CITY OF BANNING
PLANNING COMMISSION AGENDA

REGULAR MEETING: Wednesday, April 3, 2019 @ 6:30 PM
City Council Chambers, 99 E. Ramsey Street
Banning, CA 92220

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 March 13, 2019 Regular Planning Commission meeting

IV. REVIEW AND DISCUSSION ITEM:

   I. FINDINGS OF GENERAL PLAN CONFORMITY FOR REAL PROPERTY ACQUISITION OF APPROXIMATELY 4.38 ACRES OF LAND

   Staff Report – Ted Shove

Planning Commission Agenda April 3, 2019
Recommendation:

That the Planning Commission adopt Resolution 2019-06:

Finding that the proposed acquisition of 4.35 acres of real property located at the northwest corner of Hathaway Street and Charles Street in the City of Banning, California, for public electric utility infrastructure conforms with the City of Banning General Plan.

V. PUBLIC HEARING:

1. NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING AND REPORTING PROGRAM (ENVIRONMENTAL ASSESSMENT 18-1508), GENERAL PLAN AMENDMENT 18-2504, ZONE CHANGE 18-3503 AND DESIGN REVIEW 18-7011, TO CONSIDER THE CONSTRUCTION OF A 96-UNIT APARTMENT COMPLEX ON APPROXIMATELY SEVEN ACRES OF LAND AND TO CHANGE ZONING FROM LOW DENSITY RESIDENTIAL (LDR) TO HIGH DENSITY RESIDENTIAL (HDR), LOCATED SOUTH OF EAST HOFFER STREET AND WEST OF NORTH HATHAWAY STREET (APN’S 534-283-011, 534-283-014)

Staff Report – Mark de Manincor........................................................................................................Page 18

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)

Recommendation:

That the Planning Commission adopt Resolution 2018-05, recommending to the City Council approval of following actions:

I. General Plan Amendment 18-2504.

II. Zone Change 18-3503.

III. Design Review 18-7011.

IV. Mitigated Negative Declaration (MND) and Mitigation Monitoring Report and Program for the project (Environmental Assessment 18-1508).
2. ZONING TEXT AMENDMENT 19-97502 AMENDING CHAPTER 17.12 “COMMERCIAL AND INDUSTRIAL DISTRICTS” AND 17.36 “SIGN REGULATIONS” OF TITLE 17 “ZONING” OF THE BANNING MUNICIPAL CODE TO AUTHORIZE DIGITAL ADVERTISING DISPLAYS IN THE DOWNTOWN COMMERCIAL DISTRICT, SUBJECT TO A CONDITIONAL USE PERMIT.

Staff Report – Adam Rush

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<td>8. Call the question (Roll call vote)</td>
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Recommendation:

That the Planning Commission adopt Resolution 2019-07:

I. Making a determination under CEQA Guidelines Section 15060(c)(3) that the Zoning Text Amendments are not subject to CEQA because the amendments are not a “project” as defined by the CEQA Guidelines Section 15378.

II. Recommending that the City Council approve Zoning Text Amendment 19-97502 to amend Chapter 17.12 and 17.36 of the Municipal Code to authorize digital advertising displays in the downtown commercial district, subject to a conditional use permit.

VI. PLANNING COMMISSIONER COMMENTS:

VII. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

VIII. ADJOURNMENT:

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of May 1, 2019 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

PLANNING COMMISSION MINUTES

March 13, 2019

An adjourned regular meeting of the City of Banning Planning Commission was held on Wednesday, March 13, 2019 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

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

Commissioners Absent: Commissioner Brosious

Staff Present: Development Director Adam Rush
Assistant City Attorney Serita R. Young
Senior Planner Sonia Pierce
Recording Secretary Sandra Calderon

I. CALL TO ORDER:

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

II. PUBLIC COMMENTS:

Ray Streach, Consultant for Streach Plastics Inc. in the City of Banning read the following: (Attachment 1) items 1-3 only of the letter.

Commissioner Shaw said item #4 listed on his letter will need to be addressed during the public hearing for that agenda item.

III. CONSENT CALENDAR ITEMS:

APPROVAL OF MINUTES: Regular Planning Commission Meeting – February 6, 2019.

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

2018 City of Banning Annual Progress Report.

Commissioner Shuler complemented staff on the detail references on the report. She said it will be helpful for the next General Plan update.

ACTION: Motion/Second (SHULER/PRICE)
IV. REVIEW AND DISCUSSION ITEMS:

1. NOTICE OF INTENT TO ADOPT A CATEGORICAL EXEMPTION AND NOTICE OF PUBLIC HEARING FOR ZONING TEXT AMENDMENT (ZTA) NO. 19-97501 AMENDING CHAPTER 17.53 “CANNABIS CONDITIONAL USE PERMITS” OF TITLE 17 “ZONING” OF THE BANNING MUNICIPAL CODE TO REDUCE THE SEPARATION REQUIREMENT BETWEEN CANNABIS BUSINESSES AND RESIDENTIALLY ZONED PROPERTY AND TO AMEND THE DEFINITION OF “CANOPY SPACE”

Community Development Director, Rush presented the staff report. The item is for a Cannabis Ordinance Zoning Text Amendment. On July 10, 2018 the City Council adopted an Ordinance to add a section to the Banning Municipal Code to establish a Conditional Use Permit (CUP) process for a cannabis cultivation, manufacturing, testing and laboratory facilities within the Industrial Zoning Districts. On June 6, 2018 the Commission considered and recommended Ordinance No. 1523 to City Council for its approval. The Ordinance became effective January 1, 2019 subject to the approval of Measure N by the Banning voters in the November 2018 election.

Measure N was subsequently approved by the Banning voters, and inquiries have been received on commercial cannabis business that are interested in starting operations in the City.

The zone text cleanup is for Canopy Space Definition and Separation Requirements.

“Canopy Space” means the designated areas at a cultivation facility that will contain mature plants at any point in time.

**Canopy Space**

(1) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries;

(2) Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, and shelves; and

(3) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.”

**Separation Requirements**

Several factors were considered by staff in reducing the setback from residential zones requirements.
The State has no separation requirements from residential property and the City has stringent conditions for odor control. Staff is recommending that the 600-foot separation requirements from residentially zoned property be reduced to 300 feet due to prospective commercial cannabis businesses that have expressed concern that the 600-foot separation requirement from residentially zoned property greatly limits the locations where these businesses can be located. An example of the setback analysis was distributed to the Commission (Attachment 2).

Director Rush confirmed that the City Council will have the final decision for the proposed draft change.

Commissioner Krick asked if it’s possible for a tenant to purchase a 5,001 square feet building and double stack the cannabis to achieve the 10,000 square feet canopy space.

Assistant City Attorney Young said yes, State law does allow for stacking, but it’s likely they would need more space to account for other areas required, such as office space and bathroom areas as required per Building Codes. Each specific project would have to be reviewed on a case by case basis.

Sections 3 and Section 4 of the ordinance are being asked to be considered for modification:

**Section 3. Code Amendment.** The City Council hereby amends Subsection “F” of Section 17.53.010 (Definitions.) of Chapter 17.53 (Cannabis Conditional Use Permits) of Title 17 (Zoning) to revise the definition of “Canopy space” as follows (additions shown in underlined text), with all other provisions of Section 17.53.010 remaining unchanged:

“F. ‘Canopy space’ means the designated areas at a cultivation facility that will contain mature plants at any point in time, as follows:

(1) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries;

(2) Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, and shelves; and

(3) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.”

**Section 4. Code Amendment.** The City Council hereby amends Subsection “D” of Section 17.53.040 (Cannabis Conditional Use Permit Application Requirements.) of Chapter 17.53 (Cannabis Conditional Use Permits) of Title 17 (Zoning) to read as follows (deletions shown in strikethrough text, additions shown in underlined text), with all other provisions of Section 17.53.040 remaining unchanged:

“D. Neighborhood Context Map. An accurate straight-line drawing depicting the boundaries of the premises, the boundaries of all other properties within 600 feet of the premises, and the uses of those properties, specifically including, but not limited to, any use identified in..."
Business and Professions Code section 26054(b); and any park, and any residentially zoned parcel—located within 600 feet of the premises. The map shall also identify all residentially zoned properties that are located within 300 feet of the premises. The distances specified in this subsection shall be the horizontal distance measured in a straight line without regard to intervening structures, from the property line of the lot on which the cannabis business is located to the nearest property line of those uses described in this subsection. The map must be professionally prepared by a licensed civil engineer or architect.”

Commissioner Shaw opened public comments.

Ray Strech, Consultant for Strech Plastics Inc. in the City of Banning read item #4 on the letter only (Attachment 1).

Jose Delgado, resident of Banning asked if there is a height restriction limit regarding stacking.

Director Rush said State law does allow stacking, but would also need to comply with the building height requirements according to the zone and comply with the Building Code regulations regarding stacking.

Lennard Sealey, Resident of Banning, asked what is the zoning area in the City that is represented in purple color on the map he received in the mail.

Director Rush said the purple color represents the Industrial Zone (I) in the Zoning Map that provides the areas where all the zones are located. The cultivation, testing facilities are authorized in the Industrial Zone subject to a permit.

Ms. Young said the definition of the residential setback is 300 feet from any residentially zoned parcel.

Director Rush said the Industrial property would still need to comply with the setback requirements, subject to a Conditional Use Permit (CUP) requirement.

Ms. Young said she would like to come back in the future and bring back an information item to the Commission that would clarify the process.

Commissioner Shaw closed public comments.

ACTION: Motion/Second (KRICK/PRICE)

That the Planning Commission adopt Resolution 2019-04:

1. Making a determination under CEQA Guidelines Section 15060(c)(3) that the Zoning Text Amendments are not subject to CEQA because the amendments are not a “project” as defined by the CEQA Guidelines Section 15378, and further that under CEQA Guidelines Section 15061(b)(1) the project is exempt from CEQA as it is exempt by statute (Business and Professions Code Section 26055(h)).

2. Recommending that the City Council approve Zoning Text Amendment 19-97501 to amend Chapter 17.53 of the Municipal Code to reduce the separation requirement between

Planning Commission Meeting Minutes
March 13, 2019
commercial cannabis cultivation, manufacturing, and testing laboratory uses and residentially zoned property from 600 to 300 feet, and to amend the definition of canopy space

(Motion Carried 4-0)
Brosious Absent

V. PLANNING COMMISSIONER COMMENTS:

Commissioner Krick asked staff to bring back information to find out if two Conditional Use Permits (CUP) can be issued in one property.

Director Rush said staff will do research and bring back information requested.

Commissioner Price thanked the City for sending them to the Planning Commissioners Academy this year. He said it was a great meeting, and hopes to be able to continue to attend in the future.

V. COMMUNITY DEVELOPMENT DIRECTOR'S COMMENTS:

Director Rush said he is a proponent of training and education, and will look for organizations that can provide inexpensive and valuable training.

VII. ADJOURNMENT:

There being no further business, the meeting adjourned at 7:19 p.m. to the next Regular Planning Commission of April 3rd at 6:30 p.m. at the City of Banning Council Chambers.

Respectfully submitted,

Sandra Calderon
Recording Secretary

THE ACTION MINUTES SUMMARIZE ACTIONS TAKEN BY THE PLANNING COMMISSION. A COPY OF THE MEETING IN ITS ENTIRETY IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN WRITING FROM THE CITY CLERK'S OFFICE.
Attachment 1

Banning Planning Commission Meeting 3/13/19 Points to Make

1. I represent Strench Partners. I am and have never been a principle in Strench Partners

2. The notice Strench Partners received about this meeting is the 1st and only notice that has ever been received regarding any meetings regarding ordinances or zone matters related to the Growing, Sales, Manufacturing, Testing or other related uses of Cannabis that have come before this body. Therefore Strench Partners is hereby notifying any and all governmental agencies that Strench Partners reserves the right to re-visit any and all pertinent decisions that may affect Parcels APN 541-240-014 and APN 541-240-014-9

3. Further the language in the notice to wit "If you Challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone raised in written correspondence delivered to the City Clerk at, or prior to, the time Planning Commission makes its decision on the proposal; or, that 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 65009)"

That is a very confusing statement. In essence what a plain language reading infers is that if one raises an issue this evening or previously in writing referencing this meeting one may/will be required to raise only that/those issue (s) in a subsequent proceeding. Therefore, I will let my previous all-inclusive statement stand as Strench Plastics notice of attendance and neither support or opposition to the amendment being considered unless or until Strench Partners has had a chance to review and comment on all previously disclosed and established documents and/or information.

4. I will however, ask the planning commission why they have not included the above mentioned AI zoned parcels in the properties that have been considered for conditional use permits. These properties are the most desirable of any on the present map which I might add, is deficient in clarity. It apparently invites applications or proposal, with the attendant fees associated with those proposals, but without a more solid breakout as to what is specifically precluded from consideration. For example the present R-1 usage of a good portion of the section of one of the hatch marked areas on the map adjoining Hargrave street. PLEASE SEE 65009 (c)(1) HOUSING CRISIS IN CALIFORNIA...

5. I look forward to discussing the above concerns and others with the commissioners or staff ASAP.

Sincerely,

Ray Strench
Consultant
Appearing for Strench Partners.
Setback Analysis (Cont’d):
CITY OF BANNING
Planning Commission Report

TO: Planning Commission
FROM: Adam Rush, Community Development Director
PREPARED BY: Ted Shove, Economic Development Manager
MEETING DATE: April 3, 2019
SUBJECT: FINDINGS OF GENERAL PLAN CONFORMITY FOR REAL PROPERTY ACQUISITION OF APPROXIMATELY 4.35 ACRES OF LAND

RECOMMENDATION:

Staff recommends that the Planning Commission:

I. Adopt Planning Commission Resolution 2019-06, finding that the proposed acquisition of 4.35 acres of real property located at the northwest corner of Hathaway Street and Charles Street in the City of Banning, California, for public electric utility infrastructure conforms with the City of Banning General Plan.

APPLICANT INFORMATION:

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

BACKGROUND:

California Government Code Section 65402 requires that a city's planning agency (i.e. Planning Commission) review and report upon whether the location, purpose, and extent of a proposed real property acquisition by the city for public purposes, conforms with the adopted General Plan or parts thereof.
The Banning City Council is considering the acquisition of 4.35 acres of vacant real property pursuant to an Agreement for Purchase and Sale and Escrow Instructions. The property is located at the northwest corner of Hathaway Street and Charles Street. The acquisition would allow for the future construction of a public electric utility substation facility.

**DISCUSSION / ANALYSIS:**

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

**LAND USE ELEMENT:**
The General Plan Land Use Element designates the site and surrounding properties as Industrial ("I"), which permits “public utility facilities”. The Element designates the Industrial land use designation for industrial parks and freestanding industrial users. The proposed public electric utility substation facility will not alter the surrounding land use designations and is consistent with the Element.

**CIRCULATION ELEMENT:**
The Circulation Element identifies Hathaway Street as a Secondary Highway that runs north-south, south of I-10 and serves industrial land uses. The public electric utility substation facility would serve to reduce the impact of the existing circulation network, as a public electric substation facility would receive less traffic than traditional Industrial land uses, pursuant to the Institute of Traffic Engineers and will facilitate safe, efficient traffic circulation in the southeastern Banning area.

**NATURAL RESOURCES ELEMENT:**
The Natural Resources Element includes: Geology and Soils; Hydrology; Water Resources/Quality; Air Quality; Visual Impacts; and Biological Resources. Though currently vacant, the subject property has been previously disturbed. To the extent applicable, the public electric utility substation facility is subject to the Multi-Species Habitat Conservation Plan (“MSHCP”).

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

**RECOMMENDATION**

Staff recommends that the Planning Commission take the following action:
Adopt Planning Commission Resolution No. 2019-06:

1. Finding that the proposed acquisition of 4.35 acres of real property located at the northwest corner of Hathaway Street and Charles Street in the City of Banning, California, for a public parking facility conforms with the City of Banning's General Plan.

Prepared By:

[Signature]
Ted Shove
Economic Development Manager

Reviewed and Recommended By:

[Signature]
Adam Rush
Community Development Director

Attachments:

1. Resolution 2019-06
2. Site Map
ATTACHMENT 1
PC Resolution No. 2019-06
RESOLUTION 2019-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, FINDING THAT THE PROPOSED ACQUISITION OF 4.35 ACRES OF REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF HATHAWAY STREET AND CHARLES STREET IN THE CITY OF BANNING, CALIFORNIA, FOR A PUBLIC ELECTRIC UTILITY FACILITY CONFORMS WITH THE CITY OF BANNING GENERAL PLAN

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

WHEREAS, the City of Banning, as a local agency defined under Government Code Section 65402 is considering the acquisition of 4.35 acres for improvement and use as a public electric utility substation facility pursuant to an Agreement for Purchase and Sale and Escrow Instructions;

WHEREAS, on April 3, 2019, the Planning Commission of the City of Banning considered whether the location, purpose, and extent of the proposed acquisition of approximately 4.35 acres of land for improvement and use as a public electric utility substation facility conforms with the City of Banning General Plan; and

WHEREAS, on April 3, 2019, interested persons had an opportunity to comment in support of, or opposition to, the Planning Commission’s report upon whether the location, purpose, and extent of the proposed acquisition of approximately 4.35 acres of land for improvement and use as a public electric utility substation facility conforms with the City of Banning General Plan.

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

SECTION 1: The proposed acquisition of approximately 4.35 acres of land for improvement and use as a public electric utility substation facility conforms with the following applicable objectives, policies, general land uses and programs of the City of Banning General:

A. LAND USE ELEMENT: The General Plan Land Use Element designates the site and surrounding properties as Industrial ("I"), which permits "public utility facilities". The Element designates Industrial Land Use for industrial parks and freestanding industrial users. The proposed public electric utility substation facility will not alter the surrounding land use designations and is consistent with the Element.
B. CIRCULATION ELEMENT: The Circulation Element identifies Hathaway Street as a Secondary Highway that runs north-south, south of I-10 and serves industrial land uses. The public electric utility substation facility would serve to reduce the impact of the existing circulation network, as a public electric substation facility would receive less traffic than traditional Industrial Land Uses, pursuant to the Institute of Traffic Engineers Manual and will facilitate safe, efficient traffic circulation in the southeastern Banning area.

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

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

SECTION 2: Based on the findings made in Section 1 of this Resolution, the Planning Commission hereby determines that the proposed acquisition of approximately 4.35 acres of land for improvement and use as a public electric utility substation facility conforms with the City of Banning General Plan.

SECTION 3: The Planning Commission hereby directs the Community Development Director to forward a copy of this Resolution to the City Council by or before May 13, 2019.

PASSED, APPROVED AND ADOPTED this 3rd day of April, 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 2019-06 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 3rd day of April, 2019, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
ATTACHMENT 2

Site Map
MEETING DATE: April 3, 2019

TO: Planning Commission

FROM: Adam Rush, AICP, Community Development Director

PREPARED BY: Mark de Manincor, Contract Planner

SUBJECT: NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING AND REPORTING PROGRAM (ENVIRONMENTAL ASSESSMENT 18-1508), GENERAL PLAN AMENDMENT 18-2504, ZONE CHANGE 18-3503 AND DESIGN REVIEW 18-7011, TO CONSIDER THE CONSTRUCTION OF A 96-UNIT APARTMENT COMPLEX ON APPROXIMATELY SEVEN ACRES OF LAND AND TO CHANGE ZONING FROM LOW DENSITY RESIDENTIAL (LDR) TO HIGH DENSITY RESIDENTIAL (HDR), LOCATED SOUTH OF EAST HOFFER STREET AND WEST OF NORTH HATHAWAY STREET (APN'S 534-283-011, 534-283-014)

RECOMMENDATION:

That the Planning Commission adopt Resolution 2019-05, recommending to the City Council approval of following actions:

1. General Plan Amendment 18-2504.

2. Zone Change 18-3503.


4. Mitigated Negative Declaration (MND) and Mitigation Monitoring Report and Program for the project (Environmental Assessment 18-1508).
APPLICANT INFORMATION:

Project Applicant: John and Diana Hanna  
16197 Krameria Ave.  
Riverside, CA 92504  

Property Owner: John and Diana Hanna  
16197 Krameria Ave.  
Riverside, CA 92504  

Project Location: South of East Hoffer Street and west of North Hathaway Street  

APN Information: APN(s) 534-283-011, 534-283-014  

APPLICANT’S REQUEST:

The applicant, is requesting consideration of a Mitigated Negative Declaration and Mitigation and Monitoring Report and Program (MMRP) for a project proposing a General Plan Amendment (GPA) and Zone Change to change the zoning and Land Use Designation (LUD) from Low Density Residential (LDR) (0-5 DU/AC) to High Density Residential (HDR) (11-18 DU/AC) and a Design Review Application for the construction of a 96-unit apartment complex with Club House, Swimming Pool, and All Purpose Recreation Court on 7.04 acres of land located south of East Hoffer Street and west of North Hathaway Street (APN’s 534-283-011, 534-283-014).

PROJECT BACKGROUND AND SETTING:

The site is currently vacant with no visual sign of past development. The site has been recently disked and cleared (in accordance with the Municipal Code), for weed abatement although there is still some sparse vegetation present. A few rock and debris piles are present onsite. The property slopes slightly downward from northwest to southeast. The highest point at the northwest corner is 2,369 feet above mean sea level (amsl) and the low point at the southeast corner is 2,331 feet amsl. The property is adjacent to East Hoffer Street and North Hathaway Street which are both improved streets. The project consists of two lots that create an “L-Shape” which are conditioned to be merged prior to final inspection and/or occupancy of the site. With the two parcels merged, the site will consist of 7.08 gross acres. Northeast of and adjacent to the site, off-site but within the “L-Shape”, is a single-family residence. To the north, northwest and west are existing single-family homes. South of the project site is an existing Apartment Complex and to the east is the Morongo Band of Mission Indians Reservation. North of the project site is vacant land.
The site is currently zoned, Low Density Residential (LDR) which allows for 0-5 single-family homes per acre. The project is a proposal to construct a 96-unit multi-family apartment complex, therefore a General Plan Amendment and Zone Change are required. The applicant proposes to change the General Plan/Zoning to, High Density Residential (HDR) which allows for 11-18 dwelling units per acre.

The project proposes 96, two-bedroom, multi-family units of 910 square feet each. Tenants will enter from North Hathaway Street to a circle drive that allows ingress to the left or right through secured gates and to parking areas. In front of the gates is a parking area for the 2,600 square foot Club House with Leasing Office. On either side of the Club House there will be four 16-unit buildings. Behind the Club House and between the four 16-unit buildings will be a swimming pool and multi-use court. Another four 8-unit buildings will be located north of the 16-unit buildings, all totaling 96-units. There is a second gate at East Hoffer Street that provides vehicle access to and from the parking areas. A table of surrounding land uses is below.

The applicant has submitted a phasing plan for the development of the project. Phase 1 consists of the club house, swimming pool, two 16-unit apartment buildings, 70-parking spaces and related infrastructure. Phase 2 consists of the multi-purpose court, two 16-unit apartment buildings and 80-parking spaces. The third and final phases consists of four 8-unit apartment buildings and 75 parking spaces.

**LAND USE SUMMARY TABLE**

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<td>Vacant</td>
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<td>Tribal Land</td>
<td>Outside the City Boundary</td>
</tr>
<tr>
<td>West</td>
<td>Developed Single-Family Residential</td>
<td>LDR</td>
<td>LDR</td>
</tr>
</tbody>
</table>
ANALYSIS:

General Plan Amendment/Zone Change

Due to the applicant's request, to allow a High-Density Residential (HDR) project in the Low-Density Residential (LDR) zone, a General Plan Amendment (GPA) and Zone Change (ZC) application has been submitted. In California, each jurisdiction is allowed four General Plan Amendments per year pursuant to California Government Code Section 65358 (b) which states, "no mandatory element of a general plan shall be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time, as determined by the legislative body. Each amendment may include more than one change to the general plan." This General Plan Amendment/Zone change request represents the second Amendment for the year (2019).

In accordance with Banning Municipal Code Section 17.64.010, "Purpose of General Plan Amendments, (A) The General Plan is the comprehensive long-term plan for the physical development of the City and lays the basic framework for all subsequent planning actions taken by the City. Since the City Council is desirous of proper development within the City and wishes to continue to encourage the development of appropriate projects, it becomes necessary to regulate such development so that it is properly integrated into the City's long term vision and planning process." As stated above, it is the responsibility of the Planning Commission and City Council to determine whether this project is appropriate, proper and fits within the long term vision of the City.

Findings for or against the project can be found in the attached Planning Commission Resolution 2019-05.

Design Review

Pursuant to Banning Municipal Code (BMC) Section 17.56.010, The purpose of the Design Review is to:

1. Establish design review procedures for development proposals.

2. Assure that proposed projects conform to development standards and design guidelines.

3. Focus on community design principles which result in creative, imaginative solutions which establish quality design for the City.

4. Promote the order and harmonious appearance of structures, landscaping, parking areas, etc; and
5. Maintain the public health, safety and general welfare and property throughout the City.

The project is found to be consistent with development standards as demonstrated in the Development Standards Table below. The project meets or exceeds, lot size, setbacks, density, width, depth, lot coverage, parking, landscaping and all other standards.

**DEVELOPMENT STANDARDS TABLE**

<table>
<thead>
<tr>
<th>Description</th>
<th>LDR</th>
<th>HDR</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Size (AC. Or S.F) SFR/MFU</td>
<td>7,000 S.F./2 AC.</td>
<td>7,000 S.F.</td>
<td>7.04 AC.</td>
</tr>
<tr>
<td>Max. Density (Units/AC.)</td>
<td>0-5</td>
<td>11-18</td>
<td>14</td>
</tr>
<tr>
<td>Min. Lot Width (Feet)</td>
<td>70</td>
<td>150</td>
<td>330</td>
</tr>
<tr>
<td>Min. Lot Depth (Feet)</td>
<td>90</td>
<td>100</td>
<td>330</td>
</tr>
<tr>
<td>Min. Front Setback (Feet)</td>
<td>20</td>
<td>15</td>
<td>164.5</td>
</tr>
<tr>
<td>Min. Rear Setback (Feet)</td>
<td>15</td>
<td>10</td>
<td>61</td>
</tr>
<tr>
<td>Min. Side Yard Setback (Feet)</td>
<td>10</td>
<td>5</td>
<td>52</td>
</tr>
<tr>
<td>Min. Street Side (Feet)</td>
<td>15</td>
<td>10</td>
<td>N/A</td>
</tr>
<tr>
<td>Max Bldg. Coverage (%)</td>
<td>40</td>
<td>40</td>
<td>21.29</td>
</tr>
<tr>
<td>Max. Height (Stories/Feet)</td>
<td>2/35</td>
<td>4/60</td>
<td>2/30.5</td>
</tr>
<tr>
<td>Max. Fence/Wall Height (Feet)</td>
<td>6</td>
<td>6</td>
<td>6</td>
</tr>
</tbody>
</table>

**PARKING SUMMARY TABLE**

<table>
<thead>
<tr>
<th>UNITS</th>
<th>REQUIRED</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>2bd (Covered)</td>
<td>2(96) = 192</td>
<td>192</td>
</tr>
<tr>
<td>Guest (Uncovered)</td>
<td>4/96 = 24</td>
<td>24</td>
</tr>
<tr>
<td>Club House</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>225</td>
</tr>
<tr>
<td></td>
<td></td>
<td>225</td>
</tr>
</tbody>
</table>

**LANDSCAPE/OPEN SPACE SUMMARY TABLE**

<table>
<thead>
<tr>
<th>TYPE</th>
<th>AREA</th>
<th>REQUIRED</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE</td>
<td>308,404 S.F.</td>
<td>92,521 S.F. (30%)</td>
<td>99,029 S.F.</td>
</tr>
</tbody>
</table>

Notes: Landscape shall be designed in accordance with Municipal Code chapter 17.32

**Design Guidelines**

According to the Multi-family site planning section of the Design Guidelines, "Residential developments surrounded by long high walls, parking lots, and rows of carports along public streets are examples of practices to be avoided." The proposed project does not include parking lots and rows of carports along public streets, although it does include long high walls adjacent to existing residential development to mitigate for noise impacts. These walls will be six-feet tall and made of high quality decorative block. Along the
western boundary of the project site the six-foot tall block wall will be elevated by a three-foot tall retaining wall. The six-foot tall block wall along the southern boundary of the project site will be elevated by an eight-foot tall retaining wall. The walls will be set back from the top of the retaining walls by a five-foot landscape buffer. These retaining walls are essential as they allow for the height required to grade the property to drain, storm water flows, into the two detention basins along the southeastern boundary of the project site.

The proposed project design should include significant landscape and hardscape elements with clearly identifiable access driveways, convenient and accessible parking, landscaped and screened parking. The project consists of three amenities as required for multi-family projects that have between 51 and 100 units. The three amenities are; clubhouse, swimming pool and multi-use court. Parking and trash enclosures are conveniently located throughout the site. Landscaping will screen parking areas, trash enclosures and detention basins.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

The proposed General Plan Amendment No. 18-2504, Zone Change 18-3503 and Design Review 18-7011 are considered a "project" as defined by the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 et seq.). An Initial Study (EA 18-1508) has been prepared and made available for public review beginning on March 8, 2019 and closing on March 28, 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 a Mitigated Negative Declaration (MND) was appropriate. All mitigation measures are carried forward into project Conditions of Approval. A Mitigation Monitoring Report and Program (MMRP) has also been prepared, as required by CEQA.

MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP):

The project is located outside of any MSHCP criteria cell area’s and plan compliance is provided through payment of the MSHCP Mitigation Fee at the time of building permit issuance and the attached Mitigation and Monitoring Report and Program. According to the Initial Study, surveys for the Burrowing Owl and Migratory Birds are required as part of the Mitigation and Monitoring Report and Program. With conformance to the Conditions of Approval and Mitigation Measures contained in the Mitigation Monitoring Report and Program, the project will be compliant with MSHCP.
AIRPORT LAND USE COMMISSION

On October 11, 2018 the Riverside County Airport Land Use Commission (ALUC) found General Plan Amendment 18-2504 and Zone Change 18-3503, consistent with the 2004 Banning Municipal Airport Land Use Compatibility Plan, as amended in 2016. The same day, ALUC found the Design Review, conditionally consistent with the 2004 Banning Municipal Airport Land Use Compatibility Plan, as amended in 2016 subject to conditions which are listed in the projects conditions of approval and Mitigation Measures listed in the Initial Study and Mitigation Monitoring Report and Program.

PUBLIC COMMUNICATION

The proposed General Plan Amendment, Zone Change and Design Review for construction of a 96-unit apartment complex with 2 bedroom units and associated improvements was advertised in the Record Gazette newspaper on March 8 2019 and again, March 22, 2019 (Attachment 4 & 5). As of the date of this report, staff has received three comment letters. 1. South Coast Air Quality Management District (SCAQMD). 2. FEMA. 3. Brent Bumpus. Lilburn Corporation, who prepared the Air Quality/Greenhouse Gas Report, has prepared a response to SCAQMD’s comments which are attached to this Staff Report and incorporated into the Final MND (Initial Study) and conditions; The FEMA comment does not apply as this project is not in a flood zone; and, a Staff response is attached to this Staff Report for the comment letter received by Mr. Bumpus.

Prepared by:

Mark de Manincor
Contract Planner

Reviewed by:

Adam Rush
Community Development Director

Attachments:

1. Planning Commission Resolution 2019-05, Conditions of Approval
2. Initial Study/Mitigated Negative Declaration, Mitigation Monitoring Report and Program
3. Site Plan, Floor Plans, Elevations, Phasing Plan
4. Notice of Intent/Notice of Availability
5. Public Hearing Notice
6. SCAQMD comments/Lilburn Corp., response
ATTACHMENT 1
Planning Commission Resolution 2019-05
RESOLUTION 2019-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL, APPROVAL OF MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING REPORT AND PROGRAM (ENVIRONMENTAL ASSESSMENT 18-1508) FOR DESIGN REVIEW 18-7011 A PROPOSAL TO DEVELOP A 96-UNIT APARTMENT COMPLEX, GENERAL PLAN AMENDMENT 18-2504 TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FROM LOW-DENSITY RESIDENTIAL TO HIGH-DENSITY RESIDENTIAL, ZONE CHANGE 18-3503 TO CHANGE THE ZONING DESIGNATION FROM LOW-DENSITY RESIDENTIAL TO HIGH-DENSITY RESIDENTIAL, ON APPROXIMATELY 7.08-ACRES OF LAND LOCATED SOUTH OF EAST HOFFER STREET AND WEST OF NORTH HATHAWAY STREET IN THE CITY OF BANNING, CALIFORNIA (APN’S 534-283-011, 534-283-014)

WHEREAS, an application for General Plan Amendment (GPA) 18-2504, Zone Change (ZC) 18-3503 and Design Review (DR) 18-7011 to develop a 96-Unit Apartment Complex with associated improvements has been duly filed by:

Project Applicant: John and Diana Hanna
16197 Krameria Avenue
Riverside, CA 92504

APN’s: 534-283-011, 534-283-014
Lot Area: 7.08-acres

WHEREAS, the Planning Commission has the authority to review and make recommendations to the City Council concerning General Plan Amendment 18-2504, Zone Change 18-3503 and Design Review 18-7011; and

WHEREAS, in accordance with Government Code Sections 65353, 65090, and 65091, on March 22, 2019 the City gave public notice by advertisement in the Record Gazette newspaper, of a public hearing concerning the Project, which included the GPA 18-2504, ZC 18-3503, DR 18-7011 and Environmental Assessment (EA) 18-1508 (a Mitigated Negative Declaration (MND) and Mitigation Monitoring Report and Program (MMRP). The public hearing notice was also mailed to the owner of the subject property, the owner’s duly authorized agent, the Project applicant, and property owners within 300 feet of the Project site on or before March 22, 2019. Further, in accordance with Public Resources Code Section 21165, a Notice of Availability/Notice of Intent (NOI) and Public Hearing Notice was advertised in the Record Gazette
Newspaper on March 8, 2019, announcing the 20-day circulation for public review and comment of the draft MND for the proposed Project. Additionally, the NOI was mailed to property owners within 300 feet of the Project Site, the owner of the property and the Project applicant, March 8, 2019. Copies of the draft MND were made available at Banning City Hall and Banning Public Library; and

WHEREAS, in accordance with Government Code Section 65353, on April 3, 2019 the Planning Commission held the duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to GPA 18-2504, ZC 18-3503, DR 18-7001 and EA 18-1508 and at which time the Planning Commission considered the Project, each of the proposed entitlements, and the MND; and

WHEREAS, at this public hearing on April 3, 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 GPA 18-2504, ZC 18-3503 and DR 18-7011.

NOW THEREFORE, the Planning Commission of the City of Banning 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 Report and Program. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning make the following environmental findings and determinations in connection with the approval of the project:

A. Pursuant to the California Environmental Quality Act (CEQA) (Cal. Pub. Res. Code § 21000 et seq.), the State Guidelines (14 Cal. Code Regs. § 15000 et seq.), and the City’s Local Guidelines, City Staff 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, March 8, 2019, and expires on March 28, 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 did receive comments during the public review
period from the South Coast Air Quality Management District (SCAQMD) and a response was prepared and is attached to the Final MND where all SCAQMD concerns are addressed.

C. The Planning Commission 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 judgement and analysis of the Planning Commission.

D. Based on the findings set forth in this Resolution, the Planning Commission hereby recommends adoption of the MND and MMRP to the City Council 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 18-2504. 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 18-2504 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 High-Density Residential (HDR) and the proposed development would be consistent with uses permitted within the HDR land use district. The HDR land use designation is intended to allow High-Density Residential development of 11-18 dwelling units per acre which is consistent with the proposed Project.

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 High-Density Residential development to the south. As demonstrated in the analysis contained in the Planning Commission Staff Report dated April 3, 2019, and the MND prepared for the Project (Environmental Assessment 18-1508), 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 High-Density Residential (HDR), and the proposed development will be consistent with uses permitted within the HDR land use designation. The HDR land use designation is intended to allow High-Density Residential development of 11-18 dwelling units per acre which is consistent with the proposed project.

The Project is consistent with the General Plan Land Use Element Policy 1, which states: “The land use map shall provide a range of housing densities while considering land use compatibility with non-residential land uses,” and Policy 2, which states: “Projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected.” The Project will be consistent with both policies as the development provides for High-Density Residential near an Industrial Zone, which acts as a buffer between the Low-Density Residential to the north and west of the Project site and the Project will be compatible with the existing High-Density Residential development adjacent to and south of the Project site, thereby closely matching the neighborhood character.

D. Finding: That in the case of an amendment to the General Plan Land Use Map, the subject parcels are 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 and the anticipated land use developments.

Findings of Fact:
The 7.08-acre site is of adequate size to accommodate the proposed 96-Unit apartment complex subject to compliance with the proposed Conditions of Approval attached to this Resolution as Exhibit A. 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 18-1508).

The Project site is adjacent to both East Hoffer Street and North Hathaway Street, which are existing improved local streets that provide access and all utilities to the site and surrounding land uses. The site is compatible with the High-Density Residential development to the south and Low-
Density Residential development to the north and west. The site is relatively flat and devoid of vegetation due to recent disking for weed abatement, thus no unique physical features or vegetation will be affected by the proposed Project.

SECTION 3: Findings for Recommendation of Approval of Zone Change 18-3503. 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 18-3503 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 1, which states: "The land use map shall provide a range of housing densities while considering land use compatibility with non-residential land uses," and Policy 2, which states: "Projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected." The Project will be consistent with both policies as the development provides for High-Density Residential near an Industrial Zone, which acts as a buffer between the Low-Density Residential to the north and west of the Project site and the Project will be compatible with the existing High-Density Residential development adjacent to and south of the Project site, thereby closely matching the neighborhood character.

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 18-7011. 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 18-7011 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 1, which states: “The land use map shall provide a range of housing densities while considering land use compatibility with non-residential land uses,” and Policy 2, which states: “Projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected.” The Project will be consistent with both policies as the development provides for High-Density Residential near an Industrial Zone, which acts as a buffer between the Low-Density Residential to the north and west of the Project site and the Project will be compatible with the existing High-Density Residential development adjacent to and south of the Project site, thereby closely matching the neighborhood character.

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 High Density Residential (HDR) Zone, with imposition of Conditions of Approval, as detailed in the analysis contained in the Planning Commission Staff Report dated April 3, 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 North Hathaway Street as well as East Hoffer Street. A six-foot tall block wall will buffer the project from existing residential development to the south and west and the 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 96-Unit Apartment Complex will not impair the integrity and character of the residential district in which it is located because it is surrounded by existing single-family and multi-family residential development and is adjacent to local streets, North Hathaway Street and East Hoffer Street. 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 imposition of Conditions of Approval and CEQA mitigation measures. Additionally, a six-foot tall block wall, along with landscaping will buffer the site from residential areas to the south and west.

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 18-2504, Zone Change 18-3503, and Design Review 18-7011 to permit the development of a 96-Unit Apartment Complex on 7.08-acres of land located south of East Hoffer Street and west of North Hathaway Street as shown in plans attached as Exhibit A (APN’s 534-283-011, 534-283-014), and, subject to the recommended Conditions of Approval attached as Exhibit B.

SECTION 5: 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 18-7011 and General Plan Amendment 18-2504 not be effective until the effective date of the City Council ordinance adopting Zone Change 18-3503.

PASSED, APPROVED AND ADOPTED this 3rd day of April 2019.

Eric Shaw, Chairman
Banning Planning Commission

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 2019-05 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 3rd day of April 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
EXHIBIT A
Site Plan
EXHIBIT B
Conditions of Approval PC Resolution 2019-05
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. This Design Review, General Plan Amendment and Zone Change approval is for the proposed development of a 96-Unit Apartment Complex on 7.08-acres of land.

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

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

4. Construction shall commence within two (2) years from the date of project approval, or Design Review, General Plan Amendment and Zone Change approval shall become null and void. Additionally, if after commencement of construction, work is discontinued for a period of one year, the Design Review, General Plan Amendment and Zone Change 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 one-time extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Design Review complies with all current Ordinance provisions.

5. The project shall develop in accordance with the phasing plan as approved.

6. A lot merger combining lots known as Assessor's Parcel Numbers 534-283-011 and 014 shall be recorded prior to final inspection and/or occupancy of the project site.

7. 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.

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

9. 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.

10. All graffiti shall be removed immediately or within 24 hours of notice from the City.
11. Exterior noise, including any bells, public address system, etc. shall not exceed 65 dBA at the property line.

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

13. All trash enclosures shall be required with three, decorative walls with enhanced wall cap, pedestrian entrance, structural roof cover and gate, in a style compatible with the structure’s architecture. The gate shall be maintained in working order and shall remain closed except when in use; per City Standards.

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

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

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

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

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

19. All new proposed signs shall be reviewed under a Sign Review application submittal and a separate permit is required prior to installation.

20. All mitigation measures contained in the Mitigation Monitoring Report and Program for this project shall become part of these conditions of approval.

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

22. If fireplaces are installed in any unit, they shall be natural gas supplied fireplaces. Wood burning fireplaces are prohibited. Building Plans shall incorporate the minimum accessories necessary to operate the natural gas fireplaces, as determined by the Community Development Director.

Public Works Department

General Requirements

23. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class “A” State Contractor’s License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.

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

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

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

25. 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):
Exhibit A
Draft Conditions of Approval
DR 18-7011
Page 5 of 14

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

b. Haul Route Plans
   1" = 40' horizontal

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

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

  e. Storm Drain Plans
     1" = 40' Horizontal

  f. Street Improvement Plans
     1" = 40' Horizontal

  g. Precise Grading Plans
     1" = 40' Horizontal

  h. Landscaping Plans
     1" = 20 Horizontal

  i. Water Improvement Plans
     1" = 40' Horizontal

  j. 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.

26. 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.

Street Improvements/Right-of-Way

27. The current General Plan of the City of Banning designated Hathaway Street as a Major Highway defined as 100-foot right of way with a 76-foot street section from curb to curb. Applicant shall offer to dedicate to the City of Banning the additional right-of-way for Hathaway Street (50 feet one-half width) fronting the site as a Major Highway 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 City Council and recorded by the County of Riverside.

28. The current General Plan of the City of Banning designated Hoffer Street as a Local Street defined as 60-foot right of way with a 40-foot street section from curb to curb. Applicant shall offer to dedicate to the City of Banning the additional right-of-way for Hoffer Street (30 feet one-half width) fronting the site as 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 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 street improvements fronting Hathaway Street (50 feet from centerline) and Hoffer Street (30 feet from centerline) 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. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee.

33. 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.

34. 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.

Grading and Drainage

32. 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 these criteria are exceeded, additional drainage facilities shall be designed and constructed.

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

34. 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.

35. 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 and west.

36. The applicant shall comply with Chapter 13.24 “Storm water 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.

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

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

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

40. The applicant’s SWPPP shall include provisions for all of the following Best Management Practices ("BMPs"): 
• Temporary Soil Stabilization (erosion control).
• Temporary Sediment Control.
• Wind Erosion Control.
• Tracking Control.
• Non-Storm Water Management.
• Waste Management and Materials Pollution Control.

41. 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.

42. 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.

43. Prior to issuance of any grading or building permit, a Project-Specific Water Quality Management Plan (WQMP) shall be reviewed and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.

44. Prior to the issuance of 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.

45. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California.

46. 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.”

47. 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.

Traffic/Airport Safety Zone

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

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

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

51. 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.

52. Prior to the issuance of a grading permit or building permit, the applicant shall conduct a Traffic Impact Analysis 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.

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

Trash/Recycling

54. 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.

55. 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.

Lot Merger

56. Applicant shall submit a copy of the Grant Deed of the proposed lot merger parcels to the City.
57. Applicant shall submit legal descriptions and plats of the proposed lot merger to the City for review and approval.

58. 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.

**Fees**

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

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

61. 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.

62. 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.

**Water**

63. Submit Water Improvement Plans along with hydraulic analysis calculations demonstrating adequate fire protection to the Water Division for review and approval.

64. Onsite water mains shall be privately owned and maintained, and can be PVC C-900 as proposed in the preliminary plans. The Public portion of the water improvements, from the point of connection to the City’s water distribution system to the RP Backflow device shall use Ductile Iron CL 350 pipe. The private water system shall be “looped”, that is connected to the City’s distribution system on both Hoffer St. and Hathaway St., as shown on the preliminary plot plans. This will require two RP backflow devices and two Octave Ultrasonic Master Meters. Applicant shall submit meter sizing calculations along with Water Improvement Plans.
65. Placement of private fire hydrants shall be coordinated with the Fire Department, and painted red to differentiate from public fire hydrants which are typically yellow.

66. RP backflow prevention device must be installed for each connection to the public water system and be in compliance with the State of California Department of Health Regulations. Contact the City of Banning Water Operations Division prior to installation of backflow prevention devices.

67. Individual rental units shall be sub-metered for water, and separate meters used for irrigation areas and the clubhouse. These private meters need to be tested annually for accuracy and registered with the Riverside County Division of weights and Measures.

Sewer

68. Submit Sewer Improvement Plans to the Wastewater Division for review and approval.

69. All public sewer lines shall be PVC SDR 26 and the sewer mains shall be a minimum of 8" diameter. All onsite sewer mains shall be privately owned and maintained by the HOA or property management company.

70. A sewer backwater check valve shall be provided for each building with a finished pad elevation lower than the rim elevation of the immediate upstream sewer manhole.

Electric Utility Department

71. Points of connection will be Hoffer Street for the northern parcel and Hathaway Street for the two proposed merged southern parcels.

72. The developer will be required to underground the existing overhead lines on Hathaway Street in conjunction with street widening.

73. The developer will be responsible for installing street lighting with any required street improvements on Hoffer Street and Hathaway Street.

74. A dedicated easement along the west property line for existing power lines will be required. This easement will be from the center of the pole line east 10'.

Obtaining the described information outlined below in a timely matter is critical for design, planning, and ordering of materials for this project:
75. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. These plans are required in electronic format. We currently use AutoCad2016. Plans should consist of a plot plan, site plan, one-line diagram of proposed electrical main service panels and a sheet showing load calculations by an electrical engineer. Additional sheets may be required upon request.

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

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

78. Installation of all electric utility conduits and substructures.

79. All trenching, backfill, and compaction.

The City of Banning Electric Utility shall be responsible for:

80. Reviewing plans submitted by customer.

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

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

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

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

**Building and Safety Department**

The following comments are required at time of plan check submittal

85. 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.

   a. The following specific items will need to be addressed. Based on information provided additional comments may be generated:
i. Proposed buildings shall be accessible to persons with disabilities per CBC 11B.

ii. Plumbing, Mechanical and Electrical systems shall comply with the California Building Codes.

iii. Buildings shall comply with the latest editions of the CBC, specifically, exiting, light and ventilation, accessibility, structural supports and design as well as accessibility for customers and employees.

iv. Riverside County Health Department approval required prior to any permits issued by the Building Department.

86. 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.

87. 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.

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

89. 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.
90. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.

91. Pursuant to California Business and Professions Code Section 6737, this project is required to be designed by a California licensed architect or engineer.

***END***
ATTACHMENT 2
Initial Study/Mitigated Negative Declaration,
Mitigation Monitoring Report and Program
INITIAL STUDY &
MITIGATED NEGATIVE DECLARATION
18-1508
FOR

General Plan Amendment 18-2504 Zone Change 18-3503,
Design Review 18-7011.

PREPARED FOR:
City of Banning
99 East Ramsey Street
Banning, CA 92220
Contact: Mark de Manincor, Contract Planner
(951) 922-3123

APPLICANT

John and Diana Hanna
16197 Krameria Avenue
Riverside, CA 92504
951-453-4997

March 2019
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APPENDICES

The following technical studies in support of this Initial Study are available to the public for review at the Community Development Department, Planning Division.

Appendix A – Biological Assessment
Appendix B - Phase I Cultural Resources Investigation
Appendix C – Report of Soils and Foundation Evaluations
Appendix D – Hydrology Study & Drainage Analysis
Appendix E – Noise Impact Analysis
Appendix F – Traffic Impact Analysis
Appendix G – Air Quality/Greenhouse Gas Analysis
Appendix H – Riverside County Airport Land Use Commission Report
Appendix I - Lilburn Corporation, Localized Significance Thresholds letter to SCAQMD
Project Title: Hanna 96 Apartment Project
(GPA 18-2504, ZC 18-3503, DR 18-7011, EA 18-1508.)

Lead Agency Name: City of Banning Community Development Department
Planning Division

Address: 99 E. Ramsey Street
Banning, CA 92220

Contact Person: Mark de Maninco
Phone Number: (951) 922-3123

Project Sponsor: John and Diana Hanna
Address: 16197 Krameria Avenue
Riverside, CA 92504

Existing General Plan Designation: Low Density Residential (LDR 0-5 DU/AC)
Existing Zoning: Low Density Residential (LDR 0-5 DU/AC)

Proposed General Plan Designation: High Density Residential (HDR 11-18 DU/AC)
Proposed Zoning Designation: High Density Residential (HDR 11-18 DU/AC)

General Plan Amendment/Zone Change: From Low Density Residential to High Density Residential (HDR 11-18 DU/AC)

Project Location (Address/Nearest cross-streets): The project consist of two parcels totaling 7.08 acres. The site is located south of and adjacent to Hoffer Street and west of and adjacent to North Hathaway Street in the City of Banning (refer to Figure 1: Regional Location Map and Figure 2: Vicinity Map). The properties are legally described as APN 534-283-011 and 14 and are within Section 3 of Township 3 South, Range 1 East, San Bernardino Base and Meridian.

Project Description: John and Diana Hanna are proposing (Design Review 18-7011) to construct a 96-unit multi-family apartment complex on approximately 7.08 gross acres of land. The apartment complex consists of four 16-unit two-story buildings, four 8-unit two-story buildings and one 2,600 square foot single-story Club House. The height of the two-story structures as proposed are 32.5 feet and the single-story club house will be just over 20 feet. All 96 units will be two bedrooms with 910 square feet in floor area. The Site Plan shows 225 parking spaces will be provided which include eight accessible spaces and 192 covered spaces. In accordance with the Banning Municipal Code, 216 spaces are required (refer to Figure 3: Site Plan).

The City of Banning designates zoning at the Project Site as Low Density Residential (0-5 du/acre). The Applicant has applied for a General Plan Amendment (GPA 18-2504) and Zone Change (ZC 18-3503) from Low Density Residential to High Density Residential (11-18 du/acre). The request for a Zone Change and General Plan Amendment must be approved by both the
Planning Commission and City Council and only four General Plan Amendments are allowed per year (California Government Code Section 65358 (b)).

The project also consists of two parcels (534-283-011 and 14) which will be required to be merged into one parcel as part of the conditions of approval. The Parcel Merger is an administrative approval which does not require approval from the Planning Commission or City Council. The parcel merger is being processed concurrently with the Design Review, General Plan Amendment and Zone Change.

The applicant proposes to construct the project in three phases. Phase one will consist of two 16-unit apartment buildings, Club House, Swimming Pool, related infrastructure and 70 parking spaces. Phase two will consist of two 16-unit apartment buildings, a multi-purpose court and 80 parking spaces. Phase three will consist of four 8-unit apartment buildings and 75 parking spaces.

**Surrounding Land Uses and Setting:** The Project Site is vacant, relatively flat, with sparse vegetation, debris piles and bare dirt. Other surrounding development includes developed single-family low-density residential use to the south west, west, north and northeast. There is an existing High-Density Residential Zone with an apartment facility to the south. East and northeast of the site is the Morongo Band of Mission Indians Reservation which is undeveloped near the site and is adjacent to the City boundary. East and southeast of the site is an industrial zone that was once developed but is now vacant with only one structure left on the property. The property is not within a Historic Preservation Zone, a Fire Responsibility Area, or an Agricultural Preserve. It also is not located within a Cell Group of the Western Riverside County Multiple-Species Habitat Conservation Plan, or within a floodplain. The property is within Airport Compatibility Zone D of the Banning Municipal Airport Influence Area.

The topography of the site is relatively flat with a gentle downward slope from northwest to southeast at a rate of about 4.2%. The highest point, located on the northwest corner of the site, is 2369 feet above mean sea level while the lowest point, located on the southeast corner of the site, is 2331 feet above mean sea level.

The site is undeveloped and highly disturbed. Currently, the site is routinely subjected to weed abatement activities, as evidenced by the disking observed onsite and in historical aerial imagery. Pedestrian footpaths and vehicular dirt access roads crisscross the project site. Rock/boulder piles as well as trash and debris piles resulting from illegal dumping are scattered throughout the site, most notably near the center and southern portions of the site.
FIGURE 1

REGIONAL LOCATION MAP
Hanna 96 Apartment Project
North Hathaway Street and East Hoffer Street
Banning, California
PROJECT VICINITY MAP
Hanna 96 Apartment Project
North Hathaway Street and East Hoffer Street
Banning, California
FIGURE 3

PROJECT SITE PLAN
Hanna 96 Apartment Project
North Hathaway Street and East Hoffer Street
Banning, California
ENIRONMENTAL 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" or "Less Than Significant Impact with Mitigation Incorporated" as indicated by the checklist on the following pages.

☐ Aesthetics ☐ Agriculture and Forestry ☐ 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 ☒ Tribal Cultural Resources ☐ Utilities / Service Systems
☒ Mandatory Findings of Significance

DETERMINATION

On the basis of this initial evaluation:

( ) I find that the Proposed Project COULD NOT have a significant effect on the environment. 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 standard 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 1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and 2) 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: ____________________________

Mark de Manincor, Contract Planner
# EVALUATION OF ENVIRONMENTAL IMPACTS

<table>
<thead>
<tr>
<th>Issues and Supporting Information Sources:</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><strong>1. AESTHETICS. Would the project:</strong></td>
<td></td>
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</tr>
<tr>
<td>a) Have a substantial effect on a scenic vista?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
<td>( )</td>
</tr>
<tr>
<td>d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
<td>( )</td>
</tr>
</tbody>
</table>

## Impact Discussion:

a) **No Impact.** According to the City’s General Plan, the Project Site is not within a scenic vista/scenic highway view corridor. Nearby streets include East Hoffer Street, and North Hathaway Street. Neither of these is designated as a scenic route in the General Plan. There are no scenic vistas that would be impacted by the Proposed Project, and therefore no impacts would result.

b) **No Impact.** The 7.08-acre Project Site is currently vacant and is located south of East Hoffer Street and west of North Hathaway Street. The Project Site is surrounded by single-family residential to the southwest, west and north. The Morongo Band of Mission Indians Reservation is located to the east and northeast of the site. Previously developed and now abandoned Business Park zoned property lies to the east and southeast. To the south, there is an existing multi-family development (apartment complex). There are no designated State Scenic Highways within the vicinity of the Project Site. Similarly, there are no historic buildings on-site or in the vicinity that would be impacted as a result of the Project. No impacts would result.

c) **Less than Significant Impact.** The City of Banning designates the Project Site as Low Density Residential (LDR) (0-5 du/acre). The Project Proponent has submitted an Application for a Zone Change to High Density Residential (HDR) (11-18 du/acre). This district allows for multi-family residential up to 18 dwelling units per acre. The project site is essentially level, presently vacant and has no significant vegetation or unique physical features. Because there is an existing Apartment Complex directly south and adjacent to the project; approval of the Proposed Project would not substantially alter the visual character of the area. The proposed two-story building would consequently have a less than significant impact and no mitigation measures are necessary.

d) **Less than Significant Impact.** The project site is currently vacant; thus, no light or glare currently emanates from the site. The proposed project will create a new source of light.
and glare. Potentially sensitive receptors in the vicinity include multi-family residential to the south, and residential development to the west and to the north. Lighting to be provided on-site would be typical of similar development, with no unusual features or characteristics.

As a condition of approval, a photometric plan for 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 lights onto the residential properties to the north, south and west. The lighting plan must also comply with Title 24 of the California Uniform Building Code. Compliance with these regulations is a Condition of Approval. Consequently, impacts to sensitive receptors will be less than significant.
### Issues and Supporting Information Sources:

<table>
<thead>
<tr>
<th>2. AGRICULTURAL RESOURCES.</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>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?</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</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
</tr>
</tbody>
</table>

### Impact Discussion:

a, c, e) **No Impact.** The California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data that inventories agricultural land resources in the State. Agricultural land is rated according to soil quality and irrigation status; the best quality land is classified as Prime Farmland. The maps are updated every
two years and the latest maps are available digitally through the FMMP interactive mapping viewer.

The Project site and vicinity was reviewed in the FMMP interactive map on January 28, 2019. The Project Site and vicinity is identified as urban built-up land. No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is identified for the Project Site or in the immediate vicinity. Therefore, the Proposed Project would not result in the conversion of farmland designated of importance locally or statewide to a non-agricultural use. No impacts would occur.

b) **No Impact.** California Land Conservation (Williamson) Act of 1965 was adopted to regulate the conversion of farmland/agricultural land into non-agricultural use and control urban expansion. The Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to long term agricultural or open space use. No portion of the Project Site is contracted under the Williamson Act. Therefore, the Proposed Project would not impact any Williamson Act Land Conservation Contract. Similarly, approval of the Proposed Project would not conflict with or change existing zoning for agricultural use, or a Williamson Act Contract. No impacts would result.

d) **No Impact.** The 7.08-acre Project Site is currently vacant and is located south of East Hoffer Street and west of North Hathaway Street. No portion of the Project Site is located within forest land. Consequently, approval of the proposed General Plan Amendment (GPA), Zone Change (ZC) and Design Review (DR) to allow site development would not result in the loss of forest land or convert forest land to a non-forest use. No impacts would result.
<table>
<thead>
<tr>
<th>Issues and Supporting Information Sources:</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>3. AIR QUALITY. Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
<td>( )</td>
</tr>
<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
<td>( )</td>
</tr>
<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
<td>( )</td>
</tr>
<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
<td>( )</td>
</tr>
<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
<td>( )</td>
</tr>
</tbody>
</table>

**Impact Discussion:**

In February 2019, Lilburn Corporation prepared an Air Quality and Greenhouse Gas Assessment for the project. This assessment is contained in Appendix G, which is available for review at the Community Development Department, Planning Division. Findings are summarized in the following discussion. Additionally, Lilburn Corporation provided an assessment for Localized Significance Thresholds (LSTs) in a response letter to the South Coast Air Quality Management District (SCAQMD), also available for review at the Community Development Department, Planning Division.

a) **Less than Significant Impact.** The Project Site is located in the South Coast Air Basin (SCAB). The South Coast Air Quality Management District (SCAQMD) has jurisdiction over air quality issues and regulations within the SCAB. The Air Quality Management Plan (AQMP) for the basin establishes a program of rules and regulations administered by SCAQMD to obtain attainment of the state and federal air quality standards. The most recent AQMP (2016 AQMP) was adopted by the SCAQMD on March 3, 2017. The 2016 AQMP incorporates the latest scientific and technological information and planning assumptions, including transportation control measures developed by the Southern California Association of Governments (SCAG) from the 2016 Regional Transportation Plan/Sustainable Communities Strategy, and updated emission inventory methodologies for various source categories.

Conflicts with the AQMP would arise if Project activities resulted in a substantial increase in employment or population that was not previously adopted and/or approved in a General Plan. Large population or employment increases could affect transportation control strategies, which are among the most important in the air quality plan, since
transportation is a major contributor to particulates and ozone for which the SCAB is not in attainment.

The Proposed Project consists of a General Plan Amendment and Zone Change from Low Density Residential (0-5 DU/AC) to High Density Residential (11-18 DU/AC). The General Plan identifies the project site for build-out of up to 35 single-family residential units which would generate approximately 95 new residents. (SCAG, May 2018, average 2.72 residents per household, City of Banning). The proposed project consists of 96 multi-family units which would generate approximately 261 new residents. This represents 166 additional residents above the General Plan estimates. This estimate is considered above average as some Banning Residents may move to these apartments and Apartments generally house fewer persons per household than single-family homes.

The State of California and the City of Banning Housing Element requires the City to provide locations for additional housing to meet the Regional Housing Needs Allocation (RHNA). Once built, this project will help the State and City achieve their RHNA goals. The proposed project is estimated to generate approximately 45-50 temporary jobs. A portion of these employees can be assumed to be drawn from the existing local labor pool and a portion may represent outside labor. Consequently, the proposed General Plan Amendment and Zone Change would result in a minimal deviation from population and employment projections which form the basis of the AQMP. Therefore, the proposed project would not result in a conflict or obstruction to the implementation of the AQMP.

(b/c) **Less than Significant Impact.** The Proposed Project’s construction and operational emissions were screened using California Emissions Estimator Model (CalEEEMod) version 2016.3.2 prepared by Lilburn Corporation, February 2019. The emissions estimates incorporate Rule 402 and 403 by default as required during construction. The criteria pollutants screened for include reactive organic gases (ROG), nitrous oxides (NOx), carbon monoxide (CO), sulfur dioxide (SO2), and particulates (PM10 and PM2.5). In addition, reactive organic gas (ROG) emissions are analyzed. Two of the analyzed pollutants, ROG and NOx, are ozone precursors. Both summer and winter season emission levels were estimated.

**Construction Emissions**

Construction emissions are considered short-term, temporary impacts and were modeled with the following parameters: site grading (mass and fine grading), building construction, paving, and architectural coating. Construction is anticipated to begin in early to mid-2019 and be completed in 2020. Estimated emissions generated by construction of the Proposed Project are shown in Table 1 and Table 2, which represent winter and summer construction emissions, respectively. As shown in Table 1 and Table 2, construction emissions would not exceed SCAQMD thresholds. Impacts would be less Than Significant.
Table 1
Winter Construction Emissions Summary
(Pounds per Day)

<table>
<thead>
<tr>
<th>Source/Phase</th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM_{10}</th>
<th>PM_{2.5}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Preparation</td>
<td>4.4</td>
<td>45.6</td>
<td>22.7</td>
<td>0.04</td>
<td>10.7</td>
<td>6.7</td>
</tr>
<tr>
<td>Grading</td>
<td>2.7</td>
<td>28.4</td>
<td>16.8</td>
<td>0.03</td>
<td>4.5</td>
<td>2.8</td>
</tr>
<tr>
<td>Building Construction</td>
<td>3.1</td>
<td>25.0</td>
<td>22.3</td>
<td>0.05</td>
<td>2.9</td>
<td>1.7</td>
</tr>
<tr>
<td>Paving</td>
<td>1.7</td>
<td>14.1</td>
<td>15.1</td>
<td>0.02</td>
<td>0.9</td>
<td>0.7</td>
</tr>
<tr>
<td>Architectural Coating</td>
<td>32.2</td>
<td>1.8</td>
<td>2.6</td>
<td>0.01</td>
<td>0.4</td>
<td>0.2</td>
</tr>
<tr>
<td><strong>Highest Value (lbs/day)</strong></td>
<td><strong>32.2</strong></td>
<td><strong>45.6</strong></td>
<td><strong>22.7</strong></td>
<td><strong>0.05</strong></td>
<td><strong>10.7</strong></td>
<td><strong>6.7</strong></td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>75</td>
<td>100</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td><strong>Significant</strong></td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
</tr>
</tbody>
</table>

Source: CalEEMod.2016.3.2 Winter Emissions.
Phases do not overlap and represent the highest concentration.

Table 2
Summer Construction Emissions Summary
(Pounds per Day)

<table>
<thead>
<tr>
<th>Source/Phase</th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM_{10}</th>
<th>PM_{2.5}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Preparation</td>
<td>4.4</td>
<td>45.6</td>
<td>22.9</td>
<td>0.04</td>
<td>10.7</td>
<td>6.7</td>
</tr>
<tr>
<td>Grading</td>
<td>2.7</td>
<td>28.4</td>
<td>17.0</td>
<td>0.03</td>
<td>4.5</td>
<td>2.8</td>
</tr>
<tr>
<td>Building Construction</td>
<td>3.1</td>
<td>25.0</td>
<td>23.2</td>
<td>0.05</td>
<td>2.9</td>
<td>1.7</td>
</tr>
<tr>
<td>Paving</td>
<td>1.7</td>
<td>14.1</td>
<td>15.3</td>
<td>0.02</td>
<td>0.9</td>
<td>0.7</td>
</tr>
<tr>
<td>Architectural Coating</td>
<td>32.2</td>
<td>1.8</td>
<td>2.8</td>
<td>0.01</td>
<td>0.4</td>
<td>0.2</td>
</tr>
<tr>
<td><strong>Highest Value (lbs/day)</strong></td>
<td><strong>32.2</strong></td>
<td><strong>45.6</strong></td>
<td><strong>23.2</strong></td>
<td><strong>0.05</strong></td>
<td><strong>10.7</strong></td>
<td><strong>6.7</strong></td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>75</td>
<td>100</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td><strong>Significant</strong></td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
<td><strong>No</strong></td>
</tr>
</tbody>
</table>

Source: CalEEMod.2016.3.2 Summer Emissions.
Phases do not overlap and represent the highest concentration.

**Compliance with SCAQMD Rules 402, and 403**

Although the Proposed Project does not exceed SCAQMD thresholds for construction emissions, the Project Proponent would be required to comply with all applicable SCAQMD rules and regulations, because the SCAB is in non-attainment status for ozone and suspended particulates (PM_{10} and PM_{2.5}).

The Project Proponent would be required to comply with Rules 402 nuisance, and 403 fugitive dust, which require the implementation of Best Available Control Measures (BACMs) for each fugitive dust source, and the AQMP which identifies Best Available Control Technologies (BACTs) for area sources and point sources. The BACMs and BACTs would include, but not be limited to the following:

1. The Project Proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
   
   (a) The Project Proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading activity on the site. Portions of the site that are actively being graded shall be watered regularly (3x daily) to ensure that a crust is formed on the ground surface and shall be watered at the end of each workday.
(b) The Project Proponent shall ensure that all disturbed areas are treated to prevent erosion until the site is constructed upon.

(c) The Project Proponent shall ensure that landscaped areas are installed as soon as possible to reduce the potential for wind erosion.

(d) The Project Proponent shall ensure that all grading activities are suspended during first and second stage ozone episodes or when winds exceed 25 miles per hour.

During construction, exhaust emissions from construction vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, would increase NOx and PM10 levels in the area. Although the Proposed Project does not exceed SCAQMD thresholds during construction, the Applicant/Contractor would be required to implement the following conditions as required by SCAQMD:

2. To reduce emissions, all equipment used in grading and construction must be tuned and maintained to the manufacturer’s specification to maximize efficient burning of vehicle fuel. Site development will be limited to one acre disturbed per day.

3. The contractor shall utilize (as much as possible) pre-coated building materials and coating transfer or spray equipment with high transfer efficiency, such as high volume, low pressure (HVLP) spray method, or manual coatings application such as paint brush, hand roller, trowel, dauber, rag, or sponge.

4. The contractor shall utilize water-based or low VOC coating per SCAQMD Rule 1113. The following measures shall also be implemented:
   - Use Super-Compliant VOC paints whenever possible.
   - If feasible, avoid painting during peak smog season: July, August, and September.
   - Recycle leftover paint. Take any left-over paint to a household hazardous waste center; do not mix leftover water-based and oil-based paints.
   - Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors.
   - For water-based paints, clean up with water only. Whenever possible, do not rinse the clean-up water down the drain or pour it directly into the ground or the storm drain. Set aside the can of clean-up water and take it to a hazardous waste center (www.cleanup.org).
   - Recycle the empty paint can.
   - Look for non-solvent containing stripping products.
   - Use Compliant Low-VOC cleaning solvents to clean paint application equipment.
   - Keep all paint and solvent laden rags in sealed containers to prevent VOC emissions.

5. The Project Proponent shall ensure that existing power sources are utilized where feasible via temporary power poles to avoid on-site diesel power generation.
6. The Project Proponent shall ensure that construction personnel are informed of ride sharing and transit opportunities.

7. All buildings on the project site shall conform to energy use guidelines in Title 24 of the California Administrative Code as updated to reduce energy consumption and reduce GHG emissions.

8. The operator shall maintain and effectively utilize and schedule on site equipment and delivery trucks in order to minimize exhaust emissions from truck idling.

### Operational Emissions

Operational emissions are categorized as energy (generation and distribution of energy to the end use), area (operational use of the project), mobile (vehicle trips), water (generation and distribution of water to the land use), and waste (collecting and hauling waste to the landfill). The operational mobile source emissions were calculated in accordance with the Transportation Impact Analysis prepared for the Proposed Project by Fehr and Peers in August 2018. Note, the City of Banning will be the electric energy provider for the Proposed Project, however, at the time of this analysis, CalEEMod Version 2016.3.2 does not contain an emissions model for the Banning Electric Department; Therefore, the operational emissions analysis implemented Southern California Edison as an industry standard.

The City of Banning General Plan with Zoning Overlay designates the Project Site as Low-Density Residential development allowing between zero to five dwelling units per acre (0-5 du/ac, 35 units). The Project Proponent is requesting a zone change to High Density Residential (11-18 du/ac, 96 units) to allow for the development of the proposed 96-unit apartment complex. Therefore, analysis of operational criteria pollutants and GHGs was conducted for the Proposed Project as well as the potential buildout under the existing General Plan (GP) and zoning designations to provide a long-term emissions comparison. Emissions associated with the Proposed Project’s operational activities in comparison to buildout of the Project Site under the existing General Plan/Zoning designations are listed in Table 3 and Table 4, which represent the winter and summer operational emissions, respectively.

The Proposed Project does not exceed applicable SCAQMD regional thresholds either during construction or operational activities. Consequently, the associated impacts are considered to be Less Than Significant; and no mitigation measures are necessary.
### Table 3
Winter Operational Emissions Summary
(Pounds per Day)

<table>
<thead>
<tr>
<th>Source</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>Proposed Project¹</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area</td>
<td>27.5</td>
<td>2.1</td>
<td>56.7</td>
<td>0.1</td>
<td>7.4</td>
<td>7.4</td>
</tr>
<tr>
<td>Energy</td>
<td>0.0</td>
<td>0.4</td>
<td>0.2</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Mobile</td>
<td>1.1</td>
<td>9.5</td>
<td>13.6</td>
<td>0.1</td>
<td>5.2</td>
<td>1.4</td>
</tr>
<tr>
<td>Totals (lbs/day)</td>
<td>28.7</td>
<td>12.0</td>
<td>70.5</td>
<td>0.2</td>
<td>12.6</td>
<td>8.8</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>55</td>
<td>55</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Significance</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Source</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>Existing Zoning²</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area</td>
<td>10.6</td>
<td>0.8</td>
<td>20.7</td>
<td>0.0</td>
<td>2.7</td>
<td>2.7</td>
</tr>
<tr>
<td>Energy</td>
<td>0.0</td>
<td>0.3</td>
<td>0.1</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Mobile</td>
<td>0.6</td>
<td>5.0</td>
<td>7.3</td>
<td>0.0</td>
<td>2.6</td>
<td>0.7</td>
</tr>
<tr>
<td>Total Value (lbs/day)</td>
<td>11.2</td>
<td>6.1</td>
<td>28.1</td>
<td>0.1</td>
<td>5.3</td>
<td>3.4</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>55</td>
<td>55</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Significant</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Source</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>Delta³</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delta of Total Values</td>
<td>17.5</td>
<td>5.9</td>
<td>42.4</td>
<td>0.1</td>
<td>7.3</td>
<td>5.4</td>
</tr>
</tbody>
</table>

¹ High Density Residential (11-18 du/acre)
² Low Density Residential (0-5 du/acre)
³ Difference between the Proposed Project compared to buildout of the Project Site under Existing GP/Zoning

Source: CalEEMod.2016.3.2 Winter Emissions.


Table 4
Summer Operational Emissions Summary
(Pounds per Day)

<table>
<thead>
<tr>
<th>Proposed Project¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source</td>
</tr>
<tr>
<td>Area</td>
</tr>
<tr>
<td>Energy</td>
</tr>
<tr>
<td>Mobile</td>
</tr>
<tr>
<td>Totals (lbs/day)</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
</tr>
<tr>
<td>Significance</td>
</tr>
</tbody>
</table>

Existing Zoning²

<table>
<thead>
<tr>
<th>Source</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>Area</td>
<td>10.6</td>
<td>0.8</td>
<td>20.7</td>
<td>0.0</td>
<td>2.7</td>
<td>2.7</td>
</tr>
<tr>
<td>Energy</td>
<td>0.0</td>
<td>0.3</td>
<td>0.1</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
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<tr>
<td>Mobile</td>
<td>0.7</td>
<td>5.0</td>
<td>8.4</td>
<td>0.0</td>
<td>2.6</td>
<td>0.7</td>
</tr>
<tr>
<td>Total Value (lbs/day)</td>
<td>11.3</td>
<td>6.1</td>
<td>29.2</td>
<td>0.1</td>
<td>5.3</td>
<td>3.4</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>55</td>
<td>55</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Significant</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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</tbody>
</table>

Delta³

<table>
<thead>
<tr>
<th>Source</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>Delta of Total Values (lbs/day)</td>
<td>17.6</td>
<td>5.9</td>
<td>43.5</td>
<td>0.1</td>
<td>7.3</td>
<td>5.4</td>
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</table>

¹ High Density Residential (11-18 du/ac)
² Low Density Residential (0-5 du/ac)
³ Difference between the Proposed Project compared to buildout of the Project Site under Existing GP/Zoning

Source: CalEEMod.2016.3.2 Summer Emissions.

d) **Less than Significant Impact.** Localized Significance Thresholds (LSTs) methodology is incorporated herein to represent worst-case scenario emissions thresholds. The LSTs were developed to analyze the significance of potential air quality impacts of proposed projects to sensitive receptors (i.e. schools, single-family residences, etc.) and provide screening tables for small projects (one, two, or five acres). Projects are evaluated based on geographic location and distance from the sensitive receptor (25, 50, 100, 200 or 500 meters from the site).

For the purposes of a CEQA analysis, the South Coast Air Quality Management District (SCAQMD) considers a sensitive receptor to be a receptor such as a residence, hospital, convalescent facility or anywhere that it is possible for an individual to remain for 24 hours. Additionally, schools, playgrounds, child care centers, and athletic facilities can also be considered as sensitive receptors. Commercial and industrial facilities are not included in the definition of sensitive receptor because employees do not typically remain on-site for a full 24 hours, but are usually present for shorter periods of time, such as eight hours.

The Project Site is approximately 7.08 acres and therefore the “five-acre” LST thresholds were utilized as larger sites (e.g. 10 acres) are typically granted a larger emission allowance. The nearest sensitive receptor land uses are the single-family residences which are located immediately north, west, and south of the Project Site and therefore LSTs are based on an 82-foot (25-meter) distance. CalEEMod version 2016.3.2 was used
to estimate the on-site and off-site emissions associated with construction and operation of the Proposed Project. It should be noted that the operational phase is comprised of three sources: Area, Energy, and Mobile; and the Area source includes the following four subcategories: Architectural Coating, Consumer Products, Hearth, and Landscaping. CalEEMod version 2016.3.2 assumes the implementation of “hearth” (e.g. wood-burning fireplaces); however, the Proposed Project will not include wood-burning fireplaces. This will be a condition of project approval imposed by the City on the Project. Therefore, wood-burning fireplaces will not contribute to the Proposed Project’s operational emissions and associated emissions of PM_{10} and PM_{2.5} were subtracted from the modeled totals. A comparison of the Proposed Project’s construction and operational emissions with the appropriate LST thresholds is presented in Table 5.

<table>
<thead>
<tr>
<th>Source</th>
<th>NO_{x}</th>
<th>CO</th>
<th>PM_{10}</th>
<th>PM_{2.5}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Emissions (Max. from Table 1 and Table 2)</td>
<td>45.6</td>
<td>23.2</td>
<td>10.7</td>
<td>6.7</td>
</tr>
<tr>
<td>Operational Emissions (Max. from Table 3 and Table 4)^{1}</td>
<td>1.4</td>
<td>9.7</td>
<td>0.5</td>
<td>0.2</td>
</tr>
<tr>
<td>Highest Value (lbs/day)</td>
<td>45.6</td>
<td>23.2</td>
<td>10.7</td>
<td>0.5</td>
</tr>
<tr>
<td>LST Thresholds</td>
<td>236</td>
<td>2,817</td>
<td>21^{*}</td>
<td>6^{7}</td>
</tr>
<tr>
<td>Greater Than Threshold?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Note: PM_{10} and PM_{2.5} emissions are separated into construction and operational thresholds in accordance with the SCAQMD Mass Rate LST look-up Table.

^{*} Construction emissions LST

^{7} Operation emissions LST

^{1} Per LST methodology mobile source emissions do not need to be included except for land use emissions and on-site vehicle emissions. It is estimated that approximately 10 percent of mobile emissions will occur on the project site.

Source: CalEEMod 2016.3.2 Summer & Winter Emissions; SCAQMD Final Localized Significance Threshold Methodology; SCAQMD Mass Rate Look-up Tables for five-acre site in Source Receptor Area No. 29, distance of 24 meters.

As shown in Table 5, the Proposed Project’s emissions are not anticipated to exceed the thresholds for LSTs. Therefore, the Proposed Project is not anticipated to expose sensitive receptors to substantial pollutant concentrations. Less than significant impacts are anticipated, and no mitigation measures are required.

e) **Less than Significant Impact.** The Proposed Project will not involve activities typically associated with the emission of objectionable odors. Potential odor sources associated with the Proposed Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities; and the temporary storage of solid waste (refuse) associated with the Projects’ (long-term operational) uses. Standard construction measures such as those listed under Threshold b) and c) would minimize odor impacts resulting from construction activity. It should be noted that any construction odor emissions generated would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction activity. Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the City of Banning’s solid waste regulations. The Project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances. Consequently, odors associated with the Proposed Project construction and operations would be Less Than Significant and no mitigation is necessary.
## Issues and Supporting Information Sources:

<table>
<thead>
<tr>
<th>4. <strong>BIOLOGICAL RESOURCES. Would the project:</strong></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>()</td>
<td>()</td>
<td>()</td>
<td>()</td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?</td>
<td>()</td>
<td>()</td>
<td>()</td>
<td>()</td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>()</td>
<td>()</td>
<td>()</td>
<td>()</td>
</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>()</td>
<td>()</td>
<td>()</td>
<td>()</td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>()</td>
<td>()</td>
<td>()</td>
<td>()</td>
</tr>
<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community conservation Plan, or other approved local, regional, or State habitat conservation plan?</td>
<td>()</td>
<td>()</td>
<td>()</td>
<td>()</td>
</tr>
</tbody>
</table>

### Impact Discussion:

In November 2018, Riverside Biological, Inc. performed a Habitat Assessment and MSHCP Consistency Analysis under the requirements of the Western Riverside County Multiple Species Habitat Conservation Plan (MSCHP). This assessment is contained in Appendix A, which is available for review at the Community Development Department, Planning Division. Findings are summarized in the following discussion.

- **Less than Significant Impact with Mitigation.** A data search for information on plant and wildlife species known occurrences within the vicinity of the Project Site has been
conducted along with review of biological texts on general and specific biological resources, and those resources considered to be sensitive by various wildlife agencies, local governmental agencies and interest groups.

A field survey of the Project Site was conducted on October 23, 2018 and included an evaluation of Project Site's habitats, records of the general and sensitive biological resources present on-site and taking representative photographs. The survey included habitat assessment surveys for resources covered under the MSHCP survey requirements. The Project Site was mapped by the MSHCP as disturbed/developed in both the 1994 and 2012 mapping.

The project site is highly disturbed due to past and current land use practices. As a result of the disturbance caused by these land use practices, the vegetation on the project site is sparse and dominated by ruderal, non-native vegetation. At the time of the site visit, what sparse vegetation found onsite was located along the peripheral of the project site, as most of the site was recently subjected to weed abatement, evidenced by disking. Vegetation was dominated by non-native species including lamb's quarters (Chenopodium album), and dry grasses including ripgut brome (Bromus diandrus) and wild oat (Avena fatua). Other non-dominant species observed onsite include common sunflower (Helianthus annuus), catclaw acacia (Senegalia greggii), California sand-aster (Corethrogynne filaginifolia), jimson weed (Datura stramonium), and coyote melon (Cucurbita palmate). Sparsely distributed individual California buckwheat (Eriogonum fasciculatum) plants were observed intermixed into the ruderal vegetation along the eastern and southern site boundary.

During the field survey, no amphibian or reptile species were observed. Wildlife common to suburban areas was observed using the site. Some species observed include mourning dove (Zenaida macroura), common raven (Corvus corax), and California ground squirrel (Spermophilus beecheyi).

The proposed project is located within “The Pass” Area Plan of the MSHCP (Multiple Species Habitat Conservation Plan) but is not located within or adjacent to a Criteria Area or Conservation Area. Thus, the proposed project is not subject to the MSHCP’s Urban/Wildlands Interface Guidelines. No riparian/riveterine/vernal pool resources are present. The project site is within the MSHCP survey areas for NEPSSA (Narrow Endemic Plant Species Survey Areas) habitat assessment and burrowing owl habitat assessment as discussed below.

The project is within MSHCP NEPSSA survey area 8 for many-stemmed dudleya (Dudleya multiflora) and Yucaipa onion (Allium marvinii). Suitable soils and/or habitat conditions for the two target species do not occur on site; therefore, focused surveys were not required for these species.

The project falls within the MSHCP burrowing owl survey area. Burrowing owls are found in open, dry grasslands, agricultural and range lands, and desert habitats often associated with burrowing animals. They can also inhabit grass, forb, and shrub stages of pinyon, and ponderosa pine habitats. They nest in abandoned burrows of ground squirrels or other animals, in pipes, under piles of rock or debris, and in other similar features.

A habitat assessment survey for burrowing owl was conducted on October 23, 2018. Suitable habitat for burrowing owl is present on site, specifically associated with the
various rocky debris piles surrounded by bare ground and sparse, low-lying ruderal vegetation located near the center of the project site. Burrows that could have been occupied by burrowing owl were found in these rock pile locations. However, no burrowing owls or burrowing owl sign (e.g., whitewash, pellets, scat, tracks, and/or feathers) were observed during the survey. Due to the presence of suitable habitat and burrows, a burrowing owl focused survey will need to be conducted during the breeding season, March 1 – August 31, per the MSHCP Burrowing Owl Survey Guidelines.

Because the burrowing owl is a mobile species, it has a potential to subsequently occupy any suitable burrows within the site, even if focused surveys determine the site is not currently occupied by burrowing owls. Per the MSHCP 30-day Pre-Construction Burrowing Owl Survey Guidelines, an additional pre-construction survey is required for the burrowing owl within 30 days prior to start of grading/construction activities to determine if the burrowing owl has subsequently occupied the development area. If burrowing owls are found to be present, for compliance with the MSHCP, project-specific mitigation would be developed and authorized through consultation with the City of Banning and the CDFW (California Department of Fish and Wildlife).

BIO – 1 Due to the presence of suitable habitat and burrows found onsite during the burrowing owl habitat assessment survey, a burrowing owl focused survey will need to be conducted during the breeding season, March 1 – August 31, per the MSHCP Burrowing Owl Survey Guidelines (revised March 29, 2006). To avoid potential effects to the burrowing owl, an additional pre-construction survey is required for the burrowing owl within 30 days prior to start of grading/construction activities to determine if the burrowing owl has subsequently occupied the development area.

b) **No Impact.** Riparian/Riverine Areas are lands that contain habitat dominated by trees, shrubs, and persistent emergent, which occur close to or depend upon soil moisture from a nearby water source; or areas with fresh water flowing during all or a portion of the year. Riverine/riparian/wetland areas may support species federally/state listed as threatened/endangered riparian bird species, such as the southwestern willow flycatcher (Empidonax traillii extimus), least Bell’s vireo (Vireo bellii pusillus), and yellow-billed cuckoo (Coccyzus Americus occidentalis). The proposed project site does not contain any riverine, riparian, or wetland resources.

c) **No Impact.** California’s vernal pools are depressions that seasonally pond with winter rains as a result of a shallow, relatively impermeable layer of soil or rock that creates a perched water table. Ponding in vernal pools occurs for sufficient duration to inhibit growth of upland vegetation and facilitate growth of annual or small perennial plants especially adapted to initial growth in saturated soils. Under the MSHCP, vernal pools include seasonal wetlands (having indicators of hydric soil, hydrophytic vegetation, and wetland hydrology) in natural depressions or in artificial depressions created to provide wetland habitat (MSHCP Vol. I, p. 6-22). Vernal pool fairy shrimp typically inhabit small depressions in sandstone or vernal pools or similar habitats in unplowed grassland. Artificially created features do not meet the MSHCP definition of vernal pool unless created for the purpose of providing wetlands habitat. The proposed project site does not contain vegetative, hydrologic, or soil characteristics associated with vernal pool habitat. No vernal pools or fairy shrimp habitat, including other potential fairy shrimp habitat, are present.
The U.S. Army Corps of Engineers (USACE), under Section 404 of the Federal Clean Water Act (CWA), regulates discharges of dredged or fill material into "waters of the United States." These waters include wetlands and non-wetland bodies of water that meet specific criteria, including a connection to interstate commerce. This connection may be direct (through a tributary system linking a stream channel with traditional navigable waters used in interstate or foreign commerce) or it may be indirect (through a connection identified in USACE regulations). The USACE typically regulates as non-wetland waters of the U.S. any body of water displaying an "ordinary high-water mark" (OHWM). In order to be considered a "jurisdictional wetland" under Section 404, an area must possess hydrophytic vegetation, hydric soils, and wetland hydrology. The CDFW, under Sections 1600 et seq. of the California Fish and Game Code, regulates alterations to lakes, rivers, and streams. A stream is defined by the presence of a channel bed and banks and at least an occasional flow of water. The Regional Water Quality Control Board (RWQCB) is responsible for the administration of Section 401 of the CWA, through water quality certification of any activity that may result in a discharge to jurisdictional waters of the U.S. The RWQCB may also regulate discharges to "waters of the state," including wetlands, under the California Porter-Cologne Water Quality Control act.

No drainage features, ponded areas, wetlands, or riparian habitat subject to jurisdiction by the CDFW, USACE, and/or RWQCB were found within the proposed project site. Neither CWA Section 404 and 401 permits nor a CDFW streambed alteration agreement is necessary.

d) **Less than Significant Impact with Mitigation.** Raptors and all migratory bird species, whether listed or not, receive protection under the Migratory Bird Treaty Act (MBTA) of 1918. The MBTA prohibits individuals to kill, take, possess or sell any migratory bird, bird parts (including nests and eggs) except per regulations prescribed by the Secretary of the Interior Department (16 U. S. Code 703). Additional protection is provided to all bald and golden eagles under the Bald and Golden Eagle Protection Act of 1940, as amended. State protection is extended to all birds of prey by the CDFW Code, Section 3503 and 3503.5. No take is allowed under these provisions except through the approval of the agencies or their designated representatives.

Wildlife movement and the fragmentation of wildlife habitat are recognized as critical issues that must be considered in assessing impacts to wildlife. In summary, habitat fragmentation is the division or breaking up of larger habitat areas into smaller areas that may or may not be capable of independently sustaining wildlife and plant populations. Wildlife movement (more properly recognized as species movement) is the temporal movement of individuals (plants and animals) along diverse types of corridors. Wildlife corridors are especially important for connecting fragmented habitat areas.

At the time of the survey, there were shrubs and other vegetation found along the periphery of the site that may provide nest sites for birds, and burrowing owls may nest in the abandoned ground squirrel burrows, rock piles, pipes, or similar features. Additionally, the site is suitable for ground nesting species, such as killdeer (Charadrius vociferous). To avoid any potential effects to nesting birds protected by the California Fish and Game Code, vegetation-clearing and preliminary gourd-disturbance work should be completed outside of bird breeding season (typically February 15 through August 31). In the event that initial ground work cannot be conducted outside the bird breeding season, pre-construction surveys would be required within 3 days prior to construction. Should nesting birds be found, an exclusionary buffer will be established by the biologist. The buffer may
be up to 500 feet in diameter, depending on the species of nesting bird found. This buffer will be clearly marked in the field by construction personnel under guidance of the biologist, and construction clearing will not be conducted within this zone until the biologist determines that the young have fledged, or the nest is no longer active.

**BIO – 2** To avoid potential effects to nesting migratory birds and raptors protected by the California Fish and Game Code, vegetation – clearing and preliminary ground – disturbance work should be completed outside of bird breeding season (typically February 15 through August 31). If these construction activities cannot be scheduled to avoid the bird breeding season, a pre – construction nesting bird survey should be conducted within 3 days prior to project construction ground disturbing activities to avoid effects to birds protected under the California Fish and Game Code.

e) **No Impact.** Currently, the City of Banning does not have a tree preservation policy or ordinance in place. However, the Project Site would be landscaped in accordance with approved drought tolerant trees, shrubs and groundcover in accordance with Banning Municipal Code Section 17.32 (Landscaping Standards). Therefore, conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance would not result. Consequently, no impacts are anticipated, and no mitigation measures are necessary.

f) **Less than Significant Impact.** The Project Site is located within the MSHCP Conservation Area. As part of the Conservation Area, there is a concern with the identification of specific areas that are necessary to assemble a sufficiently large and diverse parcel to protect the resources of concern for that reserve. Each area has a designated conservation plan and is therefore referred to as an Area Plan. The smallest unit is the Cell, which individually form the basis for Cell Groups that make up Area Plans. The MSHCP defines [Criteria] Cells as “a unit within the Criteria Area generally 160 acres in size, approximating one quarter section,” and Cell Groups as “an identified grouping of Cells within the Criteria Area.”

All the Cells have been identified during the preparation of the MSHCP and form the basis for identifying areas of sensitivity. Areas outside Cells are generally not considered to have a high sensitivity for the species identified by the MSHCP, although they could have resources such as riparian habitat that are sensitive and require additional analysis. The Project Site is not located within or adjacent to any Criteria Cells. Consequently, the Project would not conflict with the provisions of an adopted Habitat Conservation Plan, and no mitigation measures are necessary.
### Issues and Supporting Information Sources:

<table>
<thead>
<tr>
<th>5. CULTURAL RESOURCES. Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?</td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5?</td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
</tr>
<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
</tr>
</tbody>
</table>

<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>
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<tr>
<td>d)</td>
<td>( )</td>
<td>(✓)</td>
<td>( )</td>
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</tbody>
</table>

**Impact Discussion:**

In November 2018, a Phase I Cultural Resources Investigation was prepared for the Project by Brian F. Smith and Associates, Inc., (BFSA), which included an archeological records search, Native American consultation, paleontological overview, historic background research, and field survey (see Appendix B, Phase I Cultural Resources Assessment). A copy of the report is contained in Appendix B, which is available for review at the community Development Department, Planning Division. Findings presented in the Cultural Resources report are outlined in the following discussion.

The City of Banning Planning Department has conducted notification and consultation with the Native American Historical Commission (NAHC) and area tribes, as required under SB 18 and AB 52. Discussion and mitigation language contained in this section reflect the results of those consultations.

a-b) **Less than Significant with Mitigation:** During the field survey conducted in November 1, 2018, the Project Site was found to be nearly void of native vegetation, and the surficial deposits were likely impacted by past disturbance and weed abatement. The Project Site is surrounded by modern improvements (i.e., existing development, roadways, infrastructure, etc.).

BFSA completed a standard archaeological records search through the University of California, Riverside, Eastern Information Center, Riverside, California. Research indicated that the general area was subject to prior studies and that a minimum of 41 cultural resources studies have been completed within one-mile of the Project Site. Two of the previous studies include the current APE (Area of Potential Effect) (Underwood et al. 1986; Tang et al. 2004). No resources have ever been recorded within the APE; however, neither of the previous studies mapped within the subject property included a formal survey of the entire project. The records search identified 212 cultural resources within one mile of the subject property. Most of the resources identified within the record search are buildings and features associated with the early to mid-twentieth century development of Banning; however, historic trash scatters are also common in the region.
A Sacred Lands File (SLF) search was requested from the Native American Heritage Commission (NAHC), which did not identify any sacred sites or locations of Native American concern within the project vicinity.

The archaeological survey did not identify any resources within the subject property; however, given the prior disturbance within the APE that might mask archaeological deposits and the frequency of archaeological deposits and historic structures surrounding the project APE, there remains the potential to encounter buried or masked cultural deposits within the project. Therefore, it is recommended that a Mitigation Monitoring and Reporting Program (MMRP) be implemented as a condition of project approval. The MMRP should include archaeological monitoring of all excavation and grading activities associated with the project, in addition to a testing and significance evaluation should historic or prehistoric resources be encountered.

**CR – 1** Prior to the issuance of grading permits, the applicant shall provide written verification in the form of a letter from the project archaeologist to the lead agency stating that a certified archaeologist has been retained to implement the monitoring program.

**CR – 2** The project applicant shall provide Native American monitoring (Morongo Band of Mission Indians) during grading. The Native American monitor shall work in concert with the archaeological monitor to observe ground disturbances and search for cultural materials.

**CR – 3** The certified archaeologist shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.

**CR – 4** During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and tribal representative shall be on-site, as determined by the consulting archaeologist, to perform periodic inspections of the excavations. The frequency of inspections will depend upon the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The consulting archaeologist shall have the authority to modify the monitoring program if the potential for cultural resources appears to be less than anticipated.

**CR – 5** Isolates and clearly non-significant deposits will be minimally documented in the field so the monitored grading can proceed.

**CR – 6** In the event that previously unidentified cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The archaeologist shall contact the lead agency at the time of discovery. The archaeologist, in consultation with the lead agency, shall determine the significance of the discovered resources. The lead agency must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the lead agency before being carried out using professional archaeological methods. If any human bones are discovered, the county coroner and lead agency shall be contacted. If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the NAHC, shall be contacted in order to determine proper treatment and disposition of the remains.
CR – 7  Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered, and features recorded using professional archaeological methods. The project archaeologist shall determine the amount of material to be recovered for an adequate artifact sample for analysis.

CR – 8  All cultural material collected during the grading monitoring program shall be processed and curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility, to be accompanied by payment of the fees necessary for permanent curation.

CR – 9  A report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the lead agency prior to the issuance of any building permits. The report will include DPR Primary and Archaeological Site Forms.

c) Less than Significant with Mitigation: A paleontological overview was completed for the general area in 2004 and updated in 2017. The research confirmed that the area west of the Project Site consists of Mesozoic-aged granitic and meta-sedimentary rocks that are not conducive to yielding paleontological specimens. The County of Riverside GIS system identifies the Project Site and vicinity as being within an area of “Low Sensitivity” for paleontological specimens as it is dominated by the presence of metasedimentary deposits. However, older Quaternary alluvial deposits may be present in a shallow context and therefore, the Project Site does have a level of sensitivity. Nonetheless, previous development and infrastructure excavations in the surrounding area have failed to result in the identification of any fossil specimens. Therefore, the overall project area is not considered to be highly sensitive for fossil remains but does have a potential to yield fossils in the event site preparation activities impact older alluvium. Consequently, to ensure potential impacts are reduced to a less than significant impact, Mitigation Measures CR-1 through CR-9 listed above shall be implemented.

d) Less than Significant with Mitigation: Construction activities, particularly grading, soil excavation and compaction, could adversely affect unknown buried human remains. If remains are uncovered during excavation or site preparation, appropriate authorities would be contacted as required by State law. However, in the event remains are determined to be of Native American descent, Mitigation Measures CR-1 through CR-9 shall be implemented. With mitigation, potential impacts to human remains are considered less than significant.
### Issues and Supporting Information Sources:

**6. 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 wastewater disposal systems where sewers are not available for the disposal of wastewater?

<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>
</table>
| **6. 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 wastewater disposal systems where sewers are not available for the disposal of wastewater? |

---

**Impact Discussion:**

In July 2018, a report of Soils and Foundation Evaluations was prepared by Soil Exploration Company, Inc. A copy of the report is contained in Appendix C, which is available for review at the Community Development Department, Planning Division. Findings presented in the technical study are outlined in the following discussion.
a) i) **No Impact.** The San Gorgonio Pass Fault is the closest Alquist-Priolo Earthquake Fault Zone to the Project site as delineated in the latest State Earthquake Fault Zone maps and in Exhibit V-3 of the General Plan. The San Gorgonio Pass Fault is located approximately 2.5 miles north of Interstate 10. The San Gorgonio Pass fault zone is comprised of a series of north-dipping reverse and thrust faults connected by strike tear faults. The most recently active strands of faults occur at the base of the Banning Bench, in the north central part of Banning. The Highland Scarp along the western edge of the City is considered an active segment of the San Gorgonio Pass fault zone. The San Gorgonio Pass fault is capable of producing a maximum credible earthquake magnitude of 7.4 – 7.6 (M_max). The Project Site is not located within an Alquist-Priolo Earthquake Fault Zone; therefore, no impacts from fault rupture on-site are anticipated and no mitigation measures are necessary.

ii) **Less than Significant Impact.** The Proposed Project involves the construction of a 96-unit apartment complex. While the Project Site may be subject to strong seismic ground shaking associated with area faults, any ground shaking that might occur on-site would be typical of the area in general. In addition, all structures must comply with seismic building standards contained in the California Uniform Building Code. Consequently, potential adverse impacts from exposure to strong seismic ground shaking are considered less than significant and no mitigation measures beyond compliance with applicable regulations are necessary.

iii) **Less than Significant Impact.** Liquefaction occurs primarily in saturated, loose, fine to medium grained soils in areas where the groundwater table is within 50 feet of the surface. During liquefaction, involved soils behave like a liquid or semi-viscous substance and can cause structural distress or failure due to ground settlement, a loss of load-bearing capacity in foundation soils, and the buoyant rise of buried structures. Three general conditions induce liquefaction: 1) strong ground shaking for a sustained period, 2) presence of unconsolidated granular sediments, and 3) occurrence of water-saturated sediments within 50 feet of the ground surface.

There is a low potential for liquefaction at the Project Site (Riverside County Parcel Report for APN's 534-283-011 and 014). The Soils and Foundation Evaluation prepared by Soils Exploration Company, Inc. for the Project Site, also determined that the potential for liquefaction at the site is considered low due to the presence of cohesive silty, sandy soils encountered during exploration and historical groundwater depth in excess of 50 feet below grade. Consequently, potential adverse effects related to seismically induced ground failure including liquefaction are considered less than significant and no mitigation measures beyond compliance with applicable regulations are necessary.

iv) **No Impact.** The City of Banning General Plan identifies an increased potential for landslides to occur where there is a high seismic potential, including areas with steep slopes and deeply incised canyons, rock with inherently weak components, or highly fractured and folded rock. The northernmost and southernmost portions of the City are described as highly susceptible to seismically induced slope failure due to the proximity to mountains and hillsides. Additionally, areas with slopes steeper than 15 degrees are described as generally subject to slope failure.
Elevation at the Project site ranges from approximately 2,374 feet above mean sea level (amsl) at the northwesterly end to approximately 2,339 feet amsl at the southeasterly end; no hillside with slopes greater than 15 degrees occur on-site or in the immediate vicinity. Consequently, no adverse effects related to on-site landslides are anticipated.

b) **Less than Significant Impact.** In July 2018, a Report of Soils and Foundation Evaluations was prepared by Soils Exploration Company, Inc. A copy of the report is on-file and available for review at the City of Banning Community Development Department. The purpose of the evaluation was to determine the nature and engineering properties of the near grade soils, and to provide geotechnical recommendations for foundation design, slab-on-grade, paving, parking, site grading, utility trench excavations and backfill, and inspections during construction. The evaluation included subsurface explorations, soils sampling, necessary laboratory testing, and engineering analysis. Field investigations included seven (7) exploratory test trenches to a maximum of 15 feet below the current grade surface. The report concluded that the Project Site is suitable for the proposed project provided that the recommendations presented in the report are incorporated into the Project and are implemented during site excavation and construction. Recommendations from the report would be incorporated into the Project final engineering designs and be included in final Project approvals as conditions of approval; therefore, less than significant impacts are anticipated.

c) **Less than Significant Impact.** The San Gorgonio Pass Fault is the closest Alquist-Priolo Earthquake Fault Zone to the Project Site as delineated in the latest State Earthquake Fault Zone maps and in Exhibit V-3 of the General Plan. The San Gorgonio Pass Fault is located approximately 2.5 miles north of Interstate 10. The San Gorgonio Pass fault zone is comprised of a series of north-dipping reverse and thrust faults connected by strike tear faults. The most recently active strands of faults occur at the base of the Banning Bench, in the central part of Banning. The Highland Scarp along the western edge of the City is considered an active segment of the San Gorgonio Pass fault zone. The San Gorgonio Pass Fault is capable of producing a maximum credible earthquake magnitude of 7.4 – 7.6 ($M_{\text{max}}$).

Elevations at the Project Site range from approximately 2,374 feet amsl at the northwesterly end to approximately 2,339 feet amsl at the southeasterly end; there are no hills or prominent landforms in the immediate vicinity. As concluded in the Soils and Foundation Evaluation, the potential for some total and differential settlements due to ground shaking may be expected; however, based on adjacent completed projects within the vicinity, earthquake induced settlement is considered to be within tolerable limits. Therefore, it is not anticipated that implementation of the Proposed Project would result in soil that would become unstable as a result of the project or cause off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. No impacts are anticipated.

d) **No Impact.** Expansive soils (shrink-swell) are fine grained clay soils generally found in historical floodplains and lakes. Expansive soils are subject to swelling and shrinkage in relation to the amount of moisture present in the soil. Structures built on expansive soils may incur damage due to differential settlements of the soil as expansion and contraction takes place. Information about shrink-swell classes and linear extensibility is available in the Natural Resource Conservation Service (NRCS) soil survey reports. A high shrink-swell potential indicates a hazard to maintenance of structures built in/on/or with material
having this rating. Moderate to low ratings lessen the hazard. According to the NRCS the Ramona sandy loam soils class occurs at the Project Site. As identified by the NRCS, Ramona sandy loam does not have limitations related to expansive soils. In addition, the Report of Soils and Foundations, prepared by Soil Exploration Company, Inc., concluded that on-site soils were found to be sandy in nature and are not considered expansive. The Project would implementation all recommendations included in the report as discussed in Section VI(b); therefore, no impacts related to expansive soils are anticipated.

d) **No Impact.** No septic tanks or alternative wastewater disposal is proposed. Upon approval of the Proposed Project, the project would connect to the City’s sewer collection system that currently serves the immediate vicinity. No impacts from soils incapable of adequately supporting septic tanks or alternative wastewater disposal systems would result.

<table>
<thead>
<tr>
<th>Issues and Supporting Information Sources:</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><strong>7. GREENHOUSE GAS EMISSIONS. Would the project:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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>

**Impact Discussion:**

a) **Less than Significant Impact.** According to CEQA Guidelines Section 15064.4, when making a determination of the significance of greenhouse gas emissions, the "lead agency shall have discretion to determine, in the context of a particular project, whether to (1) use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use." In addition, CEQA Guidelines section 15064.7(c) provides that "a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts" on the condition that "the decision of the lead agency to adopt such thresholds is supported by substantial evidence."

The Global Warming Solutions Act of 2006 requires that by the year 2020, the Greenhouse Gas (GHG) emissions generated in California be reduced to the levels of 1990. The City of Banning has not adopted its own thresholds of significance for greenhouse gas emissions. However, the City finds persuasive and reasonable the approach to determining significance of greenhouse gas emissions established by the South Coast Air Quality Management District (SCAQMD), within which the City is located.
Many gases make up the group of pollutants that are believed to contribute to global climate change. However, three gases are currently evaluated and represent the highest concentration of GHG: Carbon dioxide (CO2), Methane (CH4), and Nitrous oxide (N2O). SCAQMD provides guidance methods and/or Emission Factors that are used for evaluating a project’s emissions in relation to the thresholds. A threshold of 3,000 MTCO2E (Metric tons of carbon dioxide equivalent) per year has been adopted by SCAQMD for non-industrial type projects as potentially significant for global warming (Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold, SCAQMD, October 2008).

The proposed project would require earthmoving, structural building and other activities such as asphalt paving. The project’s construction activities were screened for emission generation using the CalEEMod version 2016.3.2 emissions estimator model. Fehr and Peers conducted a TIA for the proposed project, August 2018. The modeled emissions anticipated from the Proposed Project compared to the SCAQMD threshold are shown below in Table 6 and Table 7.

As shown in Table 5 and Table 6, site activities and improvements would not exceed the SCAQMD threshold for GHG. Consequently, less than significant project related GHG impacts are anticipated, and no mitigation measures are necessary.

<table>
<thead>
<tr>
<th>Source/Phase</th>
<th>CO2</th>
<th>CH4</th>
<th>N2O</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Preparation</td>
<td>17.9</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Grading</td>
<td>28.1</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Building Construction</td>
<td>268.8</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Paving</td>
<td>21.4</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Architectural Coating</td>
<td>4.8</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td><strong>Total MTCO2e</strong></td>
<td>342.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>3,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Significant</strong></td>
<td>NO</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: CalEEMod.2016.3.2 Annual Emissions.
### Table 7
Greenhouse Gas Operational Emissions
(Metric Tons per Year)

<table>
<thead>
<tr>
<th>Source/Phase</th>
<th>CO₂</th>
<th>CH₄</th>
<th>N₂O</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Project¹</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area</td>
<td>31.4</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Energy</td>
<td>228.5</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Mobile</td>
<td>1093.5</td>
<td>0.1</td>
<td>0.0</td>
</tr>
<tr>
<td>Waste</td>
<td>9.0</td>
<td>0.5</td>
<td>0.0</td>
</tr>
<tr>
<td>Water</td>
<td>41.9</td>
<td>0.2</td>
<td>0.0</td>
</tr>
<tr>
<td>Total (MTCO₂e)</td>
<td>1427.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>3,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Significant</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Source</th>
<th>CO₂</th>
<th>CH₄</th>
<th>N₂O</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Zoning²</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area</td>
<td>11.4</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Energy</td>
<td>154.3</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Mobile</td>
<td>527.7</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Waste</td>
<td>8.3</td>
<td>0.5</td>
<td>0.0</td>
</tr>
<tr>
<td>Water</td>
<td>15.3</td>
<td>0.1</td>
<td>0.0</td>
</tr>
<tr>
<td>Total (MTCO₂e)</td>
<td>733.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>3,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Significant</td>
<td>No</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Delta³

| Delta of Totals (MTCO₂e) | 693.9 |

¹ High Density Residential (911±13 du/ac)
² Low Density Residential (0.5 du/ac)
³ Difference between the Proposed Project compared to buildout of the Project Site under Existing GP/Zoning

Source: CalEEMod.2016.3.2 Annual Emissions

b) **Less than Significant Impact.** There are no GHG plans, policies, or regulations that have been adopted by the California Air Resources Board (CARB) or SCAQMD that would apply to the type of emissions source represented by the proposed project. It is possible that CARB may develop performance standards for project-related activities prior to project construction. In such an event, applicable performance standards would be implemented. The project, as proposed, does not conflict with an existing applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Consequently, associated impacts would be less than significant, and no mitigation measures are necessary.
<table>
<thead>
<tr>
<th>Issues and Supporting Information Sources:</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>8. HAZARDS AND WASTE MATERIALS. Would the project:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>()</td>
<td>()</td>
<td>(✓)</td>
<td>()</td>
</tr>
<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident considerations 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 1/4 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 2 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>
Impact Discussion:

a) **Less than Significant Impact.** Construction of the project would involve short-term use of petroleum-based fuels, lubricants, and other similar materials. The construction phase may also include the transport of gasoline and diesel fuel to the Project Site and onsite storage for the purpose of fueling construction equipment. Long-term operation of the proposed project would involve routine periodic use of pesticides, herbicides and fertilizers typically associated with landscape maintenance.

No activities using or generating an unusual amount of hazardous substances are anticipated. Use, transport, handling, and disposal of any hazardous substances must comply with all federal, State and local laws regulating their management and use. Consequently, potential impacts related to creating a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials are considered less than significant, and no mitigation measures aside from compliance with applicable regulations are necessary.

b) **Less than Significant Impact.** Please refer to the preceding threshold discussion (8-a.) Other aspects of the proposed project, as has been noted, would utilize common products for cleaning and maintenance. No activities that would involve the use of explosive, acutely toxic or caustic substances that could result in accident or upset conditions are anticipated. Consequently, the risk of accidental release of hazardous materials is considered less than significant, and no mitigation measures beyond compliance with applicable regulations are necessary.

c) **No Impact.** The project is located within ¼ mile of Hoffer Elementary School located at 1115 East Hoffer Street. Implementation of the Proposed Project would not emit hazardous emissions or involve the handling of hazardous or acutely hazardous materials, substances, or waste that would be a potential threat to the school. Consequently, no impacts to schools would result.

d) **No Impact.** The Project Site is not on any official list of hazardous materials sites. Pursuant to California Government Code Section 65962.5, the California Department of Toxic Substances Control (DTSC) compiles the Cortese List and updates it at least annually. The Cortese List includes hazardous waste facilities subject to corrective actions, land designated as hazardous waste property or border zone property, sites included in the abandoned site assessment program, and qualifying sites pursuant to Section 25356 of the Health and Safety Code. A copy of the most recent Cortese List was examined, and the Project site is not identified on the list. Consequently, no impacts related to Government Code Section 65962.5 are anticipated.

e) **Less than Significant Impact with Mitigation.** The Banning Municipal Airport is located approximately 0.7 miles southeast of the Project Site, at 600 South Hathaway Street, adjacent to the Southern Pacific Railroad and the I-10 freeway. The project site is also located within the boundaries of the Banning Municipal Airport Land Use Plan, and is subject to the jurisdiction of the Riverside County Airport Land Use Commission (ALUC.) The Proposed Project involves the construction and operation of a 96-Unit Apartment Complex, and as such, would not create conditions that would conflict with airport land uses or create an aviation safety hazard for people residing or working in the area. On October 18, 2018, the Riverside County Airport Land Use Commission found the project
to be Conditionally Consistent with the 2004 Banning Municipal Airport Land Use Compatibility Plan, as amended in 2016. As such; the project will not have a significant impact with the mitigation measures identified in the October 18, 2018 report. (see Appendix H, Riverside County Airport Land Use Commission Report.)

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

HAZ - 2 The following uses shall be prohibited:

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

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

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

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

HAZ - 3 The attached notice shall be provided to all potential purchasers of the property and to tenants of the proposed dwelling units and shall be recorded as a deed notice. (see attached notice in Appendix H, Riverside County Airport Land Use Commission Report.)

HAZ - 4 Any proposed detention basin or facilities shall be designed so as to provide for a detention period for the design storm that does not exceed 48 hours and to remain totally dry between rainfalls. Vegetation in and around such facilities that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.

HAZ – 5 The proposed clubhouse shall be single-story and not exceed 1,768 square feet in floor area, unless additional airport land use compatibility evaluation occurs.

f) No Impact. There are no private airstrips within the vicinity of the Project Site. The nearest airport, as noted previously, is the Banning Municipal Airport located approximately 0.7 miles east of the Project Site. Approval of the Proposed Project would not result in an aviation safety hazard for people residing or working in the Project area. No impacts are anticipated.
g) **No Impact.** The Emergency Preparedness Element of the General Plan identifies the potential for natural and man-made disasters that could affect the City and its Sphere of Influence. In 1996 the City adopted the Multi-Hazard Functional Planning Guidance document that includes: 1) the Banning Emergency Plan; 2) twelve functional annexes that describe emergency response organization; and 3) a listing of operational data such as resources, key personnel, and essential facilities and contacts. The City does not have an established evacuation route; however, depending on the location and extent of an emergency, major surface streets could be utilized to route traffic through the City. The I-10 Freeway and State Highway 243 to State Route 79 are also major regional access routes serving the City which could be used during disaster events.

Construction of the Proposed Project would not interfere with emergency response. Appropriate Banning Police Department, and Riverside County Sheriff's Department access standards must be adhered to allow adequate emergency access. Operation of the Project would not interfere with emergency response or with any adopted evacuation plans. No impacts are anticipated.

h) **Less than Significant Impact.** The California Fire Plan was established in 1996 and is a cooperative effort between the State Board of Forestry and Fire Protection and the California Department of Forestry (CDF). Using four main criteria, the system ranks the fire hazard of the wildland areas of the State. The criteria used for evaluation include: fuels, weather, assets at risk, and level of service (a measure of Fire Department's success in initial-attack fire suppression).

The City of Banning is divided into five fire threat zones: Extreme, Very High, High, Moderate, and No Fuel. The project site is located within the High Fire Hazard Zone, which includes most of the developed central portion of the City along the I-10. In this zone, relief is minimal and lands where (concrete, asphalt and structures) and landscaping vegetation predominate. This zone also includes most of the bed of the San Gorgonio River, where some vegetation is present seasonally.

There are no significant areas of brush, grass or trees within the Project Area; the Project Site is surrounded by development and existing, paved roadways. Therefore, although located within a High Fire Threat Zone, construction and operation of the 96-Unit Apartment Project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. Less than significant impacts are anticipated and no mitigation measures are necessary.
### Issues and Supporting Information Sources:

<table>
<thead>
<tr>
<th>9. HYDROLOGY AND WATER QUALITY. Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a)</strong> Violate any water quality standards or waste discharge requirements?</td>
</tr>
<tr>
<td>( )</td>
</tr>
</tbody>
</table>

| **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 that 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? |
| ( ) | ( ) | ( ) | (✓) |
Impact Discussion:

In August 2018, Sake Engineering, Inc. prepared a Preliminary Hydrology and Hydraulic Report and a Water Quality Management Plan for the Proposed Project. Copies of the reports are contained in Appendix D, which is available for review at the Community Development Department, Planning Division. Findings presented in the technical study are outlined in the following discussion.

a,f) **Less than Significant Impact.** The Proposed Project would disturb approximately 7.08 acres and is therefore subject to the National Pollution Discharge Elimination System (NPDES) permit requirements. The State of California is authorized to administer various aspects of the NPDES. Construction activities covered under the State’s General Construction permit include removal of vegetation, grading, excavating, or any other activity that causes the disturbance of one acre or more. The General Construction permit requires recipients to reduce or eliminate non-storm water discharges into storm water systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The purpose of a SWPPP is to: 1) identify pollutant sources that may affect the quality of discharges of storm water associated with construction activities; and 2) identify, construct and implement storm water pollution control measures to reduce pollutants in storm water discharges from the construction site during and after construction.

The Regional Water Quality Control Board (RWQCB) has issued an area-wide NPDES Storm Water Permit for the County of Riverside, the Riverside County Flood Control and Water Conservation District, and the incorporated cities of the County. The City of Banning then requires implementation of measures for a project to comply with the area-wide permit requirements. A SWPPP is based on the principles of Best Management Practices (BMPs) to control and abate pollutants. The SWPPP must include BMPs so that construction of the Project would not pollute surface waters. BMPs may include, but are not limited to street sweeping of paved roads around the Project Site during construction, and the use of hay bales or sand bags to control erosion during the rainy season. BMPs may also include or require:

- The contractor to avoid applying materials during periods of rainfall and protect freshly applied materials from runoff until dry.
- All waste to be disposed of in accordance with local, state and federal regulations. The contractor to contract with a local waste hauler or ensure that waste containers are emptied weekly. Waste containers cannot be washed out on-site.
- All equipment and vehicles to be serviced off-site.

Preparation of a SWPPP as required by law and compliance with NPDES regulations would reduce the potential for storm water discharges during grading and construction from to a Less than Significant level. No other mitigation is necessary.

b) **No Impact.** The City of Banning is within the boundary of the Coachella Valley Hydrologic Unit. The Coachella Valley Groundwater Basin is underlain by several large subsurface aquifers, known as sub-basins, with boundaries that are generally defined by faults that restrict the lateral movement of water. The Basin extends from Banning easterly to the
Salton Sea. The City of Banning is underlain by the San Gorgonio Pass Sub-basin. Within the City boundary, the San Gorgonio Pass Sub-basin is divided into a series of storage units: The Banning Canyon Storage Unit, the Banning Bench Storage Unit, the East and West Banning Storage Units, the Beaumont Storage Unit, and the Cabazon Storage Unit. To the west of the San Gorgonio Pass Sub-basin is the Beaumont Groundwater Basin. Groundwater basins are naturally recharged through the percolation of runoff, direct precipitation, subsurface inflow, and artificial recharge. The Banning Canyon area receives water from percolation of canyon flows through the gravelly soils of the canyon bottom. In addition, a stone ditch running southerly though the Banning Canyon provides intake areas to distribute water to spreading ditches, which interconnect with spreading ponds to enhance percolation. The San Gorgonio Sub-basin is also recharged naturally with runoff from the adjacent San Jacinto and San Bernardino Mountains. The Project Site is not designated as an area for groundwater recharge.

The City of Banning Public Works Department provides domestic water service to the City of Banning. The City owns and operates wells, reservoirs, and a distribution line system to deliver domestic water within the Banning planning area. The City provides municipal water service to an area of approximately 23 square miles, including approximately 30,500 people, via 10,650 metered service connections.

The Project Site would be serviced by the City Water Department. Water demand of the 96-Unit Apartment Complex, as estimated, is expected to be approximately 76,800 gallons per day or 28 million gallons per year which is equivalent to 86 acre-feet per year. The Proposed Project when compared to the existing General Plan Low Density residential land use designation on the Project Site, would generate additional demand for water resources based on the assumption of 96 high density units. The Proposed Project would not substantially deplete groundwater supplies nor would it interfere substantially with recharge since it is not within an area designated as a recharge basin or spreading ground. No adverse impact is anticipated.

Less than Significant Impact. The Drainage Analysis conducted by Saka Engineering, Inc., identified off-site (tributary) drainages areas, existing on-site drainage areas, developed conditions and calculation of peak flow rates and runoff volumes, examined the sizing of on-site detention facilities in accordance with City of Banning and Riverside County requirements, and identified the floodplain for the Project Site.

With proposed on-site improvements the run-off for post development flows will be conveyed to onsite detention/infiltration basins via a gutter and storm drain system. The total run-off from the project site will drain into two proposed detention/infiltration basins located at the southeast corner of the project along Hathaway Street. The site is divided into two parts. The northern part with approximately 3.75 acres is draining to the northern infiltration basin and the southern part with 3.22 acres will be draining to the southern infiltration basin. The basins are designed to satisfy the Water Quality Management Practice (WQMP) requirements per County of Riverside and also meet the requirement for City of Banning Ordinance 1415, which requires the developer will make provisions to store runoff from rainfall events up to and including the 100-year, three-hour duration event onsite via storage or infiltration basins. The overall site is designed to prevent flooding of any building in the event of larger storms or any failure of infiltration system. The water will leave the property from the southeast corner of the project. With planned project drainage improvements, impacts related to the alteration of drainage patterns and surface run-off are anticipated to be less than significant and no other mitigation measures are necessary,
g,h)  **No Impact.** Per FEMA Flood Insurance Rate Map (FIRM) Panel No. 06065C0836G (effective date: August 28, 2008), the Project Site lies within an unshaded Zone “X” floodplain. Unshaded Zone “X” is defined as “areas determined to be outside the annual 2% chance floodplain). The Project would not place unprotected 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. No impacts are anticipated.

i)  **No Impact.** A Dam Inundation Zone refers to the area downstream that would be subjected to flood waters in the event of a failure to a dam or body of impounded water. The State of California designates areas of potential flooding in the event of sudden or total failure of any dam. There are no dams within the vicinity of the City. According to Figure S-16 of the County of Riverside General Plan, the nearest dam is located near Calimesa/Moreno Valley, approximately 15 miles west/northwest of the project site.

A levee generally refers to structures that hold flood water during storm events. The Banning Levee, located approximately four miles northwest of the project site, was constructed along the south side of the San Gorgonio River, about 900 feet north of the intersection of Banning Canyon Road and Summit Drive. According to County of Riverside General Plan Figure S-10, the project site does not occur within an area susceptible to inundation from failure of a dam or levee. No impacts are anticipated.

j)  **No Impact.** Due to the inland distance from the Pacific Ocean and any other significant body of water, tsunamis and seiching are not potential hazards; therefore, impacts from seiche and tsunami are not anticipated.

<table>
<thead>
<tr>
<th>Issues and Supporting Information Sources:</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>
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<tbody>
<tr>
<td><strong>10. LAND USE AND PLANNING. Would the project:</strong></td>
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<tr>
<td>a)  Physically divide an established community?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
</tr>
<tr>
<td>b)  Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
<td>( )</td>
</tr>
<tr>
<td>c)  Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
</tr>
</tbody>
</table>

**Impact Discussion:**

a)  **No Impact.** The 7.08-acre Project Site is currently vacant and is located on the south side of East Hoffer Street and on the west side of North Hathaway Street. The Project Site has developed single family residential to the southwest, west, north and northeast. There is an existing multi-family apartment complex to the south and the Morongo Band of Mission Indians Reservation to the east. Since the majority of surrounding parcels are developed,
the Proposed Project would not physically divide an established community. No impacts would result.

b) **Less than Significant Impact.** The Proposed Project includes a General Plan Amendment (GPA) and a Zone Change (ZC) from Low Density Residential to High Density Residential. Upon City Council approval of the requested General Plan Amendment and Zone Change, the site’s zoning would be changed to High Density Residential (HDR) (11-18 du/acre), and the proposed development would be consistent with uses permitted within the HDR Zone.

The land use designation in the Land Use Element will be changed from Low Density Residential to High Density Residential, consistent with the proposed project. Because the City identified excess land capacity to meet the most recent RHNA allocation, no conflict with the Housing Element will occur with the proposed project.

In consideration of the preceding factors, a less than significant impact related to established land use plans and policies would result with the proposed project. No mitigation measures are necessary.

c) **No Impact.** Please refer to the Biological Resources section, (Threshold 4 of this Initial Study. The Project Site is not located within or adjacent to any MSHCP Criteria Cells. Therefore, the Project would not conflict with the provisions of an adopted Habitat Conservation Plan. No impacts would result.

<table>
<thead>
<tr>
<th>Issues and Supporting Information Sources:</th>
<th>Potentially Significant Incident</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Incident</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>11. MINERAL RESOURCES. Would the project:</td>
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<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
</tr>
<tr>
<td>b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
</tr>
</tbody>
</table>

**Impact Discussion:**

a) **No Impact.** The Project site is located within a mineral resource zone area classified as MRZ-3 as identified in Exhibit IV-8 in the City of Banning General Plan. Areas classified as MRZ-3 are defined as containing mineral deposits, the significance of which cannot be evaluated from available data. The City of Banning General Plan identifies one aggregate producer within its planning area; the Banning Quarry which is located in the eastern portion of the City approximately 1.25 miles northeast of the Proposed Project. Implementation of the Proposed Project would not result in the loss of known mineral resources because the site is not locally identified as an important mineral resource recovery site.
b) **No Impact.** Implementation of the Proposed Project would not result in the loss of known mineral resources because the site is not locally identified as an important mineral resource recovery site. No impacts would result.

<table>
<thead>
<tr>
<th>Issues and Supporting Information Sources:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td><strong>12. NOISE. Would the project result in:</strong></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>✓</td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>✓</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>✓</td>
</tr>
</tbody>
</table>

**Impact Discussion:**

In November 2018, a Noise Impact Assessment was prepared for the Proposed Project by LSA. A copy of the report is contained in Appendix E, which is available for review at the Community Development Department, Planning Division. Findings presented in the technical study are outlined in the following discussion.

a/c/d) **Less than Significant Impact with Mitigation.**

Noise is usually defined as unwanted sound. Noise consists of any sound that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation and sleep.

To the human ear, sound has two significant characteristics: pitch and loudness. Pitch is generally an annoyance, while loudness can affect the ability to hear. Pitch is the number
of complete vibrations, or cycles per second, of a sound wave, which results in the tone’s range from high to low. Loudness is the strength of a sound, and it describes a noisy or quiet environment; it is measured by the amplitude of the sound wave. Loudness is determined by the intensity of the sound wave combined with the reception characteristics of the human ear. Sound intensity refers to how hard the sound wave strikes an object, which in turn produces the sound’s effect. This characteristic of sound can be precisely measured with instruments. The analysis of a project defines the noise environment of the project area in terms of sound intensity and its effect on adjacent sensitive land uses.

Sound intensity is measured with the A-weighted decibel scale. Decibels, unlike linear units (e.g., inches or pounds), are measured on a logarithmic scale representing points on a sharply rising curve. For example, 10 decibels (dB) is 10 times more intense than 1 dB, 20 dB is 100 times more intense than 1 dB, and 30 dB is 1,000 times more intense than 1 dB.

Sound levels are generated from a source, and their decibel level decreases as the distance from that source increases. Sound levels dissipate exponentially with distance from their noise sources. For a single point source, sound levels decrease approximately 5 dB for each doubling of distance from the source.

There are many ways to rate noise for various time periods, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. The equivalent continuous sound level is the total sound energy of time-varying noise over a sample period. However, the predominant rating scales for human communities in the State of California are the Community Noise Equivalent Level (CNEL) or the day-night average noise level based on A-weighted decibels (dBA). CNEL is the time-varying noise over a 24-hour period, with a 5-dBA weighting factor applied to the hourly noise occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and a 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours). The City uses the CNEL noise scale for long-term noise impact assessment.

Physical damage to human hearing begins at prolonged exposure to sound levels higher than 85 dBA. Exposure to high sound levels affects the entire system, with prolonged sound exposure in excess of 75 dBA increasing body tensions, thereby affecting blood pressure and functions of the heart and the nervous system. In comparison, extended periods of sound exposure above 90 dBA would result in permanent cell damage. When the sound level reaches 120 dBA, a tickling sensation occurs in the human ear, even with short-term exposure. This level of sound is called the threshold of feeling. As the sound reaches 140 dBA, the tickling sensation is replaced by a feeling of pain in the ear. A sound level of 160-165 dBA will result in dizziness or a loss of equilibrium. The ambient or background noise problem is widespread and generally more concentrated in urban areas than in outlying, less-developed areas.

The primary existing noise sources in the project area are transportation facilities. The traffic on East Hoffer Street and North Hathaway Street is a steady source of ambient noise. Other sources of noise include the mining facility to the north (see table 8 below).

Sensitive land uses in the project vicinity. The project site is located adjacent to existing residential uses and vacant land to the north, northeast, south and west. The closest sensitive receptors are the adjacent single-family residences to the west, the adjacent
single-family residences to the north east and the adjacent multi-family residences to the south.

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Noise Range (CNEL), dB</th>
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<tbody>
<tr>
<td></td>
<td>I</td>
</tr>
<tr>
<td>Passively used open spaces</td>
<td>50</td>
</tr>
<tr>
<td>Auditoriums, concert halls, amphitheaters</td>
<td>45-50</td>
</tr>
<tr>
<td>Residential – low-density single family, duplex, mobile homes</td>
<td>50-55</td>
</tr>
<tr>
<td>Residential – multi-family</td>
<td>50-60</td>
</tr>
<tr>
<td>Transient lodging – motels, hotels</td>
<td>50-60</td>
</tr>
<tr>
<td>Schools, libraries, churches, hospitals, nursing homes</td>
<td>50-60</td>
</tr>
<tr>
<td>Actively used open spaces – playground, neighborhood parks</td>
<td>50-67</td>
</tr>
<tr>
<td>Golf courses, riding stables, water recreation, cemeteries</td>
<td>50-70</td>
</tr>
<tr>
<td>Office buildings, business, commercial, and professional</td>
<td>50-67</td>
</tr>
<tr>
<td>Industrial, manufacturing, utilities, agriculture</td>
<td>50-70</td>
</tr>
</tbody>
</table>

Source: California Department of Health Services, Office of Noise Control (1976)

Noise Range I – Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Noise Range II – Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. Conventional construction but with closed windows and fresh air supply systems or air conditioning, will normally suffice.

Noise Range III – Normally Unacceptable: New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

Noise Range IV – Clearly Unacceptable: New construction or development should generally not be undertaken.

Long-term (24-hour) noise level measurements were conducted on November 18, 2018, using three DLX Noise Pro Dosimeters. The purpose of the long-term noise level measurements is to document the existing ambient noise environment. Table 8 summarizes the long-term noise level measurements along with the measured CNEL level. As shown in Table 8, results of the long-term noise monitoring adjacent to the project site range from 58 to 65 dBA CNEL along with hourly results of the long-term noise level measurements for monitoring locations LT-1, LT-2, and LT-3. LT-1 was located on East Hoffer Street, LT-2 was located on the southwest corner of the property and LT-3 was located on North Hathaway Street.

According to the Noise Impact Analysis, both short-term and long-term noise mitigation is required to reduce noise impacts below City thresholds. There are short-term construction impacts and long-term parking area noise impacts. Mitigation measures are listed below.

NOISE – 1 Short-Term Construction Noise Impacts will require the following mitigation measures:

- The construction contractor shall conduct construction activities between the hours of 7:00 a.m. and 6:00 p.m. as specified in Section 8.44.090(E) of the Banning Municipal Code.
- The construction contractor shall construct a minimum 6-foot-high temporary construction barrier or a permanent minimum 8-foot-high wall on the west side of the project prior to site preparation, which includes excavation and grading of the project site. The temporary construction barrier may be constructed of any material that has a minimum Sound Transmission Class (STC) rating of 28.
- The construction contractor shall construct a minimum 7-foot-high temporary construction barrier on the south side of the project prior to site preparation, which includes excavation and grading of the project site. The temporary construction barrier may be constructed of any material that has a minimum STC 28 rating.
- During all project site excavation and grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers’ standards.
- The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and most noise-sensitive receptors nearest the project site during all project construction.
- The construction contractor shall place all stationary construction equipment so that the emitted noise is directed away from the sensitive receptors nearest the project site.

**NOISE – 2** The following mitigation measures would be required to reduce stationary noise impacts:

- A minimum 6-foot-high wall on the south side of the project.
- A minimum 8-foot-high wall on the west side of the project.

b) **No Impact.** The vibration impact analysis discusses the level of human annoyance using vibration levels in VdB (vibration velocity decibels) and has assessed the potential for building damage using vibration levels in PPV [peak particle velocity (in/sec)] because vibration levels calculated in RMS [root-mean-square (velocity)] are best for characterizing human response to building vibration, whereas vibration level in PPV is best used to characterize potential for damage. Vibration levels up to 102 VdB is considered safe for buildings consisting of reinforced concrete, steel, or timber (no plaster), and would not result in any construction damage. For non-engineered timber and masonry building, the construction vibration damage criterion is 94 VdB.

For typical construction activity, the equipment with the highest vibration generation potential is the wheel loader and loaded truck, each of which would generate 86 VdB at 25 feet. The closest buildings to the project construction boundary are the adjacent single and multi-family residences. The adjacent single and multi-family residences would experience vibration levels of up to 83 VdB. This vibration level has the potential to result in community annoyance because vibration levels exceed the FTA’s (Federal Transit Administration) Community annoyance threshold of 72 VdB. However, this vibration level would not result in building damage because vibration levels would not exceed the FTA vibration damage threshold of 94 VdB for residential structures constructed of one-engineered timber. Therefore, no construction vibration impacts would occur during project construction and no vibration reduction measures are required.

e) **No Impact.** The project is located outside the 55 dBA CNEL noise contour of the Banning Municipal Airport based on the Banning General Plan Airport Noise Contours at Buildout. Therefore, the project site is located within an area with maximum noise levels from aircraft operation less than 55 dBA CNEL. No impact is anticipated.

f) **No Impact.** There are no private airstrips within the vicinity of the Project Site. No impacts from aircraft noise are anticipated.
Issues and Supporting Information Sources:

<table>
<thead>
<tr>
<th>13. POPULATION AND HOUSING. Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
</tr>
<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
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<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>
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<tbody>
<tr>
<td>a)</td>
<td>( )</td>
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<td>( ✓ )</td>
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<tr>
<td>b)</td>
<td>( )</td>
<td>( )</td>
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<td>( ✓ )</td>
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<tr>
<td>c)</td>
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</table>

Impact Discussion:

a) **Less than Significant Impact.** Construction activity at the Project Site would be short-term and would not create any new long-term jobs. The project does include the construction of 96 multi-family units which has the potential of increasing the population in Banning. According to the California Department of Finance, Demographic Report E-5; it is estimated that the current population in 2018 in Banning is 31,282 persons. The report also estimates that there are 2.72 persons per household. Using this information, we can conclude that there is a potential to increase the population by 261 persons providing everyone comes from outside the City (2.72 persons per unit multiplied by 96 units equals 261.12). This is equal to a 0.83 percent increase in population. According to the California Department of Housing and Community Development, there is not enough housing being built. Additionally, the City of Banning 2013-2021 Housing Element indicates the Regional Housing Needs Allocation (RHNA) for Banning is 3,792 units. Therefore, the construction of 96 units will help the State in achieving its housing goals and the City to meet its RHNA. No mitigation measures are necessary.

b) **No Impact.** The Project Site is currently vacant; therefore, the Proposed Project would not displace any existing housing units to accommodate the Project. No impacts would result, and no mitigation measures are necessary.

c) **No Impact.** The Project Site is currently vacant and would not displace any existing housing or residents. No impacts would result, and no mitigation measures are necessary.
## Issues and Supporting Information Sources:

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potentially Significant Impact</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
</tbody>
</table>

### 14. 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:*

- **a)** Fire protection?
  - ( ) ( ) (✓) ( )
- **b)** Police protection?
  - ( ) ( ) (✓) ( )
- **c)** Schools?
  - ( ) ( ) (✓) ( )
- **d)** Parks?
  - ( ) ( ) (✓) ( )
- **e)** Other public facilities? [Roads and Infrastructure]
  - ( ) ( ) (✓) ( )

### Impact Discussion:

The following analysis is based on information contained in the City of Banning’s General Plan, and City website ([http://banning.ca.us/](http://banning.ca.us/)), the Banning Police Department staff and website ([http://www.banningpolice.org/](http://www.banningpolice.org/)), and telephone consultation with the Banning Unified School District.

- **Less than Significant Impact.** Fire protection services for the Project would be provided by the City of Banning through a contractual agreement with the Riverside County Fire Department, which contracts with the California Department of Forestry. Through a mutual aid agreement with surrounding communities, including Beaumont, Calimesa and Cabazon, each city has access to and benefits from the services provided by fire stations in other cities. The Riverside County Fire Department provides full service including fire protection, paramedic response, hazardous materials response, search and rescue, swift water rescue, and disaster preparedness. Currently, a total of 12 fire personnel are stationed in the City of Banning. A Fire personnel ratio of 1:2,606 persons currently exists in the City.

  The City is served by one fire station (Station No. 89) located behind City Hall and less than a mile from the Project Site. The planning area is also served by a fire station located in the City of Beaumont, approximately five-miles west of the Project Site.

  The proposed 96-Unit Apartment Complex would be required to comply with City fire suppression standards including building sprinklers and adequate fire access. No activities that would involve the use of explosive, extremely flammable or hazardous substances are anticipated with the proposed project. (See Section XVIII- Hazards and Hazardous Materials). All new development must pay fire protection impact fees, which will be a Condition of Approval. Potential impacts to fire protection services are, thus, considered less than significant and no mitigation measures are necessary.
b) **Less than Significant Impact.** The Project Site is currently serviced by the City of Banning Police Department which is located adjacent to City Hall and is less than a mile from the Project Site. Services offered by the department include field patrol, detective bureau, an emergency tactical unit, a gang task force (a regional task force that monitors gang activity, provides gang suppression and conducts search warrants) school resource officer, and a reserve police officer program. The Banning Police Department’s Communications Center is staffed with 12 Public Safety Dispatchers that are responsible for answering emergency and non-emergency calls for service. The 35 sworn positions include the Chief of Police, 2 Commanders, 6 Sergeants, 6 Corporals, and 20 Officers. Banning Police Department officers respond to high priority calls within three to seven minutes, depending on the time of the day and traffic flow, (http://www.banningpolice.org). The current level of law enforcement staffing in the City is approximately 1.4 sworn officers for every 1,000 residents. The City has historically maintained a goal of 1.8 police officers per 1,000 residents.

The proposed project would increase the population providing the residents are new to the City, this would result in a demand increase of less than a one percent in total officers to maintain the City’s current level of service. Since the Department currently achieves a three to seven-minute response time, a negligible change in police protection services is anticipated. All new development must pay police protection impact fees, which will be included as a Condition of Approval. With payment of impact fees, the impact to police protection services is considered less than significant and no other mitigation measures are necessary.

c) **Less than Significant Impact.** The Banning Unified School District (BUSD), one of the oldest districts in Riverside County, currently provides school services for a 200 square-mile area. The District encompasses Banning, Cabazon, White Water, Poppet Flats, and the Morongo Indian Reservation.

The School District mitigates impacts on school facilities and services through development impact fees. Under Section 65995 of the California Government Code, school districts may charge development fees to help finance local school services. However, the code prohibits State or local agencies from imposing school impact fees, dedications, or other requirements in excess of the maximum allowable fee, which currently are $2.97 per square foot of new residential development. As a Condition of Approval, the Project Proponent must pay current developer fees prior to issuance of building permits, as required by the BUSD. With payment of appropriate impact fees, a less than significant impact is anticipated, and no mitigation measures are necessary.

d) **No Impact.** The City of Banning Parks and Recreation Department provides recreational facilities and amenities for the citizens within the community. According to the City of Banning General Plan, the City has eight developed parks totaling approximately 200 acres.

With an estimated population of 31,282 people and a total of approximately 200 acres of parkland, the City currently has a ratio of approximately 6.45 acres of park land per 1,000 in population. All new residential development must pay park land impact fees on a per unit basis, which will be a Condition of Approval. Consequently, no impacts to park services or facilities are anticipated and no mitigation measures are necessary.
e) **Less Than Significant Impact.** The Project is to be developed on an infill site, is limited in scale and is located within an area that is currently served by existing City-maintained roads (i.e., Sun Lakes Boulevard), sewer, water and utility services, new service connections and payment of service impact fees are required and will be a Condition of Approval. Development of the Project Site is not anticipated to create a significant amount of additional demand on public facilities. A less than significant impact would result, and no other mitigation measures are necessary.

<table>
<thead>
<tr>
<th>Issues and Supporting Information Sources:</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>15. <strong>RECREATION. Would the project:</strong></td>
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<tr>
<td>a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
</tr>
<tr>
<td>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
</tr>
</tbody>
</table>

**Impact Discussion:**

a) **No Impact.** Please refer to discussion under threshold 14 (d). The City of Banning Parks and Recreation Department provides recreational facilities and amenities for the community and has eight developed parks totaling approximately 200 acres. In addition to these existing facilities, the City has dedicated another 150 plus acres of land for future park development.

With an estimated population of 31,282 people and a total of approximately 200 acres of parkland, the City currently has a park ratio of approximately 6.45 acres per 1,000 in population. No impacts to park services are anticipated.

b) **No Impact.** The Proposed Project is the development of a 96-Unit Apartment Complex with Club House, Swimming Pool and Multi-Use Court. Amenities are required in accordance with the Banning Municipal Code. These amenities are not expected to generate any adverse physical effect on the environment as they are all on site and there is no public access. No impacts from the development of recreation facilities would result.
<table>
<thead>
<tr>
<th>Issues and Supporting Information Sources:</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><strong>16. TRANSPORTATION/TRAFFIC. Would the project:</strong></td>
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</tr>
<tr>
<td>a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</td>
<td>() ( )</td>
<td>( ) ( )</td>
<td>( ) ( )</td>
<td>( ) ( )</td>
</tr>
<tr>
<td>b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</td>
<td>() ( )</td>
<td>( ) ( )</td>
<td>( ) ( )</td>
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</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
<td>() ( )</td>
<td>( ) ( )</td>
<td>( ) ( )</td>
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</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td>() ( )</td>
<td>( ) ( )</td>
<td>( ) ( )</td>
<td>( ) ( )</td>
</tr>
<tr>
<td>e) Result in inadequate emergency access?</td>
<td>() ( )</td>
<td>( ) ( )</td>
<td>( ) ( )</td>
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</tr>
<tr>
<td>f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety facilities?</td>
<td>() ( )</td>
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</table>

**Impact Discussion:**

In December 2018, a Traffic Impact Analysis (TIA) was prepared for the Proposed Project by Fehr & Peers. The TIA provides an assessment of the traffic impacts that may result from the approval and development of the Proposed Project. Detailed methodology to analyze traffic generation and related impacts is detailed in Appendix F, which is available for review at the Community Development Department, Planning Division. Findings presented in the technical study are outlined in the following discussion.

**a/b) Less Than Significant Impact.** Study objectives include (1) documentation of Existing traffic conditions in the vicinity of the site; (2) calculation of Existing Plus Project traffic conditions; (3) analysis of Existing Plus Ambient Growth Plus Project traffic conditions; (4) evaluation of traffic conditions for Existing Plus Ambient Growth Plus Project Plus Cumulative; and (5) determination of on-site and off-site improvements and system management actions needed to achieve City of Banning level of service requirements. In
order to achieve City of Banning level of service requirements the proposed project shall not cause traffic deficiencies or other significant impacts to the transportation infrastructure.

As stated in the City of Banning General Plan - Circulation Element roadway capacity is defined as the number of vehicles that may pass over a section of roadway in a given time period under prevailing conditions. Roadway capacity is most restricted by intersection design and operation. The capacity of a roadway and the degree to which that capacity is being utilized is typically described as the roadway’s Level of Service (LOS). LOS is a qualitative measure of the efficiency of traffic flow and is defined by alphabetical connotations, ranging from “A” through “F,” that characterize roadway operating conditions. LOS A represents an optimum or free-flowing condition, and LOS F indicates extremely slow speeds and system failure. For General Plan purposes, LOS C was assumed to be the “acceptable” LOS for all General Plan roadways within the City, and LOS D at freeway interchanges. Roadway LOS descriptions are provided below in Table 9.

The definition of an intersection deficiency has been obtained from the City of Banning General Plan Circulation Element. The General Plan states that the City shall maintain peak hour LOS D or better on all local roadways and intersections. The definition of an intersection deficiency has been obtained from the City of Beaumont General Plan, which states that LOS D is the maximum acceptable threshold for intersections. In the City of Banning, an impact is considered significant if the project-related traffic causes an intersection to move from an acceptable LOS to an unacceptable LOS. If a significant impact occurs, mitigation is required to bring the intersection back to an acceptable LOS, or to no-project conditions if the intersection is projected to operate an unacceptable LOS for no-project conditions. The site is currently vacant and not generating trips. Based upon the County of Riverside Traffic Impact Analysis Preparation Guide requirements and discussion with the City of Banning engineering staff, the study area includes the one adjacent intersection of East Hoffer Street and North Hathaway Street.

For the purposes of the TIA, the Proposed Project is anticipated for opening in Year 2019 and is proposed to be built in three phases. This traffic impact analysis is based upon existing traffic counts collected in the study area in June 2018 and December 2018.
Table 9
Roadway LOS Description

<table>
<thead>
<tr>
<th>LOS</th>
<th>Quality of Traffic Flow</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Primarily free-flow operations at average travel speed usually about 90 percent of the free-flow speed for the arterial classification. Vehicles are completely unimpeded in their ability to maneuver within the traffic stream. Stopped delay at signalized intersections is minimal.</td>
</tr>
<tr>
<td>B</td>
<td>Reasonably unimpeded operations at average travel speeds usually about 70 percent of the free-flow speed of the arterial classification. Ability to maneuver within the traffic stream is only slightly restricted. Stopped delays are not bothersome, and drivers generally are not subject to appreciable tension.</td>
</tr>
<tr>
<td>C</td>
<td>Traffic operations are stable. However, mid-block maneuverability may be more restricted than in LOS B. Longer queues, adverse signal coordination, or both may contribute to lower average travel speeds of about 50 percent of the average free-flow speed for the arterial classification. Motorists will experience some appreciable tensions while driving.</td>
</tr>
<tr>
<td>D</td>
<td>Borders on range where small increases in flow may cause substantial increases in approach delay and decreases in arterial speed. LOS D may be due to adverse signal progression, inappropriate signal timing, high volumes, or some combination of these factors. Average travel speeds are about 40 percent of the free-flow speed. For planning purposes, this LOS is the lowest that is considered acceptable.</td>
</tr>
<tr>
<td>E</td>
<td>Characterized by significant approach delays and average travel speeds of one-third or less of the free-flow speed. Typically caused by some combination of adverse progression, high signal density (more than two signalized intersection per mile), high volumes, extensive queuing, delays at critical intersections, and/or inappropriate signal timing.</td>
</tr>
<tr>
<td>F</td>
<td>Arterial flow at extremely slow speeds, below one-third to one-fourth of the free-flow speed. Intersection congestion is likely at critical signalized intersections, with high approach delays and extensive queuing. Adverse progression is frequently a contributor to this condition.</td>
</tr>
</tbody>
</table>

Source: City of Banning General Plan Circulation Element

The Transportation Impact Analysis (TIA) was developed based on the requirements within the County of Riverside Traffic Impact Analysis Preparation Guide, (April 2003) and input from the City of Banning. The project study area was established based on discussions with staff at the City of Banning and includes the one adjacent intersection of East Hoffer Street and North Hathaway Street. Trip generation rates were determined for daily traffic and morning peak hour inbound and outbound traffic, and evening peak hour inbound and outbound traffic for the proposed land use. The Proposed Project is anticipated to generate approximately 703 daily vehicle trips of which 44 will occur during the morning peak hour and 54 will occur during the evening peak hour as demonstrated in Table 4-2 of the attached TIA.

Existing intersection operations of the study intersection currently operate at LOS A, an acceptable level, during the peak hours. The opening year projections for traffic impacts demonstrate a LOS A, a continued acceptable level. Cumulative LOS for the year 2035
shows the intersection operates at a LOS B which is still an acceptable level of service. These impacts are considered less than significant.

c) **No Impact.** The Banning Municipal Airport is located less than a mile of the Project Site, at 600 South Hathaway Street, adjacent to the Southern Pacific Railroad and the I-10 Freeway. The approximately 295-acre airport site includes 65 hangars and 32 tie downs. It includes a 5,100-foot runway and is capable of handling most private single engine and corporate jet aircraft. According to the City of Banning General Plan the airport averages approximately 10 to 15 takeoffs and landings daily, and about 12,000 operations per year. Air traffic at the Municipal Airport is comprised primarily of private, single engine fixed-wing aircraft.

The project site is located within the boundaries of the Airport Land Use Plan (ALUC) for the Municipal Airport and is therefore, subject to the jurisdiction of the Riverside County Airport Land Use Commission. The Proposed Project involves the construction of a 96-Unit Apartment Complex which would not be expected to alter operations, change air traffic patterns or conflict with the airport land uses for people residing or working in the area. The Riverside County Land Use Commission found the project to be consistent with the 2004 Banning Municipal Airport Land Use Compatibility Plan, amended in 2016. No aviation impacts are anticipated.

d) **No Impact.** The project as proposed will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) as no new roads or intersections are proposed. No Impact.

e) **No Impact.** The Emergency Preparedness Element of the General Plan outlines the potential for natural and man-made disasters that could affect the City and its Sphere of Influence. According to the General Plan, in 1996 the City adopted the Multi-Hazard Functional Planning Guidance document that includes: 1) the Banning Emergency Plan; 2) twelve functional annexes that describe an emergency response organization; and 3) a listing of operational data such as resources, key personnel, and essential facilities and contacts. The City does not have an established evacuation route; however, depending on the location and extent of an emergency, major surface streets could be utilized to route traffic through the City.

Construction of the Proposed Project would not alter or interfere with emergency response operations or an adopted emergency evaluation plan. The project proposes two points of ingress and egress which provides adequate circulation to, from and around the site.

f) **No Impact.** There are no bus stops adjacent to the Project Site. According to the County of Riverside General Plan Trail and Bikeway Plan, there are no existing or planned pedestrian trails in the vicinity or adjacent to the Project Site. In addition, the Circulation Element of the City of Banning General Plan does not specify any planned pedestrian trails in the vicinity or adjacent to the Project Site, and none are existing. In consideration of these factors, implementation of the Proposed Project would not conflict with any adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. No impacts would result; thus, no mitigation measures are necessary.
### Issues and Supporting Information Sources:

<table>
<thead>
<tr>
<th>Issues</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>17. <strong>TRIBAL CULTURAL RESOURCES.</strong> <em>Would the project:</em></td>
<td></td>
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<tr>
<td>Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>[a] Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>[b] A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.</td>
<td>( )</td>
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</table>

### Impact Discussion:

**a)** **Less Than Significant Impact.** As discussed previously in Threshold 5a (Cultural Resources) there are no listed historic resources or any eligible for listing at the Project site and the site is currently vacant. Nonetheless, it is possible that previously undiscovered historical resources may be encountered at the Project site. Results of the cultural resources investigation and tribal consultations are reflected in the impact discussion and Mitigation Measures contained in Section 5 – Cultural Resources. With mitigation contained in Section 5 of this Initial Study, impacts to tribal cultural resources are considered reduced to a less than significant level.

**b)** Assembly Bill 52 (AB 52), signed into law in 2014, amended CEQA and established new requirements for tribal notification and consultation. AB 52 applies to all projects for which a notice of preparation or notice of intent to adopt a negative declaration/mitigated negative declaration is issued after July 1, 2015. AB 52 also broadly defines a new
resource category of tribal cultural resources and established a more robust process for meaningful consultation that includes:

- prescribed notification and response timelines;
- consultation on alternatives, resource identification, significance determinations, impact evaluation, and mitigation measures; and
- documentation of all consultation efforts to support CEQA findings.

AB 52 notification was initiated for this Project as required for a notice of intent to adopt a negative declaration/mitigated negative declaration.

Senate Bill (SB) 18 requires local agencies to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process, thereby providing tribes an opportunity to participate in local land use decisions at an early planning stage. SB 18 notification was initiated for this Project as required for a General Plan Amendment and associated Change of Zone.

In accordance with SB 18 and AB 52, the City sent letters of Notice to all Native American tribes on the recommended NAHC (Native American Historic Commission) distribution list, advising of the General Plan Amendment, Zone Change, Design Review and Environmental Assessment. Tribal consultations are being held as requested. Since AB 52 and SB 18 consultation is currently in progress by the Lead Agency A site-specific cultural resources investigation was conducted, as requested by local tribes, at the Project site. Results of the cultural resources investigation and tribal consultations are reflected in the impact discussion and Mitigation Measures contained in Section 5 – Cultural Resources. With mitigation contained in Section 5 of this Initial Study, impacts to tribal cultural resources are considered reduced to a less than significant level.
### Issues and Supporting Information Sources:

<table>
<thead>
<tr>
<th>18. UTILITIES AND SERVICE SYSTEMS. Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
<td>( )</td>
</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
</tr>
<tr>
<td>g) Comply with Federal, State, and local statutes and regulations related to solid waste?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>(✓)</td>
</tr>
</tbody>
</table>

### Impact Discussion:

a,e) **Less Than Significant Impact.** The City of Banning Public Works Wastewater Division provides sanitary wastewater services to the City of Banning. The City Public Works Department is located at 99 East Ramsey Street. The City of Banning Wastewater Reclamation Plant is located at 2242 East Charles Street. The City contracts with United Water Services for the operation and maintenance of the water reclamation plant. Recent upgrades of the plant resulted in an increase of secondary treatment capacity to 3.6 million gallons-per-day, including improvements that could accommodate future capacity to approximately 5.8 million gallons-per-day. Daily the, plant currently receives an average flow of approximately 2.3–2.4 million gallons-per day.

Water demand of the project, as estimated, is expected to be approximately 76,800 gallons per day or 28 million gallons per year, which is equivalent to 86 acre-feet per year. A conservative estimate of 50 percent of the total water use returning to wastewater flow results in 0.078 million of gallons per day (MGD) in additional flow to the City of Banning.
Public Works Wastewater facility. The Project would be required to meet the requisites of the City of Banning and the Regional Water Quality Control Board (RWQCB) regarding wastewater quality. The Proposed Project would not require the construction of new wastewater facilities, exceed wastewater treatment requirements, or exceed wastewater treatment capacities. Therefore, impacts related to wastewater treatment requirements of the RWQCB are less than significant and no mitigation measures are necessary.

b) **No impact.** Please refer to discussion in item 18-a. above. There is enough capacity available in existing water and wastewater treatment facilities to accommodate the additional flow estimated to be generated by the Proposed Project. The project would not 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. No mitigation measures are necessary.

c) **No Impact.** Currently, offsite flows drain easterly along the gutter on East Hoffer Street then south along the North Hathaway Street gutter. On site flows drain southeasterly to North Hathaway Street.

Pursuant to City of Banning Ordinance No. 1415, Section 6, retention of the entire calculated developed conditions 100-year, 3-hour volume of 53,378 cubic feet (CF) is required. County of Riverside policy is reduction of peak flows for all storm events up to and including the 10-year, 24-hour event. Two detention basins and two underground infiltration systems are proposed for the project. Based on this system, the proposed underground infiltration system will retain and infiltrate the entire developed conditions volumes for all events. No impacts are anticipated.

d) **Less than Significant Impact:** The City of Banning Public Works and Utilities Department provides domestic water services to the City of Banning, and to unincorporated Riverside County lands located southwesterly of the City limits. The various storage units of the San Gorgonio Pass groundwater basin serve as the main water source for the City. There are 22 operating groundwater wells from which the City obtains its water. These are in Banning Water Canyon and in residential and commercial districts throughout the City. The City also owns six unequipped groundwater wells, three of which could be used as a future water source.

The distribution line system serving the City consists of water lines ranging from 2" to 30" in diameter. The City operates its water services with guidance from its Urban Water Management Plan. Water demand of the project, as estimated, is expected to be 76,800 GPD or 28 million gallons per year which is equivalent to 86 acre-feet per year. The year 2015 population within the water service area is estimated at 30,491 and is projected to increase to 37,700 based on a factor of 3.12 persons per water service connection. The year 2040 projected population increases to 56,685 if two major proposed Specific Plan developments within the City’s service area are approved and constructed. Based on the City of Banning Final 2015 Urban Water Management Plan, adopted in 2016, for the Planning Period of 2020 – 2040, adequate water supply is projected for meeting demands. The Multiple Dry Years Supply and Demand Comparison (UWMP Table 6-6) shows that in the first and third years of multiple year dry conditions, there is a shortfall of 311 acre-feet per year to meet demands. However, the UWMP indicates that the 46,774 acre-feet of water stored in the Beaumont Basin storage account is not included in the supply totals and concludes that the City has ample water supplies to meet projected demands through
2040. Therefore, the City has enough water supplies available to serve the Project based on existing entitlements and resources; less than significant impact would result.

f) **No Impact.** The City of Banning contracts with Waste Management Inland Empire for solid waste and disposal services. Solid waste that is not diverted to recycling or composting facilities is transported to the Lamb Canyon Sanitary Landfill. The Lamb Canyon Sanitary Landfill is in the City of Beaumont, approximately three miles southwest of the City of Banning. It is owned and operated by the Riverside County Waste Management Department and accepts solid waste collected from the communities of Banning, Beaumont, Hemet and San Jacinto. It may also accept solid waste generated from anywhere within Riverside County.

The Lambs Canyon Sanitary Landfill has a design capacity of 33,041,000 cubic yards and can receive a maximum permitted tonnage of 5,000 tons per day. The facility has an estimated closure year of 2021. The proposed project would generate approximately one (1) ton of solid waste per day\(^1\), which is approximately 0.020 percent of the permitted capacity of the landfill. The Proposed Project would not place a significant demand on solid waste services and would not be served by a landfill with insufficient permitted capacity. No impacts are anticipated.

g) **No Impact.** As required by Assembly Bill 939 (AB939), the California Integrated Waste Management Act, all cities and counties within the state must divert 50 percent of their wastes from landfills by the year 2000. Construction and Demolition (C&D) debris represents a large portion of materials being disposed of at landfills. To achieve the State-mandated diversion goal, the City has implemented a variety of programs that seek to reduce the volume of solid waste generated, encourage reuse, and support recycling efforts. Collected green waste from the Banning area is taken to a green waste recycling station in Romoland. Other recyclable materials, such as glass, plastic, and paper are transported to a third-party recycler in the City of Pico Rivera. Construction and operation of the project must comply with all federal, State, and local statutes and regulations related to solid waste. No impacts are anticipated, and no mitigation measures are necessary.

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\(^1\) Based on the California Integrated Waste Management Board Estimated Solid Waste Generation Rates for Institutions (Medical offices/hospitals).
<table>
<thead>
<tr>
<th>Issues and Supporting Information Sources:</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><strong>19. MANDATORY FINDINGS OF SIGNIFICANCE</strong></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?</td>
<td>( )</td>
<td>(✓)</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>b) Does the project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>( )</td>
<td>(✓)</td>
<td>( )</td>
<td>( )</td>
</tr>
</tbody>
</table>

**Impact Discussion:**

a) **Less Than Significant with Mitigation.** The Project site has been previously disturbed by rough grading activities and contains minimal vegetation or other natural features. A general biological assessment of the project site was conducted under the requirements of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). A field survey of the Project Site was also conducted which included an evaluation of habitats. In addition, records of the general and sensitive biological resources present on-site and in the surrounding area were consulted.

No amphibian or reptile species were observed during surveys. Bird species were observed, none of which are listed as rare or endangered. Compliance with the MSHCP required an assessment for Narrow Endemic Plant Species, presence of burrowing owl habitat, riverine and riparian habitats, as well as vernal pools and fairy shrimp habitat, and jurisdictional waters. The Narrow Endemic Plant Species identified two candidate plant species as potentially present in the area. Neither of these plant species were identified on the project site, and no suitable habitat or soils are present. The Project Site does provide suitable habitat for burrowing owls and migratory birds, therefore, **Mitigation Measures BIO - 1 and BIO – 2** apply. Less than significant impacts to biological resources are anticipated with mitigation measures.
No prehistoric or historic cultural resources were identified within the Project Site. The Project Site is, however, located within an area considered moderately sensitive for prehistoric archaeological resources. Implementation of Mitigation Measure CUL – 1 through CUL – 9 will ensure potential impacts to archeological resources are reduced to a less than significant level. In consideration of the foregoing information, 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.

(b) **Less than Significant with Mitigation.** The Project is not anticipated to generate significant cumulative impacts from any of the areas studied. Conditions of Approval and current Government regulation reduce impacts to less than significant without mitigation. Although there will be increased traffic, population, water and sewer usage and air quality long term impacts; all of these impacts have been reduced to less than significant.

c) **Less than Significant with Mitigation.** There are Hazardous Impacts identified due to the proximity to the Banning Municipal Airport. These impacts have been reduced to less than significant with mitigation. Mitigation Measures HAZ – 1 through 5 apply. Additionally, impacts that effect humans were studied and found to be significant without mitigation. Therefore, Mitigation Measures NOISE – 1 and 2 apply which will reduce noise impact to less than significant. No potentially significant impacts have been identified in any other subject area that would affect humans.
REFERENCES

Habitat Assessment and MSHCP Consistency Analysis for the Hoffer Street & Hathaway Street Residential Project. City of Banning, County of Riverside, California, Riverside Biological, Inc., November 2018.


Noise and Vibration Impact Analysis, Hoffer Street and Hathaway street Residential Project, Banning, Riverside County, California, LSA, November 2018.

Air Quality and Greenhouse Gas Assessment for Hoffer and Hathaway Apartments, City of Banning, California, Lilburn Corporation, February 2019.

Airport Land Use Commission Riverside County Report, October 18, 2018.


City of Banning General Plan, City of Banning Community Development Department and Terra Nova Planning & Research, Inc., adopted January 31, 2006.


Profile of the City of Banning, Southern California Association of Governments (SCAG), May 2018.

**LIST OF PREPARERS**

*City of Banning (Lead Agency)*  
99 East Ramsey Street, Banning, CA 92220  
Community Development Department  
Planning Division  
Mark de Manincor, Contract Planner  
951-922-3123
South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final MND.

SCAQMD Staff's Summary of Project Description
The Lead Agency is proposing to construct a 96-unit apartment complex and a 2,600-square-foot club house on 7.08 acres (Proposed Project). The Proposed Project is located on the southwest corner of Hoffer Street and North Hathaway Street. Construction of the Proposed Project is expected to occur over approximately 13 months and become operational in 2022.

SCAQMD Staff's Summary of Air Quality Analysis
In the Air Quality Analysis, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to SCAQMD's regional air quality CEQA significance thresholds. Based on the analysis, the Lead Agency found that the Proposed Project would result in a less than significant regional air quality impact. Additionally, the Lead Agency found that "none of the analyzed criteria pollutants would exceed the calculated local emissions thresholds at the nearest sensitive receptors." However, the Lead Agency did not conduct a localized air quality impact analysis for construction or operational air quality impacts to support the less than significant finding on the Proposed Project's localized air quality impacts.

SCAQMD Staff's General Comments
SCAQMD staff is concerned with the Lead Agency's finding that the Proposed Project's localized air quality impacts resulting from construction and operational activities would be less than significant because the MND did not include quantification of localized emissions for comparison to SCAQMD's localized air quality CEQA significance thresholds. Therefore, SCAQMD staff recommends that the Lead Agency support this finding by revising the MND to include a localized air quality impact analysis that quantifies localized emissions and compares those emissions to the appropriate SCAQMD Localized Significance Thresholds (LSTs). In the event that this revision results in a finding that a new significant impact would occur, feasible mitigation measures would be required under CEQA. Detailed comments and potential mitigation measures are provided in the attachment.

Conclusion
Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review.

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1 MND. Page 175
2 MND. Page 18.
process. Please provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, response should provide sufficient details giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project.

SCAQMD staff is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Robert Dalbeck, Assistant Air Quality Specialist, at (909) 396-2139 or RDalbeck@aqmd.gov, if you have any questions regarding these comments.

Sincerely,

Lijin Sun

Lijin Sun, J. D.
Program Supervisor, CEQA IGR
Planning, Rule Development & Area Sources

Attachment
LS:RD
RVC190313-02
Control Number
ATTACHMENT

Localized Air Quality Impact Analysis

1. Air quality impacts from both construction and operation activities should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment required during grading, earth-loading/unloading, paving, architectural coatings, and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operational impacts from residential projects typically include area sources (e.g. architectural coatings, consumer products, hearths), mobile sources (e.g. residential vehicle trips, materials delivery, road dust), and energy consumption (e.g. electricity, gas, water). These emission sources have enough specificity to reasonably assume which of those emissions would be emitted on-site, such as off-road construction equipment or area sources during operation. The SCAQMD LST’s methodology and associated mass look-up tables are not designed to evaluate localized impacts from mobile sources traveling over the roadways. LSTs represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard, and are developed based upon the total area of the emissions source, the ambient air quality in each source receptor area (SRA) in which the emission source is located, and the distance to the nearest sensitive receptor. Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. They include schools, parks and playgrounds, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units.

Based on a review of the MND and aerial photographs, SCAQMD staff found that the Proposed Project is approximately seven acres in size, and that sensitive receptors are located immediately adjacent to the Proposed Project within 25 meters. In the MND, the Lead Agency stated that “The thresholds for a 7-acre site with sensitive receptors located within 25 meters of property lines were used to analyze the proposed project and represent a worst-case scenario.” However, SCAQMD’s Final LST Methodology Mass Rate LST Look-Up Table does not include thresholds for a 7-acre site. Additionally, the Lead agency performed a regional air quality analysis for the Proposed Project and used it to correlate with or substitute for a need for a localized air quality analysis. Specifically, the Lead Agency did not quantify the Proposed Project’s localized construction or operational emissions in the MND, nor did they compare those emissions to the appropriate SCAQMD CEQA air quality LSTs. To ensure that any nearby sensitive receptors are not adversely affected by the construction or operational activities that are occurring in close proximity, SCAQMD staff recommends that the Lead Agency quantify the Proposed Project’s localized construction and operational emissions and disclose the localized air quality impacts in the Final MND to support a finding that the Proposed Project’s localized air quality impacts would be less than significant necessitating no mitigation measures. SCAQMD guidance for performing a localized air quality analysis is available on SCAQMD’s website.

Recommended Mitigation Measures

2. In the event that the Lead Agency finds, after revisions to the Air Quality Analysis based on Comment No. 1, that the Proposed Project’s localized construction or operational emissions would be significant, implementation of feasible mitigation measures would be required under CEQA.

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3 MND. Page 17.
SCAQMD staff has compiled a list of recommended mitigation measures as suggested resources and guidance to the Lead Agency to assist the identification of feasible mitigation measures, if needed and required under CEQA for the Proposed Project, for incorporation in the Final MND.

**Mitigation Measures for Construction Impacts**

a. Require the use of off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and U.S. EPA Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during construction to further reduce criteria pollutant emissions. Such equipment will be outfitted with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filters (DPFs). Level 3 DPFs are capable of achieving at least 85 percent reduction in particulate matter emissions\(^6\). A list of CARB verified DPFs are available on the CARB website\(^7\). To ensure that Tier 4 construction equipment or better will be used during the Proposed Project’s construction, SCAQMD staff recommends that the Lead Agency include this requirement in applicable bid documents, purchase orders, and contracts. Successful contractor(s) must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction activities. A copy of each unit’s certified tier specification or model year specification and CARB or SCAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment. Additionally, the Lead Agency should require periodic reporting and provision of written construction documents by construction contractor(s) to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance.

**Mitigation Measures for Operational Impacts**

b. Provide electric vehicle (EV) charging stations. Require at least 5% of all vehicle parking spaces include EV charging stations. Vehicles that can operate at least partially on electricity have the ability to substantially reduce the significant NOx and ROG impacts. It is important to make this electrical infrastructure available when the Proposed Project is built. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, SCAQMD staff recommends the Lead Agency require the Proposed Project to provide the appropriate infrastructure to facilitate sufficient electric charging for vehicles to plug-in in the Final MND.

c. Maximize use of solar energy including solar panels; installing the maximum possible number of solar energy arrays on the building roofs throughout the apartment complex to generate solar energy for the respective buildings.

d. Maximize the planting of trees in landscaping and parking lots.

e. Use light colored paving and roofing materials.

f. Require use of electric or alternatively fueled street-sweepers with HEPA filters.

g. Require use of electric lawn mowers and leaf blowers.

h. Utilize only Energy Star heating, cooling, and lighting devices, and appliances.

i. Use of water-based or low VOC cleaning products.

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\(^7\) *Ibid*. Page 18.
March 25, 2019

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

SUBJECT: Response to SCAQMD Comment Letter on IS/MND for 96-unit Apartment Complex Project, Dated March 21, 2019

Dear Mark:

This letter is in response to the City’s request for Lilburn Corporation to provide a Localized Significance Threshold Analysis, a Response to Comment letter received from South Coast Air Quality Management District (SCAQMD), and a letter report for staff’s use for the proposed 96-unit Apartment Complex/General Plan Amendment Project. As we discussed, the responses provided herein will provide the City with information to respond to the SCAQMD and to have the additional information necessary to proceed with adoption of a Mitigated Negative Declaration based on the Initial Study that was circulated for public review.

The primary concern of SCAQMD is the lack of a Localized Significance Thresholds (LSTs) Analysis included in the Initial Study. The analysis was not previously prepared for the Initial Study to comply with SCAQMD’s own guidelines. Their March letter however requests inclusion of the LSTs. Their letter’s primary comment and Lilburn Corporation’s response is included below.

Comment 1: SCAQMD staff is concerned with the Lead Agency’s finding that the Proposed Project’s localized air quality impacts resulting from construction and operational activities would be less than significant because the MND did not include quantification of localized emissions for comparison to SCAQMD’s localized air quality significant thresholds. Therefore, SCAQMD staff recommends that the Lead Agency support this finding by revising the MND to include a localized air quality impact analysis that quantifies localized emissions and compares those emissions to the appropriate SCAQMD Localized Significance Thresholds (LSTs). In the event that this revision results in a finding that a new significant impact would occur, feasible mitigation measures would be required under CEQA.

Response 1: City staff acknowledges SCAQMD’s comments regarding the Proposed Project’s localized air quality impacts resulting from construction and operational activities. As demonstrated in Tables 1 – 4 of the IS/MND, the Proposed Project does not
exceed applicable SCAQMD regional thresholds either during construction or operational activities. Additionally, as stated by the AQMD’s Localized Significance Thresholds Fact Sheet, use of LSTs is not mandatory and a lead agency’s use of the LSTs is entirely voluntary. However, given the SCAQMD’s comment and concerns, an LST analysis for the Proposed Project has been conducted and is summarized below:

LST methodology is incorporated herein to represent worst-case scenario emissions thresholds. The LSTs were developed to analyze the significance of potential air quality impacts of proposed projects to sensitive receptors (i.e., schools, single family residences, etc.) and provide screening tables for small projects (one, two, or five acres). Projects are evaluated based on geographic location and distance from the sensitive receptor (25, 50, 100, 200, or 500 meters from the site).

For the purposes of a CEQA analysis, the SCAQMD considers a sensitive receptor to be a receptor such as a residence, hospital, convalescent facility or anywhere that it is possible for an individual to remain for 24 hours. Additionally, schools, playgrounds, child care centers, and athletic facilities can also be considered as sensitive receptors. Commercial and industrial facilities are not included in the definition of sensitive receptor because employees do not typically remain on-site for a full 24 hours, but are usually present for shorter periods of time, such as eight hours.

The Project Site is approximately 7.08 acres and therefore the “five-acre” LST thresholds were utilized as larger sites (e.g., 10 acres) are typically granted a larger emission allowance. The nearest sensitive receptor land uses are the single-family residences which are located immediately north, west, and south of the Project Site and therefore LSTs are based on an 82-foot (25-meter) distance. CalEEMod version 2016.3.2 was used to estimate the on-site and off-site emissions associated with construction and operation of the Proposed Project. It should be noted that the operational phase is comprised of three sources: Area, Energy, and Mobile; and the Area source includes the following four subcategories: Architectural Coating, Consumer Products, Hearth, and Landscaping. CalEEMod version 2016.3.2 assumes the implementation of “hearts” (e.g., wood-burning fireplaces); however, the Proposed Project will not include wood-burning fireplaces. This will be a condition of project approval imposed by the City on the Project. Therefore, wood-burning fireplaces will not contribute to the Proposed Project’s operational emissions and associated emissions of PM_{10} and PM_{2.5} were subtracted from the modeled totals. A comparison of the Proposed Project’s construction and operational emissions with the appropriate LST thresholds is presented in Table 5.
Table 5
Localized Significance Thresholds
(Founds per Day)

<table>
<thead>
<tr>
<th>Source</th>
<th>NO\textsubscript{\text{\textsubscript{x}}}</th>
<th>CO</th>
<th>PM\textsubscript{10}</th>
<th>PM\textsubscript{2.5}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Emissions</td>
<td>45.6</td>
<td>23.2</td>
<td>10.7</td>
<td>6.7</td>
</tr>
<tr>
<td>(Max. from Table 1 and Table 2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Operational Emissions</td>
<td>1.4</td>
<td>9.7</td>
<td>0.5</td>
<td>0.2</td>
</tr>
<tr>
<td>(Max. from Table 3 and Table 4)\textsuperscript{1}</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highest Value (lives/day)</td>
<td>45.6</td>
<td>23.2</td>
<td>10.7</td>
<td>0.5</td>
</tr>
<tr>
<td>LST Thresholds</td>
<td>236</td>
<td>2.817</td>
<td>21\textsuperscript{*}</td>
<td>6\textsuperscript{1}</td>
</tr>
<tr>
<td>Greater Than Threshold?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Note: PM\textsubscript{10} and PM\textsubscript{2.5} emissions are separated into construction and operational thresholds in accordance with the SCAQMD Mass Rate LST Look-up Tables.

\textsuperscript{*} Construction emissions LST

\textsuperscript{1} Operational emissions LST

\textsuperscript{1} Per LST methodology mobile source emissions do not need to be included except for land use emissions and on-site vehicle emissions.

As shown in Table 5, the Proposed Project’s emissions are not anticipated to exceed the thresholds for LSTs. Therefore, the Proposed Project is not anticipated to expose sensitive receptors to substantial pollutant concentrations. Less than significant impacts are anticipated, and no mitigation measures are required.

If you should have any questions or require additional information, please do not hesitate to give me or Daniel Macias a call.

Sincerely,

[Signature]
Frank Amendola
Project Manager

Source: CalEEMod 2016.3.2 Summer & Winter Emissions; SCAQMD Final Localized Significance Threshold Methodology; SCAQMD Mass Rate Look-up Tables for five-acre site in Source Receptor Area No. 29, distance of 25 meters.
<table>
<thead>
<tr>
<th>Mitigation Measures</th>
<th>Timing</th>
<th>Verification</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BIOLOGICAL RESOURCES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Mitigation Measure BIO-1:</strong> Due to the presence of suitable habitat and burrows found onsite during the burrowing owl habitat assessment survey, a burrowing owl focused survey will need to be conducted during the breeding season, March 1 – August 31, per the MSHCP Burrowing Owl Survey Guidelines (revised March 29, 2006). To avoid potential impacts to the burrowing owl, an additional pre-construction survey is required for the burrowing owl within 30 days prior to start of grading/construction activities to determine if the burrowing owl has subsequently occupied the development area.</td>
<td>During the breeding season, March 1 – August 31 and 30 days prior to grading</td>
<td>Planning Department, Engineering Department</td>
</tr>
<tr>
<td><strong>Mitigation Measure BIO-2:</strong> To avoid potential effects to nesting migratory birds and raptors protected by the California Fish and Game Code, vegetation – clearing and preliminary ground – disturbance work should be completed outside of bird breeding season (typically February 15 through August 31). If these construction activities cannot be scheduled to avoid the bird breeding season, a pre-construction nesting bird survey should be conducted within 3 days prior to project construction ground disturbing activities to avoid effects to birds protected under the California Fish and Game Code.</td>
<td>February 15 through August 31 or 3 days prior to ground disturbing.</td>
<td>Planning Department, Engineering Department</td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Timing</td>
<td>Department</td>
</tr>
<tr>
<td>--------------------</td>
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</tr>
<tr>
<td>Mitigation Measure CR-2: The project applicant shall provide Native American monitoring (Morongo Band of Mission Indians) during grading. The Native American monitor shall work in concert with the archaeological monitor to observe ground disturbances and search for cultural materials.</td>
<td>During Grading and Construction</td>
<td>Engineering Department</td>
</tr>
<tr>
<td>Mitigation Measure CR-3: The certified archaeologist shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.</td>
<td>Prior to grading and construction</td>
<td>Engineering Department</td>
</tr>
<tr>
<td>Mitigation Measure CR-4: During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and tribal representative shall be on-site, as determined by the consulting archaeologist, to perform periodic inspections of the excavations. The frequency of inspections will depend upon the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The consulting archaeologist shall have the authority to modify the monitoring program if the potential for cultural resources appears to be less than anticipated.</td>
<td>During grading and construction</td>
<td>Engineering Department</td>
</tr>
<tr>
<td>Mitigation Measure CR-5: Isolates and clearly non-significant deposits will be minimally documented in the field so the monitored grading can proceed.</td>
<td>During grading and construction</td>
<td>Engineering Department</td>
</tr>
<tr>
<td>Mitigation Measure CR-6: In the event that previously unidentified cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The archaeologist shall contact the lead agency at the time of discovery. The archaeologist, in consultation with the lead agency, shall determine the significance of the discovered resources. The lead agency must concur with the evaluation before construction activities will be allowed to resume in the</td>
<td>During grading and construction</td>
<td>Engineering Department</td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Timing</td>
<td>Department</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>----------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the lead agency before being carried out using professional archaeological methods. If any human bones are discovered, the county coroner and lead agency shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the NAHC, shall be contacted in order to determine proper treatment and disposition of the remains.</td>
<td>During grading and construction</td>
<td>Engineering Department</td>
</tr>
<tr>
<td>Mitigation Measure CR-7 Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The project archaeologist shall determine the amount of material to be recovered for an adequate artifact sample for analysis.</td>
<td>During grading and construction</td>
<td>Engineering Department</td>
</tr>
<tr>
<td>Mitigation Measure CR-8 All cultural material collected during the grading monitoring program shall be processed and curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility, to be accompanied by payment of the fees necessary for permanent curation.</td>
<td>During grading and construction</td>
<td>Engineering Department</td>
</tr>
<tr>
<td>Mitigation Measures CR-9 A report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the lead agency prior to the issuance of any building permits. The report will include DPR Primary and Archaeological Site Forms.</td>
<td>During grading and construction</td>
<td>Engineering Department</td>
</tr>
<tr>
<td>HAZARDS AND HAZARDOUS MATERIALS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mitigation Measures HAZ-1 Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.</td>
<td>During construction</td>
<td>Building Department</td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Timing</td>
<td>Department</td>
</tr>
<tr>
<td>--------------------</td>
<td>--------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Mitigation Measures HAZ-2 The following uses shall be prohibited:</td>
<td>During operation</td>
<td>Code Enforcement Department</td>
</tr>
<tr>
<td>1. Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward and aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, artificial marshes, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure HAZ-3 The attached notice shall be provided to all potential purchasers of the property and to tenants of the proposed dwelling units, and shall be recorded as a deed notice. (See attached notice in Appendix H, Riverside County Airport Land Use Commission Report.)</td>
<td>Prior to Certificate of Occupancy</td>
<td>Building Department</td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Timing</td>
<td>Department</td>
</tr>
<tr>
<td>--------------------</td>
<td>--------</td>
<td>------------</td>
</tr>
<tr>
<td><strong>Mitigation Measure HAZ-4</strong> Any proposed detention basin or facilities shall be designed so as to provide for a detention period for the design storm that does not exceed 48 hours and to remain totally dry between rainfalls. Vegetation in and around such facilities that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.</td>
<td>During design and construction</td>
<td>Engineering Department</td>
</tr>
<tr>
<td><strong>Mitigation Measure HAZ-5</strong> Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.</td>
<td>During operation</td>
<td>Code Enforcement</td>
</tr>
</tbody>
</table>

**NOISE**

<p>| Mitigation Measure NOISE-1 Short-Term Construction Noise Impacts will require the following mitigation measures: 1. The construction contractor shall conduct construction activities between the hours of 7:00 a.m. and 6:00 p.m. as specified in Section 8.44.090(E) of the Banning Municipal Code. 2. The construction contractor shall construct a minimum 6-foot-high temporary construction barrier or a permanent minimum 8-foot-high wall on the west side of the project prior to site preparation, which includes excavation and grading of the project site. The temporary construction barrier may be constructed of any material that has a minimum Sound Transmission Class (STC) rating of 28. 3. The construction contractor shall construct a minimum 7-foot-high temporary construction barrier on the south side of the project prior to site preparation, which includes excavation and grading of the project site. The temporary construction barrier may be constructed of any material that has a minimum STC 28 rating. | Prior to grading and construction | Engineering Department | | |</p>
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Timing</th>
<th>Department</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. During all project site excavation and grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers’ standards.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and most noise-sensitive receptors nearest the project site during all project construction.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. The construction contractor shall place all stationary construction equipment so that the emitted noise is directed away from the sensitive receptors nearest the project site.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Mitigation Measure NOISE-2:** The following mitigation measures would be required to reduce stationary noise impacts:

1. A minimum 6-foot-high wall on the south side of the project.
2. A minimum 8-foot-high wall on the west side of the project.

**TRIBAL CULTURAL RESOURCES**

See Cultural Resources Mitigation Measures, CR-1 through CR-9
ATTACHMENT 3
Site Plan, Floor Plans, Elevations
PHASING PLAN

PHASE I: CLUB HOUSE/POOL AND 2 X 16 UNITS
INCLUDES SITE INFRASTRUCTURE AND 70 PARKING

PHASE II: MULTIPURPOSE COURT, 2 X 16 UNITS
AND 80 PARKING

PHASE III: 4 X 8 UNIT BUILDINGS AND 75 PARKING

SITE INFRASTRUCTURE IS IN PHASE I
ATTACHMENT 4
Notice of Availability/Notice of Intent
Record Gazette
218 N. Murray St.
Proof of Publication
(2015.5 C.C.P.)
163406 GPA 18-2504

State of California
County of Riverside

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party
or interested in the above matter. I am the principal clerk of
the printer and publisher of Record Gazette, a newspaper
published in the English language in the City of Banning,
County of Riverside, and adjudicated a newspaper of general
circulation as defined by the laws of the state of California by
the Superior Court of the County of Riverside, under the date
October 14, 1968, Case No. 54737. That the notice, of which
the annexed is a copy, has been published in each regular and
entire issue of said newspaper and not in any supplement
thereof on the following dates, to-wit:

March 22, 2019

NOTICE OF PUBLIC HEARING AND NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, CONSIDERATION OF GENERAL PLAN AMENDMENT 18-2504 AND ZONE CHANGE 18-3503 TO CHANGE THE ZONING FROM LOW DENSITY RESIDENTIAL (LDR 0.5 DU/AC) TO HIGH DENSITY RESIDENTIAL (HDR 11-18 DU/AC), DESIGN REVIEW 18-7011 TO CONSIDER THE CONSTRUCTION OF A 95 UNIT APARTMENT COMPLEX ON APPROXIMATELY 7.28 ACRES OF LAND, AND ENVIRONMENTAL ASSESSMENT 18-1908, LOCATED AT THE SOUTHWESTERN CORNER OF EAST HOFER STREET AND NORTH HATHAWAY STREET IN THE CITY OF BANNING, CALIFORNIA (APN 534-283-011, 534-283-016)

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, April 3, 2019, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider the proposed project. The subject parcel is located generally south of E. Hoffer Street and west of N. Hathaway Street. Information regarding the Mitigated Negative Declaration, MMAP, General Plan Amendment, Zone Change and Design Review can be obtained by contacting the City's Community Development Department, Planning Division at (951) 922-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning. You may also go to the City of Banning website at http://www.banningca.gov.

All parties interested in speaking either in support of or in opposition to this item are invited to attend the hearing, or to send their written comments to the Community Development Department, Planning Division, City of Banning at 99 E. Ramsey Street, P.O. Box 998, Banning, California, 92220.

If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the City Clerk at, or prior to, the time the Planning Commission makes its recommendation on the proposal, or you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65009).

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

Adam B. Rush, AICP
Community Development Director
Dated: 03/18/2019
Publish: 03/22/2019
Published in:
The Record Gazette
No. 163406
03/22/2019

Executed on: 03/22/2019

At Banning, , CA

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

[Signature]

Ana Rivera
ATTACHMENT 5
Public Hearing Notice
NOTICE OF AVAILABILITY
NOTICE OF INTENT
MITIGATED NEGATIVE DECLARATION

Project Title: General Plan Amendment (18-2604), Zone Change (18-3803) Design Review (18-7003)

NOTICE IS HEREBY GIVEN that the City of Banning (City), as Lead Agency under the California Environmental Quality Act (CEQA), has prepared a Notice of Availability (NOA) and Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) for a proposed General Plan Amendment (18-2604), Zone Change (18-3803) and Design Review (18-7003) (Project). The MND has been prepared pursuant to CEQA and the CEQA Guidelines. Copies of available materials may be reviewed or obtained from the City office at the address cited below.

Project Location: The Project is located south of East Hopper Street, and west of North Hathaway Street, in the City of Banning, Assessor's Parcel Numbers (APNs): 334-283-011 and 014.

Project Description: The Project proposes to construct a 96-Unit Apartment Complex on 7.08 acres of land which includes a General Plan Amendment and Zone Change to change the land use and zoning designation from Low Density Residential (LDR) to High Density Residential (HDR) and a Design Review.

Applicant: John and Diana Hanna, 1619' Kramara Avenue, Riverside, CA 92504

Environmental Issues: Environmental issues addressed in the MND include: aesthetics, agriculture and forestry resources, air quality; biological resources; cultural resources; geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality; land use and planning, mineral resources, noise; population and housing, public services, recreation, transportation and traffic, tribal cultural resources, and utilities and service systems. Per CEQA Guidelines Section 15067(a)(6), the Project area does not contain sites identified under Section 65962.5 of the Government Code.

Environmental Effects: The Initial Study Checklist determined that the proposed Project would result in potentially significant effects, but the Project Applicant will incorporate mitigation measures that would avoid or mitigate effects to a point where clearly no significant environmental impacts on the environment will occur. Mitigation has been included to address biological resources, cultural resources, hazards and hazardous materials, noise and tribal cultural resources.

Public Review Period: The MND will be available for a 20-day public review period from March 8, 2019 to March 28, 2019.

Written comments on this MND should be addressed to:

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

Attn: Adams Rush, Community Development Director

A copy of the Mitigated Negative Declaration is available at the above address and at the Banning Library, 21 W. Nicotet Street, Banning CA 92220, as well as at the City Community Development Department website at...

All comments must be received in writing at the address below no later than 5:00 p.m. on March 8, 2019. Comments received and issues and concerns raised will be evaluated to determine if the mitigation and project conditions of approval have adequately addressed the concerns. All comments received will be included as part of the record.

Public Meeting: This Project is tentatively scheduled for the April 9, 2019 Planning Commission hearing. The hearing commences at 6:30 p.m. and is held in the City Council Chambers, Banning City Hall, located at 99 E. Ramsey Street, Banning CA 92220. In the event that the Project requires a General Plan Amendment and Zone Change, the consideration by the Planning Commission is advisory in this matter and is included as a recommendation for the City Council to either approve, deny or modify the project.

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

Adams Rush
Community Development Director
Dated: March 8, 2019

Published in: The Record Gazette

No. 163974

03-09-19

March 8, 2019

State of California )
County of Riverside  ) ss.

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

March 8, 2019

Executed on: 03/08/2019
At Banning, CA

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

Ana Rivera
Signature
ATTACHMENT 6
SCAQMD comments/Lilburn Corp., response
FEMA comments
Brent Bumpus comments/Staff response
Mitigated Negative Declaration (MND) for the Proposed
General Plan Amendment (18-2504) Zone Change (18-3503) Design Review (18-7011) Project

South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final MND.

SCAQMD Staff’s Summary of Project Description
The Lead Agency is proposing to construct a 96-unit apartment complex and a 2,600-square-foot club house on 7.08 acres (Proposed Project). The Proposed Project is located on the southwest corner of Hoffer Street and North Hathaway Street. Construction of the Proposed Project is expected to occur over approximately 13 months and become operational in 2022.\(^1\)

SCAQMD Staff’s Summary of Air Quality Analysis
In the Air Quality Analysis, the Lead Agency quantified the Proposed Project’s construction and operational emissions and compared those emissions to SCAQMD’s regional air quality CEQA significance thresholds. Based on the analysis, the Lead Agency found that the Proposed Project would result in a less than significant regional air quality impact. Additionally, the Lead Agency found that “none of the analyzed criteria pollutants would exceed the calculated local emissions thresholds at the nearest sensitive receptors.”\(^2\) However, the Lead Agency did not conduct a localized air quality impact analysis for construction or operational air quality impacts to support the less than significant finding on the Proposed Project’s localized air quality impacts.

SCAQMD Staff’s General Comments
SCAQMD staff is concerned with the Lead Agency’s finding that the Proposed Project’s localized air quality impacts resulting from construction and operational activities would be less than significant because the MND did not include quantification of localized emissions for comparison to SCAQMD’s localized air quality CEQA significance thresholds. Therefore, SCAQMD staff recommends that the Lead Agency support this finding by revising the MND to include a localized air quality impact analysis that quantifies localized emissions and compares those emissions to the appropriate SCAQMD Localized Significance Thresholds (LSTs). In the event that this revision results in a finding that a new significant impact would occur, feasible mitigation measures would be required under CEQA. Detailed comments and potential mitigation measures are provided in the attachment.

Conclusion
Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review

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\(^1\) MND. Page 175

\(^2\) MND. Page 18.
process. Please provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, response should provide sufficient details giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project.

SCAQMD staff is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Robert Dalbeck, Assistant Air Quality Specialist, at (909) 396-2139 or RDalbeck@aqmd.gov, if you have any questions regarding these comments.

Sincerely,

Lijin Sun

Lijin Sun, J. D.
Program Supervisor, CEQA IGR
Planning, Rule Development & Area Sources

Attachment
LS:RD
RVC190313-02
Control Number
ATTACHMENT

Localized Air Quality Impact Analysis

1. Air quality impacts from both construction and operation activities should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment required during grading, earth-loading/unloading, paving, architectural coatings, and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operational impacts from residential projects typically include area sources (e.g. architectural coatings, consumer products, hearths), mobile sources (e.g. residential vehicle trips, materials delivery, road dust), and energy consumption (e.g. electricity, gas, water). These emission sources have enough specificity to reasonably assume which of those emissions would be emitted on-site, such as off-road construction equipment or area sources during operation. The SCAQMD LST's methodology and associated mass look-up tables are not designed to evaluate localized impacts from mobile sources traveling over the roadways. LSTs represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard, and are developed based upon the total area of the emissions source, the ambient air quality in each source receptor area (SRA) in which the emission source is located, and the distance to the nearest sensitive receptor. Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. They include schools, parks and playgrounds, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units.

Based on a review of the MND and aerial photographs, SCAQMD staff found that the Proposed Project is approximately seven acres in size, and that sensitive receptors are located immediately adjacent to the Proposed Project within 25 meters. In the MND, the Lead Agency stated that “The thresholds for a 7-acre site with sensitive receptors located within 25 meters of property lines were used to analyze the proposed project and represent a worst-case scenario.” However, SCAQMD’s Final LST Methodology Mass Rate LST Look-Up Table does not include thresholds for a 7-acre site. Additionally, the Lead agency performed a regional air quality analysis for the Proposed Project and used it to correlate with or substitute for a need for a localized air quality analysis. Specifically, the Lead Agency did not quantify the Proposed Project’s localized construction or operational emissions in the MND, nor did they compare those emissions to the appropriate SCAQMD CEQA air quality LSTs. To ensure that any nearby sensitive receptors are not adversely affected by the construction or operational activities that are occurring in close proximity, SCAQMD staff recommends that the Lead Agency quantify the Proposed Project’s localized construction and operational emissions and disclose the localized air quality impacts in the Final MND to support a finding that the Proposed Project’s localized air quality impacts would be less than significant necessitating no mitigation measures. SCAQMD guidance for performing a localized air quality analysis is available on SCAQMD’s website.

Recommended Mitigation Measures

2. In the event that the Lead Agency finds, after revisions to the Air Quality Analysis based on Comment No. 1, that the Proposed Project’s localized construction or operational emissions would be significant, implementation of feasible mitigation measures would be required under CEQA.

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3 MND, Page 17.
SCAQMD staff has compiled a list of recommended mitigation measures as suggested resources and guidance to the Lead Agency to assist the identification of feasible mitigation measures, if needed and required under CEQA for the Proposed Project, for incorporation in the Final MND.

**Mitigation Measures for Construction Impacts**

a. Require the use of off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and U.S. EPA Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during construction to further reduce criteria pollutant emissions. Such equipment will be outfitted with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filters (DPFs). Level 3 DPFs are capable of achieving at least 85 percent reduction in particulate matter emissions. A list of CARB verified DPFs are available on the CARB website. To ensure that Tier 4 construction equipment or better will be used during the Proposed Project’s construction, SCAQMD staff recommends that the Lead Agency include this requirement in applicable bid documents, purchase orders, and contracts. Successful contractor(s) must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction activities. A copy of each unit’s certified tier specification or model year specification and CARB or SCAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment. Additionally, the Lead Agency should require periodic reporting and provision of written construction documents by construction contractor(s) to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance.

**Mitigation Measures for Operational Impacts**

b. Provide electric vehicle (EV) charging stations. Require at least 5% of all vehicle parking spaces include EV charging stations. Vehicles that can operate at least partially on electricity have the ability to substantially reduce the significant NOx and ROG impacts. It is important to make this electrical infrastructure available when the Proposed Project is built. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, SCAQMD staff recommends the Lead Agency require the Proposed Project to provide the appropriate infrastructure to facilitate sufficient electric charging for vehicles to plug-in in the Final MND.

c. Maximize use of solar energy including solar panels; installing the maximum possible number of solar energy arrays on the building roofs throughout the apartment complex to generate solar energy for the respective buildings.

d. Maximize the planting of trees in landscaping and parking lots.

e. Use light colored paving and roofing materials.

f. Require use of electric or alternatively fueled street-sweepers with HEPA filters.

g. Require use of electric lawn mowers and leaf blowers.

h. Utilize only Energy Star heating, cooling, and lighting devices, and appliances.

i. Use of water-based or low VOC cleaning products.

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7 Ibid. Page 18.
March 25, 2019

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

SUBJECT: Response to SCAQMD Comment Letter on IS/MND for 96-unit Apartment Complex Project, Dated March 21, 2019

Dear Mark:

This letter is in response to the City’s request for Lilburn Corporation to provide a Localized Significance Threshold Analysis, a Response to Comment letter received from South Coast Air Quality Management District (SCAQMD), and a letter report for staff’s use for the proposed 96-unit Apartment Complex/General Plan Amendment Project. As we discussed, the responses provided herein will provide the City with information to respond to the SCAQMD and to have the additional information necessary to proceed with adoption of a Mitigated Negative Declaration based on the Initial Study that was circulated for public review.

The primary concern of SCAQMD is the lack of a Localized Significance Thresholds (LSTs) Analysis included in the Initial Study. The analysis was not previously prepared for the Initial Study to comply with SCAQMD’s own guidelines. Their March letter however requests inclusion of the LSTs. Their letter’s primary comment and Lilburn Corporation’s response is included below.

Comment 1: SCAQMD staff is concerned with the Lead Agency’s finding that the Proposed Project’s localized air quality impacts resulting from construction and operational activities would be less than significant because the MND did not include quantification of localized emissions for comparison to SCAQMD’s localized air quality significant thresholds. Therefore, SCAQMD staff recommends that the Lead Agency support this finding by revising the MND to include a localized air quality impact analysis that quantifies localized emissions and compares those emissions to the appropriate SCAQMD Localized Significance Thresholds (LSTs). In the event that this revision results in a finding that a new significant impact would occur, feasible mitigation measures would be required under CEQA.

Response 1: City staff acknowledges SCAQMD’s comments regarding the Proposed Project’s localized air quality impacts resulting from construction and operational activities. As demonstrated in Tables 1 – 4 of the IS/MND, the Proposed Project does not
exceed applicable SCAQMD regional thresholds either during construction or operational activities. Additionally, as stated by the AQMD’s Localized Significance Thresholds Fact Sheet, use of LSTs is not mandatory and a lead agency’s use of the LSTs is entirely voluntary. However, given the SCAQMD’s comment and concerns, an LST analysis for the Proposed Project has been conducted and is summarized below:

LST methodology is incorporated herein to represent worst-case scenario emissions thresholds. The LSTs were developed to analyze the significance of potential air quality impacts of proposed projects to sensitive receptors (i.e., schools, single family residences, etc.) and provide screening tables for small projects (one, two, or five acres). Projects are evaluated based on geographic location and distance from the sensitive receptor (25, 50, 100, 200, or 500 meters from the site).

For the purposes of a CEQA analysis, the SCAQMD considers a sensitive receptor to be a receptor such as a residence, hospital, convalescent facility or anywhere that it is possible for an individual to remain for 24 hours. Additionally, schools, playgrounds, child care centers, and athletic facilities can also be considered as sensitive receptors. Commercial and industrial facilities are not included in the definition of sensitive receptor because employees do not typically remain on-site for a full 24 hours, but are usually present for shorter periods of time, such as eight hours.

The Project Site is approximately 7.08 acres and therefore the “five-acre” LST thresholds were utilized as larger sites (e.g. 10 acres) are typically granted a larger emission allowance. The nearest sensitive receptor land uses are the single-family residences which are located immediately north, west, and south of the Project Site and therefore LSTs are based on an 82-foot (25-meter) distance. CalEEMod version 2016.3.2 was used to estimate the on-site and off-site emissions associated with construction and operation of the Proposed Project. It should be noted that the operational phase is comprised of three sources: Area, Energy, and Mobile; and the Area source includes the following four subcategories: Architectural Coating, Consumer Products, Hearth, and Landscaping. CalEEMod version 2016.3.2 assumes the implementation of “hearth” (e.g. wood-burning fireplaces); however, the Proposed Project will not include wood-burning fireplaces. This will be a condition of project approval imposed by the City on the Project. Therefore, wood-burning fireplaces will not contribute to the Proposed Project’s operational emissions and associated emissions of PM$_{10}$ and PM$_{2.5}$ were subtracted from the modeled totals. A comparison of the Proposed Project’s construction and operational emissions with the appropriate LST thresholds is presented in Table 5.
Table 5
Localized Significance Thresholds
(Pounds per Day)

<table>
<thead>
<tr>
<th>Source</th>
<th>NOx</th>
<th>CO</th>
<th>PM_{10}</th>
<th>PM_{2.5}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Emissions</td>
<td>45.6</td>
<td>23.2</td>
<td>10.7</td>
<td>6.7</td>
</tr>
<tr>
<td>(Max. from Table 1 and Table 2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operational Emissions</td>
<td>1.4</td>
<td>9.7</td>
<td>0.5</td>
<td>0.2</td>
</tr>
<tr>
<td>(Max. from Table 3 and Table 4)†</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highest Value (lbs/day)</td>
<td>45.6</td>
<td>23.2</td>
<td>10.7</td>
<td>0.5</td>
</tr>
<tr>
<td>LST Thresholds</td>
<td>236</td>
<td>2.817</td>
<td>21*</td>
<td>6*</td>
</tr>
<tr>
<td>Greater Than Threshold?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Note: PM_{10} and PM_{2.5} emissions are separated into construction and operational thresholds in accordance with the SCAQMD Mass Rate LST Look-up Tables.
* Construction emissions LST
† Operational emissions LST
Per LST methodology mobile source emissions do not need to be included except for land use emissions and on-site vehicle emissions. It is estimated that approximately 10 percent of mobile emissions will occur on the Project Site.
Source: CalEEMod.2016.3.2 Summer & Winter Emissions; SCAQMD Final Localized Significance Threshold Methodology; SCAQMD Mass Rate Look-up Tables for five-acre site in Source Receptor Area No. 29, distance of 25 meters.

As shown in Table 5, the Proposed Project’s emissions are not anticipated to exceed the thresholds for LSTs. Therefore, the Proposed Project is not anticipated to expose sensitive receptors to substantial pollutant concentrations. Less than significant impacts are anticipated, and no mitigation measures are required.

If you should have any questions or require additional information, please do not hesitate to give me or Daniel Macias a call.

Sincerely,

[Signature]

Frank Amendola
Project Manager
March 18, 2019

Adam Rush
Community Development Center
City of Banning, Community Development Department
99 East Ramsey Street
Banning, California 92220

Dear Mr. Rush:

This is in response to your request for comments regarding the Notice of Availability/Notice of Intent Mitigated Negative Declaration, Project Title: General Plan Amendment (18-2504), Zone Change (18-3503), and Design Review (18-7011) for the City of Banning, California.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of Riverside (Community Number 060245), Maps revised March 6, 2018 and City of Banning (Community Number 060246), Maps revised August 28, 2008. Please note that the City of Banning, Riverside County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

- If the area of construction is located within a Regulator Floodway as delineated on the FIRM, any development must not increase base flood elevation levels. The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials. A hydrologic and hydraulic analysis must be performed prior to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.
Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRMs revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA’s Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtml.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community’s floodplain manager for more information on local floodplain management building requirements. The Banning floodplain manager can be reached by calling Andy Takata, City Manager, at (951) 922-3104. The Riverside County floodplain manager can be reached by calling Jason Uhlery, General Manager and Chief Engineer, at (951) 955-1265.

If you have any questions or concerns, please do not hesitate to call me at (510) 627-7183.

Sincerely,

Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:
Andy Takata, City Manager, City of Banning
Jason Uhlery, General Manager and Chief Engineer, Riverside County
Garret Tam Sing, State of California, Department of Water Resources, Southern Region Office
Gregor Blackburn, CFM, Branch Chief, FMIB, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX
Written Comments

Project: Hanna 96 Apartment Project
Comments on Mitigated Negative Declaration

3-18-19

To whom it may concern;

My name is Brent Bumpus and I have lived in Banning for 30 years and own (and occupy) an adjacent property to the proposed project. (882 North Allen St.)

I would like to make a number of comments on the findings of the MND.

Comment #1 Environmental study (see page 19 of MND item #4e.)

Biological

This requirement is intended to study the impacts on biological assets at the site. When the field study was conducted in Oct. 23, 2018, it was noted that the site had been recently disked. It was noted in the study that they found no evidence of burrowing owls. That's because the site was not disked, but had recently been Graded and leveled with a front-end loader, effectively killing and removing all signs of wildlife.

(see attached Google photo with Date stamp)

If this grading was done without city approval it would be in violation of City Municipal Code 18.09.120 "D".

If this grading was done with city approval, the city was in violation of Banning Ordinance #18.09.100 "A"

If the property owners respond that they were doing weed abatement required by the fire department, I would question that reasoning. In the 30 years that I have lived here the site was never leveled like that. Weed abatement only occurred at the property lines with hand held weed eaters. The vegetation shown on the attached aerial photos were mounds used as rabbit warrens and bushes with bird nests. Before grading I had seen lots of rabbits, coyotes, birds, skunks, gophers, lizards, snakes, rodents and owls at this site.

Mitigation suggestion:

a. The entire Biological Study should be rejected and the land left undisturbed for ten years to re-establish natural wildlife to ensure a fair biological assessment.

The study does recommend another owl study 30 days prior to construction activity, but that could be soon and not enough time. Although the weeds have re-established themselves from all of the rain, shrubbery needs to get a new start to offer nesting sites for birds and shrubs big enough to offer security for rabbits and their breeding warrens. Then, some rabbit warrens need to be abandoned to attract burrowing owls. In my opinion it will take years to return the biological assets to pre-graded conditions.
Comment #2

Aesthetics (see page 7 of MND)

The study makes little mention of N. Allen St., but we will be the ones most impacted.
We have a beautiful scenic vista to the east which will be blocked by an 8 foot high block wall, a sea of
carport roofs and massive 30 foot high apartment buildings.

Mitigation suggestions:

a. Downsize the project to reduce the number of carports required.

b. Re-design the project to be only single story in height or single family homes per existing zoning.

Comment #3

Noise (see page 44 of MND item #12 d.)

The plan proposes trash enclosures within 100 ft. of my bedroom. This will have a significant
impact on me.

I am approximately a quarter a mile away from the apartments on Hathaway and George St. and I
would like to report that the early morning trash collection noise is considerable. It is not only the trash
truck increasing engine RPMs to pick up heavy loads but the banging and clanging of metal against
metal of hoisting the all-metal dumpsters over the truck roof to empty. It's *annoying* to me a quarter
mile away, but it's about to become *outrageous* if you approve these plans as proposed. I looked at the
Noise study and it was only conducted on one day, I doubt it was a trash day.

Mitigation suggestions:

a. Do a noise study close to the apartments on Hathaway and George St., 100 feet away from dumpsters
on trash day. Re-evaluate the noise impact to the residents to the west.

b. Relocate trash enclosures away from existing homes.
Comment #4 Short term construction vibration
(see page 44 of MND item 12 b)

The study (LSA Noise and Vibration Impact Analysis) notes that the only equipment that will be
used in construction will be "wheel loader, loaded truck, forklift and small bulldozer". It has left out
compaction equipment, which will be required for soil compaction required by the Soils Exploration
Co. (see Appendix E section 5.3)

Construction activities will include heavy machinery for grading and compaction equipment within
40 ft. of my house. The resulting vibration limit of 94 VdB (table 12-2 FTA-VA-1003-06) will have a
significant impact on my house which was built in 1929 and is constructed of locally sourced rocks and
concrete and is considered un-reinforced masonry by insurance companies. This type of construction is
"extremely susceptible" to vibration damage at levels exceeding 90 VdB. (table 12-3 FTA-VA-1003-06)
attached.
In other words, my house is at risk of major structural damage from proposed construction activities.

Mitigation suggestions:
a. The City could condition that no vibratory equipment be used.
It should also be noted the study did not mention the use of Earth moving scrapers and the large
bulldozers that are needed to push them through this rocky soil. Since they were not considered in the
study, their use should not be allowed. Likewise for any rock crushing equipment.
b. Install a noise and vibration sensor on my property during construction with an alarm to notify me
and construction crews when allowable levels are reaching their limits.
c. Add me as an additional insured to cover any loss from construction and compaction activities.
Comments on Zone change:

It’s not fair to adjoining property owners to change this zoning from LDR to HDR. These apartments will probably be low income Section 8 housing. We already have our share of that on the Eastside. The existing zoning would allow for maybe 10 single family homes once streets are figured in. The applicant is proposing a zone change for 96 apartments, which could easily mean 300 people will be living yards away from me, which will decrease my property value. It will forever take away the peaceful rural nature of our neighborhood that I moved here for.

Leave the existing zoning as it is and decline the zone change.

Comments on Design Review:

a. The proposed site plan design shows contempt for the residents to the west of the project with tall block walls, boring industrial flat roofed carports and garbage dumpsters.
   b. The easement to the west of the proposed west wall will probably not be maintained and end up like the similar situation on Hathaway and George project which is overgrown with weeds.
   c. The tall block wall will invite graffiti
   d. The tall block wall will also block access to the overhead electrical wires that are in constant need of repair and maintenance by large Electrical Dept. vehicles and equipment.

Mitigation suggestions:

a. require the 8’ tall wall to be decorative on both sides - A wall covered with round river rocks would not look out of place. It would also discourage graffiti.
b. move the wall 10’ to the east to allow vehicle access to the overhead electrical power lines.
c. or require existing overhead electrical to the west be put underground to reduce maintenance problems and improve our views of the mountains

Thank you for this opportunity to comment;

Brent Bumpus
882 N. Allen St.
Banning, CA 92220
brentjb@verizon.net
18.09.120 - Types of permits.

A. Mass, Rough, or Precise Grading. The city engineer may issue a mass, rough, or precise grading permit for grading work upon completion of an application in accordance with the grading manual. The issuance of building permits shall be determined as follows:

1. Building permits may be issued for a site graded under a precise grading permit upon completion and approval of the rough grade inspection as specified in the grading manual.

2. Building permits shall not be issued for a site graded under a rough grading permit unless a precise grading permit has been issued.

C. Stockpiling. Upon approval by the planning commission of a conditional use permit (CUP), a stockpile permit may be issued for the stockpile of soil materials on a lot or parcel provided that the soil materials shall be removed from the site or compacted and graded thereon under a subsequently issued mass, rough, or precise grading permit within six months of issuance of a stockpile permit, unless modified by the planning commission, in accordance with the grading manual.

D. Administrative Clearing. No person shall commence any clearing and grubbing operation without first obtaining a grading or administrative clearing permit in accordance with the grading manual.
18.09.100 - Tentative subdivision or conditional use permit required.

Under either of the following circumstances, a permit shall not be issued unless and until a tentative map or a conditional use permit (CUP) has been approved by the city:

A. If the purpose of the proposed grading or clearing is to prepare the land for a subdivision or for some use for which a conditional use permit is required; or

B. Notwithstanding the purpose of the proposed grading or clearing as stated in the application, if the city engineer finds that the purpose of the proposed grading or clearing is to prepare the land for subdivision or for some use for which a conditional use permit is required.

(Ord. No. 1388, § 4, 7-14-09)
Before it was graded.
You can see the mounds of vegetation that was leveled and buried.
After it was graded.
All vegetation gone and burrows buried.
Image May 2018
May 2018
12.2.2 Construction Vibration Criteria
For evaluating potential annoyance or interference with vibration-sensitive activities due to construction vibration, the criteria for General Assessment in Chapter 8 can be applied. In most cases, however, the primary concern regarding construction vibration relates to potential damage effects. Guideline vibration damage criteria are given in Table 12-3 for various structural categories. In this table, a crest factor of 4 (representing a PPV-rms difference of 12 VdB) has been used to calculate the approximate rms vibration velocity limits from the PPV limits. These limits should be viewed as criteria that should be used during the environmental impact assessment phase to identify problem locations that must be addressed during final design.

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<thead>
<tr>
<th>Building Category</th>
<th>PPV (in/sec)</th>
<th>Approximate L₄</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Reinforced concrete, steel or timber (no plaster)</td>
<td>0.5</td>
<td>102</td>
</tr>
<tr>
<td>II. Engineered concrete and masonry (no plaster)</td>
<td>0.3</td>
<td>98</td>
</tr>
<tr>
<td>III. Non-engineered timber and masonry buildings</td>
<td>0.2</td>
<td>94</td>
</tr>
<tr>
<td>IV. Buildings extremely susceptible to vibration damage</td>
<td>0.12</td>
<td>90</td>
</tr>
</tbody>
</table>

* RMS velocity in decibels (VdB) re 1 micro-inch/second

12.2.3 Construction Vibration Mitigation
After using the above methods to locate potential human impacts or building damage from construction vibrations, the next step is to identify control measures. Similar to the approach for construction noise, mitigation of construction vibration requires consideration of equipment location and processes, as follows:

1. **Design considerations and project layout:**

   - Route heavily-loaded trucks away from residential streets, if possible. Select streets with fewest homes if no alternatives are available.
   - Operate earth-moving equipment on the construction lot as far away from vibration-sensitive sites as possible.
12.2.2 Vibration Source Levels from Construction Equipment

Ground-borne vibration related to human annoyance is generally related to root mean square (rms) velocity levels expressed in VdB. However, a major concern with regard to construction vibration is building damage. Consequently, construction vibration is generally assessed in terms of peak particle velocity (PPV), as defined in Chapter 7.1.2. The relationship of PPV to rms velocity is expressed in terms of the "crest factor," defined as the ratio of the PPV amplitude to the rms amplitude. Peak particle velocity is typically a factor of 1.7 to 6 times greater than rms vibration velocity.

Various types of construction equipment have been measured under a wide variety of construction activities with an average of source levels reported in terms of velocity as shown in Table 12-2. In this table, a crest factor of 4 (representing a PPV-rms difference of 12 VdB) has been used to calculate the approximate rms vibration velocity levels from the PPV values. Although the table gives one level for each piece of equipment, it should be noted that there is a considerable variation in reported ground vibration levels from construction activities. The data provide a reasonable estimate for a wide range of soil conditions.

<table>
<thead>
<tr>
<th>Equipment</th>
<th>PPV at 25 ft (in/sec)</th>
<th>Approximate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pile Driver (impact)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>upper range</td>
<td>1.518</td>
<td>112</td>
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<tr>
<td>typical</td>
<td>0.644</td>
<td>104</td>
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<tr>
<td>Pile Driver (sonic)</td>
<td></td>
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<tr>
<td>upper range</td>
<td>0.734</td>
<td>105</td>
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<tr>
<td>typical</td>
<td>0.170</td>
<td>93</td>
</tr>
<tr>
<td>Clam shovel drop (slurry wall)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.202</td>
<td>94</td>
</tr>
<tr>
<td>Hydromill (slurry wall)</td>
<td></td>
<td></td>
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<tr>
<td>in soil</td>
<td>0.008</td>
<td>66</td>
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<tr>
<td>in rock</td>
<td>0.017</td>
<td>75</td>
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<td>Calisson drilling</td>
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<td></td>
<td>0.089</td>
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<tr>
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<td></td>
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<td></td>
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* RMS velocity in decibels (VdB) re 1 micro-inch/second
3.8 **Benching**

Where fills are to be placed on ground with slopes steeper than 5:1 (horizontal : vertical), the ground shall be stepped or benched. The lowest bench shall be a minimum of 15 feet wide, shall be at least 2 feet deep, shall expose firm materials, and shall be approved by the consultant. Other benches shall be excavated in firm materials for a minimum width of 4 feet. Ground sloping flatter than 5:1 (horizontal : vertical) shall be benched or otherwise excavated when considered necessary by the consultant.

3.7 **Approval**

All areas to receive fill, including processed areas, removal areas and toe-of-fill benches shall be approved by the consultant prior to fill placement.

4.0 **FILL MATERIAL**

4.1 **General**

Material to be placed as fill shall be free of organic matter and other deleterious substances, and shall be approved by the consultant. Soils of poor gradation, expansion, or strength characteristics shall be placed in areas designated by consultant or shall be mixed with other soils to serve as satisfactory fill material.

4.2 **Oversize**

Oversize materials defined as rock, or other irreducible material with maximum dimension greater than 12 inches, shall not be buried or placed in fills, unless the location, materials, and disposal methods are specifically approved by the consultant. Overseize disposal operations shall be such that nesting of oversize material does not occur, and such that the oversize material is completely surrounded by compacted or densified fill. Oversize material shall not be placed within 10 feet vertically of finish grade or within the range of future utilities or underground construction, unless specifically approved by the consultant.

4.3 **Import**

If importing of fill material is required for grading, the import material shall meet the requirements of Section 4.1.

5.0 **FILL PLACEMENT and COMPACTION**

5.1 **Fill Lifts**

Approved fill material shall be placed in areas prepared to receive fill in near-horizontal layers not exceeding 6 inches in compacted thickness. The consultant may approve thicker lifts if testing indicates the grading procedures are such that adequate compaction is being achieved with lifts of greater thickness. Each layer shall be spread evenly and shall be thoroughly mixed during spreading to attain uniformity of material and moisture in each layer.

5.2 **Fill Moisture**

Fill layers at a moisture content less than optimum shall be watered and mixed, and wet fill layers shall be aerated by scarification or shall be blended with drier material. Moisture conditioning and mixing of fill layers shall continue until the fill material is at a uniform moisture content at or near optimum.

5.3 **Compaction of Fill**

After each layer has been evenly spread, moisture-conditioned, and mixed, it shall be uniformly compacted to not less than 90 percent of maximum dry density. Compaction equipment shall be adequately sized and shall be either specifically designed for soil compaction or of proven reliability, to efficiently achieve the specified degree of compaction.

---

_Soil Exploration Co., Inc._

_Appendix E-2_
12.2.2 Vibration Source Levels from Construction Equipment

Ground-borne vibration related to human annoyance is generally related to root mean square (rms) velocity levels expressed in VdB. However, a major concern with regard to construction vibration is building damage. Consequently, construction vibration is generally assessed in terms of peak particle velocity (PPV), as defined in Chapter 7.1.2. The relationship of PPV to rms velocity is expressed in terms of the “crest factor,” defined as the ratio of the PPV amplitude to the rms amplitude. Peak particle velocity is typically a factor of 1.7 to 6 times greater than rms vibration velocity.

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* RMS velocity in decibels (VdB) re 1 micro-inch/second
12.2.2 Construction Vibration Criteria

For evaluating potential annoyance or interference with vibration-sensitive activities due to construction vibration, the criteria for General Assessment in Chapter 8 can be applied. In most cases, however, the primary concern regarding construction vibration relates to potential damage effects. Guideline vibration damage criteria are given in Table 12.3 for various structural categories. In this table, a crest factor of 4 (representing a PPV-rms difference of 12 VdB) has been used to calculate the approximate rms vibration velocity limits from the PPV limits. These limits should be viewed as criteria that should be used during the environmental impact assessment phase to identify problem locations that must be addressed during final design.

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12.2.3 Construction Vibration Mitigation

After using the above methods to locate potential human impacts or building damage from construction vibrations, the next step is to identify control measures. Similar to the approach for construction noise, mitigation of construction vibration requires consideration of equipment location and processes, as follows:

1. **Design considerations and project layout:**
   - Route heavily-loaded trucks away from residential streets, if possible. Select streets with fewest homes if no alternatives are available.
   - Operate earth-moving equipment on the construction lot as far away from vibration-sensitive sites as possible.
TO: Planning Commission  
FROM: Planning Department Staff  
DATE: March 28, 2019

SUBJECT: Response to comments from Mr. Brent Bumpus, 882 North Allen Street, Banning, CA 9220 regarding the Hanna 96 Apartment Project.

It is encouraging to know we have local citizens that participate in the entitlement process by providing comments for or against proposed projects. Mr. Bumpus has expressed concerns with the project as proposed and provided comments in the form of a letter dated March 18, 2019, that are listed below along with Staff’s response to these comments.

1. Biological, Environmental Study, page 19, item 4.e). No evidence of Burrowing Owls due to on-site Grading. Grading was done with or without City approval. He suggests that the property be left undisturbed for 10-years to allow vegetation growth and allow animals to return.

   a. Response; item 4.e) of the Initial Study states, “Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?” The following is an excerpt taken from the Initial Study.

4. e) No Impact. Currently, the City of Banning does not have a tree preservation policy or ordinance in place. However, the Project Site would be landscaped in accordance with approved drought tolerant trees, shrubs and groundcover in accordance with Banning Municipal Code Section 17.32 (Landscaping Standards). Therefore, conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance would not result. Consequently, no impacts are anticipated, and no mitigation measures are necessary.

Mr. Bumpus may have quoted the wrong section of the Biological Assessment. The letter describes vegetation removal and the removal of all plant and wildlife.

However, a comprehensive Biological Assessment was performed by qualified Biologist who determined that there was suitable habitat for burrowing owls and mitigation measures are imposed to mitigate the possibility of burrowing owls and nesting birds. See excerpts from the initial study regarding mitigation measures.

BIO – 1 Due to the presence of suitable habitat and burrows found onsite during the burrowing owl habitat assessment survey, a burrowing owl focused
survey will need to be conducted during the breeding season, March 1 – August 31, per the MSHCP Burrowing Owl Survey Guidelines (revised March 29, 2006). To avoid potential effects to the burrowing owl, an additional pre-construction survey is required for the burrowing owl within 30 days prior to start of grading/construction activities to determine if the burrowing owl has subsequently occupied the development area.

**BIO – 2**

To avoid potential effects to nesting migratory birds and raptors protected by the California Fish and Game Code, vegetation – clearing and preliminary ground – disturbance work should be completed outside of bird breeding season (typically February 15 through August 31). If these construction activities cannot be scheduled to avoid the bird breeding season, a pre-construction nesting bird survey should be conducted within 3 days prior to project construction ground disturbing activities to avoid effects to birds protected under the California Fish and Game Code.

As stated above, mitigation for the only species of concern are listed in the Initial Study, no further mitigation is required.

In response to the grading performed prior to the survey; It is typical for property owners to periodically clear their land to avoid trash buildup and fires. Fire fuel mitigation, including vegetation removal, clearing, grubbing, and reduction of brush are authorized by the City Municipal Code without the issuance of a Grading Permit. Upon review the correspondence, referenced herein, the Department of Public Works determined the clearing of land to be exempt from Grading Permits under, Banning Municipal Code Section18.03.040 H and I (attached to this letter).

The property is being developed in accordance with the due process requirements set forth in the City’s Municipal Code and General Plan.

2. Aesthetics, Environmental Study page 7. Mr. Bumpus states that the home owners on North Allen Street have a beautiful scenic vista to the east which will be blocked by an 8-foot high block wall, a sea of carport roofs and massive 30-foot high apartment buildings. He suggests that the project reduce the number of carports required or re-design the project to be only single story in height or single family homes per existing zoning.

   a. Response, item 1. a) of the Initial Study states, “Would the project have a substantial effect on a scenic vista?” The following is an excerpt from the Initial Study.

1. a) No Impact. According to the City’s General Plan, the Project Site is not within a scenic vista/scenic highway view corridor. Nearby streets include East Hoffer Street, and North Hathaway Street. Neither of these is designated as a scenic route in the General Plan. There are no scenic vistas that would be impacted by the Proposed Project, and therefore no impacts would result.

The property owner’s view is current obstructed through the construction of an approximately 10-foot tall garage and an approximately 8-foot tall shed in his back yard that eliminates his view eastward.
The suggestion, to reduce the number of carports will conflict with the parking requirements of the Banning Municipal Code. Furthermore, a Development Code amendment (Title 17) to change which would allow all future development to have fewer cover parking spaces.

In addition, the suggestion to reduce the structures to single-story is possible if the applicant were open to reducing the amount of units from 96 to 48, which conflicts with the preferred project design.

The suggestion to only allow single family homes will not alleviate a single-family residential (SFR) subdivision from constructing either a perimeter fence/block wall or combination of both types of structures. Pursuant to the Banning Municipal Code, single-family subdivisions require the installation of a six-foot tall block wall around the perimeter. The single-family homes could be two-story at a maximum height of 35 feet and the property will likely require grading and a 2 to 3-foot-high retaining wall, in addition to a 6-foot high privacy wall/fence.

3. Noise, page 44 of Initial Study, item 12. d). Mr. Bumpus states that trash enclosures will be within 100-feet of his bedroom and there will be considerable noise during trash pickup.

   a. Response; The trash enclosures are within 120-feet of subject property and also located behind a 6-foot tall block wall. The aforementioned wall is required pursuant to the Noise Impact Report (e.g., “Sound Study”) required as part of the environmental (CEQA) review and implemented through Conditions of Approval (COA). In addition, the collection of municipal solid waste, green waste, and recycling is a statutory requirement, prescribed by state law. The City could be in violation of state law for not requiring waste disposal. Mitigation is proposed for the project and will be addressed again in item 4. below.

4. Noise and Vibration Impact Analysis, Short term construction vibration, page 44 of Initial Study, item 12. b). The adjacent property owner is concerned with noise and vibration produced from construction equipment, particularly compaction equipment. He states that the current property is constituted of unreinforced masonry structure and potential vibration could impact the dwelling. The property owner also stated that compaction equipment will be within 40-feet of his house. The property suggested that no equipment be used that could produce increased ground vibration, including but not limited to the prohibition of prohibit large bulldozers, scrapers and/or rock crushing equipment, as approved by the Department of Building & Safety. The property is requesting an alarm type of system to be installed, alerting of construction equipment that is approaching. Additionally, the property owner requests to be added as additionally insured by the contractor to be insured to cover any loss from construction and compaction activities.

   a. Item 12. b) states, “would the project result in exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?”

     i. A Noise and Vibration Impact Analysis was performed by LSA who will be providing a response to property owner’s comment letter prior to the April 3, 2019 Planning Commission meeting.
See Response to Comments, prepared by LSA.

5. Comments on Zone Change; It’s not fair to adjoining property owners to change this zoning from LDR to HDR. These apartments will probably be low income Section 8 housing. The existing zoning would allow for maybe 10 single-family homes. 96 apartments could easily mean 300 people will be lining yards away from me, which will decrease my property value. It will forever take away from the peaceful rural nature of our neighborhood that I moved here for. Leave the existing zoning as it is and decline the zone change.

   a. The apartments are anticipated to rent for the established market rate, determined at the time of certificate of occupancy. The project has not requested, nor informed City staff, that any type of housing subsidy and/or reduction from market rate rents is proposed. The existing zoning will allow for 35 (5 DU/AC X 7.08-acres = 35) single-family homes. Banning’s average household population calculation is 2.7 persons per home (96 X 2.7 = 259) and most of the larger families live in single-family homes not apartments. The impact of either a reduction or increase to the value of residential homes, within the area immediately surrounding the proposed project is not an analysis that can be conducted until the project is completed; however, no conclusive evidence details that rental properties have a significant impact upon single family property values.

6. Comments on Design Review; The proposed site plan shows contempt for the residents to the west of the project with tall block walls, boring industrial flat roofed carports and garbage dumpsters. The easement to the west will probably not be maintained. The tall block wall will invite graffiti. The tall block wall will block access to the overhead electrical wires.

   a. The project will be a new development, with new decorative block walls, roofs, structures and landscaping. There will be no development in the easement that is maintained by the City. Graffiti is conditioned to be removed within 24 hours. The easement is for access to the overhead wires.
CITY OF BANNING
Planning Commission Report

TO: Planning Commission

FROM: Adam Rush, Community Development Director

PREPARED BY: Adam B. Rush, AICP, Community Development Director

MEETING DATE: April 3, 2019

SUBJECT: ZONING TEXT AMENDMENT 19-97502 AMENDING CHAPTER 17.12 “COMMERCIAL AND INDUSTRIAL DISTRICTS” AND 17.36 “SIGN REGULATIONS” OF TITLE 17 “ZONING” OF THE BANNING MUNICIPAL CODE TO AUTHORIZE DIGITAL ADVERTISING DISPLAYS IN THE DOWNTOWN COMMERCIAL DISTRICT, SUBJECT TO A CONDITIONAL USE PERMIT.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution 2019-07:

1. Making a determination under CEQA Guidelines Section 15060(c)(3) that the Zoning Text Amendments are not subject to CEQA because the amendments are not a “project” as defined by the CEQA Guidelines Section 15378.

2. Recommending that the City Council approve Zoning Text Amendment 19-97502 to amend Chapter 17.12 and 17.36 of the Municipal Code to authorize digital advertising displays in the downtown commercial district, subject to a conditional use permit.

APPLICANT INFORMATION:

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

The City of Banning Zoning Districts includes a Downtown Commercial District, which is the core retail and small business center of the community. The City’s downtown is unique in that most suburban communities lack a traditional retail core. A successful downtown promotes a walkable, vibrant, and compact commercial “hub” that provides for a wide range of retail shops, stores, sundries, events, activities, dining, commonly needed services and more importantly an active and safe nightlife.

The City of Banning is currently engaged in a multi-year program to revitalize the City’s downtown core traditionally bounded by 8th Street to the west and East Ramsey to the east, Hays Street to the north, and the Interstate 10 freeway completing the entire southern boundary. On March 26th, the City Council appointed Councilmember Wallace, to join Mayor Pro-Tem Andrade, in serving on the Downtown Ad Hoc Committee. This fills the position vacated by former councilmember Debbie Franklin in 2018. This Zoning Text Amendment is one aspect, of a focused strategic planning effort, to promote the City’s downtown community through advertising, business attraction and retention, and ultimate community engagement within the City’s unique downtown atmosphere.

PROPOSAL / ANALYSIS:

As Zoning Code Amendments fall within the purview of the Planning Commission, a recommendation from the Planning Commission is sought regarding the proposed Zoning Code Amendment. After receiving the Planning Commission’s recommendation, the City Council will make a final determination on the proposed amendments to Chapter 17.12 and 17.36 of the Municipal Code.

The proposed amendment, if adopted by the City Council, will authorize electronic outdoor advertising signs, to be located within the downtown commercial district, subject to a Conditional Use Permit (CUP) and a development agreement or lease agreement, as determined by the City Council. The design standards set forth a maximum height limitation of 30-feet and a maximum “face” area of the sign at a maximum 200-square feet. The sign cannot encroach or impede on any public roadway, freeway, or other publicly owned and maintained right-of-way. Digital advertising displays shall contain automatic dimmers that maintain a maximum luminance of 7,500 units during the daylight hours, and 500 units from dusk (official sunset) to sunrise and during times of fog (One unit is equivalent to one candela per square meter). Additional development standards shall apply to ensure the sign is compatible with the surrounding environment and does not present an impact to adjacent business interests.

ENVIRONMENTAL DETERMINATION:

A. California Environmental Quality Act (CEQA)

City staff has determined that the proposed Zoning Text Amendment is not subject to the California Environmental Quality Act (“CEQA”) pursuant to the State CEQA Guidelines Section 15060(c)(3) because it is not a project as defined by the CEQA
Guidelines Section 15378. Section 15378 states that a Project is exempt if it involves an activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies. The Zoning Text Amendment will authorize signs within the downtown commercial district, in which the City of Banning owns property and subsequently has the ability to utilize city-owned property for the purposes of economic development. In addition, adoption of the Zoning Text Amendment does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Further projects subject to the proposed Zoning Text Amendment will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA and the City of Banning Municipal Code.

B. Multiple Species Habitat Conservation Plan (MSHCP)

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

ADDITIONAL REQUIRED FINDINGS

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zoning Text Amendments meet certain findings prior to the approval by the City Council. The following findings are provided in support of the approval of the Zoning Text Amendment No. 97502.

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

Findings of Fact: Proposed Zone Text Amendment No. 97502 is consistent with the goals and policies of the General Plan.

Policy 4, Program 4.B

Policy 4 requires the City to develop advertising and publicity programs for recreational programs and events to encourage participation.

Policy 6

Policy 6 states that the City shall develop and implement a community identification program, including monument signage, directional signs, etc. which provide attractive entry statements for the City, and which direct visitors to local points of interest.
Land Use Element:

Commercial Goal

Complementary commercial uses which meet the needs of the City's residents, increase the City's revenues, and provide a range of employment opportunities.

Industrial Goal

A balanced mix of non-polluting industrial land uses which provide local jobs for the City's residents.

Policy 4

The Zoning Ordinance shall include principles, design standards and guidelines, based on the Downtown Design Charrette, which provide for high quality, pedestrian oriented retail development in the Downtown Commercial zoning designation.

Pursuant to the City's General Plan – Land Use Element, Vision Statement, the City has identified the opportunity for development and redevelopment of the Ramsey Street corridor for mixed-use/commercial development in conjunction with programs available through the Redevelopment Agency. Commercial and industrial development will also be focused on the north side of Lincoln Street, adjacent to the Interstate 10 and railroad rights of way. The incorporation, of additional commercial messaging capabilities, will serve to enhance and prompt these two general plan goals and programs.

Economic Development Element:

Goal

A balanced, broadly-based economy that provides a full range of economic and employment opportunities, while maintaining high standards of development and environmental protection.

Policy 2

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.
Program 2.B

The City shall aggressively pursue retail commercial developments which reduce the current retail sales leakage. The Banning Chamber of Commerce is partially responsible for implementation of this program. As such, the Chamber currently holds a 5-year license agreement with the City, to promote, market, and advertise business retention and attraction within the City. In addition, the Chamber is a not-for-profit organization and will be able to incorporate messaging opportunities within new electronic signs, which implements this General Plan Program.

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

Findings of Fact: Proposed Zone Text Amendment No. 97502 is consistent with the purpose and objective of the Zoning Ordinance to ensure orderly development of uses and lands within the City to protect the public health, safety, and welfare. Chapters 17.12 and 17.36 of the Municipal Code authorizes the City to issue conditional use permits to freeway oriented electronic signs, along with the incorporation of a City logo and also subject to a lease or development agreement, subject to City Council discretion. The proposed amendment will add signage of lesser size and intensity, within the Downtown Commercial District, in addition to the current authorization in both the commercial and industrial districts. The proposed zoning text amendment will protect the public health, safety, and welfare of the residents of the City by reasonably regulating the time, place, and manner of commercial signage and does not reasonably interfere with the subject matter being advertised.

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

Findings of Fact: In accordance with the requirements of the California Environmental Quality Act ("CEQA"), the City Council finds and determines that this Ordinance is not subject to CEQA pursuant to the State CEQA Guidelines Section 15060(c)(3), because it is not a project as defined by the CEQA Guidelines Section 15378. Adoption of this Ordinance does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Further projects subject to this Ordinance will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA.

The Planning Commission has analyzed proposed Zone Text Amendment No. 19-97502 and has determined that, pursuant to
California Business and Professions Code Section 26055(h), CEQA “does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity”, provided that said law, ordinance, rule, or regulations shall include any applicable environmental review pursuant to Division 13 of the Public Resources Code. Pursuant to that exemption, Chapter 17.12 and 17.36 of the Banning Municipal Code provides that applications for digital advertising displays require the approval of a conditional use permits, which are subject to any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. Additionally, the digital advertising displays require conditional use permits, which are subject to discretionary review by both the Planning Commission and the City Council.

PUBLIC COMMUNICATION:

This hearing was advertised in the Record Gazette newspaper on March 22, 2019, and notices were mailed to all property owners within the Downtown Commercial District of the City and within a 300-foot radius of the Downtown Commercial District in compliance with the City’s noticing requirements for public hearings.

PREPARED BY:

[Signature]
Adam B. Rush, AICP
Community Development Director

PC Attachments:

1. Site Map
2. PC Resolution No. 2019-07
3. Draft City Council Ordinance (19-97502)
4. Public Hearing Notice (PHN)
ATTACHMENT 1

Site Map
RESOLUTION 2019-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING ADOPTION OF ZONING TEXT AMENDMENT 19-97502 AMENDING CHAPTER 17.12 "COMMERCIAL AND INDUSTRIAL DISTRICTS" AND 17.36 "SIGN REGULATIONS" OF TITLE 17 "ZONING" OF THE BANNING MUNICIPAL CODE TO AUTHORIZE DIGITAL ADVERTISING DISPLAYS IN THE DOWNTOWN COMMERCIAL DISTRICT, SUBJECT TO A CONDITIONAL USE PERMIT.

WHEREAS, the City of Banning has initiated a Zoning Text Amendment in to Chapters 17.12 and 17.36, sign regulations, to authorize Digital Advertising Displays in the Downtown Commercial District, subject to a Conditional Use Permit.

WHEREAS, the City of Banning is located at the following address:

Project Location: 99 Ramsey Street
APN Information: 541-143-010
Project Applicant: City of Banning
99 Ramsey Street
Banning, CA, 92220
Property Owner: City of Banning
99 Ramsey Street
Banning, CA, 92220

WHEREAS, the Planning Commission has the authority per Chapter 17.116 of the Banning Municipal Code to take action on proposed zoning text amendment to modify Chapters 17.12 and 17.53 to authorize Digital Advertising Displays within the Downtown Commercial District (17.12.020) and establish development standards pursuant to Section 17.36.110(B)(6).

WHEREAS, on March 22, 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 public hearing notices to property owners within the Downtown Commercial District and also within 300-feet of the aforementioned Zoning District of the holding of a public hearing at which proposed Zoning Text Amendment No. 19-97502 would be considered;

WHEREAS, on April 3, 2019, the Planning Commission held a duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to proposed Zoning Text Amendment No. 19-97502; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed proposed Zoning Text Amendment No. 19-97502 and determined that pursuant to CEQA Guidelines Section 15060(c)(3), that the Zoning Text
Amendments are not subject to CEQA because the amendments are not a “project” as defined by the CEQA Guidelines Section 15378.

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

SECTION 1. ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

The Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA and the State CEQA Guidelines. The project qualifies under CEQA Guidelines Section 15060(c)(3) that the Zoning Text Amendments are not subject to CEQA because the amendments are not a “project” as defined by the CEQA Guidelines Section 15378.

Multiple Species Habitat Conservation Plan (MSHCP).

The Planning Commission has determined that the project is not subject to MSHCP as the amendment to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP. Further, projects that may be subject to the proposed Zoning Text Amendment will not require an individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

SECTION 2: REQUIRED FINDINGS FOR ZONING TEXT AMENDMENT NO. 19-97502:

Section 17.116.030 of the Banning Municipal Code provides that the Planning Commission the Planning Commission shall make a written recommendation on the proposed amendment whether to approve, approve in modified form, or disapprove based upon their findings.

Commission action recommending that the proposed Zoning Ordinance Amendment be approved, approved in modified form, or denied shall be considered by the City Council following the Planning Commission action. A copy of the Planning Commission’s recommendation to approve, or approve in modified form, shall be forwarded to the City Council.

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

Findings of Fact: Proposed Zone Text Amendment No. 97502 is consistent with the goals and policies of the General Plan.

Policy 4. Program 4.B

Policy 4 requires the City to develop advertising and publicity programs for recreational programs and events to encourage participation.
Policy 6

Policy 6 states that the City shall develop and implement a community identification program, including monument signage, directional signs, etc. which provide attractive entry statements for the City, and which direct visitors to local points of interest.

Land Use Element:

Commercial Goal

Complementary commercial uses which meet the needs of the City’s residents, increase the City’s revenues, and provide a range of employment opportunities.

Industrial Goal

A balanced mix of non-polluting industrial land uses which provide local jobs for the City’s residents.

Policy 4

The Zoning Ordinance shall include principles, design standards and guidelines, based on the Downtown Design Charrette, which provide for high quality, pedestrian oriented retail development in the Downtown Commercial zoning designation.

Pursuant to the City’s General Plan – Land Use Element, Vision Statement, the City has identified the opportunity for development and redevelopment of the Ramsey Street corridor for mixed-use/commercial development in conjunction with programs available through the Redevelopment Agency. Commercial and industrial development will also be focused on the north side of Lincoln Street, adjacent to the Interstate 10 and railroad rights of way. The incorporation, of additional commercial messaging capabilities, will serve to enhance and prompt these two general plan goals and programs.

Economic Development Element:

Goal

A balanced, broadly-based economy that provides a full range of economic and employment opportunities, while maintaining high standards of development and environmental protection.

Policy 2

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.
Program 2.B

The City shall aggressively pursue retail commercial developments which reduce the current retail sales leakage. The Banning Chamber of Commerce is partially responsible for implementation of this program. As such, the Chamber currently holds a 5-year license agreement with the City, to promote, market, and advertise business retention and attraction within the City. In addition, the Chamber is a not-for-profit organization and will be able to incorporate messaging opportunities within new electronic signs, which implements this General Plan Program.

B. Finding: The proposed Amendment is internally consistent with the Zoning Ordinance.

Findings of Fact: Proposed Zone Text Amendment No. 19-97502 is consistent with the purpose and objective of the Zoning Ordinance to ensure orderly development of uses and lands within the City to protect the public health, safety, and welfare. Chapters 17.12 and 17.36 of the Municipal Code authorizes the City to issue conditional use permits to freeway oriented electronic signs, along with the incorporation of a City logo and also subject to a lease or development agreement, subject to City Council discretion. The proposed amendment will add signage of lesser size and intensity, within the Downtown Commercial District, in addition to the current authorization in both the commercial and industrial districts. The proposed zoning text amendment will protect the public health, safety, and welfare of the residents of the City by reasonably regulating the time, place, and manner of commercial signage and does not reasonably interfere with the subject matter being advertised.

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

Findings of Fact: In accordance with the requirements of the California Environmental Quality Act ("CEQA"), the City Council finds and determines that this Ordinance is not subject to CEQA pursuant to the State CEQA Guidelines Section 15060(c)(3), because it is not a project as defined by the CEQA Guidelines Section 15378. Adoption of this Ordinance does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Further projects subject to this Ordinance will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA.

The Planning Commission has analyzed proposed Zone Text Amendment No. 97502 and has determined that, pursuant to California Business and Professions Code Section 26055(h), CEQA “does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity”, provided that said law, ordinance, rule, or regulations shall include any applicable environmental review pursuant to Division 13 of the Public Resources Code. Pursuant to that exemption, Chapter 17.12 and 17.36 of the Banning Municipal Code provides that applications for digital
advertising displays require the approval of a conditional use permits, which are subject to any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. Additionally, the electronic outdoor advertising signs require conditional use permits, which are subject to discretionary review by both the Planning Commission and the City Council.

SECTION 3. PLANNING COMMISSION ACTION:

Based on the findings specified above, and all other evidence in the record, the Planning Commission hereby makes a determination under CEQA Guidelines Section 15060(c)(3) that the Zoning Text Amendments are not subject to CEQA because the amendments are not a "project" as defined by the CEQA Guidelines Section 15378 and recommends that the City Council approve Zoning Text Amendment 19-97502 to amend Chapter 17.12 and 17.36 of the Municipal Code to authorize digital advertising displays in the downtown commercial district, subject to a conditional use permit.

PASSED, APPROVED, AND ADOPTED this 3rd day of April, 2019.

_________________________________
Eric Shaw, Planning Commission Chair
City of 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 2019-07, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 3rd day of April, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
ATTACHMENT 3
Zoning Text Amendment No. 19-97502
ZONING TEXT AMENDMENT 19-97502 AMENDING CHAPTER 17.12 "COMMERCIAL AND INDUSTRIAL DISTRICTS" AND 17.36 "SIGN REGULATIONS" OF TITLE 17 "ZONING" OF THE BANNING MUNICIPAL CODE TO AUTHORIZE DIGITAL ADVERTISING DISPLAYS IN THE DOWNTOWN COMMERCIAL DISTRICT, SUBJECT TO A CONDITIONAL USE PERMIT.

Chapter 17.12.020 – Permitted, Conditional, and Prohibited Commercial and Industrial Uses

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Chapter 17.36 - SIGN REGULATIONS

17.36.010 - Purpose.

The purpose of this chapter is to establish sign regulations that are intended to:

A. Limit and control the location, size, type and number of signs allowed in the City of Banning.

B. To provide for a more orderly display of advertising devices, while implementing community design standards with respect to character, quality of materials, color, illumination and maintenance, which are consistent with the City's General Plan.

C. To bring these advertising devices into harmony with the buildings, with the neighborhood, with the natural environment, and with other signs in the area.

D. To preserve and improve the appearance of the City as a place in which to live and work, and as an attraction to nonresidents who come to visit or trade.

E. To encourage sound signage practices as an aid to business and for the information of the public, while preventing excessive and confusing sign displays.

F. To reduce hazards to motorists, bicyclists and pedestrians.

G. And to promote the public health, safety, viewsheds, aesthetic values, and general welfare of the community by regulating and controlling all matters relating to signs.

(Zoning Ord. dated 1/31/06, § 9109.01.)

17.36.020 - Applicability.

A. This chapter shall apply to all signage proposed within the community. No signs shall be erected or maintained in any land use district established by this Zoning
Ordinance, except those signs specifically enumerated in this chapter. The number and area of signs as outlined in this chapter are intended to be maximum standards.

B. In addition to the standards set forth herein, consideration shall be given to a sign’s relationship to the need that it serves, and the overall appearance of the subject property as well as the surrounding community. Compatible design, simplicity, and sign effectiveness are to be used in establishing guidelines for sign approval.

(Zoning Ord. dated 1/31/06, § 9109.02.)

17.36.030 - Definitions.

Abandoned Sign. Any display remaining in place or not maintained for a period of one hundred twenty days or more which no longer advertises or identifies an on-going business, product, or service available on the business premises where the display is located.

Address Sign. The numeric reference of a structure or use to a street, included as part of a wall or monument sign.

A-Frame Sign. A free standing sign usually hinged at the top, or attached in a similar manner, and widening at the bottom to form a shape similar to the letter "A". Such signs are usually designed to be auxiliary portable commercial signage; hence they are not considered permanent signs.

Anchor Tenant. A shopping center key tenant, usually the largest or one of the largest tenants located within the shopping center, which serves to attract customers to the center through its size, product line, name, and reputation.

Animated Sign. A sign with action or motion, flashing or color changes, requiring electrical energy, electronic or manufactured sources of supply, but not including wind actuated elements such as flags or banners. Said definition shall not include displays such as time and temperature, revolving, changeable copy or public information centers.

Announcement or Bulletin Board Signs. Signs permanent in character designed to accept changeable copy, handbills, posters and matters of a similar nature.

Area of Sign. The area of a sign shall be the entire area including any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character excluding architectural features or design. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area within parallelograms, triangles or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, triangles or circles. The area computed shall be the maximum portion or portions which may be viewed from any one direction.

Awning, Canopy, or Marquee Sign. A nonelectric sign that is printed on, painted on, or attached to an awning, canopy, or marquee and is only permitted on the vertical surface or flap.

Banner. A temporary display such as used to announce open houses, grand openings or special announcements. Often made of cloth, bunting, plastic, paper, or similar material.

Bench Sign. Copy painted on any portion of a bus stop or other bench.

Billboard. See outdoor advertising sign [structure].

Building Face and/or Frontage. The length of the single front building elevation in which the primary entrance to the business is located. If more than one business is located in a single
building, then such length shall be limited to that portion which is occupied by each individual business.

**Canopy Sign.** Shall mean a sign attached to either the underside of the canopy, or marquee, or directly to the canopy itself.

**Changeable Copy Sign.** A sign designed to allow the changing of copy through manual, mechanical, or electrical means.

**City Identification Sign.** A freeway-oriented pylon sign that prominently displays the name of the City of Banning and that may also include within the pylon sign a billboard, outdoor advertising structure, or an electronic message center.

**Civic Event Sign.** A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

**Commercial Seasonal Sign.** An "open" or "closed" window sign, posted on a seasonal basis.

**Contractor's Sign/Construction Sign.** A temporary sign erected on the parcel on which construction is taking place, limited to the duration of the construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owner, financial supporters, sponsors, and similar individuals or firms having a major role or interest with respect to the structure or project.

**Digital Advertising Displays.** See Electronic Message Center [structure].

**Directional Sign.** Signs limited to on-premises directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance", or "exit".

**Directory Sign.** A sign for listing the tenants or occupants and their suite numbers of a building or center.

**Double-faced Sign.** A single structure designed with the intent of providing copy on both sides.

**Eave-line.** The bottom of the roof eave or parapet.

**Election Sign.** A temporary sign related to or directly associated with a national, state, county or local election or referendum.

**Electronic Message Center.** A sign having the capability of presenting variable advertising message displays by projecting an electronically controlled light pattern against a contrasting background, and which can be programmed to change such message display periodically. An electronic message center is neither an animated sign nor a simulated motion sign.

**Flags and pennants.** Shall mean devices generally made of flexible materials, usually cloth, paper or plastic, and displayed on strings. They may or may not contain copy. This definition shall not include the flag of the United States or of any state.

**Flags of the State and Nation.** A flag of the United States or the State of California.

**Flashing Sign.** A sign that contains an intermittent or sequential flashing light source.

**Freestanding Sign.** A sign which is supported by one or more uprights, braces, poles, or other similar structural components that is not attached to a building or buildings. Flagpoles are not included in this definition.

**Freeway.** A highway in respect to which the owners of abutting land have no right or easement of access or in respect to which such owners have only limited or restricted right or easement of
access, and which is declared to be such in compliance with the Streets and Highways Code of
the State of California.

Future Tenant Identification Sign. A temporary sign which identifies a future use of a site or
building.

Grand Opening. A promotional activity not exceeding thirty calendar days used by newly
established businesses, within two months after occupancy, to inform the public of their location
and service available to the community. Grand Opening does not mean an annual or occasional
promotion of retail sales or activity by a business.

Ground Sign. A display attached to the ground, within an architecturally planned wall or
structure, and not over eight feet in height.

Height of Sign. The greatest vertical distance measured from the existing grade at the mid-
point of the sign support(s) that intersect the ground to the highest element of the sign.

Holiday Decoration Sign. Temporary signs, in the nature of decorations, clearly incidental to
and customarily associated with holidays.

Identification Sign. A sign attached to the building and displaying only the name, type of
business, and/or logo in combination, identifying a particular business establishment.

Illegal Sign. Any of the following: A sign erected without first complying with all ordinances and
regulations in effect at the time of its construction and erection or use; a sign that was legally
erected, but whose use has ceased, or the structure upon which the display is placed has been
abandoned by its owner, not maintained, or not used to identify or advertise an ongoing
business for a period of not less than one hundred twenty days; a sign that was legally erected
which later became nonconforming as a result of the adoption of an ordinance, the amortization
period for the display provided by the ordinance rendering the display nonconforming has
expired, and conformance has not been accomplished; a sign which is a danger to the public or
is unsafe; a sign which is a traffic hazard not created by relocation of streets or highways or by
acts of the City or County. Abandoned signs and prohibited signs are also illegal.

Illuminated Sign. A sign with an artificial light source, either internal or external, for the purpose
of lighting the sign.

Institutional Sign. A sign identifying the premises of a church, school, hospital rest home, or
similar institutional facility.

Kiosk. An off-premises sign of no more than four square feet in size, used for directing people
to the sales office or models of a residential subdivision project.

Logo. An established identifying symbol or mark associated with a business or business entity.

Lot or Street frontage. The linear front footage of a parcel of property abutting a dedicated
public street.

Logo Sign. An established trademark or symbol identifying the use of a building.

Monument Sign. An independent structure supported from grade to the bottom of the sign with
the appearance of having a solid base.

Murals. Painted wall signs which have a majority of the sign area comprised of noncommercial
content, which generally have artistic, historic or cultural themes, and which are designed and
painted (or supervised) by an artist who possesses demonstrated knowledge and expertise in
the design, materials, and execution of murals or other art. Commercial content of murals shall
be subject to all applicable sign limitations of the underlying zone district.
Non-Commercial Sign. A sign which does not promote, identify or sell a business or product.

Nonconforming Sign. A legally established sign which fails to conform to the regulations of this chapter. Otherwise conforming signs whose height exceeds the provisions of this chapter only because a special topographical circumstance results in a material impairment of the visibility of the display or the owner’s ability to adequately and effectively continue to communicate with the public through the use of the display if the sign were limited to the height allowed in this chapter shall not be considered nonconforming.

Occupyancy Frontage. Each individual tenant space within a building or group of buildings which faces upon a dedicated street or public parking area between such space and street.

Off-Site Sign. Any sign which advertises or informs in any manner businesses, services, goods, persons, or events at some location other than that upon which the sign is located. Off-premises sign, billboard, and outdoor advertising structure are equivalent terms.

Open House Sign. A temporary on-site sign posted to indicate a salesperson is available to represent the property subject to sale, lease, or rent.

Outdoor Advertising Structure (Billboard). Any sign with a commercial message, other than a directional sign, which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is located, or to which it is affixed. Commercial copy on any outdoor advertising sign may be replaced with noncommercial copy. Outdoor advertising structures/billboards shall not include subdivision or tract signs (see section 17.36.080), signage affiliated with solar powered electric vehicle charging stations, or sign installed pursuant to a city sign program.

Painted Sign. Signs painted on the exterior surface of a building or structure; however, if such signs have raised borders, letters, characters, decorations or lighting appliances, they shall be considered wall signs.

Parcel or lot of real property. A parcel or lot of real property under separate ownership from any other parcel or lot and having street or highway frontage.

Political Sign. A sign other than an election sign directly associated with an ideological, political or similar noncommercial message on a sign.

Portable Sign. A sign that is not permanently attached to the ground or a building.

Projecting Sign. Any sign which is suspended from or supported by a building or wall, and which projects eighteen inches or more outward therefrom.

Promotional Sign. A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.

Public Information Center. Any display which is characterized by changeable copy, letters or symbols.

Pylon Sign. A freestanding sign that is permanently supported by one or more uprights, braces, or poles, or other similar structural components that are architecturally compatible with the main structure of the site.

Real Estate Sign. An on-site sign pertaining to the sale or lease of the premises.

Relocated Billboard. An existing billboard that is located in the City that is relocated through a City Council approved relocation agreement, including the replacement of a static billboard face with an electronic message center. The relocated billboard is not considered a new outdoor advertising sign.
Revolving Sign. Any sign that revolves, either by wind actuation or by electrical means.

Roof Sign. A sign erected, constructed, or placed upon or over a roof of a building, including a mansard roof and which is wholly or partly supported by such buildings.

Shopping Center. A group of four or more businesses which function as an integral unit on a single parcel or group of parcels and utilize common off-street parking and access and is identified as a shopping center.

Sign. Any structure, housing, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, which is designed, constructed, created, engineered, intended, or used to advertise, or to provide data or information in the nature of advertising, for any of the following purpose: to designate, identify, or indicate the name of the business of the owner or occupant of the premises upon which the advertising display is located; or, to advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the property where the advertising display is erected. This definition shall include all parts, portions, units and materials composing same, together with illumination, frame, background, structure, support and anchorage therefor.

Sign Area. The entire face of a sign, including the surface and any framing, projections, or molding, but not including the support structure. Individual channel-type letters mounted on a building shall be measured by the area enclosed by four straight lines outlining each word or grouping of words.

Sign Program. A coordinated program of one or more signs for an individual building or building complexes with multiple tenants.

Temporary Sign. A sign intended to be displayed for a limited period of time.

Time and Temperature Sign. A sign giving the time and or temperature.

Trademark. A word or name which, with a distinctive type or letter style, is associated with a business or business entily in the conduct of business.

Tract Development Sign. A sign indicating the location of a housing tract.

Tract Directional Sign. An off-premises sign indicating direction to a tract development.

Vehicle Sign. A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or an activity or business located on such property.

Wall Sign. A sign painted on or fastened to a wall and which does not project more than twelve inches from the building or structure.

Window Sign. Any sign that is applied or attached to a window or located in such a manner that it can be seen from the exterior of the structure, on a permanent or temporary basis.

(Zoning Ord. dated 1/31/06, § 9109.03; Ord. No. 1382, § 3 (part).)

(Ord. No. 1424, § 3.1, 7-13-10; Ord. No. 1493, § 3(2), 4-12-16; Ord. No. 1530, §§ 4H, 4I, 9-25-18)

17.36.040 - Sign permit required.

A. General.
1. No sign, or temporary sign, unless exempted by this chapter, shall be constructed, displayed or altered without a sign permit or sign program approved by the city. The community development department shall review all signs unless otherwise stated.

2. Sign permits shall be reviewed and either approved or denied by the director within thirty days of submittal of a complete application. The determination of a complete application shall be in conformance with the California Permit Streamlining Act.

3. Digital Billboards (Electronic Message Center) shall be subject to a Conditional Use Permit (CUP) pursuant to chapter 17.52. The community development department shall review all signs unless otherwise stated.

4. Determination on sign permit applications are to be guided by the standards and criteria set forth in this article. An application will be approved whenever the proposed sign conforms to all design, size, height and other standards for signs subject to a permit requirement, as such requirements are set forth in this chapter.

5. The director's determination shall be provided in writing, and shall include an explanation of the reasons for approval or denial. Appeal of the director's decision shall be in conformance with chapter 17.68, hearings and appeals.

B. Sign Program. A permit for a sign program shall be required for all new commercial, office, and industrial centers consisting of three or more tenant spaces. The program shall be filed with the project application to construct the center, and shall be processed concurrently with the project application. The purpose of the program shall be to integrate signs with building and landscaping design to form a unified architectural statement. This may be achieved by:

   1. The use of the same background color, and allowing signs to be of up to three different colors per multi-tenant center.

   2. The use of the same type of cabinet supports, or method of mounting for signs, and the same type of construction material for components, such as sign copy, cabinets, returns, and supports.

   3. The use of the same form of illumination of the signs, with internally lit signs generally being preferred by the city due to the lack of overspill from such lighting.

   4. Uniform sign placement specifications, letter height, and logo height for both anchor tenants and minor tenants.

   5. Logos may be permitted and are not subject to the color restrictions specified in the program. However, no logo should exceed twenty-five percent of the allowable sign area.

(Zoning Ord. dated 1/31/06, § 9109.04.)

17.36.050 - Exempt signs.

   The following signs shall be exempt from the provisions of this chapter:

   A. Window signs not exceeding two square foot [feet] and limited to business identification, hours of operation, address, and/or emergency information. (Neon signs of any size require a permit, if allowed.)

   B. Signs within a structure and not visible from the outside.
C. Memorial signs and plaques installed by a civic organization recognized by the council, when cut in masonry or bronze tablets.

D. Official and legal notices issued by a court or governmental agency.

E. Official flags of the United States, the State of California, County of Riverside, or the City of Banning.

F. Identification signs on construction sites. Such signs shall be limited to one directory or pictorial display sign identifying all contractors and other parties (including lender, realtor, subcontractors, etc.). Each sign shall not exceed twenty square feet in area and six feet in height. Each sign shall be removed prior to issuance of a certificate of occupancy.

G. Election Signs. Election signs must comply with the following requirements:

1. Election signs shall be limited in size to the maximum allowed in the zones where located. Any freeway oriented freestanding sign shall be required to secure all applicable permits and comply with these sign regulations including section 17.36.110.

2. No election signs shall be permitted on public property or in the public right-of-way.

3. There are no pre-election restrictions limiting when elections signs may be erected, but the owner of the sign must remove the sign within seven days after the applicable election has ended.

4. For all election signs, the campaign shall be deemed the owner of the sign unless it can establish that it is not the owner of the sign. In the event the campaign establishes it is not the owner of the sign, the owner of the property on which the sign is placed, shall be deemed the owner of the sign.

5. In the event that any such sign violates the provisions of this chapter, or if it is not removed within the period provided hereunder, it shall be subject to abatement pursuant to the procedures prescribed in section 17.36.090.

6. Except as provided in this subsection, no permit shall be required for election signs.

H. Real estate signs for residential sales shall be one sign not exceeding four square feet in area and five feet in height, provided it is unlit and is removed within seven days after the close of escrow or the rental or lease has been accomplished. Open house signs, for the purpose of selling a single house or condominium and not exceeding four square feet in area and five feet in height, are permitted for directing prospective buyers to property offered for sale.

I. Real estate signs for the initial sale, rental, or lease of commercial and industrial premises: One sign not to exceed twenty square feet in area to advertise the sale, lease, or rent of the premises. No such sign shall exceed eight feet in overall height and shall be removed upon sale, lease or rental of the premises or twelve months, whichever comes first. Thereafter, one sign per premise not to exceed twelve square feet in size and five feet in height is permitted for the sale, lease or rent of the premise.

J. Future tenant identification signs: One wall or freestanding sign may be placed on vacant or developing property to advertise the future use of an approved project on the property and where information may be obtained. Such sign shall be limited to one sign, a maximum of twenty square feet in area and eight feet in overall height. Any
such signs shall be single faced and shall be removed prior to the granting of occupancy permit by the city.

K. Incidental signs for automobile repair stores, gasoline service stations, automobile dealers with service repairs, motels and hotels, showing notices of services provided or required by law, trade affiliations, credit cards accepted, and the like, attached to the structure or building; provided that all of the following conditions exist:

1. The signs number no more than three.
2. No such sign projects beyond any property line.
3. No such sign shall exceed an area per face of three square feet.
4. Signs may be double-faced.

L. Copy applied to fuel pumps or dispensers such as fuel identification, station logo, and other signs required by law.

M. Agricultural signs, either wall or freestanding types, non-illuminated, and not exceeding four square feet for lots two acres or less and ten square feet for lots greater than two acres, identifying only the agricultural products grown on the premises. The number of such signs shall be one per street frontage or a maximum of two, with wall signs to be located below the roofline and freestanding signs to be no higher than six feet.

N. Sign programs which have been approved prior to the adoption of this zoning ordinance.

O. Municipal and traffic control signs: Directional signs to aid vehicle or pedestrian traffic provided that such signs are located on-site, have a maximum area which does not exceed three square feet, have a maximum overall height of four feet above grade, and are mounted on a monument or decorative pole. Such signs may be located in a required setback provided that a minimum distance of five feet from any property line is maintained. Directional signs to the railway, the airport or the highway are among the types of signs which fall in this category.

P. Temporary window signs may be permitted on the inside of windows facing out which do not cover more than twenty-five percent of the individual window surface for a period not to exceed thirty days use during any sixty-day period. Temporary painted signs may be on the outside of the window.

Q. Historic site and historic landmark, and neighborhood signs, when designed in conformance with standards of the California Historic Commission or a similar entity.

R. Professionally made restroom, telephone and walkway signs of under one square foot.

S. Emblems or signs of a political, civic, philanthropic, educational or religious organizations, if those signs are on the premises occupied by such organizations, and do not exceed twenty-four square feet in area, or number more than one emblem or sign in total.

T. Political Signs. Political signs must comply with the following requirements:

1. Political signs shall be limited in size to the maximum allowed in the zones where located. Any freeway oriented freestanding sign shall be required to secure all applicable permits and comply with these sign regulations including section 17.36.110.

2. No political signs shall be permitted on public property or in the public right-of-way.
3. In the event that any such sign violates the provisions of this chapter, it shall be subject to abatement pursuant to the procedures prescribed in section 17.36.090.

4. Except as provided in this subsection, no permit shall be required for political signs.

(Zoning Ord. dated 1/31/06, § 9109.05.)

(Ord. No. 1424, § 3.2, 3.3, 7-13-10; Ord. No. 1487 § 3.2, 4-18-15)

17.36.060 - Prohibited signs.

The following signs are inconsistent with the sign standards set forth in this chapter, and are therefore prohibited:

A. Abandoned signs.

B. Animated, moving, flashing, blinking, reflecting, revolving, or any other similar sign, except electronic message boards.

C. All banners, flags, and pennants in the downtown commercial zoning district and located within fifty feet of a residential property.

D. Billboards or outdoor advertising structures. However, notwithstanding any other provision of this chapter, and consistent with the California Business and Professions Code Outdoor Advertising Act provisions, relocated billboards or outdoor advertising structures, including electronic message centers, may be considered and constructed as part of a relocation agreement entered into between the city and a billboard and/or property owner, and Electronic Outdoor Advertising Signs, including city identification signs, or a combination of commercial messaging and city identification signs, may be considered and constructed as part of a lease agreement, development agreement, or other agreement between the city, a sign, and property owner and subject to the requirements of section 17.36.110(B)(9) and chapter 17.52 of the Banning Municipal Code. Such agreements may be approved by resolution of the City Council upon terms that are agreeable to the City, pursuant to administrative guidelines, as adopted by the City Council resolution. The execution of a relocation, lease agreement, development agreement, or other agreement shall not operate to change the status of any billboard as a nonconforming use for the purpose of this code.

E. Electronic Outdoor Advertising Signs, approved pursuant to section 17.36.060(D) and subject to a Conditional Use Permit only within the downtown commercial land use district.

F. Changeable copy signs and electronic message boards, except as allowed by a Conditional Use Permit for movie theaters, arenas, stadiums, or auto malls in the commercial land use districts.

G. Reserved.

H. Off-site signs, except as permitted elsewhere in this ordinance.

I. Permanent sale signs.

J. Portable signs or A-frame signs, except in the downtown commercial zone and shall not pose a hazard to pedestrians; and shall be stable under all-weather conditions or shall be removed.
K. Roof signs.
L. Signs on public property or the public rights-of-way, except for traffic regulation and signs permitted by a governmental agency.
M. Signs painted on fences or roofs.
N. Balloons and other inflated devices or signs designed to attract attention, except with temporary use permit.
O. Signs that are affixed to vehicles, excluding permanent signs on commercial vehicles which are driven on a daily or weekly basis.
P. Signs which simulate in color or design a traffic sign or signal, or which make use of words, symbols or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic.
Q. Signs which singly or in combination with other signs block more than five percent of the view from any window or door of any structure or dwelling used primarily as a residence.
R. Signs which singly or in combination with other signs, for any portion of the day, block natural sunlight from falling upon any window or door of any structure or dwelling used primarily as a residence.
S. Signs which singly or in combination with other signs block more than 33% for solid lettering (or up to fifty percent if perforated vinyl window signs) of the view from any window or door of any structure used or occupied by people for more than an hour of a typical day, in all zoning districts of the City.

(Zoning Ord. dated 1/31/06, § 9109.06; Ord. No. 1377, § 1.)

(Ord. No. 1424, § 3.4, 7-13-10; Ord. No. 1447, § 3, 2-14-12; Ord. No. 1487, § 3.2, 4-28-15; Ord. No. 1493, § 3(2), 4-12-16; Ord. No. 1530, § 4J, 9-25-18)

17.36.070 - Temporary signs.

Special event signs and civic event signs may be approved by the director for a limited period of time as a means of publicizing special events such as grand openings, carnivals, parades, charitable events and holiday sales. Such special event signs shall be limited to the following provisions:
A. No special event sign shall be erected without a temporary use permit.
B. Special event signs shall be limited to ninety days per event from the date of erection or date of permit, whichever occurs first.
C. Special event signs shall not include promotional sales signs, and they must be taken down within a week after the conclusion of the special event.
D. Special event signs may include balloons, inflated devices, search lights, beacons, pennants, and streamers.
E. Such temporary signs may not be granted to the same business or location more than twice during any one year.

(Zoning Ord. dated 1/31/06, § 9109.07; Ord. No. 1448, § 9, 5-8-12)
17.36.080 - Off-site residential subdivision directional signs.

The following shall regulate and establish a standardized program of off-site residential subdivision directional kiosk signs for the city. For the purposes of this subsection, a residential subdivision is defined as a housing project within a recorded tract where five or more structures or dwelling units are concurrently undergoing construction.

A. No kiosk sign structure shall be located less than three hundred feet from an existing or previously approved kiosk site, except in the case of signs on different corners of an intersection.

B. The placement of each kiosk sign structure shall be reviewed and approved by the director.

C. All kiosk signs shall be placed on private property with written consent of the property owner.

D. A kiosk sign location plan shall be prepared, showing the site of each kiosk directional sign, and shall be approved by the director prior to the issuance of a sign permit.

E. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances, added to the kiosk signs as originally approved, no other non-permitted directional signs, such as posters or trailer signs, may be used.

F. All non-conforming subdivision kiosk directional signs associated with the subdivision in question must be removed prior to the placement of directional kiosk sign(s).

G. Kiosk signs, or attached project directional signage, shall be removed when the subdivision is sold out. The applicant (or his/her legal successors) will be responsible for removal of panels and structures no longer needed.

(Zoning Ord. dated 1/31/06, § 9109.08.)

(Ord. No. 1424, § 3.5, 7-13-10)

17.36.090 - Abatement of abandoned or illegal temporary signs.

A. Every temporary sign not owned by the property owner of the property on which it is erected shall be marked to indicate on the sign the identity of the sign owner, provided that for any commercial sign where not otherwise indicated it shall be presumed that the business being advertised is the owner.

B. Any abandoned or illegal temporary sign is hereby declared to be a danger to the health, safety, and welfare of the citizens of Banning. Any sign which is (i) in deteriorating condition and not maintained in the condition in which it was originally installed, (ii) violates conditions of the sign permit, or (iii) is partially or wholly obscured by the growth of dry vegetation or weeds or by the presence of debris or litter also presents a danger to the health, safety, and welfare of the Banning community. Such signs may be abated as provided in this chapter.

C. Any such signs as set forth above are hereby deemed to be a public nuisance. Any such sign, including any and all structural supports, shall be removed by the property owner within ten days after notice from the director, which notice shall provide an opportunity to be heard before the director on the abandonment and nuisance decision and an appeal may be taken pursuant to chapter 17.68. Any sign not removed within ten days after such notice, may be abated by the director if no appeal has been taken from the director's decision, or, if the appeal has been denied or modified. If after a reasonable effort to determine the owner of the sign, the owner cannot be found, then the city may summarily remove the sign and the same
shall be stored for a period of thirty days, during which time they may be recovered by the owner.

D. Costs of an abatement conducted pursuant to this chapter shall be assessed against the owner of the sign, and to the extent permissible under law, against the owner of the property, using the procedures established in the Banning Municipal Code.

(Zoning Ord. dated 1/31/06, § 9109.09.)

(Ord. No. 1424, § 3.6, 7-13-10)

17.36.100 - Sign construction and maintenance.

A. Every sign, and all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable state, federal, and city regulations, including, but not limited to and the Uniform Building Code, the California Businesses and Professions Code, and applicable codes, regulations, and ordinances.

B. Every sign, including those specifically exempt from this Zoning Ordinance, in respect to permits and permit fees, and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy or other unmaintained or damaged portion of a sign shall be repaired or replaced within thirty calendar days following notification by the city. Noncompliance with such a request shall constitute a nuisance and may result in a city code enforcement action and penalties may be assessed in accordance with the provisions of these zoning ordinances.

(Zoning Ord. dated 1/31/06, § 9109.10.)

17.36.110 - Sign regulations.

Signs permitted in each of the city's land use districts are identified below. In addition to the following regulations, all signs must be in compliance with all other provisions of this chapter pertaining to signs.

Signs may have commercial or non-commercial messages. A non-commercial message may be substituted for the copy of any commercial sign allowed by this chapter.

A. Signs in Residential Zones.

1. Up to one flagpole, displaying the flag of the US or the State of California, up to thirty-five feet in height, unless a permit is obtained from the city to have a flagpole in a private park or public park for up to sixty-five feet in height.

2. For single family homes, the following are allowed:
   a. Up to one sign not to exceed one square foot in area, identifying the address;
   b. Up to one unlit sign not to exceed four square feet in area, pertaining to the rental, sale or lease of the property on which the sign is located. Such signs must be temporary, and may contain no flashing, blinking or reflective objects.

3. For apartment complexes and multifamily developments, the following are allowed:
   a. Sign(s) containing the name and/or address of the development, providing that the combined area of such signs is not exceeded as established below:
i. Up to one wall sign

ii. Up to one freestanding sign per street frontage (which shall be in a landscaped area at least fifteen feet from the curb face, and not closer than five feet to the property line. Freestanding signs shall have a maximum height of eight feet inclusive of supporting structures.

iii. The maximum combined area of the signs set forth above shall not exceed 20 square feet, for complexes with one hundred twenty-five feet of frontage or less, and shall not exceed thirty square feet for complexes with over one hundred twenty-five square feet of frontage.

4. For properties in the residential zones where farming takes place, lots may have one sign per street frontage (up to a maximum of two signs) advertising only the agricultural products grown on the premises. These signs may not be illuminated, and may be either free standing or wall signs. For lots of two acres or less, each sign may be a maximum of four square feet. For lots over two acres, each sign may be a maximum of ten square feet.

5. No neon signs are permitted in residential areas.

B. Signs in Commercial and Industrial Zones.

1. No sign attached to a structure shall be placed above the roof line.

2. Wall signs. Each business in downtown commercial zoning district shall be permitted wall signs per occupancy footage. The area devoted to such signs shall not exceed one square foot of sign area per one foot of building frontage, and shall not exceed fifty square feet of sign area. An introductory sign of a maximum of five square feet shall be allowed for twenty-five percent of the sign fee to encourage business in the downtown commercial zoning district. Each business in all other commercial and industrial zoning districts shall be permitted wall signs per the area of the wall (length times height of the wall). The area devoted to such signs shall not exceed twenty percent of the wall area. The sign area maximum for wall signs shall not apply to a freeway-oriented wall sign proposed to be located and designed in such a manner as to be viewed primarily in a direct line of sight from a main traveled roadway of a freeway or a freeway on-ramp/off-ramp and advertising onsite retail or service-oriented businesses. Freeway-oriented wall signs shall be subject to all requirements of section 17.36.110(B)(6), including requiring the approval of a conditional use permit.

3. Monument signs. Each parcel or property shall be permitted one monument sign subject to all of the following conditions being met:

   a. One square foot of sign area for one foot of building frontage is permitted. Such sign shall not exceed fifty square feet.

   b. The buildings must be set back at least twenty-five feet from the property line.

   c. The monument sign shall be located in a landscaped planter area not less than fifty square feet, with one dimension being at least four feet.

   d. The monument sign may be no more than eight feet high.

   e. Shopping centers may have one monument sign not to exceed one square foot of display face per one foot of building frontage, not to exceed one hundred square feet, for center identification. Said sign may include reader panels, and or a bulletin or a changeable copy pane.
4. Painted signs. Each business shall be permitted painted signs subject to the following conditions:
   a. Said signs shall be in combination with or in lieu of wall signs.
   b. The area of said painted sign shall be deducted from the total allowable wall sign.

5. Accessory signs. Signs denoting credit cards, hours of operation, etc., shall be allowed but shall not exceed three square feet in total area.

6. Freeway-oriented freestanding sign. Freeway-oriented freestanding signs, including Electronic Message Centers, shall be allowed subject to the following requirements:
   a. Said sign shall be located and designed in such a manner as to be viewed primarily in a direct line of sight from a main traveled roadway of a freeway or a freeway on-ramp/off-ramp. The phrase "viewed primarily in direct line of sight from" shall mean that the message may be seen with reasonable clarity for a greater distance by a person traveling on the main traveled roadway of a freeway or on-ramp/off-ramp than by a person traveling on the street adjacent to the sign.
   b. Said signs shall be limited to on-site retail or services businesses. Shopping centers may have one freeway-oriented sign and shall include city identification or city logo as approved by planning commission. Said city identification or logo shall be excluded from the display face area calculation. When the display area of the sign is used for commercial speech, the copy must qualify as onsite to the business or shopping center.
   c. Said sign shall not block another freeway-oriented freestanding sign or electronic message center. The applicant shall be responsible for providing the planning commission with a line-of-sight analysis prepared by a Registered Civil Engineer or Architect evidence to assure satisfactory compliance with this requirement, as determined by the Community Development Director.
   d. Said sign shall be located in a planter area not less than fifty square feet with one dimension being at least six feet, unless from the evidence presented to the planning commission it can be determined that the area is not visible from public street or right-of-way, or the absence of the planter shall not be detrimental to the appearance of the area.
   e. Said sign shall not exceed an overall height of thirty (30') fifty-five feet.
   f. Said sign shall not exceed two-hundred (200') one-hundred-seventy-five square feet per display face, not include the City required identified or logo as referenced by this ordinance.
   g. Said sign shall require approval of a conditional use permit pursuant to section-Chapter 17.52 and a Development Agreement (DA), pursuant to Chapter 17.60 of this ordinance. In addition to satisfying requirements set forth above in this section 17.36.110(B)(6) of the Banning Municipal Code, the following findings must be made prior to approval of a conditional use permit pursuant for a freeway-oriented freestanding sign, without consideration of message content of the proposed signs:
i. The elevation of the freeway in relation to the elevation of the abutting properties justifies the height requested, and is the minimum necessary.

ii. The number and spacing of freeway signs will not cause unnecessary confusion, clutter or other unsightliness in the general location.

iii. The use identified, as well as its type, size and intensity, justifies the size, design and location of the sign requested.

iv. The needs of the traveling public for identification and directional information justifies the sign requested.

7. One flag pole, displaying one or more flags of the state and nation, not to exceed thirty-five feet in height.

8. Any existing freestanding sign shall be considered legal and conforming, but shall not be altered or replaced except by approval of a conditional use permit.

9. City identification sign. City identification signs shall be allowed subject to approval by City Council resolution and the following requirements:
   a. City identification signs shall not be permitted south of Interstate 10 from Sunset to Hargrave.
   b. The City shall have the right to place public service announcements and emergency service announcements on any such electronic messaging center so long as they are not excessive or burdensome. The limits on public service announcements will be stipulated in a City Council agreement.
   c. Non-Profit and Not-for-Profit Organizations that operate within the City, shall have the right to place public service announcements and emergency service announcements on any such electronic message center so long as they are not excessive or burdensome. The Community Development Director shall review requests made pursuant to this section to determine that the announcement constitutes a non-commercial electronic message and is consistent with the Banning Municipal Code.
   d. The use of onsite electric generators to power digital billboards for normal operations shall be prohibited.
   e. The sign face for any City identification sign shall not overhang onto Interstate 10 or any other state highway.
   f. Signs shall be shielded to prevent light or glare intrusion onto adjoining properties that are located within five hundred (500) feet.
   g. Message changes on any electronic message center shall be limited to one message every six (6) seconds, or that allowed by the California Department of Transportation, whichever is greater.
   h. No electronic message center shall simulate motion or exhibit any images or series of images that could be considered "animated" in any way, including but not limited to sequential still images that update faster than once every six (6) seconds. No electronic message center shall contain any flashing, sparkling, intermittent or moving lights. There shall be no flashing or scrolling messages. Changes in color or light intensity on a still image or message at a rate faster than once every six (6) seconds are also not permitted.
ia. Electronic message centers shall contain automatic dimmers that maintain a maximum luminance of 7,500 nits during the daylight hours, and 500 nits from dusk (official sunset) to sunrise and during times of fog (One nit is equivalent to one candela per square meter). Each electronic message center shall be equipped with a mechanism to monitor brightness.

ji. Reserved.

kj. City identification signs shall not be illuminated between the hours of 11:00 p.m. to 5:00 a.m. when located within five hundred (500) feet of an existing residential property, or residentially zoned property.

lk. The following advertising shall not be permitted: adult entertainment, mud wrestling, alcohol (except beer and wine), tobacco products of any type, or other content that could be reasonably considered sexually explicit or pornographic be community standards. Objectionable advertising shall be set forth in the City Council agreement.

ml. City identification signs shall not be allowed in the Downtown-Commercial (DC) zoning district.

mm. City identification signs shall require permit approval through the Building and Safety Division, CalTrans, the Riverside County Airport Land Use Commission if located within a compatibility zone, a beautification zone, and also require the approval of any other responsible agency, as necessary.

on. City identification signs shall include architectural enhancements that add aesthetic appeal.

pe. City identification signs shall not exceed 55 feet in height.

qp. City identification signs shall not exceed a face area of 14 by 48 feet, inclusive of City identification.

rq. City identification signs and all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable State, Federal, and City regulations and the Uniform Building Code (BMC Section 17.36.100(A)).

sr. City identification signs shall be maintained and kept in good repair. The display surface shall be kept clean, neatly maintained, and free from rust or corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy, or other unmaintained or damaged portion of a sign shall be repaired or replaced within 30 calendar days following notification by the City. Noncompliance with such a request shall constitute a nuisance and penalties may be assessed.

ts. Any sign agreement shall include a provision requiring the billboard owner to demonstrate that they have made reasonable efforts to solicit advertising from local businesses and nonprofits, including discounts and incentives during periods where other advertising cannot be obtained. Local businesses are defined as any business located within the City limits.

ut. Enforcement provisions shall provide for written notice of violations and the opportunity to cure breaches, the potential to recover liquidated damages, the posting of securities where repeated violations occur, and the right to recover
attorney fees and costs in the event that administrative or legal action is required.

vii. Any other provisions contained in the lease agreement, development agreement, or other agreement that the City deems to be appropriate to protect the public health, safety, and welfare of the City.

(Zoning Ord. dated 1/31/06, § 9109.11; Ord. No. 1377, § 2)

(Ord. No. 1419, § 5, 1-26-10; Ord. No. 1424, § 3.7, 7-13-10; Ord. No. 1447, §§ 3—6, 2-14-12; Ord. No. 1487, § 3.2, 4-28-15; Ord. No. 1530, § 4K, 9-25-18)

17.36.120 - Sign design guidelines.

A. General. The following design guidelines shall be consulted prior to developing signs for any project. Unless there is a compelling reason, these design guidelines shall be followed. If a guideline is waived, the mayor and city council shall be notified. An appeal, which does not require a fee, may be filed by the mayor or any council person within fifteen days of the waiver approval.

1. Use a brief message: The fewer the words, the more effective the sign. A sign with a brief, succinct message is simpler and faster to read, looks cleaner and is more attractive.

2. Avoid hard-to-read, overly intricate typefaces: These typefaces are difficult to read and reduce the sign's ability to communicate.

3. Avoid faddish and bizarre typefaces: Such typefaces may look good today, but soon go out of style. The image conveyed may quickly become that of a dated and unfashionable business.

4. Sign colors and materials: should be selected to contribute to legibility and design integrity. Even the most carefully thought out sign may be unattractive and a poor communicator because of poor color selection. Day-glo colors must be avoided.

5. Use significant contrast between the background and letter or symbol colors: If there is little contrast between the brightness or hue of the message of a sign and its background, it will be difficult to read.

6. Avoid too many different colors on a sign: Too many colors overwhelm the basic function of communication. The colors compete with content for the viewer's attention. Limited use of the accent colors can increase legibility, while large areas of competing colors tend to confuse and disturb.

7. Place signs to indicate the location of access to a business: Signs should be placed at or near the entrance to a building or site to indicate the most direct access to the business.

8. Place signs consistent with the proportions of scale of building elements within the facade: Within a building facade, the sign may be placed in different areas. A particular sign may fit well on a plain wall area, but would overpower the finer scale and proportion of the lower storefront. A sign which is appropriate near the building entry may look tiny and out of place above the ground level.
9. Place wall signs to establish rhythm across the facade, scale and proportion where such elements are weak. In many buildings that have a monolithic or plain facade, signs can establish or continue appropriate design rhythm, scale, and proportion.

10. Avoid signs with strange shapes: Signs that are unnecessarily narrow or oddly shaped can restrict the legibility of the message. If an unusual shape is not symbolic, it is probably confusing.

11. Carefully consider the proportion of letter area to overall sign background area: If letters take up too much sign, they may be harder to read. Large letters are not necessarily more legible than smaller ones. A general rule is that letters should not appear to occupy more than seventy-five percent of the sign panel area.

12. Make signs smaller if they are oriented to pedestrians: The pedestrian-oriented sign is usually read from a distance of fifteen to twenty feet; the vehicle-oriented sign is viewed from a much greater distance. The closer a sign’s viewing distance, the smaller that sign need be.

B. Wall or Fascia Signs.

1. Building wall and fascia signs should be compatible with the predominant visual elements of the building. Commercial centers, offices, and other similar facilities are required to be part of a sign program in accordance with the provisions of this chapter.

2. Where there is more than one sign, all signs should be complementary to each other in the following ways:
   a. Type of construction materials (cabinet, sign copy, supports, etc.)
   b. Letter size and style of copy
   c. Method used for supporting sign (wall or ground base)
   d. Configuration of sign area
   e. Shape to total sign and related components

3. The use of graphics consistent with the nature of the product to be advertised is encouraged, i.e., hammer or saw symbol for a hardware store, mortar and pestle for a drug store.

4. Direct and indirect lighting methods are allowed provided that they are not harsh or unnecessarily bright. The use of can-type box signs with translucent backlit panels are less desirable. Panels should be opaque if a can-type sign is used and only the lettering should appear to be lighted. The overspill of light should be negligible.

5. The use of backlit individually cut letter signs is strongly encouraged.

6. The use of permanent sale or come-on signs is prohibited.

7. The identification of each building or store’s address in six-inch high numbers over the main entry doorway or within ten feet of the main entry is encouraged.

C. Monument Signs.

1. Monument signs are intended to provide street addresses, and identification for the commercial center development as a whole and for up to three major tenants.

2. All tenant signs should be limited in size to the width of the architectural features of the sign and shall be uniform in size and color.
3. A minimum of ten percent of the sign area of monument signs for center developments should be devoted to identification of the center or building by address or name.

4. Monument signs should be placed perpendicular to approaching vehicular traffic.

5. Each monument sign should be located within a planted landscaped area which is of a shape and design that will provide a compatible setting and ground definition to the sign, incorporating the following ratio of landscape area to total sign area:
   a. Monument: Four square feet of landscaped area for each square foot of sign area (one side only).
   b. Directory: Two square feet of landscaped area for each square foot of sign area.

(Zoning Ord. dated 1/31/06, § 9109.12.)

17.36.130 - Nonconforming signs.

A. A legally established sign which fails to conform to this chapter shall be allowed continued use, except that the sign shall not be:
   1. Structurally altered so as to extend its useful life.
   2. Expanded, moved, or relocated.
   3. Re-established after a change in use.
   4. Re-established after a business has been abandoned for one hundred twenty days or more.
   5. Re-established after damage or destruction of more than fifty percent.

B. Sign copy and sign faces may be changed on nonconforming signs when there is no change in use of the site or when only a portion of a multiple tenant sign is being changed.

C. Any non-conforming sign shall be required to be brought into conformance or abated.

(Zoning Ord. dated 1/31/06, § 9109.13.)

17.36.140 - Removal of illegal and nonconforming signs.

A. The director shall remove or cause the removal of any fixed, permanent sign constructed, placed or maintained in violation of this chapter, after thirty days following the date of mailing of registered or certified written notice to the owner of the sign, if known, at the last known address or to the owner of the property as shown on the latest assessment roll, or to the occupant of the property at the property address.

B. The notice shall describe the sign and specify the violation involved, and indicate that the sign will be removed if the violation is not corrected within thirty days. If the owner disagrees with the opinion of the director, the owner may, within the said thirty-day period request a hearing before the planning commission to determine the existence of a violation.

C. If salvageable in the opinion of the director, signs removed by the Director pursuant to this chapter shall be stored for a period of sixty days, during which time they may be recovered by the owner upon payment to the city for costs of removal and storage. If not recovered prior to expiration of the sixty-day period, the sign and supporting structures shall be
declared abandoned and title thereto shall vest to the city, and the cost of removal shall be billed to the owner or lien placed on the property upon which said sign was erected.

(Zoning Ord. dated 1/31/06, § 9109.14.)

17.36.150 - Reserved.

Editor's note—Sec. 3 of Ord. No. 1447, adopted Feb. 14, 2012, repealed zoning section 9109.15 from which this section 17.36.150 derived. Former § 17.36.150 pertained to establishing compliance and was amended by Ord. 1377.

17.36.160 - Inventory and abatement—Variances—Penalties.

A. Inventory and Abatement. Within six months from the date of adoption of this zoning ordinance, the city shall commence a program to inventory and identify illegal or abandoned signs within its jurisdiction. Within sixty days after this six-month period, the city may commence abatement of identified illegal or abandoned signs. If a previously legal sign is merely nonconforming, however, the terms of section 17.36.150 of this zoning ordinance titled "Establishing Compliance," shall apply.

B. Variances. Variances from these sign ordinances are strongly discouraged. However, where results inconsistent with the general purposes of this ordinance would occur from its strict literal interpretation and enforcement, the planning commission may grant a variance therefrom upon such terms and conditions as it deems necessary.

C. Penalties. Each violation of this ordinance or any regulation, order or ruling promulgated or made hereunder, shall be punishable by a fine of not more than two hundred dollars per day, with each calendar day in violation, constituting a separate offense.

(Zoning Ord. dated 1/31/06, § 9109.16.)

17.36.170 - Murals.

Murals shall be allowed by permit reviewed by the beautification and mural council of the Banning Chamber of Commerce and permitted by the city's community development department. Applications shall be on a form devised by the community development department. A permit for a mural will be granted when the following conditions have been satisfied:

A. Completed application;
B. Sign permit fee paid;
C. Approved by the beautification and mural council of the Banning Chamber of Commerce;
D. The mural shall not cause a pedestrian or vehicular safety hazard;
E. The mural shall be applied to the wall of a building; and
F. The mural shall be maintained.

(Ord. No. 1382, § 3 (part).)
17.36.180 - Signs within adopted specific plan areas.

Signs within adopted specific plan areas shall conform to the sign requirements as indicated within the individual specific plan. However, in the event sign requirements are not provided in the individual specific plans, all signs within the specific plan areas shall conform to the provisions of chapter 17.36. If the land use within the specific plan is not specifically identified in the zoning ordinance, the most appropriate (closely related) use of the area shall apply, as determined by the community development director.

(Ord. No. 1493, § 3(2), 4-12-16)

17.36.190 - Flags, banners and pennants on city-owned light poles.

Notwithstanding section 17.36.070, the city of Banning may install flags, banners, and/or pennants on city-owned utility poles. The city manager shall establish a written banner program to regulate the installation of flags, banners, and pennants on city-owned utility poles. Banners and pennants shall be installed in compliance with the banner program established by the city manager.

(Ord. No. 1493, § 3(2), 4-12-16)
ATTACHMENT 4
Public Hearing Notice
State of California
County of Riverside

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1968, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

March 22, 2019

Executed on: 03/22/2019
At Banning, CA

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

[Signature]
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<tr>
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<td>275 E NICOLET ST</td>
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<td>417 MARTIN LN</td>
<td>462 N ALESSANDRO RD</td>
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