I. CALL TO ORDER: Chairman Shaw

- Pledge of Allegiance: Commissioner Krick
- Roll Call: Commissioners Brosious, Krick, 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.

1. Minutes of May 1, 2019 Regular Planning Commission meeting

2. ZONING TEXT AMENDMENT 19-97502 AMENDING CHAPTER 1 7.12 “COMMERCIAL AND INDUSTRIAL DISTRICTS” AND 17.36 “SIGN REGULATIONS” OF TITLE 17 “ZONING” OF THE BANNING MUNICIPAL CODE TO AUTHORIZE DIGITAL ADVERTISING DISPLAYS IN THE DOWNTOWN COMMERCIAL DISTRICT, SUBJECT TO A CONDITIONAL USE PERMIT

Recommendation:

That the Planning Commission adopt Resolution 2019-07:
I. Making a determination of exemption under the California Environmental Quality Act (CEQA) Guidelines Section 153207 (Projects that are denied) and,

II. Denial of Zoning Text Amendment (ZTA) No. 19-97502 based upon the findings and conclusions incorporated into the resolution.

Resolution No. 2019-07

IV. PUBLIC HEARING:

1. GENERAL PLAN AMENDMENT 18-2503 AND ZONE CHANGE 18-3502 TO AMEND THE GENERAL PLAN LAND USE DESIGNATION FROM GENERAL COMMERCIAL (GC) TO INDUSTRIAL (I) AND TO CHANGE THE ZONING FROM GENERAL COMMERCIAL (GC) TO INDUSTRIAL (I), TO CONSIDER THE FUTURE CONSTRUCTION FOR INDUSTRIAL USES ON TWO PARCELS TOTALING APPROXIMATELY 5.14 ACRES OF LAND LOCATED AT 200 SOUTH EIGHT STREET AND 679 WEST LINCOLN STREET AT THE NORTHEASTERLY CORNER OF WEST LINCOLN STREET AND SOUTH EIGHT STREET IN THE CITY OF BANNING, CALIFORNIA (APN 540-220-013, 540-220-007).

Staff Report – Sonia Pierce

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 2019-12

I. Making a determination of exemption under CEQA Guidelines Section 15301 (Existing Facilities).

II. Adopting General Plan Amendment No. 18-2503

III. Approving Zone Change No. 18-3502

2. CONDITIONAL USE PERMIT 19-8003 TO ALLOW OFF-SITE BEER AND WINE SALES AT AN EXISTING RETAIL STORE (DOLLAR GENERAL) LOCATED AT 1323 W. RAMSEY STREET (APN: 540-130-039) IN THE HIGHWAY SERVING COMMERCIAL (HSC) Zoning District.
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 2019-13:

I. Making a determination of exemption under the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and,

II. Approval of Conditional Use Permit 19-8003, to allow off-site beer and wine sales (ABC Type 20 license) at an existing retail store in the Highway Serving Commercial (HSC) Zoning District.


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 2019-15 recommending the City Council take the following actions:
I. Find that in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, that all previous environmental impacts have been evaluated and disclosed and that a subsequent environmental document is not required.

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

4. **TENTATIVE TRACT MAP No. 37474, A PROPOSAL TO SUBDIVIDE APPROXIMATELY 16.5 GROSS ACRES OF VACANT LAND FOR PURPOSES OF CREATING 109 SINGLE FAMILY LOTS, 2 OPEN SPACE LETTERED LOTS, AND PUBLIC STREETS, ALL WITHIN PLANNING AREA 3 OF THE BUTTERFIELD SPECIFIC PLAN.**

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 2019-16, recommending to the City Council approval of the following actions:

I. Find that in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, that all previous environmental impacts have been evaluated and disclosed and that a subsequent environmental document is not required.

II. Approve Tentative Tract Map No. 37474 to subdivide approximately 16.5 gross acres of land for single family, and open space uses along with public streets, subject to conditions of approval

5. **TENTATIVE TRACT MAP No. 37365, A PROPOSAL TO SUBDIVIDE APPROXIMATELY 14.22 GROSS ACRES OF VACANT LAND FOR RESIDENTIAL OPEN SPACE, AND PARKS USES ALONG WITH PUBLIC STREETS ON REAL PROPERTY LOCATED NORTH OF WILSON STREET AND EAST OF HIGHLAND SPRINGS AVENUE WITHIN THE BUTTERFIELD SPECIFIC PLAN.**

Staff Report – Adam Rush
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 2019-14, recommending to the City Council approval of the following actions:

I. Find that in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, that all previous environmental impacts have been evaluated and disclosed and that a subsequent environmental document is not required.

II. Approve Tentative Tract Map No. 37365 to subdivide approximately 14.22 gross acres of land into 18 for condominium purposes for a total of 107 single-family residential detached condo units, including open space uses along with public streets, subject to conditions of approval

VI. PLANNING COMMISSIONER COMMENTS:

VII. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

VIII. ADJOURNMENT:

The City of Banning Planning Commission is hereby adjourned to the Special Planning Commission meeting of July 10, 2019 starting at 6:30 p.m. in the City Council Chambers.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division (951) 922-3125. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA title II].
City of Banning

PLANNING COMMISSION MINUTES

May 1, 2019

A regular meeting of the City of Banning Planning Commission was held on Wednesday, May 1, 2019 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Chairman Shaw
Commissioner Brosious
Commissioner Krick
Commissioner Schuler

Commissioner Absent: Commissioner Price

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 (KRICK/SCHULER)
(Motion Carried 4-0)
with Corrections

Amended minutes will include comments regarding the evacuation plan for the project that was approved at the April 3rd Planning Commission Meeting for the construction of a 96-unit apartment complex which is located in the high fire zone. Cal Fire agreed that this development will be required to have one in place and be listed part of the conditions of approval.
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.

Community Development Director, Rush presented the staff report. The item is a City initiated General Plan Amendment to incorporate the local hazard mitigation plan (LHMP) into the City’s Safety Element, which covers hazards, hazardous materials, faulting, flooding, emergency services, emergency operations. The Council adopted the current LHMP in 2004 and was updated since then. The plan was approved by FEMA. Assembly Bill (AB) No. 2140 requires the safety element to incorporate the LHMP in order to receive the full level of funding.

Director Rush said the current safety element of the General Plan includes fire hazard maps and the safety zone as they were in 2006.

Commissioner Schuler said there was a freight train derailment in the City of Devore and an evacuation was done as a result. She asked if this type of hazard going to be included in the safety element.

Director Rush said the current element includes hazardous material spills. In a situation alike, the City would respond first, and then rely on County and State Officials.

Commissioner Brosious said the City should consider training all staff for emergencies so that everyone knows what role they play, or what to do.

Director Rush he will be looking into future emergency staff training.

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

Adopt Planning Commission Resolution 2019-11, recommending to the City Council approving General Plan Amendment to the Safety Element of the City of Banning General Plan to incorporate the 2017 Local Hazard Mitigation Plan (LHMP).

*(Motion Carried 4-0)*

Price Absent

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
Contract Planner Mark de Manincor presented the staff report. The item is to consider a mitigated negative declaration and mitigation monitoring program for a proposed tentative tract map to subdivide 10.6 acres into 39 single-family residential lots in the low density residential 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 project was originally submitted in September 2015 as a Planned Unit Development (PUD) a Design Review (DR) and a Tentative Tract Map (TTM). It was approved by the Planning Commission and went City Council where it was tabled. The applicant redesigned the project and resubmitted the TTM. This new submittal is a land division and a variance only. The lots meet the Low Density Residential district standards of 7,000-foot minimum.

Suggested modifications to the Conditions of approval #6, #37, #38 and a new condition the applicant shall cause a recyclables plot plan to be submitted and approved by the Public Work’s Department.

Commissioner Schuler asked if the surrounding streets have the purple pipe installed.

Director Rush said he could not see any current piping in the Nobel system under reclaimed water, but could bring that question to the City’s Engineer.

Beau Cooper, Entitlement Project Manager with United Engineering Group, said the conditions of approval were reviewed and have no objections to them. He said that if there were a plan for recyclable water in this area they would agree with putting their infrastructure for future connection.

He said once a landscape maintenance district (LMD) is formed, the letter lots A, B, & C will be dedicated to the City of Banning for maintenance of those districts.

A separate meter will be issued for the landscaping district.

The easements for the electric poles will be the property owner’s responsibility to maintain. In working with Edison, they agreed to a 30-foot wide easement for that power line is sufficient.

Mr. Cooper feels that the easement would work better to have the easement off set to one side only, but Edison will not condition or move that easement until grading, street plans are submitted for review.

Commissioner Krick said he sees a maintenance nightmare and asked if the maintenance of the easements could be included as part of the maintenance district.

Mr. Cooper said they would be open for that option, but landscape and lighting maintenance districts are usually preserved for public rights-of-way and City owned property.

Chairman Shaw opened public comments.

Frank Burgess, resident of Banning, recommended that he easement should be part of the landscaping program and asked for clarification regarding a retention center for this project. Chairman Shaw said it is based on hydraulic analysis. He said projects in the City of Beaumont have underground storage underneath their landscape areas.
Commissioner Krick asked if the 30-foot easement could go to the easterly lots, allowing those lots to have 15 feet more in property to the rear of their property and taking 15-feet away from the westerly lots.

Director Rush said he would recommend that Lots 8-13 and Lots 14-19 be modified to accommodate to a maximum 30-foot easement to the easterly lots. An amendment to the final map could be done to revise tentative map before the final conditions of approval are issued before the design review comes forward.

Mr. Cooper said he would like to coordinate with Edison first and bring it back at the Design Review stage.

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

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

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

3. 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.

4. Approval of Variance 19-3001, subject to the findings referenced herein.

With the following amendments:

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. The applicant shall apply an anti-graffiti coating to all perimeter block walls [added at the Planning Commission meeting of 5/1/19].

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. The applicant shall initiate the formation of a Lighting, Landscaping, and Maintenance District (LL&MD) to provide maintenance for the perimeter Right-of-Way landscaping and the water quality basins identified as Lots “A”, “B”, & “C” [added at the Planning Commission meeting of 5/1/19].

38. All street improvement designs shall provide pavement and lane transitions per City of Banning and Caltrans standards for transition to existing street sections. Street improvements shall include signing and striping for a four way stop at the intersection of Wilson and Florida [added at the Planning Commission meeting of 5/1/19].
97. The applicant shall cause a recyclables Plot Plan to be submitted and approved by the Department of Public Works [added at the Planning Commission meeting of 5/1/19].

(Motion Carried 4-0)
Price Absent

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.

Contract Planner Mark de Manincor presented the staff report, he said the proposed project is for a Conditional Use Permit (CUP) a request to operate at 6,720 square foot retail facility to sell auto parts and related products. The proposed project is located in an existing building. A recent zoning text amendment approved by City Council Ordinance 1530 made the retail sales of auto parts a conditional permitted use within the Downtown Commercial Zoning District. Modifications to condition number 8 were presented to the Commission.

Director Rush said he spoke to the applicant agrees with the added conditions.

Tom Ogaz, General Manager for Parts Authority said the new effort to expand the existing business within the City of Banning would be an improvement and a better street image.

Commissioner Krick asked about condition number 5 that calls for a video surveillance camera system to be installed with a 90-day storage capacity. He asked if there are some existing cameras on the building.

Mr. Ogaz said the existing cameras were installed from the original owner, but will be installing their own system. They will be installed in all access points as well as sensitive areas.

Chairman Shaw opened public comments

Todd Chiriano, Owner/Real Estate Agent of American Federal Properties in Diamond Bar said he opposes the granting of the CUP and had also spoke against the Zone Text Amendment presented at the City Council meeting on September 10, 2018. He represents his client who purchased the building across the street from the proposed project. He said the owner purchased that building as an investment. City ordinance did not allow additional auto parts in the Downtown zone at that time. The City processed a Zone Text Amendment to allow for an auto parts store within the Downtown zone. The current tenant will now be moving across the street and leaving the owner in a very difficult position financially.

Frank Burgess, resident of Banning, said he supports the Auto Parts business move across the street and asked the Commission to approve the project.
David Ellis resident of Banning said the City has many vacant properties and should not prevent them from wanting to grow within the City.

Mr. Ed Omari owner of 263 W. Ramsey Street said he is amazed the current tenants are moving across the street. After checking with the City in 2017 and assured that another auto parts store would not be allowed to be established in the Downtown (DC) zone.

He said that if the zoning could be changed easily the investment to purchase the building would have not occurred.

Chairman Shaw closed public comments

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

1. That the Planning Commission adopt Resolution 2019-09, and

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

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

With the following amendments:

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 model codes. All plans shall be designed in compliance with the latest editions of the California Building Codes as adopted by the City of Banning.

(b) Commercial buildings on the site shall be accessible per California Building Code

(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.

(f) The applicant shall apply an anti-graffiti coating to all perimeter block walls. [added at the Planning Commission meeting of May 1, 2019].
(g) The applicant shall cause final landscaping plans ("working drawings") that comply with the City Municipal Code relative to the City's Water Efficiency and Landscape Requirements (e.g. Article III - Landscape Design Guidelines). [added at the Planning Commission meeting of May 1, 2019]

(h) The applicant shall cause a recyclables Plot Plan to be submitted and approved by the Department of Public Works. [added at the Planning Commission meeting of May 1, 2019]

(i) Signs facing the parking area shall be placed on the exterior of the building stating, "No repairs or maintenance shall be performed in the parking area." [added at the Planning Commission meeting of May 1, 2019]

(Motion Carried 4-0)
Price Absent

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.

Director Rush presented the staff report. A new facility is located within the Highway Serving Commercial (HSC) zone. A Phase One Environmental Assessment (ESA) was prepared; the property was formally agricultural property. Studies came back without any issues on that site. The architectural landscaping and design guidelines requirements were reviewed as set forth-commercial zoning district. A new condition to the Public Works Department was added and the applicant has agreed to it.

Commissioner Krick asked if there would be signage in the parking lot that prohibits mechanical work, on personal automobiles, allowed on the property.

Director Rush said he believes that is a State requirement.

Justin Petersburg, AIA, NCARB said the new condition and condition for signage regarding no work done in the parking lot is acceptable. Hopes to submit for permits within the next few weeks after approval and break ground a few months after. It will be in addition to the current store in the City of Beaumont. With the addition of this store, it will create about twelve to fifteen jobs.

Chairman Shaw opened public comments

Frank Burgess, resident of Banning, said he supports the proposed project and asked the Commissioners to approve and pass it.

Arthur Azusa, owner of 321W. Ramsey Street building said the City did well in passing the Ordinance that would allow this additional Auto Parts Store to come into Banning.
Robert Ybarra, Resident of Banning said he is in favor of the proposed project that will bring new jobs to the City. He encouraged the Commission to approve the project.

Chairman Shaw closed public comments

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

1. That the Planning Commission adopt Resolution 2019-10, and
2. 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,
3. Approval of Design Review 19-7001 to allow the construction of a retail store for auto parts sales in the Highway Serving Commercial (HSC)

With the following amendments:

102. The applicant shall cause a recyclables Plot Plan to be submitted and approved by the Department of Public Works. [added at the Planning Commission meeting of May 1, 2019]

103. Signs facing the parking area shall be placed on the exterior of the building stating, "No repairs or maintenance shall be performed in the parking area." [added at the Planning Commission meeting of May 1, 2019]

(Motion Carried 4-0)
Price Absent

5. **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. The Zone Text Amendment (ZTA) is to allow electronic message centers within the Downtown Commercial (DC) zone. If passed by the Planning Commission, and adopted by the City Council, subject to a Conditional Use Permit (CUP) and a Development Agreement (DA) or Lease Agreement (LA) because of City some owned property within the Downtown Commercial Zoning District. The sign limitation height is 30-feet and maximum square footage of the sign at 200-square feet. During the April 9th Planning Commission meeting, there was discussion of potential operators and locations of the proposed signed within the district. Potential electronic signs cannot be 1000 feet of another electronic sign.

There has been some talk at the staff level of potentially putting a sign on a City owned property, which is across the street from City Hall. The entire frontage of the downtown district is within the landscape area of the freeway.

Commissioner Krick asked why we need this.
Director Rush said this was on the list of projects that needed to be processed from the direction of the City Manager.

Commissioner Krick asked if a business owner in town proposed this as good idea for the City.

Director Rush said he spoke with members of the Chamber and discussion was made as a potential economic driver for the City because we have significant freeway frontage and a sense of pass through traffic going to or from the desert area.

Commissioner Krick said there are currently at least twelve signs on both of the freeway that can accommodate the needs of the businesses in town.

Chairman Shaw opened public comments

Frank Burgess said he would recommend this item be discussed with the Downtown Ad Hoc Committee and table the item.

David Ellis resident of Banning asked if anybody checked if Commissioner Krick owns property within the Downtown zone area that is being discussed tonight. He agrees that billboards are sometimes unsightly we are in desperate need of getting businesses into town.

Director Rush said Senate Bill No. 169 was approved by the Governor on August 2013 and amended 263.3 of the Streets and Highways Code.

**ACTION:** Motion (KRICK/BROSIOUS)

Request staff to prepare a resolution making a recommendation that the City Council deny the proposed Zoning Text Amendment.

(Motion Carried 4-0)

Price Absent

**PLANNING COMMISSIONER COMMENTS:**

No Comments

**VI. COMMUNITY DEVELOPMENT DIRECTOR'S COMMENTS:**

Director Rush said he would be attending the SCAG conference through the end of this week.

Some of the upcoming items will be Zoning Text Amendments regarding shipping containers. The City Manager is putting together a homeless conference. There are some interesting things other Cities are doing with shipping containers, such as temporary housing and commercial use.

Another item coming possibly in June or July is the street vendor ordinance that will go directly to City Council.
A community meeting will be held May 13th with the Sun Lakes Community to discuss the Sun Lakes Boulevard extension. An RFP for the Sun Lakes Boulevard extension realignment will go out to the environmental consultants this week.

VII. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:51 p.m. to the next Regular Planning Commission of June 5th 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: June 5, 2019

SUBJECT: RESOLUTION 2019-07 RECOMMENDING DENIAL OF ZONING TEXT AMENDMENT (ZTA) 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 ZONING DISTRICT, SUBJECT TO A CONDITIONAL USE PERMIT (CUP) AND DEVELOPMENT AGREEMENT.

RECOMMENDATION:

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

1. Making a determination under CEQA Guidelines Section 15270 that the California Environmental Quality Act (CEQA) does not apply to projects which a public agency rejects or disapproves.

2. Adoption of Resolution 2019-07 recommending denial of Zoning Text Amendment 19-97502 which proposes 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 Commercial and Industrial 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 Council Member Debbie Franklin in 2018.

April 3, 2019 Planning Commission Public Hearing:

The Planning Commission continued the public hearing on Zoning Text Amendment 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 authorization of a Conditional Use Permit and either a Development Agreement or Lease Agreement. The Commission and public may find additional analysis is provided through the attached Exhibit “A”.

May 1, 2019 Planning Commission Public Hearing:

The Planning Commission continued their discussion, from the continued public hearing on Zoning Text Amendment 19-97502, which included the acceptance of additional staff-prepared research and an oral report from Community Development Department Staff. In addition, the Commission invited the opportunity for additional public testimony to be incorporated into the record, as the public hearing had remained open from the April 3rd meeting. After a lengthy discussion and deliberation, the Planning Commission closed the public hearing and directed staff to prepare a Resolution incorporating findings and conclusions to support a denial recommendation to the City Council for the Zoning Text Amendment.

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.

Over three Planning Commission Meetings, (April 3rd, May 1st, and June 4th), the Planning Commission opened the public hearings, accepted oral presentations from City Staff, public testimony and closed the Public Hearing at the May 1, 2019 Commission Meeting. By incorporating these past deliberations, the Planning Commission is recommending to the City Council the adoption of Resolution 2019-07 which provides the findings and conclusions to support a denial of Zoning Text Amendment 19-97502.

ENVIRONMENTAL DETERMINATION:

A. California Environmental Quality Act (CEQA)

The proposed Zoning Text Amendment is exempt from CEQA pursuant to Guidelines Section 15270; which allows for projects that are disapproved or rejected by a public agency to be considered exempt. CEQA Guidelines Section 15270 is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the agency can determine that the project cannot be approved. In this case, the Planning Commission is recommending that the proposed Zoning Text Amendment cannot be approved, based upon the findings and conclusions incorporated herein and thus makes a finding pursuant to CEQA Guidelines Section 15270.

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 are disapproved or rejected – by that finding are Categorically Exempt from CEQA – and are not required to find consistency with the MSHCP.

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 a denial recommendation of the Zoning Text Amendment 19-97502, to the City Council:

Finding No. 1: Proposed Zone Text Amendment 19-97502 is inconsistent with the goals and policies of the General Plan.

Findings of Fact:

Land Use Element:

Commercial Goal
The Planning Commission finds that an Electronic Message Center is incompatible and does not promote a complementary land commercial use as compared with the existing business in combination with the anticipated development of the Downtown Commercial Zoning District.

Furthermore, the Planning Commission finds that the proposed message center will not meet the needs of the City’s residents, as it does not provide the highest and best use for the Downtown Commercial Zoning District that alternative land uses would provide without the need to change either the land use or zoning classification to be accommodated.

Finding No. 2: Proposed Zone Text Amendment 19-97502 is internally inconsistent with the Zoning Ordinance.

Findings of Fact: Proposed Zone Text Amendment 19-97502 is internally inconsistent with the purpose and objectives of Title 17 of Banning Municipal Code (BMC). The Planning Commission finds that the project is likely to introduce a chaotic land use that will upset the orderly development of uses and lands within the Downtown Commercial Zoning District, through the proliferation of similar signage applications within the Downtown Commercial Zoning District. Furthermore, the project will damage the aesthetic value of the downtown commercial area; which is a task that involves substantial amounts of intense staff effort, time and resources to maintain and enhance 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 Planning Commission finds and determines that this Zoning Text Amendment is exempt from CEQA pursuant to Guidelines Section 15270; which allows for projects that are disapproved or rejected by a public agency to be considered exempt. CEQA Guidelines Section 15270 is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the agency can determine that the project cannot be approved. In this case, the Planning Commission is recommending that the proposed Zoning Text Amendment cannot be approved, based upon the findings and conclusions incorporated herein and thus is making a finding pursuant to CEQA Guidelines Section 15270.
PUBLIC COMMUNICATION:

This hearing was advertised in the Record Gazette newspaper on March 22, 2019, and notices were mailed to all property owners within the Downtown Commercial District of the City and within a 300-foot radius of the Downtown Commercial District in compliance with the City’s noticing requirements for public hearings. The Planning Commission continued the public hearing from the April 9, 2019 Planning Commission Meeting to the May 1, 2019 Commission Meeting and then again, continued the public hearing to the June 5, 2019 meeting with a tentative recommendation of denial.

No other written communication has been received subsequent from the May 1, 2019 Planning Commission Public Hearing.

PREPARED BY:

[Signature]

Adam B. Rush, M.A., 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)
1" = 689 ft

Downtown District

03/20/2019

This map may represent 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 DENIAL OF ZONING TEXT AMENDMENT (ZTA) 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 ZONING DISTRICT, SUBJECT TO A CONDITIONAL USE PERMIT (CUP) AND DEVELOPMENT AGREEMENT.

WHEREAS, the City of Banning has initiated a Zoning Text Amendment in to Chapters 17.12 and 17.36, sign regulations, to authorize Electronic Message Displays in the Downtown Commercial Zoning District, subject to a Conditional Use Permit and Development Agreement or Lease Agreement.

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 the proposed Zoning Text Amendment to modify Chapters 17.12 and 17.53 to authorize Electronic Message Displays within the Downtown Commercial Zoning 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 Zoning District and also within 300-feet of the aforementioned Zoning District prior to the holding of a public hearing at which proposed Zoning Text Amendment 19-97502 would be considered;

WHEREAS, on April 3, 2019, the Planning Commission held a duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to proposed Zoning Text Amendment 19-97502; and
WHEREAS, on May 1, 2019, the Planning Commission held a duly noticed public hearing; which was continued from the April 3, 2019 Public Hearing, at which interested persons had an opportunity to testify in support of, or opposition to proposed Zoning Text Amendment 19-97502; and

WHEREAS, on June 5, 2019, the Planning Commission held a duly noticed public hearing; which was continued from the May 1, 2019 Public Hearing, at which interested persons had an opportunity to testify in support of, or opposition to proposed Zoning Text Amendment 19-97502. At the conclusion of the June 5, 2019 meeting, the Planning Commission closed the public hearing and directed staff to prepare a resolution that incorporates findings and conclusions that support a denial recommendation of Zoning Text Amendment 19-97502.

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed proposed Zoning Text Amendment 19-97502 and determined that pursuant to CEQA Guidelines Section 15270; which allows for projects that are disapproved or rejected by a public agency to be considered exempt.

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 15270 which allows for projects that are disapproved or rejected by a public agency to be considered exempt.

Multiple Species Habitat Conservation Plan (MSHCP).

The Planning Commission has determined that the project is not subject to MSHCP as the amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP. Further, projects that are disapproved or rejected – by that finding are Categorically Exempt from CEQA – and are not required to find consistency with the MSHCP.

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 Text 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, or to deny shall be forwarded to the City Council.

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

**Finding No. 1:** Proposed Zone Text Amendment 19-97502 is inconsistent with the goals and policies of the General Plan.

**Findings of Fact:**

**Land Use Element:**

**Commercial Goal**

The Planning Commission finds that an Electronic Message Center is incompatible and does not promote a complementary commercial land use as compared with the existing business in combination with the anticipated development of the Downtown Commercial Zoning District.

Furthermore, the Planning Commission finds that the proposed message center will not meet the needs of the City’s residents, as it does not provide the highest and best use for the Downtown Commercial Zoning District that alternative land uses would provide without the need to change either the land use or zoning classification to be accommodated.

**Finding No. 2:** Proposed Zone Text Amendment 19-97502 is internally inconsistent with the Zoning Ordinance.

**Findings of Fact:** Proposed Zone Text Amendment 19-97502 is internally inconsistent with the purpose and objectives of Title 17 of Banning Municipal Code (BMC). The Planning Commission finds that the project is likely to introduce a chaotic land use that will upset the orderly development of uses and lands within the Downtown Commercial Zoning District, through the proliferation of similar signage applications within the Downtown Commercial Zoning District. Furthermore, the project will damage the aesthetic value of the downtown commercial area; which is a task that involves substantial amounts of intense staff effort, time and resources to maintain and enhance 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 Planning Commission finds and determines that this Zoning Text Amendment is exempt from CEQA pursuant to Guidelines Section 15270; which allows for projects that are disapproved or rejected by a public agency to be considered...
exempt. CEQA Guidelines Section 15270 is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the agency can determine that the project cannot be approved. In this case, the Planning Commission is recommending that the proposed Zoning Text Amendment cannot be approved, based upon the findings and conclusions incorporated herein and thus is making a finding pursuant to CEQA Guidelines Section 15270.

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 15270 that the Zoning Text Amendment is exempt from CEQA pursuant to Guidelines Section 15270; which allows for projects that are disapproved or rejected by a public agency to be considered exempt. In this case, the Planning Commission is recommending that the proposed Zoning Text Amendment cannot be approved, based upon the findings and conclusions incorporated herein and thus is making a finding that the project is Categorically Exempt from CEQA and is recommending denial of Zoning Text Amendment 19-97502, based upon the findings and conclusions incorporated herein.

PASSED, APPROVED, AND ADOPTED this 5th day of June, 2019.

_________________________________
Eric Shaw, Planning Commission Chair
City of Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

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

_________________________________
Sandra Calderon, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution 2019-07, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 3rd day of April, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

_________________________________
Sandra Calderon, Recording Secretary
City of Banning, California
ZONING TEXT AMENDMENT 19-97502 AMENDING TABLE 17.12.020 OF SECTION 17.12.00 OF CHAPTER 17.12 (“COMMERCIAL AND INDUSTRIAL DISTRICTS”) AND CHAPTER 17.36 (“SIGN REGULATIONS”) OF TITLE 17 (“ZONING”) OF THE BANNING MUNICIPAL CODE TO AUTHORIZE [CITY IDENTIFICATION SIGNS/ELECTRONIC MESSAGE CENTERS] IN THE DOWNTOWN COMMERCIAL DISTRICT, SUBJECT TO APPROVAL OF A CONDITIONAL USE PERMIT AND OTHER REQUIREMENTS

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

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Chapter 17.36 - SIGN REGULATIONS

17.36.010 - Purpose.

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

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

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

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

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

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

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

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

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

17.36.020 - Applicability.

A. This chapter shall apply to all signage proposed within the community. No signs shall be erected or maintained in any land use district established by this Zoning Ordinance, except those signs specifically enumerated in this chapter. The number and area of signs as outlined in this chapter are intended to be maximum standards.
B. In addition to the standards set forth herein, consideration shall be given to a sign's relationship to the need that it serves, and the overall appearance of the subject property as well as the surrounding community. Compatible design, simplicity, and sign effectiveness are to be used in establishing guidelines for sign approval.

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

17.36.030 - Definitions.

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

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

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

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

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

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

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

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

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

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

Billboard. See outdoor advertising sign [structure].

Building Face and/or Frontage. The length of the single front building elevation in which the primary entrance to the business is located. If more than one business is located in a single building, then such length shall be limited to that portion which is occupied by each individual business.
Canopy Sign. Shall mean a sign attached to either the underside of the canopy, or marquee, or directly to the canopy itself.

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

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

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

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

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

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. 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. Except as set forth in subsection (A)(3) of this section, 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. City identification signs shall be reviewed by the director and shall be subject to approval pursuant to chapter 17.52.

4. Determination on sign permit applications are to be guided by the standards and criteria set forth in this article. An application will be approved whenever the proposed sign conforms to all design, size, height and other standards for signs subject to a permit requirement, as such requirements are set forth in this chapter.

5. The director's determination shall be provided in writing, and shall include an explanation of the reasons for approval or denial. Appeal of the director's decision shall be in conformance with chapter 17.68, hearings and appeals.

B. Sign Program. A permit for a sign program shall be required for all new commercial, office, and industrial centers consisting of three or more tenant spaces. The program shall be filed with the project application to construct the center, and shall be processed concurrently with the project application. The purpose of the program shall be to integrate signs with building and landscaping design to form a unified architectural statement. This may be achieved by:

1. The use of the same background color, and allowing signs to be of up to three different colors per multi-tenant center.

2. The use of the same type of cabinet supports, or method of mounting for signs, and the same type of construction material for components, such as sign copy, cabinets, returns, and supports.

3. The use of the same form of illumination of the signs, with internally lit signs generally being preferred by the city due to the lack of overspill from such lighting.

4. Uniform sign placement specifications, letter height, and logo height for both anchor tenants and minor tenants.

5. Logos may be permitted and are not subject to the color restrictions specified in the program. However, no logo should exceed twenty-five percent of the allowable sign area.

(Zoning Ord. dated 1/31/06, § 9109.04.)

17.36.050 - Exempt signs.

The following signs shall be exempt from the provisions of this chapter:

A. Window signs not exceeding two square foot [feet] and limited to business identification, hours of operation, address, and/or emergency information. (Neon signs of any size require a permit, if allowed.)

B. Signs within a structure and not visible from the outside.

C. Memorial signs and plaques installed by a civic organization recognized by the council, when cut in masonry or bronze tablets.

D. Official and legal notices issued by a court or governmental agency.
E. Official flags of the United States, the State of California, County of Riverside, or the City of Banning.

F. Identification signs on construction sites. Such signs shall be limited to one directory or pictorial display sign identifying all contractors and other parties (including lender, realtor, subcontractors, etc.). Each sign shall not exceed twenty square feet in area and six feet in height. Each sign shall be removed prior to issuance of a certificate of occupancy.

G. Election Signs. Election signs must comply with the following requirements:

1. Election signs shall be limited in size to the maximum allowed in the zones where located. Any freeway oriented freestanding sign shall be required to secure all applicable permits and comply with these sign regulations including section 17.36.110.

2. No election signs shall be permitted on public property or in the public right-of-way.

3. There are no pre-election restrictions limiting when elections signs may be erected, but the owner of the sign must remove the sign within seven days after the applicable election has ended.

4. For all election signs, the campaign shall be deemed the owner of the sign unless it can establish that it is not the owner of the sign. In the event the campaign establishes it is not the owner of the sign, the owner of the property on which the sign is placed, shall be deemed the owner of the sign.

5. In the event that any such sign violates the provisions of this chapter, or if it is not removed within the period provided hereunder, it shall be subject to abatement pursuant to the procedures prescribed in section 17.36.090.

6. Except as provided in this subsection, no permit shall be required for election signs.

H. Real estate signs for residential sales shall be one sign not exceeding four square feet in area and five feet in height, provided it is unlit and is removed within seven days after the close of escrow or the rental or lease has been accomplished. Open house signs, for the purpose of selling a single house or condominium and not exceeding four square feet in area and five feet in height, are permitted for directing prospective buyers to property offered for sale.

I. Real estate signs for the initial sale, rental, or lease of commercial and industrial premises: One sign not to exceed twenty square feet in area to advertise the sale, lease, or rent of the premises. No such sign shall exceed eight feet in overall height and shall be removed upon sale, lease or rental of the premises or twelve months, whichever comes first. Thereafter, one sign per premise not to exceed twelve square feet in size and five feet in height is permitted for the sale, lease or rent of the premise.

J. Future tenant identification signs: One wall or freestanding sign may be placed on vacant or developing property to advertise the future use of an approved project on the property and where information may be obtained. Such sign shall be limited to one sign, a maximum of twenty square feet in area and eight feet in overall height. Any such signs shall be single faced and shall be removed prior to the granting of occupancy permit by the city.
K. Incidental signs for automobile repair stores, gasoline service stations, automobile dealers with service repairs, motels and hotels, showing notices of services provided or required by law, trade affiliations, credit cards accepted, and the like, attached to the structure or building; provided that all of the following conditions exist:

1. The signs number no more than three.
2. No such sign projects beyond any property line.
3. No such sign shall exceed an area per face of three square feet.
4. Signs may be double-faced.

L. Copy applied to fuel pumps or dispensers such as fuel identification, station logo, and other signs required by law.

M. Agricultural signs, either wall or freestanding types, non-illuminated, and not exceeding four square feet for lots two acres or less and ten square feet for lots greater than two acres, identifying only the agricultural products grown on the premises. The number of such signs shall be one per street frontage or a maximum of two, with wall signs to be located below the roofline and freestanding signs to be no higher than six feet.

N. Sign programs which have been approved prior to the adoption of this zoning ordinance.

O. Municipal and traffic control signs: Directional signs to aid vehicle or pedestrian traffic provided that such signs are located on-site, have a maximum area which does not exceed three square feet, have a maximum overall height of four feet above grade, and are mounted on a monument or decorative pole. Such signs may be located in a required setback provided that a minimum distance of five feet from any property line is maintained. Directional signs to the railway, the airport or the highway are among the types of signs which fall in this category.

P. Temporary window signs may be permitted on the inside of windows facing out which do not cover more than twenty-five percent of the individual window surface for a period not to exceed thirty days use during any sixty-day period. Temporary painted signs may be on the outside of the window.

Q. Historic site and historic landmark, and neighborhood signs, when designed in conformance with standards of the California Historic Commission or a similar entity.

R. Professionally made restroom, telephone and walkway signs of under one square foot.

S. Emblems or signs of a political, civic, philanthropic, educational or religious organizations, if those signs are on the premises occupied by such organizations, and do not exceed twenty-four square feet in area, or number more than one emblem or sign in total.

T. Political Signs. Political signs must comply with the following requirements:

1. Political signs shall be limited in size to the maximum allowed in the zones where located. Any freeway oriented freestanding sign shall be required to secure all applicable permits and comply with these sign regulations including section 17.36.110.

2. No political signs shall be permitted on public property or in the public right-of-way.

3. In the event that any such sign violates the provisions of this chapter, it shall be subject to abatement pursuant to the procedures prescribed in section 17.36.090.

4. Except as provided in this subsection, no permit shall be required for political signs.
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.

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 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.

D. 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.

E. 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.

F. Reserved.

G. Off-site signs, except as permitted elsewhere in this ordinance.

H. Permanent sale signs.

I. 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.

J. Roof signs.

K. Signs on public property or the public rights-of-way, except for traffic regulation and signs permitted by a governmental agency.

L. Signs painted on fences or roofs.

M. Balloons and other inflated devices or signs designed to attract attention, except with temporary use permit.
N. Signs that are affixed to vehicles, excluding permanent signs on commercial vehicles which are driven on a daily or weekly basis.

O. 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.

P. 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.

Q. 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.

R. 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 and federal laws and regulations, and city ordinances, laws, and regulations, including, but not limited to and the Uniform Building Code and the California Business and Professions Code.

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, or the assessment of penalties, or both, in accordance with the provisions of these zoning ordinances.

(Zoning Ord. dated 1/31/06, § 9109.10.)

17.36.110 - Sign regulations.

Signs permitted in each of the city’s land use districts are identified below. In addition to the following regulations, all signs must be in compliance with all other provisions of this chapter pertaining to signs.

Signs may have commercial or non-commercial messages. A non-commercial message may be substituted for the copy of any commercial sign allowed by this chapter.

A. Signs in Residential Zones.
   1. Up to one flagpole, displaying the flag of the US or the State of California, up to thirty-five feet in height, unless a permit is obtained from the city to have a flagpole in a private park or public park for up to sixty-five feet in height.
   2. For single family homes, the following are allowed:
      a. Up to one sign not to exceed one square foot in area, identifying the address;
      b. Up to one unlit sign not to exceed four square feet in area, pertaining to the rental, sale or lease of the property on which the sign is located. Such signs must be temporary, and may contain no flashing, blinking or reflective objects.
   3. For apartment complexes and multifamily developments, the following are allowed:
      a. Sign(s) containing the name and/or address of the development, providing that the combined area of such signs is not exceeded as established below:
         i. Up to one wall sign
         ii. Up to one freestanding sign per street frontage (which shall be in a landscaped area at least fifteen feet from the curb face, and not closer than five feet to the property line. Freestanding signs shall have a maximum height of eight feet inclusive of supporting structures.
         iii. The maximum combined area of the signs set forth above shall not exceed 20 square feet, for complexes with one hundred twenty-five feet of frontage or less, and shall not exceed thirty square feet for complexes with over one hundred twenty-five square feet of frontage.
4. For properties in the residential zones where farming takes place, lots may have one sign per street frontage (up to a maximum of two signs) advertising only the agricultural products grown on the premises. These signs may not be illuminated, and may be either free standing or wall signs. For lots of two acres or less, each sign may be a maximum of four square feet. For lots over two acres, each sign may be a maximum of ten square feet.

5. No neon signs are permitted in residential areas.

B. Signs in Commercial and Industrial Zones.

1. No sign attached to a structure shall be placed above the roof line.

2. Wall signs. Each business in downtown commercial zoning district shall be permitted wall signs per occupancy footage. The area devoted to such signs shall not exceed one square foot of sign area per one foot of building frontage, and shall not exceed fifty square feet of sign area. An introductory sign of a maximum of five square feet shall be allowed for twenty-five percent of the sign fee to encourage business in the downtown commercial zoning district. Each business in all other commercial and industrial zoning districts shall be permitted wall signs per the area of the wall (length times height of the wall). The area devoted to such signs shall not exceed twenty percent of the wall area. The sign area maximum for wall signs shall not apply to a freeway-oriented wall sign proposed to be located and designed in such a manner as to be viewed primarily in a direct line of sight from a main traveled roadway of a freeway or a freeway on-ramp/off-ramp and advertising onsite retail or service-oriented businesses. Freeway-oriented wall signs shall be subject to all requirements of section 17.36.110(B)(6), including requiring the approval of a conditional use permit.

3. Monument signs. Each parcel or property shall be permitted one monument sign subject to all of the following conditions being met:
   a. One square foot of sign area for one foot of building frontage is permitted. Such sign shall not exceed fifty square feet.
   b. The buildings must be set back at least twenty-five feet from the property line.
   c. The monument sign shall be located in a landscaped planter area not less than fifty square feet, with one dimension being at least four feet.
   d. The monument sign may be no more than eight feet high.
   e. Shopping centers may have one monument sign not to exceed one square foot of display face per one foot of building frontage, not to exceed one hundred square feet, for center identification. Said sign may include reader panels, and or a bulletin or a changeable copy pane.

4. Painted signs. Each business shall be permitted painted signs subject to the following conditions:
   a. Said signs shall be in combination with or in lieu of wall signs.
   b. The area of said painted sign shall be deducted from the total allowable wall sign.

5. Accessory signs. Signs denoting credit cards, hours of operation, etc., shall be allowed but shall not exceed three square feet in total area.
6. Freeway-oriented freestanding sign. Freeway-oriented freestanding signs, including city identification signs, 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, city identification signs. 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 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, excluding the city identification and logo, if applicable.

g. Said sign shall require approval of a conditional use permit pursuant to section 17.36.060(D). 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 City may, as part of the lease agreement, development agreement, or other agreement between the city, a sign, and property owner, specify the terms and conditions under which a non-profit or not-for-profit entity may place public service announcements on any such electronic messaging centers. The limits on public service announcements will be stipulated in a City Council agreement.

   c. The use of onsite electric generators to power digital billboards for normal operations shall be prohibited.

   d. The sign face for any City identification sign shall not overhang onto Interstate 10 or any other state highway.

   e. Signs shall be shielded to prevent light or glare intrusion onto adjoining properties that are located within five hundred (500) feet.

   f. 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.

   g. 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.

   h. 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.

   i. Reserved.

   j. 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.

   k. 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.

1. City identification signs shall not be allowed in the Downtown Commercial (DC) zoning district.

2. 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.

3. City identification signs shall include architectural enhancements that add aesthetic appeal.

4. City identification signs shall not exceed 55 feet in height.

5. City identification signs shall not exceed a face area of 14 by 48 feet, inclusive of City identification.

6. 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)).

7. 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.

8. 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.

9. 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.

10. 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.
NOTICE OF INTENT TO ADOPT A CATEGORICAL EXEMPTION AND NOTICE OF PUBLIC HEARING TO CONSIDER A 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 City Council to be held on Tuesday, June 11, 2019, at 5:00 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 electronic message centers in the Downtown Commercial (DC) District, subject to the approval of a Conditional Use Permit.

City staff has determined that the proposed Zoning Text Amendment (ZTA 19-97502) 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, M.A., AICP
Community Development Director

Dated: 03/18/2019
Publish: 03/22/2019
TO: PLANNING COMMISSION

FROM: Adam B. Rush, Community Development Director

PREPARED BY: Sonia Pierce, Senior Planner

MEETING DATE: June 5, 2019

SUBJECT: Resolution No. 2019-12, approving General Plan Amendment 18-2503 and Zone Change 18-3502 to amend the land use designation and zoning classification of two parcels totaling 5.14 acres, and developed with industrial uses, located at 200 South Eighth Street and 679 West Lincoln Street (APNs: 540-220-013 and 540-220-007) from General Commercial (GC) to Industrial (I).

RECOMMENDED ACTION:

Staff recommends the Planning Commission adopt Resolution 2019-12, recommending that the City Council make a determination of exemption under the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) and approve General Plan Amendment No. 18-2503 and Zone Change No. 18-3502 to amend the land use designation and zoning classification of two parcels totaling 5.14 acres, and developed with a recycling center and a vacant warehouse building, located at 200 S. Eighth Street and 679 W. Lincoln Street (APNs: 540-220-013 and 540-220-007) from General Commercial (GC) to Industrial (I).

PROJECT / APPLICANT INFORMATION:

Project Location 200 S. Eighth Street

APN Information: 540-220-013

Project Applicants: Shawn Lathrom / Andy Birchard
252 W. 4th Street, Suite F
Beaumont, CA 92223

Property Owners: Clyde and Suzanne Birchard / Harry and Elizabeth Reubush
PO Box 746
Banning, CA 92220
REQUEST:

The applicants, Shawn Lathrom and Andy Birchard, on behalf of Southern California West Coast Electric, is requesting approval of a General Plan Amendment (GPA) to change the General Plan land use designation of two parcels totaling 5.14-acres and located at 200 S. Eighth Street and 679 W. Lincoln Street (APNs: 540-220-013 and 540-220-007) from General Commercial (GC) to Industrial (I) and a Zone Change (ZC) to change the zoning classification of the same parcels from General Commercial (GC) to Industrial (I).

DESCRIPTION:

The subject site consists of two parcels. The westerly 3.23-acre parcel (APN: 540-220-013) is located at the northeast corner of Lincoln and Eighth Streets. This parcel is developed with two metal single-story structures and has been in operation as a recycling center for many years. The easterly 1.95-acre parcel (APN: 540-220-007) is developed with a single-story cement block warehouse building and has been intermittently vacant for the last two years.

The property owners of both parcels have requested a GPA and ZC from General Commercial to Industrial for the properties and there is no development proposed at this time.

Surrounding Land Use

Located north of the site in the Public Facilities – Railroad / Interstate zoning district is the Southern Pacific Railroad and Interstate 10 beyond. To the west of the site, in a combination of General Commercial and Industrial land use districts, is the Banning Business Center. Since multiple fires on the site, it has been vacant and in various states of disrepair for many years. The remaining land uses are vacant parcels with the zoning designation of Industrial to the south and General Commercial to the west.

The nature of the surrounding uses, zoning classifications, and General Plan land use designations are delineated for the Planning Commission’s consideration in the following table.
**Land Use Summary Table**

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Classification</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Recycling Center / Warehouse</td>
<td>(GC)</td>
<td>(GC)</td>
</tr>
<tr>
<td>South</td>
<td>Southern Pacific Rail Road</td>
<td>(PF-RI)</td>
<td>(PF-RI)</td>
</tr>
<tr>
<td>East</td>
<td>Vacant Business Center</td>
<td>(GC)/(I)</td>
<td>(GC)/(I)</td>
</tr>
<tr>
<td>West</td>
<td>Vacant</td>
<td>(GC)</td>
<td>(GC)</td>
</tr>
</tbody>
</table>

**PROJECT ANALYSIS:**

**Zoning**

The recycling center has been in existence at this location for many years, including prior to the adoption of the existing General Plan on January 31, 2006. The site was rezoned to General Commercial with the update of the 2006 General Plan resulting in recycling center becoming a non-conforming use. The existing warehouse is also a non-conforming use in the General Commercial land use district. The change of the land use designation for the properties from General Commercial to Industrial will bring the uses into conformance as both uses are permitted in the Industrial land use district.

At this time there is no proposal for development and at such time as development plans are submitted the applicant will be required to return to the Planning Commission for review and approval and will be subject to use specific standards set forth in Section 17.12 of the Banning Municipal Code.

**Site Compliance with Industrial Development Standards**

The subject site consists of two developed parcels. Below is a chart showing the minimum development standards applicable to premises in the Industrial zoning district, as stated in Table 17.12.030, and how the existing properties meets those standards.
<table>
<thead>
<tr>
<th>Minimum Lot Width</th>
<th>70 feet</th>
<th>239 feet</th>
<th>165 feet</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Depth</td>
<td>100 feet</td>
<td>524 feet</td>
<td>511 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td>10 feet</td>
<td>+/- 100 feet</td>
<td>+/- 25 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>0 feet</td>
<td>+/- 100 feet</td>
<td>+/- 100 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>0 feet</td>
<td>+/- 20 feet</td>
<td>+/- 20 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>60%</td>
<td>+/- 20%</td>
<td>+/- 20%</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Height (stories/feet)</td>
<td>2/50 feet</td>
<td>1 story/25 feet</td>
<td>1 story/25 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Fence/Wall Height</td>
<td>8 feet</td>
<td>6 feet</td>
<td>6 feet</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Projects Near Airports

The project is located within Compatibility Zone D of the Riverside County Airport Land Use Compatibility Plan Policy Document adopted in October 2004, for the Banning Municipal Airport. The plan identifies Zone D as an area that restricts non-residential intensity to an average of 200 people per acre and a maximum of 800 people in any given single-acre area.

On March 14, 2019, the Riverside County Land Use Commission (ALUC) found the General Plan Amendment and Zone Change consistent with the 2004 Banning Municipal Airport Land Use Compatibility Plan, as amended in 2016.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

Planning Department staff has determined that this Project is exempt from the requirements of the California Environmental Quality Act ("CEQA") and the City's CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed General Plan Amendment and Zone Change, re-designating and re-classifying certain real property from General Commercial (GC) to Industrial (I), will not have a significant effect on the environment. The proposed General Plan Amendment and Zone Change are administrative processes.
of the City that will not result in direct or indirect physical changes in the environment because further environmental review, if required under CEQA, will be performed as development applications for the Project sites are submitted to the City.

Multiple Species Habitat Conservation Plan (MSHCP).

The project is not subject to MSHCP as the project is an existing facility and no development is proposed at this time.

PUBLIC COMMUNICATION:

Proposed General Plan Amendment No. 18-2503 and Zone Change No. 18-3502 was advertised in the Record Gazette newspaper on May 24, 2019 (Attachment 4). As of the date of this report, staff has not received any written comments on the project.

Prepared By:  
Sonia Pierce  
Senior Planner

Reviewed and Recommended By:  
Adam B. Rush, M.A., AICP  
Community Development Director

ATTACHMENTS:

1. Planning Commission Resolution No. 2019-12  
   Exhibit A – Project Plans  
   Exhibit B – Conditions of Approval
2. Project Plans
4. Public Hearing Notice
5. Notice of Exemption
ATTACHMENT 1
Resolution No. 2019-12
RESOLUTION 2019-12


WHEREAS, an application for General Plan Amendment No. 18-2503 and Zone Change No. 18-3502 to permit the re-designation and re-classification of two parcels totaling 5.14 acres from General Commercial (GC) to Industrial (I) has been duly filed by:

*Project Applicant:* Shawn Lathrom / Andy Birchard
*Property Owners:* Clyde and Suzanne Birchard / Harry and Elizabeth Reubush
*Project Sponsor:* Southern California West Coast Electric, Inc.
*Project Location:* 200 South Eighth Street
*APN Information:* 540-220-013
*Lot Area:* 3.23 acres;

*Project Applicant:* Shawn Lathrom / Andy Birchard
*Property Owners:* Slade A. Lohman and Mary Vrooman / Michael and Mary Agahee
*Project Sponsor:* Southern California West Coast Electric, Inc.
*Project Location:* 679 West Lincoln Street
*APN Information:* 540-220-007
*Lot Area:* 1.95 acres;

WHEREAS, the Planning Commission is authorized under Banning Municipal Code Sections 17.64.050 and 17.116.020 and Government Code Sections 65353 and 65854 to review and make a recommendation to the City Council on proposed General Plan Amendment No. 18-2503 and Zone Change No. 18-3502;

WHEREAS, in accordance with Chapter 17.68 of the Banning Municipal Code and Government Code Sections 65353, 65854, 65090, and 65091, on May 24, 2019, the City gave public notice, by advertisement in the Record Gazette, a newspaper of general
circulation within the City of Banning, of the holding of a public hearing during which proposed General Plan Amendment No. 18-2503 and Zone Change No. 18-3502 (the "Project") would be considered. The public hearing notice was also mailed to the owners of the subject real properties, the Project applicants, and property owners within 300-feet of the Project site on or before May 24, 2019; and

WHEREAS, in accordance with Government Code Sections 65353 and 65854, on June 5, 2019, the Planning Commission held the noticed public hearing during which interested parties had an opportunity to testify in support of, or opposition to, proposed General Plan Amendment No. 18-2503 and Zone Change No. 18-3502.

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

SECTION 1: California Environmental Quality Act Findings and Multiple Species Habitat Conservation Plan Findings. The Planning Commission of the City of Banning does hereby recommends 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. CEQA. Planning Division staff has determined that the Project is exempt from the requirements of the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code § 21000, et seq.) and the State Guidelines (the "Guidelines") (14 Cal. Code Regs. §15000 et seq.) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed General Plan Amendment and Zone Change, re-designating and re-classifying certain real property from General Commercial (GC) to Industrial (I), will have a significant effect on the environment. The proposed General Plan Amendment and Zone Change are administrative processes of the City that will not result in direct or indirect physical changes in the environment because further environmental review, if required under CEQA, will be performed as development applications for the Project sites are submitted to the City. The City Council has reviewed the administrative record concerning proposed General Plan Amendment No. 18-2503 and Zone Change No. 18-3502 and the proposed CEQA exemption, and based on its own independent judgment, finds that proposed General Plan Amendment No. 18-2503 and Zone Change No. 18-3502 are exempt from the requirements of CEQA and the CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3).

B. Multiple Species Habitat Conservation Plan (MSHCP). The Project is not subject to MSHCP as the Project is an existing facility and no development is proposed at this time.

SECTION 2: Findings for Recommendation of Approval of General Plan Amendment No. 18-2503. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning find and determine that General Plan Amendment No. 18-2503 should be approved because:

Finding No. 1: The proposed amendment is internally consistent with the General Plan.
Findings of Fact: Upon City Council approval of the requested General Plan Amendment, the site's land use designation will be changed to Industrial, and the existing development would be consistent with uses permitted within the Industrial land use designation. The Industrial land use designation is intended to allow light and medium intensity manufacturing operations, warehousing and distribution, and associated offices, and ancillary retail, may also be appropriate.

Finding No. 2: That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Findings of Fact: The proposed amendment will complement the existing industrial businesses and land uses on West Lincoln Street. As demonstrated in the analysis contained in the Planning Commission staff report dated June 5, 2019, there are no features unique to the site that would create conditions detrimental to the public interest, health, safety, convenience, or welfare of the City.

Finding No. 3: That the proposed amendment would maintain the appropriate balance of land uses within the City.

Findings of Fact: Upon City Council approval of the requested General Plan Amendment, the site's land use designation will be changed to Industrial (I), and the existing development is consistent with uses permitted within the Industrial land use designation. The Industrial land use designation is intended to allow light and medium intensity manufacturing operations, warehousing and distribution, and associated offices, and ancillary retail, may also be appropriate.

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 designation(s) and the anticipated land use developments(s).

Findings of Fact: The 5.14-acre land area is of currently developed with a recycling center and a vacant warehouse building and has access, existing utilities, and is of adequate size to accommodate a development, subject to compliance with the Banning Municipal Code (BMC). No natural constraints exist to the existing or future development, and no significant adverse environmental impacts are anticipated. Lincoln Street provides suitable access and all necessary utilities are in place within adjacent public rights-of-way. As has been described in the Planning Commission staff report dated June 5, 2019, the site is surrounded by Interstate-10, to the north,
vacant industrial complex to the east, vacant land to the south and vacant land to the west. There is no development proposed at this time. The subject site is basically flat and has been graded in the past, thus no unique physical features or vegetation will be affected by the proposed Project.

SECTION 3: Findings for Recommendation of Approval of Zone Change 18-3502. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning find and determine that Zone Change 18-3502 should be approved because:

Finding No. 1: The proposed Amendment is consistent with the goals and policies of the General Plan.

Findings of Fact: The proposed amendment is consistent with the General Plan Land Use Element Policy which states: “The land–use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands”. The zoning classification of Industrial (I) would allow the existing development to be consistent with uses permitted within the Industrial (I) land use designation. The Industrial land use designation is intended to allow light and medium intensity manufacturing operations, warehousing and distribution, and associated offices, and ancillary retail, may also be appropriate.

Finding No. 2: The proposed Amendment is internally consistent with the Zoning Ordinance.

Findings of Fact: The proposed amendment is internally consistent with the Zoning Ordinance. No development is proposed at this time and the existing uses would be brought into compliance with the uses allowed in the Industrial (I) zone.

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

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

SECTION 4: PLANNING COMMISSION ACTION - Approval of General Plan Amendment 18-2503 and Zone Change 18-3502: Based on the foregoing, the Planning Commission of the City of Banning hereby approves General Plan Amendment 18-2503 and Zone Change 18-3502 to amend the land use designation and zoning classification of two parcels totaling 5.14 acres, and developed with a recycling center and a vacant warehouse building, located at 200 S. Eighth Street and 679 W. Lincoln Street (APNs: 540-220-013 and 540-220-007) from General Commercial (GC) to Industrial (I),
consistent with the site plans attached hereto as Exhibit "A," and subject to the recommended Conditions of Approval attached hereto as Exhibit "B."

PASSED, APPROVED, AND ADOPTED this 5th day of June, 2019.

______________________________
Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

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

Sandra Calderon, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2019-12, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 5th day of June, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
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.
EXHIBIT B
to Planning Commission Resolution No. 2019-12

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

Community Development Department

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

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

3. Any future development plans must be submitted to the Planning Commission for a full review, including environmental review, and further review by all applicable jurisdictions, including the Airport Land Use Commission (ALUC), as set forth in the Commission’s March 14, 2019 staff report and the Native American Heritage Commission (NAHC).

***END***
March 21, 2019

Ms. Sonia Pierce, Senior Planner
City of Banning Community Development Department – Planning Division
99 E. Ramsey Street
Banning, CA 92220

RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW

File No.: ZAP1033BA19
Related File Nos.: GPA18-2503 (General Plan Amendment), ZC18-3502 (Zone Change)
APNs: 540-220-007; 540-220-013

Dear Ms. Pierce:

On March 14, 2019, the Riverside County Airport Land Use Commission (ALUC) found City of Banning Case Nos. GPA18-2503 (General Plan Amendment) and ZC18-3502 (Zone Change), a proposal to amend the City of Banning General Plan land use designation and zoning on 5.14 acres located northerly of Lincoln Street, easterly of 8th Street, westerly of 4th Street, and southerly of the Union Pacific Railroad and Interstate 10 from General Commercial to Industrial, CONSISTENT with the 2004 Banning Municipal Airport Land Use Compatibility Plan, as amended in 2016.

If you have any questions, please contact Paul Rull, ALUC Principal Planner, at (951) 955-6893.

Sincerely,

RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

Simon A. Housman, ALUC Director

Attachments: Notice of Airport in Vicinity

cc: Andy Birchard, Southern California West Coast Electric, Inc. (applicant)
    Shawn Lathrom (representative)
    Clyde and Suzanne Birchard (property owner)
    Slade Lohman (property owner)
    Mary E. Vrooman (property owner)
    Michael and Mary Agahee (property owner)
    Harry Reubush (property owner)
    Art Vela, P.E., City of Banning Director of Public Works
    Carl Szoyka, Manager, Banning Municipal Airport
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)
1.0 PROJECT DESCRIPTION

This project description has been prepared as part of the land use application for a proposed Zone Change and General Plan Amendment for two parcels (APN: 540-220-013 and 540-220-007) in the City of Banning.

1.1 Project Location

APN: 540-220-013 and 540-220-007, on the northeast corner of 8th Street and Lincoln Street in the City of Banning.

1.2 Project Description

The Proposed Project proposes a General Plan Amendment and Zone Change for two parcels (APN 540-220-013 and 540-220-007) on the northeast corner of 8th Street and Lincoln Street in the City of Banning. There are two existing metal structures on parcel 540-220-013; approximately two (2) acres of the 3.23-acre site is being used by an existing recycling facility (a nonconforming use). There is a vacant concrete block warehouse-type building on parcel 540-220-007. The proposal is to change the land use designations for both parcels from General Commercial to Industrial. Both parcels were originally designated as Industrial but were changed to Commercial during the last General Plan update in 2006. The proposal is to change the land use designations for both parcels from General Commercial to Industrial so that the existing recycling operation on 540-220-013 is no longer a non-conforming land use. Any future development on the parcels will be processed under separate application.
ATTACHMENT 4
Public Hearing Notice
NOTICE OF PUBLIC HEARING AND NOTICE OF EXEMPTION FOR CONSIDERATION OF GENERAL PLAN AMENDMENT 18-2503 AND ZONE CHANGE 18-3502 TO AMEND THE GENERAL PLAN LAND USE DESIGNATION FROM GENERAL COMMERCIAL (GC) TO INDUSTRIAL (I) AND TO CHANGE THE ZONING FROM GENERAL COMMERCIAL (GC) TO INDUSTRIAL (I), TO CONSIDER THE FUTURE CONSTRUCTION FOR INDUSTRIAL USES ON TWO PARCELS TOTALING APPROXIMATELY 5.14 ACRES OF LAND LOCATED AT 200 SOUTH EIGHT STREET AND 679 WEST LINCOLN STREET AT THE NORTHEASTERLY CORNER OF WEST LINCOLN STREET AND SOUTH EIGHT STREET IN THE CITY OF BANNING, CALIFORNIA (APN 540-220-013, 540-220-007).

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, June 5, 2019, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider the proposed project. The subject parcel is located generally at the northeast corner Lincoln Street and Eight Street (APN 540-220-013 & 540-220-007). Information regarding the Notice of Exemption, General Plan Amendment and Zone Change 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: May 21, 2019
Published: May 24, 2019
Published in:
The Record Gazette
No. 165470
05/24/2019

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:

May 24, 2019

Executed on: 05/24/2019

At Banning , CA

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

Signature

Ana Rivera

Record Gazette
218 N. Murray St.

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

165470 PHN GPA 18-2503

State of California )
County of Riverside ) ss.

[Image]
ATTACHMENT 5

Notice of Exemption
Notice of Exemption

To: Office of Planning and Research
   P.O. Box 3044, Room 113
   Sacramento, CA 95812-3044

From: (Public Agency): City of Banning
   99 East Ramsey Street
   Banning, CA, 92220

County Clerk
   County of: Riverside
   2724 Gateway Drive
   Riverside, CA, 92507

---

Project Title: General Plan Amendment 18-2503/Zone Change 18-3502 (So Cal West Coast Electric)

Project Applicant: Shawn Lathrom and Andy Birchard

Project Location - Specific:
   200 S. 8th St./(APN: s40-220-013) and 679 W. Lincoln St./(APN: 540-220-007)

Project Location - City: Banning
Project Location - County: Riverside

Description of Nature, Purpose and Beneficiaries of Project:
The project consists of a General Plan Amendment (GPA) to change the land use from General Commercial (GC) to Industrial (I) and a Zone Change to modify the zoning classification of the same parcels from General Commercial (GC) to Industrial (I)

Name of Public Agency Approving Project: Banning

Name of Person or Agency Carrying Out Project: Shawn Lathrom and Andy Birchard

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:
☐ Statutory Exemptions. State code number: 15061(b)(3)

Reasons why project is exempt:
The project is exempt, under CEQA Guidelines Section 15061(b)(3) (General Rule) (Existing Facilities) because there is no possibility that the proposed General Plan Amendment and Zone Change, re-designating and re-classifying certain real property from General Commercial (GC) to Industrial (I), will not have a significant effect on the environment.

Lead Agency Contact Person: Sonia Pierce
Area Code/Telephone/Extension: (951) 922-3152

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: May 31, 2019 Title: Senior Planner

☐ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: ____________

Revised 2011
TO:         PLANNING COMMISSION

FROM:  Adam B. Rush, Community Development Director

PREPARED BY:  Sonia Pierce, Senior Planner

MEETING DATE:  June 5, 2019

SUBJECT: Resolution No. 2019-13, approving Conditional Use Permit 19-8003 to allow off-site beer and wine sales at an existing retail store (Dollar General) located at 1323 W. Ramsey Street (APN: 540-130-039) in the Highway Serving Commercial (HSC) Zoning District

RECOMMENDED ACTION:

Staff recommends the Planning Commission adopt Resolution 2019-13, making a determination that the Project is exempt under the California Environmental Quality Act (CEQA); specifically, Guidelines Section 15301 (Existing Facilities) and approving Conditional Use Permit No. 19-8003, to allow off-site beer and wine sales (ABC Type 20 license) at an existing retail store (Dollar General) located at 1323 W. Ramsey Street (APN: 540-130-039) in the Highway Serving Commercial (HSC) zoning district.

PROJECT / APPLICANT INFORMATION:

Project Location  1323 West Ramsey Street

APN Information:  540-103-039

Project Applicant:  Dolgen California, LLC
                   C/O Steve Rawlings
                   26023 Jefferson Avenue, Suite B
                   Murrieta, CA 92562

Property Owner:  DG Strategic II
                 100 Mission Ridge
                 Goodlettsville, TN 37072
REQUEST:

The applicant, Dolgen California, LLC, on behalf of DG Strategic II, is requesting approval of a Conditional Use Permit (CUP) to allow off-site beer and wine sales (Type 20 ABC license) at an existing 9,002 square foot retail store.

DESCRIPTION:

The applicant is requesting approval of off-site beer and wine sales within an existing 9,002 square foot retail building (Dollar General) on a 1.09-acre (47,600 square foot) site adjacent to West Ramsey Street in the HSC zoning district. The beer and wine display area will not exceed 2% (181 square feet) of the gross floor area of the store. The beer and wine sales are anticipated to represent less than 5% of the overall store sales. There will be no single sales of beer or malt beverage cans or bottles. Beer, wine coolers, and malt beverages will be sold in the manufacturer's pre-packaged multi-unit quantities only.

Surrounding Land Use

Located north of the site is the "Our Saviors Lutheran Church" fronting Williams Street in the Medium Density Residential (MDR) zoning district (0-10 du/acre); this area also includes an 18-unit apartment complex to the northeast. West of the site is a restaurant (Johnny Russo's Italian Kitchen) with the northerly portion of the lot being vacant land. East of the site are small offices. South of the site and across Ramsey Street is a Riverside County Administration office building, and vacant lot in the HSC Zone.

The nature of the surrounding uses, zoning classifications, and General Plan land use designations are delineated for Planning Commission consideration in the following table.

<table>
<thead>
<tr>
<th>Land Use Summary Table</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Land Use</strong></td>
</tr>
<tr>
<td>Subject Site</td>
</tr>
<tr>
<td>North</td>
</tr>
<tr>
<td>South</td>
</tr>
<tr>
<td>East</td>
</tr>
<tr>
<td>West</td>
</tr>
</tbody>
</table>
PROJECT ANALYSIS:

Zoning

The off-site beer and wine sales are proposed within an existing retail store located in the HSC zoning district. This district permits general merchandise retail stores and permits on-and off-site alcoholic beverage sales subject to approval of a CUP. Additionally, alcohol beverage licenses issued to premises in the HSC zoning district are subject to use specific standards set forth in Section 17.12.050.B.2. of the Banning Municipal Code.

Site Compliance with HSC Development Standards

The site consists of a developed parcel. Below is a chart showing the minimum development standards applicable to premises in the HSC zoning district, as stated in Table 17.12.030, and how the existing retail building meets those standards.

<table>
<thead>
<tr>
<th>Development Standards</th>
<th>Required</th>
<th>Provided</th>
<th>Complies With Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>6,000 square feet</td>
<td>47,600 square feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>60 feet</td>
<td>175 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>100 feet</td>
<td>272 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td>10 feet</td>
<td>83 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>0 feet</td>
<td>58 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>0 feet</td>
<td>10 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>35 %</td>
<td>20%</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>2/35 feet</td>
<td>1 story/24 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>

Conditional Use Permit

Table 17.12.020 ("Permitted, Conditional and Prohibited Commercial and Industrial Uses") of Section 17.12.020 of Chapter 17.12 of Title 17 of the Banning Municipal Code provides that on-or off-site alcoholic beverage sales are permitted in the HSC zoning district, subject to approval of a CUP by the Planning Commission pursuant to Chapter 17.52 of the Zoning Code. Additionally, Section 17.12.050 and Table 17.12.050 impose additional standards on “Alcohol Beverage License” uses in the HSC zoning district.
Section 17.12.050.B.2. states that in addition to any conditions of approval imposed by the Planning Commission, in approving a CUP, the following standards apply to alcohol beverage license uses: (a) establishments may not be located within 500-feet of any school or public park within the City; and (b) the Alcoholic Beverage Control Board license must be reviewed by the Police Department prior to Planning Commission approval.

The Banning Police Department was notified of the project upon submittal of the application and they have responded with a transmittal that indicates approval of the application with no additional comments.

Staff believes that approval of the CUP will serve the community by providing a convenient location for the purchase of beer and wine, providing for jobs and tax revenue, and assisting highway consumers traveling and staying in the surrounding area.

Parking Requirements

Table 17.28.040B ("Commercial and Industrial Parking Requirements") of the Zoning Code requires retail commercial uses provide one space for each 250 square feet of gross floor area. The subject retail building is 9,002 square feet. Therefore, 36 parking spaces are required under Table 17.28.040B. The existing retail building provides 38 parking spaces, which includes two handicap parking places as required by the California Building Code. A loading space is provided at the northeast corner of the parking area.

Site Design

The subject site fronts West Ramsey Street along the southern property boundary; which is a fully improved arterial highway. Also, overhead electric utility lines are located along the northern property boundary (easement). The site is accessed by the main driveway fronting Ramsey Street at the southeast corner of the property. Most of the parking is set back from the driveway to allow vehicles to enter and exit the parking lot without hindrance. The main entrance to the store is facing Ramsey Street and is fully visible to the public. At the time of original approval (2011) and construction (2012), of the retail building, the design of the parking spaces, landscaping, and driveway complied with the requirements of the Parking Lot Design Standards.

More recently, the site appears to be in need of landscape maintenance within some areas of the parking lot and the northwest corner of the site. The project will be conditioned to clean up trash that has been trapped along the walls, secure the open area at the rear of the property, and to revegetate the planter areas that are bare.

**ENVIRONMENTAL DETERMINATION:**

**California Environmental Quality Act (CEQA)**

Planning Department staff has determined that this Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15301 (Existing Facilities - Class 1 Categorical Exemption) because the project consists of the operation, maintenance, permitting, licensing, and minor
alteration of an existing private structures involving negligible or no expansion of an existing use.

Multiple Species Habitat Conservation Plan (MSHCP).

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

PUBLIC COMMUNICATION:

Proposed Conditional Use Permit No. 19-8003 was advertised in the Record Gazette newspaper on May 24, 2019 (Attachment 5). As of the date of this report, staff has not received any written comments on the project.

Prepared By:  

Reviewed and Recommended By:

Sonia Pierce  
Senior Planner

Adam B. Rush, M.A., AICP  
Community Development Director

ATTACHMENTS:

   Exhibit A – Project Plans  
   Exhibit B – Conditions of Approval
2. Project Plans
3. Applicant’s Application for ABC License
4. Comments - Police Approval
5. Public Hearing Notice
6. Notice of Exemption
ATTACHMENT 1

Resolution No. 2019-13
RESOLUTION NO. 2019-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 19-8003 TO ALLOW OFF-SITE BEER AND WINE SALES AT AN EXISTING RETAIL STORE (DOLLAR GENERAL) LOCATED AT 1323 WEST RAMSEY ST (APN: 540-130-039) IN THE HIGHWAY SERVING COMMERCIAL (HSC) ZONING DISTRICT, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA GUIDELINE SECTION 15301.

WHEREAS, an application for a Conditional Use Permit to permit off-site beer and wine sales at an existing retail store (Dollar General) has been duly filed by:

Project Location: 1323 West Ramsey Street
APN Information: 540-130-039
Project Applicant: Dolgen California, LLC
26023 Jefferson Avenue, Suite B.
Murrieta, CA 92562
Property Owner: DG Strategic II
100 Mission Ridge
Goodlettsville, TN 37072;

WHEREAS, the Planning Commission is authorized under Chapter 17.52 of the Banning Municipal Code to take action on proposed Conditional Use Permit No. 19-8003, to allow off-site beer and wine sales at an existing retail store (Dollar General) in the Highway Serving Commercial (HSC) zoning district (the “Project”);

WHEREAS, on May 24, 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 June 5, 2019, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, proposed Conditional Use Permit No. 19-8003.

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

SECTION 1: California Environmental Quality Act and Multiple Species Habitat Conservation Plan Findings.

A. CEQA. Planning Division staff has determined that the Project is categorically exempt from the requirements of the California Environmental Quality Act (“CEQA”) (Cal.
Pub. Res. Code § 21000, *et seq.* and the State Guidelines (the “Guidelines”) (14 Cal. Code Regs. §15000 *et seq.*). The Project qualifies under the Class 1 categorical exemption because the Project consists of the operation, permitting, licensing, and minor alteration of an existing private structure involving negligible or no expansion of an existing use. The Planning Commission has reviewed staff’s determination of exemption, and based on its own independent judgment, concurs in the staff’s determination of exemption.

B. 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 No. 19-8003: The Planning Commission of the City of Banning does hereby find and determine that CUP No. 19-8003 should be approved because:

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

Finding of Fact: Conditional Use Permit No. 19-8003 is consistent with the General Plan Land Use Element Policy, which states: “The land–use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands.” The land-use designation of Highway Serving Commercial allows restaurants (fast food and sit down), hotels and motels, auto related retail, repair and services, including gas stations, convenience stores and similar uses serving the I-10 traveler as the primary uses in this designation. Further, Conditional Use Permit No. 19-8003 is consistent with General Plan Economic Development Policy which states: “The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues.” Approval of the permit would allow the applicant to promote business diversity while providing an economic benefit to the City.

Finding No. 2: The proposed use is conditionally permitted within the subject land use district and complies with all the applicable provisions of Title 17 of the Banning Municipal Code;

Finding of Fact: Table 17.12.020 (“Permitted, Conditional and Prohibited Commercial and Industrial Uses”) of Section 17.12.020 of Chapter 17.12 of Title 17 of the Banning Municipal Code provides that “alcoholic beverage sales, on or off-site”, is a conditionally permitted use in the HSC zoning district. Further, the proposed off-site beer and wine sales complies with all other applicable provisions of Title 17 of the Banning Municipal Code, including the standards set forth in Section 17.12.050.B.2. applicable to alcohol Beverage Control “ABC” licenses.
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 is on Ramsey Street, which is a major commercially zoned street within the City and it is anticipated that the street would have the majority of the establishments with alcoholic beverage sales within the City. Given the wide array of general and convenience merchandise sold at the business, off-site sales of beer and wine is anticipated to amount to a small percentage of gross sales at this business and will provide a desirable new use for residents and visitors to the City.

Finding No. 4: The subject site is physically suitable for the type and intensity of land use being proposed;

Finding of Fact: The subject site currently consists of an existing building and the applicant is not proposing any significant exterior changes to the building. Furthermore, the site has adequate parking and lighting and the retail sales and services are the primary uses in the HSC 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 subject site is served by the public and private utilities, including the City's water and electrical utilities. The subject site has access and is 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 proposed CUP to permit off-site sales of beer and wine is exempt from the requirements of CEQA, as discussed in Section 1 of this Resolution.

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 location, design, and operating characteristics of the proposed off-site sales of beer and wine will not be detrimental to the public interests, health, safety, convenience, or welfare of the City and will complement existing businesses located on West Ramsey Street. Sales of alcohol are regulated by the State of California, Department of Alcoholic Beverage Control (ABC). The applicant must maintain a valid ABC license to be compliant with ABC. If determined for good cause that the continuance of such license
would be contrary to the public welfare or morals, ABC is authorized to suspend or revoke any license issued to sell alcoholic beverages. Furthermore, the City of Banning Police Department has reviewed the proposed off-site sales of beer and wine and does not have concerns with the proposed use.

SECTION 3: Required Additional Findings under Banning Municipal Code Section 17.12.050.B.2.: The Planning Commission of the City of Banning does hereby find and determine as follows:

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

Finding of Fact: The subject retail store is not located within 500-feet of any school or public park within the City.

Finding No. 2: The ABC license application shall be reviewed by the Police Department prior to Planning Commission approval;

Finding of Fact: The Banning Police Department has reviewed, and does not object to, the proposed off-site sales of beer and wine in the existing retail store.

SECTION 4: PLANNING COMMISSION ACTION - Approval of Conditional Use Permit No. 19-8003: Based on the foregoing, the Planning Commission of the City of Banning hereby approves Conditional Use Permit No. 19-8003 to allow off-site beer and wine sales at an existing retail store (Dollar General) located at 1323 W. Ramsey Street (APNs: 540-103-039) in the Highway Serving Commercial (HSC) zoning district, consistent with the site plans attached hereto as Exhibit "A," and subject to the recommended Conditions of Approval attached hereto as Exhibit "B".
PASSED, APPROVED, AND ADOPTED this 5th day of June, 2019.

___________________________

Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

___________________________

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

ATTEST:

___________________________

Sandra Calderon, Recording Secretary
City of Banning, California
CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2019-13, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 5th day of June, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
PROJECT #: Conditional Use Permit No. 19-8003
SUBJECT: Conditions of Approval (Planning Commission Resolution No. 2019-13)
APPLICANT: Dolgen California, LLP
LOCATION: APN: 540-130-039

EXHIBIT B
to Planning Commission Resolution No. 2019-13

* 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 (CEQA), State Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City’s defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

3. Approval of this entitlement shall not waive compliance with any sections of the Banning Municipal Code (BMC), other applicable City ordinances, in effect at the time of building permit issuance.

4. Off-site beer and wine sales permitted under the Conditional Use Permit (CUP) shall commence sales within two (2) years from the date of this approval, or the Conditional Use Permit shall become null and void. Additionally, if after commencement of operations, off-site beer and wine sales are 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 Conditional Use Permit complies with all current provisions of Title 17 of the Banning Municipal Code.

5. A copy of the signed Resolution of approval, all Conditions of Approval imposed on the Conditional Use Permit shall be reproduced in legible form on the tenant improvement plans and landscape and irrigation plans submitted for review and approval as required by the reviewing department.

6. The subject retail building shall be developed and maintained in accordance with the site plans stamped approved by the City and on file in the Planning Division, the conditions contained herein, and the applicable regulations within the Banning Municipal Code.

7. There shall be no single sales of beer or malt beverage cans or bottles. The applicant shall sell beer, wine coolers, and malt beverages in the manufacturer’s pre-packaged multi-unit qualities only.

8. The applicant shall comply with the guidelines of the California Department Alcoholic Beverage Control (ABC) applicable to off-sales premises.
9. There shall be no consumption of alcoholic beverages on the subject site. The applicant shall prominently post signs stating this prohibition in the subject retail building and throughout the subject site.

10. No displays of beer or wine shall be located within five feet (5') of the subject building's entrance, windows, or checkout counter.

11. The applicant and the applicant's employees shall attend a 4-hour LEAD (License, Education, Alcohol and Drugs) class presented by ABC's Riverside office within ninety (90) calendar days of obtaining a license from ABC.

12. The applicant shall submit plans for security gates to secure the subject premises to the Community Development Director, City Engineer, and City of Banning Fire Marshal for review and approval. Security gates shall not block any public street.

13. The applicant shall install a digital video surveillance system (including ability for a 45-day back-up) on the subject site subject to approval by the Community Development Department and the Banning Police Department.

14. The applicant and property owner shall continually maintain all landscaped areas on-site, as well as contiguous planted areas within the parkway in accordance with the approved landscape and irrigation plan. All landscaped areas shall be kept free from weeds and debris and maintained in healthy and thriving condition, and shall receive regular pruning, fertilizing, mowing, and trimming. Any damaged, dead, diseased, or decaying plant material shall be replaced within thirty (30) calendar days of notice from the City.

15. The applicant shall submit a Construction-level ("working drawings") Landscaping and Irrigation Plan to the Community Development Department for review and approval. The applicant shall submit the plan to the Department in the form of a set of working/construction drawings, along with the current fee. The plan shall comply with the applicable requirements under the Banning Municipal Code. The plan shall show all common open space areas. The plan shall address all areas and conditions of the subject site requiring landscaping and irrigation to be installed including, but not limited to, slope planting, common area and/or park landscaping, and individual front yard landscaping. The plan shall place an emphasis on the use of plant species that are drought tolerant and low water using. The plan shall provide for the following:

   A. Permanent automatic irrigation systems shall be installed on all landscaped areas requiring irrigation. Low water use systems are required.
B. All utility service areas and enclosures shall be screened from view with landscaping and decorative barriers or baffle treatments, as approved by the Planning Department. Utilities shall be placed underground.

C. Any required landscape screening shall be designed to be opaque up to a minimum height of six (6) feet at maturity.

D. Parkways and landscaped building setbacks shall be landscaped to provide visual screening or a transition into the primary use area of the site. Landscape elements shall include earth berming, ground cover, shrubs, and specimen trees in conjunction with meandering sidewalks, benches, and other pedestrian amenities where appropriate as approved by the Community Development Department.

E. Incorporate the use of specimen accent trees at key visual focal points within the subject site.

F. Incorporate native and drought tolerant plants where appropriate.

G. All specimen trees and significant rock outcroppings on the subject site intended for retention shall be shown on grading plans. Replacement trees for those to be removed shall also be shown.

H. All trees shall be minimum double-staked. Weaker and/or slow-growing trees shall be steel-staked.

I. Multi-programmable irrigation controllers that have enough programs to break up all irrigation stations into hydro zones shall be utilized. If practical and feasible, rain shutoff devices shall be employed to prevent irrigation after significant precipitation. Irrigation systems shall be designed so areas that have different water use requirements are not mixed on the same station (hydro zones). Assistance in implementing a schedule based on plant water needs is available from CIMIS or Mobile Lab. The use of drip irrigation should be considered for all planter areas that have a shrub density that will cause excessive spray interference of an overhead irrigation system. Use flow reducers to mitigate broken heads next to sidewalks, streets, and driveways. (BMP S2)

J. Plants with similar water requirements shall be grouped together in order to reduce excessive irrigation runoff and promote surface filtration, where possible. (BMP S3).
Building Department

The following comments are required at time of plan check submittal:

16. The subject 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.

17. 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 be 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. The City enforces the California Building Standards Code disabled access requirements. The Federal ADA standards differ in some cases from the State requirements. The applicant and property owner shall be aware of those differences and comply accordingly.

   B. Disabled access parking shall be located on the shortest accessible route. The applicant shall relocate parking spaces accordingly.

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

18. The subject retail building on the subject site shall be assessable per the California Building Code (CBC) 11B.

19. The address numbering of the subject retail building shall comply with the requirements of the California Building Code (CBC) 11A, 11B, and 31B.

***END***
ATTACHMENT 2

Project Plans
ATTACHMENT 3
Applicant's ABC Application
PART 1 - TO BE COMPLETED BY ABC

2. PREMISES ADDRESS (street number and name, city, zip code)
DOLGEN CALIFORNIA, LLC.
1323 W RAMSEY ST., BANNING, CA. 92220-4447

3. LICENSE TYPE
20

4. TYPE OF BUSINESS
Full Service Restaurant
Deli or Specialty Restaurant
Cafe/Coffee Shop
Bed & Breakfast:
Wine only
All
Supermarket
Liquor Store
Drug/Variety Store
Other - describe:

5. COUNTY POPULATION

6. TOTAL NUMBER OF LICENSES IN COUNTY

7. RATIO OF LICENSES TO POPULATION IN COUNTY

8. CENSUS TRACT NUMBER
441.01

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)
Yes, the number of existing licenses exceeds the number allowed
No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?
Yes (Go to Item #13)
No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

14. TOTAL NUMBER OF REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

16. AVERAGE NO. OF OFFENSES PER DISTRICT

17. 120% OF AVERAGE NUMBER OF OFFENSES

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)
Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.

b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winemake's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.

c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an off-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body, to have them complete Section 3. The completed form will need to be provided to

FOR DEPARTMENT USE ONLY
PREPARED BY (Name of Department Employee)
ALMA RUIZ-ZUNIGA
ABC-245 (rev. 01-11)

PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do not proceed to Part 3.
PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance.

Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?
   [ ] Yes  [ ] No  See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

   __________________________________________________________

   __________________________________________________________

   __________________________________________________________

   __________________________________________________________

   __________________________________________________________

   __________________________________________________________

   __________________________________________________________

   __________________________________________________________

26. CITY/COUNTY OFFICIAL NAME
27. CITY/COUNTY OFFICIAL TITLE
28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE
30. DATE SIGNED

ABC-245.REVERSE (rev. 01-11)
ATTACHMENT 4

Comments (Banning Police Department Approval)
**Conditional Use Permit**

**DATE TRANSMITTED:** 4/17/19  
**DATE DUE:** 5/1/2019

TO: See Circulation List on Reverse Side

**PROJECT NUMBER:** CUP 19-8003  
**ZONE:** Highway Serving Commercial (HSC)

**ADDRESS/APN:** 1323 W. Ramsey Street/540-130-039

**APPLICANT:** Dolgen California LLC Store #13066 c/o Steve Rawlings, Alcoholic Beverage Specialists

**SENIOR PLANNER:** Sonia Pierce

**PROJECT DESCRIPTION:** Finding of public convenience or necessity and permit to sell beer and wine for off-site consumption (ABC Type 20) at an existing 9,094 square foot grocery and consumer goods store.

**COMMENTS REQUIRED:** Please review the attached application and provide your comments and/or conditions in the space below as soon as you have completed your review. Please return to the Planning Department by Wednesday, May 1, 2019.

<table>
<thead>
<tr>
<th>APPROVED</th>
<th>APPROVED WITH ATTACHED COMMENTS/CONDITIONS</th>
<th>RESUBMITTAL REQUESTED</th>
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**SIGNATURE:**

**DEPARTMENT:** Planning  
**DATE:** 4-30-19

**COMMENTS:** NONE
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<td>269 N SAN GORGONIO AVE BANNING, CA 92220</td>
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</table>
ATTACHMENT 5

Public Hearing Notice
NOTICE OF PUBLIC HEARING AND NOTICE OF EXEMPTION FOR CONDITIONAL USE PERMIT NO. 19-8003 TO CONSIDER A PERMIT FOR THE OFF-SITE SALES OF ALCOHOL (BEER AND WINE) (TYPE 20) AT AN EXISTING RETAIL STORE IN THE HIGHWAY SERVING COMMERCIAL (HSC) LAND USE DISTRICT ON REAL PROPERTY LOCATED AT 1323 WEST RAMSEY STREET (APN: 540-130-039).

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, June 5, 2019, at 6:30 p.m. (or soon thereafter) in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider a Notice of Exemption from CEQA for the issuance of a license by the California Department of Alcohol Beverage Control and Conditional Use Permit 19-8003 (CUP 19-8003) to allow off-site beer and wine at an existing retail store located at 1323 West Ramsey Street (540-130-039).

Information regarding the Notice of Exemption and CUP 19-8003 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 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: May 21, 2019
Publish: May 24, 2019
Published in
The Record Gazette
No. 165468
05/24/2019
ATTACHMENT 6

Notice of Exemption
Notice of Exemption

To: Office of Planning and Research
   P.O. Box 3044, Room 113
   Sacramento, CA 95812-3044

   County Clerk
   County of: Riverside
   2724 Gateway Drive
   Riverside, CA, 92507

From: (Public Agency): City of Banning
   99 East Ramsey Street
   Banning, CA, 92220

Project Title: Conditional Use Permit 19-8003 - Off-site beer and wine sales for existing Dollar General

Project Applicant: Dolgen California, LLC c/o Steve Rawlings for DG Strategic II (dba Dollar General)

Project Location - Specific:
1323 W. Ramsey Street (APN: 540-130-039)

Project Location - City: Banning  Project Location - County: Riverside

Description of Nature, Purpose and Beneficiaries of Project:
The proposed project will provide a public necessity for the convenient sale of beer and wine, in pre-package and multi-unit quantities only, for the surrounding community. The beer and wine sales are anticipated to represent less than 5% of the overall store sales within an existing 47,600 s.f. retail building.

Name of Public Agency Approving Project: Banning

Name of Person or Agency Carrying Out Project: DG Strategic II

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: 15301 (Existing Facilities)
☐ Statutory Exemptions. State code number: 

Reasons why project is exempt:
The project is exempt, under CEQA Guidelines Section 15301 (Existing Facilities) because it consists of the operation, maintenance, permitting, licensing, and minor alteration of an existing private structures involving negligible or no expansion of an existing use.

Lead Agency
   Contact Person: Sonia Pierce  Area Code/Telephone/Extension: (951) 922-3152

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: May 31, 2019  Title: Senior Planner

☒ Signed by Lead Agency ☒ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR:

Revised 2011
TO:         PLANNING COMMISSION
FROM:       Adam B. Rush, Community Development Director
PREPARED BY: Mark de Manincor, Contract Planner
MEETING DATE: June 5, 2019
SUBJECT: TENTATIVE TRACT MAP NO. 37390. PROPOSAL TO
SUBDIVIDE APPROXIMATELY 93 GROSS ACRES OF VACANT
LAND FOR PURPOSES OF CREATING 362 SINGLE FAMILY
LOTS, 1 LOT FOR A PARK SITE, 13 OPEN SPACE LETTERED
LOTS (INCLUDING RECREATION AND DRAINAGE), AND
PUBLIC STREETS, ALL WITHIN PLANNING AREA 2B, 6, 7, 8A,
8B, 23, 24, 25, 35A, 35B, AND 50B OF THE BUTTERFIELD
SPECIFIC PLAN AREA

RECOMMENDED ACTION:

Staff recommends that the Planning Commission Adopt Resolution 2019-15, recommending the City Council take the following actions:

I. Find that in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, that all previous environmental impacts have been evaluated and disclosed and that a subsequent environmental document is not required.

II. Approve Tentative Tract Map No. 37390 to subdivide approximately 93 gross acres of land into 362 single family residential lots, parks, and open space uses along with public streets, subject to conditions of approval.

APPLICANT INFORMATION:

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

Property Owner: Pardee Homes
REQUEST:

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

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

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

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

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

On November 7, 2018, Tentative Map No. 37474 was scheduled before the Planning Commission; however, was continued off calendar. Subsequently, City staff has published new public hearing and property owner notifications in preparation for the June 5th Planning Commission meeting.

ANALYSIS:

The overall Butterfield Specific Plan project site is approximately 1,528 gross acres and is located generally at the northwestern corner of the City of Banning (see Figure 1), adjacent to Highland Springs Road which also serves as the Banning city limits. Tentative Tract Map No. 37390 is located generally within the southwesterly area of the Specific Plan, as detailed within the Key Map attached to this staff report.

The proposed Tentative Tract Map No. 37390 includes the following Planning Areas (PA) within the Butterfield Specific Plan: Planning Areas 2B, 6, 7, and 50B (Low Density Residential); Planning Areas 8A, and 8B, (Medium Density Residential); Planning Area 24 (Parks); and Planning Area 25, and portions of 23, 35A, 35B (Open Space). See Figure 3 below; a larger copy of the Butterfield Specific Plan land use map is included with this report as Attachment 3.
Additionally, the proposed Tentative Tract Map will create public streets, identified as “A” through “Z” and “AA” through “HH.”

**Residential Planning Areas**

**Low Density Residential: Planning Areas 2B, 6, 7, and 50B**

The proposed Tentative Tract Map encompasses four Planning Areas (PAs) – 2B, 6, 7, and 50B – that are identified within the Butterfield Specific Plan as “Low Density Residential” (LDR) development planning areas.

LDR lots are intended as detached single-family homes with private yards. There are two categories of development standards within the Butterfield Specific Plan for LDR planning areas. The minimum LDR lot sizes and dimensions for PAs 2B, 6, 7, and 50B are as follows:

- **Minimum lot area:** 5,000 square feet
- **Minimum lot width:**
  - Interior: 46’
  - Corner: 51’
- **Minimum lot frontage:** 20’

All residential lots within the propose subdivision comply with the minimum lot area and dimensional requirements as specified for PAs 2B, 6, 7, and 50B. In PA 2B, the minimum lot size allowed is 5,000 square feet; the minimum lot size proposed is 5,500 square feet and the average lot size is 6,217 square feet. In PA 6, the minimum lot size allowed is 5,000 square feet; the minimum lot size proposed is 5,500 square feet and the average lot size provided is 7,126 square feet. In PA 7, the minimum lot size allowed is 5,000 square feet; the minimum lot size proposed is 6,000 square feet and the average lot size is 8,177 square feet. In PA 50B, the minimum lot size allowed is 5,000 square feet; the minimum lot size proposed is 6,000 square feet and the average lot size provided is 7,225 square feet.

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The Butterfield Specific Plan allows adjustment of residential planning boundaries of up to 20% to be approved by the Community Development Director as substantially conforming to the Specific Plan, and revisions to the number of dwelling units within a PA can be approved by the Community Development Director as substantially conforming to the Specific Plan as long as the total number of units for the Specific Plan area does not exceed the maximum number of approved Specific Plan units nor the maximum density allowed in a Planning Area. The number of dwelling units within PA 2B has increased by 2, the number of dwelling units within PA 6 has increased by 2, and the number of dwelling units within PA 50B has increased by 3, for a total increase of 7. The number of dwelling units within PA 7 has decreased by 5, producing a total increase of 2 units. As such, the proposed Tentative Tract Map No. 37390 meets the required criteria for substantial conformance approval.

Grading:

Where pad elevations provided for residential lots indicate that there may be an elevation difference between residential lots, lot lines will be at top of slope.

Future City Approvals:

Grading permits (rough and precise grading); encroachment permits, water, sewer, and reclaimed water connection permits may be issued by the City of Banning Department of Public Works after approval of the proposed Tentative Tract Map No. 37390.

Medium Density Residential: Planning Areas 8A and 8B

The proposed Tentative Tract Map No. 37390 encompasses one Medium Density Residential Planning Area (PA) 8A and one High Density Residential Planning Area (PA) 8B, which is being developed as MDR. Low Density Residential or Medium Density Residential uses may also be developed within the HDR planning areas. MDR lots are intended as either conventionally plotted detached single-family homes on individual lots with private yards, or as a cluster product (green court, motor court, or stub street court).

PA 8A and PA 8B MDR lots contained within the proposed Tentative Tract Map No. 37390 are conventionally plotted detached single-family home lots. The minimum MDR lot sizes and dimensions for conventionally plotted detached single family homes as requested are as follows:

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Minimum lot area: 3,400 square feet

Minimum lot width:
  - Interior: 46'
  - Corner: 51'

Minimum lot frontage: 20'

Maximum density: 10 du/ac

Each of the MDR lots presented within the proposed Tentative Tract Map No. 37390 meets the lot area and dimensional requirements specified for PAs 8A and 8B. In PA 8A, the minimum lot size proposed is 4,500 square feet and the average lot size is 6,168 square feet. In PA 8B, the minimum lot size proposed is 4,500 square feet and the average lot size is 6,144 square feet.

Below is a comparison of the proposed Tentative Tract Map No. 37390 dwelling unit numbers, acreages, and densities to the approved Specific Plan:

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Adjustment of residential planning boundaries of 20% or less can be approved by the Community Development Director as substantially conforming to the Specific Plan, and revisions to the number of dwelling units within a PA can be approved as substantially conforming to the Specific Plan as long as the total number of units for the Specific Plan area does not exceed the maximum number of approved Specific Plan units nor the maximum density allowed in a Planning Area.

Grading:

Pad elevations provided for some residential lots indicate that there may be elevation differentials between residential lots of twelve feet or more. The applicant has noted that the lot lines will be at top of slope where this condition occurs, that the elevation difference will be addressed via a 2:1 slope bank in the rear yard of the lower lot, and that the slope bank will occur outside of required rear yard setbacks to ensure usable yard area for the residence.
Future City Approvals:

Grading permits (rough and precise grading); encroachment permits, water, sewer, and reclaimed water connection permits may be issued by the City of Banning Department of Public Works after approval of the proposed Tentative Tract Map No. 37390.

Parks

The Tentative Tract Map No. 37390 includes one park. PA 24 is a 2.20-acre park lot located between the residential PA 8A and 8B lots.

<table>
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<tbody>
<tr>
<td>PA 22 acreage</td>
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Future City Approvals:

Permits for grading may be issued by the Engineering Department after approval of the proposed Tentative Tract Map No. 37390.

Open Space (PA) 25, portions of 23, 35A, 35B (Open Space) and Lettered Lots

The proposed Tentative Tract Map No. 37390 includes 9.89 acres of open space identified as Lots “J,” “K,” and “L” within Planning Area 23, Lot “D” within Planning Area 25, Lots “H” and “M” within Planning Area 35A, Lot “F” within Planning Area 35B, and various other lettered open space lots identified as lots “A” through “C”, Lot “E”, Lot “G”, and Lot “I”. Open space lots, located within Planning Area 23, and identified as Lots “J,” “K,” and “L” will be part of the open space system that replaced the former golf course as included in the minor modifications that were approved by the Planning Commission and City Council in February 2017. Planning Area 23 Lots “J,” “K,” and “L” open space lots will provide for stormwater management and a creek system – for the conveyance of drainage – and are also required to provide for active and passive recreational amenities, such as trails, seating areas, and other associated ancillary items incorporated within the open space.

Lots “J,” “K,” and “L” constitute approximately 0.43 acres located within Planning Area 23; which is a continuation of a creek system that will be integrated into the overall storm drain system to receive runoff from areas onsite and throughout the Specific Plan. The stormwater design is proposed to provide water quality treatment for stormwater runoff and nuisance flows, as well stormwater detention.

Open Space Lots “J,” “K,” and “L” within PA 23, Lots “H” and “M” within PA 35A, and Lot “F” within PA 35B, are part of the approximately 139.5 acres of central open space located throughout the central portions of the Specific Plan area. This area will take advantage of the natural terrain to accommodate drainage from Smith Creek, contain water quality features to treat urban run-off, incorporate landscaped amenities, and
incorporate native landscaping for biological mitigation. Uses of these planning areas will include active and passive recreational uses such as trails, exercise, education, and view areas, all linkable to the residential tracts, parks, and open space areas.

Open space Lots “A” through “C”, Lot “E”, Lot “G”, and Lot “I” total 2.39 acres and will provide landscaped buffers and connectivity along and between streets and trails.

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<td>PA 35B acreage</td>
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- PA 23 consists of Open Space Lots “J,” “K,” and “L” as well as 13.12 acres approved within Tentative Tract Map No. 37298. The combined total is 13.56 acres, which represents a reduction in open space of 17.82%. This total acreage is in substantial conformance with the Specific Plan. Tentative Tract Map No. 37298 included a condition of approval requiring that prior to grading permits, the applicant provide an exhibit depicting the overall area within PA 23 showing substantial conformance. The information is included in Figure 3.

- PA 35A consists of Open Space Lots “H” and “M” as well as 5 acres approved within Tentative Tract Map No. 37298. Open Space Planning Area 35A also includes an additional 5.28 acres that will be contained within Phase 2 maps. The applicant has indicated that PA 35A will ultimately be 10.56 acres (a 14.92% decrease). PA 35A will be within allowable substantial conformance limits. Staff has included a condition of approval requiring that upon submittal of the tentative tract map that includes the remaining open space areas, the applicant shall confirm that the above acreages are being met. An exhibit depicting the overall area within (PA) 35A showing substantial conformance is included in Figure 3.

- PA 35B consists of Open Space Lot “F” as well as 13.69 acres proposed within Tentative Tract Map No. 37389 within Phase 2. The applicant has indicated that PA 35B will ultimately be 13.79 acres (a .01% decrease). PA 35B will be within allowable substantial conformance limits. Staff has included a condition of approval requiring that upon submittal of the tentative tract map that includes the remaining open space areas, the applicant shall confirm that the above acreages
are being met and to provide an exhibit depicting the overall area within PA 35B showing substantial conformance.

- Adjustment of planning boundaries of 20% or less can be approved by the Community Development Director as substantially conforming to the Specific Plan.

**Figure 3: OPEN SPACE CONFORMANCE EXHIBIT**
PA 23/proposed open space Lots “J,” “K,” and “L,” PA 35A/proposed open space Lots “H” and “M,” and PA 35B/proposed open space Lot “F” are anticipated to be maintained by a Landscape Maintenance District or an established Home Owner’s Association (HOA).

Future City Approvals:

Grading permits (rough and precise grading); encroachment permits, water, sewer, and reclaimed water connection permits may be issued by the City of Banning Department of Public Works after approval of the proposed Tentative Tract Map No. 37390.

**Streets/Circulation System**

Proposed streets within the subdivision will be public streets and are consistent with sections provided in the Butterfield Specific Plan. Residential streets proposed will be 36’ wide from curb to curb, consistent with the approved Specific Plan and allowing for on-street parking.

Proposed entry streets to residential neighborhoods will include medians.

**Utilities**

Electrical service will be provided by the City of Banning. The Electric Utility has provided conditions of approval that have been incorporated into the draft Project conditions. Permanent City of Banning electrical utilities will be underground with the exception of temporary overhead electrical lines and pad-mount equipment such as transformers and switchgear.

Water and wastewater services will be provided by the City of Banning.

**Other Improvements**

Additionally, a stormwater management/flood control basin (Basin 3) will be constructed at the corner of Wilson and “C” Streets as part of Phase 1 of the Butterfield project. The project requires a larger drainage storage capacity in Basin 3 in Phases 1 and 2 than what will be required in later phases of the project, therefore Basin 3 will be constructed in a way that facilitates future alteration of the basin. In Phases 1 and 2 of the project, Basin 3 will serve as both a stormwater quality treatment/infiltration basin and as a 100-year flood retention basin. After the construction of Phase 3 the basin will serve only as a water quality/infiltration basin. Therefore, the basin size will be reduced concurrently with the construction of Phase 3 of Butterfield. Reducing the size of Basin 3 will allow the construction of the realigned Smith Creek channel. Basin 3 will include a low berm dividing the permanent portion of the basin on the western side, and adjacent “C” Street from the temporary portion of the basin nearer to Smith Creek. Basin 3 will be hydroseeded in the interim condition and is ultimately expected to be landscaped with primarily riparian plantings.
ENVIRONMENTAL DETERMINATION:

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

Potential environmental issues associated with the proposed Tentative Tract Map were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149) as modified by the Addendum approved by the City Council on February 14, 2017, which documents are on file in the Community Development Department. There have been no substantial changes in the Project nor in the circumstances under which the Project is undertaken which will require major revisions of the previous environmental document; nor is there new information that shows that the Project will have a significant environmental effect or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required.

The project will be conditioned to comply with the mitigation measures of the approved Mitigation Monitoring and Reporting Program (MMRP).

2. **Multiple Species Habitat Conservation Plan (MSHCP):** The Project EIR’s mitigation measures, including submittal of a Determination of Biologically Equivalent of Superior Preservation (DBESP), ensure consistency with the Western Riverside County MSHCP. These mitigation measures will be incorporated into all development approvals as required by the project MMRP to ensure consistency with the MSHCP.

PUBLIC COMMUNICATION

The Planning Commission’s consideration of the proposed Tentative Tract Map No. 37390 was advertised in the *Record Gazette* newspaper on October 26, 2018 (Attachment 10). Additionally, the notice was mailed to all property owners within 300 feet of the Project and the mailing was expanded to include property owners within 300’ of the Specific Plan boundaries. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

Prepared by: 
Mark de Manincor
Contract Planner

Reviewed by: 
Adam B. Rush, AICP
Community Development Director
Attachments:

2. Tentative Tract Map 37390
3. Butterfield Specific Plan, Land Use Plan
4. Butterfield Specific Plan Excerpts, Development Regulations
5. Ordinance 1450 (Approving the Butterfield Specific Plan)
6. Butterfield Specific Plan Development Agreement
7. CC Resolution 2017-07 Approving Minor Modifications and Attachment C, Conditions of Approval
8. Mitigation Monitoring and Reporting Program and Addendum Modifications
9. Public Hearing Notice
Attachment 1

Planning Commission Resolution 2019-15
RESOLUTION 2019-15


WHEREAS, an application for Tentative Tract Map No. 37390, attached hereto as Exhibit “A,” to subdivide approximately 93 gross acres of vacant real property into residential, park, and open space lots, along with public streets (the “Project”), has been duly filed by:

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

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

Parcel Address: North of Wilson Street, east of Highland Springs Avenue

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

Lot Area: Approximately 93 gross acres;

WHEREAS, pursuant to Title 16 of the Banning Municipal Code, the Planning Commission has the authority to review and make recommendations to the City Council concerning Tentative Tract Map No. 37390;

WHEREAS, the Community Development Department has evaluated the Project's potential effects on the environment as required under the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code, § 21000 et seq.) and determined that potential impacts associated with proposed Tentative Tract Map No. 37390 were adequately analyzed under the previously approved Final Environmental Impact Report.
for the Butterfield Specific Plan project (SCH No. 2007091149) and that pursuant to
CEQA Guidelines Section 15162 no further environmental analysis is required;

WHEREAS, in accordance with Government Coce Sections 66451.3, 65090 and
65091, on May 24, 2019 the City gave public notice, by advertisement in the Record
Gazette Newspaper, and by mailing to the owner of the subject real property, the owner’s
duly authorized agent, the Project applicant, and property owners within 300 feet of the
Project site, of a public hearing concerning the Project; and

WHEREAS, in accordance with Banning Municipal Code Section 16.12.080, on
June 5, 2019, the Planning Commission held a public hearing at which time interested
persons had an opportunity to testify in support of, or opposition to, the Project, and at
which the Planning Commission considered Tentative Tract Map No. 37390.

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

SECTION 1: California Environmental Quality Act and Multiple Spec ies Habitat
Conservation Plan Findings. The Planning Commission of the City of Banning does
hereby recommend that the City Council of the City of Banning make the following
environmental findings and determinations in connection with the approval of the Project:

A. Pursuant to the California Environmental Quality Act (“CEQA”) (Cal. Pub.
Res. Code, § 21000 et seq.), the State Guidelines (14 Cal. Code Regs. §
15000 et seq.), and the City’s Local Guidelines, City staff has considered
the potential environmental impacts of Tentative Tract Map No. 37390. City
staff has also reviewed the previously certified Environmental Impact
Report (EIR) for the Butterfield Specific Plan project (SCH No.
2007091149), including the impacts and mitigation measures identified
therein, and reviewed the EIR in accordance with CEQA for the Project.
Based on that review, the City of Banning Planning Division has determined
that the Project and the circumstances under which the Project is
undertaken do not involve substantial changes which will result in new
significant environmental effects, and that the Project does not involve new
information of substantial importance which shows that the Project will have
significant effects not discussed in the prior EIR. All potential environmental
impacts associated with the Butterfield Specific Plan and Tentative Tract
Map No. 37390 are adequately addressed by the prior EIR.

B. The City Council has independently reviewed the Planning Division’s
determination, and based upon the whole record before it, the the Planning
Division’s determination, and its independent review and judgment, finds
that that the Project is not subject to further environmental review pursuant
to the Guidelines because: (1) the Project and the circumstances under
which the Project is undertaken do not involve substantial changes which
will result in new significant environmental effects, and that the Project does
not involve new information of substantial importance which shows that the
Project will have significant effects not discussed in the prior EIR; and (2)
all potential environmental impacts associated with Butterfield Specific Plan and the proposed Tentative Tract Map No. 37390 are adequately addressed by the prior EIR.

C. The custodian of records for the prior EIR, and all other materials that constitute the record of proceedings upon which the City Council’s recommendation is based, is the Planning Division of the City of Banning. Those documents are available for public review in the Planning Division located at 99 E. Ramsey Street, Banning, California 92220.

D. Multiple Species Habitat Conservation Plan (MSHCP). The Project EIR’s mitigation measures, including submittal of a Determination of Biologically Equivalent of Superior Preservation (DBESP), ensure consistency with the Western Riverside County MSHCP. These mitigation measures will be incorporated into future development approvals as required by the Project Mitigation Monitoring and Reporting Program to ensure consistency with the MSHCP.

SECTION 2: Findings for Recommendation of Approval of Tentative Tract Map No. 37390. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning find and determine that Tentative Tract Map No. 37390 should be approved because:

A. Finding: Tentative Tract Map No. 37390 is consistent with the objectives, policies, general land uses, and programs specified in the City’s General Plan and the Butterfield Specific Plan.

Findings of Fact:
The General Plan land use designation for the site is classified as Specific Plan; the Butterfield Specific Plan includes land use designations of Low Density Residential, Medium Density Residential, Open Space, and Parks uses within the proposed Project area. The proposed Tentative Tract Map No. 37390 is consistent with the City’s General Plan in that it will provide for a range of housing types, parks, and open space as envisioned by the General Plan’s Land Use element and an efficient transportation system as envisioned by the General Plan’s Circulation element. It is consistent with the Butterfield Specific Plan as it provides for land uses consistent with those designated for the Project area by the Specific Plan land use map. As such, the proposed Tentative Tract Map No. 37390 is consistent with the objectives, policies, general land uses, and programs specified in the City’s General Plan and the Butterfield Specific Plan.

B. Finding: The design and improvement of the subdivision proposed under Tentative Tract Map No. 37390 is consistent with the City’s General Plan and the Butterfield Specific Plan.

Findings of Fact:
The design and improvement of the proposed subdivision is consistent with the City’s General Plan and the Butterfield Specific Plan in that it will provide for a range of housing to meet the needs of the City’s residents, and an efficient transportation system as envisioned by the General Plan, and is designed to meet City standards, including providing satisfactory pedestrian and vehicular circulation, emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities consistent with the Specific Plan.

C. Finding: The subject site is physically suitable for the type of development proposed under Tentative Tract Map No. 37390.

Findings of Fact:
The Project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the Project site is provided by Highland Springs Avenue and Wilson Street. Analysis of the Project site relative to the physical suitability of the site for development was included in previous approvals for the Butterfield Specific Plan and the site is physically suitable for the proposed development as allowed under the Butterfield Specific Plan.

D. Finding: The site is physically suitable for the proposed density of development under Tentative Tract Map No. 37390.

Findings of Fact:
The Project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the site is provided by Highland Springs Avenue and Wilson Street. Analysis of the Project site relative to the physical suitability for density of development was included in the approvals for the Butterfield Specific Plan, and the proposed number of dwelling units is lower than that allowed under the Butterfield Specific Plan.

E. Finding: The design of the subdivision and improvements proposed under Tentative Tract Map No. 37390 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Findings of Fact:
Potential environment issues associated with the proposed Tentative Tract Map No. 37390 were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149), as amended by the Addendum approved by the City Council in February 2017. With the imposition of mitigation measures, the Project will not have a significant effect on biological resources. There have been no substantial changes in the Project, nor in the circumstances under which the Project is undertaken, that will require major revisions of the prior
certified EIR; nor is there new information that shows that the Project will have a significant environmental effect or an effect more severe than originally thought. Therefore, the proposed Tentative Tract Map No. 37390 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

F. Finding: The design of the subdivision and improvements proposed under Tentative Tract Map No. 37390 is not likely to cause serious health problems.

Findings of Fact:
The proposed Tentative Tract Map No. 37390 is in conformance with the City's General Plan, Zoning Ordinance, and Subdivision Ordinance and the Butterfield Specific Plan, and the Project has been conditioned to comply with all applicable Specific Plan requirements and requirements of the City’s ordinances, codes, and standards. In addition, the design and construction of improvements are conditioned to be in conformance with adopted City street and public works standards. The City’s ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety, and welfare.

G. Finding: The design of the subdivision and improvements proposed under Tentative Tract Map No. 37390 will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Findings of Fact:
Tentative Tract Map No. 37390 does not conflict with any easements for access through or use of property within the proposed subdivision.

H. Finding: The design of the proposed Tentative Tract Map No. 37390 provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Findings of Fact:
Tentative Tract Map No. 37390 does not propose any design features that would conflict with future passive or natural heating or cooling opportunities.

SECTION 3: PLANNING COMMISSION ACTION - Recommendation of Approval of Tentative Tract Map No. 37390 with Conditions. Based on the foregoing, the Planning Commission of the City of Banning hereby recommends that the City Council of the City of Banning approve Tentative Tract Map No. 37390, attached hereto as Exhibit “A,” a subdivision of approximately 93 gross acres into 362 single family lots, 362 single family lots, 1 lot for parks, 13 open space lots, and public streets on real property located north of Wilson Street and east of Highland Springs avenue within the southwesterly portion of the Butterfield Specific Plan (APNs: Portions of 408-120-010 408-120-012, 408-120-013,
and 408-120-020), subject to the recommended Conditions of Approval attached as Exhibit “B”.

PASSED, APPROVED AND ADOPTED this 5th day of June, 2019.

______________________________________________
Eric Shaw, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

__________________________
Serita Young, Assistant City Attorney
Richards Watson & Gershon

ATTEST:

__________________________
Sandra Calderon, Recording Secretary
City of Banning, California
CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2019-15, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 5th day of June, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________________________
Sandra Calderon, Recording Secretary
City of Banning, California
Exhibit “A”
Tentative Tract Map No. 37390
(See Attachment No. 2)
Exhibit “B”
Tentative Tract Map No. 37390 Conditions of Approval
(See Attachment No. 7)
Attachment 2

Tentative Tract Map 37390
## RESIDENTIAL LOT SUMMARY

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## PLANNING AREA SUMMARY

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### AREA SUMMARIES

**ATWELL**

**PHASE 1B / TENTATIVE TRACT NO. 37390**

**P.A.'s 2B, 6, 7, 8A, 8B, 23, 24, 25, 35A, 35B & 50B**

**CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

**SHEET 4 OF 14**
Attachment 3

Butterfield Specific Plan Land Use Plan
Attachment 4

Butterfield Specific Plan Land Excerpts – Development Regulations


(Full Pardee Butterfield Specific Plan available on City website at under Butterfield Specific Plan)

http://www.ci.banning.ca.us/Archive.aspx?ADID=1741
Attachment 5

Ordinance 1450 Approving the Butterfield Specific Plan
and associated conditions of approval

https://ci.banning.ca.us/Archive.aspx?ADID=1874
Attachment 6

Butterfield Specific Plan Development Agreement

https://ci.banning.ca.us/Archive.aspx?ADID=1875
Attachment 7

CC Resolution 2017-07 Approving Minor Modifications and Attachment C, Conditions of Approval

https://ci.banning.ca.us/Archive.aspx?ADID=1878
Community Development

1. The City and Developer are parties to a Development Agreement, recorded on July 17, 2012, as document number 2012-0332888 (“DA”). In the event of any inconsistency or conflict between these Conditions of Approval and the DA, the DA shall control. The Developer shall indemnify the City as described in the DA.

2. Approval of this entitlement shall not waive compliance with any sections of the DA, Butterfield Specific Plan, or other applicable City Ordinances in effect at the time of building permit issuance, to the extent such City Ordinances are applicable to the project and not vested under the DA.

3. Approval of Tentative Tract Map 37390 shall run with the term of the DA. All conditions of approval must be met on or before the expiration date or the applicant must request an extension of time at least thirty (30) days prior to the expiration date, and receive approval of said extension; otherwise, the approval shall expire and become null and void.

4. Unless approved otherwise by City, the Developer shall comply with all applicable conditions of City Council Ordinance No. 1450 approving the Butterfield Specific Plan and conditions of City Council Resolution No. 2017-07 approving Minor Modifications to the Butterfield Specific Plan.

5. All mitigation measures required by the Butterfield Specific Plan Environmental Impact Report Mitigation Monitoring and Reporting Program (MMRP), as modified pursuant to the approved Addendum, and conditions of the project’s Settlement Agreement shall be implemented if those measures/conditions relate to this phase or part of the development or are required to be satisfied in connection with this phase or part of the development.

6. A copy of the signed resolution of approval and all conditions of approval and any applicable mitigation measures shall be reproduced in legible form on the grading plans submitted for review and approval as required by the reviewing department.

7. The Developer shall pay all applicable development impact fees and other fees as required under the DA. Adjustments and/or fee credits to the applicable DIFs may be provided as allowed in the DA and any applicable implementing DIF credit agreement. The project proponent shall provide written evidence to the City that school mitigation fees have been paid or other arrangements acceptable to the applicable school district and Developer have been met.

8. Deposits shall be handled per the executed Deposit Agreement dated May 7, 2019.

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

10. Per DA Exhibit E, Section 5.2, the Developer shall stabilize according to the City Grading and Landscaping Ordinance [as it may be vested under the DA] the rear slope of all residential lots prior to issuance of a certificate of occupancy but shall not be required to landscape and/or irrigate the slopes. It is the intention that the rear yard landscaping will be required and installed within the time specified in the CC&Rs by the homeowner.

11. Per DA Section 6.5.2, Phasing Plans specifying when the lots within Tract 37390 will be developed and when all appropriate public infrastructure within Tract 37390 will be constructed shall be approved prior to commencement of development within the tract. Prior to approval of the Final Map, all conditions requiring the provision or proposed project facilities and subdivision improvements for the area covered by the Tentative Map must be satisfied either through performance or through the provision of suitable security prior to recordation of the Final Map or deferred with City approval under the terms of the DA.

12. Prior to precise grading plan approval, a conceptual (non-structural) project wall/fencing plan to include retaining walls, perimeter walls, and interior walls shall be developed and shall be subject to design review approval by the Planning Department.

13. Prior to precise grading plan approval for PA 25, a Design Review application for Open Space PA 25 shall be reviewed and approved by the Planning Department. The Design Review application for PA 25 shall include conceptual details on recreational uses to be provided within PA 25, including how these facilities will be linkable to other tracts, parks and open space including public access.

14. Prior to construction of the parks and open space in PA 24 and 25, respectively, the Developer shall obtain approval of a detailed site plan demonstrating the facilities to be provided from the Director of Community Development.

15. All residential and commercial neighborhoods and public facilities shall require Design Review approval by the Planning Department.

16. Temporary construction fencing shall be installed around portions of the tract under construction until replacement by permanent walls/fencing or completion of improvements.

17. Developer shall meet all legal requirements of responsible agencies.

Engineering/Public Works

A. General Requirements

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

19. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any applicable and legally required clearances and/or permits. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvement plans to the City:

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

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

a. Rough Grading Plans
   1” = 40’ Horizontal

b. Haul Route Plans
   (If soils are exported off site)
   1” = 40’ Horizontal

c. Clearing Plans
   (Include fuel modifications zones)
   (Include construction fencing plan)
   1” = 50’ Horizontal

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

e. Storm Drain Plans
   1” = 40’ Horizontal

f. Street Improvement Plans
   1” = 40’ Horizontal
   1” = 4’ Vertical
g. Traffic Signal Plans  
   (Caltrans Standard)  
   1” = 20’ Horizontal

h. Signing & Striping Plans  
   1” = 40’ Horizontal

i. Construction Traffic Control Plan  
   (Major or Arterial Highways only)  
   1” = 40’ Horizontal

j. Precise Grading Plans  
   1” = 40’ Horizontal

k. Landscaping Plans  
   1” = 20’ Horizontal

l. Water, Sewer, & Non-potable Water Plans  
   1” = 40’ Horizontal

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

21. 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.

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

23. 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.

24. 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.

25. All future utility systems including gas, electric, telephone, water, sewer, and cable TV, except for temporary utility systems as defined under the DA, shall be provided for underground, with easements provided as required, and designed and constructed in accordance with City codes and the utility provider. Telephone, cable TV, and/or security systems shall be pre-wired.
B. Rights of Way/Public Improvements

26. Prior to issuance of any permit(s), the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed project/development. If those property rights are located outside the project/development, then the procedures and requirements of Government Code Section 66462.5 shall apply, including the potential acquisition of those rights by the City or waiver of the City’s requirement to obtain those rights. Conferred rights may include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.

27. The applicant shall offer for dedication on the Final Map, within Final Map boundaries, all public street right-of-way in conformance with the DA and the Butterfield Specific Plan. The City may reject the dedications and leave them open for future acceptance when all required public street improvements for the map are installed by the applicant in the rights of way.

28. Maintenance easements dedicated to the City of Banning shall extend at most 10-feet beyond the toe of slope, where sufficient space is available or as approved by the City Engineer, for those slope areas where maintenance falls within the responsibility of the City.

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

30. All street improvement designs shall provide pavement and lane transitions per City of Banning and Caltrans standards for transition to existing street sections, subject to the terms of the DA.

31. Design and construct full street improvements in accordance with City standards, subject to the terms of the DA, for ALL streets as approved on the Final Map including, but not limited to, street lighting, curb and gutter, cross gutters and spandrels, access ramps, driveway approaches, sidewalk, asphalt concrete pavement, street name signs, traffic signs and striping, and any transitions. Applicant’s geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method. STREET AND SIDEWALK WIDTHS AND CROSS SECTIONS SHALL COMPLY WITH THE APPROVED 2016 UPDATED BUTTERFIELD SPECIFIC PLAN or as agreed to by the Developer and City Engineer.

32. The applicant shall plant and maintain trees, shrubs, and ground cover placed in the parkway, slopes adjacent to public right-of-ways, and median islands constructed in
connection with the project in accordance with applicable City standards until maintenance of such area is turned over to HOA, LMD or other public financing District. This includes ensuring that irrigation systems are operating properly, the clearing of debris, and regular weed removal. Turnover to a LMD or other public financing District will not be unreasonably withheld, conditioned or delayed.

33. All applicable public improvements required for occupancy shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy. City to provide inspections in timely manner and any inspections exceeding 2 inspections to require meeting with City Engineer to address.

C. Grading and Drainage

34. The applicant shall submit an updated Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFC), RCFC Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way. When these criteria are exceeded, additional drainage facilities shall be designed and constructed.

35. At a minimum, all development will make provisions to store runoff from rainfall events up to and including the 100-year 3-hour duration event. Post-development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates.

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

37. 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.

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

39. 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.

40. 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.

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

   a. Temporary Soil Stabilization (erosion control).
   b. Temporary Sediment Control.
   c. Wind Erosion Control.
   d. Tracking Control.
   e. Non-Storm Water Management.
   f. Waste Management and Materials Pollution Control.

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

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

44. 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.

45. 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.

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

47. Prior to the issuance of a grading permit, the applicant shall execute a Stormwater Management Facilities Agreement on terms agreed to by the parties guaranteeing the maintenance of stormwater pollution controls. Said agreement shall be recorded with the Riverside County Recorder and run with the land.

48. Prior to issuance of any grading or building permit, the applicant shall install trash filters on newly constructed storm drain systems that are not tributary to any onsite water quality/detention basin in compliance with the Trash Amendment as amended and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.
49. A notation shall be placed on the rough grading plan: “Compliance with Mitigation Measures BIO-1 and BIO-2 is required.”

50. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification. The pad certification shall include an elevation and compaction certification. The elevation certification shall be stamped and signed by a licensed civil engineer or land surveyor and shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. The compaction certification shall list the relative compaction of the pad soil and shall be certified by a licensed geotechnical engineer.

51. If this Final Map includes areas within a designated Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Special Flood Hazard Zone, a letter of map revision (LOMR) shall be processed through FEMA and provided to the City Engineer prior to occupancy of affected lots.

52. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Prior to issuance of any grading permits, FEMA may require a hydrologic and hydraulic analysis to be submitted and approved that demonstrates that the development will not cause any rise in base flood levels.

D. Landscaping Public Right of Way

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

54. An automatic sprinkler system and landscaping shall be installed, prior to certificate of occupancy for the portion of the project for which certificates of occupancy are requested, within the common areas including perimeter slopes and the interior collector streets. Each system shall include a smart landscape irrigation controller (including remote communication), a separate water meter and electric meter, and plantings as approved by the Community Development Director. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.

55. A home owners' association shall be established and the applicable Conditions, Covenants & Restrictions (CC & R’s), shall be prepared for review and approval of the City Engineer at the time set forth in the DA providing for maintenance of the parkway on-site lighting and landscaping, slopes adjacent to public right-of-ways, onsite private parking/roadway, any debris basins, BMP’s referenced in the approved WQMP, and median island landscaping. The developer shall appoint the initial members of the Board of Directors of the home owners' association, or take such other steps as may be reasonably necessary to assure
that members have been appointed or elected to such Board of Directors, until under the terms of the applicable CC & R's individual lot owners have the power to elect the members of the Board of Directors in accordance with the CC & R's.

56. The, conditions, covenants, and restrictions shall contain provisions which prohibit dissolution of the home owners' association unless another entity has agreed to assume the operation and maintenance responsibilities of the home owners’ association. The conditions, covenants and restrictions shall contain provisions that prohibit the developer and his/her successors-in-interest from amending said covenants, conditions and restrictions to conflict with these Conditions of Approval.

57. Alternatively, to having an HOA provide maintenance of the parkway on-site lighting and landscaping, slopes adjacent to public right-of-ways, any debris basins, BMP’s referenced in the approved WQMP, and median island landscaping, a Landscaping Maintenance District (LMD), or other public financing mechanism, can be formed to provide for the landscape maintenance.

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

59. Landscape improvement plans shall incorporate the City’s letter, dated May 11, 2019, providing construction level recommendations to the landscape working drawings.

E. Traffic

60. As part of each Final Map, a validation report, referencing compliance with Mitigation Measure TRF-2; which requires a Traffic Impact Analysis (TIA) validation report, is required at the direction of the City Engineer.

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

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

63. Driveway grades shall be designed in accordance with current City standards.
64. Parking areas shall be designed and improved with grades not to exceed five percent slope. All applicable ADA standards will be adhered to.

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

66. Prior to the issuance of any certificate of occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the applicant or developer until the street is accepted by the City for maintenance.

A. Final Map

67. Prior to approval of any Final Map, the applicant shall construct on-site and off-site improvements required for the development of the property in accordance with the approved plans and satisfy its obligations for same, or shall furnish a fully secured and executed Subdivision Improvement Agreement on terms agreed to by the Parties guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, unless such improvements are deferred with City approval under the terms of the DA or as otherwise set forth under the terms of the DA. For off-site improvements, the procedures and requirements of Government Code Section 66462.5 shall apply, including the potential acquisition of those rights by the City or waiver of the City’s requirement to obtain those rights.

68. Prior to the recordation of Final Map or the issuance of a grading permit, the applicant shall obtain approval from the Fire Marshall in consultation with the City Engineer, for a conceptual fuel modification plan and program, unless the Fire Marshall finds in writing to the City that such plan and program are not required for development of the property within the boundaries of this TTM No. 37390. Prior to the issuance of any certificate of occupancy, the fuel modification shall be installed and completed under the supervision of the Fire Marshall with an approved plant palette. The CC&Rs or other approved documents shall contain provisions for maintaining the fuel modification zones, including the removal of all dead and dying vegetation.

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

- Faithful Performance Bond 100% of estimated cost
- Labor and Material Bond 100% of estimated cost
- Monumentation Bond $10,000.00

Securities for the public improvements shall be on file with the City Clerk prior to scheduling the final map for approval by City Council. Unit prices for bonding estimates shall be those specified or approved by the City Engineer.
70. Prior to approval of the Final Map, the applicant shall submit a list of street names and addresses in Microsoft Excel spreadsheet format for review and approval. The house number system shall be in accordance with Section 12.32 of the Banning Municipal Code. A reduced copy of the subdivision map shall be included with the submittal.

71. Revisions to the Tentative Map during Final Map plan check process; including, but not limited to, lot line alignments, easements, improvement plan revisions, and similar minor changes that are in substantial compliance with the Tentative Map, or associated Conditions Of Approval, shall be administratively approved through the plan check process with the mutual consent and approval of the Developer, the Community Development Director, and the City Engineer. Changes that are not administratively approved, through the process referenced above and herein shall be amended in accordance with the Subdivision Map Act, as amended and codified within the Banning Municipal Code (BMC).

72. Prior to approval of any Final Map the applicant shall identify and include in its improvement plans those routine structural and non-structural Best Management Practices (BMP’s) as outlined in Supplement A to the Riverside County Drainage Area Management Plans and any attachments or as approved by the City Engineer.

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

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

75. An original Mylar of the Final Map (after recordation) shall be provided to the City for the record files.

76. Public improvements shall be completed and accepted by City of Banning prior to release of Faithful Performance Bond and Labor and Material Bond for such improvements. Faithful Performance Bond for applicable public improvements shall be reduced to 10% once City accepts improvements into maintenance period. Final 10% to serve as the maintenance bond for the 1-year maintenance period.

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

G. Water

78. Submit Water Improvement Plans along with the infrastructure phasing plan to the City Engineer for review and approval. The phasing plan, which shall be supported by a hydraulic analysis, shall identify all required water infrastructure (e.g. water mains, wells, booster stations, pressure reducing stations, reservoirs, etc.) required to meet the demands of this tract map. Design and construct water lines throughout and to property boundaries to tract as
needed. The proposed new water lines shall connect to the City’s water system and may provide a connection to the Beaumont Cherry Valley Water District (BCVWD) system as needed.

79. Submit a hydraulic analysis report demonstrating adequate pressures throughout the Tract 37390 water system during max day demand (MDD) with fire flow conditions. The hydraulic analysis, based on the City’s latest calibrated water model, shall identify when and if additional facilities would be required to meet Tract 37390 water demands.

80. All water lines and fitting shall be a minimum of 8-inch in diameter and shall be DIP. Water line easements shall be a minimum width of 20 feet if installed outside of right-of-way or public utility easement.

81. Fire hydrants shall be installed within and on the tract boundaries as per approved plans, at a 300-foot maximum spacing.

82. A backflow device must be installed on all commercial buildings and at each irrigation water connection. The backflow device must be in compliance with City of Banning.

83. Fire Services will require an RPDA Device.

84. Timing and sizing of the construction of the water storage tanks shall be identified in the phasing plan as determined by the water system analysis or as agreed to by the Developer and City.

H. Sewer

85. Submit Sewer Improvement Plans along with the infrastructure phasing plan to the City Engineer for review and approval. The phasing plan shall identify all required sewer infrastructure (e.g. sewer mains, lift stations, treatment facilities, manholes, etc.) required to meet the demands of the tract map. A hydraulic analysis will need to be prepared and submitted that demonstrates the maximum discharge that can be accommodated by the existing collections system before a new trunk line is needed. Design and construct sewer lines throughout and to property boundaries of this tract. The proposed new sewer lines shall connect into the City’s sewer system.

86. All sewer lines to be constructed within the public right-of-way and be extra strength Vitrified Clay Pipe (VCP) or Polyvinyl Chloride (PVC) Pipe. All sewer mains shall be minimum of 8 inches in diameter. Any sewer main less than 15” shall be PVC. Any sewer main 15” or greater shall be VCP. Final sizes shall be approved by the City Engineer based on calculations submitted by the design engineer accounting for ultimate discharge flows for phase and all upstream areas. Sewer line easements shall be a minimum of 20 feet wide if installed outside of right-of-way or public utility easement.

87. Each residential unit shall have its own sewer lateral and shall be PVC SDR 26.
88. 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.

89. **Sewer flow monitoring COA for Phase 1** – "Until such a time as the new Atwell Sewer Lift Station is constructed and fully operational, sewer flows shall be continuously monitored at a mutually agreed-upon location. The means of monitoring shall be by a flow meter that is capable of recording velocities and estimate flow volume, with a minimum data resolution of 15-minute intervals. Flow meter shall be installed and calibrated by a qualified sewer flow monitoring technician. Data shall be available directly to City of Banning staff via a cloud-hosted solution. The developer shall be responsible for all costs related to the sewer flow monitoring, including cloud-hosting of the data.

I. **Recycled Water (Non-Potable)**

90. Submit Non-potable Water Improvement Plans along with a Non-potable Water Master Plan that includes a written phasing plan to the City Engineer for review and approval. Design and construct Non-potable Water lines throughout to parks, schools, and other large irrigation areas and to tie-in points at the tract boundary. The proposed new Non-potable Water lines shall have an interconnection to the BCVWD’s existing stub-outs located along Highland Springs Avenue.

91. All Non-potable Water lines to be constructed within the Public right-of-way shall be a minimum of 8-inches in diameter DIP, encased in purple-colored V-Bio polyethylene encasement. Final sizes shall be approved by the City Engineer based on hydraulic calculations provided by the design engineer. Where Non-potable Waterline easements are necessary, they shall be a minimum of 20 feet wide if improvements are installed outside of right-of-way or public utility easements.

92. Any Final Map shall comply with the provisions of Government Code Section 66473.7, as applicable, per the DA.

93. All Non-potable Water lines shall be Ductile Iron Pipe (DIP) Class 350, with restrained joints conforming to DIPRA design guidelines where required. All Non-potable Water DIP mains shall be protected with purple-colored V-Bio polyethylene encasement.

94. A backflow device must be installed on each irrigation water connection; and in compliance with the State of California Department of Health Regulations. Contact the City of Banning, Water Operations Division, prior to the installation.

95. The Non-potable Water plans shall include appropriate signage for the irrigation of publicly-accessible areas with non-potable water as required by the California Code of Regulations.

**Electric Utility**

96. The City of Banning Electric Utility ("Utility") will require adequate easements needed to service the project. An easement area behind sidewalk may be needed for Wilson
Street and Highland Springs Avenue for vaults, conduits, street lights and pad mounted transformers and switches.

97. Easements will be required for vaults, conduits, meter pedestals, and pad mounted transformers and switches for Local and Arterial Streets "A-GG" to serve residential lots. A non-exclusive easement shall be provided to the City of Banning to include the installation of electric distribution facilities within all common areas.

98. All street lights to be installed on the major thoroughfares, arterial streets, and local streets will be assumed to be publicly owned and maintained by the Utility unless otherwise approved by the Electric Department for private maintenance.

99. Prior to constructing the Utility’s electric distribution system, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the Utility.

100. The Developer shall execute any legally required agreement with the Utility on terms agreed to by the parties providing for the installation, construction, improvement and dedication of the utility system following recordation of Final Map.

Fire Department

101. For residential areas, approved standard fire hydrants, located at each intersection and spaced 300-feet apart with no portion of any lot frontage more than a maximum of 250-feet from a hydrant. Minimum fire flow for all residential structures shall be 1000 GPM for a 2-hour duration at 20-psi residual operating pressure, which must be available in time permitted per the DA.

102. The required water system, including fire hydrants, shall be accepted by the City of Banning Public Works, Water Division in accordance with the timing per the DA. Two sets of water plans are to be submitted to the Fire department for approval.

103. The developer shall mount blue dot retro-reflectors pavement markers on private/public streets and driveways to indicate locations of all fire hydrants. Marker to be 8 inches from the centerline to the side that the fire hydrant is on, to identify the hydrant location.

104. Residential fire sprinklers are required in all dwellings per the California Residential Code.

105. Fire Apparatus access roads and driveways shall be in compliance with the Riverside County Fire Department Standard number 06-05 (located at www.rvcfire.org). Access lanes will not have an up or downgrade of more than 15%. Access roads shall have an unobstructed vertical clearance not less than 13 feet 6 inches. Access lanes will be designed to withstand the weight of 80 thousand pounds over 2 axles. Access will have a turning radius...
capable of accommodating fire apparatus. Access lane shall be constructed with a surface so as to provide all the weather driving capabilities.

106. Roadways may not exceed 1320-feet without secondary access. This access may be restricted to emergency vehicles only, however; public egress must be unrestricted.

107. Dead-end fire apparatus access roads in excess of 150-feet in length shall be provided with approved provision for the turn-around capabilities of the fire apparatus.

108. Any turn-around requires a minimum 38-foot turning radius or as approved by the Fire Marshall.

109. The minimum dimensions for gates is 20-feet clear and unobstructed width and a minimum vertical clearance of 13-feet 6-inches in height. Any gate providing access from a road shall be located at least 35 feet setback from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, a 38-foot foot turning radius shall be used.

110. Gates may be automatic or manual and shall be equipped with a rapid entry system (KNOX).

111. Plans shall be submitted to the Fire Department for approval prior to installation. Automatic gate pins shall be rated with a shear pin force, not to exceed 30-pounds. Gates activated by the rapid entry system shall remain open until closed by the rapid entry system. Automatic gates shall be provided with backup power.
Attachment 8

Mitigation Monitoring and Reporting Program and Addendum Modifications

https://ci.banning.ca.us/Archive.aspx?ADID=1877

(Butterfield Specific Plan Environmental Impact Report available on City website at
http://www.ci.banning.ca.us/Archive.aspx?AMID=56

Minor Modification Addendum and appendices available on City website at
http://www.ci.banning.ca.us/Archive.aspx?ADID=1630
Attachment 9

Public Hearing Notice
NOTICE OF A PUBLIC HEARING ON PROPOSED TENTATIVE TRACT MAP NO. 37390 TO SUBDIVIDE APPROXIMATELY 93 GROSS ACRES OF VACANT LAND FOR RESIDENTIAL, OPEN SPACE, AND PARKS USES ALONG WITH PUBLIC STREETS ON REAL PROPERTY LOCATED NORTH OF WILSON STREET AND EAST OF HIGHLAND SPRINGS AVENUE WITHIN THE BUTTERFIELD SPECIFIC PLAN AREA

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, November 7, 2018, at 6:30 p.m. (or soon thereafter) in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider proposed Tentative Tract Map No. 37390 to subdivide approximately 93 gross acres of vacant land into 362 single family lots, 1 lot for a park site, 13 open space lettered lots (including recreation and drainage), and public streets, all within the Butterfield Specific Plan Area. The Project site is located north of Wilson Street and east of Highland Springs Avenue, within the Butterfield Specific Plan area. Assessor’s Parcel Numbers are identified as portions of 408-120-010, -012, -013, and -020 within the City of Banning.

City staff has considered the potential environmental impacts of the proposed Tentative Tract Map No. 37390 in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. City staff also reviewed the previously certified Environmental Impact Report prepared for the Butterfield Specific Plan project (SCH No. 2007091149) as modified by the Addendum approved by the City Council on February 14, 2017, including the impacts and mitigation measures identified therein, which documents are on file in the Community Development Department. Based on that review, the City of Banning Planning Division has determined that the proposed Project and the circumstances under which the proposed Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior EIR. All potential environmental impacts associated with the Butterfield Specific Plan project and the proposed Tentative Tract Map No. 37390 are adequately addressed by the prior EIR, and the mitigation measures contained in the prior EIR will reduce those impacts to a level that is less than significant. Therefore, in accordance with CEQA Guidelines Section 15162 (“Subsequent EIRs and Negative Declarations”), a subsequent environmental document is not required.

Information regarding Tentative Tract Maps No. 37390 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/](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 the proposed Tentative Tract Map No. 37390 in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Planning Commission at, or prior to, the public hearing, or, you or someone else raised at the public hearing described in this Notice (Cal. Gov. Code, § 65009).

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

Maryann Marks, AICP
Interim Community Development Director

Dated: October 23, 2018
Publish: October 26, 2018
NOTICE OF A PUBLIC HEARING ON PROPOSED TENTATIVE TRACT MAP NO. 37390 TO SUBDIVIDE APPROXIMATELY 93 GROSS ACRES OF VACANT LAND FOR RESIDENTIAL, OPEN SPACE, AND PARKS USES ALONG WITH PUBLIC STREETS ON REAL PROPERTY LOCATED NORTH OF WILSON STREET AND EAST OF HIGHLAND SPRINGS AVENUE WITHIN THE BUTTERFIELD SPECIFIC PLAN AREA.

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, June 5, 2019, at 6:30 p.m. (or soon thereafter) in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider proposed Tentative Tract Map No. 37390 to subdivide approximately 93 gross acres of vacant land into 392 single family residential lots, 1 lot for a park site, 13 open space lettered lots (including recreation and drainage), and public streets, all within the Butterfield Specific Plan Area. The Project site is located north of Wilson Street and east of Highland Springs Avenue. Assessors Parcel Numbers are identified as portions of 408-120-010, -012, -013, and -020 within the City of Banning.

City staff has considered the potential environmental impacts of the proposed Tentative Tract Map No. 37390 in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. City staff also reviewed the previously certified Environmental Impact Report prepared for the Butterfield Specific Plan project (SCH No. 2007091149) as modified by the Addendum approved by the City Council on February 14, 2017, including the impacts and mitigation measures identified therein, which documents are on file in the Community Development Department. Based on that review, the City of Banning Planning Division has determined that the proposed Project and the circumstances under which the proposed Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior EIR.

All potential environmental impacts associated with the Butterfield Specific Plan project and the proposed Tentative Tract Map No. 37390 are adequately addressed by the prior EIR, and the mitigation measures contained in the prior EIR will reduce those impacts to a level that is less than significant. Therefore, in accordance with CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations), a subsequent environmental document is not required.

Information regarding Tentative Tract Maps No. 37390 can be obtained by contacting the City’s Community Development Department at (951) 923-3125, 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 interested parties 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 the proposed Tentative Tract Map No. 37390 in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Planning Commission at, or prior to, the public hearing, or you or someone else raised at the public hearing described in this Notice (Cal. Gov. Code, 65009).

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

Adam B. Rush, AICP
Community Development Director
Dated: May 21, 2019
Published: May 24, 2019
Published in
The Record Gazette
No. 165472
05/24/2019

State of California )
County of Riverside ) ss.

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. 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:

May 24, 2019

Executed on: 05/24/2019
At Banning, CA

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

Ana Rivera
Signature
| 408-090-065 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-09 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-10 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-090-066 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-011 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-013 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-018 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-1090-067 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-012 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-019 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-020 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-010 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-017 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-014 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-021 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-022 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-023 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-024 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-025 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-026 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-027 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-028 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-029 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-030 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |
| 408-120-031 | Pardee Homes  
177 E Colorado Blvd #500  
Pasadena, CA 91105-1989 |

Riverside County Flood Cont  
1995 Market St  
Riverside, CA 92501-1719

419-452-031  
Phans Prop Inv  
324 W Las Flores Ave  
Arcadia, CA 91007-8227

419-452-034  
Reyes Ernesto R  
1338 Daisy Dr  
Beaumont, CA 92223-8407

419-452-043  
City Of Beaumont  
Po Box 158  
Beaumont, CA 92223

419-452-042  
Sundance Community Assn  
5966 La Place Ct #170  
Carlsbad, CA 92008-8830

419-452-035  
Bates George  
1326 Daisy Dr  
Beaumont, CA 92223-8407

419-452-021  
Gallegos Rita S  
1678 Big Sky Dr  
Beaumont, CA 92223-3316

419-452-022  
Qazi Ahsan  
9361 Beauview Dr  
Cherry Valley, CA 92223-5806

419-453-027  
Deleon Cynthia  
1584 Hunter Moon Way  
Beaumont, CA 92223-2070

419-453-030  
Humphreys Judy L  
1442 Fallbrook Rd  
Beaumont, CA 92223-3319

419-453-028  
Villareal Mark Ferdinand  
1468 Fallbrook Rd  
Beaumont, CA 92223-3319

419-453-029  
Rojas Edwin  
1454 Fallbrook Rd  
Beaumont, CA 92223-3319

419-453-031  
Abellera Caesar D  
1436 Fallbrook Rd  
Beaumont, CA 92223-3319
419-532-032
Clark Michelle
1424 Fallbrook Rd
Beaumont, CA 92223-3319

419-532-033
Calderon Samuel A
1418 Fallbrook Rd
Beaumont, CA 92223-3318

419-532-034
Meeker Vikki
1412 Fallbrook Rd
Beaumont, CA 92223-3318

419-532-035
Oriel Omar
1693 Midnight Sun Dr
Beaumont, CA 92223-8443

419-532-036
Chen Yee Hung
3486 Castleford Pl
Rowland Heights, CA 91748-5122

419-532-039
Oak Valley Community Assn
5966 La Place Ct #180
Carlsbad, CA 92008-8830

419-532-040
Oak Valley Community Assn
5966 La Place Ct #180
Carlsbad, CA 92008-8830

419-532-041
City Of Beaumont
Po Box 158
Beaumont, CA 92223

419-532-042
City Of Beaumont
Po Box 158
Beaumont, CA 92223

419-533-001
Wilkes Cassandra J
1692 Midnight Sun Dr
Beaumont, CA 92223-8443

419-533-002
Cole and Floyd Cole Family Trust
1680 Midnight Sun Dr
Beaumont, CA 92223-8443

419-533-0041
Valencia Henry Philip
1485 Fallbrook Rd
Beaumont, CA 92223-3319

419-533-003
Cole and Floyd Cole Family Trust
1680 Midnight Sun Dr
Beaumont, CA 92223-8443

419-533-006
Khamphou Savat
15838 Parkhouse Dr
Fontana, CA 92336-6502

419-533-007
Reed Sky
1449 Fallbrook Rd
Beaumont, CA 92223-3319

419-533-008
Lodge Christopher
1433 Fallbrook Rd
Beaumont, CA 92223-3319

419-533-009
Applicant/Owner
Pardee Homes
ATTN: Chris Courtney
1250 Corona Pointe Ct Ste 600
Corona, CA 92879

Engineer
MDS Consulting
ATTN: Ed Lenth
17320 Redhill Ave Ste 350
Irvine, CA 92614
DATE: May 11, 2019
To: Adam Rush
From: Steven Frenken
Subject: Plan Check Design Review Package: Pardee Homes Tract 37365 Planning Areas 4,9B, & 26 Park Site

I have reviewed the plans as submitted and found them to be complete. There are a few items I found that need correction or I have a question about.

1. Atwell sheet 8 of 12 shows typical access and maintenance easement for sample lots and identifies two incorrectly. (1C & 3B)
2. Street trees proposed are very large and parkway width is narrow, Cedrus deodara on Wilson with 4’ or 5’ planting space, Platanus acerifolia on Wilson with 5’ parkway. Normally I would require a panel type root barrier for any tree planted within 8’ of hardscape, but these trees are big trees. With a combination of root barriers, deep infrequent irrigation and well drained soils, it might work.
3. Park site, I would recommend taller screen planting on the north and west side of the park due to the close proximity to the homes behind the walls.
4. Condo Irrigation: proposed to have private home owner maintained front yards. I see this as a HOA community problem that will require more CC&R issues.

Other than these few items, the Landscape Architect selected for this project does provide a good product and typically provides clear and complete working documents.

If you have any questions, please contact me.

Thank you.
Steven Frenken
Landscape Architect #2622
ISA Certified Arborist
TO: PLANNING COMMISSION

FROM: Adam B. Rush, Community Development Director

PREPARED BY: Mark de Manincor, Contract Planner

MEETING DATE: June 5, 2019

SUBJECT: TENTATIVE TRACT MAP No. 37474, A PROPOSAL TO SUBDIVIDE APPROXIMATELY 16.5 GROSS ACRES OF VACANT LAND FOR PURPOSES OF CREATING 109 SINGLE FAMILY LOTS, 2 OPEN SPACE LETTERED LOTS, AND PUBLIC STREETS, ALL WITHIN PLANNING AREA 3 OF THE BUTTERFIELD SPECIFIC PLAN

RECOMMENDED ACTION:

Staff recommends that the Planning Commission Adopt Resolution 2019-16, recommending the City Council take the following actions:

I. Find that in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, that all previous environmental impacts have been evaluated and disclosed and that a subsequent environmental document is not required.

II. Approve Tentative Tract Map No. 37474 to subdivide approximately 16.5 gross acres of land into 109 single family lots, and open space uses along with public streets, subject to conditions of approval.

PROJECT / APPLICANT INFORMATION:

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

Property Owner: Pardee Homes
1250 Corona Pointe Court, # 600
Corona, CA 92879
Project Location: North of Wilson Street, east of Highland Springs Avenue, generally in the southwesterly portions of the Butterfield Specific Plan.

APN Information: Portions of 405-120-002, 408-120-005, 408-120-007

REQUEST:

Proposed Tentative Tract Map No. 37474 would subdivide approximately 16.5 gross acres of vacant land into 109 single family lots, 2 open space lots, and public streets. The Project site is located north of Wilson Street and east of Highland Springs Road within the Butterfield Specific Plan area; see Figures 1 and 2 for the overall Butterfield Specific Plan area, and a colored site plan of Tentative Tract Map No. 37474. The proposed Tentative Tract Map No. 37474 is attached to this report as Attachment No. 2.

Figure 1: Butterfield Specific Plan

Figure 2: TTM No. 37474 Site Exhibit
BACKGROUND:

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

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

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

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

On November 7, 2018, Tentative Map No. 37474 was scheduled before the Planning Commission; however, was continued off calendar. Subsequently, City staff has published new public hearing and property owner notifications in preparation for the June 5th Planning Commission meeting.

ANALYSIS:

The overall Butterfield Specific Plan project site is approximately 1,528 gross acres and is located generally at the northwestern corner of the City of Banning (see Figure 1), adjacent to Highland Springs Road which also serves as the Banning city limits. Tentative Tract Map 37474 is located generally within the southwesterly area of the Specific Plan, as detailed within the Key Map attached to this staff report.

The proposed Tentative Tract Map No. 37474 includes Planning Area 3; which is a Medium Density Residential (MDR) parcel within the Butterfield Specific Plan, as well as Lots A and B to serve as open space and for drainage purposes. Please see Figure 2 above; a larger copy of the Butterfield Specific Plan land use map is included with this report as Attachment 3.

Residential Planning Areas

Medium Density Residential: Planning Area 3

The proposed Tentative Tract Map No. 37474 encompasses one Medium Density Residential Planning Area (PA) 3.

The proposed subdivision contains residential lots that are conventionally plotted as detached single-family homes. The minimum lot sizes and dimensions are as follows:

Minimum lot area: 3,400 square feet
Minimum lot width:
  Interior  46’
  Corner  51’
Minimum lot frontage: 20’
Maximum density: 10 du/ac

All residential lots within the proposed subdivision comply with the minimum lot area and dimensional requirements as specified for PA 3. In PA 3, the minimum lot size proposed is 3,525 square feet and the average lot size is 4,636 square feet.

Below is a comparison of the proposed Tentative Tract Map No. 37474 statistics as compared to the approved Specific Plan:

<table>
<thead>
<tr>
<th></th>
<th>Approved SP</th>
<th>Proposed TTM</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>PA 3 # units</td>
<td>101</td>
<td>109</td>
<td>+8</td>
</tr>
<tr>
<td>PA 3 acreage</td>
<td>19.3</td>
<td>16.5</td>
<td>-6.89%</td>
</tr>
<tr>
<td>PA 3 density</td>
<td>0-10 du/ac</td>
<td>6.6 du/ac</td>
<td>within approved range</td>
</tr>
</tbody>
</table>

Adjustment of residential planning boundaries of 20% or less can be approved by the Community Development Director as substantially conforming to the Specific Plan, and revisions to the number of dwelling units within a PA can be approved as substantially conforming to the Specific Plan as long as the total number of units for the Specific Plan area does not exceed the maximum number of approved Specific Plan units nor the maximum density allowed in a Planning Area.

Grading:

Pad elevations provided for some residential lots indicate that there may be an elevation difference between residential lots of approximately two to three feet. The applicant has noted that the lot lines will be at top of slope where this condition occurs, that the elevation difference will be addressed by a 2:1 slope in the rear yard of the lower lot, and that the slope bank will occur outside of required rear yard setbacks to ensure
usable yard area for the residence.

Future City Approvals:

Grading permits (rough and precise grading); encroachment permits, water, sewer, and reclaimed water connection permits may be issued by the City of Banning Department of Public Works after approval of the proposed Tentative Tract Map No. 37474.

**Open Space Lettered Lots**

Open space lots “A” and “B” total 0.04 acres and will provide a landscaped buffer along “A’ street. Proposed Open Space Lots “A” and “B” are anticipated to be maintained by an established Home Owner’s Association (HOA).

Future City Approvals:

Permits for grading may be issued after approval of the Tentative Tract Map No. 37474.

**Streets/Circulation System**

Proposed streets within the subdivision will be public streets and are consistent with requirements set forth in the Butterfield Specific Plan. Residential streets proposed will be 36’ wide from curb to curb, consistent with the approved Specific Plan and allowing for on-street parking.

Proposed entry streets to residential neighborhoods will include medians.

**Utilities**

Electrical service will be provided by the City of Banning. The Electric Utility has provided Conditions of Approval that have been incorporated into the proposed project conditions. Permanent City of Banning electrical utilities will be underground with the exception of temporary overhead electrical lines and pad-mount equipment, such as transformers and switchgear.

Water and wastewater services will be provided by the City of Banning.

**ENVIRONMENTAL DETERMINATION:**

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

   Potential environment issues associated with the proposed Tentative Tract Map were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH 2007091149) as modified by the Addendum approved by the City Council on February 14, 2017, which documents are on file in the Community Development Department. There have been no
substantial changes in the project nor in the circumstances under which the project is undertaken which will require major revisions of the previous environmental document; nor is there new information that shows that the project will have a significant environmental effect or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required.

The project will be conditioned to comply with the mitigation measures of the approved Mitigation Monitoring and Reporting Program (MMRP).

2. Multiple Species Habitat Conservation Plan (MSHCP): The Project EIR’s mitigation measures, including submittal of a Determination of Biologically Equivalent of Superior Preservation (DBESP), ensure consistency with the Western Riverside County MSHCP. These mitigation measures will be incorporated into all development approvals as required by the project MMRP to ensure consistency with the MSHCP.

PUBLIC COMMUNICATION

The Planning Commission’s consideration of the proposed Tentative Tract Map No. 37474 was advertised in the Record Gazette newspaper on May 24, 2019 (Attachment 10). Additionally, the notice was mailed to all property owners within 300-feet of the Project boundary and the mailing was expanded to include property owners within 300’ of the Specific Plan boundaries. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

Prepared by: Mark de Manincor
Contract Planner

Reviewed by: Adam B. Rush, AICP
Community Development Director

Attachments:

1. Planning Commission Resolution No. 2019-16
2. Tentative Tract Map No. 37474
3. Butterfield Specific Plan, Land Use Plan
4. Butterfield Specific Plan Excerpts, Development Regulations
5. Ordinance 1450 (Approving the Butterfield Specific Plan)
6. Butterfield Specific Plan Development Agreement
7. CC Resolution 2017-07 Approving Minor Modifications and Attachment C, Conditions of Approval
8. Mitigation Monitoring and Reporting Program and Addendum Modifications
9. Public Hearing Notice
Attachment 1

Planning Commission Resolution 2019-16
RESOLUTION 2019-16


WHEREAS, an application for Tentative Tract Map No. 37474, attached hereto as Exhibit “A,” to subdivide approximately 16.5 gross acres of vacant real property into residential and open space lots, along with public streets (the “Project”), has been duly filed by:

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

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

Parcel Address: North of Wilson Street, east of Highland Springs Avenue

APN’s: Portions of 405-120-002, 408-120-005, 408-120-007

Lot Area: Approximately 16.5 gross acres;

WHEREAS, pursuant to Title 16 of the Banning Municipal Code, the Planning Commission has the authority to review and make recommendations to the City Council concerning Tentative Tract Map No. 37474;

WHEREAS, the Community Development Department has evaluated the Project’s potential effects on the environment as required under the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code, § 21000 et seq.) and determined that potential impacts associated with proposed Tentative Tract Map No. 37474 were adequately analyzed under the previously approved Final Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149) and that pursuant to CEQA Guidelines Section 15162 no further environmental analysis is required;
WHEREAS, in accordance with Government Code Sections 66451.3, 65090 and 65091, on May 24, 2019, the City gave public notice, by advertisement in the Record Gazette Newspaper, and by mailing to the owner of the subject real property, the owner’s duly authorized agent, the Project applicant, and property owners within 300 feet of the Project site, of a public hearing concerning the Project; and

WHEREAS, in accordance with Banning Municipal Code Section 16.12.080, on June 5, 2019, the Planning Commission held a public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the Project, and at which the Planning Commission considered Tentative Tract Map No. 37474.

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

SECTION 1: California Environmental Quality Act and Multiple Species Habitat Conservation Plan Findings. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning make the following environmental findings and determinations in connection with the approval of the Project:

A. Pursuant to the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code, § 21000 et seq.), the State Guidelines (14 Cal. Code Regs. § 15000 et seq.), and the City’s Local Guidelines, City staff has considered the potential environmental impacts of Tentative Tract Map No. 37474. City staff has also reviewed the previously certified Environmental Impact Report (EIR) for the Butterfield Specific Plan project (SCH 2007091149), including the impacts and mitigation measures identified therein, and reviewed the EIR in accordance with CEQA for the Project. Based on that review, the City of Banning Planning Division has determined that the Project and the circumstances under which the Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior EIR. All potential environmental impacts associated with the Butterfield Specific Plan and Tentative Tract Map No. 37474 are adequately addressed by the prior EIR.

B. The City Council has independently reviewed the Planning Division’s determination, and based upon the whole record before it, the the Planning Division’s determination, and its independent review and judgment, finds that that the Project is not subject to further environmental review pursuant to the Guidelines because: (1) the Project and the circumstances under which the Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior EIR; and (2) all potential environmental impacts associated with Butterfield Specific Plan and the proposed Tentative Tract Map No. 37474 are adequately addressed by the prior EIR.
C. The custodian of records for the certified EIR, and all other materials that constitute the record of proceedings upon which the City Council’s recommendation is based, is the Planning Division of the City of Banning. Those documents are available for public review in the Planning Division located at 99 E. Ramsey Street, Banning, California 92220.

D. Multiple Species Habitat Conservation Plan (MSHCP). The Project EIR’s mitigation measures, including submittal of a Determination of Biologically Equivalent of Superior Preservation (DBESP), ensure consistency with the Western Riverside County MSHCP. These mitigation measures will be incorporated into future development approvals as required by the Project Mitigation Monitoring and Reporting Program to ensure consistency with the MSHCP.

SECTION 2: Findings for Recommendation of Approval of Tentative Tract Map 37474. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning find and determine that the proposed Tentative Tract Map No. 37474 should be approved because:

A. Finding: Tentative Tract Map No. 37474 is consistent with the objectives, policies, general land uses, and programs specified in the City’s General Plan and the Butterfield Specific Plan.

Findings of Fact:
The General Plan land use designation for the site is classified as Specific Plan; the Butterfield Specific Plan land use designations of Medium Density Residential uses within the proposed Project area. The proposed Tentative Tract Map No. 37474 is consistent with the City’s General Plan in that as it will provide for medium density housing as envisioned by the General Plan’s Land Use element and an efficient transportation system as envisioned by the General Plan’s Circulation element. It is consistent with the Butterfield Specific Plan as it provides for land uses consistent with those designated for the Project area by the Specific Plan land use map. As such, the proposed Tentative Tract Map No. 37474 is consistent and compatible with the objectives, policies, general land uses, and programs specified in the City’s General Plan and the Butterfield Specific Plan.

B. Finding: The design and improvement of the subdivision proposed under Tentative Tract Map No. 37474 is consistent with the City’s General Plan and the Butterfield Specific Plan.

Findings of Fact:
The design and improvement of the proposed subdivision is consistent with the City’s General Plan and the Butterfield Specific Plan in that it will provide for housing to meet the needs of the City’s residents, and an efficient transportation system as envisioned by the General Plan, and is designed to meet City standards, including providing satisfactory pedestrian and vehicular circulation, emergency vehicle access and on site improvements,
such as streets, utilities, and drainage facilities consistent with the Specific Plan.

C. **Finding:** The subject site is physically suitable for the type of development proposed under Tentative Tract Map No. 37474.

**Findings of Fact:**

D. The Project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the Project site is provided by Highland Springs Avenue and Wilson Street. Analysis of the Project site relative to the physical suitability of the site for development was included in previous approvals for the Butterfield Specific Plan and the site is physically suitable for the proposed development as allowed under the Butterfield Specific Plan.

E. **Finding:** The site is physically suitable for the proposed density of development under Tentative Tract Map No. 37474.

**Findings of Fact:**

The Project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the site is provided by Highland Springs Avenue and Wilson Street. Analysis of the Project site relative to the physical suitability for density of development was included in the approvals for the Butterfield Specific Plan, and the proposed number of dwelling units is consistent with that allowed under the Butterfield Specific Plan.

F. **Finding:** The design of the subdivision and improvements proposed under Tentative Tract Map No. 37474 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

**Findings of Fact:**

Potential environment issues associated with the proposed Tentative Tract Map No. 37474 were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH 2007091149), as amended by the Addendum approved by the City Council in February 2017. With the imposition of mitigation measures, the Project will not have a significant effect on biological resources. There have been no substantial changes in the Project, nor in the circumstances under which the Project is undertaken, that will require major revisions of the prior certified EIR; nor is there new information that shows that the Project will have a significant environmental effect or an effect more severe than originally thought. Therefore, the proposed Tentative Tract Map No. 37474 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
G. Finding: The design of the subdivision and improvements proposed under Tentative Tract Map No. 37474 is not likely to cause serious health problems.

Findings of Fact:
The proposed Tentative Tract Map No. 37474 is in conformance with the City's General Plan, Zoning Ordinance, Subdivision Ordinance, and the Butterfield Specific Plan, and the Project has been conditioned to comply with all applicable Specific Plan requirements and requirements of the City's ordinances, codes, and standards. In addition, the design and construction of improvements are conditioned to be in conformance with adopted City street and public works standards. The City's ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety, and welfare.

H. Finding: The design of the subdivision and improvements proposed under Tentative Tract Map No. 37474 will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Findings of Fact:
Tentative Tract Map No. 37474 does not conflict with any easements for access through or use of property within the proposed subdivision.

I. Finding: The design of the proposed Tentative Tract Map No. 37474 provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Findings of Fact:
Tentative Tract Map No. 37474 does not propose any design features that would conflict with future passive or natural heating or cooling opportunities.

SECTION 3: PLANNING COMMISSION ACTION - Recommendation of Approval of Tentative Tract Map No. 37474 with Conditions. Based on the foregoing, the Planning Commission of the City of Banning hereby recommends that the City Council of the City of Banning approve Tentative Tract Map No. 37474, attached hereto as Exhibit “A,” a subdivision of approximately 16.5 gross acres into 109 single family lots and 2 open space lots, and public streets on real property located north of Wilson Street and east of Highland Springs Avenue within the southwesterly portion of the Butterfield Specific Plan (APNs: 405-120-002, 408-120-005, 408-120-007), subject to the recommended Conditions of Approval attached as Exhibit “B”.

PASSED, APPROVED AND ADOPTED this 5th day of June, 2019.
APPROVED AS TO FORM
AND LEGAL CONTENT:

__________________________
Serita Young, Assistant City Attorney
Richards Watson & Gershon

ATTEST:

__________________________
Sandra Calderon, Recording Secretary
City of Banning, California
CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution 2019-16, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 5th day of June, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

________________________________
Sandra Calderon, Recording Secretary
City of Banning, California
Exhibit “A”
Tentative Tract Map No. 37474 (Site Plan)
(See Attachment No. 2)
Exhibit “B”
Tentative Tract Map No. 37474 Conditions of Approval
(See Attachment No. 7)
Attachment 2

Tentative Tract Map 37474
### Utilities

- **LIFTED WATER**: No lift station
- **SEWER**: Sewer connections
- **SEWER LIFT**: Lift station
- **STORM SEWER**: Storm sewer connections
- **STORM SEWER LIFT**: Lift station
- **WATER LIFT**: Lift station
- **WATER MAIN LIFT**: Lift station
- **WATER MAIN**: Water main connections
- **GAS LIFT**: Lift station
- **GAS PIPE**: Gas pipeline connections
- **GAS PIPE LIFT**: Lift station
- **GAS MAIN**: Gas main connections
- **DRAIN LIFT**: Lift station
- **DRAIN PIPE**: Drainage pipeline connections
- **DRAIN PIPE LIFT**: Lift station
- **DRAIN PIPE LIFT**: Lift station
- **DRAIN PIPE MAIN**: Drainage main connections
- **ELECTRIC LIFT**: Lift station
- **ELECTRIC MAIN**: Electric main connections

### Flood Zone Note

The Flood Zone Note is based on the flood hazard zone defined in the Flood Insurance Rate Map (FIRM) of the Federal Emergency Management Agency (FEMA). The zone may be subject to flooding, and a flood insurance policy is recommended.

### Basis of Bearings

The basis of the bearings is the North American Datum of 1983 (NAD83) and the North American Vertical Datum of 1988 (NAVD88).

### Easement Notes

- **Easement Notes**: Easements and restrictions as per the conveyancing documents.

### Land Use Summary

- **Tentative Tract No. 37474**: Land use summary for the tract.

### Legal Description

The legal description is based on the recorded documents and the current survey data. It includes the boundaries and dimensions of the tract.

### Assessors Parcel Numbers

- A list of parcel numbers for the tract.

### Open Space Area Summary

- **Total Open Space**: Total area designated as open space.

### General Information

- **Contour Levels**: Contour information for the tract.
- **EBPD Information**: Details on the Economic Development Plan Districts (EBPD) and the Environmental Impact Report (EIR).
- **Base Map Information**: Base map information for the tract.
- **Tentative Tract Map**: Tentative tract map for the tract.

### Notes

- **City of Banning, County of Riverside, State of California**
- **Prepared by Pardee Homes and MDS**

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**PREPARED FOR:**

- Pardee Homes

**PREPARED BY:**

- MDS

**NOTES:**

- City of Banning, County of Riverside, State of California
- Sheet 2 of 7

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**ATWELL**

**PA 3 / TENTATIVE TRACT NO. 37474**
Attachment 3

Butterfield Specific Plan Land Use Plan
Attachment 4
Butterfield Specific Plan Land Excerpts – Development Regulations


(Full Pardee Butterfield Specific Plan available on City website at under Butterfield Specific Plan)

http://www.ci.banning.ca.us/Archive.aspx?ADID=1741
Attachment 5

Ordinance 1450 Approving the Butterfield Specific Plan and associated conditions of approval

https://ci.banning.ca.us/Archive.aspx?ADID=1874
Attachment 6

Butterfield Specific Plan Development Agreement

https://ci.banning.ca.us/Archive.aspx?ADID=1875
Attachment 7

CC Resolution 2017-07 Approving Minor Modifications and Attachment C, Conditions of Approval

https://ci.banning.ca.us/Archive.aspx?ADID=1878
Exhibit “B”
Tentative Tract Map 37474 Conditions of Approval
(Phase 1A)

Community Development

1. The City and Developer are parties to a Development Agreement, recorded on July 17, 2012, as document number 2012-0332888 (“DA”). In the event of any inconsistency or conflict between these Conditions of Approval and the DA, the DA shall control. The Developer shall indemnify the City as described in the DA.

2. Approval of this entitlement shall not waive compliance with any sections of the DA, Butterfield Specific Plan, or other applicable City Ordinances in effect at the time of building permit issuance, to the extent such City Ordinances are applicable to the project and not vested under the DA.

3. Approval of Tentative Tract Map 37474 shall run with the term of the DA. All conditions of approval must be met on or before the expiration date or the applicant must request an extension of time at least thirty (30) days prior to the expiration date, and receive approval of said extension; otherwise, the approval shall expire and become null and void.

4. Unless approved otherwise by City, the Developer shall comply with all applicable conditions of City Council Ordinance No. 1450 approving the Butterfield Specific Plan and conditions of City Council Resolution No. 2017-07 approving Minor Modifications to the Butterfield Specific Plan.

5. All mitigation measures required by the Butterfield Specific Plan Environmental Impact Report (EIR) Mitigation Monitoring and Reporting Program (MMRP), as modified pursuant to the approved Addendum, and conditions of the project’s Settlement Agreement shall be implemented if those measures/conditions relate to this phase or part of the development or are required to be satisfied in connection with this phase or part of the development.

6. A copy of the signed resolution of approval and all conditions of approval and any applicable mitigation measures shall be reproduced in legible form on the grading plans submitted for review and approval as required by the reviewing department.

7. The Developer shall pay all applicable development impact fees and other fees as required under the DA. Adjustments and/or fee credits to the applicable DIFs may be provided as allowed in the DA and any applicable implementing DIF credit agreement. The project proponent shall provide written evidence to the City that school mitigation fees have been paid or other arrangements acceptable to the applicable school district and Developer have been met.

8. Deposits shall be handled per the executed Deposit Agreement dated May 7, 2019.

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

10. Per DA Exhibit E, Section 5.2, the Developer shall stabilize according to the City Grading and Landscaping Ordinance the rear slope of all residential lots prior to issuance of a certificate of occupancy but shall not be required to landscape and/or irrigate the slopes. It is the intention that the rear yard landscaping will be required and installed within the time specified in the CC&Rs by the homeowner.

11. Per DA Section 6.5.2, Phasing Plans specifying when the lots within Tract 37474 will be developed and when all appropriate public infrastructure within Tract 37474 will be constructed shall be approved prior to commencement of development within the tract. Prior to approval of the Final Map, all conditions requiring the provision or proposed project facilities and subdivision improvements for the area covered by the Tentative Map must be satisfied either through performance or through the provision of suitable security prior to recordation of the Final Map or deferred with City approval under the terms of the DA.

12. Prior to precise grading plan approval, a conceptual (non-structural) project wall/fencing plan to include retaining walls, perimeter walls, and interior walls shall be developed and shall be subject to design review approval by the Community Development Department.

13. All residential and commercial neighborhoods and public facilities shall require Design Review approval by the Community Development Department.

14. Temporary construction fencing shall be installed around portions of the tract under construction until replacement by permanent walls/fencing or completion of improvements.

15. Developer shall meet all legal requirements of responsible agencies.

Engineering/Public Works

A. General Requirements

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

17. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any applicable and legally required clearances and/or permits. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvement plans to the City:

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

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

   a. Rough Grading Plans
      1” = 40’ Horizontal

   b. Haul Route Plans
      (If soil is exported off site)
      1” = 40’ Horizontal

   c. Clearing Plans
      (Include fuel modifications zones)
      (Include construction fencing plan)
      1” = 50’ Horizontal

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

   e. Storm Drain Plans
      1” = 40’ Horizontal

   f. Street Improvement Plans
      1” = 40’ Horizontal
      1” = 4’ Vertical

   g. Traffic Signal Plans
      (Caltrans Standard)
      1” = 20’ Horizontal

   h. Signing & Striping Plans
      1” = 40’ Horizontal

   i. Construction Traffic Control Plan
      (Major or Arterial Highways only)
      1” = 40’ Horizontal

   j. Precise Grading Plans
      1” = 40’ Horizontal

   k. Landscaping Plans
      1” = 20’ Horizontal
1. Water, Sewer, & Non-potable water Plans

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.

19. 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.

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

21. 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.

22. 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.

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

B. Rights of Way/Public Improvements

24. Prior to issuance of any permit(s), the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed project/development. If those property rights are located outside the project/development, then the procedures and requirements of Government Code Section 66462.5 shall apply, including the potential acquisition of those rights by the City or waiver of the City’s requirement to obtain those rights. Conferred rights may include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.

25. The applicant shall offer for dedication on the Final Map, within Final Map boundaries, all public street right-of-way in conformance with the DA and the Butterfield Specific
Plan. The City may reject the dedications and leave them open for future acceptance when all required public street improvements for the map are installed by the applicant in the rights of way.

26. Maintenance easements dedicated to the City of Banning shall extend no more than 10-feet beyond the toe of slope, where sufficient space is available or as approved by the City Engineer, for those slope areas where maintenance falls within the responsibility of the City.

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

28. All street improvement designs shall provide pavement and lane transitions per City of Banning and Caltrans standards for transition to existing street sections, subject to the terms of the DA.

29. Design and construct full street improvements in accordance with City standards, subject to the terms of the DA, for ALL streets as approved on the Final Tract Map including, but not limit to street lighting, curb and gutter, cross gutters and spandrels, access ramps, driveway approaches, sidewalk, asphalt concrete pavement, street name signs, traffic signs and striping, and any transitions. Applicant’s geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method. STREET AND SIDEWALK WIDTHS AND CROSS SECTIONS SHALL COMPLY WITH THE APPROVED 2016 UPDATED BUTTERFIELD SPECIFIC PLAN or as agreed to by the Developer and City Engineer.

30. The applicant shall plant and maintain trees, shrubs, and ground cover placed in the parkway, slopes adjacent to public right-of-ways, and median islands constructed in connection with the project in accordance with applicable City standards until maintenance of such area is turned over to HOA, LMD or other public financing District. This includes ensuring that irrigation systems are operating properly, the clearing of debris, and regular weed removal. Turnover to a LMD or other public financing District will not be unreasonably withheld, conditioned or delayed.

31. All applicable public improvements required for occupancy shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy. City to provide inspections in timely manner and any inspections exceeding 2 inspections to require meeting with City Engineer to address.

C. Grading and Drainage

32. The applicant shall submit an updated Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Public Works
Department – Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFCD), RCFCD Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way. When these criteria are exceeded, additional drainage facilities shall be designed and constructed.

33. At a minimum, all development will make provisions to store runoff from rainfall events up to and including the 100-year 3-hour duration event. Post-development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates.

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

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

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

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

38. The applicant 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.

39. The applicant’s SWPPP shall include provisions for all of the following Best Management Practices (“BMPs”):
   a. Temporary Soil Stabilization (erosion control).
   b. Temporary Sediment Control.
   c. Wind Erosion Control.
   d. Tracking Control.
   e. Non-Storm Water Management.
   f. Waste Management and Materials Pollution Control.
40. All erosion and sediment control BMPs proposed by the applicant shall be designed using the CASQA BMP handbook and approved by the City Engineer prior to any onsite or offsite grading, pursuant to this phase.

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

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

43. 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.

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

45. Prior to the issuance of a grading permit, the applicant shall execute a Stormwater Management Facilities Agreement on terms agreed to by the parties guaranteeing the maintenance of stormwater pollution controls. Said agreement shall be recorded with the Riverside County Recorder and run with the land.

46. Prior to issuance of any grading or building permit, the applicant shall install trash filters on newly constructed storm drain systems that are not tributary to any onsite water quality/detention basin in compliance with the Trash Amendment as amended and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.

47. A notation shall be placed on all applicable rough grading plan(s): “Compliance with Mitigation Measures BIO-1 and BIO-2 is required.”

48. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification. The pad certification shall include an elevation and compaction certification. The elevation certification shall be stamped and signed by a licensed civil engineer or land surveyor and shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. The compaction certification shall list the relative compaction of the pad soil and shall be certified by a licensed geotechnical engineer.

49. If this final map includes areas within a designated Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Special Flood Hazard Zone, a letter of map revision (LOMR) shall be processed through FEMA and provided to the City Engineer prior to occupancy of affected lots.
50. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Prior to issuance of any grading permits, FEMA may require a hydrologic and hydraulic analysis to be submitted and approved that demonstrates that the development will not cause any rise in base flood levels.

D. Landscaping Public Right of Way

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

52. An automatic sprinkler system and landscaping shall be installed, prior to certificate of occupancy for the portion of the project for which certificates of occupancy are requested, within the common areas including perimeter slopes and the interior collector streets. Each system shall include a smart landscape irrigation controller (including remote communication), a separate water meter and electric meter, and plantings as approved by the Community Development Director. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.

53. A home owners' association shall be established and the applicable Conditions, Covenants & Restrictions (CC & R's), shall be prepared for review and approval of the City Engineer at the time set forth in the DA providing for maintenance of the parkway on-site lighting and landscaping, slopes adjacent to public right-of-ways, onsite private parking/roadway, any debris basins, BMP’s referenced in the approved WQMP, and median island landscaping. The developer shall appoint the initial members of the Board of Directors of the home owners' association, or take such other steps as may be reasonably necessary to assure that members have been appointed or elected to such Board of Directors, until under the terms of the applicable CC & R's individual lot owners have the power to elect the members of the Board of Directors in accordance with the CC & R's.

54. The, conditions, covenants, and restrictions shall contain provisions which prohibit dissolution of the home owners' association unless another entity has agreed to assume the operation and maintenance responsibilities of the home owners' association. The conditions, covenants and restrictions shall contain provisions that prohibit the developer and his/her successors-in-interest from amending said covenants, conditions and restrictions to conflict with these Conditions of Approval.

55. Alternatively, to having an HOA provide maintenance of the parkway on-site lighting and landscaping, slopes adjacent to public right-of-ways, any debris basins, BMP’s referenced in the approved WQMP, and median island landscaping, a Landscaping Maintenance District (LMD), or other public financing mechanism, can be formed to provide for the landscape maintenance.
56. Landscape improvements shall be certified by a licensed landscape architect or licensed landscape contractor as having been installed in accordance with the approved detailed plans and specifications. The applicant shall furnish said certification, including an irrigation management report, for each landscape irrigation system and any other required implementation report determined applicable, to the City Engineer for review and approval.

57. Landscape improvement plans shall incorporate the City’s letter, dated May 11, 2019, providing construction level recommendations to the landscape working drawings.

E. Traffic

58. As part of each final tract map, a validation report, referencing compliance with Mitigation Measure TRF-2; which requires a Traffic Impact Analysis (TIA) validation report, is required at the direction of the City Engineer.

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

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

61. Driveway grades shall be designed in accordance with current City standards.

62. Parking areas shall be designed and improved with grades not to exceed five percent slope. All applicable ADA standards will be adhered to.

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

64. Prior to the issuance of any certificate of occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the applicant or developer until the street is accepted by the City for maintenance.

A. Final Map

65. Prior to approval of any Final Map, the applicant shall construct on-site and off-site improvements required for the development of the property in accordance with the approved plans
and satisfy its obligations for same, or shall furnish a fully secured and executed Subdivision Improvement Agreement on terms agreed to by the Parties guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, unless such improvements are deferred with City approval under the terms of the DA or as otherwise set forth under the terms of the DA. For off-site improvements, the procedures and requirements of Government Code Section 66462.5 shall apply, including the potential acquisition of those rights by the City or waiver of the City’s requirement to obtain those rights.

66. Prior to the recordation of Final Map or the issuance of the first grading permit (whichever occurs first), the applicant shall obtain approval from the Fire Marshall in consultation with the City Engineer, for a conceptual fuel modification plan and program, unless the City of Banning Fire Marshall ("Fire Marshall") finds in writing to the City that such plan and program are not required for development of the property within the boundaries of this TTM No. 37474. Prior to the issuance of the first certificate of occupancy, within the lots affected by said fuel modification plans, the fuel modification shall be installed and completed under the supervision of the Fire Marshall with an approved plant palette. The CC&Rs or other approved documents shall contain provisions for maintaining the fuel modification zones, including the removal of all dead and dying vegetation.

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

- Faithful Performance Bond: 100% of estimated cost
- Labor and Material Bond: 100% of estimated cost
- Monumentation Bond: $10,000.00

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

68. Prior to approval of the Final Map, the applicant shall submit a list of street names and addresses in Microsoft Excel spread sheet format for review and approval. The house number system shall be in accordance with Section 12.32 of the Banning Municipal Code. A reduced copy of the subdivision map shall be included with the submittal.

69. Revisions to the approved Tentative Map during Final Map plan check process; including, but not limited to, lot line alignments, easements, improvement plan revisions, and similar minor changes that are in substantial compliance with the Tentative Map, or associated Conditions of Approval, shall be administratively approved through the plan check process with the mutual consent and approval of the Developer, the Community Development Director, and the City Engineer. Changes that are not administratively approved, through the process referenced above and herein shall be amended in accordance with the Subdivision Map Act, as amended and codified within the Banning Municipal Code (BMC).

70. Prior to approval of any Final Map the applicant shall identify and include in its improvement plans those routine structural and non-structural Best Management Practices
(BMP’s) as outlined in Supplement A to the Riverside County Drainage Area Management Plans and any attachments or as approved by the City Engineer.

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

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

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

74. Public improvements shall be completed and accepted by City of Banning prior to release of Faithful Performance Bond and Labor and Material Bond for such improvements. Faithful Performance Bond for applicable public improvements shall be reduced to 10% once City accepts improvements into maintenance period. Final 10% to serve as the maintenance bond for the 1-year maintenance period.

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

G. Water

76. Submit Water Improvement Plans along with the infrastructure phasing plan to the City Engineer for review and approval. The phasing plan, which shall be supported by a hydraulic analysis, shall identify all required water infrastructure (e.g. water mains, wells, booster stations, pressure reducing stations, reservoirs, etc.) required to meet the demands of this tract map. Design and construct water lines throughout and to property boundaries to tract as needed. The proposed new water lines shall connect to the City’s water system as needed.

77. Submit a hydraulic analysis report demonstrating adequate pressures throughout the Tract 37474 water system during max day demand (MDD) with fire flow conditions. The hydraulic analysis, based on the City’s latest calibrated water model, shall identify when and if additional facilities would be required to meet Tract 37474 water demands.

78. All water lines and fittings shall be a minimum of 8-inch in diameter and shall be DIP. Water line easements shall be a minimum width of 20 feet if installed outside of right-of-way or public utility easement.

79. Fire hydrants shall be installed within and on the tract boundaries as per approved plans, at a 300-foot maximum spacing.

80. A backflow device must be installed on all common-area buildings and at each irrigation water connection. The backflow device must be in compliance with City of Banning.

81. Fire Services will require an RPDA Device.
82. Sizing and timing of the construction of the water storage tanks shall be identified in the phasing plan as determined by the water system analysis or as agreed to by the Developer and City.

H. Sewer

83. Submit Sewer Improvement Plans along with the infrastructure phasing plan to the City Engineer for review and approval. The phasing plan shall identify all required sewer infrastructure (e.g. sewer mains, lift stations, treatment facilities, manholes, etc.) required to meet the demands of the tract map. A hydraulic analysis will need to be prepared and submitted that demonstrates the maximum discharge that can be accommodated by the existing collections system before a new trunk line is needed. Design and construct sewer lines throughout and to property boundaries of this tract. The proposed new sewer lines shall connect into the City’s sewer system.

84. All sewer lines to be constructed within the public right-of-way shall be extra strength Vitrified Clay Pipe (VCP) or Polyvinyl Chloride (PVC) SDR 26 Pipe. All sewer mains shall be minimum of 8 inches in diameter. Any sewer main less than 15” shall be PVC. Any sewer main 15” or greater shall be VCP. Final sizes shall be approved by the City Engineer based on calculations submitted by the design engineer accounting for ultimate discharge flows for phase and all upstream areas. Sewer line easements shall be a minimum of 20 feet wide if installed outside of right-of-way or public utility easement.

85. Each residential unit shall have its own sewer lateral and shall be PVC SDR 26.

86. 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.

87. Sewer flow monitoring COA for Phase 1 – Until such a time as the new Atwell Sewer Lift Station is constructed and fully operational, sewer flows shall be continuously monitored at a mutually agreed-upon location. The means of monitoring shall be by a flow meter that is capable of recording velocities and estimate flow volume, with a minimum data resolution of 15-minute intervals. Flow meter shall be installed and calibrated by a qualified sewer flow monitoring technician. Data shall be available directly to City of Banning staff via a cloud-hosted solution. The developer shall be responsible for all costs related to the sewer flow monitoring, including cloud-hosting of the data.

I. Recycled Water (Non-Potable)

88. Submit non-potable water Improvement Plans along with a non-potable water Master Plan that includes a written phasing plan to the City Engineer for review and approval. Design and construct non-potable water lines throughout to parks, schools, and other large irrigation areas and to tie-in points at the tract boundary. The proposed new non-potable water lines shall have an interconnection to the BCVWD’s existing stub-outs located along Highland Springs Avenue.

89. All non-potable water lines to be constructed within the Public right-of-way shall be a minimum of 8-inches in diameter DIP. Final sizes shall be approved by the City Engineer
based on hydraulic calculations provided by the design engineer. Where non-potable water line easements are necessary, they shall be a minimum of 20 feet wide if improvements are installed outside of right-of-way or public utility easements.

90. Any final subdivision map shall comply with the provisions of Government Code Section 66473.7, as applicable, per the DA.

91. All non-potable water lines shall be Ductile Iron Pipe (DIP) Class 350, with restrained joints conforming to DIPRA design guidelines where required. All non-potable water DIP mains shall be protected with purple-colored V-Bio polyethylene encasement.

92. A backflow device must be installed on each irrigation water connection; and in compliance with the State of California Department of Health Regulations. Contact the City of Banning, Water Operations Division, prior to the installation.

93. The non-potable water plans shall include appropriate signage for the irrigation of publicly-accessible areas with non-potable water as required by the California Code of Regulations.

Electric Utility

94. The City of Banning Electric Utility (“Utility”) will require adequate easements needed to service the project. An easement area behind sidewalk may be needed for Wilson Street and Highland Springs Avenue for vaults, conduits, street lights and pad mounted transformers and switches.

95. Easements will be required for vaults, conduits, meter pedestals, and pad mounted transformers and switches for Local Streets “A” – “I” to serve residential lots. A non-exclusive easement shall be provided to the City of Banning to include the installation of electric distribution facilities within all common areas.

96. All street lights to be installed on the major thoroughfares, arterial streets, and local streets will be assumed to be publicly owned and maintained by the Utility unless otherwise approved by the Electric Department for private maintenance.

97. Prior to constructing the Utility’s electric distribution system, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the Utility.

98. The Developer shall execute any legally required agreement with the Utility on terms agreed to by the parties providing for the installation, construction, improvement and dedication of the utility system following recordation of final map.

Fire Department

99. For residential areas, approved standard fire hydrants, located at each intersection and spaced 300 feet apart with no portion of any lot frontage more than a maximum of 250 feet
from a hydrant. Minimum fire flow for all residential structures shall be 1000 GPM for a 2–hour duration at 20 psi residual operating pressure, which must be available in time permitted per the DA.

100. The required water system, including fire hydrants, shall be accepted by the City of Banning Public Works, Water Division in accordance with the timing per the DA. Two sets of water plans are to be submitted to the Fire department for approval.

101. The Developer shall mount blue dot retro-reflectors pavement markers on private/public streets and driveways to indicate locations of all fire hydrants. Marker to be 8-inches from the centerline to the side that the fire hydrant is on, to identify the hydrant location.

102. Residential fire sprinklers are required in all dwellings per the California Residential Fire Code.

103. Fire Apparatus access roads and driveways shall be in compliance with the Riverside County Fire Department Standard number 06-05 (located at www.rvcfire.org). Access lanes will not have an up or downgrade of more than 15%. Access roads shall have an unobstructed vertical clearance not less than 13 feet 6 inches. Access lanes will be designed to withstand the weight of 80 thousand pounds over 2 axles. Access will have a turning radius capable of accommodating fire apparatus. Access lane shall be constructed with a surface so as to provide all the weather driving capabilities.

104. Roadways may not exceed 1320-feet without secondary access. This access may be restricted to emergency vehicles only however; public egress must be unrestricted.

105. Dead-end fire apparatus access roads in excess of 150-feet in length shall be provided with approved provision for the turn-around capabilities of the fire apparatus.

106. Any turn–around requires a minimum 38-foot turning radius or as approved by the Fire Marshall.

107. The minimum dimensions for gates is 20-feet clear and unobstructed width and a minimum vertical clearance of 13 feet 6 inches in height. Any gate providing access from a road shall be located at least 35 feet setback from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, a 38-foot foot turning radius shall be used.

108. Gates may be automatic or manual and shall be equipped with a rapid entry system (KNOX).

109. Plans shall be submitted to the Fire Department for approval prior to installation. Automatic gate pins shall be rated with a shear pin force, not to exceed 30-pounds. Gates activated
by the rapid entry system shall remain open until closed by the rapid entry system. Automatic gates shall be provided with backup power.
Attachment 8

Mitigation Monitoring and Reporting Program and Addendum Modifications

https://ci.banning.ca.us/Archive.aspx?ADID=1877

(Butterfield Specific Plan Environmental Impact Report available on City website at http://www.ci.banning.ca.us/Archive.aspx?AMID=56

Minor Modification Addendum and appendices available on City website at http://www.ci.banning.ca.us/Archive.aspx?ADID=1630
Attachment 9

Public Hearing Notice
NOTICE OF A PUBLIC HEARING ON PROPOSED TENTATIVE TRACT MAP NO. 37474 TO SUBDIVIDE APPROXIMATELY 16.5 GROSS ACRES OF VACANT LAND FOR RESIDENTIAL AND OPEN SPACE USES ALONG WITH PUBLIC STREETS ON REAL PROPERTY LOCATED NORTH OF WILSON STREET AND EAST OF HIGHLAND SPRINGS AVENUE WITHIN THE BUTTERFIELD SPECIFIC PLAN AREA

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, November 7, 2018, at 6:30 p.m. (or soon thereafter) in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider proposed Tentative Tract Map No. 37474 to subdivide approximately 16.5 gross acres of vacant land into 109 single family lots, 2 open space lettered lots, and public streets, all within the Butterfield Specific Plan Area. The property is located north of Wilson Street and east of Highland Springs Avenue, within the Butterfield Specific Plan area. Assessor's Parcel Numbers are identified as portions of APNS: 405-120-002, 408-120-005, and 408-120-007, within the City of Banning.

City staff has considered the potential environmental impacts of the proposed Tentative Tract Map No. 37474 in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. City staff also reviewed the previously certified Environmental Impact Report prepared for the Butterfield Specific Plan project (SCH No. 2007091149) as modified by the Addendum approved by the City Council on February 14, 2017, including the impacts and mitigation measures identified therein, which documents are on file in the Community Development Department. Based on that review, the City of Banning Planning Division has determined that the proposed Project and the circumstances under which the proposed Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior EIR. All potential environmental impacts associated with the Butterfield Specific Plan project and the proposed Tentative Tract Map No. 37474 are adequately addressed by the prior EIR, and the mitigation measures contained in the prior EIR will reduce those impacts to a level that is less than significant. Therefore, in accordance with CEQA Guidelines Section 15162 (“Subsequent EIRs and Negative Declarations”), a subsequent environmental document is not required.

Information regarding Tentative Tract Map No. 37474 can be obtained by contacting the City's Community Development Department at (951) 922-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning. You may also go to the City of Banning website at http://www.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 the proposed Tentative Tract Map No. 37474 in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Planning Commission at, or prior to, the public hearing, or, you or someone else raised at the public hearing described in this Notice (Cal. Gov. Code, § 65009).

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

Maryann Marks, AICP
Interim Community Development Director

Dated: October 23, 2018
Publish: October 26, 2018
Proof of Publication
(2015.5 C.C.P.)

165471 PHN_TR 37474

State of California
County of Riverside

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

May 24, 2019

Executed on: 05/24/2019
At Banning , CA

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

Ana Rivera
Signature
408-020-059
Beaumont Sundance
1059 Tierra De Rey Ste L
Chula Vista, CA 91910

408-120-002
Pardee Homes
177 E Colorado Blvd #500
Pasadena, CA 91105-1986

408-120-003
Pardee Homes
177 E Colorado Blvd #500
Pasadena, CA 91105-1986

408-120-004
Pardee Homes
177 E Colorado Blvd #500
Pasadena, CA 91105-1986

408-120-005
Pardee Homes
177 E Colorado Blvd #500
Pasadena, CA 91105-1986

408-120-007
Pardee Homes
19540 Jamboree Rd #300
Irvine, CA 92612-8452

408-120-008
Pardee Homes
177 E Colorado Blvd #500
Pasadena, CA 91105-1986

408-120-011
Pardee Homes
177 E Colorado Blvd #500
Pasadena, CA 91105-1986

408-120-030
Pardee Homes
177 E Colorado Blvd #500
Pasadena, CA 91105-1986

419-424-002
Conley Willie J
1685 Jade Moon Ln
Beaumont, CA 92223-2044

419-424-003
Kummerle Tina
1693 Jade Moon Ln
Beaumont, CA 92223-2044

419-424-004
Zanforlin Family Trust
1697 Jade Moon Ln
Beaumont, CA 92223-2044

419-424-005
Rosales Sandra P
1054 Sandpiper Dr
Beaumont, CA 92223-2052

419-424-012
City Of Beaumont
Po Box 158
Beaumont, CA 92223

419-424-013
Sundance Community Assn
5966 La Place Ct #170
Carlsbad, CA 92008-8830

419-424-014
City Of Beaumont
Po Box 158
Beaumont, CA 92223

419-550-004
Figueroa Alex I
1686 Rigel St
Beaumont, CA 92223-2490

419-550-005
Ramos Jaime D
1690 Rigel St
Beaumont, CA 92223-2490

419-550-006
Fermin Tristan
1306 Quince St
Beaumont, CA 92223-8452

419-550-007
Puskarov Robert M
996 Pavo Dr
Beaumont, CA 92223-2492

419-550-008
Pantoja Noel
992 Pavo Dr
Beaumont, CA 92223-2492

419-550-009
Tiriboy Merilyn
12202 Gathering Pl
Mira Loma, CA 91752-3195

419-550-010
Krolak Beata
972 Pavo Dr
Beaumont, CA 92223-2492

419-550-011
Gonzalez Juan
958 Pavo Dr
Beaumont, CA 92223-2492

419-550-012
Romero Selina
944 Pavo Dr
Beaumont, CA 92223-2492

419-550-013
Torres Terri L
938 Pavo Dr
Beaumont, CA 92223-2492

419-550-014
Lam Tuan T
930 Pavo Dr
Beaumont, CA 92223-2492

419-550-015
Bonadiman Roger W
922 Pavo Dr
Beaumont, CA 92223-2492

419-550-016
Kinser Russell Welling
1699 Apollo Way
Beaumont, CA 92223-2495

419-550-017
Diaz Sarafina Romo
1695 Apollo Way
Beaumont, CA 92223-2495
419-550-018
Geiger Anthony C
1693 Apollo Way
Beaumont, CA 92223-2495

419-550-019
Bernhardt David P
1689 Apollo Way
Beaumont, CA 92223-2495

419-550-058
City Of Beaumont
Po Box 158
Beaumont, CA 92223

419-550-059
Sundance Community Assn
5966 La Place Ct #170
Carlsbad, CA 92008-8830

Engineer
MDS Consulting
ATTN: Ed Lenth
17320 Redhill Ave Ste 350
Irvine, CA 92614

419-550-060
City Of Beaumont
Po Box 158
Beaumont, CA 92223

Applicant/Owner
Pardee Homes
ATTN: Chris Courtney
1250 Corona Pointe Ct Ste 600
Corona, CA 92879
TRANSMITTAL LETTER

City of Banning
Community Development
Landscape Plan Check

Date: May 11, 2019
To: Adam Rush
From: Steven Frenken
Subject: Plan Check Design Review Package: Pardee Homes Tract 37365 Planning Areas 4, 9B, & 26 Park Site

I have reviewed the plans as submitted and found them to be complete. There are a few items I found that need correction or I have a question about.

1. Atwell sheet 8 of 12 shows typical access and maintenance easement for sample lots and identifies two incorrectly. (1C & 3B)
2. Street trees proposed are very large and parkway width is narrow, Cedrus deodara on Wilson with 4’ or 5’ planting space, Platanus acerifolia on Wilson with 5’ parkway. Normally I would require a panel type root barrier for any tree planted within 8’ of hardscape, but these trees are big trees. With a combination of root barriers, deep infrequent irrigation and well drained soils, it might work.
3. Park site, I would recommend taller screen planting on the north and west side of the park due to the close proximity to the homes behind the walls.
4. Condo Irrigation: proposed to have private home owner maintained front yards. I see this as a HOA community problem that will require more CC&R issues.

Other than these few items, the Landscape Architect selected for this project does provide a good product and typically provides clear and complete working documents.

If you have any questions, please contact me.

Thank you.
Steven Frenken
Landscape Architect #2622
ISA Certified Arborist
TO:        PLANNING COMMISSION
FROM:      Adam B. Rush, Community Development Director
PREPARED BY:  Mark de Manincor, Contract Planner
MEETING DATE:  June 5, 2019
SUBJECT:   TENTATIVE TRACT MAP (TTM) 37365, A PROPOSAL TO SUBDIVIDE APPROXIMATELY 14.22 GROSS ACRES OF VACANT LAND INTO 18 LOTS FOR CONDOMINIUM PURPOSES FOR A TOTAL OF 107 SINGLE-FAMILY RESIDENTIAL DETACHED CONDO UNITS, FOUR OPEN SPACE Lots, ONE PARK LOT AND PUBLIC STREETS, ALL WITHIN THE BUTTERFIELD SPECIFIC PLAN, PLANNING AREAS 4, 9B AND 26

RECOMMENDED ACTION:
Staff recommends that the Planning Commission Adopt Resolution 2019-14, recommending the City Council take the following actions:

I.    Find that in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, that all previous environmental impacts have been evaluated and disclosed and that a subsequent environmental document is not required.

II.   Approve Tentative Tract Map 37365 to subdivide approximately 14.22 gross acres of land into 18 lots for condominium purposes for a total of 107 single-family residential detached condo units, including open space uses and public streets, subject to conditions of approval.

PROJECT / APPLICANT INFORMATION:

Project Applicant:  Pardee Homes
1250 Corona Pointe Court, # 600
Corona, CA 92879
APPLICANT’S REQUEST:

Proposed Tentative Tract Map 37365 would subdivide approximately 14.22 acres of vacant land into 18 lots for condominium purposes for a total of 107 single-family residential detached condo units, 4 open space lots, 1 park lot and public streets. The Project site is located north of Wilson Street and east of Highland Springs Road within the Butterfield Specific Plan area: see Figures 1 and 2 for the overall Butterfield Specific Plan area and a colored site plan of Tentative Tract Map 37365. The proposed Tentative Tract Map 37365 is attached to this report as Attachment 2.

BACKGROUND:

The Butterfield Specific Plan, General Plan and Zoning Map Amendments, Development Agreement, and accompanying Environmental Impact Report were originally approved by the City Council in March of 2012. (See Attachments 3 through 7 and 9.) Subsequent litigation and a settlement agreement resulted in a request by the applicant for approval
of a General Plan Amendment related to Highland Home Road as well as certain minor modifications to the Specific Plan. These applications were reviewed by the Planning Commission in January 2017 and were reviewed and approved by the City Council in February 2017 (Attachment 8).

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

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

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

On November 7, 2018, Tentative Map No. 37390 was scheduled before the Planning Commission; however, was continued off calendar. Subsequently, City staff has published new public hearing and property owner notifications in preparation for the June 5th Planning Commission meeting.

**ANALYSIS:**

The overall Butterfield Specific Plan project site is approximately 1,528 acres and is located generally at the northwestern corner of the City of Banning (see Figure 1), adjacent to Highland Springs Road which also serves as the Banning city limits. Tentative Tract Map 37365 is located generally within the southwesterly area of the Specific Plan, as detailed within the Key Map attached to this staff report.

Proposed Tentative Tract Map 37365 includes the following Planning Areas (PA) within the Butterfield Specific Plan: Planning Areas 4 and 9B [Medium Density Residential (MDR)] and Planning Area 26 [Parks]. See Figure 3 below; a larger copy of the Butterfield Specific Plan land use map is included with this report as Attachment 3.

Additionally, the proposed Tentative Tract Map will create public streets, identified as “A” through “H”.

**Residential Planning Areas**

**Medium Density Residential: Planning Areas 4 and 9B**

The proposed Tentative Tract Map 37365 encompasses two Medium Density Residential (MDR) Planning Areas – (PA) 4 and 9B. MDR lots are intended as either conventionally plotted detached single-family homes on individual lots with private
yards, or as a cluster product (green court, motor court, or stub street court).

PA 4 and PA 9B MDR lots contained within the proposed Tentative Tract Map 37365 are plotted as detached – small lot – condominium lots. The minimum lot sizes and dimensions are as follows:

Minimum lot area: 2,200 square feet
Minimum lot width: 40 feet
Minimum lot depth: 55 feet
Maximum density: 9.65 du/ac

All residential lots within the propose subdivision comply with the minimum lot area and dimensional requirements specified for PAs 4 and 9B.

Below is a comparison of the proposed Tentative Tract Map No. 37365 dwelling unit numbers, acreages, and densities to the approved Specific Plan:

<table>
<thead>
<tr>
<th></th>
<th>Approved SP</th>
<th>Proposed TTM</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>PA 4 # units</td>
<td>129</td>
<td>78</td>
<td>-51</td>
</tr>
<tr>
<td>PA 4 acreage</td>
<td>13.9</td>
<td>9.31</td>
<td>33%</td>
</tr>
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<td>PA 4 density</td>
<td>9.3 du/ac</td>
<td>8.4 du/ac</td>
<td>within approved range</td>
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<tr>
<td>PA 9B # units</td>
<td>98</td>
<td>29</td>
<td>-69</td>
</tr>
<tr>
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<td>5</td>
<td>4</td>
<td>20%</td>
</tr>
<tr>
<td>PA 9B density</td>
<td>10 du/ac</td>
<td>7.3 du/ac</td>
<td>within approved range</td>
</tr>
</tbody>
</table>

Adjustment of residential planning boundaries of 20% or less can be approved by the Community Development Director as substantially conforming to the Specific Plan, and revisions to the number of dwelling units within a PA can be approved as substantially conforming to the Specific Plan as long as the total number of units for the Specific Plan area does not exceed the maximum number of approved Specific Plan units nor the maximum density allowed in a Planning Area.

**Grading:**

All proposed manufactured slopes shall be a maximum of 2:1, unless otherwise noted on the Tentative Tract Map. All proposed residential lots shall maintain a minimum grade from rear of the lot to the street in accordance with the latest Building Code.

**Future City Approvals:**

Grading permits (rough and precise grading); encroachment permits, water, sewer, and reclaimed water connection permits may be issued by the City of Banning Department of Public Works after approval of the proposed Tentative Tract Map No. 37365.
Parks

Tentative Tract Map 37365 includes one park. PA 26 is an approximately one-acre park lot located in the center of the TTM 37365.

<table>
<thead>
<tr>
<th></th>
<th>Approved SP</th>
<th>Proposed TTM</th>
<th>Difference</th>
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<tr>
<td>PA 26 acreage</td>
<td>1.0</td>
<td>0.91</td>
<td>9%</td>
</tr>
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</table>

Open Space Lettered Lots

The proposed Tentative Tract Map No. 37365 includes 0.56 acres of open space identified as Lots “A - D.” Lots “A – C,” are proposed landscape areas adjacent to the parkway, are privately owned and will be maintained by an approved Homeowners Association (HOA). Lot “D” is a proposed 30-foot-wide public drain and sewer easement, also maintained by an approved HOA.

Streets/Circulation System

Proposed streets within the subdivision will be public streets and are consistent with sections provided in the Butterfield Specific Plan. Residential streets proposed will be 36’ wide from curb to curb, consistent with the approved Specific Plan and allowing for on-street parking.

Proposed entry streets to residential neighborhoods will include medians.

Utilities

Electrical service will be provided by the City of Banning. The Electric Utility has provided conditions of approval that have been incorporated into the draft Project conditions. Permanent City of Banning electrical utilities will be underground with the exception of temporary overhead electrical lines and pad-mount equipment such as transformers and switchgear.

Water and wastewater services will be provided by the City of Banning – Department of Public Works.

Other Improvements

Additionally, a stormwater management/flood control basin (Basin 3) will be constructed, at the corner of Wilson and “C” Streets, as part of Phase 1 of the Butterfield project. The project requires a larger drainage storage capacity in Basin 3 in Phases 1 and 2 than what will be required in later phases of the project, therefore Basin 3 will be constructed in a way that facilitates future alteration of the basin. In Phases 1 and 2 of the project, Basin 3 will serve as both a stormwater quality treatment/infiltration basin and as a 100-year flood retention basin. After the construction of Phase 3 the basin will serve only as
a water quality/infiltration basin. Therefore, the basin size will be reduced concurrently with the construction of Phase 3 of Butterfield. Reducing the size of Basin 3 will allow the construction of the realigned Smith Creek channel. Basin 3 will include a low berm dividing the permanent portion of the basin on the western side, and adjacent “C” Street from the temporary portion of the basin nearer to Smith Creek. Basin 3 will be hydroseeded in the interim condition and is ultimately expected to be landscaped with primarily riparian plantings.

ENVIRONMENTAL DETERMINATION:

1. California Environmental Quality Act (CEQA)

Potential environment issues associated with the proposed Tentative Tract Map were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149) as modified by the Addendum approved by the City Council on February 14, 2017, which documents are on file in the Community Development Department. There have been no substantial changes in the Project nor in the circumstances under which the Project is undertaken which will require major revisions of the previous environmental document; nor is there new information that shows that the Project will have a significant environmental effect or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required.

The project will be conditioned to comply with the mitigation measures of the approved Mitigation Monitoring and Reporting Program (MMRP).

2. Multiple Species Habitat Conservation Plan (MSHCP): The Project EIR’s mitigation measures, including submittal of a Determination of Biologically Equivalent of Superior Preservation (DBESP), ensure consistency with the Western Riverside County MSHCP. These mitigation measures will be incorporated into all development approvals as required by the project MMRP to ensure consistency with the MSHCP.

PUBLIC COMMUNICATION

The Planning Commission’s consideration of the proposed Tentative Tract Map No. 37365 was advertised in the Record Gazette newspaper on May 24, 2019 (Attachment 10). Additionally, the notice was mailed to all property owners within 300-feet of the Project and the mailing was expanded to include property owners within 300’ of the Specific Plan boundaries. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.
Attachments:

1. Planning Commission Resolution 2019-14
2. Tentative Tract Map 37365 Plans
3. Butterfield Specific Plan, Land Use Plan
4. Butterfield Specific Plan Excerpts, Development Regulations
5. Ordinance 1450 (Approving the Butterfield Specific Plan)
6. Butterfield Specific Plan Development Agreement
7. CC Resolution 2017-07 Approving Minor Modifications and Attachment C, Conditions of Approval
8. Mitigation Monitoring and Reporting Program and Addendum Modifications
9. Public Hearing Notice
Attachment 1

Planning Commission Resolution 2019-14
RESOLUTION 2019-14


WHEREAS, an application for Tentative Tract Map No. 37365, attached hereto as Exhibit “A,” to subdivide approximately 14.22 gross acres of vacant real property into residential, park, and open space lots, along with public streets (the “Project”), has been duly filed by:

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

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

Parcel Address: North of Wilson Street, east of Highland Springs Avenue

APNs: Portions of 408-120-001 and 408-120-002

Lot Area: Approximately 14.22 gross acres;

WHEREAS, pursuant to Title 16 of the Banning Municipal Code, the Planning Commission has the authority to review and make recommendations to the City Council concerning Tentative Tract Map No. 37365;

WHEREAS, the Community Development Department has evaluated the Project’s potential effects on the environment as required under the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code, § 21000 et seq.) and determined that potential impacts associated with proposed Tentative Tract Map No. 37365 were adequately analyzed under the previously approved Final Environmental Impact Report
for the Butterfield Specific Plan project (SCH No. 2007091149) and that pursuant to
CEQA Guidelines Section 15162 no further environmental analysis is required;

WHEREAS, in accordance with Government Coce Sections 66451.3, 65090 and
65091, on May 24, 2019 the City gave public notice, by advertisement in the Record
Gazette Newspaper, and by mailing to the owner of the subject real property, the owner’s
duly authorized agent, the Project applicant, and property owners within 300 feet of the
Project site, of a public hearing concerning the Project; and

WHEREAS, in accordance with Banning Municipal Code Section 16.12.080, on
June 05, 2019, the Planning Commission held a public hearing at which time interested
persons had an opportunity to testify in support of, or opposition to, the Project, and at
which the Planning Commission considered Tentative Tract Map No. 37365.

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

SECTION 1: California Environmental Quality Act and Multiple Spec ies Habitat
Conservation Plan Findings. The Planning Commission of the City of Banning does
hereby recommend that the City Council of the City of Banning make the following
environmental findings and determinations in connection with the approval of the Project:

A. Pursuant to the California Environmental Quality Act (“CEQA”) (Cal. Pub.
Res. Code, § 21000 et seq.), the State Guidelines (14 Cal. Code Regs. §
15000 et seq.), and the City’s Local Guidelines, City staff has considered
the potential environmental impacts of Tentative Tract Map No. 37365. City
staff has also reviewed the previously certified Environmental Impact
Report (EIR) for the Butterfield Specific Plan project (SCH No.
2007091149), including the impacts and mitigation measures identified
therein, and reviewed the EIR in accordance with CEQA for the Project.
Based on that review, the City of Banning Planning Division has determined
that the Project and the circumstances under which the Project is
undertaken do not involve substantial changes which will result in new
significant environmental effects, and that the Project does not involve new
information of substantial importance which shows that the Project will have
significant effects not discussed in the prior EIR. All potential environmental
impacts associated with the Butterfield Specific Plan and Tentative Tract
Map No. 37365 are adequately addressed by the prior EIR.

B. The Planning Commission has independently reviewed the Planning
Division’s determination, and based upon the whole record before it, the the
Planning Division’s determination, and its independent review and
judgment, finds that that the Project is not subject to further environmental
review pursuant to the Guidelines because: (1) the Project and the
circumstances under which the Project is undertaken do not involve
substantial changes which will result in new significant environmental
effects, and that the Project does not involve new information of substantial
importance which shows that the Project will have significant effects not
discussed in the prior EIR; and (2) all potential environmental impacts associated with Butterfield Specific Plan and the proposed Tentative Tract Map No. 37365 are adequately addressed by the prior EIR.

C. The custodian of records for the prior EIR, and all other materials that constitute the record of proceedings upon which the City Council’s recommendation is based, is the Planning Division of the City of Banning. Those documents are available for public review in the Planning Division located at 99 E. Ramsey Street, Banning, California 92220.

D. Multiple Species Habitat Conservation Plan (MSHCP). The Project EIR’s mitigation measures, including submittal of a Determination of Biologically Equivalent of Superior Preservation (DBESP), ensure consistency with the Western Riverside County MSHCP. These mitigation measures will be incorporated into future development approvals as required by the Project Mitigation Monitoring and Reporting Program to ensure consistency with the MSHCP.

SECTION 2: Findings for Recommendation of Approval of Tentative Tract Map No. 37365. The Planning Commission of the City of Banning does hereby recommend that the City Council of the City of Banning find and determine that Tentative Tract Map No. 37365 should be approved because:

A. Finding: Tentative Tract Map No. 37365 is consistent with the objectives, policies, general land uses, and programs specified in the City’s General Plan and the Butterfield Specific Plan.

Findings of Fact:
The General Plan land use designation for the site is classified as Specific Plan; the Butterfield Specific Plan includes land use designations of Medium Density Residential, Open Space, and Parks uses within the proposed Project area. The proposed Tentative Tract Map No. 37365 is consistent with the City’s General Plan in that as it will provide for a range of housing types, parks, and open space as envisioned by the General Plan’s Land Use element and an efficient transportation system as envisioned by the General Plan’s Circulation element. It is consistent with the Butterfield Specific Plan as it provides for land uses consistent with those designated for the Project area by the Specific Plan land use map. As such, the proposed Tentative Tract Map No. 37365 is consistent with the objectives, policies, general land uses, and programs specified in the City’s General Plan and the Butterfield Specific Plan.

B. Finding: The design and improvement of the subdivision proposed under Tentative Tract Map No. 37365 is consistent with the City’s General Plan and the Butterfield Specific Plan.
Findings of Fact:
The design and improvement of the proposed subdivision is consistent with the City’s General Plan and the Butterfield Specific Plan in that it will provide for a range of housing to meet the needs of the City’s residents, and an efficient transportation system as envisioned by the General Plan, and is designed to meet City standards, including providing satisfactory pedestrian and vehicular circulation, emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities consistent with the Specific Plan.

C. Finding: The subject site is physically suitable for the type of development proposed under Tentative Tract Map No. 37365.

Findings of Fact:
The Project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the Project site is provided by Highland Springs Avenue and Wilson Street. Analysis of the Project site relative to the physical suitability of the site for development was included in previous approvals for the Butterfield Specific Plan and the site is physically suitable for the proposed development as allowed under the Butterfield Specific Plan.

D. Finding: The site is physically suitable for the proposed density of development under Tentative Tract Map No. 37365.

Findings of Fact:
The Project site transitions from relatively flat land at the northeast corner of Highland Springs Avenue and Wilson Street to the foothills of the San Bernardino Mountains. Major access to the site is provided by Highland Springs Avenue and Wilson Street. Analysis of the Project site relative to the physical suitability for density of development was included in the approvals for the Butterfield Specific Plan, and the proposed number of dwelling units is lower than that allowed under the Butterfield Specific Plan.

E. Finding: The design of the subdivision and improvements proposed under Tentative Tract Map No. 37365 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Findings of Fact:
Potential environment issues associated with the proposed Tentative Tract Map No. 37365 were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149), as amended by the Addendum approved by the City Council in February 2017. With the imposition of mitigation measures, the Project will not have a significant effect on biological resources. There have been no substantial changes in the Project, nor in the circumstances under which
the Project is undertaken, that will require major revisions of the prior certified EIR; nor is there new information that shows that the Project will have a significant environmental effect or an effect more severe than originally thought. Therefore, the proposed Tentative Tract Map No. 37365 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

F. Finding: The design of the subdivision and improvements proposed under Tentative Tract Map No. 37365 is not likely to cause serious health problems.

Findings of Fact:
The proposed Tentative Tract Map No. 37365 is in conformance with the City’s General Plan, Zoning Ordinance, and Subdivision Ordinance and the Butterfield Specific Plan, and the Project has been conditioned to comply with all applicable Specific Plan requirements and requirements of the City’s ordinances, codes, and standards. In addition, the design and construction of improvements are conditioned to be in conformance with adopted City street and public works standards. The City’s ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety, and welfare.

G. Finding: The design of the subdivision and improvements proposed under Tentative Tract Map No. 37365 will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Findings of Fact:
Tentative Tract Map No. 37365 does not conflict with any easements for access through or use of property within the proposed subdivision.

H. Finding: The design of the proposed Tentative Tract Map No. 37365 provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Findings of Fact:
Tentative Tract Map No. 37365 does not propose any design features that would conflict with future passive or natural heating or cooling opportunities.

SECTION 3: PLANNING COMMISSION ACTION - Recommendation of Approval of Tentative Tract Map No. 37365 with Conditions. Based on the foregoing, the Planning Commission of the City of Banning hereby recommends that the City Council of the City of Banning approve Tentative Tract Map No. 37365, attached hereto as Exhibit “A,” a subdivision of approximately 14.22 gross acres into 18 lots for condominium purposes for a total of 107 single family residential lots, 1 lot for parks, 4 open space lots, and public streets on real property located north of Wilson Street and east of Highland Springs avenue within the southwesterly portion of the Butterfield Specific Plan (APNs: Portions
of 408-120-001 and 408-120-002), subject to the recommended Conditions of Approval attached as Exhibit “B”.

PASSED, APPROVED AND ADOPTED this 5th day of June, 2019.

__________________________
Serita Young, Assistant City Attorney
Richards Watson & Gershon

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, No. 2019-14, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 5th day of June, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
Exhibit “A”
Tentative Tract Map No. 37365
(See Attachment No. 2)
Exhibit “B”
Tentative Tract Map No. 37365 Conditions of Approval
(See Attachment No. 7)
Attachment 2

Tentative Tract Map 37365
**FLOOD ZONE NOTE**

The 100-year flood plain is not shown on the map. The planning department has received the results of the flood study and is in the process of preparing the final maps. The flood maps are used to determine the flood zone and flooding levels. Please contact the planning department for more information.

**BASIS OF BEARINGS**

The planning department has received the results of the flood study and is in the process of preparing the final maps. The flood maps are used to determine the flood zone and flooding levels. Please contact the planning department for more information.

**TENTATIVE TRACT NO. 37365**

**RESIDENTIAL LOT SUMMARY**

**STREET AREA SUMMARY**

**ABBREVIATIONS**

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**PER BEDROOM**

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<td>70</td>
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**LEGAL DESCRIPTION**

A description of the property is as follows:

- **PLANNING AREA SUMMARY**

| Proposed Tentative Tract 37639
|-----------------------------|
| **APPLICANT/PARCEL NUMBERS**
| **OWNER**

**ENGINEER**

- **BASE OF BEARINGS**

**TENTATIVE TRACT NO. 37365**

**RESIDENTIAL LOT SUMMARY**

**STREET AREA SUMMARY**

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<table>
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<td>Planning Reserve</td>
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<tr>
<td>L</td>
<td>Limited Reserve</td>
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**NOTES/TABULATIONS**

P.A.'s 4, 9B & 26

**ATWELL**

PHASE 1A / TENTATIVE TRACT NO. 37365

P.A.'s 4, 9B & 26 - TENTATIVE TRACT MAP

NOTES/TABULATIONS

CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

SHEET 2 OF 12

SUBMITTAL NO. 3 FOR PLAN CHECK, 4-15-2019
Attachment 4

Butterfield Specific Plan Land Excerpts – Development Regulations


(Full Pardee Butterfield Specific Plan available on City website at under Butterfield Specific Plan)

http://www.ci.banning.ca.us/Archive.aspx?ADID=1741
Attachment 5

Ordinance 1450 Approving the Butterfield Specific Plan and associated conditions of approval

https://ci.banning.ca.us/Archive.aspx?ADID=1874
Attachment 6

Butterfield Specific Plan Development Agreement

https://ci.banning.ca.us/Archive.aspx?ADID=1875
Attachment 7

CC Resolution 2017-07 Approving Minor Modifications and Attachment C, Conditions of Approval

https://ci.banning.ca.us/Archive.aspx?ADID=1878
Exhibit “B”
Tentative Tract Map 37365 Conditions of Approval
(Phase 1A)

Community Development

1. The City and Developer are parties to a Development Agreement, recorded on July 17, 2012, as document number 2012-0332888 (“DA”). In the event of any inconsistency or conflict between these Conditions of Approval and the DA, the DA shall control. The Developer shall indemnify the City as described in the DA.

2. Approval of this entitlement shall not waive compliance with any sections of the DA, Butterfield Specific Plan, or other applicable City Ordinances in effect at the time of building permit issuance, to the extent such City Ordinances are applicable to the project and not vested under the DA.

3. Approval of Tentative Tract Map 37365 shall run with the term of the DA. All conditions of approval must be met on or before the expiration date or the applicant must request an extension of time at least thirty (30) days prior to the expiration date, and receive approval of said extension; otherwise, the approval shall expire and become null and void.

4. Unless approved otherwise by City, the Developer shall comply with all applicable conditions of City Council Ordinance No. 1450 approving the Butterfield Specific Plan and conditions of City Council Resolution No. 2017-07 approving Minor Modifications to the Butterfield Specific Plan.

5. All mitigation measures required by the Butterfield Specific Plan Environmental Impact Report Mitigation Monitoring and Reporting Program (MMRP), as modified pursuant to the approved Addendum, and conditions of the project’s Settlement Agreement shall be implemented if those measures/conditions relate to this phase or part of the development or are required to be satisfied in connection with this phase or part of the development.

6. A copy of the signed resolution of approval and all conditions of approval and any applicable mitigation measures shall be reproduced in legible form on the grading plans submitted for review and approval as required by the reviewing department.

7. The Developer shall pay all applicable development impact fees and other fees as required under the DA. Adjustments and/or fee credits to the applicable DIFs may be provided as allowed in the DA and any applicable implementing DIF credit agreement. The project proponent shall provide written evidence to the City that school mitigation fees have been paid or other arrangements acceptable to the applicable school district and Developer have been met.

8. Deposits shall be handled per the executed Deposit Agreement dated May 7, 2019.

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

10. Per DA Exhibit E, Section 5.2, the Developer shall stabilize according to the City Grading and Landscaping Ordinance the rear slope of all residential lots prior to issuance of a certificate of occupancy but shall not be required to landscape and/or irrigate the slopes. It is the intention that the rear yard landscaping will be required and installed within the time specified in the CC&Rs by the homeowner.

11. Per DA Section 6.5.2, Phasing Plans specifying when the lots within Tract 37365 will be developed and when all appropriate public infrastructure within Tract 37365 will be constructed shall be approved prior to commencement of development within the tract. Prior to approval of the Final Map, all conditions requiring the provision or proposed project facilities and subdivision improvements for the area covered by the Tentative Map must be satisfied either through performance or through the provision of suitable security prior to recordation of the Final Map or deferred with City approval under the terms of the DA.

12. Prior to precise grading plan approval, a conceptual (non-structural) project wall/fencing plan to include retaining walls, perimeter walls, and interior walls shall be developed and shall be subject to design review approval by the Community Development Department.

13. All residential and commercial neighborhoods and public facilities shall require Design Review approval by the Community Development Department.

14. Temporary construction fencing shall be installed around portions of the tract under construction until replacement by permanent walls/fencing or completion of improvements.

15. Developer shall meet all legal requirements of responsible agencies.

Engineering/Public Works

A. General Requirements

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

17. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any applicable and legally required clearances and/or permits. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvement plans to the City:
18. The following improvement plans shall be prepared by a Civil Engineer licensed by the State of California and submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized in writing by the City Engineer, the plans shall utilize the minimum scale specified and shall be drawn on 24” x 36” Mylar film for final signatures. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors):

a. Rough Grading Plans  
   1” = 40’ Horizontal

b. Haul Route Plans  
   1” = 40’ Horizontal  
   (If soils is exported off site)

b. Clearing Plans  
   1” = 50’ Horizontal  
   (Include fuel modifications zones)  
   (Include construction fencing plan)

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

e. Storm Drain Plans  
   1” = 40’ Horizontal

f. Street Improvement Plans  
   1” = 40’ Horizontal  
   1” = 4’ Vertical

g. Traffic Signal Plans  
   1” = 20’ Horizontal  
   (Caltrans Standard)

h. Signing & Striping Plans  
   1” = 40’ Horizontal

i. Construction Traffic Control Plan  
   1” = 40’ Horizontal  
   (Major or Arterial Highways only)

j. Precise Grading Plans  
   1” = 40’ Horizontal
k. Landscaping Plans 1” = 20’ Horizontal

l. Water, Sewer, & Non-potable water Plans 1” = 40’ Horizontal

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

19. 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.

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

21. 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.

22. 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.

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

B. Rights of Way/Public Improvements

24. Prior to issuance of any permit(s), the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed project/development. If those property rights are located outside the project/development, then the procedures and requirements of Government Code Section 66462.5 shall apply, including the potential acquisition of those rights by the City or waiver of the City’s requirement to obtain those rights. Conferred rights may include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.
25. The applicant shall offer for dedication on the Final Map, within Final Map boundaries, all public street right-of-way in conformance with the DA and the Butterfield Specific Plan. The City may reject the dedications and leave them open for future acceptance when all required public street improvements for the map are installed by the applicant in the rights of way.

26. Maintenance easements dedicated to the City of Banning shall extend at most 10-feet beyond the toe of slope, where sufficient space is available or as approved by the City Engineer, for those slope areas where maintenance falls within the responsibility of the City.

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

28. All street improvement designs shall provide pavement and lane transitions per City of Banning and Caltrans standards for transition to existing street sections, subject to the terms of the DA.

29. Design and construct full street improvements in accordance with City standards, subject to the terms of the DA, for ALL streets as approved on the Final Tract Map including, but not limit to street lighting, curb and gutter, cross gutters and spandrels, access ramps, driveway approaches, sidewalk, asphalt concrete pavement, street name signs, traffic signs and striping, and any transitions. Applicant’s geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method. STREET AND SIDEWALK WIDTHS AND CROSS SECTIONS SHALL COMPLY WITH THE APPROVED 2016 UPDATED BUTTERFIELD SPECIFIC PLAN or as agreed to by the Developer and City Engineer.

30. The applicant shall plant and maintain trees, shrubs, and ground cover placed in the parkway, slopes adjacent to public right-of-ways, and median islands constructed in connection with the project in accordance with applicable City standards until maintenance of such area is turned over to HOA, LMD or other public financing District. This includes ensuring that irrigation systems are operating properly, the clearing of debris, and regular weed removal. Turnover to a LMD or other public financing District will not be unreasonably withheld, conditioned or delayed.

31. All applicable public improvements required for occupancy shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy. City to provide inspections in timely manner and any inspections exceeding 2 inspections to require meeting with City Engineer to address.
C. **Grading and Drainage**

32. The applicant shall submit an Updated Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Public Works Department – Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFCD), RCFCD Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way. When these criteria are exceeded, additional drainage facilities shall be designed and constructed.

33. At a minimum, all development will make provisions to store runoff from rainfall events up to and including the 100-year 3-hour duration event. Post-development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates.

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

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

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

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

38. The applicant 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.

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

   a. Temporary Soil Stabilization (erosion control).
   b. Temporary Sediment Control.
   c. Wind Erosion Control.
d. Tracking Control.
e. Non-Storm Water Management.
f. Waste Management and Materials Pollution Control.

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

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

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

43. 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.

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

45. Prior to the issuance of a grading permit, the applicant shall execute a Stormwater Management Facilities Agreement on terms agreed to by the parties guaranteeing the maintenance of stormwater pollution controls. Said agreement shall be recorded with the Riverside County Recorder and run with the land.

46. Prior to issuance of any grading or building permit, the applicant shall install trash filters on newly constructed storm drain systems that are not tributary to any onsite water quality/detention basin in compliance with the Trash Amendment as amended and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.

47. A notation shall be placed on all applicable the rough grading plan(s): “Compliance with Mitigation Measures BIO-1 and BIO-2 is required.”

48. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification. The pad certification shall include an elevation and compaction certification. The elevation certification shall be stamped and signed by a licensed civil engineer or land surveyor and shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. The compaction certification shall list the relative compaction of the pad soil and shall be certified by a licensed geotechnical engineer.
49. If this final map includes areas within a designated Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Special Flood Hazard Zone, a letter of map revision (LOMR) shall be processed through FEMA and provided to the City Engineer prior to occupancy of affected lots.

50. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Prior to issuance of any grading permits, FEMA may require a hydrologic and hydraulic analysis to be submitted and approved that demonstrates that the development will not cause any rise in base flood levels.

D. Landscaping Public Right of Way

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

52. An automatic sprinkler system and landscaping shall be installed, prior to certificate of occupancy for the portion of the project for which certificates of occupancy are requested, within the common areas including perimeter slopes and the interior collector streets. Each system shall include a smart landscape irrigation controller (including remote communication), a separate water meter and electric meter, and plantings as approved by the Community Development Director. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.

53. A home owners' association shall be established and the applicable Conditions, Covenants & Restrictions (CC & R’s), shall be prepared for review and approval of the City Engineer at the time set forth in the DA providing for maintenance of the parkway on-site lighting and landscaping, slopes adjacent to public right-of-ways, onsite private parking/roadway, any debris basins, BMP’s referenced in the approved WQMP, and median island landscaping. The developer shall appoint the initial members of the Board of Directors of the home owners' association, or take such other steps as may be reasonably necessary to assure that members have been appointed or elected to such Board of Directors, until under the terms of the applicable CC & R's individual lot owners have the power to elect the members of the Board of Directors in accordance with the CC & R's.

54. The, conditions, covenants, and restrictions shall contain provisions which prohibit dissolution of the home owners' association unless another entity has agreed to assume the operation and maintenance responsibilities of the home owners’ association. The conditions, covenants and restrictions shall contain provisions that prohibit the developer and his/her successors-in-interest from amending said covenants, conditions and restrictions to conflict with these Conditions of Approval.
55. Alternatively, to having an HOA provide maintenance of the parkway on-site lighting and landscaping, slopes adjacent to public right-of-ways, any debris basins, BMP’s referenced in the approved WQMP, and median island landscaping, a Landscaping Maintenance District (LMD), or other public financing mechanism, can be formed to provide for the landscape maintenance.

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

57. Landscape improvement plans shall incorporate the City’s letter, dated May 11, 2019, providing construction level recommendations to the landscape working drawings.

E. Traffic

58. As part of each final tract map, a validation report, referencing compliance with Mitigation Measure TRF-2; which requires a Traffic Impact Analysis (TIA) validation report, is required at the direction of the City Engineer.

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

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

61. Driveway grades shall be designed in accordance with current City standards.

62. Parking areas shall be designed and improved with grades not to exceed five percent slope. All applicable ADA standards will be adhered to.

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

64. Prior to the issuance of any certificate of occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the applicant or developer until the street is accepted by the City for maintenance.
A. **Final Map**

65. Prior to approval of any Final Map, the applicant shall construct on-site and off-site improvements required for the development of the property in accordance with the approved plans and satisfy its obligations for same, or shall furnish a fully secured and executed Subdivision Improvement Agreement on terms agreed to by the Parties guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, unless such improvements are deferred with City approval under the terms of the DA or as otherwise set forth under the terms of the DA. For off-site improvements, the procedures and requirements of Government Code Section 66462.5 shall apply, including the potential acquisition of those rights by the City or waiver of the City’s requirement to obtain those rights.

66. Prior to the recordation of final map or the issuance of the first grading permit (whichever occurs first), the applicant shall obtain approval from the Fire Marshall in consultation with the City Engineer, for a conceptual fuel modification plan and program, unless the Fire Marshall finds in writing to the City that such plan and program are not required for development of the property within the boundaries of this TTM No. 37365. Prior to the issuance of the first of any certificate of occupancy (non-model), within the lots affected by said fuel modification plans, the fuel modification shall be installed and completed under the supervision of the Fire Marshall with an approved plant palette. The CC&Rs or other approved documents shall contain provisions for maintaining the fuel modification zones, including the removal of all dead and dying vegetation.

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

<table>
<thead>
<tr>
<th>Bond Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faithful Performance Bond</td>
<td>100% of estimated cost</td>
</tr>
<tr>
<td>Labor and Material Bond</td>
<td>100% of estimated cost</td>
</tr>
<tr>
<td>Monumentation Bond</td>
<td>$10,000.00</td>
</tr>
</tbody>
</table>

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

68. Prior to approval of the Final Map, the applicant shall submit a list of street names and addresses in Microsoft Excel spread sheet format for review and approval. The house number system shall be in accordance with Section 12.32 of the Banning Municipal Code. A reduced copy of the subdivision map shall be included with the submittal.

69. Revisions to the tentative map during plan check including, but not limited to, lot line alignments, easements, improvement plan revisions, and similar minor changes that are in substantial compliance with the tentative map, or associated conditions of approval, shall be administratively approved through the plan check process with the mutual consent and approval of the Developer, the Community Development Director and City Engineer.
70. Changes that are not administratively approved, through the process referenced above and herein shall be amended in accordance with the Subdivision Map Act, as amended and codified within the Banning Municipal Code (BMC).

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

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

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

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

75. Public improvements shall be completed and accepted by City of Banning prior to release of Faithful Performance Bond and Labor and Material Bond for such improvements. Faithful Performance Bond for applicable public improvements shall be reduced to 10% once City accepts improvements into maintenance period. Final 10% to serve as the maintenance bond for the 1-year maintenance period.

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

G. Water

77. Submit Water Improvement Plans along with the infrastructure phasing plan to the City Engineer for review and approval. The phasing plan, which shall be supported by a hydraulic analysis, shall identify all required water infrastructure (e.g. water mains, wells, booster stations, pressure reducing stations, reservoirs, etc.) required to meet the demands of this tract map. Design and construct water lines throughout and to property boundaries to tract as needed. The proposed new water lines shall connect to the City’s water system as needed.

78. Submit a hydraulic analysis report demonstrating adequate pressures throughout the Tract 37365 water system during max day demand (MDD) with fire flow conditions. The hydraulic analysis, based on the City’s latest calibrated water model, shall identify when and if additional facilities would be required to meet Tract 37365 water demands.

79. All water lines and fittings shall be a minimum of 8-inch in diameter and shall be DIP. Water line easements shall be a minimum width of 20 feet if installed outside of right-of-way or public utility easement.
80. Fire hydrants shall be installed within and on the tract boundaries as per approved plans, at a 300-foot maximum spacing.

81. A backflow device must be installed on all common-area buildings and at each irrigation water connection. The backflow device must be in compliance with City of Banning.

82. Fire Services will require an RPDA Device.

83. Sizing and timing of the construction of the water storage tanks shall be identified in the phasing plan as determined by the water system analysis or as agreed to by the Developer and City.

H. Sewer

84. Submit Sewer Improvement Plans along with the infrastructure phasing plan to the City Engineer for review and approval. The phasing plan shall identify all required sewer infrastructure (e.g. sewer mains, lift stations, treatment facilities, manholes, etc.) required to meet the demands of the tract map. A hydraulic analysis will need to be prepared and submitted that demonstrates the maximum discharge that can be accommodated by the existing collection system before a new trunk line is needed. Design and construct sewer lines throughout and to property boundaries of this tract. The proposed new sewer lines shall connect into the City’s sewer system.

85. All sewer lines to be constructed within the public right-of-way shall be extra strength Vitrified Clay Pipe (VCP) or Polyvinyl Chloride (PVC) SDR 26 Pipe. All sewer mains shall be minimum of 8 inches in diameter. Any sewer main less than 15” shall be PVC. Any sewer main 15” or greater shall be VCP. Final sizes shall be approved by the City Engineer based on calculations submitted by the design engineer accounting for ultimate discharge flows for phase and all upstream areas. Sewer line easements shall be a minimum of 20 feet wide if installed outside of right-of-way or public utility easement.

86. Each residential unit shall have its own sewer lateral and shall be PVC SDR 26.

87. 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.

88. Sewer flow monitoring COA for Phase 1 – Until such a time as the new Atwell Sewer Lift Station is constructed and fully operational, sewer flows shall be continuously monitored at a mutually agreed-upon location. The means of monitoring shall be by a flow meter that is capable of recording velocities and estimate flow volume, with a minimum data resolution of 15-minute intervals. Flow meter shall be installed and calibrated by a qualified sewer flow monitoring technician. Data shall be available directly to City of Banning staff via a cloud-hosted solution. The developer shall be responsible for all costs related to the sewer flow monitoring, including cloud-hosting of the data.
1. Non-potable water (Non-Potable)

89. Submit Non-potable water Improvement Plans along with a Non-potable water Master Plan that includes a written phasing plan to the City Engineer for review and approval. Design and construct non-potable water lines throughout to parks, schools, and other large irrigation areas and to tie-in points at the tract boundary.

90. All non-potable water lines to be constructed within the Public right-of-way shall be a minimum of 8-inches in diameter DIP. Final sizes shall be approved by the City Engineer based on hydraulic calculations provided by the design engineer. Where non-potable waterline easements are necessary, they shall be a minimum of 20 feet wide if improvements are installed outside of right-of-way or public utility easements.

91. Any final subdivision map shall comply with the provisions of Government Code Section 66473.7, as applicable, per the DA.

92. All non-potable water lines shall be Ductile Iron Pipe (DIP) Class 350, with restrained joints conforming to DIPRA design guidelines where required. All non-potable water DIP mains shall be protected with purple-colored V-Bio polyethylene encasement.

93. A backflow device must be installed on each irrigation water connection; and in compliance with the State of California Department of Health Regulations. Contact the City of Banning, Water Operations Division, prior to the installation.

94. The non-potable water plans shall include appropriate signage for the irrigation of publicly-accessible areas with non-potable water as required by the California Code of Regulations.

Electric Utility

95. The City of Banning Electric Utility ("Utility") will require adequate easements needed to service the project. An easement area behind sidewalk may be needed for Wilson Street and Highland Springs Avenue for vaults, conduits, street lights and pad mounted transformers and switches.

96. Easements will be required for vaults, conduits, meter pedestals, and pad mounted transformers and switches for Local Streets “A” – “H” to serve residential lots. A non-exclusive
easement shall be provided to the City of Banning to include the installation of electric distribution facilities within all common areas.

97. All street lights to be installed on the major thoroughfares, arterial streets, and local streets will be assumed to be publicly owned and maintained by the Utility unless otherwise approved by the Electric Department for private maintenance.

98. Prior to constructing the Utility’s electric distribution system, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the Utility.

99. The Developer shall execute any legally required agreement with the Utility on terms agreed to by the parties providing for the installation, construction, improvement and dedication of the utility system following recordation of final map.

Fire Department

100. For residential areas, approved standard fire hydrants, located at each intersection and spaced 300 feet apart with no portion of any lot frontage more than a maximum of 250 feet from a hydrant. Minimum fire flow for all residential structures shall be 1000 GPM for a 2–hour duration at 20 psi residual operating pressure, which must be available in time permitted per the DA.

101. The required water system, including fire hydrants, shall be accepted by the City of Banning Public Works, Water Division in accordance with the timing per the DA. Two sets of water plans are to be submitted to the Fire department for approval.

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

103. Residential fire sprinklers are required in all dwellings per the California Residential Code.

104. Fire Apparatus access roads and driveways shall be in compliance with the Riverside County Fire Department Standard number 06-05 (located at www.rvfire.org). Access lanes will not have an up or downgrade of more than 15%. Access roads shall have an unobstructed vertical clearance not less than 13 feet 6 inches. Access lanes will be designed to withstand the weight of 80 thousand pounds over 2 axles. Access will have a turning radius
capable of accommodating fire apparatus. Access lane shall be constructed with a surface so as to provide all the weather driving capabilities.

105. Roadways may not exceed 1320 feet without secondary access. This access may be restricted to emergency vehicles only however; public egress must be unrestricted.

106. Dead-end fire apparatus access roads in excess of 150-feet in length shall be provided with approved provision for the turn-around capabilities of the fire apparatus.

107. Any turn-around requires a minimum 38-foot turning radius or as approved by the Fire Marshall.

108. The minimum dimensions for gates is 20 feet clear and unobstructed width and a minimum vertical clearance of 13 feet 6 inches in height. Any gate providing access from a road shall be located at least 35 feet setback from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, a 38-foot foot turning radius shall be used.

109. Gates may be automatic or manual and shall be equipped with a rapid entry system (KNOX).

110. Plans shall be submitted to the Fire Department for approval prior to installation. Automatic gate pins shall be rated with a shear pin force, not to exceed 30 pounds. Gates activated by the rapid entry system shall remain open until closed by the rapid entry system. Automatic gates shall be provided with backup power.

-END-
Attachment 8

Mitigation Monitoring and Reporting Program and Addendum Modifications

https://ci.banning.ca.us/Archive.aspx?ADID=1877

(Butterfield Specific Plan Environmental Impact Report available on City website at http://www.ci.banning.ca.us/Archive.aspx?AMID=56

Minor Modification Addendum and appendices available on City website at http://www.ci.banning.ca.us/Archive.aspx?ADID=1630
Attachment 9

Public Hearing Notice
NOTICE OF A PUBLIC HEARING ON PROPOSED TENTATIVE TRACT MAP NO. 37365 TO SUBDIVIDE APPROXIMATELY 14.22 GROSS ACRES OF VACANT LAND FOR RESIDENTIAL, OPEN SPACE, AND PARKS USES ALONG WITH PUBLIC STREETS ON REAL PROPERTY LOCATED NORTH OF WILSON STREET AND EAST OF HIGHLAND SPRINGS AVENUE WITHIN THE BUTTERFIELD SPECIFIC PLAN AREA

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, June 5, 2019, at 6:30 p.m. (or soon thereafter) in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider proposed Tentative Tract Map No. 37365 to subdivide approximately 14.22 gross acres of vacant land into 18 lots for condominium purposes for a total of 107 single family residential units, 1 lot for a park site, 4 open space lettered lots (including recreation and drainage), and public streets, all within the Butterfield Specific Plan Area. The Project site is located north of Wilson Street and east of Highland Springs Avenue, within the Butterfield Specific Plan area. Assessor’s Parcel Numbers are identified as portions of 408-120-001 and -002 within the City of Banning.

City staff has considered the potential environmental impacts of the proposed Tentative Tract Map No. 37365 in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. City staff also reviewed the previously certified Environmental Impact Report prepared for the Butterfield Specific Plan project (SCH No. 2007091149) as modified by the Addendum approved by the City Council on February 14, 2017, including the impacts and mitigation measures identified therein, which documents are on file in the Community Development Department. Based on that review, the City of Banning Planning Division has determined that the proposed Project and the circumstances under which the proposed Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior EIR. All potential environmental impacts associated with the Butterfield Specific Plan project and the proposed Tentative Tract Map No. 37365 are adequately addressed by the prior EIR, and the mitigation measures contained in the prior EIR will reduce those impacts to a level that is less than significant. Therefore, in accordance with CEQA Guidelines Section 15162 (“Subsequent EIRs and Negative Declarations”), a subsequent environmental document is not required.

Information regarding Tentative Tract Maps No. 37365 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 the proposed Tentative Tract Map No. 37365 in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Planning Commission at, or prior to, the public hearing, or, you or someone else raised at the public hearing described in this Notice (Cal. Gov. Code, § 65009).
BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

Adam B. Rush, AICP
Community Development Director

Dated: May 21, 2019
Publish: May 24, 2019
NOTICE OF A PUBLIC HEARING ON PROPOSED TENTATIVE TRACT MAP NO. 37365 TO SUBDIVIDE APPROXIMATELY 14.22 GROSS ACRES OF VACANT LAND FOR RESIDENTIAL, OPEN SPACE, AND PARKS USES ALONG WITH PUBLIC STREETS ON REAL PROPERTY LOCATED NORTH OF WILSON STREET AND EAST OF HIGHLAND SPRINGS AVENUE WITHIN THE BUTTERFIELD SPECIFIC PLAN AREA

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, June 5, 2019, at 6:30 p.m. (or soon thereafter) in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider proposed Tentative Tract Map No. 37365 to subdivide approximately 14.22 gross acres of vacant land into 16 lots for condominium purposes for a total of 107 single family residential units, 1 lot for a park site, 4 open space lettered lots (including recreation and drainage), and public streets, all within the Butterfield Specific Plan Area. The Project site is located north of Wilson Street and east of Highland Springs Avenue, within the Butterfield Specific Plan Area.

All parties interested and not a party thereto on the following dates, to wit:

May 24, 2019

Executed on: 05/24/2019
At Banning , CA

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

Signature