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 April 3, 2019 Regular Planning Commission meeting…………………..Page 1

IV. PUBLIC HEARING:

1. GENERAL PLAN AMENDMENT 19-2501 INCORPORATING THE LOCAL HAZARD MITIGATION PLAN (LHMP) INTO THE CITY OF BANNING GENERAL PLAN-SAFETY ELEMENT. ALL PARCELS IN THE CITY OF BANNING.

Staff Report – Adam Rush………………………………………………………………….Page 8
Order of Procedure:
1. Staff report presentation
2. Planning Commission questions for staff
3. Open public comments
4. Close public comments
5. Planning Commission discussion
6. Motion and Second
7. Planning Commission discussion on motion
8. Call the question (Roll call vote)

Recommendation:

That the Planning Commission adopt Resolution 2019-11, recommending to the City Council approval of the following action:

I. Amendment to the Safety Element of the City of Banning General Plan to incorporate the 2017 Local Hazard Mitigation Plan (LHMP)

2. NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING REPORT AND PROGRAM (ENVIRONMENTAL ASSESSMENT), TENTATIVE TRACT MAP (TTM) 36710 AND VARIANCE 19-3001 FOR A PROPOSAL TO SUBDIVIDE FOUR LOTS TOTALING 10.6 ACRES INTO 39 SINGLE-FAMILY RESIDENTIAL LOTS AND THREE LETTERED LOTS IN THE LOW DENSITY RESIDENTIAL ZONING DISTRICT, ASSESSOR’S PARCEL NUMBER’S 534-183-014, 534-200-004, 534-200-008 AND 534-200-047.

Staff Report – Mark de Manincor

Order of Procedure:
1. Staff report presentation
2. Planning Commission questions for staff and applicant
3. Open public comments
4. Close public comments
5. Planning Commission discussion
6. Motion and Second
7. Planning Commission discussion on motion
8. Call the question (Roll call vote)

Recommendation:

That the Planning Commission adopt Resolution 2019-08, recommending to the City Council approval of the following actions:

I. Adoption of a Mitigated Negative Declaration (MND) and Mitigation Monitoring Report and Program for the project (Environmental Assessment)

II. Approval of Tentative Tract Map 36710 for the subdivision of 10.6 acres into 39 single family residential lots within the Low Density Residential District.
III. Approval of Variance 19-3001, subject to the findings referenced herein.

3. **CONDITIONAL USE PERMIT 19-8001 TO ALLOW FOR THE OPERATION OF A RETAIL AUTO PARTS STORE LOCATED ON THE NORTHWEST CORNER OF NORTH 3RD STREET AND WEST RAMSEY STREET AT 321 WEST RAMSEY STREET IN THE DOWNTOWN COMMERCIAL (DC) ZONING DISTRICT.**

Staff Report – Mark de Manincor.................................................................Page 229

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**Recommendation:**

That the Planning Commission adopt Resolution 2019-09, recommending to the City Council approval of the following actions:

I. Adopt a Notice of Exemption and findings that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) and,

II. Approval of Conditional Use Permit 19-8001 to allow the operation of an Auto Parts Store in the Downtown Commercial (DC) Zoning District.

4. **DESIGN REVIEW 19-7001 TO ALLOW FOR THE CONSTRUCTION OF A RETAIL AUTO PARTS STORE LOCATED ON THE NORTH SIDE OF RAMSEY STREET AND EAST OF MORONGO AVENUE AT 2929 WEST RAMSEY STREET IN THE HIGHWAY SERVING COMMERCIAL (HSC) ZONING DISTRICT.**

Staff Report – Adam Rush.................................................................Page 250

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Recommendation:

That the Planning Commission adopt Resolution 2019-10, recommending to the City Council approval of the following actions:

I. Adopt a Notice of Exemption and findings that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (In-Fill Development Projects) and,

II. Approval of Design Review 19-7001 to allow the construction of a retail store for auto parts sales in the Highway Serving Commercial (HSC) Zoning District.

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

Order of Procedure:
1. Staff report presentation
2. Planning Commission questions for staff
3. Open public comments
4. Close public comments
5. Planning Commission discussion
6. Motion and Second
7. Planning Commission discussion on motion
8. Call the question (Roll call vote)

Recommendation:

That the Planning Commission adopt Resolution 2019-07, recommending to the City Council approval of the following actions:

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

II. Approval of Zoning Text Amendment 19-97502 amending Chapter 17.12 and 17.36 of the Municipal Code to authorize electronic message centers 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 June 5, 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].
An adjourned regular meeting of the City of Banning Planning Commission was held on Wednesday, April 3, 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 Brosious
Commissioner Krick
Commissioner Schuler

Staff Present: Community Development Director Adam Rush
Assistant City Attorney Serita R. Young
Contract Planner Mark de Manincor
Recording Secretary Sandra Calderon

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

II. PUBLIC COMMENTS:
No public comments.

III. CONSENT CALENDAR ITEMS:

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

IV. REVIEW AND DISCUSSION ITEMS:

1. FINDINGS OF GENERAL PLAN CONFORMANCE FOR REAL PROPERTY ACQUISITION OF APPROXIMATELY 4.35 ACRES OF LAND.

Community Development Director, Rush presented the staff report. The item is for an acquisition of 4.35 acres for real property located at 1581 Charles Street in the Industrial Zoning District. This project is for a proposed new substation in the Industrial zone. Under California Government Code Section 65402 requires that a City's Planning Commission review and report
upon whether the location, purpose, and extent of a propose real property acquisition by the city for public purposes, conforms with the adopted General Plan or parts thereof.

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

1. 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.

(Motion Carried 5-0)

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)

Mark de Manincor, Contract Planner presented the staff report he said the proposed project is located on the Northwest corner of Wilson Street and North Hathaway and South of East Hoffer Street.

The applicant is requesting a General Plan Amendment (GPA) and Zone Change, to change the zoning and land use designation from Low Density Residential (LDR) to High Density Residential (HDR) and a Design Review (DR) to develop 7.04 acres into a 96-unit apartment complex.

The vacant site includes two parcels to be combined, and it consists of four 16-unit buildings and four 8-unit buildings. Each unit will have two-bedroom, multi-family units of 910 square feet each. It will offer adequate parking spaces. The three required amenities will include, a 2,600 square foot club house, a swimming pool and a multi-purpose court. This project meets or exceeds all the development standards for the high density zone, including open space, landscaping and covered parking.

Along the western boundary of the project site, the six-foot tall block wall be elevated by a three-foot tall retaining wall. The six-foot tall block wall along the southern boundary of the project will be elevated by an eight-foot tall retaining wall. The applicant submitted a phasing plan for the development of the project. Phase 1 consists of a club house, a swimming pool, two 16-unit apartment buildings, 70 parking spaces and related infrastructure. Phase 2 includes a multi-purpose court, two 16-unit apartment buildings and 80-parking spaces. Phase 3 and final phase consists of four 8-unit apartment buildings and 75 parking spaces. The Morongo Band Mission Indians will be will be the designated tribal monitors during any earth moving activities.

During the review period of the Initial Study, the City received three comment letters, and responses were included in the staff report.

Planning Commission Meeting Minutes
April 3, 2019
Sam Akbarpour, Sake Engineering said they have been working with City staff. The conditions have been reviewed, and he agrees with all of them, but asked the Commission to discuss some of them.

Condition #67 – it states individual rental units shall be sub-metered. He said it would be more appropriate to have a meter per building, not per unit. Condition #64, on site private water system shall be “looped”. It was designed and presented as public. He asked to re-word these two.

Commissioner Shuler asked for clarification from Mr. Akbarpour.

Mr. Akbarpour said the intent is to have the owner pay for each meter installation and for the water.

Commissioner Price asked if there are other amenity options for small children that will not be using the pool.

Project Applicant Diana Hanna said part of the green area can be used, and will work with the architect to satisfy the request.

Director Rush said the recommended changes from Mr. Akbarpour to the conditions were not discussed before this meeting and staff would recommend discussion first with the Public Works Director.

Commissioner Schuler said this property is located in a high fire zone and have some concerns on this issue but also understands the State of California is contemplating changes to the Code in the future. She also asked to add a condition of approval that there is no parking allowed on the streets.

She feels the traffic study is inadequate because it does not take in consideration the future developments surrounding the project. She said it is impossible to get a count on the trucks that travel frequently on Hathaway Street, but would like to see a truck count or weight tickets from the quarry. The potential mine expansion should have been mentioned in the AQMD report. The FEMA letter is five years old, and finds that the pool and spa amenities proposed by the applicant not acceptable.

Ms. Hanna said there is space available in the club house that could be used for other activities.

Commissioner Brosious asked for the timing between phases.

Ms. Hanna said phase one is the toughest to complete, and phase two and three will be quickly done.

Mr. Akbarpour agreed to add a weight room to the three amenities at the suggestion of Commissioner Krick.

Commissioner Krick asked to also address the lack of trash enclosure in the southeast corner of the project area.

Commissioner Shaw opened public comments.
David Ellis, resident of Banning said he’s always being concerned with the widths of the streets in the City. Some of them are not done right, and feels Hathaway Street will be treated the same way. On a busy day, he counted over three hundred trucks. The rock crushing plant runs twenty-four hours a day, seven days a week and there are noise buffers and dust issues that need to be addressed. He said this project will be a good addition to the City.

Mr. Akbarpour said each individual apartment unit has space for a washer and dryer.

Commissioner Schuler said she is hesitant to approve the project tonight and is in favor of continuing the item.

Director Rush said there is a project Hathaway project includes the reconstruction and widening of the Hathaway/Ramsey Street intersection. This City project will benefit the proposed project.

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

With the following amendments:

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 as shown on the preliminary plot plans; which are required to be submitted for review and approval by the Department of Public Works. Any modifications or deviations from this condition shall be approved (in writing) by the Director of Public Works. [Modified per Planning Commission on 4-3-19]

67. Individual rental units shall be sub-metered for water, and separate meters used for irrigation areas and the clubhouse, or as approved by the Director of Public Works. These private meters need to be tested annually for accuracy and registered with the Riverside County Division of weights and Measures. [Modified per Planning Commission on 4-3-19]

92. All block walls shall have an anti-graffiti coating. [Added per Planning Commission on 4-3-19]

93. Parking shall be prohibited on all private drive isles. “Red-curb” striping and no parking signage shall occur as required by the City of Banning Fire Department. [Added per Planning Commission on 4-3-19]

94. Prior to the submittal of the first residential building permit, the applicant shall cause a Recyclables Plot Plan to be prepared and submitted to the Department of Public Works for review and approval. Per the Planning Commission’s conditions, added during the April 3rd Planning Commission, at-least one (1) additional trash enclosure shall be installed within the southeast corner of the site. Said Plot Plan shall include the location of all proposed (and as added herein) trash enclosures, constructed per City Standards. Enclosures shall incorporate a curved or corner round concrete connection between the block wall and the enclosure foundation. Ninety-degree angles shall not occur at the foundation of the
enclosure to allow for sufficient cleaning and wash out of the enclosure. [Added per Planning Commission on 4-3-19]

95. Security cameras (e.g., "CCTV") shall be installed around the public view areas of the community pool and spa footprint. Camera footage shall be made available, to the Banning Police Department within 24-hours, upon written request from the City. Camera footage shall also include a minimum of a 45-day digital back-up. [Added per Planning Commission on 4-3-19]

96. An exercise room shall be installed in the club house for use by residents only. Said exercise room shall include, but not be limited to, three types of cardio equipment, circuit weights and circuit-training machines, and free weights including a commercial set of dumbbell weights. Free weight equipment shall be of "Olympic standard" and the exercise room shall be designed for several residents to utilize simultaneously. [Added per Planning Commission on 4-3-19]

(Motion Carried 5-0)

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

Director Rush presented the staff report, he said ZTA 19-97502 is a proposed amendment to chapter 17.12 "Commercial and Industrial Districts" and 17.36 "Sign Regulation" to authorize electronic message centers in the Downtown Commercial District (DC) subject to a Conditional Use Permit (CUP), Development Agreement (DA) and Lease Agreement (LA).

The Downtown Commercial is from 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.

The design standard set forth a maximum height limitation of 30-feet and a maximum "face" area of the sign at a maximum 200-square feet. Maximum luminance of 7,500 units during the daylight hours, and 500 units from dusk to sunrise.

The City Council appointed two Councilmembers to serve on the Downtown Ad Hoc Committee and one aspect of a focused strategic planning effort is to promote the City’s downtown community through advertising, business attraction and retention.

Commissioner Schuler said there has been much time spent, and much controversy regarding signs in the downtown area. Staff and Council arrived to a decision that this type of signage in the downtown commercial area would be detrimental.

Commissioner Krick said digital signs in the downtown area were excluded because of designation of scenic highway, and the question of having Caltrans approval and whether they would approve additional signs. He understands that if an approval is granted tonight, it would allow for anybody to apply for signs along the highway, and he does not see the need for additional billboard signs.

Director Rush said potential applicants had talks with the City staff and City Council regarding a possible sign location on the City owned property that is directly across the street from City Hall.
If the ordinance is adopted the potential applicants would have to apply.

Commissioner Schuler said she personally thinks there is no pressing need for digital advertising displays.

Commissioner Shaw opened public comments

David Ellis, resident of Banning said he thinks our Downtown is in great need for revitalization. He said electronic billboards are the future and they can benefit the City. He asked the Commission to consider allowing the highest sign possible in that area.

Alex Garcia said in 1988 he built the sign on the City of Beaumont side. He said the sign has brought a lot of commerce to the City of Beaumont. He knows many people might think it is not attractive, but it is very important that the City has some sort of landmark, and believes it is a way to market upcoming City events that will bring people to our hotels, restaurants and retail stores.

Director Rush said he looked up the scenic highway maps. The portion of the I-10 of intersection of Hwy 79 to approximately halfway of the City of Palm Springs is no longer designated as State or County eligible pursuant to a State Bill.

Robert Ybarra, President of Chamber of Commerce said he has been working with Mr. Garcia regarding the sign. He has talked to small business owners and they think it would be beneficial to the City to be able to advertise City events and business in town. He asked the Commission to consider approval tonight.

Commissioner Krick said this town is made up of more than commercial and business. People call this town “home”. There are existing billboards where business can advertise without the need for more. A few years back meetings were held at the City and at that time provisions were made that existing old technology signs could be upgraded to current Code. He remembers the large sign on the Beaumont side, was originally applied for in the City of Banning, but it was not approved.

Mr. Garcia said the location of the sign he would be proposing to the City would be located in the north side of Livingston Street. Cal Trans enforces space requirements and that will make it impossible for other signs to be located there.

**ACTION:** Motion (KRICK)

1. That the Planning Commission not adopt Resolution 2019-07, and

2. Request staff to prepare a resolution recommending that the City Council not adopt the proposed Zoning Text Amendment for the Planning Commission Consideration at a future Planning Commission meeting.

Motion dies due to lack of second.

A motion was made to continue this item.

**ACTION:** Motion/Second (BROSIOUS/ PRICE)
1. That the Planning Commission continue this item to the next Planning Commission meeting, and
2. Request staff to bring back potential site locations within the Downtown area.

(Motion Carried 4-0) (Krick voted no)

PLANNING COMMISSIONER COMMENTS:

Commissioner Shuler announced with great regret the passing of Don Smith. He will be remembered as a person who has dedicated so much time to the City. He had served as Commissioner, a Council Member and City Mayor.

VI. COMMUNITY DEVELOPMENT DIRECTOR'S COMMENTS:

Director Rush said the SB 2 grants were released on Friday. Based on our disadvantage community status and population, we are eligible for at least one hundred twenty-five thousand dollars [subsequently to the April 3rd Planning Commission, the California Department of Housing and Community Development (HCD) increased this amount to $160,000.00] to start our General Plan process, and also working with SCAG for a potential million dollar grant for active transportation planning. The RFP for the General Plan consultant will be released by May.

VII. ADJOURNMENT:

There being no further business, the meeting adjourned at 9:04 p.m. to the next Regular Planning Commission of May 1st 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.
TO: PLANNING COMMISSION

FROM: Adam B. Rush, Community Development Director

MEETING DATE: May 1, 2019

SUBJECT: Resolution 2019-11, Approving General Plan Amendment to the Safety Element of the City of Banning General Plan to incorporate the 2017 Local Hazard Mitigation Plan (LHMP).

RECOMMENDED ACTION:

Staff recommends the City Council adopt Resolution 2019-11, Amendment to the Safety Element of the City's General Plan to incorporate the City of Banning's 2017 Local Hazard Mitigation Plan (LHMP) into the Safety Element of the General Plan.

BACKGROUND:

In 2004, the City Council for the City of Banning adopted the City's Local Hazard Mitigation Plan (LHMP). This plan was approved by the Federal Emergency Management Agency (FEMA) subsequently thereafter. In order for the City to be eligible for the maximum level of reimbursements from the State of California, for expenses incurred as a result of the local hazards, natural disasters, and/or public safety emergencies, State law requires that the LHMP be incorporated into the Safety Element of the City General Plan. Therefore, the proposed General Plan Amendment (GPA) will incorporate the LHMP into the Safety Element of the General Plan. No revisions to the adopted LHMP are proposed in conjunction with the proposed amendment to the Element referenced above. The only amendment to the Safety Element is to amend the text to state that the LHMP is incorporated by reference. Attached is the proposed text amendment to the Safety Element as well as a link to the previously adopted HMP.

JUSTIFICATION:

Assembly Bill (AB) No. 2140 limits the state share for any eligible project to no more than 75% of the total state eligible costs. AB 2140 would prohibit the state share for any eligible project from exceeding 75% of total state eligible costs unless the local agency is located within a City and has adopted a Local Hazard Mitigation Plan (LHMP) in accordance with the federal Disaster Mitigation Act of 2000, as part of the safety element of its general
plan, in which case the Legislature may provide for a state share of local costs that exceed
75% of total state eligible costs.

By not recommending adoption of this GPA, the City could experience a significant
financial burden in the case of a natural disaster or public safety emergency.

**FISCAL IMPACT:**

There is no fiscal impact to the City's General Fund outside of the staff time to prepare
this report.

**OPTIONS:**

1. Approve as recommended
2. Do not approve and provide alternative direction

**ENVIRONMENTAL DETERMINATION:**

A. **California Environmental Quality Act (CEQA)**

For the following reasons, incorporating the LHMP into the Safety Element of the
Banning County General Plan is exempt from the California Environmental Quality Act
(CEQA): (1) Since the proposed activity will not result in a direct or reasonably
foreseeable indirect physical change in the environment, as such, the project is exempt
from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines
Section 15060(c)(2); (2) In light of the general rule that CEQA applies only to projects
which have the potential for causing a significant effect on the environment and since it
can be seen with certainty that there is no possibility that the activity in question may
have a significant effect on the environment, the activity is not subject to CEQA pursuant
to CEQA Guidelines Section 15061 (b )(3); and (3) Because the implementation of the
LHMP will include actions taken by regulatory agencies to maintain and protect natural
resources and the environment, the project is categorically exempt from CEQA pursuant
to CEQA Guidelines sections 15307 and 15308.

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

An amendment to the General Plan Safety Element does not relate to any one physical
project and are not subject to the MSHCP. Further, no specific projects will be triggered
as a result of incorporating the LHMP into the City's General Plan; rather the proposed
General Plan Amendment is an effort to limit the City's financial liability in the unlikely
event of a natural disaster, city emergency, or public safety event. Such events are not
considered Projects undre of MSHCP including mitigation through payment of the
MSHCP Mitigation Fee.
ADDITIONAL REQUIRED FINDINGS

The California Government Code and Section 17.64.070 (Findings) of the City of Banning Municipal Code require that General Plan Amendments meet certain findings prior to the approval by the City Council. The following findings are provided in support of the approval of the General Plan Amendment No. 19-2501

Finding No. 1: Proposed General Plan Amendment is internally consistent with the General Plan.

Findings of Fact: The proposed General Plan Amendment will incorporate the City's 2017 Local Hazard Mitigation Plan (LHMP) into the City's General Plan; more specifically, into the Safety Element pursuant to state law. The LHMP details hazard mitigation controls and procedures to protect the health, safety, and welfare of the City, its residents, patrons, and visitors in the event of a natural disaster or citywide emergency or threat. The LHMP is achieves similar goals and objectives to those policies within the City's Safety Element.

The LHMP is consistent, and implements, the following Goals and Policies of the Environmental Hazards Element:

Goal 1: Increased protection and safety of human life, land, and property from the effects of seismic and geotechnical hazards.

- Policy 1: The City shall establish and maintain an information database containing maps and other information which describe seismic and other geotechnical hazards occurring within the City boundaries, sphere-of-influence and planning area.
  - Such maps and information has been incorporated into the LHMP, for inclusion and adoption into the General Plan.
- Policy 5: The City shall coordinate and cooperate with public and quasi-public agencies to assure the continued functionality of major utility systems in the event of a major earthquake.
  - The LHMP sets forth mutual-aid procedures between the City of Banning, Riverside County Fire, CalFire, and the Morongo Tribal Government

Finding No. 2: Proposed General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
The LHMP implements Policy 6, of the Public Facilities Chapter, which states as follows: *Critical structures and facilities (including the civic center, hospitals, fire stations, police stations, schools and major communications facilities) shall be restricted from geologically and hydrologically hazardous areas.*

**Finding No. 3:** Proposed General Plan Amendment would maintain the appropriate balance of land uses within the City.

The proposed General Plan Amendment will not impact or affect any aspect of the City’s General Plan Land Use Element. Incorporating the LHMP into the Safety Element will ensure the protection of the City’s public infrastructure.

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

The proposed General Plan Amendment will not impact or affect any aspect of the City’s General Plan Land Use Element. Incorporating the LHMP into the Safety Element will ensure the protection of the City’s public infrastructure.

**PUBLIC COMMUNICATION:**

This hearing was advertised in the *Record Gazette* newspaper on April 19, 2019.

**PREPARED BY:**

Adam B. Rush
Community Development Director

**ATTACHMENTS:**

1. Resolution 2019-11
2. 2017 City of Banning Local Hazard Mitigation Plan (LHMP)
3. Public Hearing Notice
ATTACHMENT 1
Resolution 2019-11
RESOLUTION 2019-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING GENERAL PLAN AMENDMENT 19-2501, INCORPORATING THE BANNING LOCAL HAZARD MITIGATION PLAN (LHMP) INTO THE SAFETY ELEMENT OF THE CITY’S GENERAL PLAN. GENERAL PLAN AMENDMENT EFFECTS ALL PARCELS AND ASSESSOR’S PARCEL NUMBERS (APN) IN THE CITY OF BANNING, CALIFORNIA.

WHEREAS, an application for General Plan Amendment (GPA) 19-2501 incorporating the City of Banning’s 2017 Local Hazard Mitigation Plan (LHMP) into the General Plan Safety Element has been duly filed by:

Project Applicant: City of Banning
c/o Community Development Department
99 Ramsey Street
Banning, CA, 92220

APN’s: All Parcels and All Assessor’s Parcel Numbers (Banning, CA)

Lot Area: City-wide

WHEREAS, the Planning Commission has the authority to review and make recommendations to the City Council concerning General Plan Amendment 19-2501; and

WHEREAS, in accordance with Government Code Sections 65353, 65090, and 65091, on April 18, 2019 the City gave public notice by advertisement in the Record Gazette newspaper, of a public hearing concerning the Project, which included the GPA 19-2501. In accordance with Government Code 65853, 65090; 65901 et. al., the number of real property owners exceeds 1,000; therefore, the City published an 1/8-page display advertisement in the Record Gazette newspaper; and,

WHEREAS, in accordance with Government Code Section 65353, on May 1, 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 19-2501 and at which time the Planning Commission considered the proposed General Plan Amendment; and

WHEREAS, at this public hearing on May 1, 2019, the Planning Commission heard public comments on, and adopted this Resolution recommending that the City Council approve GPA 19-2501.
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 CEQA Guidelines Section 15060(c)(2). The Planning Commission of the City of Banning does hereby recommend that the City Council make the following environmental findings and determinations in connection with the approval of the project:

A. For the following reasons, incorporating the LHMP into the Safety Element of the Banning County General Plan is exempt from the California Environmental Quality Act (CEQA): (1) Since the proposed activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, as such, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2); (2) In light of the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA pursuant to CEQA Guidelines Section 15061 (b )(3); and (3) Because the implementation of the LHMP will include actions taken by regulatory agencies to maintain and protect natural resources and the environment, the project is categorically exempt from CEQA pursuant to CEQA Guidelines sections 15307 and 15308.

SECTION 2: Findings for Recommendation of Approval of General Plan Amendment 19-2501. The California Government Code and Section 17.64.070 (Findings) of the City of Banning Municipal Code require that General Plan Amendments meet certain findings prior to the approval by the City Council. The following findings are provided in support of the approval of the General Plan Amendment No. 19-2501.

The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning find and determine that General Plan Amendment 19-2501 should be approved because:

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

Findings of Fact:
The proposed General Plan Amendment will incorporate the City's 2017 Local Hazard Mitigation Plan (LHMP) into the City's General Plan; more specifically, into the Safety Element pursuant to state law and the Disaster Mitigation Act of 2000. The LHMP details hazard mitigation controls and procedures to protect the health, safety, and welfare of the City, its residents, patrons, and visitors in the event of a natural disaster or citywide
emergency or threat. The LHMP is achieves similar goals and objectives to those policies within the City’s Safety Element.

The LHMP is consistent, and implements, the following Goals and Policies of the Environmental Hazards Element:

Goal 1: Increased protection and safety of human life, land, and property from the effects of seismic and geotechnical hazards.

- Policy 1: The City shall establish and maintain an information database containing maps and other information which describe seismic and other geotechnical hazards occurring within the City boundaries, sphere-of-influence and planning area.
  
  o Such maps and information has been incorporated into the LHMP, for inclusion and adoption into the General Plan.

- Policy 5: The City shall coordinate and cooperate with public and quasi-public agencies to assure the continued functionality of major utility systems in the event of a major earthquake.
  
  o The LHMP sets forth mutual-aid agreements and procedures between the City of Banning, Riverside County Fire, Cal Fire, and the Morongo Tribal Government.

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 LHMP implements Policy 6, of the Public Facilities Chapter, which states as follows: Critical structures and facilities (including the civic center, hospitals, fire stations, police stations, schools and major communications facilities) shall be restricted from geologically and hydrologically hazardous areas.

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

Findings of Fact:

The proposed General Plan Amendment will not impact or affect any aspect of the City’s General Plan Land Use Element. Incorporating the LHMP into
the Safety Element will ensure the protection of the City's public infrastructure.

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 proposed General Plan Amendment will not impact or affect any aspect of the City's General Plan Land Use Element. Incorporating the LHMP into the Safety Element will ensure the protection of the City's public infrastructure.

PLANNING COMMISSION ACTION – Recommendation of Approval of General Plan Amendment. 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 19-2501 that affects all parcels and all Assessor's Parcel Numbers (APN) within the City of Banning.

PASSED, APPROVED AND ADOPTED this 1st day of May 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
ATTACHMENT 2

2017 City of Banning Local Hazard Mitigation Plan (LHMP)
LOCAL HAZARD MITIGATION PLAN

Prepared by:
Alejandro Diaz, Chief of Police
5/2/2017
CONTACT INFORMATION

CITY OF

Name: Alejandro Diaz
Title: Chief of Police
Address: 125 E. Ramsey Street
City, State and Zip: Banning, CA 92220

Direct Contact: 951-849-1194
Fax: 951-922-0039
Email: adiaz@ci.banning.ca.us
The (Jurisdiction) will submit plans to Riverside County Emergency Management Department who will forward to California Governor's Office of Emergency Services (CAL OES) for review prior to being submitted to the Federal Emergency Management Agency (FEMA). In addition, we will wait to receive an "Approval Pending Adoption" letter from FEMA before taking the plan to our local governing bodies for adoption. Upon approval, the (Jurisdiction) will insert the signed resolution.
EXECUTIVE SUMMARY

The purpose of this local hazard mitigation plan is to identify the County’s hazards, review and assess past disaster occurrences, estimate the probability of future occurrences and set goals to mitigate potential risks to reduce or eliminate long-term risk to people and property from natural and man-made hazards.

The plan was prepared pursuant to the requirements of the Disaster Mitigation Act of 2000 to achieve eligibility and potentially secure mitigation funding through Federal Emergency Management Agency (FEMA) Flood Mitigation Assistance, Pre-Disaster Mitigation, and Hazard Mitigation Grant Programs.

Riverside County’s continual efforts to maintain a disaster-mitigation strategy is on-going. Our goal is to develop and maintain an all-inclusive plan to include all jurisdictions, special districts, businesses and community organizations to promote consistency, continuity and unification.

The County’s planning process followed a methodology presented by FEMA and CAL-OES which included conducting meetings with the Operational Area Planning Committee (OAPC) coordinated by Riverside County Emergency Management Department (EMD) comprised of participating Federal, State and local jurisdictions agencies, special districts, school districts, non-profit communities, universities, businesses, tribes and general public.

The plan identifies vulnerabilities, provides recommendations for prioritized mitigation actions, evaluates resources and identifies mitigation shortcomings, provides future mitigation planning and maintenance of existing plan.

The plan will be implemented upon FEMA approval.
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SECTION 1.0 - COMMUNITY PROFILE

1.1 CITY MAP
1.2  GEOGRAPHY AND CLIMATE DESCRIPTION

The City of Banning is a corporate city in Riverside County in the Coachella Valley of California. It is approximately twenty-three (23) square miles in area and is 80 miles east of the County seat, the City of Riverside. City of Banning sits directly adjacent to San Bernardino County on its northern, southern and east boundaries is Riverside County, and is adjacent to Beaumont to the west. The Union Pacific Railroad and California State Highway 10 both run through the middle of the City. Smith Creek, a waterway that starts in the Mountains and runs through the lower part of the Valley, is close to the City’s southern and eastern boundaries.

The City of Banning has climate that would be described as hot during the summer and could possibly have snow during the winter months. Average temperatures are in the high 90’s during summer and low 40’s during the winter. However, Banning can get snow which would make the temperatures lower. The rainfall for the City of Banning on an average is about 3 inches per year. Mt. San Gorgonio and Mt. San Jacinto mountains are located in the City. The City of Banning is known for all their festivals throughout the year.

1.3  BRIEF HISTORY

The City of Banning was established in 1913. Initially, Banning served as a stagecoach and railroad stop between the Arizona territories and Los Angeles. This history has contributed to the present day spirit of pioneer resourcefulness and “can do” attitude that is prevalent in the community. Banning is very friendly. Clean air, ample water supplies and views of both the

1.4  ECONOMY DESCRIPTION

The City of Banning is primarily a bedroom community. Development in the City is 72 percent residential, 20 percent commercial, and 8 percent industrial, which limits the sales and property tax base. Agriculture is the primary industry within and around City of Banning. The City’s downtown area, known as the City of Banning, has specialty shops, restaurants, and businesses.
Average Salaries


- Average salaries for jobs located in the city increased from $26,624 in 2003 to $34,765 in 2015, a 30.6 percent change.

- Note: Dollars are not adjusted for annual inflation.

- In 2015, the employment sector providing the highest salary per job in the city was Public Administration ($83,320).

- The Non-Classified sector provided the lowest annual salary per job ($5,238).
1.5 POPULATION AND HOUSING

The 2017 population of the City of Banning, California is estimated at 30,769, whereas 2012 population was 29,603. The City of Banning has some seasonal residents that will increase the population by 8.7% (seasonal increase of 2,575). Seasonal residents may spend fall, winter and will hinder the city's services. The City of Banning is well known for their festivals that they run all years around. These festivals will generally increase the City day’s population by about 7% or by 2,072.

II. Population

Population Growth

- Between 2000 and 2016, the total population of the City of Banning increased by 7,272 to 30,834 in 2016.
- During this 16-year period, the city's population growth rate of 30.9 percent was lower than the Riverside County rate of 51.9 percent.
- 1.3% of the total population of Riverside County is in the City of Banning.
1.6 BRIEF STATEMENT OF UNIQUE HAZARDS

There are no new hazards to impact the City of Banning since approval of the 2005 LHMP; however, the City has experienced the following hazards:

- Between 2000 and 2016, permits were issued for 2,045 residential units.
- In 2000, the City of Banning had 6.6 permits per 1,000 residents compared to the overall county figure of 13.8 permits per 1,000 residents.
- For the city in 2016, the number of permits per 1,000 residents decreased to 0 permits. For the county overall, it decreased to 2.4 permits per 1,000 residents.
• Flooding from rain storms causing damage in 2009 and 2010.
• Flooding on east side of town and at W. Ramset Street and Omar Street, where the water channel goes under Interstate Highway 10.
• Fires within the City boundaries (Esperanza Fire).
• Fire destroyed a historic building in the downtown area in 2014.
• Vegetation fires in the hills around Banning and in open space in 2010, 2012, and 2015.

1.7 DEVELOPMENT TRENDS AND LAND USE

The City of Banning has experienced a 20% growth rate since 2005.
SECTION 2.0 - PLANNING PROCESS

2.1 LOCAL PLANNING PROCESS

Representatives from the City of Banning Building & Safety, Planning, Finance, Engineering, Parks and Recreation, Fire, and Public Works departments on September 4, 2014 met to review past hazards as well as identify and prioritize appropriate local hazard mitigation strategies. The City of Banning’s General Plan also contains an Environmental Hazards Element that outlines hazards and mitigation steps. The City is currently updating its General Plan which includes goals, policies, and programs regarding environmental hazards, the transport of hazardous materials, emergency operation plan (EOP) and to provide an efficient and effective public safety.

Planning Process

In order to achieve a comprehensive hazard mitigation plan, the City utilized a planning process that included engaging various Departments within the City of Banning, neighboring local jurisdictions, special districts and input from the community. The process included the following phases:

1. Hazards and Risk Identification

   The planning team reviewed the past hazards and current hazards to prioritize existing funding and capital improvement projects.

   They also identified risks and estimated potential loss to the critical infrastructures and property values to develop mitigation strategies and explore new funding sources.

2. Community Outreach and Partnerships

   The City established a list of stakeholders and encouraged them to participate in the planning process by attending the local hazard mitigation workshops that were presented at the Pass Comm and at the quarterly Operational Area Planning Committee meetings. The said meetings are attended by the neighboring cities, special districts, non-profit organizations, businesses and community which are open for public comment. Comments were compiled and taken in to consideration for planning.

3. Preparedness Training

   The City conducted Public Outreach programs to include emergency preparedness with other public service organizations and Community Emergency Response Team (CERT) training.
4. Policy and Plan Review

In this phase, the planning team reviewed all existing Federal, State and local laws, regulations and plans to incorporate into the local hazard mitigation plan. The review included the following:

- CFR - Title 44
- City of Banning Municipal Codes
- City of Banning General Plan
- Capital Improvement Plan
- Title 8 – Health and Safety Codes
- Title 13 – Public Services

Chapters 13.12 – Water Wells

Chapters 13.24 – Storm Water Management

5. Mitigation Strategies and Goals

All of the mitigation goals and strategies were developed based upon existing and identified risks and hazards. Projects were prioritized, and the City reviewed existing and possible funding sources for projects that will reduce or mitigate risks and hazards. The planning team also explored all viable alternatives if the projects exceed funding capabilities.

2.2 PARTICIPATION IN REGIONAL (OA) PLANNING PROCESS

The City of Banning participates in the Riverside County Operational Area (OA) workshops and meetings:

- Attended OA Disaster Council Meeting
- Attended Quarterly OA Meetings
- Attended All Riverside County – Hazard Mitigation Planning Meetings
- Conducted quarterly City emergency planning meetings and employee training.
• Conduct Public Outreach programs, to include emergency preparedness and other public service organizations.
• Attended Freeway Closure Taskforce Meetings

2.3 DATES AVAILABLE FOR PUBLIC COMMENT

• 06/13/2017: PASSCOM meeting

2.4 PLANS ADOPTED BY RESOLUTION

Upon approval by FEMA, the LHMP will be presented to the (Respective Board or Council) in a public meeting for adoption via an official Resolution.

SECTION 3.0 - MITIGATION ACTIONS/UPDATES

3.1 UPDATES FROM 2012 PLAN

No new hazards happened in our jurisdiction that are not already addressed in the previous LHMP.

3.2 NEW HAZARDS OR CHANGES FROM 2012

There are no new hazards to impact the City of Banning since approval of the 2005 LHMP; however, the City has experienced the following hazards:

• Flooding from rain storms causing damage in 2009 and 2010.
• Flooding on east side of town and at W. Ramset Street and Omar Street, where the water channel goes under Interstate Highway 10.
• Fires within the City boundaries.
• Fire destroyed a historic building in the downtown area in 2012
• Vegetation fires in the hills around Banning and in open space in 2008, 2009, 2010 and 2012.

3.3 BRIEF STATEMENT OF UNIQUE HAZARDS

Landslide and Slope Instability

In the City of Banning, as development reaches higher elevations within the hills, landslides and slope instability are considered a significant risk. Slope failures can occur on the steep slopes of the foothills and mountains that surround Banning during or after periods of intense rainfall or in...
response to strong seismic shaking. Other areas potentially prone to landslides and slope instability include areas with steep canyon walls and the natural slopes facing the southern edge of the City, which are likely to be impacted by rockfalls, rockslides, and soil slips. Landslides could also occur in southern Banning Bench on shallow subsurface sedimentary rock that are generally massive to thickly bedded.

San Andreas Fault

The San Andreas Fault zone passes through the northerly portion of the Banning planning area. It is the longest fault in the state of California, extending approximately 600 miles from the Salton Sea to Cape Mendocino. The San Andreas is a right-lateral transform fault regarded as a "Master Fault" that controls the seismic hazard for central and southern California. The last major earthquake to occur on the southern San Andreas was the magnitude 8.0 Fort Tejon earthquake in 1857.

3.4 MITIGATION PROJECT UPDATES

The City has implemented mitigation efforts since the approval of the 2005 LHMP that include the following:

- The City's Building Department has implemented standards on building elevations in reference to curbs and gutters based on past practice.

- The City has designated cooling centers and secondary sites if needed during a heat emergency. City Recreation Department staff would assist in staffing these sites, and the City would provide for water and other basic needs. The main cooling center is located at the Banning Community Services Department, 789 N. San Gorgonio St., Banning, CA 92220.

- The Police Department and the California Department of Transportation have a plan to divert traffic from Highway in the event of major traffic accidents.

- The City has identified and summarized Capital Improvement Program projects and funding sources, however some of the projects are on hold due to lack of funding. Please see figures 3.2.1 through 3.2.3 for a list of projects and the cost benefit analysis.
SECTION 4.0 - HAZARD IDENTIFICATION AND RISK ASSESSMENT

4.1 CRITICAL FACILITIES AND INFRASTRUCTURES

<table>
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<tr>
<td>Public Safety Dispatch</td>
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<tr>
<td>Emergency Operations Center</td>
<td>2</td>
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<tr>
<td>City Hall</td>
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<tr>
<td>Fire Stations</td>
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<tr>
<td>Water Reservoirs</td>
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<tr>
<td>Water Treatment Plants</td>
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<tr>
<td>Waste Water Treatment Plants</td>
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<td>Maintenance Yards</td>
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<tr>
<td>Senior Community Centers</td>
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<td>Schools</td>
<td>12</td>
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<td>Radio Repeaters</td>
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</tbody>
</table>

4.2 ESTIMATING POTENTIAL LOSS

The most vulnerable structures in the City are downtown fire station, City Hall, and downtown unreinforced structures. These facilities are of the weakest in the city. The close proximity to the San Andreas Fault is sure to cause damage to any of these facilities in the event of a major earth quake.

(See Part II - Page 21 Local Jurisdiction Development Trends Questionnaire)
### 4.3 TABLE REPLACEMENT VALUES

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<thead>
<tr>
<th>Name of Asset</th>
<th>Replacement Value ($)</th>
<th>Hazard Specific Info.</th>
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<tbody>
<tr>
<td>City Hall</td>
<td>12 Million</td>
<td>Unreinforced masonry</td>
</tr>
<tr>
<td>Fire Station-6th Street</td>
<td>2.5 Million</td>
<td>Unsecured perimeter</td>
</tr>
<tr>
<td>Fire Station-Murray Street</td>
<td>2.3 Million</td>
<td>Unsecured Perimeter</td>
</tr>
<tr>
<td>Schools (elementary, middle)</td>
<td>77.1 Million</td>
<td>Some are unsecured</td>
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<tr>
<td>High school (Banning High)</td>
<td>40 Million</td>
<td>Open campus</td>
</tr>
<tr>
<td>Police Department</td>
<td>15.1 Million</td>
<td>Proximity to railroad system</td>
</tr>
<tr>
<td>Corporate Yard</td>
<td>5 Million</td>
<td>Proximity to railroad system</td>
</tr>
</tbody>
</table>
4.4 IDENTIFICATION OF RISKS AND VULNERABILITIES

Wildfire, flooding, earthquakes, extreme weather (heat and wind), hazardous materials incidents, debris flows, blackouts, transportation incidents, pipeline emergencies, civil unrest, terrorism.

1. Flood - Severity - 3, Probability -2, Ranking - 5

Heavy rain can lead to problems with storm drainage and create localized flood problems. According to the City of Banning Storm Drain Master Plan, there are several flooding problem areas in the City. These areas are primarily a result of undersized pipes where the runoff exceeds the pipe capacity even for minor storms, damaged curb and gutters where the flow lines have been disrupted due to raised gutters and other obstructions, or damaged drain pipes. The north side of town flows to the south side of town. The flood channels on the north side of town flow under the Interstate Hwy 10. This is where the cannels become very narrow and water backs up on the north side.

The majority of the damaged lines are downtown, where the storm drain pipes are some of the oldest in the system. The undersized lines are being recognized and are being addressed when buildings are retrofitted or new buildings are being built. Currently the downtown areas along East and West Ramsey Streets and San Gorgonio Ave are important to update with larger drainage system. The areas that have curb and gutter flow line damage are generally in the older residential areas, including the areas south and west of Banning High School. (See Riverside County OA MJHMP Section 5.3.1 Pages 164-195).

1. 3. Earthquake – Severity -4 , Probability -3 Ranking – 1

The City of Banning is located in the Southern section San Andreas Seismic Hazard Zone. The San Andreas Fault is less than 15 miles to our northeast and can produce very high levels of shaking in the entire Banning Pass Area. The City of Banning downtown section is the oldest buildings in town. None of these building are earthquake protected or retrofitted for earthquake movement. In a major earthquake event, several if not all of the downtown buildings would be left standing. Most of these building were built back into 1800’s. (See Riverside County OA MJHMP Section 5.3.3 Pages 196-218).

4. Severe Weather - Severity - 3, Probability - 2, Ranking - 9

Cooling Areas/ Extreme Heat:

The City has several cooling centers; the cooling areas in the City of Banning are large box retail stores, senior centers and social clubs. These heat cooling areas are located more in the downtown areas.

Extreme cold:
The extreme cold and freezing impacts our residential homes, with pipe breaks and the use of non-listed heaters. This creates a fire/life safety concerns.

Heavy rain:

Heavy rain impacts the city by flooding, flooding damages homes, businesses, and loss of life. The City has plans to correct the flooding issues throughout Banning.

(See Riverside County OA MJHMP Section 5.3.4 Pages 219-226 and Section 5.3.8 Pages 239-245).

Hazardous Materials - Severity −, Probability −, Ranking

5. Technological Hazards - Severity - 4, Probability - 3, Ranking - 3

(Transportation Hazards/Hazardous Materials Release)

Along with the potential for death and injuries from large-scale motor vehicle accidents, there is the potential for hazardous material spills or fires as numerous commercial transportation vehicles travel the highway and interstate with various types and quantities of hazardous materials.

The Union Pacific Railroad is a predominately commercial freight transportation system but, Amtrak trains also use these tracks. Large quantities and numerous types of hazardous materials are transported through the jurisdiction by rail on a daily basis. The rail line was closed for multiple days in the area, but the specific closures and damage are no longer known. However, due to the increased rail and vehicle traffic in and near the City, this type of accident may occur again in the future.

Of particular concern is the large number of liquefied petroleum gas vessels that are transported on the system. A derailment and fire, with large exploding liquefied petroleum gas vessels, could cause widespread damage to the City, as has happened in other communities across the country.

Large quantities of hazardous materials are used by the agricultural industry and thus travel through the City of Banning and are stored and used in the surrounding areas. In the past there was the potential for hazardous materials releases from large industrial facilities. In today’s economics, the smaller businesses are stock piling hazardous materials storage.

(See Appendix A- Part II –Inventory Worksheet Page 9 for complete ranking chart of City of Banning Hazards.)

5. Dam Failure – Severity - , Probability - , Ranking - N/A

(See Riverside County OA MJHMP Section 5.4.1 Pages 261-270).

2. Drought - Severity - 2, Probability -3 , Ranking – 6
Drought has affected the City of Banning for years. The problem is the longer the drought continues the less people will be watering the yards, fields, and acreages. Wildfires start because of the drought cases. This is where the extreme weed abatement starts. The City of Banning's weed abatement program is very aggressive and known nearly every land owner is aware of this. After giving the owners two notices, the City of Banning hires contractors to clean up the parcel. (See Riverside County OA MJHMP Section 5.3.5 Pages 227-230).

See Part II - Inventory Worksheet Page 18 for complete ranking chart

SECTION 5.0 – COMMUNITY RATING SYSTEM

5.1 REPETITIVE LOSS PROPERTIES

There were no repetitive loss properties in the City of Banning since the approval of the 2005 Local Hazard Mitigation Plan.

5.2 NATIONAL FLOOD INSURANCE PROPERTIES

The City of Banning has participated in the National Flood Insurance Program since 8/28/2008. The City provides information to residents regarding flood hazards, actions they can take to be safe during a flood event, flood insurance requirements, and requires that new development and significant redevelopment comply with the City's flood ordinances and meet FEMA standards for construction.

- **Describe participation in NFIP, including any changes since previously approved plan.** No changes since participating in 2008.
- **Date first joined NFIP.** 2008.
- **Identify actions related to continued compliance with NFIP.** The City of Banning is currently in compliance with the NFIP. Banning currently conducts outreach to educate residents on the potential flood hazards in the community.
- **CRS member?** No.
- **CRS class?** N/A.
- **Describe any data used to regulate flood hazard area other than FEMA maps.** None.
- **Have there been issues with community participation in the program?** No.
- **What are the general hurdles for effective implementation of the NFIP?** None.
  - **Summarize actions related to continued compliance with NFIP** None.
  - **Repetitive Loss Properties** None.
Other risks:
SECTION 6.0 - CAPABILITIES ASSESSMENT

6.1 REGULATORY MITIGATION CAPABILITIES

Capabilities are the programs and policies currently in use to reduce hazard impacts or that could be used to implement hazard mitigation activities. This capabilities assessment is divided into five sections –

- Regulatory Mitigation Capabilities
- Administrative And Technical Mitigation Capabilities
- Fiscal Mitigation Capabilities
- Mitigation Outreach And Partnerships
- Funding Sources

<table>
<thead>
<tr>
<th>Regulatory Tool</th>
<th>Yes/No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>General plan</td>
<td>Yes</td>
<td>General Plan for the City (2006)</td>
</tr>
<tr>
<td>Zoning ordinance</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Subdivision ordinance</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Site plan review requirements</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Floodplain ordinance</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Other special purpose ordinance (storm water, water conservation, wildfire)</td>
<td>Yes</td>
<td>Urban Water Management/Conservation Plan</td>
</tr>
<tr>
<td>Building code</td>
<td>Yes</td>
<td>California Code in Building/Fire Codes Adopted 2010</td>
</tr>
<tr>
<td>Fire department ISO rating</td>
<td>Yes</td>
<td>Rating: 4</td>
</tr>
<tr>
<td>Erosion or sediment control program</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Storm water management program</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Capital improvements plan</td>
<td>Yes</td>
<td>Five year plan</td>
</tr>
<tr>
<td>Economic development plan</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Local emergency operations plan</td>
<td>Yes</td>
<td>Updated 2011</td>
</tr>
<tr>
<td>Flood Insurance Study or other engineering study for streams</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>
Comprehensive General Plan for the City (2006)

The City of Banning General Plan reflects the City's long-range aspirations (15-20 years) of physical form and amenity and provides guidance for developmental regulations, such as zoning and subdivision ordinances. Two of the plans goals, in particular, support hazard mitigation. These goals and their policies are included below.

Goal 1: Seismic Hazards

Goals for achieving and maintaining safety from seismic events, include preventing serious injury, loss of life, serious damage to critical facilities involving large assemblies of people, and loss of continuity in providing services.

The City will inventory all buildings which are unsound under conditions of "moderate" seismic activity; buildings having questionable structural resistance should be considered for either rehabilitation or demolition. Structures determined by the City's building official to be structurally unsound are to be reported to the owner and recorded with the County recorder to insure that future owners are made aware of hazardous conditions and risks. This is an on-going project.

Goal 2: Public Safety Hazards

Goals for public safety seek to reduce loss of life or property due to crime, fire, earthquake, or other disasters or hazards, provide adequate medical and emergency services to reduce the effects of natural or manmade disasters, promote citizen awareness and preparedness for emergency/disaster situations or potential for the incidence of crime, and implement adequate interagency disaster planning.

The City will continue to maintain and update emergency service plans, including plans for managing emergency operations, the handling of hazardous materials, and the rapid cleanup of hazardous materials spills.

The City's General Plan provides for a separate Safety Element identifying the City's policies relative to the mitigation or natural and manmade hazards as a means to improve the safety of its citizens. The Safety Element complies with the State of California's directive pertaining to noise and safety issues.

Water Conservation Ordinance

City of Banning Municipal Code addresses water conservation (water waste). It specifies when watering is allowed for irrigating lawns, shrubs and trees (i.e., days and times or restrictions).
### 6.2 ADMINISTRATIVE/TECHNICAL MITIGATION CAPABILITIES

<table>
<thead>
<tr>
<th>Personnel Resources</th>
<th>Yes/No</th>
<th>Department/Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planner/engineer with knowledge of land development/land management practices</td>
<td>Yes</td>
<td>Planning and Development Director</td>
</tr>
<tr>
<td>Engineer/professional trained in construction practices related to buildings and/or infrastructure</td>
<td>Yes</td>
<td>City Engineer and Building Official</td>
</tr>
<tr>
<td>Engineer with an understanding of natural hazards</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Personnel skilled in GIS</td>
<td>Yes</td>
<td>Planning Department</td>
</tr>
<tr>
<td>Full time building official</td>
<td>Yes</td>
<td>Contracted</td>
</tr>
<tr>
<td>Floodplain manager</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Emergency manager</td>
<td>Yes</td>
<td>Police Chief</td>
</tr>
<tr>
<td>Grant writer</td>
<td>Yes</td>
<td>Contracted</td>
</tr>
<tr>
<td>GIS Data—Land use</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>GIS Data—Links to Assessor’s data</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Warning systems/services (Reverse 9-11, outdoor warning signals)</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

### 6.3 FISCAL MITIGATION CAPABILITIES

<table>
<thead>
<tr>
<th>Financial Resources</th>
<th>Accessible/Eligible to Use (Yes/No)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Development Block Grants</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Capital improvements project funding</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Authority to levy taxes for specific purposes</td>
<td>Yes</td>
<td>Voter Approved</td>
</tr>
<tr>
<td>Fees for water, sewer, gas, or electric services</td>
<td>Yes</td>
<td>Water</td>
</tr>
<tr>
<td>Impact fees for new development</td>
<td>Yes</td>
<td>Development Manager</td>
</tr>
<tr>
<td>Incur debt through general obligation bonds</td>
<td>Yes</td>
<td>Voter Approved</td>
</tr>
<tr>
<td>Incur debt through special tax bonds</td>
<td>Yes</td>
<td>Voter Approved</td>
</tr>
<tr>
<td>Incur debt through private activities</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Withhold spending in hazard prone areas</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>
6.4 MITIGATION OUTREACH AND PARTNERSHIPS

The City of Banning has an existing water responsible program and annual fire safety programs in schools and throughout the year at special community events.

The City of Banning Fire Department recently agreed to an automatic aid agreement for fire and emergency medical services with the Riverside County Fire. They also have mutual aid agreements with AMR and Riverside County fire departments.

City of Banning has been training residents in CERT and NEST Training. These are Banning’s residents’ that volunteer that will assist the city during large Police and fire emergencies.

6.5 FUNDING OPPORTUNITIES

FEMA

SECTION 7.0 - MITIGATION STRATEGIES

7.1 GOALS AND OBJECTIVES

Goal 1: Provide effective emergency response to disasters that minimize the loss of life and property, and lessen to the greatest extent feasible, serious damage and injuries.

Objective 1.1: Provide timely notification and direction to the public of imminent and potential hazards.

Objective 1.2: Protect public health and safety by preparing for, responding to, and recovering from the effects of natural or technological disasters.

Objective 1.3: Improve community transportation corridors to allow for better evacuation routes for public and better access for emergency responders.

Goal 2: Improve the community’s capability to mitigate hazards and reduce exposure to hazard related losses.

Objective 2.1: Reduce localized flooding within the City’s storm drain systems by enforcement of the City of Banning’s Stormwater Management and Discharge Control Code.

Objective 2.2: Minimize the impact to the City due to reoccurring drought conditions that impact ground water supply.
Objective 2.3: Minimize the impact to vulnerable populations within the community that may be affected by severe weather-related events, such as long duration heat waves and winter storms.

Goal 3: Protect the lives and property of residents, business owners, and visitors from the hazards of urban and wildland fires.

Objective: 3.1: Support brush removal and weed abatement in developed areas to minimize fire risks, and coordinate with the Riverside County Fire Department Hazard Reduction Office and neighboring cities regarding jurisdictional issues related to brush removal.

Objective: 3.2: Classify areas of varying fire-hazard severity based upon the proximity to open wildland slope, grades, accessibility, water supply, and building construction features.

Objective: 3.3: Require property owners adjacent to wildland areas to maintain a defensible space around structures that are free from dry brush and other flammable materials and to comply with the 100' Defensible Space Requirement in the Public Resources Code (PRC 4291) and Government Code (GC 51182) for fuel modification to reduce fire danger.

Objective: 3.4: Continue to conduct long-range fire safety planning, including enforcement of stringent building, fire, subdivision, and other Municipal Code standards; improved infrastructure; and mutual-aid agreements with other public agencies and the private sector.

Goal 4: Substantially reduce the known level of risk to loss of life, personal injury, public and private property damage, economic and social dislocation, and disruption of vital community services that would result from earthquake damage or other geologic disturbance.

Objective: 4.1: Require new development and re-development to be undertaken in a manner that is in compliance with current seismic and geologic hazard safety standards.

Objective 4.2: Adopt current Building and Fire Codes and amend the Building and Zoning Codes to incorporate specific standards for siting, seismic design, and review of Essential Facilities.

Goal 5: Reduce near-term drought shortages that could impact residents and the agriculture industry.

Objective 5.1: Adopt and enforce the urban water management and conservation plan to preserve water.

Objective 5.2: Maximize the use of shared resources between jurisdictions and special districts for mitigation/communication.
Objective 5.3: Minimize the impact to the City due to reoccurring drought conditions that impact both ground water supply and agricultural industry.

7.2 MITIGATION ACTIONS
The Banning’s Team has prioritized future mitigation. These future mitigation actions will depend on:

- The hazards identified
- The City’s organizations will supply the Future Mitigation Team the strategy, goal, and objective for their business.
- The availability of funding will be the largest problem.

The storm water is a large problem within the City. This water will not only create flooding but landslides of the mountains surrounding the City. If the property owners don’t properly maintain the land when weed abating. If the land has been cut to low or has been disked, could create a landslide problem.

The planning team for the City of Banning identified and prioritized the following mitigation actions based on the risk assessment. Background information and information on how each action will be implemented and administered, such as ideas for implementation, responsible office, partners, potential funding, estimated cost, and schedule are included.

7.3 ON-GOING MITIGATION STRATEGY PROGRAMS
1. The property owners need to be weed abated correctly
   Other Alternatives: No Action
   Responsible Office: City Street Maintenance Department/Fire Marshal
   Priority (High, Medium, Low): High
   Cost Estimate: $65,000
   Potential Funding: None
   Benefits (Avoided Losses): Elimination of weeds and died trees would create vacant land looking neat and fire/life safety limited. If land owners would take the responsibility of ensuring their land has been maintained the costs from the City would be a saving to the City.

2. Condemn vacant and abandoned buildings
   Abandoned properties throughout the city
Other Alternatives: No Action

Responsible Office: Code Enforcement, Building Official, Fire Marshal, City Council

Priority (High, Medium, Low): High

Cost Estimate: $100,000 to get the project started

Potential Funding: None

Benefits (Avoided Losses): Elimination of structural damaged buildings that has the potential of fire/life safety issues.

On-Going Mitigation Strategy Programs

Other Alternatives: No action

On-going mitigation programs in the City of Banning

The jurisdiction has many on-going mitigation programs that help create a more disaster-resistant region. The following list highlights those programs identified as Existing Programs in the mitigation strategy spreadsheet. Others are on-going programs that are currently underfunded. It is the jurisdictions priority to find additional funding to sustain these on-going programs over time.

- Vulnerability assessments of the Cities facilities and infrastructure
- Non-structural mitigation for building contents
- Installation of micro and/or surveillance cameras at critical public assets tied to web-based software

(See Part II- Inventory Worksheet Pages 21-22, “Local Jurisdiction Proposed Mitigation Action”)

7.4 FUTURE MITIGATION STRATEGIES

See above

SECTION 8.0 - PLAN IMPLEMENTATION AND MAINTENANCE PROCESS

The plan maintenance process shall include scheduling of monitoring, evaluating, and updating the plan in a 5 year cycle. This will ensure the city's plan will remain updated. The city will need to create a team to monitor, evaluate and update the City's LHMP.

The City of Banning will monitor and evaluate our LHMP on an annual basis. Over the next 5 years, we will review the LHMP. We will assess, among other things, whether:
• The goals and objectives address current and expected conditions.
• The nature, magnitude, and/or type of risks have changed.
• The current resources are appropriate for implementing the plan.
• There are implementation problems, such as technical, political, legal, or coordination issues with other agencies.
• The outcomes have occurred as expected

The City of Banning and agencies and other partners participated as originally proposed. If we discover changes have occurred during the evaluation, we will update the LHMP Revision Page, and notify OES to update our Annex.

Our Community Development Manager and Fire Marshal will be in charge of the monitoring, evaluation and updating of our LHMP.

SECTION 9.0 - INCORPORATION INTO EXISTING PLANNING MECHANISMS

The City has incorporated the Local Hazard Mitigation Plan by adoption into the Safety Element of the City’s General Plan. The City has a Safety Element in its General Plan that includes a discussion of fire, earthquake, flooding, and landslide hazards. This plan was adopted as an implementation appendix to the Safety Element. In addition, the City enforces the requirements of the California Environmental Quality Act (CEQA), which, since 1988, requires mitigation for identified natural hazards. The City has used these pre-existing programs as a basis for identifying gaps that may lead to disaster vulnerabilities in order to work on ways to address these risks through mitigation.

The local hazard mitigation planning efforts is included into the following:

CITY OF BANNING MUNICIPAL CODES

Title 8 HEALTH AND SAFETY
• Chapter 8.04 Abandoned Gas Stations
• Chapter 8.12 Vacant And Distressed Buildings

Title 13 PUBLIC SERVICES
• Chapter 13.12 Water Wells
• Chapter 13.16 Water Conservation
• Chapter 13.24 Stormwater Management System

Title 15 BUILDINGS AND CONSTRUCTION
• Chapter 15.24 Earthquake Resistance Standards
• Chapter 15.28 Fire Districts
• Chapter 15.64 Floodplain Management

LOCAL HAZARD MITIGATION PLAN
MAY 2016
OTHER PLANNING MECHANISMS

- Strategic Plan for City of Banning
- Economic Development Plans
- Community Redevelopment Plan
- General Plan – Safety Element
- Emergency Operations Plan
- Wastewater Improvement Plan

SECTION 10.0 - CONTINUED PUBLIC INVOLVEMENT

After we go through the Scheduled Plan Maintenance Process of reviewing the LHMP annually, we will notify the public of any additions or changes in the LHMP Plan. This will be accomplished through scheduled Public Safety meetings and community outreach meetings which are anticipated to be scheduled for each quarter next year.
APPENDIX A – PUBLIC NOTICES AND MAPS

SEE ATTACHMENTS
APPENDIX B – INVENTORY WORKSHEETS

SEE ATTACHMENTS
APPENDIX C – PLAN REVIEW TOOL/CROSSWALK

SEE ATTACHMENTS
ATTACHMENT 3
Public Hearing Notice
NOTICE OF PUBLIC HEARING TO CONSIDER GENERAL PLAN AMENDMENT 19-2501 INCORPORATING THE LOCAL HAZARD MITIGATION PLAN (LHMP) INTO THE CITY OF BANNING GENERAL PLAN - SAFETY ELEMENT.

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, May 1, 2019, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider the proposed General Plan Amendment. The proposed General Plan Amendment (GPA) affects all parcels within the City of Banning, California.

Information regarding the General Plan Amendment and the Local Hazard Mitigation Plan (LHMP) 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, M.A., AICP
Community Development Director
Dated: 04/16/2019

Publish: 04/19/2019

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:

April 19, 2019

Executed on: 04/19/2019
At Banning , CA

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

Signature
4/18/2019

Re: SB 18 – Banning Local Hazard Mitigation Plan

Adam B. Rush
Community Development Director
City of Banning

The Tribal Historic Preservation Office of the Morongo Band of Mission Indians acknowledges your letter on the above project. We appreciate your efforts to safeguard tribal cultural resources through decisions informed by tradition, custom and knowledge of federally recognized tribal governments that are the subject-matter experts involving the significance and integrity of these resources.

Our office presently has no additional information or comments to provide regarding any cultural resources aspects of the proposed General Plan Amendment and may conclude consultation with the understanding that future projects may require AB 52 review under CEQA.

Sincerely,

Travis Armstrong
Tribal Historic Preservation Officer
Morongo Band of Mission Indians
TO: PLANNING COMMISSION

FROM: Adam B. Rush, Community Development Director

PREPARED BY: Mark de Manincor, Contract Planner

MEETING DATE: May 1, 2019

SUBJECT: Resolution 2019-08, Notice of Intent to adopt a Mitigated Negative Declaration and Mitigation Monitoring Report and Program (Environmental Assessment), Tentative Tract Map (TTM) 36710 and Variance 19-3001 for a proposal to subdivide four lots totaling 10.6 acres into 39 single-family residential lots and three lettered lots in the Low Density Residential Zoning District, Assessor’s Parcel Number’s 534-183-014, 534-200-004, 534-200-008 and 534-200-047

RECOMMENDATION:

That the Planning Commission adopt Resolution 2019-08, recommending to the City Council approval of the following actions, subject to the Findings incorporated therein.

I. Adoption of a Mitigated Negative Declaration (MND) and Mitigation Monitoring Report and Program for the project (Environmental Assessment).

II. Tentative Tract Map 36710.

III. Variance 19-3001

APPLICANT INFORMATION:

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

Property Owner: RMG Residential 2010, LLP
8800 N. Gainey Center Drive, Suite 255
Scottsdale, AZ 85258
Project Location: North of East Wilson Street and west of North Florida Street
APN Information: 534-183-014, 534-200-004, 534-200-008 and 534-200-047.

APPLICANT'S REQUEST:

The applicant is requesting consideration of a Mitigated Negative Declaration and Mitigation and Monitoring Report and Program for a project proposing a Tentative Tract Map to subdivide 10.6-acres of land into 39 single-family residential lots in the Low-Density Residential (LDR) Zone and a Variance to allow for a reduced lot size and lot width of lot 7 as the lot is restricted in size by existing development to the east and west. The site is located north of East Wilson Street west of North Florida Street (APN’s 534-183-014, 534-200-004, 534-200-008 and 534-200-047).

PROJECT BACKGROUND AND SETTING:

BACKGROUND

The project was originally submitted, September 2015 as a Planned Unit Development (PUD), Tentative Tract Map (TTM), Environmental Assessment (EA) and Zone Change (ZC). On September 28, 2017, the Planning Commission recommended approval of the project to the City Council by a 3-2 vote but had concerns about the small lot sizes. At the City Council meeting of September 26, 2017, the City Council continued the project off calendar as they expressed concerns with the small lot sizes, outdoor access to the second story of some proposed single-family structures and inconsistencies with the Site Plans submitted to the Planning Commission and City Council.

The applicant revised and resubmitted the project, September 2018. The revised project includes a Tentative Tract Map, Environmental Assessment and Variance. The PUD, ZC and DR were withdrawn in favor of maintaining the Low Density Residential Zoning, maintaining large lot sizes and bringing the Design Review forward, at a later date, when the owner is ready to develop. This will be consistent with the Planning Commission's and City Council's desire to keep large lot sizes and will allow the owner to determine what type of product to build depending on the market at time of construction. The reason the original project called for a PUD/ZC can be explained in the paragraphs below which are sampled from the Staff Report of the September, 6, 2017 Planning Commission meeting.

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

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

The applicant has gained approval from ALUC, November 8, 2018, for the project as resubmitted. ALUC finds that the open fields to the south satisfy the requirement to have nearby emergency landing zones for aircraft. The applicant is keeping with the LDR zoning requirements of 7,000 square foot minimum lot sizes but has requested a Variance to allow for a smaller lot that is constrained by existing developed land.

The project will continue with the existing Environmental Review as all of the impacts are the same or reduced with the new submittal. The scope of the project has been amended on the Environmental Assessment to reflect the changes in the project.

SETTING

The 10.6-acre vacant site is an undeveloped infill parcel primarily covered with dry, tall grasses and scattered low bushes The site slopes generally downward from the northwest to the southeast. The highest point at the northwest corner is 2,453 feet above mean sea level (amsl) and the lowest point at the southeast corner is 2,422 amsl. The property is adjacent to East Wilson Street and North Florida Street which are both improved streets. The property consists of four lots that will be combined and subdivided with the Tract Map. North, East and West of the site are developed single-family residential lots. To the south are open sports fields and a school. The property is currently zoned Low Density Residential (LDR), which establishes a minimum single-family residential lot size of 7,000 square feet. If the Project site were built out in accordance with its existing General Plan Land Use Designation (LUD), a total of 53 units could be constructed. The applicant is proposing 39 numbered lots and 3 lettered lots.

The table below denotes the related uses and zoning districts within the Project area.
LAND USE SUMMARY TABLE

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

Source: City of Banning General Plan and Zoning Map

ANALYSIS:

Tentative Tract Map 36710

Pursuant to Title 16 of the Banning Municipal Code, regarding Tentative Tract Maps, the Planning Commission is the Advisory Agency to the City Council. Therefore, the attached Resolution 2019-08 is a recommendation of approval to the City Council. Additionally, Findings for the approval of the Tentative Tract Map can be found within the attached resolution.

TTM 36710 proposes 39 numbered lots with a minimum lot size of 7,000 square feet and three lettered lots dedicated for detention basin purposes. Numbered lots range in size from 5,880 (Lot 7) square feet to 13,550 square feet. The total density is 3.84 dwelling units per acre.

Access to the Project site is from East Wilson Street where the project provides three cul-de-sacs to service the majority of the development. Lots 7 and 39 will gain access via East Hoffer Street and lots 35 – 38 will gain access via North Florida Street. The City of Banning defines traffic Level of Service (LOS) “satisfactory” as LOS D. LOS D is the minimum LOS to be maintained on all roadway segments and intersections. Trip generation for the proposed project was calculated using rates from the Institute of Transportation Engineers (ITE) Trip Generation (9th Edition). The project will be utilizing the same Traffic Study for the original project and incorporating all recommended mitigation measures and conditions. Based on the project’s trip generation for the denser PUD project, under existing and opening year conditions, all the studied intersections operate at satisfactory LOS or better.

Access to the project will be accommodated by using existing streets and/or proposed cul-de-sacs. Water, sewer and electrical service will be provided by the City of Banning Public Works Department and Electrical Division. The Project is required to connect to the existing 8-inch water main on East Wilson Street and existing 8-inch sewer line at the intersection of East Wilson Street and North Florida Street. Lots 7 and 39 will connect to the existing water and sewer lines in Hoffer Street and Lots 35 – 38 will connect to the existing water and sewer lines in North Florida Street.
There is an existing 15-foot wide Southern California Edison easement behind proposed lots 8 through 19. Southern California is requesting the easement be increased to 30 feet to allow vehicle access. This 30-foot wide easement affects the backyards of the above mentioned lots. Lots 8 through 13 will have their backyards reduced by 15 feet. Lots 14 through 19 will have their backyards reduced by 15 feet. Lots 14 through 19 have the greatest impact as their lots will be reduced from 105 feet in depth to 90 feet.

Variance

Pursuant to the Banning Municipal Code Section 17.112.010 regarding variances; "Variances from this Zoning Ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, unusual geological or geographical feature, the strict application of this Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical land use districts." Additionally, "The Planning Commission may grant a Variance from the requirements of this Zoning Ordinance for the following: 1. The modification of the dimensional standards of the distance between structures, lot area, lot coverage, lot dimensions, setbacks, and structure heights."

Variance 19-3001 is a request by the applicant to allow for a smaller lot size and smaller width dimension for lot 7. Lot 7 is constrained by developed residential properties on both sides. The lot as proposed is 56 feet wide, 105 feet deep for a total of 5,880 square feet. The minimum lot sizes in the LDR zone are; 70 feet wide, 90 feet deep and a total of 7,000 square feet. As demonstrated here, the lot width and total square footage are below the minimum. The lot width is consistent with other lots in the area. On the same block there are lot widths ranging from 50 feet to 150 feet. There are existing single-family and multi-family residential structures in the area.

As stated above, the Planning Commission may grant a variance for lot width and lot area if the property is deprived the privilege of other properties in the vicinity and under identical land use districts. Additionally, the Planning Commission may approve and/or modify an application in whole or in part, with or without conditions, only if all finding are made. Findings for this proposed Variance can be found in the attached Resolution for the project.

ENVIRONMENTAL DETERMINATION:

In accordance with the California Environmental Quality Act (CEQA), an Initial Study was prepared and circulated that demonstrated environmental effects would be reduced to less than significant levels with mitigation measures. Therefore, a Mitigated Negative Declaration and Mitigation Monitoring Program are proposed for the project. The Initial Study and Notice of Intent to adopt a Mitigated Negative Declaration was distributed, August 11, 2017, for a 20-day comment period to organizations and individuals who have previously requested such notice in writing to the City of Banning and to responsible and trustee agencies. The notice of intent was also noticed in the Record
Gazette, which is a primary newspaper of circulation in the area and to individuals who live within 300 feet of the project site. The notice of intent and Initial Study were made available to the public at the Planning Counter at Banning City Hall, 99 East Ramsey Street and the local Library located at 21 West Nicolet Street. The Mitigated Negative Declaration is attached as Attachment 2.

PUBLIC COMMUNICATION

The proposed Mitigated Negative Declaration, Tentative Tract Map 36710 and Variance 19-3001 were advertised in the Record Gazette newspaper on April 19, 2019 (Attachment 4). Additionally, the notice was mailed to all property owners within 300 feet of the Project. As of the date of this report, staff has not received any oral or written comments for or against the proposal.

Prepared by:
Mark de Manincor
Contract Planner

Reviewed by:
Adam Rush, AICP
Community Development Director

Attachments:
1. Resolution 2019-08 with Conditions of Approval
2. Initial Study/Mitigated Negative Declaration, Mitigation Monitoring Report and Program
3. Tentative Tract Map 36710
4. Public Hearing Notice
ATTACHMENT 1
Resolution 2019-08 with Conditions of Approval
RESOLUTION 2019-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF TENTATIVE TRACT MAP 36710, VARIANCE 19-3001 AND A MITIGATED NEGATIVE DECLARATION FOR THE PROJECT, FOR A PROPERTY LOCATED NORTH OF EAST WILSON STREET AND WEST OF NORTH FLORIDA STREET (APN'S 534-183-014, 534-200-004, 534-200-008 AND 534-200-047)

WHEREAS, the applicant, United Engineering Group has submitted an application for Tentative Tract Map 36710 and Variance 19-3001 for consideration by the Planning Commission to recommend to the City Council the proposed project to subdivide four lots totaling 10.6 acres for purposes of creating 39 single-family residential lots and 3 lettered lots; and

WHEREAS, the Banning Municipal Code Title 16 and the Subdivision Map Act allows the subdivision of approximately 10.6 acres within the Low Density Residential Zone into 39 lots with a minimum lot size of 7,000 square feet with the approval of a Tentative Tract Map; and

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

WHEREAS, the Mitigated Negative Declaration's Notice of Intent regarding Tentative Tract Map 36710, was advertised in the Record Gazette newspaper on August 11, 2017. Additionally, the notice was mailed to all property owners within 300 feet of the Project; and

WHEREAS, on September 6, 2017, the Planning Commission held the first duly noticed public hearing for the project at which time the Planning Commission considered the Mitigated Negative Declaration, Planned Unit Development Permit, Design Review 15-7004 and Tentative Tract Map 36710 and recommended approval to the City Council by a 3 to 2 vote.

WHEREAS, on September 26, 2017, the City Council held the first duly noticed public hearing for the project as which time the City Council tabled the project citing inconsistencies with the plans submitted to the City Council and Planning Commission, lot sizes were small and outdoor access to the second story of some units appear to make the houses multi-family.
WHEREAS, on September 2018, the applicant revised the project by reducing the number of lots from 46 to 39, eliminated the Planned Unit Development and Design Review and added a request for a Variance for lot 7.

WHEREAS, on April 19, 2019 the City gave public notice as required under Government Code Section 66451.3 by advertising in the Record Gazette Newspaper, and mailing notices to all property owners within 300 feet of the project site of the holding of a public hearing for the Planning Commission’s review and recommendation, at which time the project would be considered; and

WHEREAS, on May 1, 2019, the Planning Commission held a duly noticed public hearing for the revised project where interested persons had an opportunity to testify in support of, or opposition to the project and the Planning Commission considered the project.

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

SECTION 1: California Environmental Quality Act 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 August 11, 2017, and expired August 31, 2017. 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 not receive any comments during the public review period.

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. Required Municipal Code and Subdivision Map Act Findings and Recommendation of Approval for Tentative Tract Map 36710. An application for a Tentative Tract Map requires that it meet specific findings in accordance with Title 16 of the Banning Subdivision Municipal Code and Government Code Section 66473.5 and Section 66474. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning make the following findings and determinations in connection with the approval of the project:

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

Findings of Fact:
The General Plan land use designation for the site is classified as Low Density Residential which allows housing densities from 0 to 5 dwelling units per acre. The proposed Map will result in the development of 39 single family residential dwelling units at a density of 3.84 units per acre. This density level is within the range permitted under the General Plan land use designation for this site. One of the primary policies of the Land Use Element of the General Plan is that projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected. The proposed Tentative Tract Map serves to achieve this objective in that the subdivision design is consistent with existing neighborhood housing stock. Considering all of these aspects, the proposed Map furthers the objectives and policies of the General Plan and is compatible with the land uses districts within the general vicinity of the Project.

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

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

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

Findings of Fact:
The 10.6 acre site is relatively flat with a change in elevation from 2,453 to 2,422 feet above mean sea level. The proposed project is adjacent to existing residential development and has availability of all services including, streets, water, sewer and electricity. Therefore, the site is physically suitable for this type of development.

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

Findings of Fact:
The site is located within the Low Density Residential Zone which allows for 0-5 dwelling units per acre. The project proposes 3.84 dwelling units per acre which is less than the maximum allowed. The subdivision, as proposed is suitable for the density of development.

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

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

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

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

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

Findings of Fact:
Other than easements for Banning Provided Utilities and Southern California Edison, no easements of record or easements established by judgement of a court of competent jurisdiction for public access across the site have been disclosed in a search of the title records for the site and the City does not otherwise have any constructive or actual knowledge of any other such easements.

SECTION 3: Required Municipal Code Findings and Recommendation of Approval for Variance 19-3001. An application for a Variance requires that it meet specific findings in accordance with Title 17 of the Banning Municipal Code. A variance must adequately meet the adopted provisions of the Title 17 Variance chapter based upon the following findings. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning make the following findings and determinations in connection with the approval of the project:

A. Finding: That there are special circumstances applicable to the property, including size, shape, topography, geological or geographic conditions, in which the strict application of this Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical land use district classification;

Findings of Fact:
The property's land use designation is Low Density Residential (LDR) which allows for a minimum lot size of 7,000 square feet, a minimum width of 70 feet and a minimum depth of 90 feet. The proposed lot (Lot 7) dimension is 56 feet wide by 105 feet deep. This creates an overall lot size of 5,880 square feet. The lot width is impacted by existing developed property to the east and west of the site which limits the width to 56 feet. Another property on the same block and in the same zoning district has a total width of 50 feet which is less than requested here. Therefore this property is deprived of the same privilege as the existing property with a 50 foot width without approval of a variance.

B. Finding: That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other
property in the same vicinity and land use district and denied to the property for which the Variance is sought;

Findings of Fact:
The granting of a Variance is necessary so that Lot 7 can be created to fit within the area proposed. Lot 7 will be comparable with other properties on the same block and same zoning district as there are properties on the same block and same zoning district that are 50 feet wide.

C. Finding: That granting the Variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located;

Findings of Fact:
The creation of Lot 7 will not be detrimental to the public health, safety, or welfare, or injurious to properties in the vicinity. Lot 7 will connect to water and sewer on Hoffer Street which is an improved street and will utilize the same services available to other properties in the area.

D. Finding: That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties (not including non-conforming properties) in the vicinity and land use district in which such property is located;

Findings of Fact:
Lot 7 is the last vacant lot on the block. By developing this lot, the street will be builtout. This will not constitute a special privilege as it will complete development on the block and will be similar to other lots in the same area.

SECTION 4. 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 Tentative Tract Map 36710 and Variance 19-3001 to permit the subdivision of four lots into 39 numbered lots and three lettered lots on 10.6-acres of land located south of East Hoffer Street, west of North Florida Street and north of East Wilson Street as shown in the attached plans (Exhibit A) Assessor’s Parcel Number’s 534-183-014, 534-200-004, -008, and -047 and subject to the recommended Conditions of Approval attached as Exhibit B.
PASSED, APPROVED AND ADOPTED this 1st day of May, 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 2019-07, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 1st day of May, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

________________________________________
Sandra Calderon, Recording Secretary
City of Banning, California
EXHIBIT A
Tentative Tract Map 36710
IN THE CITY OF BANNING, STATE OF CALIFORNIA

TENTATIVE TRACT MAP NO. 36710

BEING A SUBDIVISION OF A PORTION OF BLOCK 16 AND BLOCK 147, BANNING COLONY LANDS AS PER MAP RECORDED IN BOOK 3, PAGE 148 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AND IN BOOK 5 PAGE 168 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

UNITED ENGINEERING GROUP CA, INC SEPTEMBER 2018

GENERAL NOTES:
1. CITY OF BANNING WATER & SEWER
2. EASEMENTS TO PROPERTY OWNERS
3. LOT AREAS NOT TO PERCENTAGE OF TOTAL ACRES
4. BUFFER ZONE TO PROPERTY OWNERS

UTILITY PURVEYORS:

LOT AREAS:

LETTERED LOT AREAS:

AREA TOTALS:

EARTHWORK QUANTITIES:
EXHIBIT B
Conditions of Approval
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:

General Requirements

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

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

3. Approval of Tentative Tract 36710 and Variance 19-3001 shall be for a period of two (2) years from the date of City Council approval. All Conditions of Approval must be met on or before the expiration date, or the applicant must request an extension of time at least thirty (30) days prior to the expiration date; otherwise, the approval shall expire and become null and void.

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

5. The design of all lots shall meet the minimum development requirements contained in the City's Zoning Ordinance for the Low Density Residential Zoning District.

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

7. Prior to development an application shall be submitted to the Planning Department for design review and approval, in accordance with the provisions and requirements of the Banning Municipal Code Section 17.56 (Design Review).

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

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

10. The following building setback lines shall be delineated on the composite development plan submitted for building permits:

   a. Front yard - Minimum 20 feet.

   b. Side yard (interior lot) - Minimum 10 feet (single-story: measured between the furthest projection of the wall to the property line).

   Side yard setbacks for two-story dwellings shall be staggered per Section 17.08.240(E) of the zoning ordinance.

   c. Side yard (corner lot - street side) – Minimum 15 feet.

   d. Side yard (corner lot – abutting interior lot) - Minimum 10 feet (measured between the furthest projection of the wall to the property line)

   e. Rear yard – minimum 15 feet.

11. The developer shall contact the U.S. postal Service to determine the appropriate type and location of mailboxes.

12. The applicant shall install slate, concrete tile, clay tile, or equal roofing material approved by the Planning Department on all dwelling units within the subject property.

13. A trailer, used as an office by the property owner or his designee, may be permitted on the site during construction for a period not to exceed six (6) months. Prior to issuance of a building permit for any residential unit, said trailer shall be subject to a Temporary Use Permit (TUP) reviewed and approved by the Planning Department.

14. Prior to the issuance of any Building Permits, the project proponent shall submit to the City’s Planning Department for review and approval: (1) three (3) copies of a drought-tolerant landscape plan and irrigation plans prepared by a licensed landscape architect. Said plan shall also depict the proposed placement and materials for a 6-foot high decorative block wall with decorative cap to be established along the perimeter. The drought-tolerant landscape plan shall include the following:

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

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

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

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

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

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

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

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

iv. The approved landscape plan shall be installed prior to the issuance of a Certificate of Occupancy for each single-family residence to be constructed within the subdivision.

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

   • Cul-de-sac lots — 1 tree; minimum 24” box
   • Interior lot — 2 trees; one 24” box, one 15—gallon
   • Corner lot — 3 trees; two 24” box and one 15—gallon.

   The Plan shall be forwarded to a Landscape Architect for review and the applicant shall pay all fees associated with the review process. The approved landscape plan shall be implemented / installed prior to the issuance of a Certificate of Occupancy for each single-family residence constructed within TTM 36939. (Submit landscape and irrigation plans as soon as possible to allow sufficient time for a Landscape Architect to review same).

   • The landscaping for the street parkways, public lots, and other public areas shall be installed prior to occupancy of the first unit.
16. A six-(6) foot high chain link fence must be maintained around the perimeter of the site during all phases of construction.

17. Developer shall meet all requirements of responsible agencies, including but not limited to: Southern California Gas Company, Southern California Edison Company and the Riverside County Flood Control and Water Conservation District (RCFC and WCD).

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

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

- Apply nontoxic chemical soil stabilizers according to manufactures' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
- Water active sites at least twice daily. (Locations where grading is to occur will be thoroughly watered prior to earthmoving.)
- Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least 0.6 m (2 ft.) of freeboard (vertical space between the top of the load and top of the trailer) in accordance with the requirements of California Vehicle Code (CVC) Section 23114.
- Pave construction access roads at least 30 m (100 ft.) onto the site from the main road.
- Reduce traffic speeds on all unpaved roads to 15 mph or less.

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

- Recycle/reuse at least 50 percent of the construction material that are rapidly renewable or resource-efficient, and recycled and manufactured in an environmentally friendly way for at least 10 percent of the project, as defined on the California Department of Resources Recycling and Recovery (CalRecycle) website:
20. In the event that previously undocumented archaeological resources are identified during earthmoving activities, further construction work in the area should be diverted or halted until the nature and significance of the find can be assessed.

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

Mitigation

22. Air Quality: to be compliant with the CalEEMod modeling approved for the proposed project, the equipment planned to be used on a peak day during site preparation and grading operations will disturb no more than five acres in a day.

23. Geology and Soils: Developer shall adhere to the recommendations cited in the EnGEN Corp Geotechnical Engineering Study with regard to the project's development per Section 8.0

24. Noise: Highly noise-sensitive outdoor nonresidential uses are prohibited.

25. Noise: The following notice shall be provided to all potential purchasers of the property, and shall be recorded as a deed notice.

   a. NOTICE OF AIRPORT IN VICINITY
      This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances (can vary from person to person. You may wish to consider what airport annoyances), if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b) (13) (A).
26. **Tribal Cultural Resources:** The project proponent shall provide for the Morongo Band of Mission Indians Tribal Resource Monitor(s) to be present during all required ground disturbing activities pertaining to the project.

**Public Works:**

**General Requirements**

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

28. 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.

29. 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):

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

ii. Haul Route Plans
    1" = 40' horizontal

iii. Clearing Plans
    (Include construction fencing plan)
    1" = 50' horizontal
iv. Erosion Control & SWPPP, WQMP  
   (Note: a, b, c & d shall be reviewed and approved concurrently)

v. Storm Drain Plans  
   1" = 40' Horizontal

vi. Street Improvement Plans  
   1" = 4' Vertical

vii. Signing & Striping Plans  
   1" = 40' Horizontal

viii. Precise Grading Plans  
   1" = 40' Horizontal

ix. Landscaping Plans  
   1" = 20 Horizontal

x. Water Improvement Plans  
   1" = 40' Horizontal
   1" = 4' Vertical

xi. 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.

30. 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.

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

32. 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.

Rights of Way/Street Improvements

33. Prior to issuance of any permit(s), the applicant shall offer to dedicate to the City of Banning for public purposes the right-of-way for Wilson Street fronting as an urban major highway; Half-width right-of-way of 50 feet; Curb to centerline width of 38 feet.

34. Prior to issuance of any permit(s), the applicant shall offer to dedicate to the City of Banning for public purposes the right-of-way for Hoffer Street fronting as a local street; Half-width right-of-way of 30 feet; Curb to centerline width of 20 feet.
35. Prior to issuance of any permit(s), the applicant shall offer to dedicate to the City of Banning for public purposes the right-of-way for proposed local streets (cul-de-sac); Full-width right-of-way of 60 feet; Curb to curb width of 40 feet.

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

37. The City and Developer are to enter into a Subdivision Agreement 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 Subdivision Agreement and pay all related legal processing fees.

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

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

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

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

42. 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.

43. 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**

44. 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.

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

46. 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 demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

47. 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 off-site. The project shall accept and convey storm flows from the adjacent property to the north, east and west.

48. 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.

49. 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.

50. 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.

51. 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.
52. 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.

53. 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 and the Notice of Termination (NOT) is approved by the Water Board.

54. 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.

55. 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.

56. 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.

57. 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 Focused Survey.”

58. 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.

59. Prior to issuance of any grading or building permit, the applicant shall install trash filters in all catch basins that will be constructed as part of the storm drain improvements for this development in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.

Traffic/Airport Safety Zone

60. 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.

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

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

63. 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.

Trash/Recycling

64. 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.

Final Map

65. Security for the construction of public improvements in accordance with Government Code Section 66499 shall be as follows:
   - Faithful Performance Bond - 100% of estimated cost
   - Labor and Material Bond - 100% of estimated cost
   - Monumentation Bond - $10,000.00

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

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

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

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

Fees

69. 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.

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

71. 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**

72. Design and construct an 8" D.I.P. water line on public streets and connect to the existing water system. Provide a looped system, typically achieved by having a minimum of two separate connections to existing water mains on different streets. Submit Water Improvement Plans to Public Works Department, Water Division for review and approval. If the water line is not located on a public street, an easement over the water line, minimum 15 feet in width, shall be granted to the City of Banning for maintenance purposes.

73. Prepare and submit for review a hydraulic analysis demonstrating adequate fire flow protection with the proposed water system improvements.

74. An RPP backflow device must be installed at each dedicated irrigation water connection. The backflow device must be in compliance with the State Department of Health Regulations.

75. Fire Services, other than residential fire sprinklers, will require an RPP backflow device.

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

**Sewer**

77. Design and construct sewer line on public streets and connect to the existing sewer system. Submit Sewer Improvement Plans to Public Works Department, Sewer Division for review and approval. If the sewer line is not located on a public street, an easement over the sewer line, minimum 20 feet in width, shall be granted to the City of Banning for maintenance purposes.

78. All sewer lines to be constructed within the Public right-of-way shall be SDR 26 PVC Pipe, minimum of 8" in diameter. All sewer laterals shall be a minimum of 4" SDR 26 PVC. Final sizes shall be approved by the City Engineer.

79. A sewer check valve shall be provided for each building with a finish pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.
80. Pay all applicable sewer connection and frontage fees per Chapter 13.08 "Water, Sewer and Electricity Rates" of the Banning Municipal Code prior to the issuance of a building permit.

**Water and Sewer Fees**

81. Plan check fees for professional report review (hydraulic analysis, 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.

82. 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.

83. 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.

**County Fire Department:**

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

84. Effective January 1st, 2011 all one/two family dwellings and townhouses will require an automatic residential fire sprinkler system designed and installed in accordance with section HCD R313.3 or NFPA 13D.

85. For residential areas, approved standard fire hydrants shall be located within 400 feet of all exterior portions of the structure. Minimum fire flow shall be 500 GPM for 30-minute duration at 20 PSI.

86. Prior to building plan approval and construction, applicant/developer shall furnish two copies of the water system fire hydrant plans to Fire Department for review and approval. Plans shall be signed by a registered civil engineer, and shall confirm hydrant type, location, spacing, and minimum fire flow. Once plans are signed and approved by the local water authority, the originals shall be presented to the Fire Department for review and approval.

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

88. Blue dot retro-reflectors pavement markers on private streets, public streets and driveways to indicated location of the fire hydrant.
89. Fire Apparatus access road shall be in compliance with the Riverside County Fire Department Standards. Access lanes will not have an up, or downgrade of more than 15%. Access lanes will be designed to withstand the weight of 80 thousand pounds over 2 axles. Access will have a turning radius capable of accommodating fire apparatus. Access lane shall be constructed with a surface so as to provide all weather driving capabilities.

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

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

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

**Building Department:**

93. 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.

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

**Electric Utility Department:**

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

96. Easements may also be required for Streets “A”, “B”, & “C” for vaults, conduits, meter pedestals, and pad mounted transformers and additional easements will be required to serve lots 7 and 39 from Street “A” and Street “B”. According to the initial submittal of TTM 36710, street lights on Streets “A”, “B”, & “C” were to be privately owned and not maintained by the city and would have required to be metered. The resubmittal now suggests that Streets “A”, “B”, & “C” are public streets. Therefore, street lights on these streets will be maintained by Banning Electric Utility and shall adhere to
the Utility's electric standards. This information will need to be verified by the developer prior to the issue of any permits to construct.

END OF CONDITIONS
ATTACHMENT 2
Initial Study with Mitigation Monitoring Report and Program
Initial Study Checklist/ Mitigated Negative Declaration

City of Banning:
EXHIBIT B
Tentative Tract Map 36710
for
Property located at the northwest corner of east Wilson Street and north Florida Street

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

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

Public Review
August 11, 2017
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APPLICATION# TTM 36710

A. Tentative Tract Map (TTM 36710)

TTM 36710 proposes to subdivide a 10.6-acre vacant property for purposes of creating forty-six (39) single-family residential lots on property zoned Low Density Residential.
1.0. INTRODUCTION

1.1 Purpose of an Initial Study Checklist

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

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

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

1.2 Purpose of a Negative Declaration

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

1.3 Initial Study Checklist/ Negative Declaration Document

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emission
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use Planning
- Mineral Resources
- Noise
The Initial Study Checklist determined that the proposed Project will not result in creating significant environmental effects. The Project incorporates conditions such that the project will either avoid or mitigate effects to a point where clearly no significant environmental impacts on the environment would occur:

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

2.1 Project Location

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

The Project site includes the following Assessor Parcel Numbers:

<table>
<thead>
<tr>
<th>APN#</th>
</tr>
</thead>
<tbody>
<tr>
<td>534-183-014</td>
</tr>
<tr>
<td>534-200-004</td>
</tr>
<tr>
<td>534-200-008</td>
</tr>
<tr>
<td>534-200-047</td>
</tr>
</tbody>
</table>

2.2 Existing Site Conditions/Environmental Setting

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

The Project site consists of approximately 10.67 gross acres consisting of four parcels as noted in Figure 1. The Tentative Tract Map will consolidate the four parcels to create 39 residential lots and three lettered lots. The existing site is an undeveloped infill parcel primarily covered with dry, tall grasses with scattered low bushes that slopes generally from the northwest to the southeast, with an elevation of 2,452' at the northeast and an elevation of 2,422' at the southeast. No structures exist onsite as shown in the photos and no protected plant or animal species reside on the property. A line of utility poles is present, running north-south in the western half of the site.

The site is roughly rectangular in shape and is bound by residential development to the north and west. Primary access to the site will be from three cul-de-sacs off of Wilson Street which service 84 percent of the subdivision. The exceptions include Lots 7 and 39 which front Hoffer Street and lots 35-38 which front Florida Street. Based on historical records such as aerial photographs, and topographic maps, the subject property appeared as undeveloped property from at least 1953 through 2009. Table 1 below provides a summary of the site’s historical use as researched by EEI Geotechnical & Environmental Solutions.
Table 1: Site's History

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

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

Table 2. Existing Land Uses

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

Source: Banning General Plan/Zoning Overlay

2.3 Existing General Plan Land Use and Zoning Designations

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

The designation for the Project site is Low Density Residential (LDR). The project has gained approval from the Riverside Airport Land Use Commission that determined the project is in compliance with Compatibility Zone D, November 8, 2018. The project proposes a net density of 3.84 du/net acre.
A summary of the existing General Plan land use and zoning designations for the Project site and surrounding properties is provided in Table 3.

### Table 3. Existing General Plan and Zoning Designations

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

*Source: City of Banning General Plan Land Use Map, City of Banning-Existing Zoning Map*

#### 2.4 Project Description

The Project Applicant, Randall Andrus, submitted the following applications to the City of Banning which comprise the proposed Project: Tentative Tract Map (TTM 36710) and Variance 19-3001. The City of Banning refers to the application as TTM 36170.

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

**A. Tentative Tract Map (TTM 36710) and Variance 19-3001.**

The project applicant is seeking approval of TTM 36710 and Variance 19-3001, which proposes to subdivide a vacant 10.6-acre site into 39 single-family residential lots with a minimum lot size of 7,000 square feet. The project was found to be consistent with the 2004 Banning Municipal Airport Land Use Compatibility Plan, as amended in 2016 and to conform to the Riverside Airport Land Use Commission (ALUC) and the Federal Aviation Administration (FAA) regarding density, height, air space and open space restrictions. The project is driven largely in part by the Riverside County Airport Land Use Commission’s requirement of maintaining a density at (or near) 5 du/acre in Zone D of the Banning Municipal Airport. The site currently consists of four individual vacant parcels containing the following lot areas as noted in Table 4 below.

### Table 4: Lot Area Characteristics

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

The total gross area of the four parcels is 10.67 acres. They propose, three lettered lots for use as detention basins. Residential lot sizes will range from 5,880 square feet to 13,550 square feet in size. Access to the site is off Wilson Street and will be by means of three neighborhood streets.
ending as cul-de-sacs, with the exception of Lots 35-38 which flank Florida Street and Lots 7 and 39 which flank Hoffer Street.

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

Single-Family Residential

The Project site will be a Tentative Tract Map. Residential lot sizes range from 5,880 square feet to 13,550 square feet for certain cul-de-sac lots. However, the majority of the lot sizes are within the 7,000 square foot range. The Project proposes a net density of 3.84 dwelling units per acre.

Water Quality Basin

The three lettered lots will serve as detention basins to handle on-site and off-site storm flows.

On-Site Street Improvements

Primary access to the Project site is by means of three neighborhood cul-de-sac streets connected off Wilson Street. Lots 7 and 39 will obtain access from Hoffer Street, Lots 35 through 38 will obtain access from Florida Street. Both Hoffer and Florida Streets are existing improved two (2) lane sixty (60) foot wide roadways within the Public right-of-way. Curb, gutter, and sidewalk have been partially installed. All street improvements along Wilson Street will be subject to the City of Banning Engineering and Public Works requirements.

The three internal neighborhood streets servicing the tract with curb and gutter within 60-foot wide public two lane travel lanes are indicated on the TTM as Street A, Street B and Street C. None of the streets interconnect, but each street connects to Wilson Street. Cul-de-sac’s shall be designed in accordance with radius requirements set by the County Fire Code.

On-Site Utility and Drainage Improvements

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

Existing water lines are contained within Hoffer Street, Wilson Street and Florida Street running adjacent to the project site. Existing sewer lines are contained within Hoffer and Florida Street also adjacent to the project site. With the projects cul-de-sac design, the majority of the lots will connect to the proposed sewer line in Wilson Street, with the exception of Lot 7 and Lot 39 which will connect to the existing sewer line in Hoffer Street and Lots 35-38 which will connect to the existing sewer line in Florida Street.

B. Construction Schedule

Houses will be constructed based on market demand and absorption. Construction is expected to commence sometime in 2019 and is expected to occur in one phase. The Project Applicant expects the following time durations for the construction process, which would be somewhat sequential but overlap in some cases:

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

Earthwork and Grading

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

E. Operational Characteristics

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

Future Population

The Project would be developed with 39 single-family detached residential homes. Pursuant to City of Banning’s General Plan, the median household size is currently 2.7 persons per dwelling unit. Using population generation estimates, the proposed Project could increase the City of Banning’s population by up to 105 new residents if all the new residents currently reside outside the City limits. The City of Banning’s 2016 population estimates (city limits only) as determined by the California Department of Finance is 31,292 residents. The City’s population would increase by less than (0.5) percent or 15,878 residents. The Project is consistent with the Southern California Association of Governments (SCAG) population growth estimates in that the City’s population is projected to reach 34,658 in 2010 and 42,027 in 2020. According to the City’s Housing Element Regional Housing Needs Assessment (RHNA), the City of Banning has a total housing construction need of 1,780 units and an annual need of 237 units. The Project is consistent with the RHNA housing construction forecast efforts to meet the City’s housing needs.

The General Plan land use designation currently assigned to the Project site is Low Density Residential (0-5 dwelling units per acre). The Project as proposed has a net density of 3.84 dwelling units per acre.

If the Project site were built out in accordance with its existing General Plan land use designation, a maximum of 53 residential dwelling units could be constructed on the property. (Low Density Residential x 5 units per acre x 10.6 acres = 53 units). The Project proposes 39 residential dwelling units which is below the maximum permitted under the General Plan and current Zoning District.
Location Map/Aerial Photo

Exhibit 1
RMG Residential 2010, LLLP
Project No. 15-7004

Illustrative Lot Layout
TTM 36710

Exhibit 2
3.0 INITIAL STUDY/ENVIRONMENTAL CHECKLIST

Evaluation Format

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

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

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

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

The effects of the Project are then placed in the following four categories, which are each followed by a summary to substantiate why the Project does not impact the particular factor with or without mitigation. If “Potentially Significant Impacts” that cannot be mitigated are determined, then the Project does not qualify for a Mitigated Negative Declaration and an Environmental Impact Report must be prepared:
### Potentially Significant Impact

Potentially significant impact(s) have been identified or anticipated that cannot be mitigated to a level of insignificance. An Environmental Impact Report must therefore be prepared.

### Less Than Significant Impact with Mitigation Incorporated

Potentially significant impact(s) have been identified or anticipated, but mitigation is possible to reduce impact(s) to a less than significant category. Mitigation measures must then be identified.

### Less Than Significant Impact

No “significant” impact(s) identified or anticipated. Therefore, no mitigation is necessary.

### No Impact

No impact(s) identified or anticipated. Therefore, no mitigation is necessary.

---

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

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

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

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

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

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

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

**Environmental Factors Potentially Affected**

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

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

On the basis of this initial evaluation:

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

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

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

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

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

Signature

Mark de Manincor
Contract Planner

Printed Name/Title

City of Banning
Agency

Date
Appendices (On Compact Disk)

Appendix A.  Phase I Environmental Site Assessment, The McRae Group, August 23, 2011
Appendix B.  Geotechnical Engineering Study, The McRae Group, April 4, 2014
Appendix C.  General Biological Resources Assessment & Burrowing Owl Habitat Assessment, RCA Associates, LLC, January 16, 2014
Appendix D.  Preliminary Drainage Report, United Engineering Group, September 6, 2016
Appendix G.  Airport Land Use Commission, Riverside County letter, November 15, 2018
Appendix H.  Federal Aviation Administration, Determination of no Hazard letter, February 12, 2016
Appendix I.  Cultural Assessment Report, BCR Consulting LLC, May 1, 2017
3.1 Aesthetics

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

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

Determination: No Impact.

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

Plans, Policies or Programs (PPP)

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

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

Project Design Features (PDF)

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

Impact Analysis

The site is a 10.67-acre vacant lot which is currently zoned Low Density Residential (0-5 du/ac). The project proposes a Tentative Tract Map with 3.84 dwelling units per net acre. The site is bounded by residential development to the north; East Wilson Street to the south; Florida Street to the east; and residential development to the west. The property ranges from approximately 2,422 feet above mean sea level (amsl) at the southeast margin and rises in elevation to approximately 2,452 feet amsl at the northwest margin of the property. The property consists of land which gently slopes in a southeasterly direction. The property has remained undeveloped from at least 1953 through 2009 based on historical photographs and topographic maps (EEI, Phase I Site Assessment, pg. 2). Based on the Banning General Plan, Archaeological Resources Sensitivity Map (Exhibit IV-6)
the site is within a Low Sensitivity Assessment Archaeological Resources District. Consequently, it is not anticipated that the site’s housing development will have impacts to these sensitive resources.

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

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

**Determination: No Impact.**

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

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

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

**Project Design Features (PDF)**

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

**Impact Analysis**

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

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

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

**Determination: Less than Significant.**

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

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

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

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

**Project Design Features (PDF)**

**PDF 3.1-1** The project site will be a Tentative Tract Map (TTM) and incorporate specific land use and Right-of-Way (ROW) design features unique to the Project.

**Impact Analysis**

Development of the Project would introduce residential development onto the site. The residential development will consist of single-family detached homes, with related improvements such as roadways, landscaping, walls, and public street lighting. These improvements would be implemented in accordance with the design standards of the Banning Municipal Code. Although the existing undeveloped character of the site will change, it will not substantially change the character of the Project site such that it becomes visually incompatible or visually unexpected when viewed in the context of its residential surroundings. Moreover, it is not anticipated that the 60-foot wide street ROW, that will be maintained by the City of Banning.

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

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

**Determination: No Impacts.**

*Sources: City of Banning Zoning Standards, Project Application Materials, Riverside County Airport Land Use Commission letter, November 15, 2018.*

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

The following applies to the Project and would reduce impacts related to light and glare. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:
PPP 3.1-2 The Project site is within Zone D of the Banning Municipal Airport Compatibility Map. Consequently, object heights are limited to 35 feet.

Project Design Features (PDF)

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

Impact Analysis

The project site is situated within Zone D of the Banning Municipal Airport Land Use Compatibility Plan. In accordance with a letter received from the, Riverside County, Airport Land Use Commission letter, November 15, 2018, all outdoor lighting shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lights shall be downward facing and light structures shall be no more than 35 feet in height to mitigate the potential for aircraft to mistake public lighting for airport lighting. Pursuant to Chapter 2, Section 1.5.3 (4)(11) of the Riverside County Airport Land Use Compatibility Plan Policy Document, a “Major Land Use Action that proposes development consisting of five or more dwelling units that may incorporate lighting which could be mistaken for airport lighting is required to be reviewed by the Riverside County Airport Land Use Committee. (ALUC). The project’s conditions of approval incorporate the lighting features designed for the proposed project.

Based on the analysis above, with the associated Conditions of Approval, and recommendations by Airport Land Use Commission, there will be no impacts with implementation of PPP 3.1-1, 3.1-2, and PDF 3.1-1 and PDF 3.1 -2.
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the Project:

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

**Determination: No Impact**

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

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

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

**Project Design Features (PDF)**

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

**Impact Analysis**

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

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

**Determination: No Impact.**

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

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

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

**Project Design Features (PDF)**

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

**Impact Analysis**

The Project site will be a TTM. Given the scale of the residential subdivision of 39 lots and 3 lettered lots, the Project will not conflict with existing zoning for agricultural use. Pursuant to the California Land Conservation Act of 1965, a Williamson Act Contract enables private landowners to voluntarily enter into contracts with local governments for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive lower property tax assessments based upon farming and open space uses as opposed to full market value. The site is not under a Williamson Act Contract. As such, there is no impact. No mitigation measures are required.
3.2 (c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

Determination: No Impact.

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

Plans, Policies, or Programs (PPP)

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

Project Design Features (PDF)

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

Impact Analysis

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

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

Determination: No Impact.

Source: Field Survey.

Plans, Policies, or Programs (PPP)

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

Project Design Features (PDF)

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

Impact Analysis

The Project site consists of vacant land and does not contain forest land as noted in the photos on the following page. Therefore, no impacts would occur and no mitigation measures are required.
Utility Poles

Project Site
North View

Project Site
Northwest View
3.2 (e)  *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?*

**Determination:** No Impact.

*Sources: Banning General Plan Land Use Map*

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

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

**Project Design Features (PDF)**

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

**Impact Analysis**

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

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

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

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

**Determination:** Less than significant impact.


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

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

**Project Design Features (PDF)**

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

**Impact Analysis**

_Federal Air Quality Standards_

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

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

State Air Quality Standards

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

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

Regional Air Quality Standards

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

Attainment Designation

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

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

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

Source: South Coast Air Quality Management District, 2014

Air Quality Management Plan

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

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

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

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

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

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

The Banning General Plan land use designation currently assigned to the Project site is Low Density Residential (0 to 5 du/ac). The site will be a TTM to accommodate a housing density less than the 5 du/ac. If the Project site were built out in accordance with its existing General Plan land use designation, a maximum of 53 residential dwelling units could be constructed on the property. (Low Density Residential @ 5 units per acre x 10.6 acres = 53 units. The Project proposes 39 single family residential dwelling units, which, constitutes 90 percent of the development potential of the site.

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

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

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

**Determination:** Less than Significant Impact with Mitigation.


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

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

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

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

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

Impact Analysis

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

Regional Impact Analysis

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

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

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

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

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

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

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

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

![Table 7. SCAQMD Emissions Thresholds](image)

<table>
<thead>
<tr>
<th>Emissions Source</th>
<th>Pollutant Thresholds (pounds per day)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>VOC</td>
</tr>
<tr>
<td>Construction</td>
<td>43.90</td>
</tr>
<tr>
<td>Construction Thresholds</td>
<td>100</td>
</tr>
<tr>
<td>Operational</td>
<td>5.65</td>
</tr>
<tr>
<td>Operational Thresholds</td>
<td>55</td>
</tr>
</tbody>
</table>


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

Fugitive Dust

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

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

Architectural Coatings

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

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

Table 9. Construction Localized Impacts Analysis

<table>
<thead>
<tr>
<th>Emissions Sources</th>
<th>NOx</th>
<th>CO</th>
<th>PM10</th>
<th>PM2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-Site Emissions</td>
<td>69.66</td>
<td>47.68</td>
<td>9.78</td>
<td>6.37</td>
</tr>
<tr>
<td>LST Thresholds</td>
<td>236</td>
<td>2,817</td>
<td>21</td>
<td>11</td>
</tr>
<tr>
<td>Significant Emissions?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>


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

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

Naturally Occurring Asbestos

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

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

Long-Term Air Emission Impacts

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

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

Long-term operational emission associated with the full proposed project of 39 homes are shown in Table 11. Table 11 shows that the long-term operational localized emissions of all criterial pollutants as a result of the proposed project would not exceed the corresponding SCAQMD daily emission thresholds. Therefore, project-related long-term air quality impacts would be less than significant.

Table 10: Opening Year Regional Operational Emissions

<table>
<thead>
<tr>
<th>Activity</th>
<th>VOC</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
<th>PM2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile Sources</td>
<td>1.72</td>
<td>4.32</td>
<td>17.21</td>
<td>0.04</td>
<td>2.34</td>
<td>0.68</td>
</tr>
<tr>
<td>Energy Sources</td>
<td>0.04</td>
<td>0.33</td>
<td>0.14</td>
<td>0.00</td>
<td>0.03</td>
<td>0.03</td>
</tr>
<tr>
<td>Area Sources</td>
<td>3.89</td>
<td>0.05</td>
<td>4.00</td>
<td>0.00</td>
<td>0.09</td>
<td>0.09</td>
</tr>
<tr>
<td>Total</td>
<td>5.65</td>
<td>4.69</td>
<td>21.35</td>
<td>0.04</td>
<td>2.45</td>
<td>0.79</td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td>55</td>
<td>55</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Exceeds Threshold</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
Based on the analysis above, regional air quality impacts would be less than significant and no mitigation measures are required. With implementation of PPP 3.3-1 impacts would be further reduced to the maximum extent feasible.

Localized Impact Analysis

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

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

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

Mitigation Measures:

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

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

Determination: Less Than Significant Impact.


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

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

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

Project Design Features (PDF)

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

Impact Analysis

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

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

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

Determination: Less Than Significant Impact.

Sources, South Coast Air Quality Management District, CALEMMod.

Plans, Policies, or Programs (PPP)

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

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

Project Design Features (PDF)

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

Impact Analysis

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

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

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

Determination: Less Than Significant Impact.


Plans, Policies, or Programs (PPP)

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

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

Project Design Features (PDF)

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

Impact Analysis

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

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

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

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
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<tr>
<td>b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
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<tr>
<td>c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
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<tr>
<td>d. Interference 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>
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<tr>
<td>e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
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<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>
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</tbody>
</table>

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

Determination: Less Then Significant

Plans, Policies, or Programs (PPP)

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

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

Project Design Features (PDF)

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

Impact Analysis

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

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

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

Determination: No Impact.


Plans, Policies, or Programs (PPP)

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

Project Design Features (PDF)

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

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

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

3.4(c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Determination: No Impact.

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

Plans, Policies, or Programs (PPP)

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

Project Design Features (PDF)

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

Impact Analysis

As cited in 3.4 (b) given the absence of any riparian habitat or other sensitive natural wetland habitat, the project is not anticipated to have any impacts upon these environments or other federally protected wetland sensitive habitat. No Impacts are anticipated to occur and no mitigation measures are proposed as a consequence of the development.
3.4(d)  *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

**Determination: No Impact.**

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

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

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

**Project Design Features (PDF)**

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

**Impact Analysis**

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

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

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

3.4(e)  *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

45
Determination: Less Than Significant Impact

Source: Banning General Plan Biological Resources Element, pg. IV-3.

Plans, Policies, or Programs (PPP)

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

Project Design Features (PDF)

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

Impact Analysis

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

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

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

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

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

Determination: No Impact

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

Plans, Policies, or Programs (PPP)

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

Project Design Features (PDF)

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

Impact Analysis

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

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?</td>
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<tr>
<td>b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?</td>
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<tr>
<td>c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
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<tr>
<td>d. Disturb any human remains, including those interred outside of formal cemeteries?</td>
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</table>

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

Determination: No Impact.

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

Plans, Policies, or Programs (PPP)

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

Project Design Features (PDF)

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

Impact Analysis

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

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

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

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

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

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

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

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

**Determination: No Impact.**

*Source: City of Banning General Plan*

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

**Project Design Features (PDF)**

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

**Impact Analysis**

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

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

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

**Determination:** No Impact.

*Sources: City of Banning General Plan*

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

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

**Project Design Features (PDF)**

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

**Impact Analysis**

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

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

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

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

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

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

Project Design Features (PDF)

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

Impact Analysis

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

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

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

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

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
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<tr>
<td>1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
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<td>2) Strong seismic ground shaking?</td>
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<td>3) Seismic-related ground failure, including liquefaction?</td>
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<td>4) Landslides?</td>
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<td>b. Result in substantial soil erosion or the loss of topsoil?</td>
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<td>c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on-site or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
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<td>d. Be located on expansive soil, as defined in the Uniform Building Code, creating substantial risks to life or property?</td>
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<tr>
<td>e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</td>
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**3.6 (a) (1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

**Determination: Less Than Significant Impact**

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

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

**Project Design Features (PDF)**

There are no Design Features relating to this issue.

**Impact Analysis**

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

Consequently, in light of the EnGen geotechnical findings, impacts will be less than significant and no and no mitigation is required.
3.6 (a) (2) *Exposé les personnes ou les structures à des effets adverses potentiels, y compris le risque de perte, de blessure ou de mort en relation avec:* Fortes secousses sismiques ?

**Détermination:** Inférieur à l'impact significatif

*Source: EnGen Corp., Étude géotechnique, TT 36710, 4 avril 2014, Plan général de Banning*

**Plans, Politiques, ou Programmes (PPP)**

Les éléments suivants s'appliquent au projet et réduisent les impacts liés aux secousses sismiques. Cette mesure sera incluse dans le programme de suivi et de répétition du projet :

PPP 3.6-1 Le projet est requis de se conformer au Code des normes de construction de l'État de Californie et au Code de construction de la ville pour éviter les effets adverses significatifs liés aux risques sismiques.

**Élaboration de projets (PDF)**

Il n'y a pas d'Élaboration de projets applicables au projet en relation avec cet aspect.

**Analyse des impacts**

L'étude géotechnique de l'EnGen Corporation, datée du 4 avril 2014, indique que le site est situé dans une région sismiquement active près de la ligne de découverte entre les plaques tectoniques Nord-Américaine et Pacifique. La ville de Banning se situe dans la province géomorphologique des Transverse Ranges, tandis que le bord sud de la région de Banning est situé dans la province géomorphologique des Ranges du Peninsular avec le San Gorgonio Pass définissant la frontière entre les deux régions. Le risque sismique principal au site du projet est un potentiel de séisme long la ligne San Andreas. Les impacts associés aux secousses sismiques seront inférieurs à l'impact significatif car le projet est soumis à la revue et l'approbation par la Division de construction et de sécurité de Banning. Les unités de logement devront être construites conformément au Code de construction de Californie.

En vertu de PPP 3.6-1, les impacts associés aux secousses sismiques seront inférieurs à l'impact significatif et aucune mitigation n'est requise.

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

**Détermination:** Inférieur à l'impact significatif

*Source: EnGen Corp., Étude géotechnique, TT 36710, 4 avril 2014, Étude de perméabilité des sols, TT 36710, 24 mars 2014, Plan général de Banning*

**Plans, Politiques, ou Programmes (PPP)**

Les éléments suivants s'appliquent au projet et réduisent les impacts liés aux secousses sismiques. Cette mesure sera incluse dans le programme de suivi et de répétition du projet :
PPP 3.6-1 The project is required to comply with the California Building Standards Code and City Building Code to preclude significant adverse effects associated with seismic hazards.

Project Design Features (PDF)

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

Impact Analysis

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

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

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

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

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

Determination: No Impact.

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

Plans, Policies, or Programs (PPP)

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

Project Design Features (PDF)

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

Impact Analysis

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

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

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

**Determination: Less than Significant with Mitigation**

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

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

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

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

**Project Design Features (PDF)**

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

**Impact Analysis**

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

**Mitigation Measure:**

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

### 3.6(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on-or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?

**Determination: Less Than Significant Impact with Mitigation**

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

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

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

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

**Project Design Features (PDF)**

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

**Impact Analysis**

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

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

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

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

**Determination: Less than Significant Impact with Mitigation**

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

**Plans, Policies, or Programs (PPP)**
The following apply to the Project and would reduce impacts relating to expansive soils. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

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

Project Design Features (PDF)

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

Impact Analysis

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

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

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

Determination: No Impact.

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

Plans, Policies, or Programs (PPP)

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

Project Design Features (PDF)

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

Impact Analysis

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

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

3.7(a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

**Determination: Less Than Significant Impact.**

*Source: RK Engineering Group, Inc., Air Quality and Climate Change Study, TTM 36710, May 31, 2016*

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

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

**PPP 3.7-1** Prior to issuance of the first residential building permit, the Project Applicant shall submit energy usage calculations in the form of a Title 24 Compliance Report to the City of Banning Building & Safety Department showing that the Project will be constructed in compliance with the most recently adopted edition of the applicable California Building Code Title 24 requirements.

**Project Design Features (PDF)**

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

**Impact Analysis**

Greenhouse Gases (GHGs): Gases that trap heat in the atmosphere are commonly referred to as “greenhouse gases,” because they function like a greenhouse by letting light in while preventing heat from escaping. Naturally occurring GHGs include water vapor, carbon dioxide (CO₂) methane (CH₄) and nitrogen dioxide/oxides (N₂O and NOₓ). The natural accumulation of GHGs in the atmosphere has a warming effect on the Earth’s temperature. Without these natural GHGs, the Earth’s temperature would be cooler.

In addition to the naturally occurring gases, man-made chemicals also act as GHGs and include the following common compounds: chlorofluorocarbons (CFCs), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆), ozone (O₃), and aerosols. It is believed that emissions from human activities, such as electricity production and vehicle use, have elevated the
concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations.

Individual greenhouse gas compounds have varying global warming potential and atmospheric lifetimes. Carbon dioxide ($\text{CO}_2$), the reference gas for global warming potential, has a global warming potential of one. The global warming potential of a greenhouse gas is a measure of how much a given mass of a greenhouse gas is estimated to contribute to global warming. To describe how much global warming a given type and amount of greenhouse gas may cause, the carbon dioxide equivalent ($\text{CO}_2 \text{e}$) is used. The calculation of the carbon dioxide equivalent is a consistent methodology for comparing greenhouse gas emissions since it normalizes various greenhouse gas emissions to a consistent reference gas, carbon dioxide. For example, methane's warming potential of 21 indicates that methane has 21 times greater warming effect than carbon dioxide on a molecule per molecule basis. A carbon dioxide equivalent is the mass emissions of an individual greenhouse gas multiplied by its global warming potential. Greenhouse gases defined by AB 32 include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

This analysis is restricted to greenhouse gases identified by AB 32 and the CEQA Guidelines (section 15364.5), which include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. The project would generate a variety of greenhouse gases during construction and operation, including several defined by AB 32 and the CEQA Guidelines such as carbon dioxide, methane and nitrous oxide.

**Construction Greenhouse Gas Emissions Impact**

CalEEMod was used to estimate onsite and offsite emissions. Greenhouse gas emissions from project construction equipment and worker vehicle emissions are shown below in Table 12. The emissions are from all phases of construction. The total construction emissions amortized over a period of 30 years are estimated at 19.08 metric tons of CO$_2$e per year.

**Table 12. Construction Greenhouse Gas Emissions**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Emissions (MTCO$_2$e)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Onsite</td>
</tr>
<tr>
<td>Site Preparation</td>
<td>18.27</td>
</tr>
<tr>
<td>Grading</td>
<td>86.46</td>
</tr>
<tr>
<td>Building Construction</td>
<td>359.71</td>
</tr>
<tr>
<td>Paving</td>
<td>20.50</td>
</tr>
<tr>
<td>Coating</td>
<td>2.56</td>
</tr>
<tr>
<td>TOTAL</td>
<td>487.50</td>
</tr>
<tr>
<td>Averaged over 30 years</td>
<td>16.25</td>
</tr>
</tbody>
</table>

**Operational Greenhouse Gas Emissions Impact**

Operational or long-term emissions occur over the life of the project. The operational emissions for the project are 800.19 metric tons of CO$_2$e per year as shown in Table 13 below. The operational emissions refer to emissions with the incorporation of regulations that would further reduce emissions.
Table 13. Project Greenhouse Gas Emissions During Operation

<table>
<thead>
<tr>
<th>Emissions Source</th>
<th>Emissions (MTCO₂e) with Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile Source</td>
<td>452.91</td>
</tr>
<tr>
<td>Energy Source</td>
<td>231.62</td>
</tr>
<tr>
<td>Area Source</td>
<td>38.63</td>
</tr>
<tr>
<td>Water</td>
<td>32.40</td>
</tr>
<tr>
<td>Waste</td>
<td>25.55</td>
</tr>
<tr>
<td>Subtotal (operational)</td>
<td>781.11</td>
</tr>
<tr>
<td>Subtotal Construction (averaged over 30 years)</td>
<td>19.08</td>
</tr>
<tr>
<td>Total Annual Emissions</td>
<td>800.19</td>
</tr>
</tbody>
</table>

The project’s operational GHG emissions are below the SCAQMD’s significance threshold. Therefore, the project will not result in significant construction emissions (see table 14 below).

Table 14. Significance of Greenhouse Gases

<table>
<thead>
<tr>
<th>Item</th>
<th>Emissions with Regulation</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Annual Emissions</td>
<td>800</td>
<td>MTCO₂e/year</td>
</tr>
<tr>
<td>SCAQMD Draft Tier 3/CAP Threshold</td>
<td>3,000</td>
<td>MTCO₂e/year</td>
</tr>
<tr>
<td>Exceed Tier 3 Threshold?</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Significant impact?</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

Because climate change impacts are cumulate in nature, no typical single project can result in emissions of such a magnitude that it, in and of itself, would be significant on a project basis. The project’s operational emissions of 2,000 MT/yr of CO₂e are less than the SCAQMD-recommended interim threshold of 3,500 MT/yr of CO₂e for residential uses. Therefore, the proposed project would not result in a significant impact on GHG emissions.

CO Hot Spot Analysis

Given the relatively low level of CO concentrations in the project area, project-related vehicles are not expected to result in the CO concentrations exceeding the State or federal CO standards. Because no CO hot spot would occur, there would be no project-related impacts on CO concentrations.

The project would generate direct and indirect greenhouse gas emissions: however, these emissions would not result in a significant impact on the environment. As such, impacts are less than significant and no mitigation measures are required.

3.7(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Determination: Less Than Significant Impact.


Plans, Policies, or Programs (PPP)
There are no Plans, Policies or Programs related to this issue.

Project Design Features (PDF)

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

Impact Analysis

The project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. As such, impacts are less than significant and no mitigation measures are required.

Based on the analysis above, with implementation of PPP 3.7-1, impacts would be less than significant.
### 3.8 HAZARDS AND HAZARDOUS MATERIALS

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

**3.8(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

**Determination:** No Impact

*Source: City of Banning General Plan, Hazardous and Toxic Materials Element.*

**Plans, Policies, or Programs (PPP)**
The transport, use or disposal of hazardous materials in the unlikely event these materials are uncovered shall adhere to the regulations pertaining regulating the handling and transport of these items. The following PPP applies to the Project and would reduce impacts relating to this issue. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PPP 3.8-1 The Project is subject all applicable federal, state, and local laws and regulations regarding hazardous materials, including but not limited requirements imposed by the Environmental Protection Agency, California Department of Toxic Substances Control, South Coast Air Quality Management District, and the Santa Ana Regional Water Quality Control Board.

Project Design Features (PDF)

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

Impact Analysis

Existing Site Conditions

The construction of single family homes on the proposed project site will not result in significant impacts associated with hazardous materials. The City implements the standards of the Household Hazardous Waste programs through its waste provider. These regulations and standards ensure that impacts to surrounding areas, or within the project itself, are less than significant. No Mitigation Measures are proposed.

Operational Activities

The Project site would be developed with residential land uses which are land uses not typically associated with the transport, use, or disposal of hazardous materials. Although residential land uses may utilize household products that contain toxic substances, such as cleansers, paints, adhesives, and solvents, these products are usually in low concentration and small in amount and would not pose a significant risk to humans or the environment during transport to/from or use at the Project site. No mitigation measures are proposed and no impacts will result.

3.8(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Determination: Less than Significant

Sources: City of Banning General Plan, Hazardous and Toxic Materials Element.

Plans, Policies, or Programs (PPP)

There are numerous regulations pertaining to the accidental release of hazardous materials. The following PPP applies to the Project and would reduce impacts relating to this issue. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:
PPP 3.8-1  The Project is subject all applicable federal, state, and local laws and regulations regarding hazardous materials, including but not limited requirements imposed by the Environmental Protection Agency, California Department of Toxic Substances Control, South Coast Air Quality Management District, and the Santa Ana Regional Water Quality Control Board.

**Project Design Features (PDF)**

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

**Impact Analysis**

Accidents involving hazardous materials that could pose a significant hazard to the public or the environment would be highly unlikely during the construction and long-term operation of the Project and are not reasonably foreseeable. The transport, use and handling of hazardous materials on the Project site during construction is a standard risk on all construction sites, and there would be no greater risk for upset and accidents than would occur on any other similar construction site.

Upon build-out, the Project site would operate as a residential community, which is a land use type not typically associated with the transport, use, or disposal of hazardous materials that could be subject to upset or accident involving the release of hazardous materials into the environment.

Based on the analysis above, with implementation of PPP 3.8-1, impacts would be less than significant and no mitigation measures are required.

**3.8(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

**Determination: No Impact**

*Sources: Project Application Materials, Google Earth.*

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

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

**Project Design Features (PDF)**

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

**Impact Analysis**

The project site is a proposed residentially subdivision. The future occupants of the single-family subdivision would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing school because the residential project does not propose the use of hazardous materials. There would be no impact related to hazardous emissions or the handling of hazardous materials near schools resulting from implementation of the project.
3.8(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Determination: No Impact.

Plans, Policies, or Programs (PPP)

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

Project Design Features (PDF)

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

Impact Analysis

The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. No impact would occur and no mitigation measures are required.

3.8(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area?

Determination: Less Than Significant Impact.

Source: Riverside County Airport Land Use Commission response, December 16, 2016.

Plans, Policies, or Programs (PPP)

Project Design Features (PDF)

PDF 3.8-1 The Applicant is proposing a Tentative Tract Map (TTM) to permit a housing density of 3.8 dwelling units per acre.

Impact Analysis

The project is located within Zone D of the Banning Municipal Airport Influence Area. The Riverside County Airport Land Use Compatibility (RCALUC) Plan assigns various zones which either prohibit, control or guide development within each district’s airport influence area. Each specific alpha character, with Zone “A” being most restrictive based on safety and airspace protection factors and concerns to “E”, less restrictive incorporate site specific density provisions for housing development and other uses. Zone D as noted in Figure 4 is classified as a “Primary Traffic Pattern and Runway Buffer Area”. Table 3A of the RCALUC cites Zone D Risk Level as “Low”. The table indicates that 20% to 30% of general aviation accidents take place in this zone. However, the large area encompassed by this district as noted in Figure 5 means a low likelihood of accident occurrence in any given location. The primary concern is with uses for which potential consequences are severe, such as with very-high intensity level development in a confined area and noise impacts. For project’s located within an airport influence area, the Riverside County Airport
Land Use Commission (ALUC) is responsible for reviewing the plans, regulations and land use actions of local agencies for consistency with the RCALUC. ALUC's have no authority over existing land uses. The authority of the ALUC extends only to land in the vicinity of airports that is “not already devoted to incompatible uses”.

Figure 4
The proposed subdivision and location in Zone D of the Banning Airport Compatibility zone is subject to ALUC review and qualifies as a Major Land Use Action. The scope or character of certain major land uses actions are listed below and is such that their compatibility with airport activity is a potential concern.

1) Any proposed expansion associated with future annexation of land to a city or special district.
2) Proposed pre-zoning associated with future annexation of land to a city.
3) Proposed development agreements or amendments to such agreements.
4) Proposed residential development, including land divisions, consisting of five or more dwelling units or lots.
5) Any discretionary development proposal for projects having a building floor area of 20,000 square feet or greater unless only ministerial approval (e.g., a building permit) is required.
6) Major capital improvements.
7) Proposed land acquisitions by a government entity
8) Any off-airport, nonaviation use of land within Zone A
9) Proposal for new development having a height of more than:
   • 35 feet within Compatibility Zone B1, B2 or a Height Review Overlay Zone;
   • 70 feet within Compatibility Zone C; or
   • 150 feet within Compatibility Zone D or E.
10) Any obstruction reviewed by the Federal Aviation Administration
11) Any project having the potential to create electrical or visual hazards to aircraft in flight.
12) Projects having the potential to cause attraction of birds or other wildlife that can be hazardous to aircraft operations.

As shown in Figure 4, the residential development provisions in the Zone D, paragraph (1) require the average parcel size less than or equal to 0.2 or a housing density greater than or equal to 5 units per acre. The RCALUC rational for a higher residential density is premised on the basis that noise concerns can be minimized either by limiting the number of dwelling units in affected areas or by allowing high-density development which tends to have comparatively high ambient noise levels.

The average lot size based on RCALUC requirements is approximately 8,712 square feet. The project's average lot size is 6,035 square feet. The project was considered by ALUC as the subdivision net density is less than the minimum five units per acre required by the RCALUC. Table 15 below denotes the subdivision's current unit density.

<table>
<thead>
<tr>
<th>Table 15: Project Density Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Area</td>
</tr>
<tr>
<td>Net Area</td>
</tr>
<tr>
<td>Zone D</td>
</tr>
</tbody>
</table>

Riverside County Airport Land Use Commission Reviewed the project for potential conflicts with the current Airport Land Use Plan and provided the following statement.

On November 15, 2018 the Riverside County Airport Land Use Commission (ALUC) found City of Banning Case No. 15-7004 (Tentative Tract Map 36710), a proposal to divide 10.67 acres located on the northerly side of Wilson Street, westerly of Florida Street, southerly of Hoffer Street, and easterly of Alessandro Road into 39 single-family residential lots, one drainage basin lot, and one open space lot, CONSISTENT with the 2004 Banning Municipal Airport Land Use Compatibility Plan, as amended in 2016, pursuant to Policy 3.3.6 of the Countywide Policies based on special Findings 1 and 2 specified below and subject to the following conditions:

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

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

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

Therefore, the project will not have a significant effect on the environment as the City of Banning has adopted the 2004 Airport Land Use Plan and requires all new development to remain in
compliance with the provisions of the Land Use Plan. This requirement is included in the typical Conditions of Approval for this project and requires no further analysis.

3.8(f) For a project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?

Determination: Less than Significant

Source: Riverside County Airport Land Use Commission response, December 16, 2016.

Plans, Policies, or Programs (PPP)

The City of Banning has adopted the 2004 Banning Airport Land Use Plan which guides development in the area. All projects are conditioned to comply with the Airport Land Use Plan.

Project Design Features (PDF)

PDF 3.8-1 The Applicant is proposing a Tentative Tract Map to permit a housing density of 4.5 dwelling units per acre.

Impact Analysis

The project is located within Zone D of the Banning Municipal Airport Influence Area. The Riverside County Airport Land Use Compatibility (RCALUC) Plan assigns various zones which either prohibit, control or guide development within each district’s airport influence area. Each specific alpha character, with Zone “A” being most restrictive based on safety and airspace protection factors and concerns to “E”, less restrictive incorporate site specific density provisions for housing development and other uses. Zone D as noted in Figure 5 is classified as a “Primary Traffic Pattern and Runway Buffer Area”. Table 3A of the RCALUC cites Zone D Risk Level as “Low”. The table indicates that 20% to 30% of general aviation accidents take place in this zone. However the large area encompassed by this district as noted in Figure 5 means a low likelihood of accident occurrence in any given location. The primary concern is with uses for which potential consequences are severe, such as with very-high intensity level development in a confined area and noise impacts. For projects located within an airport influence area, the Riverside County Airport Land Use Commission (ALUC) is responsible for reviewing the plans, regulations and land use actions of local agencies for consistency with the RCALUC. ALUC’s have no authority over existing land uses. The authority of the ALUC extends only to land in the vicinity of airports that is “not already devoted to incompatible uses”.

Therefore, the project will not have a significant effect on the environment as the City of Banning has adopted the 2004 Airport Land Use Plan and requires all new development to remain in compliance with the provisions of the Land Use Plan. This requirement is included in the typical Conditions of Approval for this project and requires no further analysis.

3.8(g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
Determination: Less Than Significant Impact.

Sources: Banning General Plan, Public Services and Facilities, Chapter VI.

Plans, Policies, or Programs (PPP)

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

Project Design Features (PDF)

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

Impact Analysis

Activities associated with the proposed project would not impede existing emergency response plans for the project site and/or other land uses in the project vicinity. The project would not result in any closures of existing roadways that might have an effect on emergency response or evacuation plans in the vicinity of the project site. In addition, all vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. Accordingly, implementation of the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Consequently, impacts would be less than significant.

3.8 (h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Determination: Less than Significant

Source: Banning General Plan, Public Services and Facilities, Chapter VI.

Plans, Policies, or Programs (PPP)

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

Project Design Features (PDF)

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

Impact Analysis

The project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, because there are no wildlands adjacent to this site. The project site is in an urban area and is not located in fire prone area. Therefore, the project will not expose people, structures, or infrastructure to risks of wildland fires. Consequently, impacts would be less than significant.
### 3.9 HYDROLOGY AND WATER QUALITY

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Violate any water quality standards or waste discharge requirements?</td>
<td></td>
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<tr>
<td>b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
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<tr>
<td>c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner, which would result in substantial erosion or siltation on- or offsite?</td>
<td></td>
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<tr>
<td>d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or offsite?</td>
<td></td>
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</tr>
<tr>
<td>e. Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>f. Otherwise substantially degrade water quality?</td>
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<tr>
<td>g. Place housing within a 100-year flood hazard as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
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<tr>
<td>h. Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>j. Inundation by seiche, tsunami, or mudflow?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**3.9(a) Violate any water quality standards or waste discharge requirements?**

**Determination: Less Than Significant Impact.**

*Source: Tentative Tract Map 36710 United Engineering Group Preliminary Drainage Report, September 6, 2016, EnGEN Soils Percolation Feasibility Study for Infiltration Testing, TT 36710, March 24, 2014*

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

The following apply to the Project and would reduce impacts relating water quality and waste discharge requirements. These measures will be included in the project’s Mitigation Monitoring and Reporting Program:

**PPP 3.9-1** Prior to grading permit issuance, the Project Proponent shall obtain a National Pollutant Discharge Elimination System permit from the State Resources Control Board. Evidence that a National Pollutant Discharge Elimination System permit has been issued shall be provided to the City of Banning prior to issuance of the first grading permit.

**PPP 3.9-2** Prior to grading permit issuance, the Project Proponent shall prepare a Storm Water Pollution Prevention Plan. Project contractors shall be required to ensure compliance with the Storm Water Pollution Prevention Plan and permit periodic inspection of the construction site by City of Jurupa Valley staff or its designee to confirm compliance.

**PPP 3.9-3** During construction, Project contractors shall be required to ensure compliance with the Project’s Water Quality Management Plan associated with the Project and permit periodic inspection of the construction site by City of Banning staff or its designee to confirm compliance.


**Project Design Features (PDF)**

The following is incorporated into the Project by the applicant, and would reduce impacts related to water quality and discharge requirements. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

**PDF 3.9-1** Tentative Tract Map No. 36710 provides for 64,469 cubic foot (1.48-acre foot) water quality basin and infiltration. These areas shall be designed to manage water quality runoff to the satisfaction of the City Engineer and in accordance with the United Engineering Group Preliminary Drainage Report, September 6, 2016.
Impact Analysis

Construction

Construction of the Project would involve clearing, grading, paving, utility installation, building construction, and the installation of landscaping, which would result in the generation of potential water quality pollutants such as silt, debris, chemicals, paints, and other solvents with the potential to adversely affect water quality. As such, short-term water quality impacts have the potential to occur during construction of the Project in the absence of any protective or avoidance measures.

Pursuant to the requirements Chapter 13.24 of the City of Banning Municipal Code, the Project would be required to obtain a National Pollutant Discharge Elimination System Municipal Storm Water Permit for construction activities. The National Pollutant Discharge Elimination System permit is required for all Projects that include construction activities, such as clearing, grading, and/or excavation that disturb at least one acre of total land area.

In addition, the Project would be required to comply with the Colorado River Regional Water Quality Control Board’s Colorado River Basin Water Quality Control Program. Compliance with the National Pollutant Discharge Elimination System permit and the Colorado River Basin Water Quality Control Program involves the preparation and implementation of a Storm Water Pollution Prevention Plan for construction-related activities, including grading. The Storm Water Pollution Prevention Plan would specify the Best Management Practices that the Project would be required to implement during construction activities to ensure that all potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property.

Operation

Storm water pollutants commonly associated with the land uses proposed by the Project (i.e., residential) include sediment/turbidity, nutrients, trash and debris, oxygen-demanding substances, organic compounds, bacteria and viruses, oil and grease, pesticides, and metals.

Pursuant to the requirements of the City’s National Pollutant Discharge Elimination System permit, a Water Quality Management Plan (WQMP) is required for managing the quality of storm water or urban runoff that flows from a developed site after construction is completed and the facilities or structures are occupied and/or operational. A WQMP describes the Best Management Practices that will be implemented and maintained throughout the life of a project to prevent and minimize water pollution that can be caused by storm water or urban runoff.

Based on the analysis above, with implementation of PPP 3.9-1 through PPP 3.9-4 and PDF 3.9-1, impacts would be less than significant and no mitigation measures are required.
3.9(b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Determination: Less Than Significant Impact.


Plans, Policies, or Programs (PPP)

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

Project Design Features (PDF)

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

Impact Analysis

The sole source of potable water supply is provided by the City of Banning Water Utility Department. More than 30,000 residents in Banning, depend on the Water Utility Department to provide water service to their homes and businesses. By supplying local groundwater pumped from City owned wells the department is able to meet the daily demands of these customers. The department provides plan reviews, design and construction management for Water Utility projects.

The City's Water Utility Department does not have an immediate concern with water supply reliability. Because the District's water supply is groundwater, which is not subject to seasonal or year-to-year climatic change, it is not subject to short-term water shortages resulting from temporary dry weather conditions. The Water Utility Department and other groundwater users in the San Gorgonio Pass Sub Basin have been implementing ongoing groundwater management practices to extend the useful life of the groundwater resource to meet current and future demands. In the foreseeable future, the Water Utility Department will continue to be reliant on local groundwater supplies. The Water Utility Department will develop additional groundwater extraction and groundwater treatment facilities as needed to ensure a continuous and adequate water supply for its service area.

Based on the above analysis, the Project's demand for domestic water service would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Impacts would be less than significant and no mitigation is required.

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

Determination: Less Than Significant Impact.

Source: Tentative Tract Map 36710, Drainage Study, WQMP
Plans, Policies, or Programs (PPP)

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


Project Design Features (PDF)

The following is incorporated into the Project by the applicant, and would reduce impacts related to soil erosion. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PDF 3.9-1   Tentative Tract Map No. 36710 provides for 64,469 cubic foot (1.48 acre foot) water quality basin and infiltration. These areas shall be designed to manage water quality runoff to the satisfaction of the City Engineer and in accordance with the United Engineering Group Preliminary Drainage Report, September 6, 2016.

Impact Analysis

The Construction of single family homes on the Project site will result in an increase in impermeable surfaces, and therefore an increase in runoff. The WQMP basins must be designed to retain a 100 year, three (3) hour storm event.

Based on the analysis above, with implementation of PPP 3.9-4 and PDF 3.9-1, impacts would be less than significant and no mitigation measures are required.

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

Determination: Less Than Significant Impact.


Plans, Policies, or Programs (PPP)

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


Project Design Features (PDF)
The following is incorporated into the Project by the applicant, and would reduce impacts related to flooding. This measure will be included in the Project's Mitigation Monitoring and Reporting Program:

**PDF 3.9-1** Tentative Tract Map No. 36710 provides for 64,469 cubic foot (1.48-acre foot) water quality basin and infiltration. These areas shall be designed to manage water quality runoff to the satisfaction of the City Engineer and in accordance with the United Engineering Group Preliminary Drainage Report, September 6, 2016.

**Impact Analysis**

Based on the analysis above, with implementation of PPP 3.9-1 through PPP 3.9-4 and PDF 3.9-1, impacts would be less than significant and no mitigation measures are required.

**3.9(e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?**

**Determination: Less than Significant Impact.**

*Source: Tentative Tract Map 36710 United Engineering Group Preliminary Drainage Report, September 6, 2016, EnGEN Soils Percolation Feasibility Study for Infiltration Testing, TT 36710, March 24, 2014*

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

The following apply to the Project and would reduce impacts relating to drainage capacity and additional sources of polluted runoff. These measures will be included in the project's Mitigation Monitoring and Reporting Program:

**PPP 3.9-1.** Prior to grading permit issuance, the Project Proponent shall obtain a National Pollutant Discharge Elimination System permit from the State Water Resources Control Board. Evidence that a National Pollutant Discharge Elimination System permit has been issued shall be provided to the City of Banning prior to issuance of the first grading permit.

**PPP 3.9-2** Prior to grading permit issuance, the Project Proponent shall prepare a Storm Water Pollution Prevention Plan (SWPPP). Project contractors shall be required to ensure compliance with the SWPPP and permit periodic inspection of the construction site by City of Banning staff or its designee to confirm compliance.

**PPP 3.9-3** During construction, Project contractors shall be required to ensure compliance with the Project's Water Quality Management Plan associated with the Project and permit periodic inspection of the construction site by City of Banning staff or its designee to confirm compliance.

Project Design Features (PDF)
The following is incorporated into the Project by the applicant, and would reduce impacts related to drainage capacity and additional sources of polluted runoff. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

PDF 3.9-1 Tentative Tract Map No. 36710 provides for 64,469 cubic foot (1.48-acre foot) water quality basin and infiltration. These areas shall be designed to manage water quality runoff to the satisfaction of the City Engineer and in accordance with the United Engineering Group Preliminary Drainage Report, September 6, 2016.

Impact Analysis

Water runoff from the site will be directed to the on-site water quality basin and an infiltration pit before discharging into the storm drain system.

Based on the analysis above, with implementation of PPP 3.9-1 through PPP 3.9-4 and PDF 3.9-1, impacts would be less than significant and no mitigation measures are required.

3.9(f) Otherwise substantially degrade water quality?

Determination: Less Than Significant Impact.

Sources: Project Application Materials.

Plans, Policies, or Programs (PPP)
The following apply to the Project and would reduce impacts relating to water quality. These measures will be included in the project’s Mitigation Monitoring and Reporting Program:

PPP 3.9-1 Prior to grading permit issuance, the Project Proponent shall obtain a National Pollutant Discharge Elimination System permit from the State Water Resources Control Board. Evidence that a National Pollutant Discharge Elimination System permit has been issued shall be provided to the City of Banning prior to issuance of the first grading permit.

PPP 3.9-2 Prior to grading permit issuance, the Project Proponent shall prepare a Storm Water Pollution Prevention Plan. Project contractors shall be required to ensure compliance with the Storm Water Pollution Prevention Plan and permit periodic inspection of the construction site by City of Banning staff or its designee to confirm compliance.

PPP 3.9-3 During construction, Project contractors shall be required to ensure compliance with the Project’s Water Quality Management Plan associated with the Project and permit periodic inspection of the construction site by City of Banning staff or its designee to confirm compliance.


Project Design Features (PDF)
The following is incorporated into the Project by the applicant, and would reduce impacts related to water quality. This measure will be included in the project’s Mitigation Monitoring and Reporting Program:

**PDF 3.9-1**  Tentative Tract Map No. 36710 provides for 64,469 cubic foot (1.48-acre foot) water quality basin and infiltration. These areas shall be designed to manage water quality runoff to the satisfaction of the City Engineer and in accordance with the United Engineering Group Preliminary Drainage Report, September 6, 2016.

**Impact Analysis**

There are no conditions associated with the proposed Project that could result in the substantial degradation of water quality beyond what is described above in Responses 3.9 (a), 3.9(c), and 3.9 (e).

Based on the analysis above, with implementation of PPP 3.9-1 through PPP 3.9-4 and PDF 3.9-1, impacts would be less than significant and no mitigation measures are required.

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

**Determination:** No Impact.

*Source: FEMA Information, Site within Zone X; denotes 500-yr flood area, United Engineering Group Preliminary Drainage Report for TTM 36710, September 6, 2016*

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

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

**Project Design Features (PDF)**

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

**Impact Analysis**

The site is not located in Flood Zone X, which denotes a 500-yr flood area as designated by FEMA

### 3.9(h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

**Determination:** No Impact.

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

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

**Project Design Features (PDF)**
There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Refer to Issue 3.9(g) above. The Project area is not within a 100-year flood hazard. No impact would occur and no mitigation measures are required.

3.9(f) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Source: FEMA Information, Site within Zone X; denotes 500-yr flood area, United Engineering Group Preliminary Drainage Report for TTM 36710, September 6, 2016

Determination: No Impact.

Plans, Policies, or Programs (PPP)

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

Project Design Features (PDF)

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

Impact Analysis

As noted Issue 3.9(g), the Project site is not subject to flooding. No dams, levees or water bodies exist in the immediate vicinity of the Project site that could adversely affect the site should a structural failure occur. No impact would occur and no mitigation measures are required.

3.9(f) Inundation by seiche, tsunami, or mudflow?

Determination: No Impact.

Sources: Project Application Materials, Google Earth

Plans, Policies, or Programs (PPP)

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

Project Design Features (PDF)

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

Impact Analysis

The Project site would not be subject to inundation by a seiche, mudflow, and/or tsunami. No impact would occur and no mitigation measures are required.
### 3.10 LAND USE AND PLANNING

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Physically divide an established community?</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
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<tr>
<td>c. Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
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<td></td>
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</tbody>
</table>

#### 3.10(a) Physically divide an established community?

**Determination:** No Impact.

*Sources: Project Application Materials, Google Earth*

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

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

**Project Design Features (PDF)**

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

**Impact Analysis**

An example of a Project that has the potential to divide an established community includes the construction of a new freeway or highway through an established neighborhood. The Project site is an in-fill development consisting of 10.6-acres and located within proximity of residential development. Therefore, no impacts would occur with respect to dividing an established community.

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

**Determination:** Less Than Significant Impact.

*Source: City of Banning General Plan, Zoning Code.*
Plans, Policies, or Programs (PPP)

The applicable plans and policies relating to a conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect are described in the analysis below.

Project Design Features (PDF)

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

Impact Analysis

As demonstrated throughout this Initial Study Checklist/Mitigated Negative Declaration, the Project would otherwise not conflict with any applicable goals, objectives, and policies of the General Plan, or the City of Banning Zoning Ordinance. The Project would not conflict with any applicable policy document, including, without limitation, the Western Riverside Multiple Species Habitat Conservation Plan, South Coast Air Quality Management District’s Air Quality Management Plan, Southern California Association of Government’s 2012, 2035 Regional Transportation Plan/Sustainable Communities Strategy, and Government’s 2008 Regional Transportation Plan. The purpose of these plans are to avoid or mitigate an environmental effect.

In conclusion, the Project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating adverse environmental effects and impacts would be less than significant.

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

Determination: Less than Significant


Plans, Policies, or Programs (PPP)

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

Project Design Features (PDF)

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

Impact Analysis

The Project site lies within the Pass Plan Area Plan Unit. The “Pass Plan Area Plan Unit” is a unit area of the MSHCP mapped by the Regional Conservation Authority (RCA), Western Riverside County. The RCA MSHCP Information mapping website lists the following environmental status of the project site:
- The Project site is not located within an MSHCP Criteria Cell (area proposed for conservation).
- The Project site is not located within a Cell group.
- The Project site is not in a criteria area species survey area.
- The Project site is not in a narrow endemic plan survey area.
- The Project site is not in a mammal, owl, or amphibian survey area.
- The property does not support any stream channels or desert.

In conclusion, the RCA Associates LLC Biological report prepared for this project, dated January 16, 2014 determined that the 39 single family unit subdivision with regard to General Vegetation and Wildlife, that the impacts associated with displacement of threatened or endangered wildlife species given the past disturbance of the site is not anticipated to be significant. The project would displace certain wildlife, such as rodents and birds. However, the number of wildlife species that would be displaced is very low; Threatened, Endangered, and Species of Special Concern will not be impacted as a result of the project. Consequently, future development of the site is not expected to generate significant impacts to any biological resources; and lastly, impacts associated with Habitat Fragmentation and Wildlife Movement will not be affected as there are no wildlife corridors present on the site or in adjacent areas. Moreover, the project will not impede regional wildlife movement or impact any MSHCP-designated corridors or habitat linkages. Consequently, impacts will be less than significant and no mitigation is required. (RCA Associates LLC, Bio Report, pg. 7)
3.11 MINERAL RESOURCES

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
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<tr>
<td>b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
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<td>□</td>
</tr>
</tbody>
</table>

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

Determination: No Impact.

Sources: City of Banning General Plan, Environmental Resources, Chapter IV

Plans, Policies, or Programs (PPP)

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

Project Design Features (PDF)

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

Impact Analysis

No mineral resource extraction activity is known to have ever occurred on the property. According to mapping conducted by the California Geological Survey which maps areas known as Mineral Resources Zones (MRZs), the proposed Project site is mapped within MRZ-3, which is defined as "areas with no known significant mineral deposits."

The Project site is not located within an area of known to be underlain by regionally- or locally important mineral resources, or within an area that has the potential to be underlain by regionally or locally-important mineral resources, as disclosed by the General Plan. Accordingly, implementation of the proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State of California. Accordingly, no impact would occur.

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

Determination: No Impact.

Sources: City of Banning General Plan, Environmental Resources, Chapter IV
Plans, Policies, or Programs (PPP)
There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

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

Impact Analysis
Refer to the Issue 3.11(a), above. The General Plan does not identify any locally important mineral resource recovery sites on-site or within close proximity to the Project site, nor are any mineral resource recovery operations located on-site or in the surrounding area. No impact.
### 3.12 NOISE

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

**3.12(a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

**Determination:** Less Than Significant Impact.


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

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

PPP 3.12-1 In order to ensure compliance with the Banning Municipal Code Chapter 8.44 Noise Regulations, prior to the issuance of a grading permit, the developer is required to submit a construction-related noise mitigation plan to the City for review and approval. The plan must depict the location of construction equipment and how the noise from this equipment will be mitigated during construction of this project. In addition, the plan shall require that the following notes are included on grading...
plans and building plans. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City of Banning staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

a) All construction activities shall comply with Chapter 8.44 (Noise Regulations) of the City of Banning Municipal Code.

b) Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards.

c) All stationary construction equipment shall be placed in such a manner so that emitted noise is directed away from any sensitive receptors adjacent to the Project site.

d) Construction equipment staging areas shall be located the greatest distance between the staging area and the nearest sensitive receptors.

**Project Design Features (PDF)**

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

**Impact Analysis**

Development of the Project site as a residential community has the potential to expose persons to or result in elevated noise levels during both short-term construction activities and under long-term conditions. Short-term (i.e., construction) and long-term (i.e., operational) noise impacts associated with the Project are discussed below

*Short-term Construction Noise*

The most significant source of short-term noise impact is related to noise generated during construction activities on the Project site which would result in potential noise impacts to nearby sensitive receptors. Construction is performed in discrete steps, each of which has its own mix of equipment and consequently its own noise characteristics. Thus noise levels will fluctuate depending upon construction phase, equipment type, duration of equipment use, distance between the noise source and receptor, and the presence or absence of noise attenuation structures.

As shown on Table 11 below, noise levels generated by heavy construction equipment can range from approximately 75 dBA to 99 dBA when measured at 50 feet
Table 16. Typical Construction Equipment Noise Levels

<table>
<thead>
<tr>
<th>Type of Equipment</th>
<th>Range of Sound Levels Measured (dBA at 50 feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pile Drivers</td>
<td>81 to 96</td>
</tr>
<tr>
<td>Rock Drills</td>
<td>83 to 99</td>
</tr>
<tr>
<td>Jack Hammers</td>
<td>75 to 85</td>
</tr>
<tr>
<td>Pneumatic Tools</td>
<td>78 to 88</td>
</tr>
<tr>
<td>Pumps</td>
<td>68 to 80</td>
</tr>
<tr>
<td>Dozers</td>
<td>85 to 90</td>
</tr>
<tr>
<td>Tractors</td>
<td>77 to 82</td>
</tr>
<tr>
<td>Front-End Loaders</td>
<td>86 to 90</td>
</tr>
<tr>
<td>Graders</td>
<td>79 to 89</td>
</tr>
<tr>
<td>Air Compressors</td>
<td>76 to 86</td>
</tr>
<tr>
<td>Trucks</td>
<td>81 to 87</td>
</tr>
</tbody>
</table>


However, these noise levels diminish with distance from the construction site at a rate of 6 dBA per doubling of distance. For example, a noise level of 75 dBA for a jack hammer measured at 50 feet from the noise source to the receptor would be reduced to 69 dBA at 100 feet from the source to the receptor, and would be further reduced to 63 dBA at 200 feet from the source to the receptor.

Chapter 8.44 of the City of Banning Municipal Code (Noise Regulations) includes a provision that exempts construction activities from any maximum noise level standard, provided that construction activities occur between the hours of 7:00 A.M. and 6:00 P.M. The person engaged in such activity is hereby permitted to exceed sound levels otherwise set forth in this chapter for the duration of the activity during the above described hours for purposes of construction. However, nothing contained herein shall permit any person to cause sound levels to at any time exceed fifty-five dBA for intervals of more than fifteen minutes per hour as measured in the interior of the nearest occupied residence or school. If the building official should determine that the public health and safety will not be impaired by the construction related noise, the building inspector may issue a permit for construction within the hours of 6:00 P.M. and 7:00 A.M., upon application being made at the time the permit for the work is awarded or during the progress of the work. The building official may place such conditions on the issuance of the permit as to him or her shall seem appropriate to maintain the public health and safety.
Noise Impacts to the Project

The Project is considered a "sensitive receptor" because it is a residential development. Impacts to the Project would be significant if the exterior area of the homes (i.e. yards) would be exposed to noise levels in excess of 55 dBA. For the interior area of the homes impacts would be significant if exposed to noise levels in excess of 45 dBA.

The Project site is located in an area largely characterized by urban development. Residential land uses surround the site on all sides. Noise producing land uses that impact residential uses include, but are not limited to, agriculture uses, industrial uses, commercial uses, and noise from major highways and roads.

The Project site is located north of Wilson Street and lies between Alessandro Street and Florida Street. Wilson Street, Alessandro Road and Florida Street are classified as “Local Streets” and are not considered a major highway or roadway that produces significant levels of traffic noise. As such, impacts are considered to be less than significant.

Noise Impacts Generated by the Project

As established by the General Plan performance standards, project-related noises, as projected to any portion of any surrounding property containing a habitable dwelling, hospital, school, library or nursing home, shall not exceed 55 equivalent level dBA (dBA Leq) between 7 a.m. and 10 p.m. or 45 dBA Leq between 10 p.m. and 7:00 a.m. for a cumulative period of more than fifteen (15) minutes per hour.

The primary source of noise generated by the Project will be from the vehicle traffic generated by the new homes to the nearby residential uses. The Project would generate an estimated additional 457 trip-ends per day with 36 total vehicles per hour during the AM peak hour, and 48 total vehicles per hour during the PM peak hour.

The City of Banning considers a project to result in a significant traffic-related noise impact if traffic generated by that project would cause or contribute to exterior noise levels at sensitive receptor locations in excess of 55 dBA CNEL and the project's contribution to the noise environment equals 3.0 dBA CNEL or more. (A change of 3.0 dBA is considered "barely perceptible" by the human ear and changes of less than 3.0 dBA CNEL generally cannot be perceived except in carefully controlled laboratory environments). Due to the low traffic volume and speeds, traffic noise from the Project will not make a significant contribution to the noise environment.

Based on the analysis above, with implementation of PPP 3.12-1 impacts would be less than significant.

3.12(b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Determination: Less Than Significant Impact.


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

**Project Design Features (PDF)**

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

**Impact Analysis**

*Construction Vibration*

Under existing conditions, there are no known sources of ground-borne vibration or noise that affect the Project site. The Project would not generate ground-borne vibration or ground-borne noise, except, potentially, during the construction phase from the use of heavy construction equipment. The Project will not employ any pile driving, rock blasting, or rock crushing equipment during construction activities, which are the primary sources of ground-borne noise and vibration during construction.

*Operational Vibration*

There are no conditions associated with the long-term operation of the proposed Project that would result in the exposure of on- or off-site residents to excessive ground-borne vibration or noise. The proposed Project would develop the subject property as a residential community and would not include nor require equipment, facilities, or activities that would generate ground-borne vibration or ground-borne noise. In addition, the Project site is not located in the vicinity of a railroad line or any other use associated with ground-borne vibration or ground-borne noise; therefore, the Project would not expose future on-site residents to substantial ground-borne vibration or noise.

Based on the above analysis, operation the Project would not expose on- or off-site sensitive receptors to substantial ground-borne vibration or ground-borne noise. Impacts are less than significant and no mitigation is required.

\[
3.12(c) \quad \text{A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?}
\]

**Determination: Less Than Significant Impact.**


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

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

**Project Design Features (PDF)**

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

**Impact Analysis**
As discussed above under Issue 3.12(a), the only potential for the Project to create a permanent increase in ambient noise levels is the result of future traffic generated by the proposed Project that has the potential to cause or contribute to elevated traffic-related noise volumes at offsite locations. The analysis presented under Issue 3.12(a) concluded that the Project’s incremental noise contributions to study area roadways would be considered "barely perceptible" (i.e., less than 3.0 dBA CNEL). As such, offsite transportation-related noise impacts would be less than significant and no mitigation is required.

### 3.12(d) A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?

**Determination:** Less Than Significant Impact.


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

See PPP 3.12-1

**Project Design Features (PDF)**

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

**Impact Analysis**

As discussed above under Issue 3.12(a), the only potential for the Project to create a substantial temporary or periodic increase in ambient noise levels is during its construction phase. The analysis presented under Issue 3.12(a) concluded that the Project would result in elevated noise levels during construction but were less than significant.

Based on the analysis above, with implementation of PPP 3.12-1, impacts would be less than significant and no mitigation measures are required.

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

**Determination:** Less than significant with mitigation.


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

This measure will be included in the project’s Mitigation Monitoring and Reporting Program:
PPP 3.12-2 The City shall require building setbacks, the installation of wall and window insulation, soundwalls, earthen berms, and/or other mitigation measures in areas exceeding the City's noise standards for private development projects as they occur.

Project Design Features (PDF)

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

Impact Analysis

The project is located within Zone D of the Banning Municipal Airport Influence Area. The Riverside County Airport Land Use Compatibility (RCALUC) Plan assigns various zones which either prohibit, control or guide development within each district's airport influence area. Each specific alpha character, with Zone "A" being most restrictive based on safety and airspace protection factors and concerns to "E", less restrictive incorporate site specific density provisions for housing development and other uses. Zone D as noted in Figure 5 is classified as a "Primary Traffic Pattern and Runway Buffer Area". The primary concern is with uses for which potential consequences are severe, such as with very-high intensity level development in a confined area and noise impacts.

The Banning Municipal Airport averages approximately 10 to 15 takeoffs and landings daily, and about 12,000 operations per year. Air traffic is comprised primarily of private, single-engine fixed-wing airport. The Banning Municipal Airport Master Plan (December 1990), shows typical takeoff noise levels for such aircraft. Levels range from approximately 56 dba to 68 dba at 7,100 feet from brake release. As noted in Figure 6 below, noise contours are generally contained within the airport boundary, and extend to lands designated for airport and related industrial uses, which are considered less sensitive.

![Figure 6](image-url)
For the City of Banning, the applicable limit one-hour average for outdoor noise levels in residential areas is 55 dBA during daytime hours, and 45 dBA during evening and nighttime hours (Ordinance 1138). The project site is well outside the 65 db CNEL noise contour. For project’s located within an airport influence area”. As noted in Figure 6,

In accordance with ALUC recommendations, the residential housing development will incorporate noise attenuating measures to ensure that the ambient noise conforms to the City of Banning noise standards. Pursuant to the ALUC recommendations and PPP 3.12-1 and PPP 3-12.2 impacts associated with noise will be less than significant with mitigation. ALUC mitigation measures are as follows:

**Mitigation Measures:** *Source: Airport Land Use Commission Development Review Report, December 16, 2016.*

**MM- NOISE- 1** Highly noise-sensitive outdoor nonresidential uses are prohibited.

**MM- NOISE- 2** The following notice shall be provided to all potential purchasers of the property, and shall be recorded as a deed notice.

**NOTICE OF AIRPORT IN VICINITY**
This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances [can vary from person to person. You may wish to consider what airport annoyances], if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b) (13) (A)

**3.12(f)** For a project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?

**Determination: Less than Significant with Mitigation**

*Source: Riverside County Airport Land Use Compatibility Plan Policy Document (Adopted October 2004), Banning General Plan*

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

PPP 3.12-1 and PPP 3.12-2

**Project Design Features (PDF)**

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

**Impact Analysis**

As discussed Response 3.12 (e), the project site is outside the Banning Airport noise contours. Impacts associated with aviation noise will not exceed the residential ambient noise standards for
residential development. Moreover, in accordance with ALUC’s mitigation and PPP 3.12-1 and PPP 3.122, exposure of people to impacts arising from the private airstrip will be less than significant.

### 3.13 POPULATION AND HOUSING

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

3.13(a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

**Determination:** Less than Significant Impact.

*Sources: Project Application City of Banning General Plan, Housing Element.*

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

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

**Project Design Features (PDF)**

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

**Impact Analysis**

The Project would be developed with 39 single-family detached residential homes. Pursuant to population estimates prepared by the State Department of Finance, single-family detached units within the City are occupied by an average of 2.7 persons per dwelling unit (*City of Banning General Plan, Housing Element, Page III-127*). Therefore, using population generation estimates provided by the State, the Project could increase the City of Banning’s population by up to 105 new residents if all the new residents currently reside outside the City limits.
Typically, population growth would be considered a significant impact pursuant to CEQA if it directly or indirectly affects the ability of agencies to provide needed public services and requires the expansion or new construction of public facilities and utilities.

Section 3.14, Public Services, of this Initial Study Checklist demonstrates that the impacts on public services is less than significant so the public service providers’ ability to provide services will not be reduced. As such, impacts are less than significant and no mitigation measures are required.

### 3.13(b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

**Determination:** No Impact.

**Sources:** Project Application City of Banning General Plan, Housing Element

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

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

**Project Design Features (PDF)**

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

**Impact Analysis**

The Project site is vacant and contains no housing. As such, there are no impacts that would require the construction of replacement housing elsewhere. No mitigation measures are required.

### 3.13(c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

**Determination:** No Impact.

**Sources:** Project Application City of Banning General Plan, Housing Element

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

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

**Project Design Features (PDF)**

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

**Impact Analysis**

The Project site is vacant and contains no housing. As such, there are no impacts that would require the construction of replacement housing elsewhere.
### 3.14 PUBLIC SERVICES

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</td>
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<tr>
<td>1) Fire protection?</td>
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<tr>
<td>2) Police protection?</td>
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<tr>
<td>3) Schools?</td>
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<td>4) Parks?</td>
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<td>5) Other public facilities?</td>
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#### 3.14(a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

**FIRE PROTECTION**

**Determination:** Less Than Significant Impact.

*Sources: City of Banning General Plan, Police and Fire Protection Element*

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

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

**Project Design Features (PDF)**

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

**Impact Analysis**
Buildout of the site will have a less than significant impact on public services. The proposed Project will be served by the City Police Department and Riverside County Fire Department under contract. The project will be required to pay the mandated school fees, development impact fees and park in lieu fees in place at the time of issuance of building permits. Payment of these fees and future revenue stream from property tax will lower potential impacts associated with additional services to a less than significant impact.

**POLICE PROTECTION**

**Determination: Less Than Significant Impact.**

*Sources: City of Banning General Plan, Police and Fire Protection Element.*

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

The following applies to the Project and would reduce impacts relating to police protection. This measure will be included in the project's Mitigation Monitoring and Reporting Program:

PPP 3.14-1 The Project shall comply with applicable City's Development Impact Fees which requires payment of a development mitigation fee to assist in providing funds to offset the incremental increase in the demand for public services, parks and open space that would be created by the Project. Prior to the issuance of building permits. The Project Applicant shall pay fees in accordance with the City of Banning Municipal Code Requirements.

**Project Design Features (PDF)**

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

**Impact Analysis**

The City of Banning Police Department provides community policing to the Project area. The Banning Police Station is located at 125 East Ramsey, just under one (1) mile from the Project site. The Banning Police Department current level of law enforcement staffing is approximately 1.4 sworn officers for every 1,000 residents. Banning has historically maintained a goal of 1.8 police officers per 1,000 residents. The Banning Police Department has a total of 35 sworn positions, of which three are grant positions and 16 unsworn positions for a total of 51 positions. At full buildout, the Project would introduce approximately 124 to 105 new residents to the Project area. The Project's buildout would not affect or alter the current ratio of sworn officers per 1,000 residents. No additional police staffing or the construction of new or expanded police facilities is required.

The Project would be required to comply with the provisions of the City's Development Impact Fee Ordinance, which requires a fee payment to assist the City in providing for public services, including police protection services. Payment of the Development Impact Fee would ensure that the Project provides its fair share of funds for additional police protection services, which is intended, to offset the incremental increase in the demand that would be created by the Project.

Based on the above analysis, with implementation of PPP 3.14-2, impacts related to police protection would be less than significant and no mitigation measures are required.
SCHOOLS

Determination: Less Than Significant Impact.

Sources: City of Banning General Plan, Police and Fire Protection Element

Plans, Policies, or Programs (PPP)

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

PPP 3.14-2 Prior to the issuance of building permits, the Project Applicant shall pay required development impact fees to the Banning Unified School District following protocol for impact fee collection.

Impact Analysis

The construction of 39 residential homes as proposed by the Project would have an incremental increase in the population in the local area and would generate additional demands to the existing public school system by generating additional students to be served by the Banning Unified School District. The Project would be required to contribute fees to the Banning Unified School District in accordance with the Leroy F. Greene School Facilities Act of 1998 (Senate Bill 50). Pursuant to Senate Bill 50, payment of school impact fees constitutes complete mitigation for Project-related impacts to school services.

Based on the above analysis, with implementation of PPP 3.14-2, impacts related to schools would be less than significant and no mitigation measures are required.

PARKS

Determination: Less Than Significant Impact.

Source: City of Banning General Plan Parks and Recreation Element, Open Space and Conservation Element

Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts relating to parks:

PPP 3.14-3 Prior to the issuance of a building permit, the Project Applicant shall pay required park development impact fees to the City of Banning Recreation and Park District.

Impact Analysis

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

The Project proposes the construction of 39 residential units. Based on population estimates prepared by the State Department of Finance, the Project is estimated to provide housing for up to 105 residents (2.7 persons per household x 39 = 105). The Project does not propose any park land so it will be subject to the park land impact fee.

Based on the above analysis, with implementation of PPP 3.14-3, impacts related to parks would be less than significant and no mitigation measures are required.

OTHER PUBLIC FACILITIES

Determination: Less Than Significant Impact.

Source: City of Banning General Plan, Public Building and Facilities Element

Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts relating to parks.

PPP 3.14-2 above is applicable to the Project.

Project Design Features (PDF)

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

Impact Analysis

Development of the Project would result in an increase in the population of the Project area and would have an incremental increase the demand for public services, including public health services and library services. However, the population increase generated by the Project would not require the construction of new or expanded public facilities.

The Project would be required to comply with the provisions of the City’s Development Impact Fee, which requires a fee payment to assist the City in providing public services. Payment of the Development Impact Fee would ensure that the Project provides fair share of funds for additional public services. These funds may be applied to the acquisition and/or construction of public services and/or equipment.

Based on the above analysis, with implementation of PPP 3.14-1 and 3.14-2, above, impacts related to parks would be less than significant and no mitigation measures are required.
3.15 RECREATION

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
<td></td>
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</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>
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</tbody>
</table>

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

Determination: Less than Significant Impact.

Sources: City of Banning General Plan Parks and Recreation Element

Plans, Policies, or Programs (PPP)

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

Project Design Features (PDF)

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

Impact Analysis

The Project’s 105 estimated residents would not substantially increase the use of existing public park facilities and would not require the modification existing parks or modification of new park facilities.

With implementation of PDF 3.14-1, impacts related to recreational facilities would be less than significant and no mitigation measures are required.

3.15(b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?

Determination: Less than Significant Impact.

Source: Project Application Materials, City of Banning Parks and Recreation Element

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

**Project Design Features (PDF)**

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

**Impact Analysis**

The Project does not propose any on-site recreational facilities nor does it required the construction or expansion of recreational facilities given its limited population generation (105 residents).

Based on the above analysis, impacts related to parks and recreational facilities would be less than significant and no mitigation measures are required.
### 3.16 TRANSPORTATION/TRAFFIC

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

**3.16(a)** Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

**Determination: Less Than Significant Impact.**

*Sources: Project Application Materials, Focused Traffic Impact for Banning TTM 36710 (RK Engineering Group, Inc.), July 11, 2016*
Plans, Policies, or Programs (PPP)

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

PPP 3.16-1 Prior to the issuance of any building permits, the Project Proponent shall make pay the City's Traffic Control Facility Fee per household unit constructed.

Project Design Features (PDF)

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

Impact Analysis

Motorized Vehicle Travel

Trips generated by the Project's proposed land uses have been estimated based on trip generation rates identified in the Focused Traffic Impact Study prepared by RK Engineering Group, Inc., shown in Table 17.

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Units</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
<th>Daily</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>In</td>
<td>Out</td>
<td>Total</td>
</tr>
<tr>
<td>Single-Family Detached Housing Trips/Unit</td>
<td>39</td>
<td>0.75</td>
<td>0.19</td>
<td>0.56</td>
</tr>
<tr>
<td>Land Use Category: 210</td>
<td>36</td>
<td>9</td>
<td>27</td>
<td>48</td>
</tr>
</tbody>
</table>


The Project is estimated to generate the following number of trips:

Based on the Banning General Plan Amendment Change in Level of Service Policy, dated September 2012, the City of Banning establishes Level of Service (LOS) D as the minimum LOS to be maintained on all roadway segments and intersections. Trip generation for the proposed project was calculated using rates from the Institute of Transportation Engineers (ITE) Trip Generation (9th Edition) for Land Use 39 Single-Family Detached Housing. The project trip generation would generate 36 trips in the a.m. peak hour, 48 trips in the p.m. hour and 457 daily trips.

Based on the project's trip generation, under existing and opening year conditions, all the studied intersections operate at satisfactory LOS or better.

Mass Transit and Pedestrian Facilities

Transit Service

The Project area is currently served by the Banning Transit Services, which provides fixed route bus service along three routes. The Project is not proposing to construct any improvements and will not interfere with the existing bus service. As such, the Project as proposed will not conflict with an applicable plan, ordinance or policy applying to transit services.
Bicycle & Pedestrian Facilities

The Project is not proposing to construct any improvements that will interfere with bicycle and pedestrian use. The Project will not conflict with an applicable plan, ordinance or policy applying to non-motorized travel. Impacts are less than significant.

Based on the above analysis, with implementation of PPP 3.16-1 would be less than significant and no mitigation measures are required.

3.16(b) Conflict with an applicable congestion management program, including, but not limited to, level-of-service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Determination: Less Than Significant Impact.

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

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

Impact Analysis

The Project proposes only 39 lots and would generate less than 457 daily trips on intersections in the vicinity of the Project site. As such, the Project is not forecast to deteriorate the minimum Level of Service in the Project area as required by the General Plan. Therefore, the Project will not be in conflict with the City of Banning's Congestion Management Program. Impacts are less than significant and no mitigation measures are required.

3.16(c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

Determination: Less Than Significant Impact.

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

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

Impact Analysis

The Project does not include any air travel component (e.g., runway, helipad, etc.) Accordingly, the Project would not have the potential to affect air traffic patterns, including an increase in traffic patterns.
levels or a change in flight path location that results in a substantial safety risk. Therefore, impacts are less than significant.

**3.16(d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

**Determination: Less Than Significant Impact.**

*Source: Project Application Materials, Focused Traffic Impact for Banning TTM 36710 (RK Engineering Group, Inc.), July 11, 2016*

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

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

**Project Design Features (PDF)**

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

**Impact Analysis**

The residential land uses proposed Project would be compatible with existing development in the surrounding area; therefore, implementation of the Project would not create a transportation hazard as a result of an incompatible use.

The Project would provide adequate vehicular and pedestrian safety and ensure that no hazardous transportation design features would be introduced by the Project. Accordingly, the Project would not substantially increase hazards due to a design feature or incompatible use. Impacts would be less than significant.

**3.16(e) Result in inadequate emergency access?**

**Determination: Less Than Significant Impact.**

*Source: Project Application Materials, Focused Traffic Impact for Banning TTM 36710 (RK Engineering Group, Inc.), July 11, 2016*

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

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

**Project Design Features (PDF)**

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

**Impact Analysis**

Project would result in a new residential community, which would increase the need for emergency access to-and-from the site. Adequate emergency access would be provided to the Project site via Wilson Street. During the course of the required review of the Project, the Project’s transportation design was reviewed by the City’s Public Works/Engineering Department, County Fire Department,
and City of Banning Police Department to ensure that adequate access to and from the site would be provided for emergency vehicles. With the City/County requirements for emergency vehicle access, impacts would be less than significant and no mitigation measures are required.

3.16(f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Determination: Less Than Significant Impact.


Plans, Policies, or Programs (PPP)

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

Project Design Features (PDF)

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

Impact Analysis

The Project as proposed will not conflict with an applicable plan, ordinance or policy applying to transit services. Impacts are less than significant.
### TRIBAL CULTURAL RESOURCES

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</td>
<td></td>
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<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>
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</tr>
<tr>
<td>b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</td>
<td></td>
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</tbody>
</table>

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*Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

---

**Determination:** Less than significant impact with mitigation.

*Source: Banning Zoning Code Section 18.18.120 D, BCR Consulting LLC, Cultural Resources Records Search for TTM 36710, March 2, 2017 and BCR Consulting LLC, Cultural Resources Assessment (Field Survey) for APN’s 534-183-014, 534-200-004 and 534-200-047, May 1, 2017*

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

The following apply to the Project and would reduce impacts relating to Tribal Cultural Resources. These measures will be included in the project’s Mitigation Monitoring and Reporting Program:

**PPP 3.17-1** If human remains are encountered during the undertaking, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of the origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify
the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC.

PPP 3.17-2 Banning Zoning Code: As required by the City of Banning Zoning Regulations, Section 18.18.120 D, discoveries made of archaeological or paleontological interest shall stop operations until a qualified archeologist or paleontologist has assessed the significance of the find.

**Project Design Features (PDF)**

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

**Impact Analysis**

BCR Consulting LLC (BCR Consulting) was under contract to United Engineering Group to conduct a Cultural Resources Assessment of Assessor Parcel Numbers 534-183-014, 534-200-004, and 534-200-047 (the project) in the City of Banning, Riverside County, California. The work was performed pursuant to the California Environmental Quality Act (CEQA). A cultural resources records search and field survey were conducted for the project.

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

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

After consultation with local Native American Tribes, it was agreed that a Native American Monitor be present during initial grading of the project site to help identify any undiscovered cultural resources that may not have been visible from the surface. This request was initiated by the Morongo Band of Mission Indians who expressed the theory that no discoveries have been made at the site due to the fact that the site has never been disturbed. Typically, cultural resources lie within the first several feet of soil and are not exposed until some type of earthwork is performed. Therefore, the following mitigation measure will be required to assist in the identification of any potential discoveries.
Mitigation Measures:

MM- TRIBAL-1 The project proponent shall provide for a Morongo Band of Mission Indians Tribal Resource Monitor(s) to be present during all required ground disturbing activities pertaining to the project.
### 3.18 UTILITIES AND SERVICE SYSTEMS

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
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</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>
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</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>
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</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>
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</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>
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</tr>
<tr>
<td>g. Comply with federal, state, and local statutes and regulations related to solid waste?</td>
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</tbody>
</table>

### 3.18(a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

**Determination:** Less Than Significant Impact.

*Source: City of Banning General Plan, Water, Wastewater and Utilities Element*

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

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

**PPP 3.18-1** As per Title 16 of the City of Banning Municipal Code Subdivision section, prior to recordation of a Final Map, improvement plans shall be submitted to the City Engineer that provide for sewage disposal by connection to an existing collection
system capable of accepting the waste load. The collection system shall meet the
City of Banning Utility Department standards and requirements.

**Project Design Features (PDF)**

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

**Impact Analysis**

Wastewater treatment and collection services would be provided to the Project site by the City of
Banning Public Works and Utilities Department. The Banning Public Works and Utilities
Department is required to operate all of its treatment facilities in accordance with the waste
treatment and discharge standards and requirements set forth by the Colorado River Regional
Water Quality Control Board.

Wastewater generated by the Project will be treated at the Banning Waste Water Treatment Plant.
The Project would not install or utilize septic systems or alternative wastewater treatment systems,
therefore, the Project would have no potential to exceed the applicable wastewater treatment
requirements established by the Colorado River Regional Water Quality Control Board or Banning
Waste Water Treatment Plan specifications. Accordingly, impacts would be less than significant.

| 3.18(b) Require or result in the construction of new water or wastewater treatment
facilities or expansion of existing facilities, the construction of which could cause
significant environmental effects? |
|---|

**Determination: Less Than Significant Impact.**

*Sources: Project Application Materials,*

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

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

**Project Design Features (PDF)**

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

**Impact Analysis**

The Project would construct an on-site network of water and sewer pipes which would connect to
the existing 8-inch water line in Wilson Street and 8-inch sewer line in Wilson Street. The
installation of water and sewer lines as proposed by the Project would result in physical impacts to
the surface and subsurface of the Project site. These impacts are considered to be part of the
Project's construction phase and are evaluated throughout this Initial Study Checklist. In instances
where impacts have been identified for the Project's construction phase, Plans, Policies, Programs,
or Standard Conditions (PPP), Project Design Features (PDF), or development recommendations
cited in the EnGen report dated, April 4, 2014, these measures are intended to reduce impacts to
less-than-significant levels. Accordingly, additional measures beyond those identified throughout
this Initial Study Checklist would not be required.
Based on the above analysis, impacts would be less than significant and no mitigation measures are required.

3.18(c) *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

**Determination: Less Than Significant Impact.**

*Sources: City of Banning General Plan, Water, Wastewater and Utilities Element*

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

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

**Project Design Features (PDF)**

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

**Impact Analysis**

Drainage patterns will generally follow the existing frontage Wilson Street public street gutter and remain in the existing condition.

The construction of the on-site drainage facilities would result in physical impacts to the surface and subsurface of the Project site. Project engineers shall be required to design the WQMP basins to retain the 100 yr - 3-hour storm event provided on site. These impacts are part of the Project's construction phase and are evaluated in the appropriate sections of this Initial Study/Mitigated Negative Declaration document. In instances where impacts have been identified for the Project's construction phase, Plans, Policies, Programs, or Standard Conditions (PPP), Project Design Features (PDF), or Mitigation Measures are required to reduce impacts to less-than-significant levels. Accordingly, additional measures beyond those identified throughout this Initial Study Checklist would not be required.

Based on the above analysis, impacts would be less than significant and no mitigation measures are required.

3.18(d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

**Determination: Less Than Significant Impact.**

*Sources: City of Banning General Plan, Water, Wastewater and Utilities Element*

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

The following applies to the Project and would reduce impacts relating to water supply requirements. This measure will be included in the project's Mitigation Monitoring and Reporting Program:
PPP 3.18-2 Prior to recordation of a Final Map, required improvement plans shall be submitted to the satisfaction of the City Engineer that provide for the installation of a domestic water supply and distribution system that meets the requirements per the City of Banning Public Services and Utility requirements.

**Project Design Features (PDF)**

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

**Impact Analysis**

Utilities are available at the project site. The service providers for water, sewer, electricity and other utilities have facilities in the immediate vicinity of the site, and will collect connection and usage fees to balance for the cost of providing services. The project will control on-site storm water to the satisfaction of the City Engineer (please see Hydrology, above). The City's solid waste hauler will continue to implement the requirements of AB 939, requiring the reduction of the solid waste stream. The construction of the proposed project is expected to have less than significant impacts on utility providers.

**3.18(e) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?**

**Determination:** Less Than Significant Impact.

**Sources:** City of Banning General Plan, Water, Wastewater and Utilities Element

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

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

PPP 3.18-3 Prior to the issuance of a grading permit, the Project proponent shall be required to provide written verification to the City of Banning Public Works Department that adequate capacity exists at the City of Banning Water Control Plant to serve the Project. All water and sewer connection fees shall be paid prior to the issuance of a building permit.

**Project Design Features (PDF)**

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

**Impact Analysis**

Sanitary sewer service to the Project site would be provided by the Banning Waste Water Treatment Plant.
Based on the above analysis, with implementation of PPP 3.18-3, impacts would be less than significant and no mitigation measures are required.

3.18(f) Be served by a landfill with sufficient permitted capacity to accommodate the Project’s solid waste disposal needs?

Determination: Less Than Significant Impact.

Sources: (City of Banning General Plan)

Plans, Policies, or Programs (PPP)

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

Project Design Features (PDF)

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

Impact Analysis

Construction Related Impacts

Waste generated during the construction phase of the Project would primarily consist of discarded materials from the construction of streets, common areas, infrastructure installation, and other project-related construction activities. The City of Banning Contracts with Waste Management Inland Empire for solid waste and disposal services. Construction debris and waste is taken to the Lamb Canyon Sanitary Landfill, El Sobrante Landfill and the Badlands Landfill for disposal.

The California Integrated Waste Management Board (CIWMB) database cites that Lamb Canyon Sanitary Landfill occupies an area of 1,088 acres for all of its landfill operations and has a total permitted disposal volume of 23,601,596 cubic yards and permit to accept a maximum of 1,900 ton of solid waste per day. CIWBM estimates that that the Lamb Canyon Sanitary Landfill had a remaining capacity of 16,926,000 cubic yards in 1998. The El Sobrante Landfill operated by Waste Management encompasses a total of 1,322 acres and has a total permitted disposal volume of 184,930,000 cubic yards. On a daily basis, this landfill is permitted to accept a maximum of 10,000 tons of solid waste. CIWMB estimates that as of 2001, the El Sobrante Landfill has an estimated remaining capacity of 3,674,267 cubic yards.

Operational Related Impacts

Solid waste generated during long-term operation of the Project would be disposed at the Lamb Canyon Sanitary Landfill and/or the El Sobrante Landfill. During long-term operation, the Project's solid waste would be minuscule amount of the daily permitted disposal capacity at the Lamb Canyon Sanitary Landfill and El Sobrante Landfill.

These landfills receive well below their maximum permitted daily disposal volume and solid waste generated by the Project is not anticipated to cause these landfills to exceed their maximum permitted daily disposal volume. Because the proposed Project would generate a relatively small
amount of solid waste per day, as compared to the permitted daily capacities for Lamb Canyon Sanitary Landfill and the El Sobrante Landfill, these regional landfill facilities would have sufficient daily capacity to accept solid waste generated by the Project.

Based on the above analysis, impacts would be less than significant and no mitigation measures are required.

3.18(g) Comply with federal, state, and local statutes and regulations related to solid waste?

Determination: Less Than Significant Impact.

Sources: City of Banning General Plan

Plans, Policies, or Programs (PPP)

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

PPP 3.18-4 The California Waste Management Act (AB 939) requires municipalities to reduce the amount of waste it sends to landfills by 50%. The Project shall participate in established Citywide recycling programs in response to AB 92. Individuals may also participate through privately run recycling operators.

Impact Analysis

The California Integrated Waste Management Act established an integrated waste management system that focused on source reduction, recycling, composting, and land disposal of waste. In addition, the Act established a 50% waste reduction requirement for cities and counties by the year 2000, along with a process to ensure environmentally safe disposal of waste that could not be diverted.

The Project’s proponent would be required to coordinate with the waste hauler to develop collection of recyclable materials for the Project on a common schedule as set forth in applicable local, regional, and State programs. Recyclable materials that would be recycled by the Project include paper products, glass, aluminum, and plastic.

Additionally, the Project’s waste hauler would be required to comply with all applicable local, State, and Federal solid waste disposal standards, thereby ensuring that the solid waste stream to the landfills that serve the Project are reduced in accordance with existing regulations.

Based on the above analysis, with implementation of PPP 3.18-4, impacts would be less than significant and no mitigation measures are required.
3.19 MANDATORY FINDINGS OF SIGNIFICANCE

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
<tr>
<td>b. Does the Project have impacts that are individually limited, but cumulatively considerable? (&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 Analysis

3.19(a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Determination: Less Than Significant Impact with Mitigation Incorporated.

Source: This Initial Study Checklist.

As noted in the analysis throughout this Initial Study Checklist/Mitigated Negative Declaration document, the following apply to the Project and would reduce impacts relating to this issue.

Plans, Policies, or Programs (PPP)
PPP 3.4-1, PPP 3.4-2, and PPP 3.5-1 shall apply.

**Project Design Features (PDF)**

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

**Mitigation Measures (MM)**

MM GEO-1 shall apply

**Impact Analysis**

All impacts to the environment, including impacts to habitat for fish and wildlife species, fish and wildlife populations, plant and animal communities, rare and endangered plants and animals, and historical and pre-historical resources were evaluated as part of this Initial Study Checklist.

In instances where impacts have been identified, the Plans, Policies, or Programs, Project Design Features, or Mitigation Measures listed above are required to reduce impacts to less than significant levels. Therefore, the Project would not substantially degrade the quality of the environment.

3.19(b) **Does the Project have impacts that are individually limited, but cumulatively considerable?** (“Cumulatively considerable” means that the incremental effects of a Project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

**Determination: Less Than Significant with Mitigation Incorporated.**

*Source: This Initial Study Checklist.*

As noted in the analysis throughout this Initial Study Checklist/Mitigated Negative Declaration document, the following apply to the Project and would reduce impacts relating to this issue. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program:

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

All Plans, Policies, or Programs (PPP) identified in this Initial Study Checklist/Mitigated Negative Declaration shall apply.

**Project Design Features (PDF)**

All Project Design Features (PDF) identified in this Initial Study Checklist/Mitigated Negative Declaration shall apply.

**Mitigation Measures (MM)**

All Project Mitigation Measures (MM) identified in this Initial Study Checklist/Mitigated Negative Declaration shall apply.

**Impact Analysis**
As discussed throughout this Initial Study Checklist, implementation of the proposed Project has the potential to result in effects to the environment that are individually limited, but cumulatively considerable. In instances where impacts have been identified, the Plans, Policies, or Programs, Project Design Features, or Mitigation Measures, listed above are required to reduce impacts to less than significant levels. Therefore, the Project would not contribute to environmental effects that are individually limited, but cumulatively considerable.

3.19(c) Does the Project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?

Determination: Less Than Significant Impact.

As noted in the analysis throughout this Initial Study Checklist/Mitigated Negative Declaration document, the following apply to the Project and would reduce impacts relating to this issue. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program:

Plans, Policies, or Programs (PPP)

The following shall apply:

PPP 3.1-1 and 3.1.2
PPP 3.3-1 and 3.3-2
PPP 3.4-1
PPP 3.5-1
PPP 3.6-1 and 3.6-2
PPP 3.7-1
PPP 3.8-1
PPP 3.9-1 through 3.9-4
PPP 3.12-1 and 3.12-2
PPP 3.14-1 through 3.14-3
PPP 3.16-1
PPP 3.17-1 and 3.17-2
PPP 3.18-1 through 3.18-4

Project Design Features (PDF)

The following shall apply:

PDF 3.1-1 and 3.1-2
PDF 3.8-1
PDF 3.9-1

Mitigation Measures (MM)

The following shall apply:

MM AIR-1
MM GEO-1
Impact Analysis

The Project's potential to result in environmental effects that could adversely affect human beings, either directly or indirectly, has been discussed throughout this Initial Study Checklist/Mitigated Negative Declaration.

In instances where impacts have been identified, the Plans, Policies, or Programs, Project Design Features and Mitigation Measures are required to reduce impacts to less-than-significant levels. Therefore, the Project would not result in environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.
4.0 REFERENCES

http://www.arb.ca.gov/homepage.htm


California Environmental Quality Act (CEQA) Air Quality Handbook.  
http://opr.ca.gov/m_ceqa.php

City of Banning General Plan, 2006 www.ci.banning.ca.us

City of Banning General Plan EIR, 2006 www.ci.banning.ca.us

California Department of Toxic Substances Control, www.dtsc.ca.gov

Countywide Integrated Waste Management Plan www.rivcowom.org


South Coast Air Quality Management District, Final 2012 Air Quality Management Plan www.aqmd.gov

Southern California Association of Governments, 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy.  
http://rtpscs.scag.ca.gov/Pages/default.aspx

Western Riverside County Multiple Species Habitat Conservation Plan.  
http://www.rctima.org/mshcp/
5.0 REPORT PREPARATION PERSONNEL

LEAD AGENCY:

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

Mark de Manincor, Contract Planner
<table>
<thead>
<tr>
<th>Mitigation Measures</th>
<th>Timing</th>
<th>Verification</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Aesthetics</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plans, Policies, or Programs (PPP)</td>
<td>PPP 3.1-1</td>
<td>Banning Zoning Code: As required by the City of Banning Zoning Regulations, Table 17.08.030, residential building heights shall not exceed thirty-five (35) feet in height.</td>
</tr>
<tr>
<td>Project Design Features (PDF)</td>
<td>PPP 3.1-2</td>
<td>The Project site is within Zone D of the Banning Municipal Airport Compatibility Map. Consequently, object heights are limited to 35 feet.</td>
</tr>
<tr>
<td>Mitigation Measures (MM)</td>
<td>PDF 3.1-1</td>
<td>The project site will be a Planned Unit Development (PUD) and incorporate specific land use and Right-of-Way (ROW) design features unique to the Project.</td>
</tr>
<tr>
<td></td>
<td>PDF 3.1-2</td>
<td>Any Public Street Lighting shall not exceed 35 feet in height.</td>
</tr>
<tr>
<td><strong>Air Quality</strong></td>
<td></td>
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</tr>
<tr>
<td>Plans, Policies, or Programs (PPP)</td>
<td>PPP 3.3-1</td>
<td>The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 402, A person</td>
</tr>
<tr>
<td>Project Design Features (PDF)</td>
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<tr>
<td>Mitigation Measures (MM)</td>
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shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

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

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

### Biological Resources

<table>
<thead>
<tr>
<th>Plans, Policies, or Programs (PPP)</th>
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<tbody>
<tr>
<td>Project Design Features (PDF)</td>
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<tr>
<td>Mitigation Measures (MM)</td>
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</table>

PPP 3.4-1 The Project is required to pay Fish and
### Mitigation Measure

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Timing</th>
<th>Department</th>
<th>Signature</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td><strong>Wildlife fees to California Department of Fish and Wildlife.</strong></td>
<td></td>
<td>City Council</td>
<td>Approval</td>
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</tbody>
</table>

#### Cultural Resources

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<thead>
<tr>
<th>Plans, Policies, or Programs (PPP)</th>
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<tr>
<td><strong>Project Design Features (PDF)</strong></td>
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<td><strong>Mitigation Measures (MM)</strong></td>
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<tr>
<td><strong>PPP 3.5-1</strong> The project is required to comply with the applicable provisions</td>
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<td>seq., and provisions of AB 52 concerning consideration of Tribal Cultural</td>
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<td>Values in determination of project impacts and mitigation.</td>
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#### Geology and Soils

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<th>Plans, Policies, or Programs (PPP)</th>
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<td><strong>Project Design Features (PDF)</strong></td>
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<tr>
<td><strong>Mitigation Measures (MM)</strong></td>
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<tr>
<td><strong>PPP 3.6-1</strong> The project is required to comply with the California Building</td>
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<tr>
<td>Standards Code and City Building Code to preclude significant adverse effects</td>
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<td>associated with seismic hazards.</td>
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<tr>
<td><strong>PPP 3.6-2</strong> Prior to grading permit issuance, the Project Proponent shall</td>
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<td>prepare a Stormwater Pollution Prevention Plan. Project contractors shall be</td>
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<td>required to</td>
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- **During Construction** Building and Safety
- **Prior to Grading** Engineering
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Timing</th>
<th>Department</th>
<th>Signature</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>Ensure compliance with the Stormwater Pollution Prevention Plan and permit periodic inspection of the construction site by City of Banning staff and the state water resources control board staff.</td>
<td>During Grading</td>
<td>Engineering</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MM- GEO -1 Developer shall adhere to the recommendations cited in the EnGEN Corp Geotechnical Engineering Study with regard to the project's development per Section 8.0.</td>
<td>During Grading</td>
<td>Engineering</td>
<td></td>
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</tr>
</tbody>
</table>

Greenhouse Gas Emissions

<table>
<thead>
<tr>
<th>Plans, Policies, or Programs (PPP)</th>
<th>Project Design Features (PDF)</th>
<th>Mitigation Measures (MM)</th>
</tr>
</thead>
<tbody>
<tr>
<td>PPP 3.7-1 Prior to issuance of the first residential building permit, the Project Applicant shall submit energy usage calculations in the form of a Title 24 Compliance Report to the City of Banning Building &amp; Safety Department showing that the Project will be constructed in compliance with the most recently adopted edition of the applicable California Building Code Title 24 requirements.</td>
<td>During Plan Check process</td>
<td>Building and Safety</td>
</tr>
</tbody>
</table>

Hazards and Hazardous Materials

<table>
<thead>
<tr>
<th>Plans, Policies, or Programs (PPP)</th>
<th>Project Design Features (PDF)</th>
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<tr>
<td>Mitigation Measure</td>
<td>Timing</td>
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</tr>
<tr>
<td><strong>Mitigation Measures (MM)</strong></td>
<td></td>
</tr>
<tr>
<td>PPP 3.8-1 The Project is subject all applicable federal, state, and local laws and regulations regarding hazardous materials, including but not limited requirements imposed by the Environmental Protection Agency, California Department of Toxic Substances Control, South Coast Air Quality Management District, and the Santa Ana Regional Water Quality Control Board.</td>
<td></td>
</tr>
<tr>
<td>PDF 3.8-1 The Applicant is proposing a Planned Unit Development (PUD) to permit a housing density of 4.5 dwelling units per acre.</td>
<td></td>
</tr>
<tr>
<td><strong>Hydrology and Water Quality</strong></td>
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</tr>
<tr>
<td>Plans, Policies, or Programs (PPP)</td>
<td></td>
</tr>
<tr>
<td>Project Design Features (PDF)</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measures (MM)</td>
<td></td>
</tr>
<tr>
<td>PPP 3.9-1 Prior to grading permit issuance, the Project Proponent shall obtain a National Pollutant Discharge Elimination System permit from the State Resources Control Board. Evidence that an National Pollutant Discharge Elimination System permit has been issued shall be provided to the City of Banning prior to issuance of the first grading permit.</td>
<td>Prior to Grading</td>
</tr>
<tr>
<td>PPP 3.9-2 Prior to grading permit issuance, the</td>
<td></td>
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<tr>
<td>Mitigation Measure</td>
<td>Timing</td>
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</tr>
<tr>
<td>Project Proponent shall prepare a Storm water Pollution Prevention Plan. Project contractors shall be required to ensure compliance with the Storm water Pollution Prevention Plan and permit periodic inspection of the construction site by City of Jurupa Valley staff or its designee to confirm compliance.</td>
<td></td>
</tr>
<tr>
<td>PPP 3.9-3 During construction, Project contractors shall be required to ensure compliance with the Project’s Water Quality Management Plan associated with the Project and permit periodic inspection of the construction site by City of Banning staff or its designee to confirm compliance.</td>
<td>During Construction</td>
</tr>
<tr>
<td>PDF 3.9-1 Tentative Tract Map No. 36710 provides for 64,469 cubic foot (1.48 acre foot) water quality basin and infiltration. These areas shall be designed to manage water quality runoff to the satisfaction of the City Engineer and in accordance with the United Engineering Group Preliminary Drainage Report, September 6, 2016.</td>
<td>Prior to Certificate of Occupancy</td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Timing</td>
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<tr>
<td>Noise Plans, Policies, or Programs (PPP)</td>
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<tr>
<td>Project Design Features (PDF)</td>
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<tr>
<td>Mitigation Measures (MM)</td>
<td></td>
</tr>
<tr>
<td>PPP 3.12-1 In order to ensure compliance with the Banning Municipal Code Chapter 8.44 Noise Regulations, prior to the issuance of a grading permit, the developer is required to submit a construction-related noise mitigation plan to the City for review and approval. The plan must depict the location of construction equipment and how the noise from this equipment will be mitigated during construction of this project. In addition, the plan shall require that the following notes are included on grading plans and building plans. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City of Banning staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) All construction activities shall comply with Chapter 8.44 (Noise Regulations) of the City of Banning Municipal Code.</td>
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<tr>
<td></td>
<td>b) Construction contractors shall equip all construction equipment, fixed or mobile,</td>
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<tr>
<td>Mitigation Measure</td>
<td>Timing</td>
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<tr>
<td>with properly operating and maintained mufflers, consistent with manufacturers' standards.</td>
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<tr>
<td>c) All stationary construction equipment shall be placed in such a manner so that emitted noise is directed away from any sensitive receptors adjacent to the Project site.</td>
<td></td>
</tr>
<tr>
<td>d) Construction equipment staging areas shall be located the greatest distance between the staging area and the nearest sensitive receptors.</td>
<td></td>
</tr>
<tr>
<td>PPP 3.12-2 The City shall require building setbacks, the installation of wall and window insulation, soundwalls, earthen berms, and/or other mitigation measures in areas exceeding the City’s noise standards for private development projects as they occur.</td>
<td></td>
</tr>
<tr>
<td>MM-NOISE-1 Highly noise-sensitive outdoor non-residential uses are prohibited.</td>
<td></td>
</tr>
<tr>
<td>MM-NOISE-2 The following notice shall be provided to all potential purchasers of the property, and shall be recorded as a deed notice.</td>
<td></td>
</tr>
<tr>
<td>NOTICE OF AIRPORT IN VICINITY</td>
<td>During construction and operation</td>
</tr>
<tr>
<td>This property is presently located in the</td>
<td>Prior to sales of property</td>
</tr>
</tbody>
</table>
vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b) (13) (A)

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Timing</th>
<th>Department</th>
<th>Signature</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>PP 3.14-1</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>The Project shall comply with applicable City’s Development Impact Fees which requires payment of a development mitigation fee to assist in providing funds to offset the incremental increase in the demand for public services, parks and open space that would be created by the Project. Prior to the issuance of building permits. The Project Applicant shall pay fees in accordance with the City of Banning Municipal Code Requirements.</td>
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<tr>
<td>Mitigation Measure</td>
<td>Timing</td>
<td>Department</td>
<td>Signature</td>
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<tr>
<td>PPP 3.14-2 Prior to the issuance of building permits, the Project Applicant shall pay required development impact fees to the Banning Unified School District following protocol for impact fee collection.</td>
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</tbody>
</table>

**Transportation/Traffic**

Plans, Policies, or Programs (PPP)  
Project Design Features (PDF)  
Mitigation Measures (MM)

| PPP 3.16-1 Prior to the issuance of any building permits, the Project Proponent shall make pay the City’s Traffic Control Facility Fee per household unit constructed. |  |  |  |  |

**Tribal Cultural Resources**

Plans, Policies, or Programs (PPP)  
Project Design Features (PDF)  
Mitigation Measures (MM)

<p>| PPP 3.17-1 If human remains are encountered during the undertaking, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of the origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage | During Ground Disturbance and Grading | Engineering, Tribal Monitor |  |  |</p>
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Timing</th>
<th>Department</th>
<th>Signature</th>
<th>Date</th>
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<tbody>
<tr>
<td>Mitigation Measure Timing</td>
<td>Department Signature Date</td>
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</tr>
<tr>
<td>Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC.</td>
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<tr>
<td>PPP 3.17-2 Banning Zoning Code: As required by the City of Banning Zoning Regulations, Section 18.18.120 D, discoveries made of archaeological or paleontological interest shall stop operations until a qualified archeologist or paleontologist has assessed the significance of the find.</td>
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<tr>
<td>MM-TRIBAL-1 The project proponent shall provide for a Morongo Band of Mission Indians Tribal Resource Monitor(s) to be present during all required ground disturbing activities pertaining to the project.</td>
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</table>

**Utilities and Service Systems**

- Plans, Policies, or Programs (PPP)
- Project Design Features (PDF)
- Mitigation Measures (MM)

| PPP 3.18-1 | As per Title 16 of the City of Banning Municipal Code Subdivision section, prior to recordation of a Final Map, | | | |
### Mitigation Measure

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Timing</th>
<th>Department</th>
<th>Signature</th>
<th>Date</th>
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<tbody>
<tr>
<td>Improvement plans shall be submitted to the City Engineer that provide for sewage disposal by connection to an existing collection system capable of accepting the waste load. The collection system shall meet the City of Banning Utility Department standards and requirements.</td>
<td>PPP 3.18-2</td>
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</tr>
<tr>
<td>Prior to recordation of a Final Map, required improvement plans shall be submitted to the satisfaction of the City Engineer that provide for the installation of a domestic water supply and distribution system that meets the requirements per the City of Banning Public Services and Utility requirements.</td>
<td>PPP 3.18-3</td>
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</tr>
<tr>
<td>Prior to the issuance of a grading permit, the Project proponent shall be required to provide written verification to the City of Banning Public Works Department that that adequate capacity exists at the City of Banning Water Control Plant to serve the Project. All water and sewer connection fees shall be paid prior to the issuance of a building permit.</td>
<td>PPP 3.18-4</td>
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<tr>
<td>The California Waste Management Act (AB 939) requires municipalities to reduce the amount of waste it sends to landfills by 50%. The Project shall participate in</td>
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<tr>
<td>Mitigation Measure</td>
<td>Timing</td>
<td>Department</td>
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<td>established Citywide recycling programs in response to AB 92. Individuals may also participate through privately run recycling operators.</td>
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</table>
ATTACHMENT 3
Tentative Tract Map 36710
ATTACHMENT 4
Public Notice
I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 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:

April 19, 2019

Executed on: 04/19/2019
At Banning, CA

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

[Signature]
TO: PLANNING COMMISSION

FROM: Adam B. Rush, Community Development Director

PREPARED BY: Mark de Manincor, Contract Planner

MEETING DATE: May 1, 2019

SUBJECT: Resolution 2019-09, approving Conditional Use Permit 19-8001 to allow for the operation of a retail auto parts store located on the northwest corner of North 3rd Street and West Ramsey Street at 321 West Ramsey Street in the Downtown Commercial (DC) Zoning District.

RECOMMENDED ACTION:

Staff recommends the Planning Commission adopt Resolution 2019-09, adopt findings, adopt a Notice of Exemption, finding the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) and approve Conditional Use Permit 19-8001 to allow the operation of an Auto Parts Store in the Downtown Commercial (DC) Zoning District.

APPLICANT INFORMATION:

Project Location: 321 West Ramsey Street

APN Information: 540-165-006

Project Applicant: Parts Authority Metro, LLC
P.O. Box 1529
San Bernardino, CA 92402

Property Owner: Zanid Holdings, LP
P.O. Box 2974
Indio, CA 92201
REQUEST:

The applicant, Parts Authority Metro, LLC, is requesting approval of a Conditional Use Permit (CUP) to operate a 6,720 square foot retail facility selling auto parts and related products. The proposed project is located in an existing building in the Downtown Commercial (DC) Zoning District on property identified as 321 West Ramsey Street, APN 540-165-006.

DESCRIPTION:

The project site is a 27,443 square foot lot that includes an existing 6,720 square foot building. The building is currently vacant but was previously an Aarons Furniture Store. Parts Authority Metro, LLC, presently operates in an existing building located on the northeast corner of North 3rd Street and West Ramsey Street. The address is 263 West Ramsey Street and is just across the street from the new location.

The new site is considered by the applicant to provide an upgrade, with additional space for their operation and additional customer parking. Additionally, the property owner has recently made improvements to the structure which made the site more suitable for Parts Authority Metro, LLC.

The hours of operation are expected to be from 7:30 a.m. to 7:00 p.m. for a total of 11.5 hours daily. The applicant anticipates a total of 15 employees will work there including a manager, assistant manager, counter services staff, stock clerk and drivers. Most if not all of the current employees will move with the business.

Land Use Summary Table

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential</td>
<td>DC</td>
<td>DC</td>
</tr>
<tr>
<td>South</td>
<td>Medical Office</td>
<td>DC</td>
<td>DC</td>
</tr>
<tr>
<td>East</td>
<td>Auto Parts Store</td>
<td>DC</td>
<td>DC</td>
</tr>
<tr>
<td>West</td>
<td>Residential</td>
<td>DC</td>
<td>DC</td>
</tr>
</tbody>
</table>

ANALYSIS:

Zoning

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

**Conditional Use Permit**

A recent Zoning Text Amendment, ZTA 18-97502, approved by City Council Ordinance 1530, September 10, 2018, that became effective, October 25, 2018, has made the Retail Sales of Auto Parts a Conditionally Permitted Use. Table 17.12.020 “Permitted, Conditional and Prohibited Commercial and Industrial Uses” of Title 17 of the Zoning Code requires that a Conditional Use Permit be approved by the Planning Commission for Auto Parts Sales in the Downtown Commercial zoning district.

The purpose of a conditional use permit according to Banning Municipal Code Section 17.52.010 is: Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to established development standards and design guidelines.

This review shall determine whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use, against any negative or undesirable impacts which it may cause. Limits which the Planning Commission might want to impose, could include restrictions on the hours of business operation; restrictions on the number of clients or patients which the business may service at any one time; increased visual and sound barriers; improved technologies or equipment which lessen any noise, light or odor emitted by the business or other use; as well as any other conditions which could help make the use more compatible with the neighborhood in which it is proposed to be located.

Additionally, the Commission may approve and/or modify a Conditional Use Permit application in whole or in part, with or without conditions, only if all of the following findings are made:

A. The proposed use is consistent with the General Plan;
B. The proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this Ordinance;
C. The proposed use would not impair the integrity and character of the land use district in which it is to be located;
D. The subject site is physically suitable for the type and intensity of land use being proposed;
E. There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;
F. There will not be significant harmful effects upon environmental quality; natural resources; or neighborhood characteristics;
G. The proposed location, size, design, and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Findings for the project are made and can be found in the attached Resolution.

Parking Requirements

Although there is no parking requirement for the Downtown Commercial Zone, the site provides 39 off-street spaces and 9 on-street parallel spaces for a total of 48 parking spaces. According to Table 17.28.040B of the Municipal Code, General Retail requires one parking space for every 250 square feet of floor area. The building size as stated above is 6,700 square feet which requires 27 parking spaces. Since the project site provides 48 parking spaces, there is more than adequate parking, which is one of the reasons the Applicant has chosen this site.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

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

MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP):

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

PUBLIC COMMUNICATION

Proposed Conditional Use Permit 19-8001 was advertised in the Record Gazette newspaper on April 19, 2019 (Attachment 3). As of the date of this report, staff has not received any written comments for or against the project.

Prepared by:

Mark de Manincor
Contract Planner

Reviewed by:

Adam B. Rush
Community Development Director
Attachments:

1. Resolution 2019-09
2. Site Plan and Floor Plan
3. Public Hearing Notice
4. Notice of Exemption
ATTACHMENT 1
Planning Commission Resolution 2019-09
RESOLUTION NO. 2019-09

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF BANNING, CALIFORNIA APPROVING
CONDITIONAL USE PERMIT 19-8001 TO ALLOW FOR THE
OPERATION OF A RETAIL AUTO PARTS STORE IN THE
DOWNTOWN COMMERCIAL (DC) ZONE ON THE
PROPERTY IDENTIFIED AS 321 WEST RAMSEY ST (APN
540-165-006)

WHEREAS, an application for a Conditional Use Permit has been duly filed by:

Project Applicant: Parts Authority Metro, LLC
P.O. Box 1529
San Bernardino, CA 92402

Project Location: 321 West Ramsey

APN Information: 540-165-006

Property Owner: Zanid Holdings, LP
P.O. Box 2974
Indio, CA 92201

WHEREAS, the Planning Commission has the authority per Chapter 17 of the
Banning Municipal Code to take action on Conditional Use Permit 19-8001 for a Retail
Auto Parts Store in the Downtown Commercial Zoning District;

WHEREAS, on April 19, 2019 the City gave public notice by advertising in the
Record Gazette, a newspaper of general circulation within the City of Banning, and by
mailing notices to property owners within 300 feet of the project of the holding of a
public hearing at which the project would be considered;

WHEREAS, on May 1, 2019 the Planning Commission held the noticed public
hearing at which interested persons had an opportunity to testify in support of, or
opposition to Conditional Use Permit 19-8001;

WHEREAS, in accordance with the requirements of the California Environmental
Quality Act (CEQA), staff analyzed Conditional Use Permit 19-8001 determined that,
pursuant to CEQA Section 15301 (Existing Facilities) is Categorically Exempt;

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

SECTION 1: California Environmental Quality Act and Multiple Species
Habitat Conservation Plan Findings. The Planning Commission of the City of Banning
does hereby make the following environmental findings and determinations in
connection with the approval of the Project:
A. In accordance with §15301 (Existing Facilities) a Class 1 Categorical Exemption of the California Environmental Quality Act (CEQA), the project is being exempt from further environmental review. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

B. The Planning Commission has analyzed proposed Conditional Use Permit 19-8001 and has determined that it is Categorically Exempt from CEQA pursuant to §15301 of the CEQA Guidelines due to the fact that the proposal meets the required criteria to qualify as a "existing facilities" as defined by §15301 of the CEQA Guidelines.

C. Staff has analyzed proposed Conditional Use Permit 19-8001 and has determined that it is Categorically Exempt from CEQA pursuant to §15301 due to the fact that the proposed meets the required criteria to qualify as "existing facilities" as defined by §15301 and of the CEQA Guidelines. Therefore, Conditional Use Permit 19-8001 is Categorically Exempt from CEQA pursuant to §15301 and of the CEQA Guidelines.

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

SECTION 2: Required Findings for Conditional Use Permit 19-8001: The Planning Commission of the City of Banning does hereby find and determine that CUP 19-8001 should be approved because:

REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT 19-8001:

Section 17.52 of the City of Banning Zoning Ordinance requires each Conditional Use Permit application shall be analyzed to assure that the application is consistent with the intent and purpose of this chapter, the policies and programs of the General Plan, and the Development Standards and Guidelines of the district in which it is located. The following findings are provided in support of the approval of Conditional Use Permit 19-8001:

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

Finding of Fact: Conditional Use Permit 19-8001 is consistent with the General Plan Land Use Element Policy which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands." The land-use designation of Downtown Commercial allows small scale commercial retail and office uses, services, restaurants, and entertainment as the primary uses in this designation. Further, Conditional Use Permit 19-8001 is consistent with General Plan
Economic Development Policy which states: "The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues." Approval of the permit would allow the applicant to promote business diversity while providing an economic benefit to the City.

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

Finding of Fact: A recent Zoning Text Amendment, ZTA 18-97502, approved by City Council Ordinance 1530, September 10, 2018, that became effective, October 25, 2018, has made the Retail Sales of Auto Parts a Conditionally Permitted Use. Table 17.12.020 "Permitted, Conditional and Prohibited Commercial and Industrial Uses" of Title 17 of the Zoning Code requires that a Conditional Use Permit be approved by the Planning Commission for Auto Parts Sales in the Downtown Commercial zoning district.

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

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

Finding No. 4 The subject site is physically suitable for the type and intensity of land use being proposed;

Finding of Fact: The subject site currently consists of a vacant building and the applicant is not proposing any significant exterior changes to the building. Furthermore, small scale commercial retail, office uses, services, restaurants, bars, and entertainment are primary uses in Downtown Zoning district.

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

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

Finding No. 6: There will not be significant harmful effects upon environmental quality; natural resources; or neighborhood characteristics;
Finding of Fact: The minor tenant improvements to the building to accommodate the Retail Auto Parts Store, was reviewed pursuant to the California Environmental Quality Act (CEQA). The tenant improvements to accommodate the store qualifies for a Class 1 Existing Facilities categorical exemptions.

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

Finding of Fact: The proposed use will not have a negative impact to the environment or natural resources and will complement existing businesses. Restaurants, Medical Offices and the theater are located in close proximity and the proposed use will serve as a further draw to the downtown core.

SECTION 3: PLANNING COMMISSION ACTION - Approval of Conditional Use Permit No. 19-8001 with Conditions. Based on the foregoing, the Planning Commission of the City of Banning hereby approves Conditional Use Permit 19-8001, subject to the recommended Conditions of Approval attached as Exhibit “A”.

PASSED, APPROVED AND ADOPTED this 1st day of May 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, 2019-09, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 1st day of May 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

COMMUNITY DEVELOPMENT DEPARTMENT

PROJECT #: Conditional Use Permit No. 19-8001
SUBJECT: Conditions of Approval (Planning Commission Resolution No. 2019-09)
APPLICANT: Parts Authority Metro, LLC
LOCATION: APN: 540-165-006

EXHIBIT A

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

Community Development Department

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

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

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

5. A video surveillance camera system shall be installed with a 90-day storage capacity.

**Police Department Comments**

6. No comments.

**Public Works Department**

7. Hazardous materials and hazardous waste (liquid) should be stored in areas without floor drains.

**Building Department**

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

   (a) The Site shall be developed in compliance with all current building codes. All plans shall be designed in compliance with the latest editions of the California Building Codes as adopted by the City of Banning.

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

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

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

Fire Department

9. Approved as proposed

***END***
ATTACHMENT 2
Site Plan and Floor Plan
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:

April 19, 2019

Executed on: 04/19/2019

At Banning, CA

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

Signature

Ana Rivera
ATTACHMENT 4
Notice of Exemption
Notice of Exemption

To: □ Office of Planning and Research
   P.O. Box 3044, Room 212
   Sacramento, CA 95812-3044
   ✗ County Clerk
   County of Riverside
   P.O. Box 751
   Riverside, CA 92502-0751

From:
City of Banning
99E. Ramsey Street
P.O. Box 998
Banning, CA 92220

Project Title:

 Conditional Use Permit 19-8001

Project Applicant: Parts Authority Metro, LLC, P.O. Box 1529, San Bernardino, CA 92402

Project Location – Specific:
321 West Ramsey Street, Banning, CA 92220, Assessor’s Parcel Number 540-165-006

Project Location – City: City of Banning
Project Location – County: Riverside County

Description of Nature, Purpose and Beneficiaries of Project:
Auto Parts Retail Facility in the Downtown Commercial Zoning District

Name of Public Agency Approving Project: City of Banning
Name of Person or Agency Carrying Out Project: City of Banning

Exempt Status: (check one)
☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ Categorical Exemption. State type and section number: Section 15301 Existing Facilities
☐ Statutory Exemptions. State code number:

Reasons why project is exempt:
The project is a Conditional Use Permit to allow the retail sales of auto parts in the Downtown Commercial Zoning District out of an existing building.

Lead Agency: City of Banning
Contact Person: Adam Rush
Area Code/Telephone/Extension: (951) 922-3131

If filed by applicant:
1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes  ☐ No

Signature: __________________________ Date: ______________ Title: Community Development Director

☒ Signed by Lead Agency
☐ Signed by Applicant
Date received for filing at OPR: __________________________

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.
TO: PLANNING COMMISSION
FROM: Adam B. Rush, Community Development Director
PREPARED BY: Sonia Pierce, Senior Planner
MEETING DATE: May 1, 2019
SUBJECT: Resolution 2019-10, approving Design Review 19-7001 to allow for the construction of a retail auto parts store located on the north side of Ramsey Street and east of Morongo Avenue at 2929 West Ramsey Street in the Highway Serving Commercial (HSC) Zoning District.

RECOMMENDED ACTION:

Staff recommends the Planning Commission adopt Resolution 2019-10, adopt findings, adopt a Notice of Exemption, finding the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (In-Fill Development Projects) and approve Design Review 19-7001 to allow the construction of a retail store for auto parts sales in the Highway Serving Commercial (HSC) Zoning District.

APPLICANT INFORMATION:

Project Location: 2929 West Ramsey Street
APN Information: 538-182-026
Project Applicant: O'Reilly Auto Enterprise, LLC
233 S. Patterson Avenue
Springfield, MO 65802-2210
Property Owner: O'Reilly Auto Enterprise, LLC,
233 S. Patterson Avenue
Springfield, MO 65802-2210
REQUEST:

The applicant, O'Reilly Auto Enterprise, LLC, is requesting Design Review approval for the construction of a single-story, 7,453 square foot retail building, trash enclosure structure and associated improvements on the parcel located at 2929 West Ramsey Street, also identified as APN 538-182-026, located on the north side of Ramsey Street, east of Morongo Avenue in the Highway Serving Commercial (HSC) Zoning District

BACKGROUND:

Based on a Phase 1 environmental site assessment completed by Apex (March 2017), the project site was once a part of a larger citrus grove in 1938. Three structures were situated on the southern portion of the site from at least 1949 to 1996. Interview records and address directories indicated the site was once occupied by a bar and two small residential units, until they were demolished in the 1990s.

The project site recently consisted of two vacant parcels that were merged into one parcel (Parcel Merger 18-5101) and recorded on April 12, 2018, totaling 1.006-acres. The site is located at 2929 West Ramsey Street, east of Morongo Avenue. The site is located in the HSC Zoning District, which allows for retail sales, including auto parts. The property is relatively flat with a gentle slope to the southeast and mostly surrounded by commercial uses to the east and west along Ramsey Street. Single family residences are to the north of the site. Other automobile or recreational vehicle related uses are along Ramsey Street. The project site has two existing driveway approaches on Ramsey Street as well as access to all services provided by the City, such as: sewer, water, electricity, and paved roadways.

The summary table below lists the uses surrounding the site:

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Single Family Residential</td>
<td>High Density Residential (HDR)</td>
<td>High Density Residential (HDR)</td>
</tr>
<tr>
<td>South</td>
<td>Vacant</td>
<td>HSC</td>
<td>HSC</td>
</tr>
<tr>
<td>East</td>
<td>Auto Sales/ Repairs</td>
<td>HSC</td>
<td>HSC</td>
</tr>
<tr>
<td>West</td>
<td>Retail Sales</td>
<td>HSC</td>
<td>HSC</td>
</tr>
</tbody>
</table>
PROJECT ANALYSIS:

Per Article III. (Commercial and Industrial Development Design Guidelines) of Chapter 17.12 of the City’s Zoning Code, the design and architecture of the new building in the Commercial Zoning District shall be consistent with the General Design Guidelines of the City’s Zoning Ordinance. New construction should be developed to coordinate and complement existing development on adjacent sites. The desired design elements include; significant texture for building surfaces, wall articulation (insets, canopies), multi-planed pitched roofs with varied roof overhangs, and covered walkways.

The proposed project design should include significant landscape and hardscape elements with clearly identifiable access driveways, convenient and accessible parking, landscaped and screened parking.

Zoning

The project is located in the Highway Serving Commercial (HSC) zone. This district allows land uses geared toward the Interstate-10 traveler, including restaurants (fast food and sit down), hotels and motels, auto related retail, repair and services, including gas stations, convenience stores and similar uses. Restaurants that include drive-in, take-out fast food retail uses are permitted. Drive through services are also permitted in the HSC zone. The proposed use, retail / auto parts store, is permitted; however, design review is required for new construction to assure that the proposed project conforms to the development standards and design guidelines of the Zoning Ordinance.

The proposed project meets or exceeds the Zoning Ordinance development standards for the HSC Zoning District as demonstrated in the table below.

<table>
<thead>
<tr>
<th>Development Standards</th>
<th>Required</th>
<th>Provided</th>
<th>Complies With Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>6,000 square feet</td>
<td>43,804 square feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>60 feet</td>
<td>158 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>100 feet</td>
<td>234 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td>10 feet</td>
<td>82 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>10 feet</td>
<td>61 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>0 feet</td>
<td>9.5 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>---------------------------</td>
<td>--------</td>
<td>----------</td>
<td>-----</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>35 %</td>
<td>19%</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Height (stories/feet)</td>
<td>2/35 feet</td>
<td>1 story/20 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Fence/Wall Height</td>
<td>6 feet</td>
<td>6 feet</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Design Review**

**Building / Architectural Design**

The design and architecture of the single-story retail building is consistent with the Design Guidelines set forth in Section 17.12.090 of the Zoning Code. The proposed building has been designed with both vertical and horizontal design bands in contrasting colors that blend well with the surrounding areas, as well as with alternating roofs heights and projects to provide building articulation. A variety of elements and textures have been incorporated to include wall articulations with insets, projections and canopies to provide desirable elements.

The main building is constructed of split face concrete masonry unit (CMU) blocks and is two tone in color “Latte” on the base, and “Softer Tan” around the top third of the building, to break up the height. The main entrance will be constructed of an Exterior Insulation and Finish System (EIFS) in a smooth “Positive Red” texture. The red accent and 20'-8” height makes for a distinctive entry statement. Desirable elements of the design include metal canopies, decorative columns and cornices at varying heights up to 1-foot, 4-inches, around the building. The storefront trim and awnings consists of a green “Dark Ivy” trim. The design includes a floor to ceiling distribution of windows across the front of the main elevation. The overall appearance is modern in nature and the facility will blend well with the existing mixed commercial neighborhood. A sidewalk surrounds the storefront and includes an area for bicycle parking at the southeast corner of the building. Staff finds that the overall building design meets the intent of the City’s design guidelines.
Site Design and Access

The site is presently vacant land and was observed to consist of relatively flat-lying ground with a southeasterly slope. The ground surface appears to consist of exposed soil with seasonal grasses, weeds and various medium sized eucalyptus, pine and deciduous trees. The largest tree is a multi-trunk pine tree and is not a significant species as the environment is concerned. Replacement trees will be incorporated in the landscape plan that will be submitted for final review.

A precise grading plan shall be required and a minor amount of grading will need to be done to complete the building pad and parking area improvements. This will require that engineered grading plans be submitted to the City Engineer for review and approval in accordance with the City’s Grading Ordinance and a grading permit be issued prior to any construction activities taking place. The City’s Grading Ordinance makes provision for dust prevention and control during construction, erosion and sediment control, protection of adjoining properties, water quality, and other regulations for grading.

The storefront faces Ramsey Street, a fully improved arterial highway. The main access to the site is also from a 32-foot wide driveway on Ramsey Street at the southeast corner of the property. A secondary 28-foot wide driveway access is located on Morongo Street, to the north of an existing commercial building. This design feature helps reduce vehicle congestion along Ramsey Street by allowing vehicles to also enter the site from Morongo Street. Both driveways provide for vehicle circulation in both directions. The design of the parking spaces and driveway comply with the requirements of the Parking Lot Design Standards.
Parking Requirements

Table 17.28.040.B “Commercial and Industrial Parking Requirements” of the Zoning Ordinance requires that for a retail commercial use that one space for each 250 square feet of gross floor area be provided. The building is 7,453 square feet; therefore, 30 parking spaces are required. The project proposes to provide 30 parking spaces, which includes two handicap parking places as required by the California Building Code. A loading space is provided at the northwest corner of the parking area for a total of 31 parking spaces.

Landscaping and Lighting Design

A conceptual landscape plan has been submitted and the site will be landscaped with a mixture of deciduous shade trees, palm trees and shrubs/perennials/ and ornamental grasses. The conceptual plan shows 16 – 24” box trees and 142-5 gallon shrubs, and perennials throughout the site along Ramsey Street, the public parking area and adjacent to the north property line. The Electric Utility Department has restrictions on the type of trees and vegetation that will be allowed under the utility lines. The project has been conditioned to work with staff on suitable vegetation along the north property line under the utility line. Currently, the right-of-way along Ramsey Street is improved and the landscape will be reviewed and approved by the Public Works Department as conditioned. Planning will work with the applicant to provide a consistent design with the streetscape at the time of the landscape plan submittal.

The Parking Lot Design Standards of the Zoning Code require that at least 15% of the parking area be landscaped. The site as proposed in the design plans is approximately 43,786 square feet and the landscaped area is 10,882 square feet or approximately 25%. Therefore, the applicant’s proposal exceeds the minimum 6568 or 15% square feet of landscaping, which is more than the minimum square footage required.

Exterior lighting is conditioned to be shielded or recessed so that light is contained within the boundaries of the parcel on which the lighting is located. All lighting shall be directed downward and away from adjoining properties and public rights-of-way. Light standards will be conditioned to comply with Section 17.12.170 Lighting. Light standards should be limited to eighteen to twenty-five feet.

Refuse Storage

The site plan includes a split face CMU block trash enclosure, with a trash pad and a recycling area and two gates at the northeast corner of the property. The structure is designed to complement the building elevations. The structure shall include a covered top and shall be constructed to the standards established by the Public Works Department.
Conclusion

Staff recommends approval of the subject Design Review as the proposed project is consistent with the requirements of the General Plan and Zoning Code, while not effecting the environment. The project adequately meets the performance standards and design guidelines as discussed in the staff report; or, will meet those requirements as stated in the conditions of approval and upon review and approval of the construction plans and specifications.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

The Planning Department Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies under the Class 32 exemption (CEQA Guidelines Section § 15332 - In-fill Development Projects) because the proposed project is: (a) consistent with the Industrial (I) General Plan land use designation, all applicable General Plan policies, the Industrial (I) Zoning District, and all applicable zoning regulations; (b) the proposed development occurs within City limits on a project site of no more than five acres (1.95 gross acres) substantially surrounded by urban uses; (c) the subject project site has no value as habitat for endangered, rare, or threatened species; (d) the approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) the subject site can be adequately served by all required utilities and public services.

MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP):

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

PUBLIC COMMUNICATION:

The proposed Design Review for construction of a single-story, 7,453 square foot retail building, trash enclosure structure and associated improvements was advertised in the Record Gazette newspaper on April 19, 2019 (Attachment 3). additionally, notices were mailed to all property owners within 300 feet of the proposed development site.

ATTACHMENTS:

1. Planning Resolution No. 2019-10
   Exhibit A - Project Plans
   Exhibit B - Conditions of Approval
2. Project Plans
3. Public Hearing Notice
4. Notice of Exemption
Prepared By:

Sonia Pierce
Senior Planner

Reviewed and Recommended By:

Adam B. Rush, M.A., AICP
Community Development Director
ATTACHMENT 1

PC Resolution No. 2019-10
RESOLUTION 2019-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING DESIGN REVIEW 19-7001 FOR CONSTRUCTION OF A 7,453 SQUARE FOOT, SINGLE-STORY AUTO PARTS RETAIL BUILDING TRASH ENCLOSURE STRUCTURE AND ASSOCIATED IMPROVEMENTS ON A VACANT PARCELS TOTALING 1.006 GROSS ACRES LOCATED AT 2929 WEST RAMSEY STREET, EAST OF MORONGO AVENUE IN THE HIGHWAY SERVING COMMERCIAL (HSC) LAND USE DISTRICT (APNS 538-182-026)

WHEREAS, an application for Design Review approval for the construction of a 7,453 square foot auto parts retail building, trash enclosure structure and associated improvements has been duly filed by:

Project Applicant: Scott Krause, SVP Real Estate & Expansion
O'Reilly Auto Enterprises, LLC
233 S. Patterson Avenue
Springfield, MO 65802-2210

Property Owner: O'Reilly Auto Enterprises, LLC
233 S. Patterson Avenue
Springfield, MO 65802-2210

Project Location: 2929 West Ramsey Street

APN Information: 538-182-026

Lot Area: 1.006 Gross Acres

WHEREAS, the Planning Commission has the authority per Chapter 17.56 of the Banning Municipal Code to take action on Design Review No. 19-7001 for the construction of a retail building, and associated improvements in the Highway Serving Commercial (HSC) Land Use District; and

WHEREAS, on April 19, 2019 the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered; and

WHEREAS, on May 1, 2019 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to Design Review No. 19-7001; and
WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Design Review 19-7001 and determined that, pursuant to CEQA Guidelines Section 15332, (In-Fill Development Projects), the project is categorically exempt from review under CEQA;

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 § 15332 (In-Fill Development Projects) Class 32 categorical exemption because: (a) the project is consistent with the Industrial (I) General Plan land use designation and all applicable City of Banning General Plan policies as well as with the Industrial (I) zoning classification and regulations; (b) the proposed development occurs within the City of Banning limits on a project site of no more than five acres substantially surrounded by urban uses; (c) the project site has no value as habitat for endangered, rare, or threatened species; (d) approval of the project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and, the project site can and will be adequately served by all required utilities and public services. The Planning Commission has analyzed proposed Design Review 19-7001 and reviewed the Planning Division’s determination of exemption, and based on its own independent judgement, concurs in staff’s determination of exemption under CEQA pursuant to CEQA Guidelines § 15332.

Multiple Species Habitat Conservation Plan (MSHCP).

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

SECTION 2. REQUIRED FINDINGS:

REQUIRED FINDINGS FOR DESIGN REVIEW No. 19-7001:

Section 17.56.050 of the City of Banning Zoning Ordinance requires that Design Review applications meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval of Design Review No. 19-7001:
Finding A: The proposed use is consistent with the General Plan;

Finding of Fact: Design Review 19-7001 is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands.” The land-use designation of Highway Serving Commercial (HSC) allows commercial land uses including auto parts sales and other uses geared towards the Interstate 10 traveler. The proposed project under Design Review 19-7001 is adjacent to commercial uses to the south, east and west and has previously been developed with a bar and two residential units. Currently vacant it is adjacent to High Density Residential zoned land uses to the north. Further, Design Review 19-7001 is consistent with General Plan Economic Development Policy which states: “The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues.” The proposed construction of a retail building for auto parts will assist in the creation of employment opportunities for the City.

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

Finding of Fact: With the imposed conditions of approval, the proposed project in the Highway Serving Commercial (HSC) Land Use District is consistent with the Zoning Ordinance and the applicable development standards set forth in Article II of Chapter 17.12 of the Banning Municipal Code, as the development meets or exceeds the Zoning Ordinance development standards. With the recent parcel merger, the project is consistent with the maximum 35% lot coverage, meets the maximum height of 2-story and does not exceed 35-feet. The setbacks and building height, along with the public improvements, meets City development standards. Additionally, all other applicable design guidelines set forth in Article III of Chapter 17.12 of the Banning Municipal Code have been satisfied.

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

**Finding of Fact:** The proposed project is located in an area that is developed with commercial businesses and on Ramsey Street, a major highway. The proposed project has provided design, site and circulation layout in such a way that the project will not interfere with the use and enjoyment of existing and future development. The project has been reviewed by the City Engineer and Fire Department with regard to site circulation for pedestrian and motor vehicles and emergency access, which will not result in vehicular and/or pedestrian hazards. Furthermore, a decorative block wall has been incorporated at the property line separating the residential properties from the proposed project.

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

**Finding of Fact:** The proposed use will not impair the integrity and character of the HSC land use district in which it is to be located because it is surrounded by existing commercial developments and on Ramsey Street, a major highway which is a long-established commercial corridor. The building architecture, site circulation, and landscaping has been designed in a way that the project is compatible with the character of the surrounding neighborhood. This includes separating the High Density Residential from the proposed project with a solid block wall and landscaping.

**SECTION 3. PLANNING COMMISSION ACTION:**

The Planning Commission hereby takes the following actions:

1. Adoption of Planning Commission Resolution 2019-10:
   
a. Determining, based on its own independent judgment and in accordance with CEQA Guidelines Section 15332, that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines under the Class 32 Categorical Exemption (In-fill Development Project) as described in Section 1 of this Resolution and adopt a Notice of Exemption; and
b. Approving Design Review No. 19-7001, in accordance with plans attached hereto as Exhibit “A” and subject to the Conditions of Approval attached hereto and incorporated herein by this reference as Exhibit “B”.

2. Direction to Community Development Director to prepare and file with the Clerk of the County of Riverside a Notice of Exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

PASSED, APPROVED AND ADOPTED this 1st day of May, 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 2019-10 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 1st day of May, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

________________________
Sandra Calderon, Recording Secretary
City of Banning, California
EXHIBIT B

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

Community Development Department

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

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

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

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

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

6. The 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.

7. All contractors and sub-contractors shall obtain a city business license from the City of Banning prior to performing any work.

8. 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 and submit 2 hard copies and 1 electronic copy to the City of Banning Planning Division.
9. If human remains are encountered during grading and other construction excavation, the developer/owner shall stop/cease work in the immediate vicinity and the County Coroner shall be contacted pursuant to California Public Resources Code Section 5097.98.

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

11. 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.

12. A detailed landscape and irrigation plan, including slope planting, shall be prepared by a licensed landscape architect and submitted for Community Development Director review and approval of vegetation under the utility lines prior to the issuance of building permits or prior final map approval in accordance with the City of Banning’s requirements. The Code requirements shall prevail should there be any conflicts with the code requirements and the Conditions of Approval.

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

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

15. The property owner shall construct and maintain a 6-foot solid block wall and 10-foot landscape buffer between the commercial use and residential zone. Separate submittals and permits are required for all walls and fences.

16. The perimeter walls shall include an anti-graffiti coat.

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

18. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.
19. Trash collection shall occur between the hours of 8:00 a.m. and 6:00 p.m. only.

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

21. The trash enclosure shall be designed with three, decorative walls with enhanced wall cap, overhead cover and a gate, in a compatible style with the building architecture. The gates shall be maintained in working order and shall remain closed except when in use.

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

23. 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 must be shielded and directed downward and away from adjoining properties and public right-of-way.

24. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties in accordance with the Zoning Code. Lighting fixtures shall be shielded or recessed to prevent spillage to the adjacent properties and public right-of-way.

25. There shall be no visible storage of any item including garbage, building or manufacturing materials or junk on any portion of the project.

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

27. Applicant shall pay all development fees adopted by the City in effect at the time of issuance of any building permits. Applicant shall provide written evidence to the City that school mitigation fees have been paid or other arrangements acceptable to the Banning Unified School District have been met.

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

Prior to Issuance of Grading Permits

29. The grading plan shall be submitted to the Planning Division for review.

30. 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"

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

Public Works Department

A. General Requirements

32. 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.

33. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:
   A. Fire Marshal (access)
   B. Public Works Department (grading permits, street improvement permits)
   C. Riverside County Flood Control & Water Conservation District (storm drain)
   D. California Regional Water Quality Control Board Colorado River Basin (RWQCB)
   E. South Coast Air Quality Management District (SCAQMD)
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.

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

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

B. Haul Route Plans  
   1" = 40' horizontal

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

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

E. Storm Drain Plans  
   1" = 40' Horizontal

F. Street Improvement Plans  
   1" = 40' Horizontal  
   1" = 4' Vertical

G. Precise Grading Plans  
   1" = 40' Horizontal

H. Landscaping Plans  
   1" = 20 Horizontal  
   1" = 4' Vertical

I. Water Improvement Plans  
   1" = 40' Horizontal  
   1" = 4' Vertical

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.

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

B. Street Improvements/ Right-of-Way

36. Applicant shall offer to dedicate to the City of Banning the additional right-of-way for Ramsey street to construct the commercial driveway, sidewalk and parkway per City of Banning Standards fronting the site as an Arterial Highway for public street and utilities purposes.

37. 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.

38. Remove existing driveway approach (east) on Ramsey Street and replace with full curb and gutter and sidewalk per City of Banning Standards. The sidewalk for Ramsey (Arterial Highway) shall be 8-feet wide and sidewalk on Morongo Avenue (Collector) shall be 5-feet wide per City General Plan requirements.

39. All commercial driveway approaches on Ramsey Street and Morongo Avenue shall comply with the City of Banning Standard Drawing No. C-209.

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

41. 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.

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

43. Submit a Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFCD), RCFCD Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way; when this criterion is exceeded, additional drainage facilities shall be designed and constructed.

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

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

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

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

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

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

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

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

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

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

48. 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.

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

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

D. Trash/Recycling

51. 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.
52. The developer shall participate in the City’s recycling program by providing two trash receptacles, one for regular trash and one for recycling, within the trash enclosure. The 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.

E. Fees

53. Plan check fees for professional report review (geotechnical, drainage, WQMP, 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.

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

55. Water and sewer connection 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.

56. 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 and Sewer

57. Water services will need backflow protection using a Reduced Pressure Principle (RPP) device.

58. The Fire Service connection will need backflow protection using a Reduced Pressure Principle Detector Assembly (RPDA).

59. The Fire Hydrant lateral and Fire Service lateral shall use Ductile Iron Pipe. Domestic and Irrigation services shall be type "K" copper.

60. A new sewer connection to the City Sewer System will be required. Sewer lateral to be SDR 26 PVC. Provide plumbing details, ensuring there are no floor drains in the rooms that store hazardous liquids. Secondary containment will be required for used oil and oil filters. Provide details on plans.

61. An Industrial Waste NPDES inspection will be required before issuance of a Certificate of Occupancy.
62. Water Connection Fees will be charged depending on meter size, according to the fee schedule outlined in Chapter 13 Section 8 of the municipal code, before issuance of building permit.

63. Sewer Connection Fees shall be paid per EDU (EDU for commercial/industrial types are be based upon the estimated quality and quantity of discharge into the sewerage system). Applicant to provide details as to the anticipated quantity and quality of discharge for City review. Sewer Connection Fees shall be paid before issuance of building permit.

64. Frontage Fees for water and sewer will be based on the property “frontage” along the southern boundary of the parcel on Ramsey Street, at the rates outlined in Chapter 13 Section 8 of the municipal code. Frontage Fees shall be paid before issuance of building permit.

65. Water Meter Installation charges shall all be paid at the time of issuance of building permit in accordance with the fee schedule in effect at the time the fees are paid.

**Electric Utility Department**

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

66. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. These plans are required in electronic format. We currently use AutoCad2018. Plans should consist of a plot plan, site plan, one line diagram of proposed electrical main service panel and a sheet showing load calculations by an electrical engineer. Additional sheets may be required upon request.

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

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

69. Installation of all electric utility conduits and substructures.
70. All trenching, backfill, and compaction.

71. The point of connection will be underground from a vault that is located in the street on Morongo Ave. near the proposed Morongo Ave. entrance.

72. At the Morongo Ave. proposed driveway, the electric utility and communication companies share a pole down guy anchor, which will be required to be relocated by the utilities.

73. Plan Page C3.1 – Site Utility Key Note 18, Shall read: Proposed Electric Transformer Pad Location to be Determined by MEP and approved by City of Banning Electric Utility per Electric Utility Design.


75. Plan Page SP1: The two parking lot light foundations in the north green belt area may interfere with the proposed electric utility conduits that will be required to be installed to supply this project from the vault on Morongo Ave.

76. 6'x8' area for onsite pad mounted transformer will be required with the working clearance per SD 600-05.

77. Protective Barriers may be required to be installed per SD 600-006 to protect the transformer from vehicle damage.

78. The developer will be responsible for installing street lighting with any required street improvements on Ramsey Street.

79. Trees will not be permitted to be planted in the north green belt in the area of the overhead power lines and proposed underground electric utility conduits.

80. A completed Commercial New Service Questionnaire is required to be submitted to Electric Utility.
The C.O.B. Electric Utility shall be responsible for:

81. Reviewing plans submitted by customer.

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

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

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

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

Building Department

The following comments are required at time of plan check submittal

86. The Site shall be developed in compliance with all current model codes. All plans shall be designed in compliance with the 2016 edition of the California Building Codes as adopted by the City of Banning.

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

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

B. Disabled access parking shall be located on the shortest accessible route. Relocate parking spaces accordingly.
88. Building address numbering shall conform with Banning Municipal Codes (BMC 8.16.505.1) and all other adopted codes.

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

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

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

Fire Department

93. For commercial areas, the required fire flow shall be available from Super hydrant(s) (6" x 4" x 2-1/2" x 2-1/2") spaced not more than 350 apart and shall be capable of delivering a fire flow 2750 GPM for two-hours duration at 20 psi residual operating pressure, which must be available before any combustible material is placed on the construction site. Allow a 50% reduction for a sprinklered building. Reduction is down to 1125 GPM per two hours at 20 psi.

94. Prior to building plan approval and construction, applicant/developer shall furnish two copies of the water system fire hydrant plans to Fire Department for review and approval. Plans shall be signed by a registered civil engineer, and shall confirm hydrant type, location, spacing, and minimum fire flow. Once plans are signed and approved by the local water authority, the originals shall be presented to the Fire Department for review and approval.

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

96. The PIV and FDC shall be located to the front of building within 50 feet of approved roadway and within 200 feet of an approved hydrant. Sprinkler riser room must have indicating exterior and/or interior door signs. A C-16 licensed contractor must submit plans, along with current permit fees, to the Fire Department for review and approval prior to installation.
97. Install an alarm monitoring system for fire sprinkler system(s) with 20 or more heads, along with current permit fees, to the Fire Department for review and approval prior to installation. Two sets of plans required with application and all manufacturer specifications sheets.

98. Fire Apparatus access road and driveways shall be in compliance with the Riverside County Fire Department Standard number 06-05 (located at www.rvcfire.org). Access lanes will not have an up, or downgrade of more than 15%. Access roads shall have an unobstructed vertical clearance not less than 13 feet and 6 inches. Access lanes will be designed to withstand the weight of 80 thousand pounds over 2 axles. Access will have a turning radius capable of accommodating fire apparatus. Access lane shall be constructed with a surface so as to provide all weather driving capabilities.

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

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

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

***END***
ATTACHMENT 3
Public Hearing Notice
NOTICE OF PUBLIC HEARING AND NOTICE OF EXEMPTION FOR DESIGN REVIEW
19-7001 TO CONSIDER THE CONSTRUCTION OF A 7,453 SQUARE FOOT, SINGLE-STORY AUTO PARTS RETAIL BUILDING, TRASH ENCLOSURE STRUCTURE, AND ASSOCIATED IMPROVEMENTS ON A VACANT PARCEL TOTALING 1.006 GROSS ACRES LOCATED AT 2929 WEST RAMSEY STREET, EAST OF MORONGO AVENUE IN THE HIGHWAY SERVING COMMERCIAL (HSC) LAND USE DISTRICT (APN 538-182-026)
NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, May 1, 2019, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider the notice of exemption and proposal by O'Reilly Auto Enterprise, LLC for a 7,453 square foot, single-story retail building, trash enclosure structure, and associated improvements.
Information regarding the Notice of Exemption and Design Review can be obtained by contacting the City's Community Development Department at (951) 922-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning. You may also go to the City of Banning website at http://www.ci.banning.ca.us/.
All parties interested in speaking either in support of or in opposition of this item are invited to attend said hearing, or to send their written comments to the Community Development Department, City of Banning at 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 decision on the proposal; or, you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65009).
BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA
Adam B. Rush, M.A., AICP
Community Development Director
Dated: 04/19/2019
Published: 04/19/2019
Published in
The Record Gazette
No. 164345
04/19/19
ATTACHMENT 4
Notice of Exemption
Notice of Exemption

To: Office of Planning and Research
    P.O. Box 3044, Room 212
    Sacramento, CA 95812-3044

    County Clerk
    County of Riverside
    P.O. Box 751
    Riverside, CA 92502-0751

From:
    City of Banning
    99E. Ramsey Street
    P.O. Box 998
    Banning, CA 92220

Project Title:

Design Review 19·7001

Project Applicant: O'Reilly Auto Enterprise, LLC, 233 S. Patterson, Springfield, MO, 65802-2210

Project Location – Specific:

2929 West Ramsey Street, Banning, CA, Assessor’s Parcel Number 538-182-026

Project Location – City: City of Banning
Project Location – County: Riverside County

Description of Nature, Purpose and Beneficiaries of Project:

Retail Auto Parts Building in the Highway Serving Commercial Zoning District

Name of Public Agency Approving Project: City of Banning

Name of Person or Agency Carrying Out Project: City of Banning

Exempt Status: (check one)

☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ Categorical Exemption. State type and section number: Section 15332 In-Fill Development
☐ Statutory Exemptions. State code number:

Reasons why project is exempt:

The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

Lead Agency: City of Banning
Contact Person: Adam Rush
Area Code/Telephone/Extension: (951) 922-3131

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: __________________________ Date:______________ Title: Community Development Director

☒ Signed by Lead Agency
☐ Signed by Applicant
Date received for filing at OPR: __________________________

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.
CITY OF BANNING
PLANNING COMMISSION
STAFF REPORT

TO: PLANNING COMMISSION

FROM: Adam B. Rush, Community Development Director

PREPARED BY: Adam B. Rush, Community Development Director

MEETING DATE: May 1, 2019

SUBJECT: Zoning Text Amendment No. 19-97502 Amending Chapter 17.12 “Commercial and Industrial Zoning 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 (CUP).

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. Approval of 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.

April 9, 2019 Planning Commission Public Hearing:

The Planning Commission continued the public hearing on ZTA No. 19-97502 and requested that staff review and provide additional analysis of potential sign locations. As such, staff has carefully reviewed both the existing and proposed City-related development standards concerning Electronic Message Centers, as well as, the Caltrans regulations as applicable. Staff has determined that there is only a potential for one (1) proposed electronic message center within the Downtown Zoning District subject to the wide range of regulatory compliance necessary. Additional analysis is provided through the attached Exhibit “A”.

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. 19-97502 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.
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 noticng requirements for public hearings.
CITY OF BANNING
PLANNING COMMISSION
STAFF REPORT

PREPARED BY:

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
This map represents a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.
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 May 1, 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. 19-97502 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. 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 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 1st day of May, 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 1st day of May, 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 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.

Occupancy 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 entity 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 election 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 districts 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.
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.

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.

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.

City identification signs shall not be illuminated in the Downtown Commercial (DC) zoning district.

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.

City identification signs shall not exceed 55 feet in height.

City identification signs shall not exceed a face area of 14 by 48 feet, inclusive of City identification.

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)).

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.

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.

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.

vu. 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
NOTICE OF INTENT TO ADOPT A CATEGORICAL EXEMPTION AND NOTICE OF PUBLIC HEARING FOR ZONING TEXT AMENDMENT (ZTA) NO. 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.

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 proposed Zoning Text Amendment (ZTA) No. 19-97502 to amend 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 the approval of a Conditional Use Permit.

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 involve the use of city-owned property, to be utilized by the City of Banning. 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.

Information regarding the Categorical Exemption, Zoning Text Amendment, and all relevant materials can be obtained by contacting the City's Community Development Department at (951) 922-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning during regular business hours. You may also go to the City of Banning website at http://www.ci.banning.ca.us/.

All parties interested in speaking either in support of or in opposition of this item are invited to attend the hearing, or to send their written comments to the Community Development Department, City of Banning at P.O. Box 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 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).

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

Adam B. Rush, AICP  
Community Development Director

Dated: 03/19/2019  
Publish: 03/22/2019
This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.
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CURRENT RESIDENT
349 N MURRAY ST
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CURRENT RESIDENT
210 N SAN GORGONIO AVE
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CURRENT RESIDENT
250 N MURRAY ST
BANNING CA 92220

CURRENT RESIDENT
220 N MURRAY ST
BANNING CA 92220

CURRENT RESIDENT
CA 0

CURRENT RESIDENT
655 E WILLIAMS ST
BANNING CA 92220

CURRENT RESIDENT
CA 0

CURRENT RESIDENT
173 N MURRAY ST
BANNING CA 92220

CURRENT RESIDENT
129 N MURRAY ST
BANNING CA 92220

CURRENT RESIDENT
333 N MURRAY ST
BANNING CA 92220

CURRENT RESIDENT
225 MURRAY ST
BANNING CA 92220

CURRENT RESIDENT
273 N ALESSANDRO RD
BANNING CA 92220

CURRENT RESIDENT
258 N ALESSANDRO RD
BANNING CA 92220

CURRENT RESIDENT
208 N NICOLET ST
BANNING CA 92220

CURRENT RESIDENT
380 N NICOLET ST
BANNING CA 92220

CURRENT RESIDENT
456 N NICOLE ST
BANNING CA 92220

CURRENT RESIDENT
112 N SAN GORGONIO AVE
BANNING CA 92220

CURRENT RESIDENT
187 N MURRAY ST
BANNING CA 92220

CURRENT RESIDENT
155 N MURRAY ST
BANNING CA 92220

CURRENT RESIDENT
145 N MURRAY ST
BANNING CA 92220

CURRENT RESIDENT
111 N MURRAY ST
BANNING CA 92220

CURRENT RESIDENT
128 N SAN GORGONIO AVE
BANNING CA 92220
CURRENT RESIDENT
CA 0

CURRENT RESIDENT
25 E RAMSEY ST
BANNING CA 92220

CURRENT RESIDENT
84 N SAN GORGONIO AVE
BANNING CA 92220

CURRENT RESIDENT
176 N ALESSANDRO RD
BANNING CA 92220

CURRENT RESIDENT
215 E RAMSEY ST
BANNING CA 92220

CURRENT RESIDENT
255 E RAMSEY ST
BANNING CA 92220

CURRENT RESIDENT
492 E WILLIAMS ST
BANNING CA 92220

CURRENT RESIDENT
521 E RAMSEY ST
BANNING CA 92220

CURRENT RESIDENT
685 E RAMSEY ST
BANNING CA 92220

CURRENT RESIDENT
719 E RAMSEY ST
BANNING CA 92220
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CURRENT RESIDENT
401 E LIVINGSTON ST
BANNING CA 92220

CURRENT RESIDENT
CA 0

CURRENT RESIDENT
59 S ALOLA ST
BANNING CA 92220

CURRENT RESIDENT
442 E RAMSEY ST
BANNING CA 92220

CURRENT RESIDENT
CA 0

CURRENT RESIDENT
78D E RAMSEY ST
BANNING CA 92220

CURRENT RESIDENT
449 E LIVINGSTON ST
BANNING CA 92220

CURRENT RESIDENT
CA 0

CURRENT RESIDENT
425 E LIVINGSTON ST
BANNING CA 92220

CURRENT RESIDENT
472 E RAMSEY ST
BANNING CA 92220

CURRENT RESIDENT
CA 0

CURRENT RESIDENT
494 E LIVINGSTON ST
BANNING CA 92220

CURRENT RESIDENT
CA 0

CURRENT RESIDENT
475 E LIVINGSTON ST
BANNING CA 92220

CURRENT RESIDENT
489 E LIVINGSTON ST
BANNING CA 92220

CURRENT RESIDENT
CA 0

CURRENT RESIDENT
590 E RAMSEY ST
BANNING CA 92220

CURRENT RESIDENT
CA 0

CURRENT RESIDENT
62 LIVINGSTON ST
BANNING CA 92220

CURRENT RESIDENT
CA 0

CURRENT RESIDENT
616 E RAMSEY ST
BANNING CA 92220

CURRENT RESIDENT
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CURRENT RESIDENT
624 E RAMSEY ST
BANNING CA 92220

CURRENT RESIDENT
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CURRENT RESIDENT
626 E RAMSEY ST
BANNING CA 92220

CURRENT RESIDENT
CA 0

CURRENT RESIDENT
62 LIVINGSTON ST
BANNING CA 92220
CURRENT RESIDENT
492 N ALESSANDRO RD
BANNING CA 92220

CURRENT RESIDENT
231 E NICOLET ST
BANNING CA 92220

CURRENT RESIDENT
451 MARTIN LN
BANNING CA 92220

CURRENT RESIDENT
417 MARTIN LN
BANNING CA 92220

CURRENT RESIDENT
478 N ALESSANDRO ST
BANNING CA 92220

CURRENT RESIDENT
253 E NICOLET ST
BANNING CA 92220

CURRENT RESIDENT
435 N MARTIN LN
BANNING CA 92220

CURRENT RESIDENT
462 N ALESSANDRO RD
BANNING CA 92220

CURRENT RESIDENT
215 E NICOLET ST
BANNING CA 92220

CURRENT RESIDENT
463 MARTIN ST
BANNING CA 92220

CURRENT RESIDENT
275 E NICOLET ST
BANNING CA 92220