>
<th>CO₂</th>
<th>CH₄</th>
<th>N₂O</th>
<th>CO₂e</th>
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</thead>
<tbody>
<tr>
<td>2015</td>
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<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
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</table>

#### Operational

<table>
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<tr>
<th>Year</th>
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<th>CH₄</th>
<th>N₂O</th>
<th>CO₂e</th>
<th>CO₂</th>
<th>CH₄</th>
<th>N₂O</th>
<th>CO₂e</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
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<td>7,622</td>
<td>0.070</td>
<td>2,766,717</td>
<td>2,766,541</td>
<td>7,622</td>
<td>0.070</td>
<td>2,766,717</td>
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</table>

#### Total

<table>
<thead>
<tr>
<th>Category</th>
<th>CO₂</th>
<th>CH₄</th>
<th>N₂O</th>
<th>CO₂e</th>
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</thead>
<tbody>
<tr>
<td>Total</td>
<td>2,766,622</td>
<td>7,622</td>
<td>0.070</td>
<td>2,766,717</td>
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</tbody>
</table>

#### Significance Threshold

<table>
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<th>Value</th>
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</thead>
<tbody>
<tr>
<td>Total</td>
<td>10,000</td>
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</table>

#### Exceed Significance?

<table>
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<th>Value</th>
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</thead>
<tbody>
<tr>
<td>Total</td>
<td>No</td>
</tr>
</tbody>
</table>
Pipe Flow Version 5.1 (www.keingers.com)

Pipe Flow Results
10/9/17, 9:29:55 AM

Diameter: 30 in
Manning N: 0.011
Slope: 2%
Flow: 68.554 cfs
Velocity: 13.966 ft/s

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, January 16, 2019, at 6:30 p.m. (or soon thereafter) in the Council Chambers, City Hall, 99 East Ramsay Street, Banning, California, to consider an Initial Study/Mitigated Negative Declaration for, and the approval of, General Plan Amendment 18-2561 (GPA 18-2561) and Zone Change 18-3501 (ZC 18-3501) to re-designate and re-zone 19.69 acres of real property from the General Commercial to Business Park, and Design Review 18-7001 (DR 18-7001) to allow construction of a single story, 146,899 square-foot light manufacturing and warehouse building. The proposed building would include 72,945 square feet of light manufacturing use and 73,445 square feet of industrial warehousing use. In addition, 174 parking spaces and related fencing, walls, and landscaping are proposed on-site. Information regarding the Initial Study/Mitigated Negative Declaration, General Plan Amendment 18-2561, Zone Change 18-3501, and Design Review 18-7001 can be obtained by contacting the City's Community Development Department at (951) 322-5125, or by visiting the City Hall located at 99 East Ramsay Street, Banning. You may also go to the City of Banning website at http://www.ci.banning.ca.us/.

All parties interested or in speaking either in support of or in opposition to 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 998, Banning, California, 92220. If you challenge any action regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the City Clerk at, or prior to, the time the Planning Commission makes its decision on the proposal, or you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code Section 65026).

BY ORDER OF THE INTERIM COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA;
Maryann Marks, AICP
Interim Community Development Director
Dated: January 1, 2019
Date Published: January 4, 2019
Published in
The Record Gazette
No. 161320
1-04-19

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

Signature

Ana Rivera