City of Banning

PLANNING COMMISSION
Meeting – Tuesday, December 4, 2007 - 6:30 p.m.
Council Chambers, 99 E. Ramsey Street
Banning, CA 92220

I. CALL TO ORDER

Pledge of Allegiance

Roll Call: Chairperson De Santis, Commissioner Barsh,
Commissioner Dickson, Commissioner Escandel,
Commissioner Hawkins

II. REVIEW / APPROVAL OF MINUTES (October 2, 2007 & November 7, 2007)

III. PUBLIC COMMENT

IV. DIRECTOR’S REPORT FOR THE MONTH OF NOVEMBER–CITY
COUNCIL ACTIONS ON PLANNING-RELATED ITEMS (No Action Required)

V. PUBLIC HEARING:

A. New Items:

1) Resolution No. 2007-31: A Resolution recommending to the City
Council the adoption of code provisions pertaining to murals.

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2) Conditional Use Permit #07-808 and Design Review #07-7016: A Request to allow
the operation of a dental office in a 4,001 square foot building located at 877 & 895
W. Ramsey Street. APN 540-125-017 & 018.

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3) General Plan Amendment #07-2502: A Request by VicSeth Construction to change the General Plan / Zoning Map designation from Low Density Residential (LDR) to Professional Office (PO) on a vacant 4.62 acre parcel located at 935 E. Williams Street. APN 541-121-022. Pursuant to the California Environmental Quality Act, a Negative Declaration of Environmental Impact is recommended for this project.

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4) Lot Split #07-4504 and Design Review #07-7015: A request to approve Tentative Tract Map (TTM 35694) to subdivide a 3.59 acre site into 12 residential lots (Triplex lots) and request to approve six facades on W. Barbour Street approximately 250 feet west of San Gorgonio Avenue. APN 540-250-006.

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5) Specific Plan #06-202, Lot Split #06-404, Lot Split #06-4502 and Zone Change #06-3502: A request to introduce and discuss the Lariat Specific Plan, Tentative Tract Map (TTM 33384) to subdivide the 63-acre property into 129 lots and 14 open space lots, Tentative Parcel Map (TPM 35072, for conveyance purpose only) for a 63 acre (gross) residential development located on the north east corner of the intersection of Sunset Avenue and Bobcat Road. A total of 410 residential units are proposed on 46.0 acres. The project area also includes approximately 7.05 acres of active and passive open space including recreational facilities, parks, trails, common landscape areas and 13.2 acres consisting of the Pershing Wash / Creek Resource Area are proposed as open space. A Zone Change application is included to create a Specific Plan Overlay Zone on the site. Pursuant to the California Environmental Quality Act, A Mitigated Negative Declaration of Environmental Impact is recommended for this project.

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6) General Plan Amendment #07-2503: A Request to remove Porter Street from the street system plan between Sunset Avenue and 22nd Street. Pursuant to the California Environmental Quality Act, A Mitigated Negative Declaration of Environmental Impact is recommended for this project.

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VI. STAFF REPORT / INFORMATION ITEMS
VII. PLANNING COMMISSIONER COMMENTS

VIII. ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department (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

October 2, 2007

A regular meeting of the City of Banning Planning Commission was held on Tuesday, October 2, 2007, at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Chairperson DeSantis
Commissioner Barsh
Commissioner Dickson
Commissioner Hawkins

Commissioners Excused: Commissioner Escandel

Staff Present: Senior Planner Clinton
Deputy City Attorney Murphy
Captain Yarbrough, Fire Marshal
Recording Secretary Sorenson

I. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chairperson DeSantis.

II. REVIEW OF MINUTES

ACTION (DICKSON / HAWKINS): A motion was moved, seconded and carried that the minutes of September 4, 2007 be approved as presented.

(Motion carried 4 – 0) (Commissioner Escandel was absent)

III. PUBLIC COMMENT

Commissioner Dickson reminded everyone about Stagecoach Days coming up and encouraged all to participate and attend.
IV. PUBLIC HEARING:

A. Continued Items:


Senior Planner Clinton stated that staff is working with the developer to modify the façade and do some other things that have been asked of him. We do not have a date certain to continue this item to as yet.

**ACTION (BASH / HAWKINS):** A motion was moved, seconded and carried that the Planning Commission close the public hearing and table this item to a date uncertain.

*(Motion carried 4 - 0)*

2. Zone Text Amendment #07-97502: Resolution No. 2007-31: A Resolution recommending to the City Council the adoption of code provisions pertaining to murals.

Senior Planner Clinton presented the staff report and stated that this item was continued from the August 7th meeting as the Commission had directed staff to revise the resolution that had been presented to establish a voluntary review process with the Chamber of Commerce. Three options are being presented this evening. Option #1, goes along with the original Council direction to staff to provide a resolution that will require an application process and basic standards. It will eliminate the need for the City to review the ordinance and minimize the First Amendment issues. It will involve the Chamber of Commerce Mural Committee in reviewing and approval murals.

Option #2 – has many of the items in the first resolution with the exception that it would not require any kind of agreement, but it would be a voluntary program, to involve the Chamber of Commerce Mural Committee and it would include wording within the resolution recommending that muralist speak with the Chamber of Commerce and discuss maintenance of murals and possibly entering into an agreement. Unlike Option #1 which requires that the muralist enters into an agreement with the Chamber for maintenance.

Option #3 – dispenses with a lot of the things that are talked about in the other resolutions, such as selection of paint, types of paints, etc. This option merely requires that a professional muralist design the mural and then has a very ministerial process to approve the murals making sure that there are no conflicts with our existing regulations and with the sign regulations.
Senior Planner Clinton then turned the meeting over to the Deputy City Attorney to further discuss the options. Mr. Murphy reminded the Commission that the role of the City Attorney is to analyze legal issues and to protect the City from liability and legal challenge. He stated that they are advisors and not decision makers. Mr. Murphy stated he felt it would benefit the City to have the Chamber Mural Committee involved in the mural process.

Mr. Murphy stated that Option #1 – is just what was requested of staff to bring forward, however, it would be difficult to defend if the City was sued. He stated this option would be content based decision making and that can run afoul of the First Amendment. Option #2 - is a compromise between what the City Council wanted and the City Attorney’s office sees as legally the best alternative. Option #3 – was one that the City Attorney office took from Indio and adapted to meet some of the needs of the City. This is a very bare bones ordinance in that it is consistent with general ordinances on the books now in that it is somewhat ministerial, somewhat bare and allows for policy to be developed around it. This option is the best from a legal perspective. This option would not create the same potential for litigation.

Claudia Keeling, representative of the Chamber of Commerce Mural Council, came forward to discuss the mural program. Mrs. Keeling stated she felt the Chamber Mural Council has the knowledge to run the program from start to finish. She felt they should be the filter for the process and there should be a permit process. Mrs. Keeling stated that she felt Options #2 and #3 would destroy what the Mural Council has created. That these options perpetuate the problem that exists and would create a bureaucratic quagmire.

Commissioner Dickson stated that he would like the burden to be on the Chamber Mural Council and that they are doing a good job. He would like to see a simple sign permit process. Commissioner Hawkins stated that he feels the options are not so “simple” and agrees with Commissioner Dickson that simpler is better. Commissioner Barsh stated that he agrees with Commissioners Dickson and Hawkins. Chairperson DeSantis stated that she agrees and does not want take this role away from the Chamber Mural Council. She would like to re-work the ordinance, go back to the City Council and clarify their wishes and come back with a simpler option.

**ACTION (DICKSON / HAWKINS):** A motion was moved, seconded and carried that the Planning Commission take this matter back and have a meeting with Director Oref, City Council and the City Attorney to develop a very simple, precise ordinance. The matter will be tabled at this time and brought back by the end of the calendar year.

(Motion carried 4 - 0)
B. New Item:

1. In accordance with Government Code Section 65401, the Planning Commission will review the proposed Capital Improvement Program (CIP) for the fiscal years 2007-2012 to determine consistency and conformance with the City of Banning General Plan.

Senior Planner Clinton presented the staff report and stated that the City Council has conducted a workshop on the Capital Improvement Program and the goal for this meeting is for the Commissioners to examine the CIP and find consistency with the General Plan. She mentioned that the Commissioners were given a revised resolution tonight with some new inclusions.

Chairperson DeSantis requested that the City Attorney go over the differences between the resolution in the packet and the revised resolution. Mr. Murphy started with Section 1, Environmental Findings, under the heading CEQA, on page 2 of the new version, there are about 8 lines of underlined text discussing what a project is and why the approval of the CIP or the finding of consistency is not a project subject to CEQA such that we would need to do any CEQA reporting. In Section 2, Required Findings, under each numbered heading, such as heading 1, Circulation Projects, the first sentence used to read “these projects consist of improvements to roadways and large maintenance projects including the construction of facilities such as sidewalks and traffic signals.” In the new version, that is followed by five words, “as shown in exhibit 2”. Exhibit 2 which will be attached to this resolution is the Capital Improvement Program itself and so you would look under Circulation Projects in the program to see the listing of the projects that you will be finding to be consistent with the General Plan. That five word addition repeats itself in each numbered heading through out – Electric Projects, Park Projects, Water / Wastewater Projects, Public Facilities Projects, CRA Projects – that is the sole, major change – the addition of that attachment or exhibit and the addition of language showing that the exhibit is attached.

Senior Planner Clinton presented a brief over-view of the Capital Improvement Program. She stated that the purpose of this document is a planning tool. It coordinates the financing and schedule of major improvements undertaken by the City. It can change, it’s dynamic, it can be revised at any time on a regular basis to address the changing needs, priorities and financial conditions of the City. The five year CIP is in the General Plan as one of the things that needed to happen in the City.

The Commissioners discussed the CIP among themselves and with staff. Commissioner Barsh stated he felt the “benefits” should be stated more accurately and definitely and not so vague.

ACTION (DICKSON / HAWKINS): A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-35, finding that the Capital Improvement Program and list of proposed public works projects for fiscal years 2007-2012 is consistent and conforms with the City’s General Plan (adopted by City Council on January 31, 2006, by Resolution No. 2006-13) any applicable specific plans, and all elements and parts of the plans.

(Motion carried 4 - 0)
V. STAFF REPORT / INFORMATION ITEMS

Nothing to report at this time.

VI. COMMISSIONER’S COMMENTS

Nothing to report at this time.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:20 p.m.

Respectfully submitted,

Gini Sorenson
Recording Secretary
City of Banning

PLANNING COMMISSION MINUTES

November 7, 2007

A regular meeting of the City of Banning Planning Commission was held on Wednesday, November 7, 2007, at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Vice-Chairperson Dickson
Commissioner Barsh
Commissioner Escandel
Commissioner Hawkins

Commissioners Excused: Chairperson DeSantis

Staff Present: Community Development Director Orci
Deputy City Attorney Jex
Captain Yarbrough, Fire Marshal
Recording Secretary Sorenson

I. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Vice-Chairperson Dickson.

II. REVIEW OF MINUTES

ACTION (HAWKINS / ESCANDEL): A motion was moved, seconded and carried that the minutes of September 12, 2007 be approved as presented.

(Motion carried 3 – 1) (Commissioner Barsh abstained as he was excused from that meeting)

III. PUBLIC COMMENT

No one came forward.
IV. PUBLIC HEARING:

A. Continued Item:

1. Conditional Use Permit #07-805 and Design Review #07-707: A Request to install modular units for the Pentecostal Church of God, in the Low Density Residential Zone on an approximately 2.094 acre site located at 2562 W. Wilson Street. APN 538-040-036.

Community Development Director Orci presented the staff report, discussed the structures on the site and stated that the project is in the Low Density Residential Zone which does allow churches subject to a Conditional Use Permit. He discussed the proposal to place two modular units on the site and to continue the use of the sanctuary. One modular will be used for classrooms and one will be for administrative offices. The project analysis was that the density, access, use, setbacks, height and coverage all comply with the Municipal Code. Director Orci stated that all structures will have complimentary color palette and cornice articulation, roof element and landscaping. The design elements are compatible and adequate parking has been provided. If the use is expanded, such as a full-time school, then the applicant would have to come back to the Planning Commission for review and approval. Staff recommended approval of the resolutions.

Commissioner Escandel inquired if the unpermitted modular will be removed. Dan Workman, contractor for the project and Pastor Todd Oldenburg, representing Legacy Christian Center, came forward to discuss their project. Dan Workman stated that the old (existing) modular would be removed in order to install the two new modulars. He presented slides of the elevations and site plan. Pastor Todd stated they have made many improvements to the property and would appreciate the Planning Commission’s approval.

Commissioner Dickson stated that he would like a condition to require that the old modular be removed before building permits are issued. Pastor Todd stated that he would like to keep the old modular there as long as possible.

ACTION (BARSH / HAWKINS): A motion was moved, seconded and carried that the Planning Commission adopt Resolution No. 2007-37, approving the Conditional Use Permit #07-805 to continue to operate a sanctuary with ancillary activities.

(Motion carried 4 - 0)

ACTION (BARSH / HAWKINS): A motion was moved, seconded and carried that the Planning Commission adopt Resolution No. 2007-38, approving Design Review #07-707 to allow façade improvements to the existing structure as well as allow the placement of two modular units on the subject site as amended to include the condition that prior to the issuance of a building permit the applicant shall remove the existing non-permitted modular unit.

(Motion carried 4 - 0)
B. New Item:

1. **Request to Table: Conditional Use Permit #07-804:** A request to operate an outcall truck repair business with associated tire and parts sales by Ruben Perez on behalf of Cruz Tire and Truck Repair located at 1300 E. Ramsey Street. APN 541-210-003.

Community Development Director Orci stated that we were prepared to bring this item before the Commission, but upon further discussion, it was felt that the best course of action would be to take no action at this time.

**ACTION (ESCANDEL / BARSH):** A motion was moved, seconded and carried that the Planning Commission table this item.

(Motion carried 4 - 0)

V. **STAFF REPORT / INFORMATION ITEMS**

Director Orci mentioned that the January Planning Commission will fall on January 1st, since that is a holiday, we will have the meeting on Wednesday, January 2nd.

VI. **COMMISSIONER’S COMMENTS**

Nothing to report at this time.

VII. **ADJOURNMENT**

There being no further business to come before the Planning Commission, the meeting was adjourned at 6:55 p.m.

Respectfully submitted,

[Signature]
Gini Sorensen
Recording Secretary
STAFF REPORT
PLANNING COMMISSION

DATE: DECEMBER 4, 2007

CASE NO’S: ZONE TEXT AMENDMENT #07-97502

REQUESTS: AMENDMENT TO MUNICIPAL CODE PROVISIONS
ESTABLISHING PROVISIONS FOR MURALS

LOCATION: CITYWIDE, NON-RESIDENTIAL USES ONLY

APPLICANT: CITY OF BANNING

ENVIRONMENTAL CONSIDERATION: THE COMMUNITY DEVELOPMENT DEPARTMENT HAS DETERMINED THAT THIS ACTIVITY IS NOT A PROJECT AS DEFINED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AS STIPULATED UNDER SECTION 15061(b)(3) OF THE GUIDELINES FOR THE IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

BACKGROUND/ANALYSIS:

The City approved Ordinance 1272 on October 9, 2001, which created Section 9125.C, in Article 25 (Regulation of Signs). The requirements of Section 9125.C were ministerial; meaning, that the Code did not allow much discretion in terms of the City’s ability to review the mural content. According to the Code, a permit would be granted when the following conditions were met:

1. Completed application;
2. Sign permit fee paid;
3. Mural did not create a pedestrian or vehicular safety hazard;
4. Mural would be applied to the wall of the building; and
5. Agreement that the mural would be well maintained.

On August 9, 2005, the City Council adopted Ordinance No. 1325 repealing Section 9125.C of the Municipal Code. At a meeting earlier this year the Council directed staff to prepare a resolution that would reinstate mural regulations. Specifically, the Council directed staff to establish limited provisions that would include some or all of the following:

1. Require an application and process to establish basic standards; and/or
2. Eliminate the need for the City to review the mural content and minimize 1st Amendment issues; and/or
3. Involve the Chamber of Commerce Mural Council in reviewing and approving murals.

Staff prepared several sample resolutions for the Commission’s review that were based upon the above-listed Council criteria. At the October meeting, the Commission reviewed the proposed ordinances and directed Staff to simplify the language and include the Beautification and Mural Council of the Chamber of Commerce (“Mural Committee”) in the review process.

Staff has developed two resolution options that address the issues discussed above, including the Commission’s direction, Chamber of Commerce’s request and the Attorney’s concerns:

Option No. 1

Option No. 1 establishes a ministerial process with basic mural regulations that would require the Community Development Department and Mural Committee approvals.

Option No. 2

Option No. 2 establishes a ministerial process with basic mural regulations that would require the Community Development Department approval. Please note that this Option requires that the applicant consult with and receive approval from “mural experts”; the Mural Committee would be considered a “mural expert”. This option does not specifically designate the Mural Committee; rather, it will allow the Chamber via the “non-exclusive list of mural experts” requirement the ability to review the murals without transferring the authority directly to the Chamber and thus addressing the Attorney’s concerns.

RECOMMENDATION:

That the Planning Commission approve Resolution No. 2007-31 (Options 1 or 2), recommending to the City Council approval of Zone Text Amendment #07-97502.

Respectfully submitted,

Oscar W. Orci
Community Development Director

Exhibits:

1) Resolution No. 2007-31 (options 1 and 2)
ZTA # 07-97502
MURALS

RESOLUTION
NO. 2007-31

OPTION #1

EXHIBIT "1"
RESOLUTION NO. 2007-31

AN RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF BANNING, CALIFORNIA
RECOMMENDING TO THE CITY COUNCIL APPROVAL
OF ZONE TEXT AMENDMENT #07-97502, AN
AMENDMENT TO THE ZONING CODE TO ESTABLISH
PROVISIONS FOR MURALS

WHEREAS, the City undertook a comprehensive General Plan and Zoning Ordinance update in 2003; and

WHEREAS, the Municipal Code allows for Zone Text Amendments consistent with the goals and policies of the General Plan; and

WHEREAS, on the 27th day of July 2007, the City gave public notice as required under Zoning Code Section 9117 by advertising in the Press Enterprise newspaper of the holding of a public hearing at which the project would be considered; and

WHEREAS, on the 7th day of August 2007, the Planning Commission continued the public hearing to the 4th day of September 2007, at which time interested persons had an opportunity to testify in support of, or opposition to, the Zone Text Amendment; and

WHEREAS, on the 4th day of September 2007, the Planning Commission continued the public hearing to the 2nd day of October 2007, at which time interested persons had an opportunity to testify in support of, or opposition to, the Zone Text Amendment; and

WHEREAS, on the 2nd day of October 2007, the Planning Commission closed the public hearing and directed staff to return to the Planning Commission with new alternatives for the Zone Text Amendment, at which time the public hearing would be re-noticed and re-opened; and

WHEREAS, on the 16th day of November 2007, the City gave public notice as required under Zoning Code Section 9117 by advertising in the Press Enterprise newspaper of the holding of the re-opened public hearing at which the project would be considered; and

WHEREAS, at this public hearing on the 4th day of December 2007, the Planning Commission considered and heard public comments on the Zone Text Amendment; and

WHEREAS, the Planning Commission has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

NOW THEREFORE, the Planning Commission does resolve, determine, find, and order, and recommend as follows:
Section 1: Environmental Findings.

The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines, the recommendation of the Community Development Director as provided in the Staff Reports dated August 7, September 4, October 2 and December 4, 2007 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and §21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. **CEQA:** The City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendment to the municipal code does not relate to any one physical project and will not result in any physical change to the environment. Further, projects subject to this ordinance will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, and therefore the adoption of this ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 2: Zoning Ordinance Amendment Findings.

The Planning Commission makes the following findings regarding the Zoning Ordinance Amendment:

1. The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan.

   Fact: The Zone Text Amendment is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations will not change, and the text amendment will result in clarifying the goals, policies and programs of the General Plan. Program 11.A of the Banning General Plan Economic Development Element indicates that the City should encourage and promote special events and activities which strengthen the City's image and attractiveness to residents, visitors, and businesses. Murals will enhance the City's appearance and image and make it more attractive to the residents and visitors alike.

2. The proposed Amendment is internally consistent with the Zoning Ordinance.

   Fact: The Zone Text Amendment is consistent with the existing provisions of the Zoning Ordinance. The amendments will cause murals to be subject to the general standards of Section 9109 [Sign Regulations] and will establish standards for murals, but will not regulate the content of the murals. The Zoning Ordinance currently contains, in Section

Resolution No. 07-31
9109 [Sign Regulations] an integrated program for the regulation of signage within the City. These Zone Text Amendments would allow for the placement of murals, under the auspices of the Chamber of Commerce, within commercial and industrial zones in the City. The City would have the same authority that it does to regulate all other types of signs; all content and maintenance issues would be addressed by the Chamber of Commerce.

Section 3: Recommended Zone Text Amendments.

The Planning Commission hereby recommends to the City Council approval of the following amendments to the text of the Zoning Code: –

A) Section 9109.03 DEFINITIONS, is hereby amended to add the following:

"Murals. Painted wall signs which have a majority of the sign area comprised of non-commercial content, which generally have artistic, historic or cultural themes, and which are designed and painted (or supervised) by an artist who possess 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."

B) Section 9109.17 MURALS, is hereby added as follows:

"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:

1) Completed application;
2) Sign permit fee paid;
3) Approved by the Beautification and Mural Council of the Banning Chamber of Commerce;
4) The mural shall not cause a pedestrian or vehicular safety hazard;
5) The mural shall be applied to the wall of a building; and
6) The mural shall be maintained."

Section 4: Severability.

If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Planning Commission of the City of Banning hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase or portions thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional by the decision of any court of competent jurisdiction.
PASSED, APPROVED AND ADOPTED this 4th day of December, 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen LLP
City Attorney
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2007-31, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of December, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
ZTA # 07-97502
MURALS

RESOLUTION
NO. 2007-31

OPTION #2

EXHIBIT “1”
RESOLUTION NO. 2007-31

AN RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF BANNING, CALIFORNIA
RECOMMENDING TO THE CITY COUNCIL APPROVAL
OF ZONE TEXT AMENDMENT #07-97502, AN
AMENDMENT TO THE ZONING CODE TO ESTABLISH
PROVISIONS FOR MURALS

WHEREAS, the City undertook a comprehensive General Plan and Zoning Ordinance update in 2003; and

WHEREAS, the Municipal Code allows for Zone Text Amendments consistent with the goals and policies of the General Plan; and

WHEREAS, on the 27th day of July 2007, the City gave public notice as required under Zoning Code Section 9117 by advertising in the Press Enterprise newspaper of the holding of a public hearing at which the project would be considered; and

WHEREAS, on the 7th day of August 2007, the Planning Commission continued the public hearing to the 4th day of September 2007, at which time interested persons had an opportunity to testify in support of, or opposition to, the Zone Text Amendment; and

WHEREAS, on the 4th day of September 2007, the Planning Commission continued the public hearing to the 2nd day of October 2007, at which time interested persons had an opportunity to testify in support of, or opposition to, the Zone Text Amendment; and

WHEREAS, on the 2nd day of October 2007, the Planning Commission closed the public hearing and directed staff to return to the Planning Commission with new alternatives for the Zone Text Amendment, at which time the public hearing would be re-noticed and re-opened; and

WHEREAS, on the 16th day of November 2007, the City gave public notice as required under Zoning Code Section 9117 by advertising in the Press Enterprise newspaper of the holding of the re-opened public hearing at which the project would be considered; and

WHEREAS, at this public hearing on the 4th day of December 2007, the Planning Commission considered and heard public comments on the Zone Text Amendment; and

WHEREAS, the Planning Commission has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

NOW THEREFORE, the Planning Commission does resolve, determine, find, and order, and recommend as follows:
Section 1: Environmental Findings.

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines, the recommendation of the Community Development Director as provided in the Staff Reports dated August 7, September 4, October 2 and December 4, 2007 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and §21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. CEQA: The City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendment to the municipal code does not relate to any one physical project and will not result in any physical change to the environment. Further, projects subject to this ordinance will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, and therefore the adoption of this ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 2: Zoning Ordinance Amendment Findings.

The Planning Commission makes the following findings regarding the Zoning Ordinance Amendment:

1. The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan.

Fact: The Zone Text Amendment is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations will not change, and the text amendment will result in clarifying the goals, policies and programs of the General Plan. Program 11.A of the Banning General Plan Economic Development Element indicates that the City should encourage and promote special events and activities which strengthen the City’s image and attractiveness to residents, visitors, and businesses. Murals will enhance the City’s appearance and image and make it more attractive to the residents and visitors alike.

2. The proposed Amendment is internally consistent with the Zoning Ordinance.

Fact: The Zone Text Amendment is consistent with the existing provisions of the Zoning Ordinance. The amendments will cause murals to be subject to the general standards of Section 9109 [Sign Regulations] and will establish standards for murals, but will not regulate the content of the murals. The Zoning Ordinance currently contains, in Section
9109 [Sign Regulations] an integrated program for the regulation of signage within the City. These Zone Text Amendments would allow for the placement of murals, under the auspices of the Chamber of Commerce, within commercial and industrial zones in the City. The City would have the same authority that it does to regulate all other types of signs; all content and maintenance issues would be addressed by the Chamber of Commerce.

Section 3: Recommended Zone Text Amendments.

The Planning Commission hereby recommends to the City Council approval of the following amendments to the text of the Zoning Code:

A) Section 9109.03 DEFINITIONS, is hereby amended to add the following:

"Murals. Painted wall signs which have a majority of the sign area comprised of non-commercial content, which generally have artistic, historic or cultural themes, and which are designed and painted (or supervised) by an artist who possess 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."

B) Section 9109.17 MURALS, is hereby added as follows:

"Murals shall be placed on walls within a commercial or industrial zone within the city. Murals shall be allowed by permit approved by the Community Development Director. Application for a permit shall be on the same form as that required for permanent signs. The Director will grant a permit for a mural when the following conditions have been satisfied:

1) The applicant has submitted a completed application.

2) The applicant has submitted the appropriate sign permit fee.

3) The Director is able to determine, based on the application and supporting materials submitted with the application, that the mural will not cause an unreasonable pedestrian or vehicular safety hazard.

4) The applicant has consulted with and received approval as to non-communicative aspects of the mural, including but not limited to paint/materials, wall preparation, and proposed color scheme, from a recognized local or national mural expert (a non-exclusive list of experts shall be kept by the Director for reference by applicants).

5) The Director is able to determine, based on the application and supporting materials submitted with the application, that the mural will be well maintained throughout its useful life."
Section 4: Severability.

If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Planning Commission of the City of Banning hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase or portions thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional by the decision of any court of competent jurisdiction.

PASSED, APPROVED AND ADOPTED this 4th day of December, 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen LLP
City Attorney
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2007-31, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of December, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California

Resolution No. 07-31
STAFF REPORT
PLANNING COMMISSION

DATE: DECEMBER 4, 2007

CASE NO'S: CONDITIONAL USE PERMIT #07-808 AND DESIGN REVIEW #07-7016

REQUESTS: THE DEVELOPMENT AND OPERATION OF A DENTAL OFFICE IN A 4,001 SQUARE FOOT BUILDING

LOCATION: 877 & 895 WEST RAMSEY STREET, APN: 540-125-017 & 018

APPLICANT: TRUE SOUTH, LLC

SURROUNDING USES/ZONES: NORTH: SINGLE-FAMILY DETACHED HOMES, MEDIUM DENSITY RESIDENTIAL WEST: VACANT, HIGHWAY SERVING COMMERCIAL SOUTH: VACANT, HIGHWAY SERVING COMMERCIAL EAST: SERVICE STATION (CHEVRON), HIGHWAY SERVING COMMERCIAL

ENVIRONMENTAL CONSIDERATION: THE PROJECT HAS BEEN DETERMINED TO BE EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15332 WHICH CONSISTS OF PROJECTS CHARACTERIZED AS IN-FILL DEVELOPMENT.

BACKGROUND:

Project Location:
The project site is 25,000 square feet, located on the north side of Ramsey Street, adjacent to the Chevron service station, east of 8th Street. The subject site is vacant and relatively flat and slopes from the rear towards Ramsey Street.

Project Description:
The project proponent is requesting approval of Conditional Use Permit #07-808 to allow the operation of a medical (dental) office and Design Review #07-7016 to construct a 4,001 SF single story building on a 25,000 square foot site in the Highway Serving Commercial Zone. The project will include a 29 space parking lot and landscaping. The project will take access from a single driveway located on Ramsey Street.
The contemporary architectural style will include earth toned colors, stone accents, a tile roof and decorative awnings.

**Conditional Use Permit:** Table 9103.A allows medical office uses in the Highway Serving Commercial zone with a Conditional Use Permit. The proposed dental office will operate from 9:00 AM to 8:00 PM Monday through Thursday; 9:00 AM to 7:00 PM Friday and Saturday 8:00 AM to 4:30 PM, and will have 10 employees.

**Design Review:** The Design Review application focuses on community design principles which, per the zoning ordinance section 9103.05 (3) (A), result in creative, imaginative solutions which establish quality design for the City. Staff has worked with the developer to create a modern architectural style with earth tone colors, smooth stucco, and stone accents.

**Environmental:**

The project has been determined to be exempt from California Environmental Quality Act (CEQA) pursuant to Section 15332 which consists of projects characterized as In-fill development meeting the following conditions: (a) The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable Zoning designations and regulations, (b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses, (c) The project site has no value as habitat for endangered, rare or threatened species, (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, (e) The site can be adequately served by all required utilities and public services.

The project complies with the provision of Section 15332 in that the use is allowed (with a Conditional Use Permit) in the General Plan’s Highway Serving Commercial Land Use designation and complies with the related policies; the project is located within the City and is .57 acres in size; The site has no value as habitat because it is surrounded by development, devoid of vegetation, has no bodies of water, has been graded and used as a parking lot; the project proponent will contribute to a master circulation plan for the area that will maintain safe vehicular and pedestrian circulation; and the development will be served from the existing street (Ramsey Street).

**Findings:**

Findings can be made to approve the Conditional Use Permit and Design Review applications which are included in the Resolutions of Approval.

**Public Notice:**

This proposal was advertised in the Record Gazette newspaper on November 16, 2007. All property owners within 300 feet of the site were mailed a public hearing notice. To date, no written comments have been received. Any comments received prior to the meeting will be incorporated into the appropriate documents.
ANALYSIS:

Density: 4,001 square feet of buildings on a 25,000 square foot lot yields 16% building coverage. Maximum building coverage permissible in the Highway Serving Commercial is 35%. The project complies with the Zoning Code.

Access: The project will be served by the existing driveways located on Ramsey Street.

Conditional Use Permit: As indicated above, the applicant proposes to operate a medical (dental) use. The applicant has indicated the following operational characteristics:

- The proposed dental office will operate from 9:00 AM to 8:00 PM Monday through Thursday; 9:00 AM to 7:00 PM Friday and Saturday 8:00 AM to 4:30 PM; and
- The maximum number or employees will be 10

Parking requirements: Table 9107.B requires ten spaces for the first 2000 sq. ft plus one space for each additional 175 sq. ft (or fraction thereof) above 2000. Thus at 4,001 sq. ft., the use requires 22 parking spaces, the project provides 29 spaces (22 standard spaces and seven compact spaces).

Setbacks: The project meets or exceeds all setback requirements. The project is in compliance with the development standards for this zone. Please refer to the table below:

<table>
<thead>
<tr>
<th>Setbacks</th>
<th>Proposed</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Setback</td>
<td>14'</td>
<td>10' min.</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>+/-52'</td>
<td>10' min.</td>
</tr>
<tr>
<td>Side Yard Setbacks</td>
<td>10'</td>
<td>0' min.</td>
</tr>
</tbody>
</table>

Architecture: As indicated previously, the applicant proposes a modern architectural style consisting of earth tone colors, stone accents, tile roof, decorative diamond accents, decorative cornice and awnings.

Landscape Plan: A conceptual landscape plan has been submitted. The applicant illustrated landscape along the property’s perimeter and structure. The applicant proposes to landscape 17% of the lot area, the Code requires 15%. If the project is approved it will be conditioned to comply with the City’s requirements, including drought-tolerant landscape.

Utilities: The project will be served by the City’s utilities. These utilities are located on the adjacent street.
Conditional Use Permit:

In accordance with Section 9113.00 ("Conditional Use Permits"), the Planning Commission must determine that the project complies with the following findings:

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

Findings of Fact: The General Plan Land Use Element designation is Highway Serving Commercial which allows medial uses subject to a Conditional Use Permit. This development proposes a medical (dental) use and the applicant is seeking approval of a Conditional Use Permit, which is consistent with the land use designation.

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

Findings of Fact: The proposed project use (Medical Use) is conditionally allowed in the Highway Serving Commercial zoning district. The project meets or exceeds the development standards, including:

- Minimum front yard setback (14' provided versus 10' required);
- Minimum rear yard setback (52' provided versus 10' required);
- Minimum side yard setback (10' provided (minimum) versus 0' required);
- Maximum lot coverage (16% provided versus 35% maximum permitted);
- Maximum height (1-story/30'-6" provided versus 2-story/35' maximum permitted); and
- Parking space requirement (29 provided versus 22 required).

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.

Facts of Fact: The proposed use will not impair the integrity and character of the land use district in which it is to be located because it is surrounded by other Highway Serving Commercial properties (existing and pending retail commercial projects) to the south, east, and west. Single family homes exist to the north of the subject site, but a 52' setback and alley exists between the subject structure and the property that will buffer the pending development.

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

Findings of Fact: The project site is located on the north side of Ramsey Street, west of 8th Street. The subject site is vacant, rectangular in shape, and relatively flat and capable of accommodating the medical use and related improvements.

Finding No. 5: There adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;
Finding of Fact: The site will be served by the public and private utilities. The site will be accessed and served from Ramsey Street, an existing developed roadway with existing utilities. The project proponent will connect to these utilities.

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

Finding of Fact: There is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence of a vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The site is devoid of vegetation, is being used as a parking lot (not authorized by the City), and it is flat (unable to support bodies of water).

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 project proponent proposes to develop a single story 4,001 square foot building for a medical use on .57 acres in the Highway Serving Commercial Zone. The project will also include a 29 space parking lot, landscaping and trash enclosure.

The medical use will not be detrimental to the City's health, safety, and welfare in that it complies with the Zoning Code development standards. Access will be from Ramsey Street, a street that transports commercial circulation. The medical use is surrounded by other Highway Serving Commercial properties (existing and pending retail commercial projects) to the south, east and west. Single family homes exist to the north of the subject site, but a 52' setback and alley exists between the subject structure and the property that will buffer the pending development. Further, the medical use will operate during the day (from 9:00 AM to 8:00 PM Monday through Thursday; 9:00 AM to 7:00 PM Friday and Saturday 8:00 AM to 4:30 PM) thereby minimizing impacts to the adjacent residential uses. As conditioned, the project's illumination will not spill over onto the adjacent properties.

Design Review:
In accordance with Section 9114.00 ("Design Review") of the Banning Zoning Code, the Planning Commission must determine that the project complies with the following findings:

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

Findings of Fact: The General Plan Land Use Element designation is Highway Serving Commercial which allows medical uses subject to a Conditional Use
Permit. This development proposes a medical (dental) use and the applicant is seeking approval of a Conditional Use Permit, which is consistent with the land use designation.

Policy 3 of the General Plan Land Use Element indicates that development be of high quality projects. This project, as designed, will include decorative cornices, stone accents, smooth stucco treatments that will result in a high quality design that is consistent with this Policy.

Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development-standards and guidelines for the district in which it is located.

Findings of Fact: The Zoning District designation is Highway Serving Commercial (HSC), which conditionally allows for the development of this project. The project meets or exceeds the development standards for this district, including:

- Minimum front yard setback (14’ provided versus 10’ required);
- Minimum rear yard setback (52’ provided versus 10’ required);
- Minimum side yard setback (10’ provided (minimum) versus 0’ required)
- Maximum lot coverage (16% provided versus 35% maximum permitted);
- Maximum height (1-story/ 30’-6” provided versus 2-story/ 35’ maximum permitted); and
- Parking space requirement (29 provided versus 22 required).

Finding No. 3: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards.

Facts of Fact: The design and layout of the proposed project will not unreasonably interfere with future development, and will not result in vehicular and or pedestrian hazards because of the following:

- The “back-of-house” features, such as the trash enclosures and loading area are located in the parking lot and surrounded by landscape, which will minimize the visibility from the surrounding properties and public view;
- As conditioned the project will be required to contain nuisance water on site;
- As conditioned the project’s illumination will not spill over onto adjacent properties;
- The project provides ample parking (29 provided versus 22 required); and
- As conditioned, the project will be required to allow an internal connection with the future development to the west to allow access through private property and thus limit circulation movements/conflicts along Ramsey Street.
Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Findings of Fact: The project proponent proposes a contemporary architecture with a tile roof, stone accents and earth tone colors. These elements will be consistent with Rite Aid, across the street from this site. The landscape plans contain a plant palette and design elements that are consistent with the Banning Commercial Corridor standards.

RECOMMENDATION:

That the Planning Commission:

1. Approve Resolution No. 2007-39 approving the CUP #07-808, based on the findings and conditions of approval (attached hereto as Attachment “1” and incorporated by reference); and

2. Approve Resolution No. 2007-40, approving Design Review #07-7016, based on the findings and conditions of approval (Attachment “1” and incorporated by reference).

Respectfully submitted,

Oscar W. Orci
Community Development Director

Exhibits:
1. Resolution No. 2007-39, with Conditions of Approval
2. Resolution No. 2007-40, with Conditions of Approval
3. Design Plans for Design Review # 07-7016 (Separate Cover)
CUP #07-808
& DESIGN REVIEW
#07-7016

RESOLUTION
NO. 2007-39

EXHIBIT “1”
RESOLUTION NO. 2007-39

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 07-808 TO OPERATE A 4,001 SQUARE FOOT MEDICAL OFFICE (DENTAL OFFICE), ON .57 ACRES IN THE HIGHWAY SERVING COMMERCIAL ZONE, 877 & 895 WEST RAMSEY STREET, APN: 540-125-017 & .018.

WHEREAS, an application for the operation of a medical use, has been duly filed by:

Applicant/Owner: True South, LLC
Authorized Agent: Sean Pope
Project Location: 877 & 895 West Ramsey Street.
APN Number: 540-125-017 & 018
Lot Area: .57 acres

WHEREAS, the Planning Commission has the authority per section 9113.00 of the Banning Municipal Code to take action on Conditional Use Permit No. 07-808 to operate a medical use; and

WHEREAS, on November 16, 2007, the City gave public notice by advertising in the Press-Enterprise, 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 December 4, 2007, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Conditional Use Permit and at which the Planning Commission considered the Conditional Use Permit; and

WHEREAS, the Community Development Director has reviewed the project’s potential effects on the environment and has recommended that the project is categorically exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guidelines Section 15332 “In-fill Development” and the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 are not applicable to the project.

NOW THEREFORE, the Planning Commission of the City of Banning does resolve, Determine, Find and Order as follows:

SECTION 2. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Community Development Director as provided in the Staff Report dated December 4, 2007 and
documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. **CEQA:**

(a) The project is exempt from CEQA under CEQA Guidelines Section 15332 in that the staff report submitted by the Planning Department and other findings made in this Resolution demonstrate that: the Conditional Use Permit #07-808 is consistent with the Highway Serving Commercial General Plan designation and all applicable General Plan policies as well as with applicable zoning designation; Conditional Use Permit #07-808 is located within the boundaries of the City of Banning; the area within Conditional Use Permit #07-808 comprises less than five acres and has no value as habitat for endangered, rare or threatened species; there is no substantial evidence in the record that Conditional Use Permit #07-808 will result in significant effects related to traffic, noise, air quality, or water quality; and the site is or can be adequately served by all required utilities and public services. As such, the project meets the criteria for application of a Class 32 Categorical Exemption under the CEQA Guidelines.

(b) None of the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15322 from exempting the project for the following reasons:

(i) The project is not a Class 3, 4, 5, 6, or 11 project, and therefore is not subject to the exception pertaining to projects located in particularly sensitive environments.

(ii) The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. The proposed use will not impair the integrity and character of the land use district in which it is to be located because it is surrounded by other Highway Serving Commercial properties (existing and pending retail commercial projects) to the south, east and west. Single family homes exist to the north of the subject site, but a 52’ setback and alley exists between the subject structure and the property that will buffer the pending development.

(iii) There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment. There is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence of a vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The site is devoid of vegetation, is being used as a parking lot (not authorized by the City), and it is flat (unable to support bodies of water).
(iv) The project will not result in damage to scenic resources within a designated state scenic highway because there is no designated state scenic highway in the project area.

(v) The project site has not been listed as a hazardous waste and substance facility or site by the Department of Toxic Substances Control pursuant to California Government Code Section 659625.

(vi) The project will not cause a substantial adverse change to the significance of a historical resource. The site is vacant, an historical resource or its immediate surroundings will not be demolished, destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.

2. Multiple Species Habitat Conservation Plan (MSHCP). The project is found to be consistent with MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. REQUIRED FINDINGS.

Pursuant to Banning Municipal Code Section 9113.00 and in light of the record before it including the staff report dated December 4, 2007 all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

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

Findings of Fact: The General Plan Land Use Element designation is Highway Serving Commercial which allows medical uses subject to a Conditional Use Permit. This development proposes a medical (dental) use and the applicant is seeking approval of a Conditional Use Permit, which is consistent with the land use designation.

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

Findings of Fact: The proposed project use (Medical Use) is conditionally allowed in the Highway Serving Commercial zoning district. The project meets or exceeds the development standards, including:
- Minimum front yard setback (14’ provided versus 10’ required);
- Minimum rear yard setback (52’ provided versus 10’ required);
- Minimum side yard setback (10’ provided (minimum) versus 0’ required)
- Maximum lot coverage (16% provided versus 35% maximum permitted);
- Maximum height (1-story/ 30’-6” provided versus 2-story/ 35’ maximum permitted); and
- Parking space requirement (29 provided versus 22 required).

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.
Facts of Fact: The proposed use will not impair the integrity and character of the land use district in which it is to be located because it is surrounded by other Highway Serving Commercial properties (existing and pending retail commercial projects) to the south, east and west. Single family homes exist to the north of the subject site, but a 52’ setback and alley exists between the subject structure and the property that will buffer the pending development.

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

Findings of Fact: The project site is located on the north side of Ramsey Street, west of 8th Street. The subject site is vacant, rectangular in shape, and relatively flat and capable of accommodating the medical use and related improvements.

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

Finding of Fact: The site will be served by the public and private utilities. The site will be accessed and served from Ramsey Street, an existing developed roadway with existing utilities. The project proponent will connect to these utilities.

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

Finding of Fact: There is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence of a vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The site is devoid of vegetation, is being used as a parking lot (not authorized by the City), and it is flat (unable to support bodies of water).

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 project proponent proposes to develop a single story 4,001 square foot building for a medical use on .57 acres in the Highway Serving Commercial Zone. The project will also include a 29 space parking lot, landscaping and trash enclosure.

The medical use will not be detrimental to the City’s health, safety, and welfare in that it complies with the Zoning Code development standards. Access will be from Ramsey Street, a street that transports commercial circulation. The medical use is surrounded by other Highway Serving Commercial properties (existing and pending retail commercial projects) to the south, east and west. Single family homes exist to the north of the subject site, but a 52’
setback and alley exists between the subject structure and the property that will buffer the pending development. Further, the medical use will operate during the day (from 9:00 AM to 8:00 PM Monday through Thursday; 9:00 AM to 7:00 PM Friday and Saturday 8:00 AM to 4:30 PM) thereby minimizing impacts to the adjacent residential uses. As conditioned, the project’s illumination will not spill over onto the adjacent properties.

SECTION 4. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. Notice of Exemption. In accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062 the Planning Commission hereby approves a categorical exemption under CEQA Guidelines Section 154332 and directs the Planning Director to prepare and file with the Clerk for the County of Riverside a notice of exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

2. Approve Conditional Use Permit. Conditional Use Permit #07-808 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Attachment “1”.

PASSED, APPROVED AND ADOPTED this 4th day of December, 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND
LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California
CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-39, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of December, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
CONDITIONS OF APPROVAL

PROJECT #: Conditional Use Permit #07-808 & Design Review #07-7016
SUBJECT: Development and Operation of a Dental Office
APPLICANT: True South, LLC
LOCATION: 877 & 895 West Ramsey Street, A.P.N.’s: 540-125-017 & 018

APPLICANT SHALL CONTACT THE PLANNING DIVISION, (951) 922-3425, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

A. General Requirements

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

2. The issuance of these Conditions of Approval do not negate the requirements of the Engineering/Public Works Department or submittal, review, and approval of: Street improvement plans, signing and striping plans, grading plans, storm drain improvement plans, street lighting plans, water, sewer, and electrical improvement plans, or other plans as deemed necessary by the City Engineer.
3. A copy of the signed Resolution of Approval or Community Development Director's letter of approval, and all Standard Conditions, shall be included in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for plan check.

B. Time Limits

4. Development/Design Review approval shall expire if building permits are not issued or approved use has not commenced within 2 years from the date of approval. In addition, if after commencement of construction, work is discontinued for a period of one year, the Design Review shall become null and void. The Community Development Director may, upon an application being filed 30 days prior to expiration and for good cause, grant one time extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Design Review complies with all current Ordinance provisions.

C. Site Development

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

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

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

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

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

10. Approval of this request shall not waive compliance with all sections of the Development Code, all other applicable City Ordinances, and applicable Community or Specific Plans in effect at the time of building permit issuance.
11. A detailed on-site lighting plan, including a photometric diagram, that illustrates "0" lumens at the property line, shall be reviewed and approved by the Community Development Director (922-3125) prior to the issuance of building permits. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties.

12. A detailed "As-Built" lighting plan, including a photometric diagram, shall be prepared and submitted after the lighting has been erected and before a certificate of occupancy is issued. Said plan must be consistent with the on-site lighting plan that illustrates "0" lumens at the property line. Prior to the issuance of a certificate of occupancy, the applicant shall work with Staff to reduce the lighting levels to "0" lumens at the property line if the "As-Built" plans demonstrate more than "0" lumens at the property line.

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

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

15. Provide for the following design features in each trash enclosure, to the satisfaction of the Community Development Director:
   a. Architecturally integrated into the design of the project.
   b. Separate pedestrian access that does not require the opening of the main doors and to include self-closing pedestrian doors.
   c. Large enough to accommodate two trash bins.
   d. Trash bins with counter-weighted lids.
   e. Architecturally treated overhead shade trellis.
   f. Chain link screen on top to prevent trash from blowing out of the enclosure and designed to be hidden from view.

16. Graffiti shall be removed within 72 hours.

17. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.

18. All operations and businesses shall be conducted to comply with the following standards which shall be incorporated into the lease agreements for all tenants:

Attachment "1" 3
a. Noise Level - All commercial activities shall not create any noise that would exceed an exterior noise level of 60 dB during the hours of 10 p.m. until 7 a.m. and 65 dB during the hours of 7 a.m. until 10 p.m.

b. Loading and Unloading - No person shall cause the loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or other similar objects between the hours of 10 p.m. and 7 a.m. unless otherwise specified herein, in a manner which would cause a noise disturbance to a residential area.

19. Textured pavement shall be provided in accordance with the City of Banning standards across circulation aisle and pedestrian walkway.

20. The lighting fixture design shall compliment the architectural program (as submitted). It shall include the plaza area lighting fixtures, building lighting fixtures (exterior), and parking lot lighting fixtures.

D. Building Design

21. All dwellings shall have the front, side and rear elevations upgraded with architectural treatment as submitted and approved by the Planning Commission.

22. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Planning Division. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development Director. Details shall be included in building plans.

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

a. At least 22 parking spaces shall be 9 feet wide by 19 feet long. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide.

b. All parking lot landscape islands shall have a minimum outside dimension of 6 feet and shall contain a 12-inch walk adjacent to the parking stall (including curb). Said islands shall be designed to accept nuisance parking lot water flows.

c. All parking spaces shall be striped per City standards and all driveway aisles, entrances, and exits shall be striped per City standards.

d. Handicap accessible stalls shall be provided for commercial and office facilities. One in every 8 handicap parking stalls (no less than 1) shall be served by an access aisles 96" wide min. placed opposite the driver's side and shall be designated Van-Accessible.

e. If required in the future, the agrees to provide reciprocal access through the site to the adjacent (east and west of the subject site) sites. The applicant may be required to modify the parking layout to accommodate such access.

f. The parking lot shall be graded so as to discharge nuisance water into the
landscape areas. Said design must also include the standard water discharge requirements.

24. Trip Reduction

a. Transit improvements such as bus shelters, bus pullouts, and bus pads shall be provided, if required by the City’s transit service.

Landscaping

25. A detailed landscape and irrigation plan shall be prepared by a licensed landscape architect and submitted for Community Development Director review and approval prior to the issuance of building permits or prior final map approval in the case of a custom lot subdivision.

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

27. A minimum of 30% within commercial and office projects, shall be specimen size trees - 24-inch box or larger.

28. Within parking lots, trees shall be planted at a rate of one 15-gallon tree for every three parking stalls, sufficient to shade 50% of the parking area at solar noon on August 21.

29. Trees shall be planted in areas of public view adjacent to and along structures at a rate of one tree per 30 linear feet of building.

30. For commercial development, property owners are responsible for the continual maintenance of all landscaped areas on-site, as well as contiguous planted areas within the public right-of-way. 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 30 days from the date of damage.

31. The final design of the perimeter parkways, walls, landscaping, and sidewalks shall be included in the required landscape plans and shall be subject to Community Development Director review and approval and coordinated for consistency with any parkway landscaping plan which may be required by the Engineering Division.

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

33. All walls shall be provided with decorative treatment. If located in public maintenance areas, the design shall be coordinated with the Engineering Division.
34. Tree maintenance criteria shall be developed and submitted for Community Development Director review and approval prior to issuance of building permits. These criteria shall encourage the natural growth characteristics of the selected tree species.

35. Landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape.

36. The signs indicated on the submitted plans are conceptual only and not a part of this approval. Any signs proposed for this development shall comply with the Sign Ordinance and shall require separate application and approval by the Planning Division prior to installation of any signs.

37. A Uniform Sign Program for this development shall be submitted for Community Development Director review and approval prior to issuance of building permits.

Other Agencies

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

APPLICANT SHALL CONTACT THE BUILDING AND SAFETY DIVISION, (951) 922-3120, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

General Requirements

39. Submit four complete sets of plans including the following:
   i. Site/Plot Plan;
   ii. Foundation Plan;
   iii. Floor Plan;
   iv. Ceiling and Roof Framing Plan;
   v. Electrical Plans (2 sets, detached) including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
   vi. Plumbing and Sewer Plans, including isometrics, underground diagrams, water and waste diagram, sewer or septic system location, fixture units, gas piping, and heating and air conditioning; and
40. Submit two sets of structural calculations, energy conservation calculations, and a soils report. Architect's/Engineer's stamp and "wet" signature are required prior to plan check submittal.

41. Separate permits are required for fencing and/or walls.

42. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.

43. Business shall not open for operation prior to posting the Certificate of Occupancy issued by the Building and Safety Division.

Site Development

44. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number (i.e., CUP 98-01). The applicant shall comply with the latest adopted Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electric Code, Title 24 Accessibility requirements, and all other applicable codes, ordinances, and regulations in effect at the time of permit application. Please contact the Building and Safety Division for availability of the Code Adoption Ordinance and applicable handouts.

45. Prior to issuance of building permits for a new commercial the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to: Transportation Development Fee, Drainage Fee, School Fees, Permit and Plan Checking Fees. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division prior to permit issuance.

46. Construction activity shall not occur between the hours of 8:00 p.m. and 6:30 a.m. Monday through Saturday, with no construction on Sunday or holidays.

New Structures

47. Provide compliance with the Uniform Building Code for the property line clearances considering use, area, and fire-resistiveness.

48. Provide compliance with the Uniform Building Code for required occupancy separation(s).

49. Roofing material shall be installed per the manufacturer's "high wind" instructions.

50. Plans for food preparation areas shall be approved by County of Riverside Environmental Health Services prior to issuance of building permits.

51. Provide draft stops in attic areas, not to exceed 3,000 square feet, in accordance with UBC Table 5-A.

52. Provide draft stops in attics in line with common walls.

53. Roofing materials shall be Class "A."

Attachment "1"
54. Exterior walls shall be constructed of the required fire rating in accordance with UBC Table 5-A.

55. Openings in exterior walls shall be protected in accordance with UBC Table 5-A.

56. If the area of habitable space above the first floor exceeds 3,000 square feet, then the construction type shall be V-1 Hour.

57. Walls and floors separating dwelling units in the same building shall be not less than 1-hour fire-resistive construction.

58. Provide smoke and heat venting in accordance with UBC Section 906.

59. Provide method of airborne and impact sound transmission control between dwelling units.

60. Upon tenant improvement plan check submittal, additional requirements may be needed.

Grading

61. Grading of the subject property shall be in accordance with the Uniform Building Code, City Grading Standards, and accepted grading practices. The final grading plan shall be in substantial conformance with the approved grading plan.

62. A soils report shall be prepared by a qualified engineer licensed by the State of California to perform such work.

63. A geological report shall be prepared by a qualified engineer or geologist and submitted at the time of application for grading plan check.

64. The final grading plans shall be completed and approved prior to issuance of building permits.

65. All grading related reports, including but not limited to, soils report, geological report, pad certification, etc. shall be reviewed and approved by the City of Banning Engineer in accordance with all the applicable code requirements.
66. The following requirements shall be met:

a. Surety shall be posted and an agreement executed guaranteeing completion of all on-site drainage facilities necessary for dewatering all parcels to the satisfaction of the Building and Safety Division prior to final map approval and prior to the issuance of grading permits.

b. Appropriate easements for safe disposal of drainage water that are conducted onto or over adjacent parcels, are to be delineated and recorded to the satisfaction of the Building and Safety Division prior to issuance of grading and building permits.

c. On-site drainage improvements, necessary for dewatering and protecting the subdivided properties, are to be installed prior to issuance of building permits for construction upon any parcel that may be subject to drainage flows entering, leaving, or within a parcel relative to which a building permit is requested.

d. Final grading plans for each parcel are to be submitted to the Department of Public Works for approval prior to issuance of building and grading permits. This may be on an incremental or composite basis. Said approval must be included prior to permit issuance by the Department of Building and Safety.

67. A separate grading plan check submittal is required for all new construction projects and for existing buildings where improvements being proposed will generate 50 cubic yards or more of combined cut and fill. The Grading Plan shall be prepared, stamped, and signed by a California Registered Civil Engineer.

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

General Requirements

E. General Requirements

68. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class “A” State Contractor’s License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.
69. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:

- Fire Marshal
- Public Works Department (Grading Permit, Improvement Permit)
- Community Development Department
- Riverside County Environmental Health Department
- Banning Unified School District
- California Regional Water Quality Control Board Colorado River Basin (RWQCB)
- South Coast Air Quality Management District (SCAQMD)

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

A. On-Site Grading Plan
   1” = 40’ Horizontal
   (all conditions of approval shall be reproduced on last sheet of set)

B. Clearing Plan
   1” = 50’ Horizontal
   Include construction fencing plan

C. SWPPP
   1” = 40’ Horizontal
   (Note: A, B, & C shall be processed concurrently.)

D. Street Improvement Plan
   1” = 40’ Horizontal
   1” = 4’ Vertical

E. Landscaping Plan
   1” = 20’ Horizontal

F. Signing & Striping Plan
   1” = 40’ Horizontal

G. Construction Traffic Control Plan
   1” = 40’ Horizontal
   (major or arterial highways only)

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

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

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

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

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

F. Rights of Way

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

74. Submit a copy of the Title Report to the City Engineer prior to grading plan review and approval.

75. Offer to dedicate for public purposes the right-of-way for Ramsey Street as a major highway; 100 foot width. Offers of dedication shall include corner cut-off at intersections.

76. Direct vehicular access to alley/utility easement along the northern frontage of the site shall be restricted, except for those access points identified on the approved site plan, or as otherwise conditioned in these conditions of approval. The vehicular access restriction shall be recorded as a separate instrument.

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

G. Public Improvements

78. Construct half street improvements in accordance with City standards fronting Ramsey Street including street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, traffic signs and striping, and any transitions. Street lights along Ramsey Street shall be installed offset of the existing street lights. Where the
transverse slope of the existing pavement exceeds 3% the applicant shall remove pavement and join the existing pavement surface. Applicants’ geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

79. All street improvement design shall provide pavement transitions per Caltrans standards for transition to existing street sections.

80. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee, prior to the issuance of a certificate of occupancy.

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

H. Grading and Drainage

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

83. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Note: An identified floodway exists onto the existing property as identified in Flood Boundary and Floodway Map dated October 17, 1978.

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

85. Prior to approval of the grading plan 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 revisions.
86. The applicant shall comply with Chapter 34 "Stormwater Management and Discharge Controls" of the Banning Municipal Code (BMC); California Building Code Appendix Chapter 33 "Excavation and Grading"; and the State Water Resources Control Board’s Order No. 99-08-DWQ.

1. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbed 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.

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

3. 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.

4. 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.

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

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

87. 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.

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

I. Landscaping

90. An automatic sprinkler system and landscaping shall be installed, prior to occupancy of the first unit of the development, within the parkway fronting Ramsey Street. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.

91. 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.

J. Traffic

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

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

K. Trash/Recycling

95. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City’s franchised solid waste hauler for disposal of construction debris.

L. Fees

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

97. Public Works Inspection fees shall be paid prior to the scheduling the final map for approval by City Council in accordance with the Fee Schedule in effect at time of time of scheduling.
98. Water and sewer connection fees including frontage fees and water meter installation charges shall be paid on a per lot basis at the time of building permit issuance in accordance with the Fee Schedule in effect at that time.

99. A plan storage fee shall be paid prior to approval of the final map and improvement plans in accordance with the Fee Schedule in effect at the time the fee is paid.

100. A Traffic Control mitigation fee shall be paid on a per lot basis prior to issuance of building permits.

APPLICANT SHALL CONTACT THE WATER AND WASTE WATER UTILITY AT (951) 922-3281 FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

WATER

101. Submit Water Improvement Plans to the Water Division for review and approval. Design, construct, and install water service lateral for project.

102. Fire hydrants shall be installed within and on the project boundaries as per the approval plans, at a 300' maximum spacing.

103. A backflow device must be installed on commercial developments and for 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.

SEWER

104. Submit Sewer Improvement Plans to the Sewer Division for review and approval. Design and construct a 6" VCP sewer lateral connecting to the main line within the ally right-of-way.

105. A sewer check valve shall be provided for the project with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

FEES

106. Water Connection Fees shall be paid per EDU (EDU is based upon meter size), Sewer Connection Fees shall be paid per EDU (EDU for commercial types will be based upon the estimated quality and quantity of discharge into the sewerage system), and Water Meter Installation charges shall all be paid at the time of issuance of building permits, for this project in accordance with the fee schedule in effect at the time the fees are paid. Also, pay all water and sewer frontage fees, if applicable, and in accordance with the fee schedule in effect at the time the fees are submitted, prior to plan checking proceedings.

APPLICANT SHALL CONTACT ELECTRICAL OPERATIONS DEPARTMENT FOR COMPLIANCE WITH THE FOLLOWING CONDITION:

Attachment “1” 16
107. Provide electrical plans and load calculation for review.

- Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. The plans are required in electronic format, we currently use AutoCad2006. Plans should consist of a plot plan, site plan signed and approved by city engineering, one line diagram of proposed electrical main service panels and a sheet showing load calculation by an electrical engineer. Additional sheets may be required upon request.
- Paying required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension.
- Granting easement for electric facilities installation/maintenance, etc.
- All trenching, backfill, and compaction.
- All conduits, vaults, and other materials associated with their installation (except primary cables and their terminations).
- Installation of Streetlight poles and conduit.
- Developer / electrical contractor to provide and install secondary service entrance conductors spec by utility department from transformer to service panel pull section on commercial developments.

108. The City Electric Department shall be responsible for:

- Reviewing plans submitted by customer.
- Design an electrical utility plan for the installation of structures and conduit by developer.
- Providing a cost estimate for installing an underground electrical system for this project.
- Inspecting all trenches prior to backfilling. 24 hour prior notice is required before inspection.
- Installation of primary cable and terminations.

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

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

Commercial, Industrial and/or Office Complex:
- $ .579 per square foot Commercial
- $ .821 per square foot Dental Office
- $ 25.00 per unit Disaster Planning

Plan Check and Inspection: $ 118.00 per hour
Exception, Sprinkler and Alarm System Plan Check
See Number (7) for Fee Schedule.

CODE COMPLIANCE:

110. All Plans, Specifications and Construction shall comply with and conform to the current edition of the California Fire Code (CFC), California Building Code (CBC), and other state and local laws as applicable.

PREMISES IDENTIFICATION:

111. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

Commercial: 6" mm. size

FLAMMABLE LIQUID:

112. The storage, use, dispensing and mixing of flammable and combustible liquids shall be in accordance with UFC Article 79 and UBC Section 307.

INSPECTIONS:

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

114. Fee for each inspection is $118.00 per hour per person.

115. WORK BEGUN WITHOUT A PERMIT OR WITHOUT AN APPROVED SET OF PLANS AT THE JOB SITE WILL RESULT IN A TRIPLE FEE AND/OR THE WORK STOPPED.
HAZARDOUS MATERIALS:

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

Business Plans may be required per SB 2186 and 2187 including MSDS, HMMP and RMPP.
CUP #07-808
& DESIGN REVIEW
#07-7016

RESOLUTION
NO. 2007-40

EXHIBIT “2”
RESOLUTION NO. 2007-40

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING DESIGN REVIEW #07-7016 TO DEVELOP A 4,001 SQUARE FOOT BUILDING FOR MEDICAL (DENTAL) USE ON .57 ACRES IN THE HIGHWAY SERVING COMMERCIAL ZONE. APN 540-125-017 & 018.

WHEREAS, an application for the operation of a medical use, has been duly filed by:

Applicant/Owner: True South, LLC
Authorized Agent: Sean Pope
Project Location: 877 & 895 West Ramsey Street.
APN Number: 540-125-017 & 018
Lot Area: .57 acres

WHEREAS, the Planning Commission has the authority per section 9114.00 of the Banning Municipal Code to take action on Design Review #07-7016 to develop a 4,001 sq. ft. building; and

WHEREAS, the applicant is requesting approval of Design Review #07-7016 for development plans for a 4,001 square foot single story building .57 acres in the Highway Serving Commercial zone, in compliance with Banning Municipal Code Section 9114.00; and,

WHEREAS, on November 16, 2007 the City gave public notice by advertising in the Press-Enterprise, 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 December 4, 2007, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Design Review at which the Planning Commission considered the Design Review; and

WHEREAS, the Community Development Director has reviewed the project’s potential effects on the environment and has recommended that the project is categorically exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guidelines Section 15332 “In-fill Development and that the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 are not applicable to the project.

NOW THEREFORE, the Planning Commission of the City of Banning does Resolve, Determine, Find and Order as follows:

PC Reso No. 2007-40
SECTION 1. REQUIRED FINDINGS.

Pursuant to Banning Municipal Code Section 9114.00 and in light of the record before it including the staff report dated December 4, 2007, all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

A. Section 9114.00 requires that the Design Review satisfy each of the findings under the Banning Municipal Code Section 9114.00. The Planning Commission hereby finds and determines that each of these requirements is satisfied as follows:

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

Findings of Fact: The General Plan Land Use Element designation is Highway Serving Commercial which allows medical uses subject to a Conditional Use Permit. This development proposes a medical (dental) use and the applicant is seeking approval of a Conditional Use Permit, which is consistent with the land use designation.

Policy 3 of the General Plan Land Use Element indicates that development be of high quality projects. This project, as designed, will include decorative cornices, stone accents, smooth stucco treatments that will result in a high quality design that is consistent with this Policy.

Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Findings of Fact: The Zoning District designation Highway Serving Commercial (HSC) conditionally allows for the development of this project. The project meets or exceeds the development standards for this district, including:

- Minimum front yard setback (14’ provided versus 10’ required);
- Minimum rear yard setback (52’ provided versus 10’ required);
- Minimum side yard setback (10’ provided (minimum) versus 0’ required)
- Maximum lot coverage (16% provided versus 35% maximum permitted);
- Maximum height (1-story/ 30’-6” provided versus 2-story/ 35’ maximum permitted); and
- Parking space requirement (29 provided versus 22 required).

Finding No. 3: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards.

Facts of Fact: The design and layout of the proposed project will not unreasonably interfere with future development, and will not result in vehicular and or pedestrian hazards because of the following:
The “back-of-house” features, such as the trash enclosures and loading area are located in the parking lot and surrounded by landscape, which will minimize the visibility from the surrounding properties and public view;

• As conditioned the project will be required to contain nuisance water on site;
• As conditioned the project’s illumination will not spill over onto adjacent properties;
• The project provides ample parking (29 provided versus 22 required); and
• As conditioned, the project will be required to allow an internal connection with the future development to the west to allow access through private property and thus limit circulation movements/conflicts along Ramsey Street.

Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Findings of Fact: The project proponent proposes a contemporary architecture with a concrete tile roof, stone accents and earth tone colors. These elements will be consistent with Rite Aid, across the street from this site, which also incorporates stucco with earth tone colors, stone accents and a tile roof. The landscape plans contain a plant palette and design elements that are consistent with the Banning Commercial Corridor standards. Both palettes incorporate evergreen, accent and canopy trees, concrete walks, and colored accent entries.

SECTION 2. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Community Development Director as provided in the Staff Report dated December 4, 2007, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. CEQA:

(a) The project is exempt from CEQA under CEQA Guidelines Section 15332 in that the staff report submitted by the Planning Department and other findings made in this Resolution demonstrate that; the Design Review #07-7016 is consistent with the Highway Serving Commercial General Plan designation and all applicable General Plan polices as well as with applicable zoning designation; Design Review #07-7016 is located within the boundaries of the City of Banning; the area within Design Review #07-7016 comprises less than five acres and has no value as habitat for endangered, rare or threatened species; there is no substantial evidence in the record that Design Review #07-7016 will result in significant effects related to traffic, noise, air quality, or water quality; and the site is or can be adequately served by all required utilities and public services. As such, the project meets the criteria for application of a Class 32 Categorical Exemption under the CEQA Guidelines.

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(b) None of the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15322 from exempting the project for the following reasons:

(i) The project is not a Class 3, 4, 5, 6, or 11 project, and therefore is not subject to the exception pertaining to projects located in particularly sensitive environments.

(ii) The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. The proposed use will not impair the integrity and character of the land use district in which it is to be located because it is surrounded by other Highway Serving Commercial properties (existing and pending retail commercial projects) to the south, east and west. Single family homes exist to the north of the subject site, but a 52’ setback and alley exists between the subject structure and the property that will buffer the pending development.

(iii) There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment. There is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence of a vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The site is devoid of vegetation, is being used as a parking lot (not authorized by the City), and it is flat (unable to support bodies of water).

(iv) The project will not result in damage to scenic resources within a designated state scenic highway because there is no designated state scenic highway in the project area.

(v) The project site has not been listed as a hazardous waste and substance facility or site by the Department of Toxic Substances Control pursuant to California Government Code Section 659625.

(vi) The project will not cause a substantial adverse change to the significance of a historical resource. The site is vacant, an historical resource or its immediate surroundings will not be demolished, destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.

2. Multiple Species Habitat Conservation Plan (MSHCP). The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.
SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. Design Review #07-7016 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Attachment "1" (from CUP #07-808) for the review of the site development and architecture for the office building. Any modification to the project shall be in compliance with the City of Banning Zoning Ordinance, and other applicable state and local ordinances.

PASSED, APPROVED AND ADOPTED this 4th day of December, 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California

CERTIFICATION:

I, Virginia Sorensen, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-40, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of December, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorensen, Recording Secretary
City of Banning, California

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PC Reso No. 2007-40
CONDITIONS OF APPROVAL

PROJECT #:  Conditional Use Permit #07-808 & Design Review #07-7016

SUBJECT:  Development and Operation of a Dental Office

APPLICANT:  True South, LLC

LOCATION:  877 & 895 West Ramsey Street, A.P.N.’s: 540-125-017 & 018

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

A. General Requirements

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

   

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

Attachment “1”
3. A copy of the signed Resolution of Approval or Community Development Director's letter of approval, and all Standard Conditions, shall be included in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for plan check.

B. Time Limits

4. Development/Design Review approval shall expire if building permits are not issued or approved use has not commenced within 2 years from the date of approval. In addition, if after commencement of construction, work is discontinued for a period of one year, the Design Review shall become null and void. The Community Development Director may, upon an application being filed 30 days prior to expiration and for good cause, grant one time extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Design Review complies with all current Ordinance provisions.

C. Site Development

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

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

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

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

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

10. Approval of this request shall not waive compliance with all sections of the Development Code, all other applicable City Ordinances, and applicable Community or Specific Plans in effect at the time of building permit issuance.
11. A detailed on-site lighting plan, including a photometric diagram, that illustrates "0" lumens at the property line, shall be reviewed and approved by the Community Development Director (922-3125) prior to the issuance of building permits. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties.

12. A detailed "As-Built" lighting plan, including a photometric diagram, shall be prepared and submitted after the lighting has been erected and before a certificate of occupancy is issued. Said plan must be consistent with the on-site lighting plan that illustrates "0" lumens at the property line. Prior to the issuance of a certificate of occupancy, the applicant shall work with Staff to reduce the lighting levels to "0" lumens at the property line if the "As-Built" plans demonstrate more than "0" lumens at the property line.

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

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

15. Provide for the following design features in each trash enclosure, to the satisfaction of the Community Development Director:

   a. Architecturally integrated into the design of the project.

   b. Separate pedestrian access that does not require the opening of the main doors and to include self-closing pedestrian doors.

   c. Large enough to accommodate two trash bins.

   d. Trash bins with counter-weighted lids.

   e. Architecturally treated overhead shade trellis.

   f. Chain link screen on top to prevent trash from blowing out of the enclosure and designed to be hidden from view.

16. Graffiti shall be removed within 72 hours.

17. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.

18. All operations and businesses shall be conducted to comply with the following standards which shall be incorporated into the lease agreements for all tenants:
a. Noise Level - All commercial activities shall not create any noise that would exceed an exterior noise level of 60 dB during the hours of 10 p.m. until 7 a.m. and 65 dB during the hours of 7 a.m. until 10 p.m. 

b. Loading and Unloading - No person shall cause the loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or other similar objects between the hours of 10 p.m. and 7 a.m. unless otherwise specified herein, in a manner which would cause a noise disturbance to a residential area.

19. Textured pavement shall be provided in accordance with the City of Banning standards across circulation aisle and pedestrian walkway.

20. The lighting fixture design shall compliment the architectural program (as submitted). It shall include the plaza area lighting fixtures, building lighting fixtures (exterior), and parking lot lighting fixtures.

D. Building Design

21. All dwellings shall have the front, side and rear elevations upgraded with architectural treatment as submitted and approved by the Planning Commission.

22. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Planning Division. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development Director. Details shall be included in building plans.

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

   a. At least 22 parking spaces shall be 9 feet wide by 19 feet long. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide.

   b. All parking lot landscape islands shall have a minimum outside dimension of 6 feet and shall contain a 12-inch walk adjacent to the parking stall (including curb). Said islands shall be designed to accept nuisance parking lot water flows.

   c. All parking spaces shall be striped per City standards and all driveway aisles, entrances, and exits shall be striped per City standards.

   d. Handicap accessible stalls shall be provided for commercial and office facilities. One in every 8 handicap parking stalls (no less than 1) shall be served by an access aisles 96" wide min. placed opposite the driver's side and shall be designated Van-Accessible.

   e. If required in the future, the agrees to provide reciprocal access through the site to the adjacent (east and west of the subject site) sites. The applicant may be required to modify the parking layout to accommodate such access.

   f. The parking lot shall be graded so as to discharge nuisance water into the
landscape areas. Said design must also include the standard water discharge requirements.

24. Trip Reduction

a. Transit improvements such as bus shelters, bus pullouts, and bus pads shall be provided, if required by the City’s transit service.

Landscaping

25. A detailed landscape and irrigation plan shall be prepared by a licensed landscape architect and submitted for Community Development Director review and approval prior to the issuance of building permits or prior final map approval in the case of a custom lot subdivision.

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

27. A minimum of 30% within commercial and office projects, shall be specimen size trees - 24-inch box or larger.

28. Within parking lots, trees shall be planted at a rate of one 15-gallon tree for every three parking stalls, sufficient to shade 50% of the parking area at solar noon on August 21.

29. Trees shall be planted in areas of public view adjacent to and along structures at a rate of one tree per 30 linear feet of building.

30. For commercial development, property owners are responsible for the continual maintenance of all landscaped areas on-site, as well as contiguous planted areas within the public right-of-way. 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 30 days from the date of damage.

31. The final design of the perimeter parkways, walls, landscaping, and sidewalks shall be included in the required landscape plans and shall be subject to Community Development Director review and approval and coordinated for consistency with any parkway landscaping plan which may be required by the Engineering Division.

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

33. All walls shall be provided with decorative treatment. If located in public maintenance areas, the design shall be coordinated with the Engineering Division.
34. Tree maintenance criteria shall be developed and submitted for Community Development Director review and approval prior to issuance of building permits. These criteria shall encourage the natural growth characteristics of the selected tree species.

35. Landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape.

Signs

36. The signs indicated on the submitted plans are conceptual only and not a part of this approval. Any signs proposed for this development shall comply with the Sign Ordinance and shall require separate application and approval by the Planning Division prior to installation of any signs.

37. A Uniform Sign Program for this development shall be submitted for Community Development Director review and approval prior to issuance of building permits.

Other Agencies

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

APPLICANT SHALL CONTACT THE BUILDING AND SAFETY DIVISION, (951) 922-3120, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

General Requirements

39. Submit four complete sets of plans including the following:

   i. Site/Plot Plan;
   ii. Foundation Plan;
   iii. Floor Plan;
   iv. Ceiling and Roof Framing Plan;
   v. Electrical Plans (2 sets, detached) including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
   vi. Plumbing and Sewer Plans, including isometrics, underground diagrams, water and waste diagram, sewer or septic system location, fixture units, gas piping, and heating and air conditioning; and
40. Submit two sets of structural calculations, energy conservation calculations, and a soils report. Architect's/Engineer's stamp and "wet" signature are required prior to plan check submittal.

41. Separate permits are required for fencing and/or walls.

42. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.

43. Business shall not open for operation prior to posting the Certificate of Occupancy issued by the Building and Safety Division.

Site Development

44. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number (i.e., CUP 98-01). The applicant shall comply with the latest adopted Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electric Code, Title 24 Accessibility requirements, and all other applicable codes, ordinances, and regulations in effect at the time of permit application. Please contact the Building and Safety Division for availability of the Code Adoption Ordinance and applicable handouts.

45. Prior to issuance of building permits for a new commercial the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to: Transportation Development Fee, Drainage Fee, School Fees, Permit and Plan Checking Fees. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division prior to permit issuance.

46. Construction activity shall not occur between the hours of 8:00 p.m. and 6:30 a.m. Monday through Saturday, with no construction on Sunday or holidays.

New Structures

47. Provide compliance with the Uniform Building Code for the property line clearances considering use, area, and fire-resistiveness.

48. Provide compliance with the Uniform Building Code for required occupancy separation(s).

49. Roofing material shall be installed per the manufacturer's "high wind" instructions.

50. Plans for food preparation areas shall be approved by County of Riverside Environmental Health Services prior to issuance of building permits.

51. Provide draft stops in attic areas, not to exceed 3,000 square feet, in accordance with UBC Table 5-A.

52. Provide draft stops in attics in line with common walls.

53. Roofing materials shall be Class "A."
54. Exterior walls shall be constructed of the required fire rating in accordance with UBC Table 5-A
55. Openings in exterior walls shall be protected in accordance with UBC Table 5-A.
56. If the area of habitable space above the first floor exceeds 3,000 square feet, then the construction type shall be V-1 Hour.
57. Walls and floors separating dwelling units in the same building shall be not less than 1-hour fire-resistive construction.
58. Provide smoke and heat venting in accordance with UBC Section 906.
59. Provide method of airborne and impact sound transmission control between dwelling units.
60. Upon tenant improvement plan check submittal, additional requirements may be needed.

Grading
61. Grading of the subject property shall be in accordance with the Uniform Building Code, City Grading Standards, and accepted grading practices. The final grading plan shall be in substantial conformance with the approved grading plan.
62. A soils report shall be prepared by a qualified engineer licensed by the State of California to perform such work.
63. A geological report shall be prepared by a qualified engineer or geologist and submitted at the time of application for grading plan check.
64. The final grading plans shall be completed and approved prior to issuance of building permits.
65. All grading related reports, including but not limited to, soils report, geological report, pad certification, etc. shall be reviewed and approved by the City of Banning Engineer in accordance with all the applicable code requirements.
66. The following requirements shall be met:

   a. Surety shall be posted and an agreement executed guaranteeing completion of all on-site drainage facilities necessary for dewatering all parcels to the satisfaction of the Building and Safety Division prior to final map approval and prior to the issuance of grading permits.

   b. Appropriate easements for safe disposal of drainage water that are conducted onto or over adjacent parcels, are to be delineated and recorded to the satisfaction of the Building and Safety Division prior to issuance of grading and building permits.

   c. On-site drainage improvements, necessary for dewatering and protecting the subdivided properties, are to be installed prior to issuance of building permits for construction upon any parcel that may be subject to drainage flows entering, leaving, or within a parcel relative to which a building permit is requested.

   d. Final grading plans for each parcel are to be submitted to the Department of Public Works for approval prior to issuance of building and grading permits. This may be on an incremental or composite basis. Said approval must be included prior to permit issuance by the Department of Building and Safety.

67. A separate grading plan check submittal is required for all new construction projects and for existing buildings where improvements being proposed will generate 50 cubic yards or more of combined cut and fill. The Grading Plan shall be prepared, stamped, and signed by a California Registered Civil Engineer.

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

General Requirements

E. General Requirements

68. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class “A” State Contractor’s License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.
69. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:

- Fire Marshal
- Public Works Department (Grading Permit, Improvement Permit)
- Community Development Department
- Riverside County Environmental Health Department
- Banning Unified School District
- California Regional Water Quality Control Board Colorado River Basin (RWQCB)
- South Coast Air Quality Management District (SCAQMD)

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

A. On-Site Grading Plan  
   1” = 40’ Horizontal  
   (all conditions of approval shall be reproduced on last sheet of set)

B. Clearing Plan  
   1” = 50’ Horizontal  
   Include construction fencing plan

C. SWPPP  
   1” = 40’ Horizontal  
   (Note: A, B, & C shall be processed concurrently.)

D. Street Improvement Plan  
   1” = 40’ Horizontal  
   1” = 4’ Vertical

E. Landscaping Plan  
   1” = 20’ Horizontal

F. Signing & Striping Plan  
   1” = 40’ Horizontal

G. Construction Traffic Control Plan  
   1” = 40’ Horizontal  
   (major or arterial highways only)

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

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

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

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

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

F. Rights of Way

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

74. Submit a copy of the Title Report to the City Engineer prior to grading plan review and approval.

75. Offer to dedicate for public purposes the right-of-way for Ramsey Street as a major highway; 100 foot width. Offers of dedication shall include corner cut-off at intersections.

76. Direct vehicular access to alley/utility easement along the northern frontage of the site shall be restricted, except for those access points identified on the approved site plan, or as otherwise conditioned in these conditions of approval. The vehicular access restriction shall be recorded a separate instrument.

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

G. Public Improvements

78. Construct half street improvements in accordance with City standards fronting Ramsey Street including street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, traffic signs and striping, and any transitions. Street lights along Ramsey Street shall be installed offset of the existing street lights. Where the
transverse slope of the existing pavement exceeds 3% the applicant shall remove pavement and join the existing pavement surface. Applicants’ geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

79. All street improvement design shall provide pavement transitions per Caltrans standards for transition to existing street sections.

80. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee, prior to the issuance of a certificate of occupancy.

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

H. Grading and Drainage

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

83. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Note: An identified floodway exists onto the existing property as identified in Flood Boundary and Floodway Map dated October 17, 1978.

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

85. Prior to approval of the grading plan 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 revisions.
86. The applicant shall comply with Chapter 34 “Stormwater Management and Discharge Controls” of the Banning Municipal Code (BMC); California Building Code Appendix Chapter 33 “Excavation and Grading”; and the State Water Resources Control Board’s Order No. 99-08-DWQ.

1. 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.

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

3. 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.

4. 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.

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

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

87. 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.

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

I. Landscaping

90. An automatic sprinkler system and landscaping shall be installed, prior to occupancy of the first unit of the development, within the parkway fronting Ramsey Street. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.

91. 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.

J. Traffic

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

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

K. Trash/Recycling

95. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City’s franchised solid waste hauler for disposal of construction debris.

L. Fees

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

97. Public Works Inspection fees shall be paid prior to the scheduling the final map for approval by City Council in accordance with the Fee Schedule in effect at time of scheduling.
98. Water and sewer connection fees including frontage fees and water meter installation charges shall be paid on a per lot basis at the time of building permit issuance in accordance with the Fee Schedule in effect at that time.

99. A plan storage fee shall be paid prior to approval of the final map and improvement plans in accordance with the Fee Schedule in effect at the time the fee is paid.

100. A Traffic Control mitigation fee shall be paid on a per lot basis prior to issuance of building permits.

APPLICANT SHALL CONTACT THE WATER AND WASTE WATER UTILITY AT (951) 922-3281 FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

WATER

101. Submit Water Improvement Plans to the Water Division for review and approval. Design, construct, and install water service lateral for project.

102. Fire hydrants shall be installed within and on the project boundaries as per the approval plans, at a 300' maximum spacing.

103. A backflow device must be installed on commercial developments and for 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.

SEWER

104. Submit Sewer Improvement Plans to the Sewer Division for review and approval. Design and construct a 6" VCP sewer lateral connecting to the main line within the ally right-of-way.

105. A sewer check valve shall be provided for the project with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

FEES

106. Water Connection Fees shall be paid per EDU (EDU is based upon meter size), Sewer Connection Fees shall be paid per EDU (EDU for commercial types will be based upon the estimated quality and quantity of discharge into the sewerage system), and Water Meter Installation charges shall all be paid at the time of issuance of building permits, for this project in accordance with the fee schedule in effect at the time the fees are paid. Also, pay all water and sewer frontage fees, if applicable, and in accordance with the fee schedule in effect at the time the fees are submitted, prior to plan checking proceedings.

APPLICANT SHALL CONTACT ELECTRICAL OPERATIONS DEPARTMENT FOR COMPLIANCE WITH THE FOLLOWING CONDITION:

Attachment “1”
107. Provide electrical plans and load calculation for review.

- Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. The plans are required in electronic format, we currently use AutoCad2006. Plans should consist of a plot plan, site plan signed and approved by city engineering, one line diagram of proposed electrical main service panels and a sheet showing load calculation by an electrical engineer. Additional sheets may be required upon request.
- Paying required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension.
- Granting easement for electric facilities installation/maintenance, etc.
- All trenching, backfill, and compaction.
- All conduits, vaults, and other materials associated with their installation (except primary cables and their terminations).
- Installation of Streetlight poles and conduit.
- Developer / electrical contractor to provide and install secondary service entrance conductors spec by utility department from transformer to service panel pull section on commercial developments.

108. The City Electric Department shall be responsible for:

- Reviewing plans submitted by customer.
- Design an electrical utility plan for the installation of structures and conduit by developer.
- Providing a cost estimate for installing an underground electrical system for this project.
- Inspecting all trenches prior to backfilling. 24 hour prior notice is required before inspection.
- Installation of primary cable and terminations.

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

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

Commercial, Industrial and/or Office Complex:
- $0.579 per square foot Commercial
- $0.821 per square foot Dental Office +
- $25.00 per unit Disaster Planning

Plan Check and Inspection: $118.00 per hour
Exception, Sprinkler and Alarm System Plan Check
See Number (7) for Fee Schedule.

CODE COMPLIANCE:

110. All Plans, Specifications and Construction shall comply with and conform to the current edition of the California Fire Code (CFC), California Building Code (CBC), and other state and local laws as applicable.

PREMISES IDENTIFICATION:

111. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

Commercial: 6" mm. size

FLAMMABLE LIQUID:

112. The storage, use, dispensing and mixing of flammable and combustible liquids shall be in accordance with UFC Article 79 and UBC Section 307.

INSPECTIONS:

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

114. Fee for each inspection is $118.00 per hour per person.

115. WORK BEGUN WITHOUT A PERMIT OR WITHOUT AN APPROVED SET OF PLANS AT THE JOB SITE WILL RESULT IN A TRIPLE FEE AND/OR THE WORK STOPPED.
HAZARDOUS MATERIALS:

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

Business Plans may be required per SB 2186 and 2187 including MSDS, HMMP and RMPP.
STAFF REPORT
PLANNING COMMISSION

DATE: DECEMBER 4, 2007

CASE NO'S: GENERAL PLAN MAP AMENDMENT AND ZONING CODE CHANGE 07-2502

REQUESTS: CHANGE TO THE GENERAL PLAN LAND USE MAP AND ZONING MAP DESIGNATIONS FROM LOW DENSITY RESIDENTIAL (0-5 UNITS/ACRE) TO PROFESSIONAL OFFICE.

LOCATION: 935 E. WILLIAMS APN: 541-121-022

APPLICANT: VICSETH, INC.

SURROUNDING ZONE/USES:
NORTH: SINGLE FAMILY HOMES
SOUTH: COMMERCIAL/OFFICE CENTER, VACANT PROPERTY & EXISTING SINGLE FAMILY HOMES
EAST: VACANT PROPERTY & EXISTING MULTI-FAMILY RESIDENTIAL;
WEST: VACANT LAND & EXISTING MULTI-FAMILY RESIDENTIAL

ENVIRONMENTAL CONSIDERATION: THE COMMUNITY DEVELOPMENT DEPARTMENT DETERMINED THAT THE PROJECT WOULD NOT RESULT IN POTENTIALLY SIGNIFICANT EFFECTS ON THE ENVIRONMENT; THEREFORE, STAFF IS RECOMMENDING THE ADOPTION OF A NEGATIVE DECLARATION.

BACKGROUND/PROJECT DESCRIPTION:

The project site is approximately 4.62 acres in size, located between Nicolet Street and Williams Street and between Hargrave Street and Phillips Avenue. The site is generally flat in shape, vacant and zoned Low Density Residential (0-5 units/acre). The applicant is requesting approval to change the General Plan land use and Zoning designation from Low Density Residential to Professional Office.
As the Planning Commission is aware, the property was zoned High Density Residential Designation (up to 24 units/acre), but it was changed in January 31, 2006 (during the comprehensive update) to Low Density Residential (up to 5 units/acre). The applicant acquired this property prior to the down-zoning and requested during the hearings for the General Plan update that the property remain High Density Residential.

At the October 16, 2006 Planning Commission meeting, the applicant requested a change in the land use as well as zoning designation from Low Density Residential to Medium Density Residential (0-10 units/acre) for the development of 40 units on said property. At the meeting, the Commission discussed numerous items, including the GPAC’s efforts, alternative housing options (single-family versus condominium/townhomes). At this meeting the Planning Commission voted (4-0) to direct that this matter be brought back at staff’s discretion. The Commission indicated that the project should be more “in tune” with what has been discussed by the City in previous meetings for this area. In other words, the project should include market rate dwelling units that are owner-occupied. At the February 20, 2007 meeting, the Planning Commission continued the discussion of the project’s merits as well as the requested change to the General Plan and Zoning designations. At the March 6, 2007 meeting the Planning Commission asked for the applicant to return with rendered plans of the residential project.

Subsequently, the applicant withdrew the applications and filed an application to change the zoning to General Commercial. After meeting with staff to discuss the proposed zone change, the applicant withdrew the request to change the zoning to General Commercial and requested a change of zoning to Professional Office. This was in response to discussions with staff regarding the applicant’s desire to develop an office project on this site.

Findings:

Findings to recommend approval of the change in the General Plan land use map and Zoning designation have been made and are included in the attached resolution.

Public Notice

This proposal was advertised in the Press Enterprise newspaper November 16, 2007. All property owners within 300 feet of the site were mailed a public hearing notice. To date, no written comments have been received.

ANALYSIS:

Analysis

-2-
It is staff’s opinion that the proposed General Plan and Zoning Map change is consistent with the goals and objectives of the General Plan and Zoning Code, however, due to the recent history regarding zone changes for this property a change in zoning to professional offices has the potential to generate much discussion similar to the proposed zone change to medium density residential did when it was brought forward last year. It is a proposed intensification of use in an area that had been down-zoned to a lower intensity use in 2006.

General Plan and Zoning Map: As the Planning Commission is aware, the project site was once included in a moratorium area that limited the development of High Density Residential development. During the comprehensive update to the City’s General Plan the land use density was discussed for this site as well as the surrounding properties. It was determined that the appropriate density would be Low Density Residential. However, the Planning Commission may wish to visit this issue again.

General Plan Consistency: This Zone Change proposal supports the General Plan Vision Statement that includes: “Well balanced commercial development where revenue generating commercial neighborhoods provide a diversified economy and a wide range of jobs, where people can work without needing their cars and where revitalization and beautification provide a safe and enjoyable shopping experience for visitors and residents alike.”

Policy 1 of the Commercial and Industrial Goals, Policies and Programs is: “The land use map shall include sufficient commercial lands to provide a broad range of products and services to the City and region while carefully considering compatibility with adjacent residential lands”.

One of the Land Use Element’s areas of focus for development opportunities is the use of neighborhood plans as an opportunity to revitalize neighborhoods and to enhance their character and identity as well as creating a livable city. As a parcel that lies on the boundary of a residential neighborhood and on a street that straddles the transition between commercial and residential uses, the design of this site as an office campus could include high quality fixtures and landscaping that could set a new design standard for the neighborhood and could include a pedestrian oriented courtyard and paseo that is a gateway between Williams Street and Nicolet Street.

Surrounding Properties: The developed properties located to the east and west of this site are multi-family. To the north, across Nicolet are single family homes. To the south is a commercial center located on Ramsey Street that formerly contained home décor oriented businesses and whose anchor was formerly a high end patio furnishings store. That building has recently been converted to the offices for the California Department of Social Services. The surrounding residential uses are a mixture of multi-family and single family development, some in good condition and some among the most blighted in the city. The former design center to the south is relatively new and is in a potentially ideal commercial location. Hargrave and Ramsey Street, located two parcels to the west of the

- 3 -
subject site is a prominent intersection with a freeway off ramp. But generally speaking, the area between Ramsey and Williams Street is relatively blighted near this location.

Because of the location of the subject property close to Hargrave Street, one block north of Ramsey and two blocks from the I-10 Freeway, it is an ideal property for transitional zoning between the commercial properties to the south and the residential properties to the north.

Furthermore, a low-intensity office campus designed to be architecturally compatible with the surrounding residential neighborhood would be a relatively low impact use that potentially could bring necessary services into a community that is lacking in such conveniences. Vehicle trips could be reduced as residents could walk to the doctor, dentist, beautician or other neighborhood-oriented service businesses.

The key to the success of such a project’s integration with the surrounding neighborhood would be through the City’s Design Review process that could assure the architecture and site design has a low key, residential appearance and through the appropriate use of the CUP process to assure that low-impact, residentially compatible business uses are approved for the site. There is a wide range of permitted uses in the professional office zone as evidenced in the attached permitted uses matrix from the zoning code. They include mixed use residential, professional offices of many types and convenience stores. The higher intensity uses permitted in this zone are subject to the CUP process which would screen out incompatible uses.

There are numerous examples of the successful integration of professional offices uses adjacent to residential uses in older established communities such as in the City of Redlands where such services are plentiful along collectors similar to Williams Street, often located in converted homes but also in projects built for office use. This site could serve as a buffer between the intensity of Ramsey Street and the I-10 and the quieter residential district north of Nicolet. The site’s proximity to the high traffic areas and uses on the south and it’s location in a generally blighted area of town does not make it an ideal location for new low density single-family development. However an office campus could be a very good neighbor and could bring in services that the surrounding neighborhood could utilize.

Again the key to the success here is appropriate, high quality design with a residential/campus-like atmosphere and careful screening of incoming uses.

**RECOMMENDATION:**

The Planning Commission has the following options:

1. **Approval.** The Planning Commission can recommend approval of Resolutions 07-41 recommending approval of the Negative Declaration and 07-42 recommending approval of the General Plan Amendment / Zone Change to the City Council;
2. **Continue.** The Planning Commission can provide staff and/or the applicant with further direction and continue this item to a future meeting; or

3. **Denial.** The Planning Commission can direct staff to prepare the necessary resolution to recommend denial of the application to the City Council.

Respectfully Submitted:

[Signature]
Kim Clinton, Senior Planner

Exhibits:
1. Resolution No. 2007-41
2. Resolution No. 2007-42
3. Initial Study
4. Permitted Uses Matrix Exhibit A (Under Separate Cover)
5. Zone Change Exhibit C (Under Separate Cover)
RESOLUTION
NO. 2007-41

EXHIBIT “1”
RESOLUTION NO. 07-41

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL ADOPTION OF A NEGATIVE DECLARATION FOR GENERAL PLAN MAP AMENDMENT AND ZONING CODE CHANGE # 07-2502 TO CHANGE A 4.62 ACRE PARCEL FROM LOW DENSITY RESIDENTIAL (0-5 DU/AC) TO PROFESSIONAL OFFICE

WHEREAS, an application for a General Plan Map Amendment and Zoning Code Change Case # 07-2502 to change a 4.62 acre parcel from Low Density Residential (0-5 du/ac) to Professional Office has been filed by:

<table>
<thead>
<tr>
<th>Applicant / Owner:</th>
<th>VicSeth, Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorized Agent:</td>
<td>Ellen Labastida</td>
</tr>
<tr>
<td>Project Location:</td>
<td>935 E. Williams St.</td>
</tr>
<tr>
<td>APN Number:</td>
<td>541-121-022</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>4.62 acres</td>
</tr>
</tbody>
</table>

WHEREAS, the proposed General Plan Map Amendment and Zoning Code Change Case # 07-2502 to change a 4.62 acre parcel from Low Density Residential (0-5 du/ac) to Professional Office is considered a “project” as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. (“CEQA”); and,

WHEREAS, after completion of an Initial Study, the Planning Director determined that it did not identify any potentially significant effects on the environment nor was there any substantial evidence from which it could be fairly argued that the project would have a significant effect on the environment. Therefore, staff has proposed a Negative Declaration for this project; and,

WHEREAS, the proposed Negative Declaration consists of the following documents: Initial Study and Determination Page, and,

WHEREAS, on November 20, 2007, using a method permitted under CEQA Guidelines Section 15072(b), the City provided notice of its intent to adopt the proposed Negative Declaration to the public, responsible agencies, trustee agencies, and the Riverside County Clerk; and,

WHEREAS, the City made the proposed Negative Declaration available for public review beginning on November 20, 2007 and closing on December 10, 2007, a period of not less than 20 days. During the public review period, the City received no written comments concerning the proposed Negative Declaration; and,
WHEREAS, the Banning Planning Commission conducted a duly noticed public hearing on December 4, 2007 at which it received public testimony concerning the project and the proposed Negative Declaration and considered the proposed Negative Declaration.

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

SECTION 1. FINDINGS.

The Planning Commission, in light of the whole record before it including but not limited to the City’s local CEQA Guidelines and Thresholds of Significance, the proposed Negative Declaration and documents incorporated therein by reference, any written comments received and responses provided, and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby finds and determines as follows:

1. Review Period: That the City has provided the public review period for the Negative Declaration for the duration required under CEQA Guidelines Sections 15073 and 15105.

2. Compliance with Law: That the Negative Declaration was prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Banning.

3. Independent Judgment: That the Negative Declaration reflects the independent judgment and analysis of the City.

4. No Significant Effect: That there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the Planning Commission concludes that the project will not have a significant effect on the environment.

SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

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

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. Recommends Adoption of a Negative Declaration: The Negative Declaration for General Plan Map Amendment and Zoning Code Change Case # 07-2502 to change a 4.62 acre parcel from Low Density Residential (0-5 du/ac) to Professional Office is hereby recommended to the City Council for approval.
2. **Notice of Determination:** In compliance with Public Resources Code § 21152 and CEQA Guidelines § 15075, the Planning Director shall prepare a Notice of Determination concerning the approval and adoption of the Negative Declaration, and within five (5) working days of project approval, file the Notice with the Riverside County Clerk for posting.

3. **Location:** The Negative Declaration, and all documents incorporated therein or forming the record of decision therefore, shall be filed with the Banning Planning Department at the Banning City Hall, 99 E. Ramsey Street, Banning, California 92220 and shall be made available for public review upon request.

**PASSED, APPROVED AND ADOPTED** this 4th day of December 2007.

________________________
Betty DeSantis, Chairperson
Banning Planning Commission

**APPROVED AS TO FORM AND LEGAL CONTENT:**

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California

**CERTIFICATION:**

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-41, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of December, 2007 by the following vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

________________________
Virginia Sorenson, Recording Secretary
City of Banning, California
GPA / ZC #07-2502

RESOLUTION
NO. 2007-42

EXHIBIT “2”
RESOLUTION NO. 2007-42

A RESOLUTION OF THE PLANNING COMMISSION OF 
THE CITY OF BANNING, CALIFORNIA, 
RECOMMENDING THAT THE CITY COUNCIL 
APPROVE GENERAL PLAN AMENDMENT / ZONE 
CHANGE NO. 07-2502 TO CHANGE THE ZONING 
CLASSIFICATION FROM LOW DENSITY 
RESIDENTIAL TO PROFESSIONAL OFFICE AT 935 E. 
WILLIAMS STREET/APN 541-121-022.

WHEREAS, an application for a General Plan Map Amendment and 
Zone Change to change the zoning to Low Density Residential to Professional 
Office has been duly filed by:

Applicant / Owner: VicSeth Construction
Authorized Agent: Elena Labastida
Project Location: 935 E. Williams Street
APN Number: APN 541-121-022
Lot Area: 4.6 acres

WHEREAS, the Planning Commission has the authority per Section 9111.00 of the 
Banning Municipal Code to review and make recommendations to the City Council on General 
Plan Amendment / Zone Change No. 07-2502 for a change in zoning from Low Density 
Residential to Professional Office for the property located at 935 E. Williams St.; and

WHEREAS, in accordance with Government Code § 65854, on November 16, 2007 the 
City gave public notice by advertisement in the Press Enterprise newspaper and by mailing 
public notices to property owners within a 300 foot radius, of the holding of a public hearing at 
which the project would be considered by the Planning Commission; and

WHEREAS, on December 4, 2007 the Planning Commission held the noticed public 
hearing at which interested persons had an opportunity to testify in support of, or opposition to, 
the General Plan Amendment / Zone Change and at which the Planning Commission considered 
the General Plan Amendment / Zone Change; and

WHEREAS, at this public hearing on December 4, 2007 the Planning Commission 
considered, heard public comments on, and recommended adoption of a Negative Declaration for 
the project by Resolution No. 2007-41; and

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

PC Resolution No. 07-42
SECTION 1. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Planning Director as provided in the Staff Report dated December 4, 2007 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. **CEQA**: The approval of this Zone Change is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on December 4, 2007, at a duly noticed public hearing, the Planning Commission recommended adoption of a **Negative Declaration** reflecting its independent judgment and analysis and documenting that there was not substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. The documents comprising the City's environmental review for the project are on file and available for public review at Banning City Hall, 99 East Ramsey Street, Banning, California 92220.

2. **Multiple Species Habitat Conservation Plan (MSHCP)**. The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 2. REQUIRED GENERAL PLAN AMENDMENT / ZONE CHANGE FINDINGS.

Pursuant to Banning Municipal Code Section 9129.01, the Planning Commission makes the following findings pertaining to General Plan Map Amendment / Zone Change No. 07-2502:

1. The proposed Amendment is consistent with the goals and policies of the general plan.

   The property is located in the Low Density Zone of the General Plan bounded by Williams Street, Nicolet Street, and is approximately 330 feet east of Hargrave Street. This area is made up of a variety of land uses including single family and multifamily development on the north, east and west and, office and commercial uses to the south of Williams Street. The proposed zone change supports the General Plan Vision Statement that includes: "Well balanced commercial development where revenue generating commercial neighborhoods provides a diversified economy and a wide range of jobs, where people can work without needing their cars and where revitalization and beautification provide a safe and enjoyable shopping experience for visitors and residents alike."

   Furthermore, Policy 1 of the Commercial and Industrial Goals, Policies and Programs is: "The land use map shall include sufficient commercial lands to provide a broad range of products and services to the City and region while carefully considering compatibility with adjacent residential lands."
One of the Land Use Element’s areas of focus for development opportunities is the use of neighborhood plans as an opportunity to revitalize neighborhoods and to enhance their character and identity as well as creating a livable city. The zone change is on a parcel that lies on the boundary of a residential neighborhood, on a street that straddles the transition between commercial and residential uses and a low impact well designed professional office use would be a compatible transitional use and would serve as both a buffer and a gateway between uses.

*Considering all of these aspects, the Zone Change is in conformance with the General Plan.*

2. The proposed Amendment is internally consistent with the Zoning Ordinance.

Changing the zone from low density residential to professional office will not cause any internal inconsistencies with the Zoning Ordinance. Because the uses included for Professional Office zoning in the permitted uses matrix of the Zoning Ordinance are generally of low intensity and the more intense uses are subject to the conditional use permit.

Furthermore the land is located in an urbanized environment and city water, sewer and other services are existing and available to serve the site. Thus, the proposed project is not anticipated to result in exceeding, either cumulatively or individually, any applicable level of service standards. As discussed in the Proposed Streets / Circulation section of the Staff Report and initial study, the proposed streets are adequately designed to carry the additional traffic generated by an office use and will be improved to City standards and specifications.

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

The City, in light of the whole record before it including but not limited to the City’s local CEQA Guidelines and Thresholds of Significance, the proposed Negative Declaration and documents incorporated therein by reference, any written comments received and responses provided, and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby finds and determines as follows:

1. **Review Period:** That the City will provide the public review period for the Negative Declaration for the duration required under CEQA Guidelines Sections 15073 and 15105.

2. **Compliance with Law:** That the Negative Declaration was prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Banning.

3. **Independent Judgment:** That the Negative Declaration reflects the independent judgment and analysis of the City.

4. **No Significant Effect:** That there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect.
on the environment. Therefore, the Planning Commission concludes that the project will not have a significant effect on the environment.

SECTION 3. PLANNING COMMISSION RECOMMENDATIONS.

The Planning Commission hereby recommends that the City Council take the following actions: Approve General Plan Amendment / Zone Change No. 07-2502 changing the zoning from Low Density Residential to Professional Office as shown in Exhibit A, which is attached hereto and incorporated herein by reference.

PASSED, APPROVED AND ADOPTED this 4th day of December 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-42, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of December, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California

PC Resolution No. 07-42
GPA / ZC #07-2502

INITIAL STUDY

EXHIBIT "3"
Environmental Checklist Form

1. Project title: General Plan Map Amendment and Zone Change 07-2502

2. Lead agency name and address: City of Banning
   99 East Ramsey
   Banning, CA 92220

3. Contact person and phone number: Kim Clinton
   951-922-3125

4. Project location: On the north side of Williams Street, approximately 330 feet east of Hargrave Street. Assessors Parcels # 541-121-022.

5. Project sponsor's name and address: Elena Labastida
   VicSeth, Inc.
   897 Via Lata, #A
   Colton, CA 92324

6. General plan designation: Current: Low Density Residential; Proposed: Professional Office

7. Zoning: Current: Low Density Residential; Proposed: Professional Office

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

   The General Plan and Zoning Map amendments are requested to change the permitted land use on the property from (LDR) Low Density Residential (0-5 units per acre) to (PO) Professional Office.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

   North: Low Density Residential, Nicolet Street, Single family homes
   South: Business Park, Williams Street, Industrial and commercial office development
   East: Low Density Residential, Single family homes, multi-family units
   West: Low Density Residential, Single family homes, multi-family units

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

    None
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

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

Signature

Date 95
EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

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

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

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

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

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

9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance.
<table>
<thead>
<tr>
<th>I. AESTHETICS -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista? (Application materials)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Application materials)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Application materials)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (RivCo General Plan, The Pass Area Plan, Figure 6)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

The General Plan Map Amendment and Zone Change will have no impact on aesthetics. The site is zoned for low density residential development, and was previously zoned for high density residential development. No impacts are expected as a result of the change in zone to professional office.

The site is currently vacant and does not include any significant rock outcroppings, trees or historic structures.
II. AGRICULTURE RESOURCES:
Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Zoning Map)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Project description)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

II. a)-c) The General Plan Map Amendment and Zone Change will have no impact on agricultural resources. The proposed project occurs in the City’s urban core. No agricultural lands occur in the vicinity of the project site. The site is not designated for farming uses, or part of a Williamson Act contract. The site is zoned for low density residential development, and was previously zoned for high density residential development. No impacts are expected as a result of a change in zoning to professional office.
### III. AIR QUALITY: Would the project:

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

### III. a)-e) The General Plan Map Amendment and Zone Change will have no impact on air quality. The project site occurs within the jurisdiction of the South Coast Air Quality Management District. The District's air quality management plans have been developed based on the City's General Plan. Although the change in intensity will result in more potential traffic to the site, Williams Street is designated in the General Plan as a collector highway, therefore the projected traffic on and adjacent to Williams Street is generally consistent with land use plans and therefore air quality plans for the area. Overall impacts associated with air quality are expected to be less than significant.
<table>
<thead>
<tr>
<th>IV. BIOLOGICAL RESOURCES -- Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (General Plan)</td>
</tr>
<tr>
<td>Potentially Significant Impact</td>
</tr>
<tr>
<td>X</td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (General Plan)</td>
</tr>
<tr>
<td>Potentially Significant Impact</td>
</tr>
<tr>
<td>X</td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (General Plan)</td>
</tr>
<tr>
<td>Potentially Significant Impact</td>
</tr>
<tr>
<td>X</td>
</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (General Plan)</td>
</tr>
<tr>
<td>Potentially Significant Impact</td>
</tr>
<tr>
<td>X</td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (General Plan)</td>
</tr>
<tr>
<td>Potentially Significant Impact</td>
</tr>
<tr>
<td>X</td>
</tr>
<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (General Plan)</td>
</tr>
<tr>
<td>Potentially Significant Impact</td>
</tr>
<tr>
<td>X</td>
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</tbody>
</table>
The General Plan Map Amendment and Zone Change will have no impact on biological resources. Future development the site would eliminate vegetation from a site that has been previously graded and contains nonnative volunteers that are periodically removed as required by the Fire Marshal. The project area occurs within the Western Riverside County Multiple Species Habitat Conservation Plan (WRMSHCP), but outside of criteria cells, linkage areas, or other protected lands under the WRMSHCP. The Conservation Summary Report Generator did not identify a need for habitat assessments for any species on the project site. The site is sparsely vegetated with non-native species, and has been impacted by off-road use. The site is surrounded on all sides by development or City roadways, and is a remainder infill parcel. The site is not expected to be habitat for a sensitive species, nor is it suitable as a wildlife corridor. There are no wetlands or riparian areas within the site. The applicant will be required to contribute WRMSHCP fees in effect at the time of development to compensate for the loss of vacant lands. Impacts are expected to be insignificant.
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<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>a)</td>
<td>Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5'? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b)</td>
<td>Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5'? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c)</td>
<td>Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d)</td>
<td>Disturb any human remains, including those interred outside of formal cemeteries? (General Plan)</td>
<td></td>
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<td>X</td>
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</table>

**V. a)-d)**

The General Plan Map Amendment and Zone Change will have no impact on cultural resources. Eventual development of the site will disturb the ground, however, the project site is located in an area of low sensitivity for cultural resources. The project site is vacant, and does not include any historic buildings. The site is not located in an area of paleontologic sensitivity. Therefore, the potential for cultural resources on the site is considered negligible.

When development occurs the project proponent will be required by law to report any human remains, if found during project construction, to law enforcement authorities, who will be responsible for their proper removal. This requirement of law assures that impacts to buried remains are less than significant.
### VI. GEOLGY AND SOILS -- Would the project:

<table>
<thead>
<tr>
<th>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (General Plan)</td>
</tr>
<tr>
<td>ii) Strong seismic ground shaking?</td>
</tr>
<tr>
<td>iii) Seismic-related ground failure, including liquefaction? (General Plan)</td>
</tr>
<tr>
<td>iv) Landslides? (General Plan)</td>
</tr>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil? (General Plan)</td>
</tr>
<tr>
<td>c) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (General Plan)</td>
</tr>
<tr>
<td>d) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (General Plan)</td>
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<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</tbody>
</table>

The General Plan Map Amendment and Zone Change will have no impact on geology and soils. When future development occurs however, it will be impacted by both. The City is located in an extremely active seismic area. The site is not located in an Alquist-Priolo Fault Zone. However, the site is located approximately two miles south of such a zone. The City implements the most stringent Uniform Building Code requirements for construction in seismic areas, and will apply these standards to the project site. The Building Code has implemented standards which are designed to mitigate strong seismic ground shaking to less than significant levels.
The City Building Department requires that detailed geotechnical analysis be completed prior to the issuance of grading permits for the site, to assure that all cut and fill, excavation and foundation design will address site-specific soil conditions. Therefore, foundation and soil compatibility will be analyzed and mitigated to the satisfaction of the City Building Official prior to the issuance of grading permits.

The area is not identified as being susceptible to liquefaction, due to the depth to groundwater. The project site is located within a low lying area of the City, and therefore is underlain by alluvial fan sediments that are composed primarily of granular soils, the expansion potential for these soils range from very low to moderately low.

The site will be connected to the City’s sanitary sewer system, and will not employ septic tanks.

Overall impacts associated with geology and soils are expected to be less than significant.
<table>
<thead>
<tr>
<th>VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Application materials)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Application materials)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Application materials)</td>
<td></td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Riverside County Hazardous Materials Listing)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (General Plan land use map)</td>
<td></td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (General Plan land use map)</td>
<td></td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (General Plan, VI-E)</td>
<td></td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>h) Expose people or structures to a</td>
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<td></td>
<td>X</td>
</tr>
</tbody>
</table>
The General Plan Amendment and Zone Change will have no impact on hazards and hazardous materials. The eventual development of the site will result in the use of small quantities of waste due to the use of paints, cleaners, batteries and electronics. The City’s solid waste franchisee is responsible for the proper disposal of such products. If a use such as medical office is proposed on-site the user will be required to comply with State Law regarding the disposal of medical waste.

The project site is located in an area rated as a high threat for wild land fires. However, it is an urbanized area and is not in a very high fire severity zone. The project proponent will be required to comply with all standards and requirements of the Riverside County Fire Department relating to wild land fire prevention. Overall impacts are expected to be insignificant.
<table>
<thead>
<tr>
<th>VIII. HYDROLOGY AND WATER QUALITY -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Water Master Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (FEMA Maps)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
VIII. a) & b) The General Plan Map Amendment and Zone Change will have no impact on hydrology or water resources. Domestic water is supplied to the project site by the City of Banning. The eventual development of the site will result in the need for water service for a professional office development. Expected water demand from this type of development will not substantially deplete groundwater supplies, or interfere with groundwater recharge. The water demand for the project is calculated in the City’s Urban Water Management Plan, insofar as the site is part of the City’s urban core, and will consist of a small project.

Developer of the site will be required to implement the City’s water efficient landscaping and construction provisions, which will ensure that the least amount of water is utilized within the project.

Future developers will also be required to comply with the City’s NPDES standards, requiring that potential pollutants not be allowed to enter surface waters during either construction or operation of the project. These City standards will assure that impacts to water quality and quantity will be less than significant.

VIII. c)-e) The City requires the preparation of hydrology studies for all projects prior to the issuance of grading permits. The City will review and approve the hydrology study for the proposed project, to assure the retention of the 100 year storm on the site, as required by City standards. The project will be required to contain storm flows to a level which does not exceed current conditions. These requirements will assure that impacts associated with storm water are reduced to less than significant levels.

VIII. f) & g) The site is not located in a flood zone as designated by FEMA.
<table>
<thead>
<tr>
<th>IX. LAND USE AND PLANNING - Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Physically divide an established community? (Aerial photo)</td>
</tr>
<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (General Plan Land Use Element)</td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Banning Municipal Code)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>X</td>
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</tbody>
</table>

IX. a)-c) The General Plan Map Amendment and Zone Change will change the land use on the site from Low Density Residential at 5 units per acre to Professional Office uses. Under the Low Density Residential category, the site could develop with as many as 23 single or multi family units with up to 40% building coverage projecting a potential 260 ADT. According to the 7th edition of the Trip Generation Handbook in the office park category with up to 35% building coverage a potential 800 ADT is projected. The parcel occurs in an area of mixed development, including single family homes to the north, along Nicolet Street, apartments along the north side of Williams Street and commercial/industrial office uses to the south along Williams Street. Williams Street is designated as a Collector Highway and with the capacity of 12,800 vehicles at LOS C, will be adequate to carry the additional traffic. One block south is Ramsey Street which is the major commercial/industrial corridor in the City. Two parcels to the west (approximately 300 feet) is Hargrave Street, a Secondary Highway and a conduit to an I-10 freeway interchange located two blocks to the south of the subject site. These surrounding streets are designed to accommodate the increase in vehicle trips. Prior to adoption of the General Plan, the site had been designated High Density Residential, allowing up to 24 units per acre with a potential of 111 d.u. at this site, resulting in a potential of up to 1,100 ADT. The change occurred in the General Plan due to a concern regarding the over-concentration of poor quality existing apartment projects in this area of the City. Given the mix of development types already occurring in this part of the City, however, the proposal would not represent a significant conflict with the General Plan and would bring the opportunity for neighborhood-oriented professional services to be brought into an area that is currently lacking in such conveniences, and potentially reducing vehicle trips. Depending on the type of development proposed for the site subsequent to the zone change, a focused traffic study would be required for any project generating over 50 peak...
hour vehicle trips to determine if traffic mitigation measures are necessary. Overall impacts to traffic and circulation are expected to be less than significant.

The site is currently vacant, and development of the project will not divide an existing community. The applicant will conform to the WRMSHCP through the payment of fees.
<table>
<thead>
<tr>
<th>X. MINERAL RESOURCES -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (General Plan, Exhibit IV-8)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (General Plan, Exhibit IV-8)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

X. a) & b) The General Plan Map Amendment and Zone Change will have no impact on mineral resources. The project site is located in a MRZ3 zone, as is most of the City of Banning. A MRZ3 area may contain mineral deposits, the significance of which cannot be evaluated from available data. The project site is urbanized and there will not be any loss of availability of either regional or local mineral resources if the project is implemented.
<table>
<thead>
<tr>
<th>Potentialy Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (City of Banning, Noise Ordinance, Section 11D-09)</td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (City of Banning, Noise Ordinance, Section 11D-09)</td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (City of Banning, Noise Ordinance, Section 11D-09)</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (City of Banning, Noise Ordinance, Section 11D-09)</td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (General Plan land use map)</td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (General Plan land use map)</td>
<td></td>
<td></td>
<td>x</td>
</tr>
</tbody>
</table>

XI. a)-f) The General Plan Map Amendment and Zone Change will have no impact on noise. The eventual development of the site will generate noise on- and off-site. The primary noise source in the City of Banning is motor vehicle traffic. The proposed project is located in a part of the City which has relatively low to moderate ambient noise levels. This condition is expected to continue. Impacts associated with long term noise are expected to be less than significant.

The site is located outside of the Banning Municipal Airport Policy Area.
<table>
<thead>
<tr>
<th>XII. POPULATION AND HOUSING – Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (General Plan, application materials)</td>
</tr>
<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (General Plan, application materials)</td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (General Plan, application materials)</td>
</tr>
</tbody>
</table>

XII. a)-c) The General Plan Map Amendment and Zone Change will have an insignificant impact on population and housing. Currently there is the potential for up to 26 single family homes to be developed on the site. As a result of the zone change, there would be a potential for mixed use development with a residential component to occur on the site. The project site is currently vacant, so no displacement will occur.
### XIII. PUBLIC SERVICES

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</td>
<td></td>
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<tr>
<td>Fire protection? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>Police protection? (General Plan)</td>
<td></td>
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<td>X</td>
<td></td>
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<tr>
<td>Schools? (General Plan MEA)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Parks? (General Plan; Recreation and Parks Master Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>Other public facilities? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
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</tbody>
</table>

XIII. a) The General Plan Map Amendment and Zone Change will have no impact on public facilities.
XIV. RECREATION --

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Application materials)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Application materials)</td>
<td></td>
<td>X</td>
<td></td>
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</tbody>
</table>

XIV. a) & b) The General Plan Map Amendment and Zone Change will have no impact on recreational facilities.
<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>XV. TRANSPORTATION/TRAFFIC -- Would the project:</td>
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<tr>
<td>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (General Plan EIR p. III-20 ff.)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (General Plan EIR p. III-20 ff.)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (No air traffic involved in project)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (General Plan)</td>
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<tr>
<td>e) Result in inadequate emergency access? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>f) Result in inadequate parking capacity? (General Plan)</td>
<td></td>
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<td>X</td>
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<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
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</tbody>
</table>

XV. a)-g) The General Plan Map Amendment and Zone change will have an insignificant impact on traffic and circulation. Under the Low Density Residential land use designation, the site could generate 220 trips per day. If the site were to develop at a maximum lot coverage of 35% under the Professional Office designation 60,505 square feet of office space resulting in up to 600 trips could be generated. The increase in trips associated with the change in designation, is relatively substantial. It is less than the projected ADT for the high density residential development permitted under the former general plan zoning.
However, the General Plan EIR identified streets in this portion of the City as operating at acceptable levels of service at General Plan build out. Williams Street is designated as a Collector Highway in the General Plan. The intersection of Hargrave (Secondary Highway), and Williams Street is approximately 330 feet west of the site. The parcel is one block north of Ramsey Street (a Major Highway) and two blocks north of the I-10/Hargrave Freeway Interchange. These streets will serve the subject site and are designated will have the capacity to carry the amount of traffic that potentially could be generated by a professional office project. By the change in trip generation associated with professional office development rather than single family development, will not significantly change the total projected number of trips on these streets. When a development is proposed subsequent to this zone change, the appropriate dedications and improvements pursuant to the general plan will be required. Furthermore, if a future project has the potential to generate more than 50 peak hour vehicle trips, a focused traffic study will be required to determine if any mitigation will be required. Therefore, the impact of the General Plan Map Amendment and Zone Change is expected to be less than significant.

<table>
<thead>
<tr>
<th>XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (General Plan)</td>
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<td>X</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Water Master Plan)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Preliminary Hydrology Study)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Water Master Plan)</td>
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<td>X</td>
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<tr>
<td>e) Result in a determination by the</td>
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wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments? (General Plan, Dept. of Public Works)

f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs? (General Plan)

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</table>


XVI. a)-g) The General Plan Amendment and Zone Change will have no impact on utilities. The eventual development of the residential units will require utility services. Electric, telephone and other utilities and services have facilities in this area, and will collect connection and usage fees to balance the cost of providing services. The City's solid waste franchise will continue to implement the requirements of AB 939, requiring the reduction of the solid waste stream. The construction of the proposed project would not significantly impact utility providers.
<table>
<thead>
<tr>
<th>XVII. MANDATORY FINDINGS OF SIGNIFICANCE --</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
<td>X</td>
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<tr>
<td>b) Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals?</td>
<td>X</td>
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<tr>
<td>b) Does the project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
<td>X</td>
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<tr>
<td>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>X</td>
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</table>

XVII. a) The proposed project site is an infill parcel vegetated with non-native plants, and does not harbor sensitive species. The site is in a low sensitivity area for cultural resources. Impacts are expected to be less than significant.

XVII. b) The proposed amendment supports the General Plan’s vision statement by providing for “…well-balanced commercial development where revenue generating commercial neighborhoods provide a diversified economy and a wide range of jobs where people can live and work without needing their cars…” The proposal supports this vision by providing the opportunity for professional neighborhood services located in a campus-like setting, to occur in reasonable walking distance to an existing neighborhood.
XVII. c) The proposed project will not result in cumulative impacts. The impacts resulting from
the change to professional office zone uses is not substantial when considering the City’s
build out.

XVII. d) The proposed project will significantly impact human beings insofar as impacts
associated with construction noise could be significant. However, these impacts have
been reduced to less than significant levels through the mitigation measures included in
this Initial Study.

XVIII. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA
process, one or more effects have been adequately analyzed in an earlier EIR or negative
declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on
attached sheets:

a) Earlier analyses used. Identify earlier analyses and state where they are available for review.

The General Plan EIR was used in this analysis.

b) Impacts adequately addressed. Identify which effects from the above checklist were within
the scope of and adequately analyzed in an earlier document pursuant to applicable legal
standards, and state whether such effects were addressed by mitigation measures based on the
earlier analysis.

Not applicable.

c) Mitigation measures. For effects that are “Less than Significant with Mitigation
Incorporated,” describe the mitigation measures which were incorporated or refined from the
earlier document and the extent to which they address site-specific conditions for the project.

Not applicable.
STAFF REPORT
PLANNING COMMISSION

DATE: DECEMBER 4, 2007

CASE NO'S: LOT SPLIT #07-4504 (TENTATIVE TRACT MAP 35694) AND DESIGN REVIEW #07-7015

REQUESTS: SUBDIVISION OF 7.96 ACRES INTO 15 PARCELS, 12 RESIDENTIAL LOTS AND 3 REMAINDER INDUSTRIAL PARCELS, AND APPROVAL OF SIX FACADES

LOCATION: APPROXIMATELY 230 FEET WEST OF SAN GORONIO AVENUE BETWEEN BARBOUR AND LINCOLN STREETS, APN's: 540-250-006 & 007

APPLICANT: SAN G. KONSOLIDATED DEVELOPMENT, LLC

SURROUNDING USES/ZONES: NORTH: INDUSTRIAL USES, INDUSTRIAL
SOUTH: VACANT, MEDIUM DENSITY RESIDENTIAL
EAST: SINGLE FAMILY HOMES, MEDIUM DENSITY RESIDENTIAL
WEST: APARTMENTS, MEDIUM DENSITY RESIDENTIAL AND INDUSTRIAL USES

ENVIRONMENTAL CONSIDERATION: THE PROJECT HAS BEEN DETERMINED TO BE EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15332 WHICH CONSISTS OF PROJECTS CHARACTERIZED AS IN-FILL DEVELOPMENT.

BACKGROUND:

Project Location:
The project site is 7.96 acres in size and is between Barbour and Lincoln Streets, approximately 230 feet west of San Gorgonio Avenue. Approximately 130 feet abut San Gorgonio Avenue. The subject site is vacant and relatively flat.

Project Description:
The project proponent is requesting approval of Lot Split #07-4504 to subdivide the 7.96 acre property into 15 parcels; 12 residential parcels and 3 remaining parcels. Parcel 1, 2, and 3 are zoned Industrial and will range in size from .81 acres to 2.16 acres. Ten residential parcels are 11,017 square feet in size; two residential parcels (immediately
adjacent to Barbour Street) are 18,427.50 square feet in size. Triplexes are proposed within the residential parcels and nothing is proposed on the Industrial zoned parcels.

Approval of Design Review #07-7015 is required to construct up to 36 two-story attached single-family homes (triplexes) on the 12 residential lots in the Medium Density Residential Zone. Each lot will include three 2,134 square foot homes (including a 618 square foot three car garage), two guest spaces, a built-in barbeque (per unit) and be fully landscaped. Each unit will have three bedrooms and two and one half bathrooms. Two of the three units in each lot will be attached. The project will take access from a single gated common area driveway located on Barbour Street. The internal drives are private, 26’ wide and capable of accommodating two-way traffic. The Cape Cod architectural style will include six façade variations that will incorporate stone accents, simulated wood and stucco siding, front yard porches, patios and three-tab shingle roofs.

Environmental:
The project has been determined to be exempt from California Environmental Quality Act (CEQA) pursuant to Section 15332 which consists of projects characterized as In-fill development meeting the following conditions: (a) The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable Zoning designations and regulations, (b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses, (c) The project site has no value as habitat for endangered, rare or threatened species, (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, (e) The site can be adequately served by all required utilities and public services.

The project complies with the provision of Section 15332 in that the use is allowed in the General Plan’s Medium Density Residential Land Use designation and complies with the related policies; the project is located within the City and is 3.63 acres in size (the residential portion); The site has no value as habitat because it is surrounded by development, devoid of vegetation, has no bodies of water and has been graded/disked; the project proponent will contribute to a master circulation plan for the area that will maintain safe vehicular and pedestrian circulation; and the development will be served from the existing street (Barbour Street will be improved).

Findings:
Findings can be made to approve the Lot Split and Design Review applications which are included in the Resolutions of Approval.

Public Notice:
This proposal was advertised in the Record Gazette newspaper on November 16, 2007. All property owners within 300 feet of the site were mailed a public hearing notice. To date, no written comments have been received. Any comments received prior to the meeting will be incorporated into the appropriate documents.
ANALYSIS:

Land Use: Table 9102.A allows multi-family uses in the Medium Density Residential zone. Table 9103.A allows Industrial uses.

Density: The Code allows up to 10 units per acre in the Medium Density Residential zoned parcels; thus, the proposed 36 units on 3.64 acres yield 10 units per acre density, which is consistent with the Code.

Lot Coverage: Maximum building coverage permissible in the Medium Density Residential zone is 40%. Each lot with three dwelling units will create maximum lot coverage of 32%, which is below the Zoning Code requirement.

Access: The project will be served by a single driveway located on Barbour Street.

Parking requirements: Table 9107.A ("Residential Parking Requirements") requires three covered parking spaces per unit, plus one uncovered guest parking space for every 4 units. At 36 units the project provides 108 covered spaces and 24 uncovered guest spaces (9 spaces required). The project provides 15 additional uncovered guest spaces.

Setbacks: No development is proposed on the remnant lots. With the exception of the rear yard setback, the project meets or exceeds all setback requirements. The project will be conditioned to meet the setback requirements. Please refer to the table below:

<table>
<thead>
<tr>
<th>Setbacks (per unit per Lot)</th>
<th>Proposed</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Setback</td>
<td>15'</td>
<td>15' min.</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>9'</td>
<td>10' min.</td>
</tr>
<tr>
<td>Side Yard Setbacks</td>
<td>10'</td>
<td>5' min.</td>
</tr>
</tbody>
</table>

Architecture: As indicated previously, the applicant proposes a Cape Cod architectural style with six façade variations that will include stone accents, wood and stucco siding, and three-tab shingle roofs.

Landscape Plan: A conceptual landscape plan has been submitted illustrating landscape on each residential lot, including patios. If the project is approved it will be conditioned to comply with the City’s requirements, including drought-tolerant landscape.

Utilities: The project will be served by the City’s utilities. These utilities are located on the adjacent streets.

Tentative Tract Map 35694: The project proponent is requesting approval of Lot Split #07-4504 to subdivide the 7.96 acre property into 15 parcels; 12 residential parcels and 3
remaining parcels. Parcel 1, 2, and 3 are zoned Industrial and will range in size from .81 acres to 2.16 acres. Ten residential parcels are 11,017 square feet in size; two residential parcels (immediately adjacent to Barbour Street) are 18,427.50 square feet in size. Triplexes are proposed within the residential parcels.

In accordance with Banning Municipal Code § 22-27 and Government Code § 66473.1, § 66473.5 and § 66474, the following findings can be made in support of this project:

1. Tentative Tract Map 35694 is consistent and compatible with the objectives, policies, general land uses, and programs specified in the City’s General Plan in that:

   Findings of Fact: The General Plan Land Use Element designations for this property are Medium Density Residential (MDR) and Industrial (I), which allow the development of 36 attached dwelling units on the 12 residential lots and the creation of the three industrial remnant lots. The project will be required to improve and/or dedicate the required right-of-way for Barbour Street, Lincoln Street and San Gorgonio Avenue in accordance with the General Plan provisions. Residential Goal No. 1 of the Land Use Element of the General Plan prescribes the preservation and enhancement of the City’s neighborhoods. This project will enhance and promote the existing single family homes located to the east and the apartment complex to the west by incorporating multiple family units with the appearance of single family homes. The subdivision has been designed to accommodate the development of 12 residential lots considering the shape and topography of the site. The project, as proposed, has a density of 10 units per acre. According to the density ranges provided in the Land Use Element of the City’s General Plan for the Medium Density Residential land use designation, a density of 10 units per acre is appropriate for a site of this size and configuration.

2. The design and improvement of the subdivision proposed under Tentative Tract Map 35694 are consistent with the City’s General Plan in that:

   Findings of Fact: The proposed subdivision has been designed to meet City standards which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access. On site improvements, such as streets, utilities, landscaping, and drainage facilities have been designed and are conditioned to be constructed in conformance with City standards. The internal drives shown on the site plan are private, approximately 26 feet wide and provide adequate width for two-way vehicle traffic. Curbside parking will be available on the public streets. The access points will provide adequate width for one inbound and one outbound lane.

3. The site is physically suitable for the type of development proposed under Tentative Tract Map 35694, in that:

   Findings of Fact: The site is flat and gently slopes downward from the northwest to the southeast. The site is not located within an MSHCP special linkage and criteria area, Yucaipa Onion Survey Area or Burrowing Owl Survey Area. Although not over a fault line, the site may be subject to liquefaction during an earthquake, but no major geologic
hazards have been reported on the site or other limited conditions that would render it unsuitable for this development. The site is prone to flooding and as such will be conditioned to develop improvements to limit/prevent flooding.

4. The site is physically suitable for the density of development proposed under Tentative Tract Map 35694, in that:

**Findings of Fact:** The overall site is 7.96 acres in size and is relatively flat, sloping downward from the northwest to the southeast. The subdivision has been designed on 3.63 acres to accommodate the development of 12 residential lots that will contain three dwelling units on each lot at a density of 10 units per acre. According to the density ranges provided in the Land Use Element of the City’s General Plan for the Medium Density Residential land use designation and in the City’s Zoning Ordinance for the Medium Density Residential zone, a density of 0-10 units per acre is appropriate for a site of this size and configuration.

5. The design of the subdivision and improvements proposed under Tentative Tract Map 35694 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that:

**Findings of Fact:** The development is in an area that is already developed and is not in a Burrowing Owl, Los Angeles Pocket Mouse, or Yucaipa Onion Area. The Western Riverside Multiple Species Habitat Conservation Plan has not identified any portion of the project area for preservation. The development of dwelling units on these lots will reduce the amount of area available for habitat; however, this vacant area is not connected to any other open space habitat, so it has already been isolated ecologically. No impacts to biological resources are expected.

6. The design of the subdivision and improvements proposed under Tentative Tract Map 35694 is not likely to cause serious public health problems in that:

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

Domestic water is supplied to the project site by the City of Banning. The eventual development of the site will result in the need for domestic water service for 36 residential units. Expected water demand from this development will not substantially deplete groundwater supplies, or interfere with groundwater recharge. The project site
occurs in the Banning Hydrologic Subunit and is between the Banning Bench Storage Unit and the East Banning Storage Unit.

The project will be required to implement the City’s water efficient landscaping and construction provisions, which will ensure that the least amount of water possible is utilized within the homes.

The applicant will also be required to comply with the City’s NPDES standards, requiring that potential pollutants not be allowed to enter surface waters. These City standards will assure that impacts to water quality and quantity will be less than significant.

The applicant is required, in designing site hydrology, to detain the incremental increase in storm flows caused by development on site, and to assure that the flows leaving the site do not exceed the quantity or speed of flows currently exiting the site in the natural condition.

Prior to any development occurring on the site, the City Engineer will approve the drainage analysis for the site, including analysis to demonstrate that flows leaving the site will not increase from the undeveloped condition. These City requirements are expected to lower potential impacts to a less than significant level.

The street improvements will improve emergency vehicular access in the immediate neighborhood.

7. The design of the subdivision and improvements proposed under Tentative Tract Map 35694, will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision in that:

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

8. The design of the subdivision of proposed Tentative Tract Map 35694 adequately provides for future passive or natural heating and cooling opportunities in the subdivision in that:

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

Design Review: The Design Review application focuses on community design principles which, per the Zoning Ordinance Section 9103.05 (3) (A), result in creative, imaginative solutions which establish quality design for the City.

Approval of Design Review #07-7015 is required to construct up to 36 two-story attached single-family homes (triplexes) on the 12 residential lots in the Medium Density
Residential Zone. Each lot will include three 2,134 square foot homes (including a 618 square foot three car garage), two guest spaces, a built-in barbecue (per unit) and be fully landscaped. Each unit will have three bedrooms and two and one half bathrooms. Two of the three units in each lot will be attached. The project will take access from a single gated common area driveway located on Barbour Street. The internal drives are private, 26’ wide and capable of accommodating two-way traffic. The Cape Cod architectural style will include six façade variations that will incorporate stone accents, simulated wood and stucco siding, front yard porches, patios and three-tab shingle roofs.

In accordance with Section 9114.00 (“Design Review”) of the Banning Zoning Code, the Planning Commission must determine that the project complies with the following findings:

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

Findings of Fact: The General Plan Land Use Element designation is Medium Density Residential which allows multi-family uses. This development proposes twelve triplex lots; a land use permitted by the General Plan.

Policy 3 of the General Plan Land Use Element indicates that development be of high quality projects. This project, as designed, will include Cape Cod architectural style, with stone accents, wood-like and stucco siding, porches, patios, and built-in barbecues for each unit that will result in a high quality design that is consistent with this Policy.

Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Findings of Fact: The Zoning District designation is Medium Density Residential which allows the development of this project. With the exception of the rear yard setback, the project meets or exceeds the development standards for this district, including:

- Minimum required front yard setback is 15’ versus 15’ provided;
- Minimum required rear yard setback is 10’ versus 9’ provided;
- Minimum required side yard setback is 0’ versus 10’ provided;
- Maximum lot coverage is 32% provided versus 40% maximum permitted;
- Maximum height is 2-story/35’ versus 2-story/24’ provided;
- 108 parking space are required versus 108 provided; and
- 9 guest spaces required versus 24 spaces provided.

As conditioned herein, the project will be required to comply with the 10’ rear yard setback.
Finding No. 3: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards.

**Facts of Fact:** The design and layout of the proposed project will not unreasonably interfere with future development, and will not result in vehicular and or pedestrian hazards because of the following:

- As designed, the project will have a single point of access from Barbour Street thereby limited turning movements into and out of the subject site;
- As conditioned the project's illumination will not spill over onto adjacent properties;
- The project provides ample parking (132 provided versus 117 required); and
- As conditioned, the project will be required to improve the surrounding streets in accordance with the applicable City standards.

Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.

**Findings of Fact:** The project proponent proposes a Cape Cod architectural style with a three-tab shingle roof, stone accents and wood-like and stucco siding. This style is similar to the adjacent apartment complex.

**RECOMMENDATION:**

That the Planning Commission:

1. Approve Resolution No. 2007-43 recommending to the City Council approval of Lot Split #07-4504 (Tentative Tract Map 35694), based on the findings and conditions of approval (attached hereto as Attachment “1” and incorporated by reference); and

2. Approve Resolution No. 2007-44, recommending to the City Council approval of Design Review #07-7015, based on the findings and conditions of approval (Attachment “1” and incorporated by reference).

Respectfully submitted,

[Signature]
Oscar W. Orei
Community Development Director

Exhibits:

1. Resolution No. 2007-43, with Conditions of Approval
2. Resolution No. 2007-44, with Conditions of Approval
3. Plans for Design Review #07-7015 (separate cover);
4. Tentative Tract Map 35694 and Large Version (separate cover).
LOT SPLIT #07-4504
& DESIGN REVIEW
#07-7015
BARBOUR VILLAS

RESOLUTION
NO. 2007-43

EXHIBIT "1"
RESOLUTION NO. 2007-43


WHEREAS, an application for TTM 35694 to subdivide a 7.96 acre vacant site, into 15 lots has been duly filed by:

Applicant / Owner: San G. Konsolidated Development, LLC
Authorized Agent: Darwin Manuel
Project Location: Between Barbour and Lincoln Streets, approximately 230 feet west of San Gorgonio Avenue, portions of the property (130 lineal feet) abut San Gorgonio Avenue
APN Number: 540-250-006 & 007.
Lot Area: 7.96 Acres

WHEREAS, the Municipal Code allows for the subdivision of a 7.96 acre vacant site, into 15 lots, subject to the approval of a Tentative Tract Map; and

WHEREAS, on November 16, 2007, the City gave public notice by mailing notices to property owners within 300 feet of the project site and advertising in the Press Enterprise, a newspaper of general circulation within the City of Banning, of the holding of a public hearing at which the project would be considered; and

WHEREAS, in accordance with Government Code Section 66452.3, the City has provided the applicant with a copy of the Planning Department’s report and recommendation to the Planning Commission at least three (3) days prior to the below referenced noticed public hearing; and

WHEREAS, on December 4, 2007, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Tentative Tract Map and at which the Planning Commission considered the Tentative Tract Map; and

WHEREAS, the Community Development Director has reviewed the project’s potential effects on the environment and has recommended that the project is categorically exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guidelines Section 15332 “In-fill Development” and the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 are not applicable to the project.

PC RESOLUTION NO 2007-43
NOW THEREFORE, the Planning Commission of the City of Banning does hereby find, determine, and resolve as follows:

SECTION 1. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Community Development Department as provided in the Staff Report dated December 4, 2007, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and §21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. CEQA:

(a) The project is exempt from CEQA as stipulated by CEQA Guidelines Section 15332 in that the staff report submitted by the Planning Department and other findings made in this Resolution demonstrate that: the Lot Split #07-4504 is consistent with the Medium Density Residential and Industrial General Plan designations and all applicable General Plan policies as well as with applicable zoning designations; Lot Split #07-4504 is located within the boundaries of the City of Banning; overall the property is 7.96 acres in size, but the project area proposed for development is less than five acres (3.64 acres) and has no value as habitat for endangered, rare or threatened species; there is no substantial evidence in the record that Lot Split #07-4504 will result in significant effects related to traffic, noise, air quality, or water quality; and the site is or can be adequately served by all required utilities and public services. As such, the project meets the criteria for application of a Class 32 Categorical Exemption under the CEQA Guidelines.

(b) None of the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15322 from exempting the project for the following reasons:

(i) The project is not a Class 3, 4, 5, 6, or 11 project, and therefore is not subject to the exception pertaining to projects located in particularly sensitive environments.

(ii) The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. The proposed use is allowed, and will not impair the integrity and character of the land use district in which it is to be located because it is surrounded by other Medium Density Residential uses and Industrial properties (existing and pending residential and industrial projects). Single family homes do exist to the east, but are oriented along San Gorgonio Avenue.

(iii) There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment. There is no evidence that the proposed project will have the potential for any adverse effect on
wildlife resources or the habitat upon which wildlife depends. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence of a vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The site is devoid of vegetation and it is flat (unable to support bodies of water).

(iv) The project will not result in damage to scenic resources within a designated state scenic highway because there is no designated state scenic highway in the project area.

(v) The project site has not been listed as a hazardous waste and substance facility or site by the Department of Toxic Substances Control pursuant to California Government Code Section 659625.

(vi) The project will not cause a substantial adverse change to the significance of a historical resource. The site is vacant, and no historical resource exists on the site; the immediate surroundings will not be demolished, destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.

2. **Multiple Species Habitat Conservation Plan (MSHCP):** The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

**SECTION 2. MAP ACT FINDINGS.**

In accordance with Banning Municipal Code § 22-27 and Government Code § 66473.1, § 66473.5 and § 66474, the Planning Commission, in light of the whole record before it, including but not limited to the Planning Department’s staff report and all documents incorporated by reference therein, the City’s General Plan, Subdivision Ordinance, Zoning Ordinance, standards for public streets and facilities and any other evidence within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. Tentative Tract Map 35694 is consistent and compatible with the objectives, policies, general land uses, and programs specified the City’s General Plan in that:

**Findings of Fact:** The General Plan Land Use Element designations for this property are Medium Density Residential (MDR) and Industrial (I), which allow the development of 36 attached dwelling units on the 12 residential lots and the creation of the three industrial remnant lots. The project will be required to improve and/or dedicate the required right-of-way for Barbour Street, Lincoln Street and San Gorgonio Avenue in accordance with the General Plan provisions. Residential Goal No. 1 of the Land Use Element of the General Plan prescribes the preservation and enhancement of the City’s neighborhoods. This project will enhance and promote the existing single family homes located to the east and the apartment complex to the west by incorporating multiple family units with the appearance of single family homes. The subdivision has been designed to accommodate the development of 12 residential lots.
considering the shape and topography of the site. The project, as proposed, has a density of 10 units per acre. According to the density ranges provided in the Land Use Element of the City’s General Plan for the Medium Density Residential land use designation, a density of 10 units per acre is appropriate for a site of this size and configuration. No development is proposed on the remnant lots.

2: The design and improvement of the subdivision proposed under Tentative Tract Map 35694 are consistent with the City’s General Plan in that:

Findings of Fact: The proposed subdivision has been designed to meet City standards which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access. On site improvements, such as streets, utilities, landscaping, and drainage facilities have been designed and are conditioned to be constructed in conformance with City standards. The internal drives shown on the site plan are private, approximately 26 feet wide and provide adequate width for two-way vehicle traffic. Curbside parking will be available on the public streets. The access points will provide adequate width for one inbound and one outbound lane.

3. The site is physically suitable for the type of development proposed under Tentative Tract Map 35694, in that:

Findings of Fact: The site is flat and gently slopes downward from the northwest to the southeast. The site is not located within an MSHCP special linkage and criteria area, Yucaipa Onion Survey Area or Burrowing Owl Survey Area. Although not over a fault line, the site may be subject to liquefaction during an earthquake, but no major geologic hazards have been reported on the site or other limited conditions that would render it unsuitable for this development. The site is prone to flooding and as such will be conditioned to develop improvements to limit/prevent flooding.

4. The site is physically suitable for the density of development proposed under Tentative Tract Map 35694, in that:

Findings of Fact: The overall site is 7.96 acres in size and is relatively flat, sloping downward from the northwest to the southeast. The subdivision has been designed on 3.63 acres to accommodate the development of 12 residential lots that will contain three dwelling units on each lot at a density of 10 units per acre. According to the density ranges provided in the Land Use Element of the City’s General Plan for the Medium Density Residential land use designation and in the City’s Zoning Ordinance for the Medium Density Residential zone, a density of 0-10 units per acre is appropriate for a site of this size and configuration.

5. The design of the subdivision and improvements proposed under Tentative Tract Map 35694 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that:

Findings of Fact: The development is in an area that is already developed and is not in a Burrowing Owl, Los Angeles Pocket Mouse, or Yucaipa Onion Area. The Western Riverside
Multiple Species Habitat Conservation Plan has not identified any portion of the project area for preservation. The development of the dwelling units on these lots will reduce the amount of area available for habitat; however, this vacant area is not connected to any other open space habitat, so it has already been isolated ecologically. No impacts to biological resources are expected.

6. The design of the subdivision and improvements proposed under Tentative Tract Map 35694 is not likely to cause serious public health problems in that:

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

Domestic water is supplied to the project site by the City of Banning. The eventual development of the site will result in the need for domestic water service for 36 residential units. Expected water demand from this development will not substantially deplete groundwater supplies, or interfere with groundwater recharge. The project site occurs in the Banning Hydrologic Subunit and is between the Banning Bench Storage Unit and the East Banning Storage Unit.

The project will be required to implement the City’s water efficient landscaping and construction provisions, which will ensure that the least amount of water possible is utilized within the homes.

The applicant will also be required to comply with the City’s NPDES standards, requiring that potential pollutants not be allowed to enter surface waters. These City standards will assure that impacts to water quality and quantity will be less than significant.

The applicant is required, in designing site hydrology, to detain the incremental increase in storm flows caused by development on site, and to assure that the flows leaving the site do not exceed the quantity or speed of flows currently exiting the site in the natural condition.

Prior to any development occurring on the site, the City Engineer will approve the drainage analysis for the site, including analysis to demonstrate that flows leaving the site will not increase from the undeveloped condition. These City requirements are expected to lower potential impacts to a less than significant level. The street improvements will improve emergency vehicular access in the immediate neighborhood.

7. The design of the subdivision and improvements proposed under Tentative Tract Map 35694, will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision in that:

PC RESOLUTION NO 2007-43
Findings of Fact: No easements of record or easements established by judgment of a court of competent jurisdiction for public access across the site have been disclosed in a search of the title records for the site and the City does not otherwise have any constructive or actual knowledge of any such easements.

8. The design of the subdivision of proposed Tentative Tract Map 35694 adequately provides for future passive or natural heating and cooling opportunities in the subdivision in that:

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

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby recommends that the City Council take the following actions:

1. Recommend approval of Tentative Tract Map 35694 subject to the Conditions of Approval attached hereto and incorporated herein by reference.

PASSED, APPROVED AND ADOPTED this 4th day of December 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California
CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2007-43, was duly recommended for adoption to the City Council by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of December, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
# CONDITIONS OF APPROVAL

<table>
<thead>
<tr>
<th>PROJECT #:</th>
<th>LOT SPLIT #07-4504 (TENTATIVE TRACT MAP 35694) AND DESIGN REVIEW #07-7015</th>
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<tbody>
<tr>
<td>SUBJECT:</td>
<td>SUBDIVISION OF 7.96 ACRES INTO 15, 12 RESIDENTIAL LOTS AND 3 REMAINDER INDUSTRIAL PARCELS, AND APPROVAL OF SIX FACADES</td>
</tr>
<tr>
<td>APPLICANT:</td>
<td>SAN G. KONSOLIDATED DEVELOPMENT, LLC</td>
</tr>
<tr>
<td>LOCATION:</td>
<td>APPROXIMATELY 230 FEET WEST OF SAN GORGONIO AVENUE BETWEEN BARBOUR AND LINCOLN STREETS, APN’s: 540-250-006 &amp; 007</td>
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APPLICANT SHALL CONTACT THE PLANNING DIVISION, (951) 922-3125, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

## I. General Requirements

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

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B. The issuance of these Conditions of Approval do not negate the requirements of the Engineering/Public Works Department or submittal, review, and approval of Street improvement plans, signing and striping plans, grading plans, storm drain improvement plans, street lighting plans, water, sewer, and electrical improvement plans, or other plans as deemed necessary by the City Engineer.
C. Tentative Tract No. 33603 is recommended for approval by the Planning Commission. Full approval is subject to City Council action.

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

II. Time Limits

5. This tentative tract map shall expire within 2 years from the date of the final approval unless extended by the City.

6. Development/Design Review approval shall expire if building permits are not issued or approved use has not commenced within 2 years from the date of final approval. In addition, if after commencement of construction, work is discontinued for a period of one year, the Design Review shall become null and void. The Community Development Director may, upon an application being filed 30 days prior to expiration and for good cause, grant one time extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Design Review complies with all current Ordinance provisions.

III. Site Development

G. With the exception of the rear yard setback (along the northern property line) the site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping, sign program, and grading on file in the Planning Division, the conditions contained herein, Development Code regulations. The dwelling units shall maintain a 10 rear yard setback (along the northern property line).

H. Prior to use of the project site, the applicant shall submit to the City a Design Review application for all home unit designs. Said application must be reviewed and approved by the Planning Commission prior to development of the site, including grading activities.

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

J. The Covenants, Conditions, and Restrictions (CC&Rs) and Articles of Incorporation of the Homeowners' Association are subject to the approval of the Planning and Engineering Divisions and the City Attorney. They shall be recorded concurrently with the Final Map or prior to the issuance of building permits, whichever occurs first. A recorded copy shall be provided to the City Engineer.

K. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.
L. Occupancy of the facilities shall not commence until such time as all Uniform Building Code and State Fire Marshal regulations have been complied with. Prior to occupancy, plans shall be submitted to the City of Banning Fire Marshal and the Building and Safety Division to show compliance. The buildings shall be inspected for compliance prior to occupancy.

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

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

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

P. A detailed on-site lighting plan, including a photometric diagram, that illustrates “0” lumens at the property line, shall be reviewed and approved by the Community Development Director (922-3125) prior to the issuance of building permits. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties.

Q. A detailed “As-Built” lighting plan, including a photometric diagram, shall be prepared and submitted after the lighting has been erected and before a certificate of occupancy is issued. Said plan must be consistent with the on-site lighting plan that illustrates “0” lumens at the property line. Prior to the issuance of a certificate of occupancy, the applicant shall work with Staff to reduce the lighting levels to “0” lumens at the property line if the “As-Built” plans demonstrate more than “0” lumens at the property line.

R. Any portion of the site that has been graded but that has no development activity for 45 days shall be landscaped, including all parkways and open areas. Landscaping shall be permanently maintained by the property owner, homeowners' association, or other means acceptable to the City. Proof of this landscape maintenance shall be submitted for Community Development Director and City Engineer review and approved prior to the issuance of building permits.

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

T. Return walls and corner side walls shall be decorative masonry.
U. Six-foot decorative block walls shall be constructed along the project perimeter. If a
double wall condition would result, the developer shall make a good faith effort to work
with the adjoining property owners to provide a single wall. Developer shall notify, by
mail, all contiguous property owners at least 30 days prior to the removal of any existing
walls/fences along the project's perimeter.

V. No slope shall exceed five (5) feet in height.

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

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

Y. Graffiti shall be removed within 72 hours.

Z. The entire site shall be kept free from trash and debris at all times and in no event
shall trash and debris remain for more than 24 hours.

AA. All construction shall be conducted to comply with the following standards which
shall be incorporated into the lease agreements for all tenants:

1. Noise Level - All commercial activities shall not create any noise that would
   exceed an exterior noise level of 60 dB during the hours of 10 p.m. until 7 a.m.
   and 65 dB during the hours of 7 a.m. until 10 p.m.

BB. Textured pavement shall be provided in accordance with the City of Banning
   standards across circulation aisle and pedestrian walkway.

CC. The lighting fixture design shall compliment the architectural program (as submitted).
   It shall include the plaza area lighting fixtures, building lighting fixtures (exterior), and
   parking lot lighting fixtures.

IV. Building Design

30. All dwellings shall have the front, side and rear elevations upgraded with architectural
treatment as submitted and approved by the Planning Commission.

31. All roof appurtenances, including air conditioners and other roof mounted
equipment and/or projections shall be shielded from view and the sound buffered from
adjacent properties and streets as required by the Planning Division. Such screening
shall be architecturally integrated with the building design and constructed to the
satisfaction of the Community Development Director. Details shall be included in
building plans.

Attachment “1”
Parking and Vehicular Access (indicate details on building plans)

32. At least 22 parking spaces shall be 9 feet wide by 19 feet long. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide.

33. All parking lot landscape islands shall have a minimum outside dimension of 6 feet and shall contain a 12-inch walk adjacent to the parking stall (including curb). Said islands shall be designed to accept nuisance parking lot water flows.

34. All parking spaces shall be striped per City standards and all driveway aisles, entrances, and exits shall be striped per City standards.

35. Handicap accessible stalls shall be provided for commercial and office facilities. One in every 8 handicap parking stalls (no less than 1) shall be served by an access aisles 96” wide min. placed opposite the driver’s side and shall be designated Van-Accessible.

36. If required in the future, the agrees to provide reciprocal access through the site to the adjacent (east and west of the subject site) sites. The applicant may be required to modify the parking layout to accommodate such access.

37. The parking lot shall be graded so as to discharge nuisance water into the landscape areas. Said design must also include the standard water discharge requirements.

Trip Reduction

38. Transit improvements such as bus shelters, bus pullouts, and bus pads shall be provided, if required by the City’s transit service.

Landscaping

39. A detailed landscape and irrigation plan shall be prepared by a licensed landscape architect and submitted for Community Development Director review and approval prior to the issuance of building permits or prior final map approval in the case of a custom lot subdivision.

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

41. A minimum of 30% within commercial and office projects, shall be specimen size trees - 24-inch box or larger.

42. For single family residential development, all slope planting and irrigation shall be continuously maintained in a healthy and thriving condition by the developer until each individual unit is sold and occupied by the buyer. Prior to releasing occupancy for those units, an inspection shall be conducted by the Planning Division to determine that they are in satisfactory condition.
43. Within parking lots, trees shall be planted at a rate of one 15-gallon tree for every three parking stalls, sufficient to shade 50% of the parking area at solar noon on August 21.

| ___/___ |

44. Trees shall be planted in areas of public view adjacent to and along structures at a rate of one tree per 30 linear feet of building.

| ___/___ |

45. For commercial development, property owners are responsible for the continual maintenance of all landscaped areas on-site, as well as contiguous planted areas within the public right-of-way. 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 30 days from the date of damage.

| ___/___ |

46. The final design of the perimeter parkways, walls, landscaping, and sidewalks shall be included in the required landscape plans and shall be subject to Community Development Director review and approval and coordinated for consistency with any parkway landscaping plan which may be required by the Engineering Division.

| ___/___ |

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

| ___/___ |

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

| ___/___ |

49. Tree maintenance criteria shall be developed and submitted for Community Development Director review and approval prior to issuance of building permits. These criteria shall encourage the natural growth characteristics of the selected tree species.

| ___/___ |

50. Landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape.

| ___/___ |

Other Agencies

| ___/___ |

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

| ___/___ |

APPLICANT SHALL CONTACT THE BUILDING AND SAFETY DIVISION, (951) 922-3120, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

| ___/___ |

General Requirements

| ___/___ |

52. Submit four complete sets of plans including the following:

i. Site/Plot Plan;

ii. Foundation Plan;
iii. Floor Plan;
iv. Ceiling and Roof Framing Plan;
v. Electrical Plans (2 sets, detached) including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
vi. Plumbing and Sewer Plans, including isometrics, underground diagrams, water and waste diagram, sewer or septic system location, fixture units, gas piping, and heating and air conditioning; and

53. Submit two sets of structural calculations, energy conservation calculations, and a soils report. Architect's/Engineer's stamp and "wet" signature are required prior to plan check submittal.

54. Separate permits are required for fencing and/or walls.

55. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.

56. Business shall not open for operation prior to posting the Certificate of Occupancy issued by the Building and Safety Division.

Site Development

57. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number (i.e., CUP 98-01). The applicant shall comply with the latest adopted Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electric Code, Title 24 Accessibility requirements, and all other applicable codes, ordinances, and regulations in effect at the time of permit application. Please contact the Building and Safety Division for availability of the Code Adoption Ordinance and applicable handouts.

58. Prior to issuance of building permits for a new commercial the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to: Transportation Development Fee, Drainage Fee, School Fees, Permit and Plan Checking Fees. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division prior to permit issuance.

59. Construction activity shall not occur between the hours of 8:00 p.m. and 6:30 a.m. Monday through Saturday, with no construction on Sunday or holidays.
<table>
<thead>
<tr>
<th>New Structures</th>
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</thead>
<tbody>
<tr>
<td>60. Provide compliance with the Uniform Building Code for the property line</td>
</tr>
<tr>
<td>clearances considering use, area, and fire-resistiveness.</td>
</tr>
<tr>
<td>61. Provide compliance with the Uniform Building Code for required occupancy</td>
</tr>
<tr>
<td>separation(s).</td>
</tr>
<tr>
<td>62. Roofing material shall be installed per the manufacturer's &quot;high wind&quot;</td>
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<tr>
<td>instructions.</td>
</tr>
<tr>
<td>63. Plans for food preparation areas shall be approved by County of Riverside</td>
</tr>
<tr>
<td>Environmental Health Services prior to issuance of building permits.</td>
</tr>
<tr>
<td>64. Provide draft stops in attic areas, not to exceed 3,000 square feet, in</td>
</tr>
<tr>
<td>accordance with UBC Table 5-A.</td>
</tr>
<tr>
<td>65. Provide draft stops in attics in line with common walls.</td>
</tr>
<tr>
<td>66. Roofing materials shall be Class &quot;A.&quot;</td>
</tr>
<tr>
<td>67. Exterior walls shall be constructed of the required fire rating in accordance with UBC Table 5-A.</td>
</tr>
<tr>
<td>68. Openings in exterior walls shall be protected in accordance with UBC Table 5-A.</td>
</tr>
<tr>
<td>69. If the area of habitable space above the first floor exceeds 3,000 square</td>
</tr>
<tr>
<td>feet, then the construction type shall be V-1 Hour.</td>
</tr>
<tr>
<td>70. Walls and floors separating dwelling units in the same building shall be</td>
</tr>
<tr>
<td>not less than 1-hour fire-resistive construction.</td>
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<tr>
<td>71. Provide smoke and heat venting in accordance with UBC Section 906.</td>
</tr>
<tr>
<td>72. Provide method of airborne and impact sound transmission control between</td>
</tr>
<tr>
<td>dwelling units.</td>
</tr>
<tr>
<td>73. Upon tenant improvement plan check submittal, additional requirements may</td>
</tr>
<tr>
<td>be needed.</td>
</tr>
</tbody>
</table>
74. Grading of the subject property shall be in accordance with the Uniform Building Code, City Grading Standards, and accepted grading practices. The final grading plan shall be in substantial conformance with the approved grading plan.

75. A soils report shall be prepared by a qualified engineer licensed by the State of California to perform such work.

76. A geological report shall be prepared by a qualified engineer or geologist and submitted at the time of application for grading plan check.

77. The final grading plans shall be completed and approved prior to issuance of building permits.

78. All grading related reports, including but not limited to, soils report, geological report, pad certification, etc. shall be reviewed and approved by the City of Banning Engineer in accordance with all the applicable code requirements.

79. The following requirements shall be met:
   a. Surety shall be posted and an agreement executed guaranteeing completion of all on-site drainage facilities necessary for dewatering all parcels to the satisfaction of the Building and Safety Division prior to final map approval and prior to the issuance of grading permits.
   b. Appropriate easements for safe disposal of drainage water that are conducted onto or over adjacent parcels, are to be delineated and recorded to the satisfaction of the Building and Safety Division prior to issuance of grading and building permits.
   c. On-site drainage improvements, necessary for dewatering and protecting the subdivided properties, are to be installed prior to issuance of building permits for construction upon any parcel that may be subject to drainage flows entering, leaving, or within a parcel relative to which a building permit is requested.
   d. Final grading plans for each parcel are to be submitted to the Department of Public Works for approval prior to issuance of building and grading permits. This may be on an incremental or composite basis. Said approval must be included prior to permit issuance by the Department of Building and Safety.

80. A separate grading plan check submittal is required for all new construction projects and for existing buildings where improvements being proposed will generate 50 cubic yards or more of combined cut and fill. The Grading Plan shall be prepared, stamped, and signed by a California Registered Civil Engineer.
APPLICANT MAY CONTACT THE ENGINEERING DIVISION, (951) 922-3130, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

### General Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>81. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class “A” State Contractor’s License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.</td>
<td>/</td>
</tr>
<tr>
<td>82. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:</td>
<td>/</td>
</tr>
<tr>
<td>• Fire Marshal</td>
<td></td>
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<tr>
<td>• Public Works Department (Grading Permit, Improvement Permit)</td>
<td></td>
</tr>
<tr>
<td>• Community Development Department</td>
<td></td>
</tr>
<tr>
<td>• Riverside County Environmental Health Department</td>
<td></td>
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<tr>
<td>• Banning Unified School District</td>
<td></td>
</tr>
<tr>
<td>• California Regional Water Quality Control Board Colorado River Basin (RWQCB)</td>
<td></td>
</tr>
<tr>
<td>• South Coast Air Quality Management District (SCAQMD)</td>
<td></td>
</tr>
<tr>
<td>The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.</td>
<td></td>
</tr>
</tbody>
</table>

Attachment “1”
83. The following improvement plans shall be prepared by a civil engineer or architect licensed by the State of California as allowed and submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized by the City Engineer in writing, the plans shall utilize the minimum scale specified and shall be drawn on 24” x 36” Mylar. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors).

A. On-Site Grading Plan  
1” = 40’ Horizontal  
(all conditions of approval shall be reproduced on last sheet of set)

B. Clearing Plan  
1” = 50’ Horizontal  
Include construction fencing plan

C. SWPPP  
1” = 40’ Horizontal  
(Note: A, B, & C shall be processed concurrently.)

D. Street Improvement Plan  
1” = 40’ Horizontal  
1” = 4’ Vertical

E. Landscaping Plan  
1” = 20’ Horizontal

F. Signing & Striping Plan  
1” = 40’ Horizontal

G. Construction Traffic Control Plan  
1” = 40’ Horizontal  
(major or arterial highways only)

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

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

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

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

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

### Rights of Way

<table>
<thead>
<tr>
<th>86. Prior to issuance of any permit(s), the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.</th>
</tr>
</thead>
<tbody>
<tr>
<td>87. Offer to dedicate for public purposes the right-of-way for Barbour Street as a collector highway; 66 foot width. Offers of dedication shall include corner cut-off at intersections.</td>
</tr>
<tr>
<td>88. Direct vehicular access along Barbour Street shall be restricted, except for those access points identified on the approved site plan, or as otherwise conditioned in these conditions of approval. The vehicular access restriction shall be recorded on the final map.</td>
</tr>
<tr>
<td>89. Submit a copy of the Title Report to the City Engineer prior to grading plan review and approval.</td>
</tr>
<tr>
<td>90. Prior to the issuance of any certificates of occupancy, the applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the City of Banning or the Riverside County Flood Control and Water Conservation District unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFC. Prior to granting any of said easements, the subdivider shall furnish a copy of the proposed easement to the City Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the City Engineer prior to the issuance of any certificate of use and/or occupancy.</td>
</tr>
</tbody>
</table>

### Public Improvements

| 91. Construct half street plus improvements in accordance with City standards fronting Barbour Street to San Gorgonio Avenue (State Route 243) including street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, traffic signs and striping, and any transitions. The minimum width of the traveled way shall be 32 feet. Street lights along Barbour Street shall be installed offset of the existing street lights. |

Attachment "1"
Applicants' geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

<table>
<thead>
<tr>
<th>92. All street improvement design shall provide pavement transitions per Caltrans standards for transition to existing street sections.</th>
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<tbody>
<tr>
<td>93. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee, prior to the issuance of a certificate of occupancy.</td>
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<tr>
<td>94. All required public improvements shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy.</td>
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</table>

### Grading and Drainage

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

<table>
<thead>
<tr>
<th>96. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Note: An identified floodway exists onto the existing property as identified in Flood Boundary and Floodway Map dated October 17, 1978.</th>
</tr>
</thead>
</table>

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

| 98. Prior to approval of the grading plan 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 revisions. |

Attachment "1"
99. The applicant shall comply with Chapter 34 “Stormwater Management and Discharge Controls” of the Banning Municipal Code (BMC); California Building Code Appendix Chapter 33 “Excavation and Grading”; and the State Water Resources Control Board’s Order No. 99-08-DWQ.

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

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

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

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

1. Temporary Soil Stabilization (erosion control).
2. Temporary Sediment Control.
3. Wind Erosion Control.
4. Tracking Control.
5. Non-Storm Water Management.
6. Waste Management and Materials Pollution Control.

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

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

100. 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.

101. A precise grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any grading activity. Rough grading plans shall include perimeter walls with top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions.

102. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil.
<table>
<thead>
<tr>
<th>Landscaping (Right-of-Way)</th>
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<tbody>
<tr>
<td>103. An automatic sprinkler system and landscaping shall be installed, prior to occupancy</td>
</tr>
<tr>
<td>of the first unit of the development, within the parkway fronting Barbour Street.</td>
</tr>
<tr>
<td>Landscaping plans and specifications shall be reviewed and approved by the City Engineer.</td>
</tr>
<tr>
<td>104. Landscape improvements shall be certified by a licensed landscape architect or</td>
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<tr>
<td>licensed landscape contractor as having been installed in accordance with the approved</td>
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<tr>
<td>detailed plans and specifications. The applicant shall furnish said certification,</td>
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<tr>
<td>including an irrigation management report, for each landscape irrigation system and any</td>
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<tr>
<td>other required implementation report determined applicable, to the City Engineer for</td>
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<tr>
<td>review and approval.</td>
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<tr>
<th>Traffic</th>
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<tbody>
<tr>
<td>105. Street name signs and traffic control devices including traffic legends and traffic</td>
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<tr>
<td>striping shall be installed, or relocated in accordance with Caltrans Standards and as</td>
</tr>
<tr>
<td>shown on the approved plans, and/or as directed by the City Engineer.</td>
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</table>

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<tr>
<th>Trash/Recycling</th>
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<tbody>
<tr>
<td>107. The developer shall participate in the City's recycling program by providing two</td>
</tr>
<tr>
<td>trash receptacles, one for regular trash and one for recycling, within the trash enclosure.</td>
</tr>
<tr>
<td>The trash enclosure shall be designed and constructed in such a manner to accommodate a</td>
</tr>
<tr>
<td>recycling bin as well as the necessary solid waste containers.</td>
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</table>

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<tr>
<th>Final Map</th>
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<tbody>
<tr>
<td>109. Revisions to the approved tentative map during plan check including, but not limited</td>
</tr>
<tr>
<td>to, lot line alignments, easements, improvement plan revisions, and similar minor</td>
</tr>
<tr>
<td>changes which do not alter the design (property rights, number of lots, environmental</td>
</tr>
<tr>
<td>impact, etc.) may be administratively approved through the plan check process with the</td>
</tr>
<tr>
<td>mutual consent and approval of the Community Development Director and City Engineer.</td>
</tr>
<tr>
<td>Final maps shall be amended in accordance with the Subdivision Map Act.</td>
</tr>
</tbody>
</table>
110. Prior to approval of any Final Map, the applicant shall construct all on-site and off-
site improvements in accordance with the approved plans and satisfy its obligations for
same, or shall furnish a fully secured and executed Agreement for Construction of
Public Improvements guaranteeing the construction of such improvements and the
satisfaction of its obligations for same, or shall agree to any combination thereof, as
may be required by the City.

111. 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

Security 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.

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

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

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

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

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

117. A plan storage fee shall be paid prior to approval of the final map and improvement
plans in accordance with the Fee Schedule in effect at the time the fee is paid.

118. A Traffic Control mitigation fee shall be paid on a per lot basis prior to issuance of
building permits.

APPLICANT SHALL CONTACT THE WATER AND WASTE WATER UTILITY AT
(951) 922-3281 FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:
WATER

119. Submit Water Improvement Plans to the Water Division for review and approval. Design and construct water lines on Barbour Street from San Gorgonio Street to the west property line of the project and on the main driveway within a 20’ wide easement from Barbour Street to the north property line of the project.

120. All water lines and fittings shall be a minimum of 8” diameter and shall be DIP or 10-gauge steel pipes, cement mortar lined & wrapped.

121. Each unit within a triplex is to have its own water service. Water meters to be installed at a location along the main driveway into project.

122. Fire hydrants shall be installed within and on the project boundaries as per the approval plans, at a 300’ maximum spacing.

123. Request a Reimbursement Agreement for the construction of the water line on Barbour Street for those who benefit from the new water line.

124. A backflow device must be installed on commercial developments and for 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.

SEWER

125. Submit Sewer Improvement Plans to the Sewer Division for review and approval. Design and construct sewer lines on Barbour Street from the east property line of project to the existing sewer line located at the west property line of project and on all the driveways within 20’ wide easements for the project.

126. All sewer lines shall be extra strength Vitrified Clay Pipe and the sewer mains shall be a minimum of 8” diameter.

127. Each unit within a triplex is to have its own sewer service lateral.

128. A sewer check valve shall be provided for each lot with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

129. Request a Reimbursement Agreement for the construction of the sewer line on Barbour Street for those who benefit from the new sewer line.

FEES

130. Water Connection Fees shall be paid per EDU (EDU is based upon meter size), Sewer Connection Fees shall be paid per EDU (EDU for commercial types will be based upon the estimated quality and quantity of discharge into the sewerage system), and Water Meter Installation charges shall all be paid at the time of issuance of building permits, for this project in accordance with the fee schedule in effect at the time the fees are paid. Also, pay all water and sewer frontage fees, if applicable, and in accordance with the fee schedule in effect at the time the fees are submitted, prior to plan checking proceedings.

APPLICANT SHALL CONTACT ELECTRICAL OPERATIONS DEPARTMENT FOR COMPLIANCE WITH THE FOLLOWING CONDITION:
131. Provide electrical plans and load calculation for review.

- Submitting detailed plans indicating lot lines, streets, casements, building layout, anticipated loading information, etc. The plans are required in electronic format, we currently use AutoCad2006. Plans should consist of a plot plan, site plan signed and approved by city engineering, one line diagram of proposed electrical main service panels and a sheet showing load calculation by an electrical engineer. Additional sheets may be required upon request.
- Paying required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension.
- Granting easement for electric facilities installation/maintenance, etc.
- All trenching, backfill, and compaction.
- All conduits, vaults, and other materials associated with their installation (except primary cables and their terminations).
- Installation of Streetlight poles and conduit.
- Developer / electrical contractor to provide and install secondary service entrance conductors spec by utility department from transformer to service panel pull section.

132. The City Electric Department shall be responsible for:

- Reviewing plans submitted by customer.
- Design an electrical utility plan for the installation of structures and conduit by developer.
- Providing a cost estimate for installing an underground electrical system for this project.
- Inspecting all trenches prior to backfilling. 24 hour prior notice is required before inspection.
- Installation of primary cable and terminations.

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

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

Commercial, Industrial and/or Office Complex:
- $0.579 per square foot Commercial
- $0.821 per square foot Dental Office +
- $25.00 per unit Disaster Planning
Plan Check and Inspection: $118.00 per hour
Exception, Sprinkler and Alarm System Plan Check See Number (7) for Fee Schedule.

CODE COMPLIANCE:

134. All Plans, Specifications and Construction shall comply with and conform to the current edition of the California Fire Code (CFC), California Building Code (CBC), and other state and local laws as applicable.

PREMISES IDENTIFICATION:

135. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

Commercial: 6" mm. size

FLAMMABLE LIQUID:

136. The storage, use, dispensing and mixing of flammable and combustible liquids shall be in accordance with UFC Article 79 and UBC Section 307.

INSPECTIONS:

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

138. Fee for each inspection is $118.00 per hour per person.

139. WORK BEGUN WITHOUT A PERMIT OR WITHOUT AN APPROVED SET OF PLANS AT THE JOB SITE WILL RESULT IN A TRIPLE FEE AND/OR THE WORK STOPPED.
HAZARDOUS MATERIALS:

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

Business Plans may be required per SB 2186 and 2187 including MSDS, HMMP and RMPP.

OTHER:

141. To maintain proper distance of 150 feet from a fire hydrant to a building, a fire hydrant will have to be installed at each driveway intersection. The 150 foot requirement can be increased to 250 feet if fire sprinklers are installed as described above.

142. Because of the length each east/west drive aisle and the distance of the last house on each drive aisle from the main access road, the developer must either provide a “hammerhead” turnaround on each aisle or equip the last building on the end of each aisle with an automatic fire sprinkler system.
LOT SPLIT #07-4504
& DESIGN REVIEW
#07-7015
BARBOUR VILLAS

RESOLUTION
NO. 2007-44

EXHIBIT "2"
RESOLUTION NO. 2007-44

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF DESIGN REVIEW #07-7015 TO CONSTRUCT UP TO 36 TWO-STORY ATTACHED DWELLING UNITS (TRIPLEXES) ON 12 RESIDENTIAL LOTS IN THE MEDIUM DENSITY RESIDENTIAL ZONE, APN: 540-250-006 & 007.

WHEREAS, an application for Design Review #07-7015 to construct 36 two-story attached dwelling units (triplexes) has been duly filed by:

Applicant / Owner: San G. Konsolidated Development, LLC
Authorized Agent: Darwin Manuel
Project Location: between Barbour and Lincoln Streets, approximately 230 feet west of San Gorgonio Avenue, portions of the property (130 lineal feet) abut San Gorgonio Avenue
APN Number: 540-250-006 & 007.
Lot Area: 7.96 Acres

WHEREAS, the Planning Commission has the authority per section 9114.00 of the Banning Municipal Code to take action on Design Review #07-7015 to develop 36 two-story attached dwelling units (triplexes) with 6 facades in the Medium Density Residential zone; and

WHEREAS, on November 16, 2007 the City gave public notice by advertising in the Press-Enterprise, 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 December 4, 2007, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Design Review at which the Planning Commission considered the Design Review; and

WHEREAS, the Community Development Director has reviewed the project's potential effects on the environment and has recommended that the project is categorically exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15332 "In-fill" Development and that the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 are not applicable to the project.

NOW THEREFORE, the Planning Commission of the City of Banning does Resolve, Determine, Find and Order as follows:

SECTION 1. REQUIRED FINDINGS.
Pursuant to Banning Municipal Code Section 9114.00 and in light of the record before it including the staff report dated December 4, 2007, all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

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

**Findings of Fact:** The General Plan Land Use Element designation is Medium Density Residential which allows multi-family uses. This development proposes twelve triplex lots; a land use permitted by the General Plan.

Policy 3 of the General Plan Land Use Element indicates that development be of high quality projects. This project, as designed, will include Cape Cod architectural style, with stone accents, wood-like and stucco siding, porches, patios, and built-in barbeques for each unit that will result in a high quality design that is consistent with this Policy.

Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

**Findings of Fact:** The Zoning District designation is Medium Density Residential, which allows the development of this project. With the exception of the rear yard setback, the project meets or exceeds the development standards for this district, including:

- Minimum required front yard setback is 15’ versus 15’ provided;
- Minimum required rear yard setback is 10’ versus 9’ provided;
- Minimum required side yard setback is 0’ versus 10’ provided;
- Maximum lot coverage is 32% provided versus 40% maximum permitted;
- Maximum height is 2-story/ 35’ versus 2-story/ 24’ provided;
- 108 parking space are required versus 108 provided; and
- 9 guest spaces required versus 24 spaces provided.

As conditioned herein, the project will be required to comply with the 10’ rear yard setback.

Finding No. 3: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards.

**Facts of Fact:** The design and layout of the proposed project will not unreasonably interfere with future development, and will not result in vehicular and or pedestrian hazards because of the following:

- As designed, the project will have a single point of access from Barbour Street thereby limited turning movements into and out of the subject site;
- As conditioned the project’s illumination will not spill over onto adjacent properties;
- The project provides ample parking (132 provided versus 117 required); and
As conditioned, the project will be required to improve the surrounding streets in accordance with the applicable City standards.

Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.

**Findings of Fact:** The project proponent proposes a Cape Cod architectural style with a three-tab shingle roof, stone accents and wood-like and stucco siding. This style is similar to the adjacent apartment complex.

**SECTION 2. ENVIRONMENTAL FINDINGS.**

The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Community Development Director as provided in the Staff Report dated December 4, 2007, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. **CEQA:**

   (a) The project is exempt from CEQA as stipulated by CEQA Guidelines Section 15332 in that the staff report submitted by the Planning Department and other findings made in this Resolution demonstrate that: the Design Review #07-7015 is consistent with the Medium Density Residential and Industrial General Plan designation and all applicable General Plan polices as well as with applicable zoning designations; Design Review #07-7015 is located within the boundaries of the City of Banning; overall the property is 7.96 acres in size, but the project area proposed for development is less than five acres (3.64 acres) and has no value as habitat for endangered, rare or threatened species; there is no substantial evidence in the record that Design Review #07-7015 will result in significant effects related to traffic, noise, air quality, or water quality; and the site is or can be adequately served by all required utilities and public services. As such, the project meets the criteria for application of a Class 32 Categorical Exemption under the CEQA Guidelines.

   (b) None of the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15322 from exempting the project for the following reasons:

      (i) The project is not a Class 3, 4, 5, 6, or 11 project, and therefore is not subject to the exception pertaining to projects located in particularly sensitive environments.
(ii) The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. The proposed use is allowed, and will not impair the integrity and character of the land use district in which it is to be located because it is surrounded by other Medium Density Residential uses and Industrial properties (existing and pending residential and industrial projects).

(iii) There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment. There is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence of a vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The site is devoid of vegetation and it is flat (unable to support bodies of water).

(iv) The project will not result in damage to scenic resources within a designated state scenic highway because there is no designated state scenic highway in the project area.

(v) The project site has not been listed as a hazardous waste and substance facility or site by the Department of Toxic Substances Control pursuant to California Government Code Section 659625.

(vi) The project will not cause a substantial adverse change to the significance of a historical resource. The site is vacant, and no historical resource exists on the site; the immediate surroundings will not be demolished, destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.

2. Multiple Species Habitat Conservation Plan (MSHCP). The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission recommends that the City Council take the following actions:

1. Approval of Design Review #07-7015 subject to the Conditions of Approval attached hereto and incorporated herein by reference as Attachment “1”

PASSED, APPROVED AND ADOPTED this 4th day of December, 2007.

Betty DeSantis, Chairperson
Banning Planning Commission
APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-44, was duly recommended to the City Council for adoption by the Planning Commission of the City of Banning, California, at a meeting thereof held on the 4th day of December, 2007 by the following vote, to wit:

AYES: 

NOES: 

ABSENT: 

ABSTAIN: 

Virginia Sorenson, Recording Secretary
City of Banning, California
# CONDITIONS OF APPROVAL

**PROJECT #:** LOT SPLIT #07-4504 (TENTATIVE TRACT MAP 35694) AND DESIGN REVIEW #07-7015  
**SUBJECT:** SUBDIVISION OF 7.96 ACRES INTO 15, 12 RESIDENTIAL LOTS AND 3 REMAINDER INDUSTRIAL PARCELS, AND APPROVAL OF SIX FACADES  
**APPLICANT:** SAN G. KONSOLIDATED DEVELOPMENT, LLC  
**LOCATION:** APPROXIMATELY 230 FEET WEST OF SAN GORSONGIO AVENUE BETWEEN BARBOUR AND LINCOLN STREETS, APN's: 540-250-006 & 007

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

### I. General Requirements

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

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

Attachment “1”

1
C. Tentative Tract No. 33603 is recommended for approval by the Planning Commission. Full approval is subject to City Council action.

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

### II. Time Limits

5. This tentative tract map shall expire within 2 years from the date of the final approval unless extended by the City.

6. Development/Design Review approval shall expire if building permits are not issued or approved use has not commenced within 2 years from the date of final approval. In addition, if after commencement of construction, work is discontinued for a period of one year, the Design Review shall become null and void. The Community Development Director may, upon an application being filed 30 days prior to expiration and for good cause, grant one time extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Design Review complies with all current Ordinance provisions.

### III. Site Development

G. With the exception of the rear yard setback (along the northern property line) the site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping, sign program, and grading on file in the Planning Division, the conditions contained herein, Development Code regulations. The dwelling units shall maintain a 10 rear yard setback (along the northern property line).

H. Prior to use of the project site, the applicant shall submit to the City a Design Review application for all home unit designs. Said application must be reviewed and approved by the Planning Commission prior to development of the site, including grading activities.

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

J. The Covenants, Conditions, and Restrictions (CC&Rs) and Articles of Incorporation of the Homeowners' Association are subject to the approval of the Planning and Engineering Divisions and the City Attorney. They shall be recorded concurrently with the Final Map or prior to the issuance of building permits, whichever occurs first. A recorded copy shall be provided to the City Engineer.

K. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.
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<td>L. Occupancy of the facilities shall not commence until such time as all Uniform Building Code and State Fire Marshal regulations have been complied with. Prior to occupancy, plans shall be submitted to the City of Banning Fire Marshal and the Building and Safety Division to show compliance. The buildings shall be inspected for compliance prior to occupancy.</td>
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<td>M. Revised site plans and building elevations incorporating all Conditions of Approval shall be submitted for Community Development Director review and approval prior to the issuance of building permits.</td>
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<td>N. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, tree removal, encroachment, building, etc.) or prior to final map approval in the case of a custom lot subdivision, or approved use has commenced, whichever comes first.</td>
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<td>O. Approval of this request shall not waive compliance with all sections of the Development Code, all other applicable City Ordinances, and applicable Community or Specific Plans in effect at the time of building permit issuance.</td>
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<td>P. A detailed on-site lighting plan, including a photometric diagram, that illustrates “0” lumens at the property line, shall be reviewed and approved by the Community Development Director (922-3125) prior to the issuance of building permits. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties.</td>
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<td>Q. A detailed “As-Built” lighting plan, including a photometric diagram, shall be prepared and submitted after the lighting has been erected and before a certificate of occupancy is issued. Said plan must be consistent with the on-site lighting plan that illustrates “0” lumens at the property line. Prior to the issuance of a certificate of occupancy, the applicant shall work with Staff to reduce the lighting levels to “0” lumens at the property line if the “As-Built” plans demonstrate more than “0” lumens at the property line.</td>
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<td>R. Any portion of the site that has been graded but that has no development activity for 45 days shall be landscaped, including all parkways and open areas. Landscaping shall be permanently maintained by the property owner, homeowners' association, or other means acceptable to the City. Proof of this landscape maintenance shall be submitted for Community Development Director and City Engineer review and approved prior to the issuance of building permits.</td>
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<td>S. The developer shall submit a construction access plan and schedule for the development of all lots for Community Development Director and City Engineer approval; including, but not limited to, public notice requirements, special street posting, phone listing for community concerns, hours of construction activity, dust control measures, and security fencing.</td>
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<td>T. Return walls and corner side walls shall be decorative masonry.</td>
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Attachment “1”
U. Six-foot decorative block walls shall be constructed along the project perimeter. If a double wall condition would result, the developer shall make a good faith effort to work with the adjoining property owners to provide a single wall. Developer shall notify, by mail, all contiguous property owners at least 30 days prior to the removal of any existing walls/ fences along the project's perimeter.

V. No slope shall exceed five (5) feet in height.

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

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

Y. Graffiti shall be removed within 72 hours.

Z. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.

AA. All construction shall be conducted to comply with the following standards which shall be incorporated into the lease agreements for all tenants:

1. Noise Level - All commercial activities shall not create any noise that would exceed an exterior noise level of 60 dB during the hours of 10 p.m. until 7 a.m. and 65 dB during the hours of 7 a.m. until 10 p.m.

BB. Textured pavement shall be provided in accordance with the City of Banning standards across circulation aisle and pedestrian walkway.

CC. The lighting fixture design shall compliment the architectural program (as submitted). It shall include the plaza area lighting fixtures, building lighting fixtures (exterior), and parking lot lighting fixtures.

IV. Building Design

30. All dwellings shall have the front, side and rear elevations upgraded with architectural treatment as submitted and approved by the Planning Commission.

31. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Planning Division. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development Director. Details shall be included in building plans.
Parking and Vehicular Access (indicate details on building plans)

| 32. At least 22 parking spaces shall be 9 feet wide by 19 feet long. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide. |   |
| 33. All parking lot landscape islands shall have a minimum outside dimension of 6 feet and shall contain a 12-inch walk adjacent to the parking stall (including curb). Said islands shall be designed to accept nuisance parking lot water flows. |   |
| 34. All parking spaces shall be striped per City standards and all driveway aisles, entrances, and exits shall be striped per City standards. |   |
| 35. Handicap accessible stalls shall be provided for commercial and office facilities. One in every 8 handicap parking stalls (no less than 1) shall be served by an access aisles 96" wide min. placed opposite the driver's side and shall be designated Van-Accessible. |   |
| 36. If required in the future, the agrees to provide reciprocal access through the site to the adjacent (east and west of the subject site) sites. The applicant may be required to modify the parking layout to accommodate such access. |   |
| 37. The parking lot shall be graded so as to discharge nuisance water into the landscape areas. Said design must also include the standard water discharge requirements. |   |

Trip Reduction

| 38. Transit improvements such as bus shelters, bus pullouts, and bus pads shall be provided, if required by the City’s transit service. |   |

Landscaping

| 39. A detailed landscape and irrigation plan shall be prepared by a licensed landscape architect and submitted for Community Development Director review and approval prior to the issuance of building permits or prior final map approval in the case of a custom lot subdivision. |   |
| 40. Existing trees required to be preserved in place shall be protected with a construction barrier, and so noted on the grading plans. The location of those trees to be preserved in place and new locations for transplanted trees shall be shown on the detailed landscape plans. The applicant shall follow all of the arborist's recommendations regarding preservation, transplanting, and trimming methods. |   |
| 41. A minimum of 30% within commercial and office projects, shall be specimen size trees - 24-inch box or larger. |   |
| 42. For single family residential development, all slope planting and irrigation shall be continuously maintained in a healthy and thriving condition by the developer until each individual unit is sold and occupied by the buyer. Prior to releasing occupancy for those units, an inspection shall be conducted by the Planning Division to determine that they are in satisfactory condition. |   |
| 43. | Within parking lots, trees shall be planted at a rate of one 15-gallon tree for every three parking stalls, sufficient to shade 50% of the parking area at solar noon on August 21. |  |
| 44. | Trees shall be planted in areas of public view adjacent to and along structures at a rate of one tree per 30 linear feet of building. |  |
| 45. | For commercial development, property owners are responsible for the continual maintenance of all landscaped areas on-site, as well as contiguous planted areas within the public right-of-way. 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 30 days from the date of damage. |  |
| 46. | The final design of the perimeter parkways, walls, landscaping, and sidewalks shall be included in the required landscape plans and shall be subject to Community Development Director review and approval and coordinated for consistency with any pathway landscaping plan which may be required by the Engineering Division. |  |
| 47. | Landscaping and irrigation systems required to be installed within the public right-of-way on the perimeter of this project area shall be continuously maintained by the developer. |  |
| 48. | All walls shall be provided with decorative treatment. If located in public maintenance areas, the design shall be coordinated with the Engineering Division. |  |
| 49. | Tree maintenance criteria shall be developed and submitted for Community Development Director review and approval prior to issuance of building permits. These criteria shall encourage the natural growth characteristics of the selected tree species. |  |
| 50. | Landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape. |  |
| Other Agencies |  |
| 51. | The applicant shall contact the U.S. Postal Service to determine the appropriate type and location of mail boxes. Multi-family residential developments shall provide a solid overhead structure for mail boxes with adequate lighting. The final location of the mail boxes and the design of the overhead structure shall be subject to Community Development Director review and approval prior to the issuance of building permits. |  |

**APPLICANT SHALL CONTACT THE BUILDING AND SAFETY DIVISION, (951) 922-3120, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:**

**General Requirements**

<p>| 52. | Submit four complete sets of plans including the following: |
|     | i. Site/Plot Plan; |
|     | ii. Foundation Plan; |</p>
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<td><strong>iii.</strong></td>
<td>Floor Plan;</td>
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<td><strong>iv.</strong></td>
<td>Ceiling and Roof Framing Plan;</td>
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<td><strong>v.</strong></td>
<td>Electrical Plans (2 sets, detached) including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;</td>
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<td><strong>vi.</strong></td>
<td>Plumbing and Sewer Plans, including isometrics, underground diagrams, water and waste diagram, sewer or septic system location, fixture units, gas piping, and heating and air conditioning; and</td>
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<td><strong>53.</strong></td>
<td>Submit two sets of structural calculations, energy conservation calculations, and a soils report. Architect's/Engineer's stamp and &quot;wet&quot; signature are required prior to plan check submittal.</td>
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<td><strong>54.</strong></td>
<td>Separate permits are required for fencing and/or walls.</td>
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<td><strong>55.</strong></td>
<td>Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.</td>
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<td><strong>56.</strong></td>
<td>Business shall not open for operation prior to posting the Certificate of Occupancy issued by the Building and Safety Division.</td>
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<td><strong>Site Development</strong></td>
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<td><strong>57.</strong></td>
<td>Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number (i.e., CUP 98-01). The applicant shall comply with the latest adopted Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electric Code, Title 24 Accessibility requirements, and all other applicable codes, ordinances, and regulations in effect at the time of permit application. Please contact the Building and Safety Division for availability of the Code Adoption Ordinance and applicable handouts.</td>
</tr>
<tr>
<td><strong>58.</strong></td>
<td>Prior to issuance of building permits for a new commercial the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to: Transportation Development Fee, Drainage Fee, School Fees, Permit and Plan Checking Fees. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division prior to permit issuance.</td>
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<tr>
<td><strong>59.</strong></td>
<td>Construction activity shall not occur between the hours of 8:00 p.m. and 6:30 a.m. Monday through Saturday, with no construction on Sunday or holidays.</td>
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<tr>
<td>New Structures</td>
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<td>-------------------------------------------------------------------------------</td>
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<tr>
<td>60. Provide compliance with the Uniform Building Code for the property line</td>
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<tr>
<td>clearances considering use, area, and fire-resistiveness.</td>
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<tr>
<td>61. Provide compliance with the Uniform Building Code for required occupancy</td>
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<td>separation(s).</td>
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<tr>
<td>62. Roofing material shall be installed per the manufacturer's &quot;high wind&quot;</td>
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<tr>
<td>instructions.</td>
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<tr>
<td>63. Plans for food preparation areas shall be approved by County of Riverside</td>
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<tr>
<td>Environmental Health Services prior to issuance of building permits.</td>
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<tr>
<td>64. Provide draft stops in attic areas, not to exceed 3,000 square feet, in</td>
<td></td>
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<tr>
<td>accordance with UBC Table 5-A.</td>
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<tr>
<td>65. Provide draft stops in attics in line with common walls.</td>
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<tr>
<td>66. Roofing materials shall be Class &quot;A.&quot;</td>
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<tr>
<td>67. Exterior walls shall be constructed of the required fire rating in</td>
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<tr>
<td>accordance with UBC Table 5-A.</td>
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<tr>
<td>68. Openings in exterior walls shall be protected in accordance with UBC</td>
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<tr>
<td>Table 5-A.</td>
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<tr>
<td>69. If the area of habitable space above the first floor exceeds 3,000 square</td>
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<td>feet, then the construction type shall be V-1 Hour.</td>
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<tr>
<td>70. Walls and floors separating dwelling units in the same building shall be</td>
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<td>not less than 1-hour fire-resistive construction.</td>
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<td>71. Provide smoke and heat venting in accordance with UBC Section 906.</td>
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<tr>
<td>72. Provide method of airborne and impact sound transmission control between</td>
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<td>dwelling units.</td>
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<tr>
<td>73. Upon tenant improvement plan check submittal, additional requirements may</td>
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<td>be needed.</td>
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</tbody>
</table>
Grading

74. Grading of the subject property shall be in accordance with the Uniform Building Code, City Grading Standards, and accepted grading practices. The final grading plan shall be in substantial conformance with the approved grading plan.

75. A soils report shall be prepared by a qualified engineer licensed by the State of California to perform such work.

76. A geological report shall be prepared by a qualified engineer or geologist and submitted at the time of application for grading plan check.

77. The final grading plans shall be completed and approved prior to issuance of building permits.

78. All grading related reports, including but not limited to, soils report, geological report, pad certification, etc. shall be reviewed and approved by the City of Banning Engineer in accordance with all the applicable code requirements.

79. The following requirements shall be met:

a. Surety shall be posted and an agreement executed guaranteeing completion of all on-site drainage facilities necessary for dewatering all parcels to the satisfaction of the Building and Safety Division prior to final map approval and prior to the issuance of grading permits.

b. Appropriate easements for safe disposal of drainage water that are conducted onto or over adjacent parcels, are to be delineated and recorded to the satisfaction of the Building and Safety Division prior to issuance of grading and building permits.

c. On-site drainage improvements, necessary for dewatering and protecting the subdivided properties, are to be installed prior to issuance of building permits for construction upon any parcel that may be subject to drainage flows entering, leaving, or within a parcel relative to which a building permit is requested.

d. Final grading plans for each parcel are to be submitted to the Department of Public Works for approval prior to issuance of building and grading permits. This may be on an incremental or composite basis. Said approval must be included prior to permit issuance by the Department of Building and Safety.

80. A separate grading plan check submittal is required for all new construction projects and for existing buildings where improvements being proposed will generate 50 cubic yards or more of combined cut and fill. The Grading Plan shall be prepared, stamped, and signed by a California Registered Civil Engineer.
APPLICANT MAY CONTACT THE ENGINEERING DIVISION, (951) 922-3130, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

<table>
<thead>
<tr>
<th>General Requirements</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>81. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class “A” State Contractor’s License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.</td>
<td><strong>/</strong>/__</td>
</tr>
<tr>
<td>82. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:</td>
<td><strong>/</strong>/__</td>
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<tr>
<td>• Fire Marshal</td>
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<td>• Public Works Department (Grading Permit, Improvement Permit)</td>
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<td>• Community Development Department</td>
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<tr>
<td>• Riverside County Environmental Health Department</td>
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<tr>
<td>• Banning Unified School District</td>
<td></td>
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<tr>
<td>• California Regional Water Quality Control Board Colorado River Basin (RWQCB)</td>
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<tr>
<td>• South Coast Air Quality Management District (SCAQMD)</td>
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</tbody>
</table>

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

A. On-Site Grading Plan  
1”=40’ Horizontal  
(all conditions of approval shall be reproduced on last sheet of set)

B. Clearing Plan  
1”=50’ Horizontal  
Include construction fencing plan

C. SWPPP  
1”=40’ Horizontal  
(Note: A, B, & C shall be processed concurrently.)

D. Street Improvement Plan  
1”=40’ Horizontal  
1”=4’ Vertical

E. Landscaping Plan  
1”=20’ Horizontal

F. Signing & Striping Plan  
1”=40’ Horizontal

G. Construction Traffic Control Plan  
1”=40’ Horizontal  
(major or arterial highways only)

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

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

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

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

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

Rights of Way

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

87. Offer to dedicate for public purposes the right-of-way for Barbour Street as a collector highway; 66 foot width. Offers of dedication shall include corner cut-off at intersections.

88. Direct vehicular access along Barbour Street shall be restricted, except for those access points identified on the approved site plan, or as otherwise conditioned in these conditions of approval. The vehicular access restriction shall be recorded on the final map.

89. Submit a copy of the Title Report to the City Engineer prior to grading plan review and approval.

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

Public Improvements

91. Construct half street plus improvements in accordance with City standards fronting Barbour Street to San Gorgonio Avenue (State Route 243) including street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, traffic signs and striping, and any transitions. The minimum width of the traveled way shall be 32 feet. Street lights along Barbour Street shall be installed offset of the existing street lights.
<table>
<thead>
<tr>
<th><strong>Applicants’ geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.</strong></th>
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</thead>
<tbody>
<tr>
<td><strong>92. All street improvement design shall provide pavement transitions per Caltrans standards for transition to existing street sections.</strong></td>
</tr>
<tr>
<td><strong>93. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee, prior to the issuance of a certificate of occupancy.</strong></td>
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<tr>
<td><strong>94. All required public improvements shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy.</strong></td>
</tr>
<tr>
<td><strong>Grading and Drainage</strong></td>
</tr>
<tr>
<td><strong>95. Submit a Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFC), RCFC Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way; when this criteria is exceeded, additional drainage facilities shall be designed and constructed.</strong></td>
</tr>
<tr>
<td><strong>96. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Note: An identified floodway exists onto the existing property as identified in Flood Boundary and Floodway Map dated October 17, 1978.</strong></td>
</tr>
<tr>
<td><strong>97. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or diverted storm flows. The project shall accept and convey storm flows from the adjacent developed property to the north and west.</strong></td>
</tr>
<tr>
<td><strong>98. Prior to approval of the grading plan 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 revisions.</strong></td>
</tr>
</tbody>
</table>
99. The applicant shall comply with Chapter 34 “Stormwater Management and Discharge Controls” of the Banning Municipal Code (BMC); California Building Code Appendix Chapter 33 “Excavation and Grading”; and the State Water Resources Control Board’s Order No. 99-08-DWQ.

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

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

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

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

1. Temporary Soil Stabilization (erosion control).
2. Temporary Sediment Control.
3. Wind Erosion Control.
4. Tracking Control.
5. Non-Storm Water Management.
6. Waste Management and Materials Pollution Control.

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

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

100. 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.

101. A precise grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any grading activity. Rough grading plans shall include perimeter walls with top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions.

102. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil.
## Landscaping (Right-of-Way)

103. An automatic sprinkler system and landscaping shall be installed, prior to occupancy of the first unit of the development, within the parkway fronting Barbour Street. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.

104. 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.

## Traffic

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

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

## Trash/Recycling

107. The developer shall participate in the City's recycling program by providing two trash receptacles, one for regular trash and one for recycling, within the trash enclosure. The trash enclosure shall be designed and constructed in such a manner to accommodate a recycling bin as well as the necessary solid waste containers.

108. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City’s franchised solid waste hauler for disposal of construction debris.

## Final Map

109. Revisions to the approved tentative map during plan check including, but not limited to, lot line alignments, easements, improvement plan revisions, and similar minor changes which do not alter the design (property rights, number of lots, environmental impact, etc.) may be administratively approved through the plan check process with the mutual consent and approval of the Community Development Director and City Engineer. Final maps shall be amended in accordance with the Subdivision Map Act.
110. Prior to approval of any Final Map, the applicant shall construct all on-site and off-site improvements in accordance with the approved plans and satisfy its obligations for same, or shall furnish a fully secured and executed Agreement for Construction of Public Improvements guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, as may be required by the City.

111. 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.*

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

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

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

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

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

117. A plan storage fee shall be paid prior to approval of the final map and improvement plans in accordance with the Fee Schedule in effect at the time the fee is paid.

118. A Traffic Control mitigation fee shall be paid on a per lot basis prior to issuance of building permits.

**APPLICANT SHALL CONTACT THE WATER AND WASTE WATER UTILITY AT (951) 922-3281 FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:**
WATER

119. Submit Water Improvement Plans to the Water Division for review and approval. Design and construct water lines on Barbour Street from San Gorgonio Street to the west property line of the project and on the main driveway within a 20’ wide easement from Barbour Street to the north property line of the project. 

120. All water lines and fittings shall be a minimum of 8” diameter and shall be DIP or 10-gauge steel pipes, cement mortar lined & wrapped

121. Each unit within a triplex is to have its own water service. Water meters to be installed at a location along the main driveway into project

122. Fire hydrants shall be installed within and on the project boundaries as per the approval plans, at a 300’ maximum spacing.

123. Request a Reimbursement Agreement for the construction of the water line on Barbour Street for those who benefit from the new water line.

124. A backflow device must be installed on commercial developments and for 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.

SEWER

125. Submit Sewer Improvement Plans to the Sewer Division for review and approval. Design and construct sewer lines on Barbour Street from the east property line of project to the existing sewer line located at the west property line of project and on all the driveways within 20’ wide easements for the project.

126. All sewer lines shall be extra strength Vitrified Clay Pipe and the sewer mains shall be a minimum of 8” diameter.

127. Each unit within a triplex is to have its own sewer service lateral

128. A sewer check valve shall be provided for each lot with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

129. Request a Reimbursement Agreement for the construction of the sewer line on Barbour Street for those who benefit from the new sewer line.

FEES

130. Water Connection Fees shall be paid per EDU (EDU is based upon meter size), Sewer Connection Fees shall be paid per EDU (EDU for commercial types will be based upon the estimated quality and quantity of discharge into the sewerage system), and Water Meter Installation charges shall all be paid at the time of issuance of building permits, for this project in accordance with the fee schedule in effect at the time the fees are paid. Also, pay all water and sewer frontage fees, if applicable, and in accordance with the fee schedule in effect at the time the fees are submitted, prior to plan checking proceedings.

APPLICANT SHALL CONTACT ELECTRICAL OPERATIONS DEPARTMENT FOR COMPLIANCE WITH THE FOLLOWING CONDITION:

Attachment “1” 17
131. Provide electrical plans and load calculation for review.

- Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. The plans are required in electronic format, we currently use AutoCad2006. Plans should consist of a plot plan, site plan signed and approved by city engineering, one line diagram of proposed electrical main service panels and a sheet showing load calculation by an electrical engineer. Additional sheets may be required upon request.
- Paying required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension.
- Granting easement for electric facilities installation/maintenance, etc.
- All trenching, backfill, and compaction.
- All conduits, vaults, and other materials associated with their installation (except primary cables and their terminations).
- Installation of Streetlight poles and conduit.
- Developer / electrical contractor to provide and install secondary service entrance conductors spec by utility department from transformer to service panel pull section

132. The City Electric Department shall be responsible for:

- Reviewing plans submitted by customer.
- Design an electrical utility plan for the installation of structures and conduit by developer.
- Providing a cost estimate for installing an underground electrical system for this project.
- Inspecting all trenches prior to backfilling. 24 hour prior notice is required before inspection.
- Installation of primary cable and terminations

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

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

- Commercial, Industrial and/or Office Complex:
  - $ .579 per square foot Commercial
  - $ .821 per square foot Dental Office +
  - $ 25.00 per unit Disaster Planning
- Plan Check and Inspection: $ 118.00 per hour
- Exception, Sprinkler and Alarm System Plan Check
  - See Number (7) for Fee Schedule.

### CODE COMPLIANCE:

134. All Plans, Specifications and Construction shall comply with and conform to the current edition of the California Fire Code (CFC), California Building Code (CBC), and other state and local laws as applicable.

### PREMISES IDENTIFICATION:

135. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

- Commercial: 6" mm. size

### FLAMMABLE LIQUID:

136. The storage, use, dispensing and mixing of flammable and combustible liquids shall be in accordance with UFC Article 79 and UBC Section 307.

### INSPECTIONS:

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

138. Fee for each inspection is $118.00 per hour per person.

139. WORK BEGUN WITHOUT A PERMIT OR WITHOUT AN APPROVED SET OF PLANS AT THE JOB SITE WILL RESULT IN A TRIPLE FEE AND/OR THE WORK STOPPED.
**HAZARDOUS MATERIALS:**

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

Business Plans may be required per SB 2186 and 2187 including MSDS, HMMP and RMPP.

**OTHER:**

141. To maintain proper distance of 150 feet from a fire hydrant to a building, a fire hydrant will have to be installed at each driveway intersection. The 150 foot requirement can be increase to 250 feet if fire sprinklers are installed as described above.

142. Because of the length each east/west drive aisle and the distance of the last house on each drive aisle from the main access road, the developer must either provide a “hammerhead” turnaround on each aisle or equip the last building on the end of each aisle with an automatic fire sprinkler system.
LOT SPLIT #07-4504
& DESIGN REVIEW
#07-7015
BARBOUR VILLAS

TRACT MAP
35694

EXHIBIT "4"
STAFF REPORT
PLANNING COMMISSION

DATE: DECEMBER 4, 2007

CASE NO’S: ENVIRONMENTAL REVIEW, SPECIFIC PLAN #06-202, ZONE CHANGE #06-3502, TENTATIVE TRACT MAP 33384 (LOT SPLIT #06-4502) AND TENTATIVE PARCEL MAP 35072 (LOT SPLIT # 06-404)

REQUESTS: INTRODUCE AND DISCUSS THE LARIAT SPECIFIC PLAN TO ESTABLISH THE DEVELOPMENT STANDARDS AND GUIDELINES FOR THE CONSTRUCTION OF UP TO 410 ATTACHED AND DETACHED RESIDENTIAL UNITS ON A 63 ACRE SITE; A TENTATIVE PARCEL MAP TO SUBDIVIDE THE PARCEL INTO 4 PARCELS AND TWO STREET PARCELS FOR FINANCING PURPOSES AND A TENTATIVE TRACT MAP TO CREATE 127 SINGLE-FAMILY LOTS, 2 FUTURE CONDOMINIUM LOTS, SIX STREET LOTS, 12 OPEN SPACE LOTS AND 2 RECREATIONAL LOTS.

LOCATION: ON THE EAST SIDE OF SUNSET AVENUE, NORTH OF BOBCAT ROAD; SOUTH OF WESTWARD AND IMMEDIATELY SOUTH OF THE FUTURE MOUNT SAN JACINTO COLLEGE SITE.

APPLICANT: BILL STORM FOR LAING-SEQUOIA (SOUTH BANNING PROPERTIES LLC).

ENVIRONMENTAL CONSIDERATION: AFTER COMPLETION OF AN INITIAL STUDY, THE COMMUNITY DEVELOPMENT DIRECTOR DETERMINED THAT ALTHOUGH THE PROPOSED PROJECT COULD RESULT IN POTENTIALLY SIGNIFICANT IMPACTS ON THE ENVIRONMENT, THESE IMPACTS CAN BE MITIGATED TO A LEVEL OF INSIGNIFICANCE AND THEREFORE A MITIGATED NEGATIVE DECLARATION IS RECOMMENDED.

RECOMMENDATION:

THAT THE PLANNING COMMISSION DISCUSS THE ISSUES AND PROVIDE DIRECTION TO STAFF AND THE APPLICANT.
PROJECT OVERVIEW

State law allows for the preparation of Specific Plan documents to detail the land uses, infrastructure requirements, and other issues associated with more complex projects. The Specific Plan, once adopted by the City Council, becomes the “mini-zoning ordinance” for the project, and will be used to guide the development of the entire site. Following a Specific Plan, a series of other entitlements, including tract map approval and design reviews are required. These will be undertaken in conformance with both the Specific Plan and the Zoning Ordinance. In this case, the Specific Plan proposes development standards and design guidelines; however, the Zoning Code requirements shall prevail if a provision is not addressed in the Specific Plan. There are no development proposals associated with this application. Design reviews and other applications will be submitted subsequent to this plan.

Project Location

Situated in the City of Banning, California, the project site is located on semi-grassy, sloping terrain ranging in elevation from 2,420 feet in the western portion of the site to 2,330 feet in elevation in the eastern portion, where the site is bounded by the Pershing Wash. Historically, the property and its surroundings have been used for agricultural purposes. The area is dry and averages over 80 degrees for six months out of the year. The major access roads to the site are the currently unimproved extension of Sunset Avenue which runs along the western boundary of the property and Bobcat Road which forms the southern boundary of the site.

General Plan and Zoning

The project site is comprised of approximately 63 gross acres including portions of roadway previously dedicated. The City of Banning’s 2006 General Plan and Zoning Ordinance Update designated the westerly 40 acres as Medium Density Residential (MDR, 0-10 du/ac) with the intent to establish housing adjacent to the future community college site located directly north across the Pershing Wash. To the west, across Sunset Avenue is property that is a part of the proposed Five Bridges Specific Plan and is designated as Low Density Residential (LDR, 0-5 du/ac).

The 23 acres on the east are designated as Rural Residential (0-1 du/ac). Immediately to the east is Very Low Density Residential (VLDR, 0-2 du/ac). The Rolling Hills Estates and Tefft properties have subdivided the area adjacent to the subject parcel into the requisite 20,000 square foot minimum lots. The remainder of this eastern area around 22nd Street is rural and includes ranches and an equestrian center at Dysart Park located at the southern terminus of 22nd Street. To the south, across Bobcat Road, is land in unincorporated Riverside County zoned Ranch Agriculture (10 acre minimum lot size). This land is within the City’s Sphere of Influence. It is clear that the subject property’s zoning on the east is intended to be consistent with the zoning and land uses to the south and east of the site.
Change of Zone and General Plan Map Amendment will be required to redistribute the existing land use and zoning designations of the property for consistency with the Land Use Plan and to place a specific plan overlay onto the property.

PROJECT DESCRIPTION

Specific Plan/Zone Change

The applicant is proposing a Specific Plan and Zone Change which establish development standards and guidelines for the development of up to 410 attached and detached residential units. The Specific Plan would allow for up to 127 single family dwellings on lots 3600 square feet minimum size on 19.2 acres of the site and 283 townhomes on 20 acres of the site. The proposed Pershing Creek Drainage Channel is 14.84 acres. Included in the residential acreage are two public parks totaling 2.8 acres and a .48 acre water quality basin. Included in the townhome acreage is a .76 acre recreation area reserved for townhome residents. Sunset Avenue will have half-width improvements for the length of the parcel to the bridge over Pershing Channel and mountain standard 14 foot wide improvements from the north side of the bridge to Westward Avenue. Bobcat Road will be improved to its ultimate right of way. Pershing Creek Wash will be channelized to flood control standards with a natural earthen bottom and sides stabilized with soil cement, similar to the design proposed by the 5 Bridges Specific Plan.

The Specific Plan document has a lot of information presented and is well organized and illustrated and covers most of the important development concepts in a thorough, easy to understand manner. A two-story single-family product and a multi-family townhome product of three stories are the two types of housing proposed. Design guidelines and development standards have been developed for both product types and for the most part the development standards are less restrictive than the zoning code. For example, less parking is proposed for the town homes. The building coverage and lot sizes are smaller than permitted by the code. Landscape areas are a minimum of three feet, rather than six feet, only one front yard tree is required rather than two. It is important that the development provisions in the specific plan create a high quality environment, and therefore some of these less restrictive standards may not be in the best interest of the City. There are many detailed descriptions of architectural guidelines but the accompanying pictures do not always adequately detail the intent. More about the plan is discussed in the workshop, analysis and recommendation sections of this report.

But first, in order to better understand the specific plan, it is helpful to study the tract map that has been submitted for the project.

Tentative Tract Map TTM 33384

Please refer to the attached tentative tract map. It provides many details as to how the land will be utilized within the project, includes proposed slopes and elevations, the proposed alignment of the service road and how it interfaces with the rest of the project.
### Table 1-1
**Tentative Tract Map 33384 Land Use Summary**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Acres</th>
<th>Dwelling Units</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lots 128 and 129 Townhome Residential</td>
<td>20.1</td>
<td>283</td>
</tr>
<tr>
<td>3,600 S.F. Lot Minimum</td>
<td>12.6</td>
<td>127</td>
</tr>
<tr>
<td><strong>Residential Subtotal</strong></td>
<td>32.7</td>
<td>___</td>
</tr>
<tr>
<td><strong>Non-Residential</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lots N&amp;M Public Facilities – Pershing Creek Drainage Channel</td>
<td>14.84</td>
<td>___</td>
</tr>
<tr>
<td>Lot C Detention Basin</td>
<td>0.48</td>
<td>___</td>
</tr>
<tr>
<td>Lots D thru L Miscellaneous Lettered Landscape</td>
<td>3.58</td>
<td>___</td>
</tr>
<tr>
<td>Lots (in-tract slopes and parkways)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Non-Residential Subtotal</strong></td>
<td>18.9</td>
<td>___</td>
</tr>
<tr>
<td><strong>Recreation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot A Park</td>
<td>1.2 gross (1.00 net)</td>
<td>___</td>
</tr>
<tr>
<td>Townhouse recreational set-aside (not a separate lot)</td>
<td>.76</td>
<td>___</td>
</tr>
<tr>
<td>Lot B Park</td>
<td>1.6 gross (1.41 net)</td>
<td>___</td>
</tr>
<tr>
<td><strong>Recreation Subtotal</strong></td>
<td>3.56 gross</td>
<td>___</td>
</tr>
<tr>
<td><strong>Streets</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Streets</td>
<td>3.8</td>
<td>___</td>
</tr>
<tr>
<td>Private Streets</td>
<td>4.8</td>
<td>___</td>
</tr>
<tr>
<td><strong>Streets Subtotal</strong></td>
<td>8.6</td>
<td>___</td>
</tr>
</tbody>
</table>

| Project Totals                       |       |                |
| 63 Gross (59.2 Net)                  |       |                |

Access: Access is by both public and private streets. The townhome section will be accessed from Sunset Avenue and the single family section from Bobcat Road. The controlling element for the ultimate center-line alignment of Bobcat Road will most probably be the existing electrical easement due to the cost of relocating the existing power lines.

Street dedications on Bobcat Road require a 44 foot pavement width plus an 11 foot parkway. This is not shown on the map but is a requirement. On Sunset Avenue the improved street width requirement will be 40 feet will also require more right of way than is shown on the map. A mountain standard of roadway will be required from the Pershing Bridge to Westward Avenue. Therefore the specific plan and the map will need to be revised to include the full width dedications as required by the traffic study that was submitted for this project. An all weather crossing will be required at the Pershing Channel. The applicant will participate in the design and construction of the Sunset Avenue grade separation by payment of a fair share cost of the improvements.

Single Family Lot Sizes: The lot sizes range from 3,600 to 6,500. Staff has concerns as to what type of product can fit on these lots. Attached is an exhibit showing the plotting of some of the lots. They have back yard slopes and therefore when the house is plotted, the
usable back yard space may be severely constricted. Staff is proposing a condition of approval that a 15 by 30 foot flat rear yard be provided on all the single family lots. Staff recommends an exhibit including all the lots with plotted setbacks, lot coverage figures, home square footage and a sample product type be brought to the commission.

Townhome lots: The two townhome lots are 9.29 acres and 10.81 acres in size, which is well over the 2 acre minimum required by the zoning code.

The ultimate configuration of this map is dependent on the requirements of the specific plan. Staff cannot recommend approval of this map, since it may need to be revised and is subject to approval of the specific plan, but is transmitting draft conditions of approval, attached, that will be necessary regardless of the map’s configuration.

Parcel Map for Financing Purposes TPM 35072

This map is for financing purposes only and cannot be used for development. It consists of four larger parcels and two street parcels. Conditions of approval for this map are also attached.

BACKGROUND

Public Workshop

On May 9, 2007 a joint public meeting and workshop with the Planning Commission and City Council was held. Please see the attached letter from Bill Storm of Laing Sequoia, in which he responds to some of the concerns generated by the workshop.

Since the workshop, staff has met with the applicant and has requested updates to the specific plan document that reflect changes in keeping with comments made by staff and in the workshop. An updated land-use plan has been provided and is attached to this report, but due to the time and expense involved, the applicant does not wish to proceed with generating an updated specific plan until a public hearing is held on the project.

Below is a synopsis of the issue points brought forward both in the workshops and by staff and a discussion of how the content of the Specific Plan and the response letter from Bill Storm responds to those concerns. This discussion is organized to follow the points in the order discussed in the applicant’s response letter:

• Parks and Open Space

There was a concern regarding the amount of park space included in the plan. The revised land use plan indicates a 1.2 acre park and a 1.6 acre park in the single family detached portion of the project and sets aside a .76 acre area for the townhome project. Although the applicant states that 30% of the project is dedicated to parks and open space, of that total only 2.41 usable acres of community park and .76 acre of usable townhome park are provided. According to the zoning ordinance section 9102.03-2 J Multifamily Housing and M Planned Unit Development, 30% of total acreage must be devoted to “usable park
space” and a minimum of four (4) amenities for the single family and five (5) amenities for the townhomes must be provided. At 19.2 acres for the single family and approximately 20 acres for the townhome site that would be 5.76 acres for the single family residential and six acres for the townhome portion. Policy 3 of the General Plan’s Parks and Recreation Element supports this by stating “Require developers of new residential projects to provide on-site recreational or open space facilities in addition to City-wide park requirements”. These requirements are in addition to any parkland fees paid toward the General Plan goal of five acres per 1000 residents.

In addition to providing more usable park space consistent with the requirements, an enlarged plan of each of the parks needs to be included in the specific plan. These parks should be designed to connect with pedestrian pathways throughout the project. Although the flood control district service road referred to as the “Pershing Creek Multipurpose Trail” is included as an amenity to be maintained by the master HOA, it is a service road in a flood control drainage channel and may only be used if an agreement is approved between Riverside County Flood Control District and the City and the liability is assumed by the City including a maintenance fee paid by the City. The County does not wish to enter into these agreements with the HOAs.

It is also important to provide an equestrian connection through this project as the service road may not be used by horses.

The need for a central gathering place within the development was expressed. A park design that utilizes a design theme and layout that makes it suitable as a gathering spot is needed.

**Maintenance and Home Owners Association**

The applicant has covered this in his letter. There will be two associations, a master association and a separate townhome association. On lots this small, it may be advisable to form an HOA to include front yard landscaping for the single family homes.

**Neighborhood Design and Architecture**

In order to assure that in return for granting many concessions such as transferring density including smaller lots and high density development standards, especially to land that was zoned for one acre minimum lots, it is important that high quality design be mandated in the specific plan document by requiring detailed design requirements, including innovative architectural and layout plans for all portions of the project including the townhomes.

It is also important that this project be built without adversely affecting the adjacent land uses. This is difficult when creating a densely packed housing project in the midst of large lot developments.

The exterior wall design, berming, and setbacks of the homes in relation to the public streets will be important. Not only, as is pointed out by the applicant, along Bobcat Road, but also along the entire perimeter of the project. There should be a spacious feel to the
setbacks, meandering sidewalks and interior roadways and an equestrian trail that will retain the rural atmosphere of the surrounding community. Using farmhouse and Craftsman detailing on a house or stone on the entryway is pretty conventional tract home detailing and will not effectively convey a rural atmosphere. Rural development is about space and views.

55% lot coverage is contrary to the Zoning Code provision in section 9102.03M that states that 40% lot coverage is the maximum permitted lot coverage in planned unit developments, however, providing the specific plan includes sufficient amenities and open space it may be acceptable. A sample (measured) layout scheme should be provided to the decision makers and included in the specific plan.

Since the workshop, the lots have become even smaller as none were removed but were instead squeezed together to make room for more park space. Although the applicant states that he is unable to market a variable lot size, it is true that there are builders that do offer products for lots with more variable lot sizes. As for the housing market, it is variable and the city must look at how the project will affect the community over the long term.

The walkability and connectivity of the project was discussed. What pedestrian friendly details are incorporated into the master-planning of this community that sets it apart from conventional development? This needs to be illustrated in the Specific Plan. There was a request for a meandering parkway between the curb and sidewalk and none has been provided for in the street section on the tract map. There is not enough connectivity between the townhomes and the single family development. Instead they are treated as separate enclaves. Although the service road connects both sides, it is not likely to be handicap accessible. A concern as to whether it will be a lighted trail or even should be a lighted trail is of concern for safety reasons.

In the field trip conducted by the applicant, some exiting ideas were presented, for example, in one development, townhomes and single family homes were built in close proximity on the same street and were of such comparably high quality that they were indistinguishable from one another. Actually this is not surprising, since they are of comparable densities. The development was very attractive and staff felt that this might be a good approach to use in this specific plan to help to blend the townhome site into the single family development.

- The phasing and financing of infrastructure improvements, including the City’s role in providing assistance, needs to be thoroughly examined. The use of CFD has been discouraged. Staff urged the applicant to contact the Finance Director to begin discussions regarding this issue, and he has, made an inquiry but, to date, there has been no dialogue established with the city regarding the financing issues.

ANALYSIS

Without the specific plan, the developer would need to adhere to the City’s current zoning standards. The project most likely could not develop at these proposed densities using the City’s current standards and without a density transfer.
The proposed single family lots are a great departure from the one acre minimum lots envisioned for this area in the 2006 General Plan. Although the Specific Plan speaks to preserving the rural atmosphere, the proposed project is by any stretch of the imagination, an urbanized, densely packed environment.

As evidenced by the similarly dense communities we toured with the applicant, there was a strong sense of community and safety provided for within each development. Some of the details from the places we toured and from similar projects need to be mandated within the plan.

The Specific Plan as proposed is very thorough but it is generic. What is proposed doesn’t do enough in terms of design details to brand the development as a unique place to live. A pedestrian-friendly plan that incorporates the entire parcel into one environment where townhomes and single family homes are of a high enough quality to coexist in the same neighborhood, not walled off from one another, and where through the use of paseos, and nodes of decorative paving that connect the neighborhoods, the project has an atmosphere where the eyes are on the street and there is a feeling of safety and community identity.

Furthermore, it is not enough to put the buzz-words into the document. The physical planning must be illustrated within the document to ensure that this plan reads as a cohesive community when it is built. This means that landscaping, architecture, signage, paving patterns, street scenes should stand out as readable and remarkable to the community and shall be shared within the entire community.

**Recommended revisions**

Staff is recommending the following changes be incorporated into the Specific Plan document prior to bringing it forward for approval. These are not comprehensive, as the exhibits and text of the proposed changes need to be reviewed prior to being included in the plan. This intermediate step, which has often been omitted during this process, will ensure that the document is ready to move forward.

- Include revisions to the Specific Plan Document that respond to direction given to the applicant and that will physically change the land use configuration, streets, open spaces, parks, watercourses, etc. including but not limited to:

- Creating a more definitive design theme including more specific street tree and landscape/hardscape themes and open space design elements including lighting and street furniture that interrelate and that make the project more definitive and less generic.

- Provide a pathway plan that illustrates the walkability and connectivity of the project by planning for the site as a whole instead of creating enclaves within the project. Show pictorial examples of the required details.

- Further illustrate how the exterior landscaping will reflect the rural atmosphere, including berming, more solid walls in the townhome portions of the project and further
enhance the wall details to this end, including decorative pilasters. Include illustrations of the street scenes for Bobcat Road and Sunset Avenue.

• Provide a detailed report on general plan and zoning consistency for amenities provided within the specific plan in terms of required amenities and recreational space, update the plan accordingly and also show how individual amenities are to be phased.

• Update and include design plans for all of the parks and open space features, including a community gathering place and guidelines for its design.

• Include provisions requiring HOA maintenance of front yard landscaping on the single family developments.

• Improve Residential Design guidelines and standards to reflect more specific and less generic design requirements and provide physical designs for townhome sites and examples of housing types that actually would fit on the lots proposed, including single family lots.

• Include a revised chart showing the plan for the financing of improvements that includes all the required improvements.

• Work with the public agencies and adjacent land owners regarding the master-planning and phasing of improvements for the Pershing Creek Wash and incorporate this into the specific plan.

• Incorporate a mitigation monitoring plan into the specific plan appendix.

• Include standards and incentives for a green building alternative.

ENVIRONMENTAL ASSESSMENT

The City’s environmental consultant prepared an Initial Study, attached. As a result of the initial study, an Intent to Adopt a Mitigated Negative Declaration was prepared and circulated for public review. Comments were received from Riverside County Flood control and the California Department of Fish and Game regarding the project and the mitigation measures to be incorporated into the mitigation monitoring plan. A streamline alteration agreement with additional CEQA review will be required by Riverside County Flood Control and the Department of Fish and Game. There is concern by the Department of Fish and Game that the Pershing Channel is being dealt with in a “piecemeal manner inconsistent with CEQA.” They maintain that the channel should be dealt with as one project for its entire length.

SUMMARY

Understandably, the applicant wishes to have the plan approved and conditioned as soon as possible so they can move forward with development. However, it would be short-sighted to approve a plan that does not accurately reflect the requirements of the project.
and the goals and needs of the city. Specific plans have a long life. They run with the land, do not expire and don’t require periodic updates like a City’s General Plan requires.

Specific plans provide an opportunity for developers to create a theme, transfer densities and provide regulations and standards that make their property more marketable and more profitable.

In return, the City has the opportunity to demand a well-ordered sequence of development; a realistic plan for the funding of improvements that are adequate to the demands that the development will place on the city; and physical planning that is superior to that which would have occurred if the land was developed in the absence of a Specific Plan document. Until the necessary revisions are made to the Specific Plan Document, the plan is not ready for review and staff cannot recommend approval.

**RECOMMENDATION:**

That the Planning Commission:

Discuss the issues regarding the Specific Plan Document and Tract Map and provide direction.

Respectfully submitted,

Kim Clinton, AICP
Senior Planner

**Exhibits:**

1. Revised Land Use Plan (Under Separate Cover)
2. Tentative Tract Map (Under Separate Cover)
3. House Plot Exhibit
4. Tentative Parcel Map (Under Separate Cover)
5. Response letter from Bill Storm
6. Draft Conditions of Approval for the Tract and Parcel Maps
7. Initial Study
LARIAT SPECIFIC PLAN

HOUSE PLOT EXHIBIT

EXHIBIT "3"
LARIAT SPECIFIC PLAN

RESPONSE LETTER
FROM
BILL STORM

EXHIBIT "5"
Laing-Sequoia Partners LLC

September 25, 2007

Oscar Orci
Community Development Director
City of Banning
99 E. Ramsey Street
Banning, California 92220-0998

Subject: Lariat Specific Plan, Tentative Tract No. 33384
Work Shop dated May 9 – Response to Comments
Project Tours – Response to Comments

Dear Mr. Orci:

As you know, on May 9 the City of Banning conducted a joint Planning Commission/City Council Work Shop to review the Lariat Specific Plan and development proposal. The publicly noticed meeting was held at the Banning City Council Chambers. The setting was informal; however, Council Members, Planning Commissioners, Planning Staff and members of the public were encouraged to offer their input and opinions of the proposed project. The following month, with Banning’s Planning Staff, we toured various housing products and reviewed planning concepts in the master planned communities of Ladera and Woodbury in Orange County; also we visited a small lot SFD community in Brea. On August 24, we hosted a second tour, this time members of the Planning Commission and City Council attended. We visited the Riverside County master planned communities of Harveston and The Preserve. Again, we reviewed a variety of housing types and community planning concepts.

The information gleaned from the Work Shop and the tours gave us powerful insight into the concerns and issues that were of the greatest concern to the City of Banning. We therefore are proposing a number of adjustments to the Lariat Specific Plan that we believe will strengthen our development proposal and bring the plan more in line with Banning’s vision of the project. The following reflects our response to the Work Shop and planned community tours.

Parks and Open Space

The overwhelming theme of the meeting, and also discussed on the tours, was that there should be more recreation and open space. It rang out loud and clear, the Council, the Commission, and just about everybody expressed their concerns. Most everyone felt that the Park Calculation Formula did not sufficiently provide adequate recreational opportunities. It was indicated that Lariat needed more gathering places, more tot lots and basketball courts. The folks said that we should be more creative in the use of the water quality basins, that we should create amenities for youths of various ages and develop a “sense of community” for the project.

In response to the parks and open space concerns of the city officials and residents, we have doubled the size of our parks program to 3.2 acres. This includes the proposed development of a new one acre Central Park located between the easterly edge of the medium density parcel and the most northwesterly edge of the single family detached parcel. This park will include a community swim pool, shade structure and tot lot; it will also provide easy access to the adjacent 20 foot wide Pershing Creek Multi-Purpose Trail. The Central Park will be a meeting place for
All lots will generally be the same size with similar lot dimensions. In the Work Shop we were asked to consider a variable lot size development program, such as half acre lots interspersed among the smaller home sites. In discussions with our homebuilder, and other homebuilders in the region, we were advised that such a development program is not economically practical for a neighborhood that features only 127 SFD lots. The builders indicated that they needed consistent pad sizes to provide them the flexibility to add popular plans to the product mix, and eliminate unpopular models from the product mix.

- Lot Coverage - We are proposing 55% lot coverage for the single family residential lots. The calculation includes the home living area and garage; however it does not include porches, covered patios, sheds and architectural features.

- Wooden Gates – As requested, wooden gates have been eliminated from the Lariat entry gate design.

- Trash Storage – There will be at a minimum 1 storage bin for every 4 dwellings in the townhome/cluster neighborhood.

- Dark Sky – Lariat will conform to Banning’s Dark Sky policy.

**Grading and Street Improvements**

There were quite a few questions in regards to grading, slope heights, dips in roads, street improvements, bridges, etc. These are addressed as follows.

- Grading – The site is balanced and it is not anticipated that there will be any export or import of materials. The on-site excavation will roughly follow the existing contours of the property which will create moderate modulation within the community. Modest elevation changes, we think will add to neighborhood character. This can be seen on Specific Plan Exhibits 2-7C, 2-7D and 2-7E. Slopes between the townhome/cluster neighborhoods and the single family detached neighborhood are generally 6 to 7 feet, although in some areas the slope are roughly 15 feet, and in other areas the slopes are non-existing or minimal. The adjacent streets, Sunset Avenue and Bobcat Road, will generally follow the existing modulating topography within acceptable design standards.

- Sunset Avenue – Lariat will be responsible for Sunset Avenue construction of the paved half section, sidewalk and landscaping installations up to the perimeter project wall, from Bobcat northerly to Pershing Creek. At Pershing Creek, Lariat will build a two lane bridge extended to the northerly edge of the creek that connects to Sunset Avenue. The project will also be obligated to install all backbone water and dry utility facilities required to serve Lariat. In the event that Five Bridges installs Sunset improvements that would have been Lariat obligations, Lariat will enter into reimbursement agreements to cover its fair share costs.
Bobcat Road – Lariat’s obligation on Bobcat is to improve the northerly half section, construct the sidewalk, and install landscaping up to Lariats perimeter project wall, from Sunset easterly to Pershing Creek. At Pershing Creek, Lariat will build a two lane low flow crossing across the creek to the easterly edge of the creek. This crossing will connect to Bobcat (built by others) on the east side of the creek. Lariat will also be obligated to install all backbone sewer, water and dry utility facilities required to serve the project. In the event that Five Bridges installs Bobcat improvements that would have otherwise been Lariat obligations, Lariat will enter into reimbursement agreements to cover its fair share costs.

As we indicated in the Work Shop, we believe that it would be unfair to the property owners on the south side of Bobcat to leave the road unpaved in front of their lots. Assuming that the City, County of Riverside and property owners agree, we propose to improve Bobcat Road full width, including the south side paving, curb, gutter and driveway cuts in exchange for development impact fee credits.

Perimeter Sidewalks – Some speakers indicated that they would prefer to see meandering sidewalks with landscaping between the curbs and walks on Sunset Avenue and Bobcat Road. Meandering sidewalks with curb adjacent landscaping is acceptable to us, if this is the preference of the City.

Bus Turn-Out – This was mentioned by several people. On the westbound lane of Bobcat Road at the intersection of Sunset Avenue we could install a bus turn-out, if this is the desire of the City. Our preference is not to build a turn-out, mainly for aesthetic reasons, as we would have to reduce landscaping at the corner to provide for the bus stop. We also understand that RTA has not included Bobcat in its bus route master plan. We think that the school district would prefer another location, either across the street at Five Bridges, or closer to the property south easterly of Bobcat and Turtle Dove Lane. This decision we will leave to the City.

Oscar, I have prepared this correspondence in response to the Work Shop and the two tours. I have attempted to address all of the issues that surfaced during these meetings. If there are issues that I have not addressed, please let me know, and I will address them. As you know, it is imperative that Lariat be scheduled for a Planning Commission meeting in October. If there is anything that we can do to insure that this project goes to the PC next month, please let us know how we can help.

It is a pleasure working with you. Your early response will be appreciated.

Sincerely,

Bill Storm

Attached: Lariat SP Land Use Plan, Exhibit 2-1
LARIAT SPECIFIC PLAN

DRAFT CONDITIONS OF APPROVAL FOR TRACT AND PARCEL MAPS

EXHIBIT “6”
DRAFT CONDITIONS OF APPROVAL

FOR PLANNING COMMISSION 12-04-07

PROJECT #: Tentative Tract Map 33384

SUBJECT: Subdivision 63 gross acres into 127 single family residential lots, 2 future residential condominium lots, 2 recreation lots and 12 open space lots

APPLICANT: Bill Storm for Laing-Sequoia (South Banning Properties LLC)

LOCATION: APN: 537-190-018

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

General Requirements

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City’s defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.
2. Tentative Tract No. 33834 is recommended for approval by the Planning Commission. Full approval is subject to City Council action. Map approval is subject to approval of the Lariat Specific Plan.

3. All requirements of the Lariat Specific Plan are hereby incorporated into the conditions of approval.

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

5. **Time Limits**
   a. This tentative tract map shall expire within 2 years from the date of the approval unless extended by the City.
   b. Conditional Use Permit, Variance, or Development/Design Review approval shall expire if building permits are not issued or approved use has not commenced within 2 years from the date of approval. The Community Development Director may, upon an application being filed 30-days prior to expiration and for good cause, grant one time 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 Ordinance provisions.

6. **Site Development**
   a. The site shall be developed and maintained in accordance with the approved Map.
   b. Prior to use of the project site, the applicant shall submit to the City a Design Review application for all home unit designs. Said application must be reviewed and approved by the Planning Commission prior to development of the site, including grading activities.
   c. Approval of this request shall not waive compliance with all sections of the Development Code, all other applicable City Ordinances, and applicable Community or Specific Plans in effect at the time of building permit issuance.
   d. All ground-mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berms, and/or landscaping to the satisfaction of the Community Development Director. For single family residential developments, transformers shall be placed in underground vaults.
   e. Street names shall be submitted for Community Development Director review and approval in accordance with the adopted Street Naming Policy prior to approval of the final map.
f. The Covenants, Conditions, and Restrictions (CC&Rs) and Articles of
   Incorporation of the Homeowners' Association are subject to the approval of the
   Planning and Engineering Divisions and the City Attorney. They shall be
   recorded concurrently with the Final Map or prior to the issuance of building
   permits, whichever occurs first. A recorded copy shall be provided to the City
   Engineer. The Homeowners' Association shall submit to the Planning Division a
   list of the name and address of their officers on or before January 1 of each and
   every year and whenever said information changes.

   g. Any portion of the site that has been graded but that has no development activity
   for 45 days shall be landscaped, including all parkways and open areas.
   Landscaping shall be permanently maintained by the property owner,
   homeowners' association, or other means acceptable to the City. Proof of this
   landscape maintenance shall be submitted for Community Development Director
   and City Engineer review and approved prior to the issuance of building permits.

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

   i. Return walls and corner side walls shall be decorative masonry.

   j. Future development for (each building pad/parcel) shall be subject to separate

   k. The fill area shall use a combination of slope and retaining wall systems, so the
   height of any wall shall not exceed 6ft.

   l. Six-foot decorative block walls shall be constructed along the project perimeter.
   If a double wall condition would result, the developer shall make a good faith
   effort to work with the adjoining property owners to provide a single wall.
   Developer shall notify, by mail, all contiguous property owners at least 30 days
   prior to the removal of any existing walls/ fences along the project's perimeter.

   m. No slope shall exceed five (5) feet in height.

   n. Backyards shall have a minimum of 15' feet x 30' of flat area with a slope of 1%
   to 3%.
7. Landscaping

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

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

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

d. The final design of the perimeter parkways, walls, landscaping, and sidewalks shall be included in the required landscape plans and shall be subject to Community Development Director Review and approval and coordinated for consistency with any parkway landscaping plan which may be required by the Engineering Division.

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

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

g. Tree maintenance criteria shall be developed and submitted for Community Development Director Review and approval prior to issuance of building permits. These criteria shall encourage the natural growth characteristics of the selected tree species.

h. Landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape.
8. Environmental – Mitigation Measures

a. Mitigation measures are required for the project. The applicant is responsible for the cost of implementing said measures, including monitoring and reporting. Applicant shall be required to post cash, letter of credit, or other forms of guarantee acceptable to the Community Development Director in the amount of $1,864 prior to the issuance of building permits, guaranteeing satisfactory performance and completion of all mitigation measures. These funds may be used by the City to retain consultants and/or pay for City staff time to monitor and report on the mitigation measures. Failure to complete all actions required by the approved environmental documents shall be considered grounds for forfeit.

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

c. Any lot with a rear yard slope of more than 5 feet will be designed to include terracing of that slope, and intermediate usable yard space within the slope area. This may include staggered retaining walls, stairs and patios, to the clarification of the Director of Community Development.

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

e. All manufactured slopes of 5 feet or more shall be landscaped and irrigated in such a manner as to assure 100% coverage within 12 months. Landscaping shall be native groundcover or similar. Irrigation systems shall be operated and maintained by a groundcover or similar. All irrigation systems shall be operated and maintained by a homeowners’ association, in order to assure long term survival of the plantings. A maintenance easement shall be recorded on each lot on which such a slope occurs, in favor of the homeowners’ association.

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

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

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

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

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

k. All grading activities shall be suspended during wind speeds of 25 mph or greater.
1. All diesel powered vehicles and equipment shall be properly maintained.  

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

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

4. Within 30 days prior to the issuance of grading permits, a protocol survey for burrowing owls shall be conducted to determine if the species occurs on the site. Should the species be identified, the biologist shall provide the Planning Department with recommendations for relocation, forestry review and approval. No grading permit shall be issued until the relocation has been completed.  

9. Other Agencies  

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

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

A. General Requirements  

1. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class “A” State Contractor’s License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.
2. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:

- Fire Marshal
- Public Works Department (Grading Permit, Improvement Permit)
- Community Development Department
- Riverside County Transportation Department
- Riverside County Environmental Health Department
- Banning Unified School District
- California Regional Water Quality Control Board Colorado River Basin (RWQCB)
  
  Provide copy of Section 401 water quality certification.
- South Coast Air Quality Management District (SCAQMD)
- United States Army Corps of Engineers (USACE)
  
  Provide copy of executed Section 404 permit.
- California Department of Fish and Game (DFG)
  
  Provide copy of executed Streambed Alteration Agreement.

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

A. On-Site Rough Grading Plans
   (all conditions of approval shall be reproduced on last sheet of set)
   1" = 40' Horizontal

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

C. Construction Haul Route Plans
   1" = 50' Horizontal

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

E. Storm Drain Plan
   1" = 40' Horizontal

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

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

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

I. Traffic Signal Plans
   1" = 20' Horizontal

J. Traffic Control Plans
   1" = 40' Horizontal

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

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

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

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

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

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

5. Whenever any conditions of approval are proposed to be satisfied by the establishment of a Homeowners' Association, or whenever any property, amenities, or facilities are proposed to be owned or maintained by a Homeowners' Association, such provisions shall be in the form of deed restrictions (conditions, covenants and restrictions, commonly referred to as CC&R's).

6. The conditions, covenants and restrictions shall contain provisions which prohibit dissolution of the Homeowners' Association unless another entity has agreed to assume the operation and maintenance responsibilities of the Homeowners' 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 unless the subject property is reverted to acreage and the subdivision abandoned.

7. 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.

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

B. Rights of Way

9. Prior to issuance of any permits, the applicant shall acquire or confer property rights necessary for access and the construction, or proper functioning in accordance with approved engineering studies, of the proposed development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City of Banning for public access, emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements as directed by the City Engineer. All costs associated with acquiring rights-of-way shall be paid by the subdivider.

10. The applicant shall offer for dedication on the Final Map all public street rights-of-way in conformance with the approved Specific Plans, standard plans, and/or as required by the City Engineer. Offers of dedication shall include corner cut-off at all intersections.
11. The conditions, covenants and restrictions shall include the right, but not the obligation, of the City of Banning to maintain the common property, after reasonable notice, if the property owners fail to do the maintenance. The deed restrictions shall permit the City of Banning, if it does maintenance, to recover all costs, both direct and indirect, from the property owners, and to place a pro rata lien on the individual lots of the subdivision if the property owners do not reimburse the City.

12. City and Applicant acknowledge that a portion of the property needed to secure each of these road access alignments for Sunset Avenue and Bobcat Road is on private property or outside of City boundaries and not owned or controlled by Applicant. The Applicant shall bear the full burden of securing necessary property rights for the road alignments which are not currently owned or controlled by Applicant in order to achieve the necessary alignment. City shall not issue grading or building permits until such time as applicant has provided proof satisfactory to the City that Applicant has secured necessary property rights. In the event Applicant is unable to secure such alignment through private acquisition, Applicant may request that the City or other governmental agency exercise its power of eminent domain to secure the property for one of the road access alignments. However, Applicant acknowledges that the City shall be under no obligation in any way to exercise its power of eminent domain and shall only exercise such power, if at all, in its sole and absolute discretion in accordance with California eminent domain laws and regulations.

13. Grant slope easements to the City of Banning for road maintenance purposes for slopes adjoining public right-of-ways. The easements shall extend 10 feet from the toe of slope and 5 feet from the top of slope.

14. Direct residential access to Bobcat Road and Sunset Avenue shall be restricted except for access points approved by the City Engineer. This restriction shall be recorded on the final map.

15. Obtain drainage easements as required from the downstream property owner's adjacent properties for the benefit of the public. A note shall be added to the final map stating "drainage easements shall be kept free of buildings and obstructions."

16. Reserve as private access ways and public utility easements Street "B", Street "C", Street "D", and Street "E" as a general local streets; 50 foot width minimum. Additionally, a 5 foot width public utilities easement shall be dedicated behind the public walk. The geometries for knuckles shall be in accordance with City of Banning Standard No. G-806. The geometries for cul-de-sac shall be in accordance with City of Banning Standard No. G-800. A Homeowners' Association shall be established promptly following recordation of the final map and the applicable Conditions, Covenants & Restrictions (CC & R's), shall be prepared for review and approval of the City Engineer providing for maintenance of the private access ways.
17. Reserve as private access ways and public utility easements Street “A” and Street “F” as a general local streets; 70 foot width minimum to allow the construction of median islands. A Homeowners’ Association shall be established promptly following recordation of the final map and the applicable Conditions, Covenants & Restrictions (CC & R’s), shall be prepared for review and approval of the City Engineer providing for maintenance of the private access ways.

18. Offer to dedicate for public purposes the right-of-way necessary to construct Bobcat Road as a collector highway 66 feet in width.

19. Offer to dedicate for public purposes the right-of-way for Sunset Avenue as a secondary highway 88 feet in width.

20. Obtain right-of-way along Sunset Avenue to construct the street improvements necessary to provide the minimum width for the traveled way of 40 feet.

21. Grant and obtain drainage easements for maintenance of Pershing Channel in accordance with Riverside County Flood Control and Water Conservation District standards. Said easements shall be recorded on the final map.

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

C. Public Improvements

23. All public improvements shall be financed, designed, and constructed at the expense of the developer. The developer may enter into a reimbursement agreement for those improvements constructed that may provide benefit outside the development in accordance with Banning Municipal Code.

24. Participation in the design and construction of public improvements by the subdivider shall mean the fair share amount to be determined by engineering estimates prepared by the applicant subject to review and approval of the City Engineer; and, the preparation of associated engineering studies.

25. The applicant shall provide estimates to construct, improve, or finance the construction or improvement of public improvements to the City Engineer for review and approval. The estimate shall be differentiated between public improvements outside the property boundaries of the tentative map and public improvements which abut the boundary of the property to be subdivided.

26. All street improvement design shall per Caltrans standards where not specifically addressed by City of Banning approved engineering standards and specifications.

27. Individual onsite street improvements shall be substantially completed prior to delivery of combustible construction materials to the completed building pads.
28. All required onsite and offsite public improvements as identified in the approved traffic impact analysis, approved specific plan, and related engineering studies and reports including storm drain and erosion control facilities shall be completed in place, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy.

29. Construct full street improvements in accordance with City standards for Bobcat Road from 22nd Street to Sunset Avenue. The improvements shall include street lighting on the north side of the roadway only, curb and gutter, access ramps, sidewalk on the north side of the roadway only, and asphalt concrete paving, street name signs, traffic signs and striping, and any transitions. Curb returns shall have a 35 foot radius at Sunset Avenue. Applicants’ geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method. The improvements shall join the proposed improvements for Tentative Tract Map 30774, or construct an interim turn around in accordance with fire department standards.

30. Construct full half street improvements plus in accordance with City standards fronting Sunset Avenue from Bobcat Road to the all weather crossing at the Pershing Channel. The improvements shall include street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, street name signs, traffic signs and striping, and any transitions. The width of the traveled way shall be 40 feet minimum. Curb returns shall have a 35 foot radius on Sunset Avenue. Applicants’ geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

31. Construct street improvements to Sunset Avenue from the all weather crossing at Pershing Channel to Westward Avenue to provide two lanes of traffic with safety lane in accordance with County of Riverside Local Mountain Residential Street Standard No. 112.

32. Construct the all weather crossing along Sunset Avenue at Pershing Channel in accordance with City General Plan Circulation Element requirements.

33. Construct intersection improvements for Sunset Avenue at Lincoln Street including traffic signal, signs and pavement markings. The improvements shall accommodate additional protected left turn movements in all directions.

34. Construct intersection improvements for Sunset Avenue at Wilson Street including traffic signal, signs and pavement markings. The improvements shall accommodate additional protected left turn movements in all directions.

35. Participate in the design and construction of the traffic signal at the intersection of Sunset Avenue and Westward Avenue.

36. Construct intersection improvements with traffic signals along Sunset Avenue at eastbound and westbound I-10 ramps including the removal and replacement of pavement markings along Sunset Avenue from Westward Avenue to Wilson Street to accommodate said improvements. The traffic signal controllers shall be interconnected with the controllers for Sunset Avenue/Ramsey Street and Sunset Avenue/Lincoln Street intersections to allow coordinated operation.
37. Participate in the design and construction of the Sunset Avenue Grade Separation and ramp relocation at RRXing/I-10 as identified in the approved Traffic Impact Analysis.

38. Where improved street intersections abut unimproved roadways, provide two improved lanes of traffic with safety lane in accordance with County of Riverside Local Mountain Residential Street Standard No. 112 for at least 150 feet.

39. Construct flood control improvements including bank stabilization measures for Pershing Channel as approved by Riverside County Flood Control and Water Conservation District.

D. Grading and Drainage

40. Prior to recordation of the final map submit a Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFC), RCFC Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way; when this criteria is exceeded, additional drainage facilities shall be designed and constructed. The hydraulic analysis shall include scour studies for protection of major structures and crossings.

41. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.

42. Any storm drain facilities not accepted by the district for maintenance shall be maintained by the Homeowners Association. The developer shall execute an agreement for perpetual maintenance of said facilities.

43. 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.
44. The applicant shall comply with Chapter 34 "Stormwater Management and Discharge Controls" of the Banning Municipal Code (BMC), California Building Code Appendix Chapter 33 "Excavation and Grading"; and the State Water Resources Control Board’s Order No. 99-08-DWQ.

1. 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.

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

3. 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.

4. 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.
   e. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.
   f. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

45. A rough grading plan and a precise grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any grading activity. Rough grading plans shall include perimeter walls with top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions.

46. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil. The data shall be organized by lot number, and listed cumulatively if submitted at different times.

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

48. Prior to approval of any grading permits the applicant shall submit a construction haul
route plan to the City Engineer for review and approval. Deviation during construction from the approved plan shall constitute a violation of the conditions of the grading permit.

49. Prior to approval of any grading permits the applicant shall submit a PM10 Management Plan for construction operations for review and approval of the City Engineer.

50. Prior to approval of any grading permit the applicant shall submit a plan for review and approval of the City Engineer, including executed contracts, for retaining a qualified archeologist, paleontologist, and biologist for observation of grading and excavation activities in accordance with the approved mitigation program.

E. Landscaping

51. An automatic sprinkler system and landscaping shall be installed within all parkways along Sunset Avenue and Bobcat Road prior to occupancy of the first dwelling unit. The system shall include a landscape controller, a separate water meter and electric meter, and plantings as approved by the Community Development Director. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.

52. The developer shall prepare a water conservation plan to reduce water consumption in the landscape environment 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, permeable paving 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.

53. A Homeowners’ Association shall be established promptly following recordation of the final map and the applicable Conditions, Covenants & Restrictions (CC & R’s), shall be prepared for review and approval of the City Engineer providing for maintenance of the parkway landscaping. The developer shall appoint the members of the Board of Directors of the Homeowners’ 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. 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.

55. Prior to the recordation of each final map, the subdivider shall reserve open space Lots for granting in fee to a Homeowner’s Association who shall be responsible for their maintenance and upkeep in a manner meeting the approval of the Fire Marshall and Community Development Director. If a lot cannot be granted in fee, the subdivider shall reserve the necessary rights to maintain the lots.
F. Traffic

56. Provide a traffic impact analysis for review and approval of the City Engineer prepared in accordance with \textit{County of Riverside Traffic Impact Analysis Preparation Guide}, dated August 2005. This includes identifying the desired level of traffic control at project driveways and/or intersections.

57. Prior to final map approval, the applicant shall provide a geometric analysis of the existing right-of-way in order to determine if the proposed public improvements are feasible.

58. Prior to any permits being issued for lots 128 and 129, provide a focused traffic impact analysis addressing the traffic safety and operational characteristics of any proposed access drives along Sunset Avenue. The applicant shall be responsible for construction of public improvements required as identified in the traffic impact analysis. The public improvements may consist of the construction of median islands, traffic signals, pavement markings, parking restrictions, signage, or any combination thereof.

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

60. Provide dedicated left turn pockets along Sunset Avenue for access points for Lot 128, and Lot 129.

61. Should the developer elect to control access to the development by installing vehicle access control gates, the design of the gate entry shall allow 3 cars to pull off the intersecting roadway (vehicle storage area).

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

63. Prior to the issuance of a precise grading permit or building permit, the applicant shall submit and obtain approval of the Fire Marshall for the plans for all public or private access roads, streets and/or easements. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end street exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable Conditions Covenants & Restrictions or other approved documents shall contain provisions which prohibit obstructions of access roads 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.
G. Final Map

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

65. The applicant shall file an Environmental Constraint Sheet. An Environmental Constraint Sheet means a duplicate of the final map on which are shown the Environmental Constraint Notes. This sheet shall be filed with the County Surveyor simultaneously with the final map and labeled ENVIRONMENTAL CONSTRAINT SHEET in the top margin. Applicable items will be shown under a heading labeled Environmental Constraints Notes. The Environmental Constraint Sheet shall contain the statement:

THE ENVIRONMENTAL CONSTRAINT INFORMATION SHOWN ON THIS MAP SHEET IS FOR INFORMATIONAL PURPOSES DESCRIBING CONDITIONS AS OF THE DATE OF FILING, AND IS NOT INTENDED TO AFFECT RECORD TITLE INTEREST. THIS INFORMATION IS DERIVED FROM PUBLIC RECORDS OR REPORTS, AND DOES NOT IMPLY THE CORRECTNESS OR SUFFICIENCY OF THOSE RECORDS OR REPORTS BY THE PREPARER OF THIS MAP SHEET.

The sheet shall delineate constraints involving, but not limited to, any of the following that are conditioned by the Advisory Agency: archaeological sites, geologic mapping, grading, building, building setback lines, flood hazard zones, seismic lines and setbacks, fire protection, water availability, and sewage disposal.

66. Prior to the recordation of final map or the issuance of a grading permit, the applicant shall obtain approval from the Fire Marshall in consultation with the City Engineer, for a conceptual fuel modification plan and program. Prior to the issuance of any certificate of occupancy, the fuel modification shall be installed and completed under the supervision of the Fire Marshall with an approved plant pallet. The Conditions Covenantas & Restrictions as identified in the Landscape Conditions of Approval 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 - $50,000.00

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 electronic spreadsheet format for review and approval. The house number system shall be in accordance with Section 21-17 & 21-18 of the Banning Municipal Code. A reduced copy of the subdivision map shall be included with the submittal.
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 which do not alter the design (property rights, number of lots, environmental impact, etc.) may be administratively approved through the plan check process with the mutual consent and approval of the Community Development Director and City Engineer (Tentative Tract Map 33384 consists of 160 residential lots-410 units possible). Final maps shall be amended in accordance with the Subdivision Map Act. Changes to the access design shall be cause for revision of the tentative tract map and preparation of revised conditions of approval.

70. Prior to approval of any final map the applicant shall construct all onsite natural gas facilities in accordance with the approved plans and satisfy its obligations for same, or furnish a fully secured and executed agreement for construction of said facilities guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, as may be required by the Gas Company.

71. Prior to approval of any final map the applicant shall include provisions for Class II bikeways along Sunset Avenue and Bobcat Road in accordance with the Open Space, Recreation, Trails, and Bikeway Plan of the approved Specific Plan on the final map. The final design of the bikeway shall be as shown on the approved striping plan.

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 revisions.

73. 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.

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

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

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

H. Trash/Recycling

77. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City’s franchised solid waste hauler for disposal of construction debris.
I. Fees

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

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

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

81. A plan storage fee shall be paid prior to approval of the final map and improvement plans in accordance with the Fee Schedule in effect at the time the fee is paid.

82. A Traffic Control mitigation fee shall be paid on a per lot basis prior to issuance of building permits for each lot within the subdivision.

83. A fee shall be paid to Riverside County Flood Control and Water Conservation District in the amount specified by them to perform plan checking for drainage purposes for the proposed subdivision.
APPLICANT SHALL CONTACT THE FIRE DIVISION, (951) 922-3219, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

The following are the minimum Fire Department requirements. There may be additional requirements when the project specifics are defined and the final proposal is submitted for approval.

J. FIRE DEPARTMENT DEVELOPER FEES:

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

- Residential Dwelling Units - $1,335.00 per unit
- $ 5.00 per unit Disaster Planning
- Apartments - Condominiums - $1,335.00 per unit
- Mobile Home Parks - $1,335.00 per unit
- Plan Check & Inspection - $ 118.00 per unit

K. CODE COMPLIANCE:

All Plans, Specifications and Construction shall comply with and conform to the current edition of the Uniform Fire Code (UFC), Uniform Building Code (UBC), and other state and local laws as applicable.

L. FIRE HYDRANTS:

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

Working fire hydrants, approved by the Public Utilities Department, must be in place before combustible materials are placed on the property.

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

Minimum 6-inch riser, street valve, approved shear valve and blue dot identification marker shall be provided for each fire hydrant.

The City standard fire hydrant is the Residential, James Jones #J3700, or an equivalent approved by the Fire Marshal.

Fire Hydrants are to be painted by the developer, contractor, etc., prior to the final inspection. (EOS Standard W714) Rustoleum Red, damp proof #769 and two (2) coats of Rustoleum semi-gloss yellow #659, or an approved equivalent.
M. WATER SUPPLY:

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

N. FIRE DEPARTMENT ACCESS:

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

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

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

Minimum unobstructed width shall be 20 feet.

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

Minimum turning radius shall be 42 feet.

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

Maximum grade shall be established by the Fire Department.

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

Streets meeting the requirements above must be in place prior to combustible materials being placed on the property.

The requirements for this segment are covered in UFC Article 9.

(See “Other Requirements” below for additional comments)

O. PREMISES IDENTIFICATION:

Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

Residential - 3-1/2" mm. Size
P. DIRECTORIES:

Approved illuminated directions shall be provided at the entrance approach to apartments, trailer parks and condominiums. Information to be provided shall be, but is not limited to, a map of the complex showing each dwelling unit and name of the occupant.

Q. SPARK ARRESTORS:

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

R. INSPECTIONS:

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

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

S. A GREENBELT OR FUEL MODIFICATION ZONE:

See “Other Requirements” below.

T. OTHER REQUIREMENTS:

Comments specific to the Specific Plan submittal:

Page 2-9 Section 2.2.3 “Private Internal Residential Streets”
In the last paragraph it states that the roads in the townhome area of the project are to have a minimum pavement width of 24 feet. The Fire Department requires that any street widths less than 28 feet must have the curbs on both sides of the street painted red and signs posted every 50 feet with the wording “NO PARKING FIRE LANE” on the signs. The proposed Homeowners Association must have regulations that will enforce the no parking requirement.

Page 2-34 Section 2.7.6 “Fire Protection”
Some of the information in this section is inaccurate. The statement that only one station is operated by the department should be modified to include the fact that the City has two dedicated engines, one at Station 89 as stated and one at Station 20 located at 1555 E. 6th St. in Beaumont. The city now staffs each engine with at least three people each day. The Equipment at Station 89 includes: One State office of Emergency Services Type I engine, the primary response Type I engine, a Type I engine for volunteer response, and a rescue unit. The city resource at the station on 6th St. is a Type I engine.
Page 3-21 “Pershing Wash”

It has been explained to me that the “cement/soil” treated area adjacent to the wash bottom will not initially support growth but that over time, soil buildup on the slope will eventually support plant growth. Based on that information, that portion of the slope will need to be addressed in the fuel modification plan described below.

A fuel modification zone is required along Pershing Creek to protect the homes adjacent to the creek from wildfire. A detailed fuel modification plan must be prepared for Fire Department and Planning Department approval. The plan must describe the area to be treated, the type of vegetation to be planted, plant spacing, irrigation etc. The plan must also include a description of how the zone will be maintained. The plan must be submitted and approved before the approval of the Tentative Tract Map.

APPLICANT SHALL CONTACT THE WATER DIVISION, (951) 922-3282, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

1. WATER

a. Submit Water Improvement Plans to the Engineering Water Division for review and approval. Design and construct water lines as follows:

   1) 12” DIP or CML&CC pipeline on Sunset Avenue from Westward Avenue to Bobcat Road.

   2) 12” DIP or CML&CC pipeline on Bobcat Road from Sunset Avenue to the proposed 12” waterline in Tract No. 30774 on Bobcat Road.

   3) Within tract and looping with two points of connections to meet water service requirements.

   4) Irrigation system to constructed in such away that when recycled water is available; the recycled water system can be connected and potable water discontinued.

All water lines and fittings shall be a minimum of 8” diameter and shall be DIP or 10-gauge steel pipes, cement mortar lined & wrapped. Water line easements shall be a minimum width of 20 feet.

Fire hydrants shall be installed within and on the tract boundaries as per the approval plans, at a 300’ maximum spacing.

A backflow device must be installed for 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.
Request a Reimbursement Agreement for installation of water lines that others can use for their benefit.

2. SEWER

f. Submit Sewer Improvement Plans to the Engineering Wastewater Division for review and approval. Design and construct sewer lines as follows:

1) Master Plan Trunk Sewer Line from north property line of tract on Sunset Avenue to Bobcat Road then on Bobcat Road to tie into proposed sewer trunk pipeline in Tract No. 30774 on Bobcat Road or all the way to the existing trunk line east of San Gorgonio Avenue on Porter Avenue if the sewer line is not built for Tract No. 30774.

2) Collection system within tract.

All sewer lines shall be extra strength Vitrified Clay Pipe and the sewer mains shall be a minimum of 8” diameter. Sewer line easements to be a minimum of 20’ wide and shall have an all weather access cover.

A sewer check valve shall be provided for each lot with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

Request a Reimbursement Agreement for installation of sewer lines that others can use for their benefit.

3. FEES

k. Water and Sewer Connection Fees shall be paid per EDU (EDU is based upon a single residential dwelling unit) and payment of Water Meter Installation Charges at the time of issuance of building permits, for each unit within this tract in accordance with the fee schedule in effect at the time the fees are paid. Also, pay all water and sewer frontage fees and recycled/irrigation water fees, if applicable, and in accordance with the fee schedule in effect at the time the fees are submitted, prior to plan checking proceedings.

APPLICANT SHALL CONTACT THE ELECTRIC DIVISION, (951) 922-3282, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

The developer will be required to replace all utilities underground. Obtaining the described information outlined below in a timely matter is critical for design, planning and ordering of material for this project. Electrical backbone must be extended to provide power to this project.

The customer shall be responsible for:

1. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. The plans are required in electronic format, we currently use AutoCad2006. Plans should consist of a plot plan, site plan signed and approved by city engineering, one line diagram of proposed electrical main service
panels and a sheet showing load calculation by an electrical engineer. Additional sheets may be required upon request.

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

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

4. All trenching, backfill, and compaction.

5. All conduits, vaults, and other materials associated with their installation (except primary cables and their terminations).

6. Installation of Streetlight poles and conduit.

The City Electric Department shall be responsible for:

1. Reviewing plans submitted by customer.

2. Design an electrical utility plan for the installation of structures and conduit by developer.

3. Providing a cost estimate for installing an underground electrical system for this Project.

4. Inspecting all trenches prior to backfilling, 24 hour prior notice is required before Inspection.

5. Installation of primary and secondary cable and terminations.
LARIAT SPECIFIC PLAN

INITIAL STUDY

EXHIBIT "7"
Environmental Checklist Form

1. Project title: Specific Plan 06-202, Zone Change 06-3502, Tentative Parcel Map 35072 (Case #06-404) and Tentative Tract Map 33384 (Case #06-4502) – Lariat Specific Plan

2. Lead agency name and address: City of Banning
   99 East Ramsey
   Banning, CA 92220

3. Contact person and phone number: Oscar Orci
   951-922-3107

4. Project location: Northeast corner of Sunset Avenue and Bobcat Road

5. Project sponsor’s name and address: South Banning Properties
   19800 MacArthur Blvd., Suite 2800
   Irvine, CA 92612

6. General plan designation: Medium Density Residential, Rural Residential

7. Zoning: Medium Density Residential, Rural Residential

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

   The applicant proposes a Specific Plan and Zone Change which establish the development standards and guidelines for the development of 410 attached and detached residential units on a 63 acre parcel. The westerly 40 acres of the site are designated Medium Density Residential (0-10 units per acre), while the easterly 23 acres are designated Rural Residential (1 unit per acre). The Specific Plan allows 127 single family residential lots of 3,600 square feet or more on 19.6 acres of the site; 283 townhomes on 19.9 acres of the site; 3.9 acres of roadways; and 19.8 acres of open space land, 6.5 acres of which would be used as park and retention basin area, and 13.3 acres of which would be open space reserved for the Pershing Channel, an existing natural drainage way through the site.

   The parcel map is proposed to divide the 63 acres into large lots co-terminus with the land use areas described above. The tract map is proposed to create 127 single family lots, 10 condominium lots, and lots for streets, retention basins and the Pershing Channel.

9. Surrounding land uses and setting: Briefly describe the project’s surroundings:

   North: Vacant lands
   South: Vacant lands, large lot single family residential
   West: Vacant land
   East: Vacant land

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

    Regional Water Quality Control Board
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<table>
<thead>
<tr>
<th>Aesthetics</th>
<th>Agriculture Resources</th>
<th>Air Quality</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>X</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Biological Resources</td>
<td>Cultural Resources</td>
<td>Geology /Soils</td>
</tr>
<tr>
<td>Hazards &amp; Hazardous Materials</td>
<td>Hydrology / Water Quality</td>
<td>Land Use / Planning</td>
</tr>
<tr>
<td>Mineral Resources</td>
<td>Noise</td>
<td>Population / Housing</td>
</tr>
<tr>
<td>Public Services</td>
<td>Recreation</td>
<td>Transportation/Traffic</td>
</tr>
<tr>
<td>Utilities / Service Systems</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mandatory Findings of Significance</td>
</tr>
</tbody>
</table>

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

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

Signature: [Signature]

Date: 12/20/06

-3-
EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

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

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(e)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

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

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

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

9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance
<table>
<thead>
<tr>
<th>I. AESTHETICS -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista? (General Plan)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Aerial photograph)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Master Plan document)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Master Plan document)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The proposed Specific Plan would allow the construction of two story single family detached homes, and three story townhomes. The former will be located on small lots, resulting in limited opportunities for views through properties to the surrounding mountains. The latter would be located in multi-unit buildings distributed in the northern and western portions of the site. The site is located in a currently undeveloped area of the City, near the base of the San Jacinto Mountains. Views from the site are to the south and north. Views from surrounding properties are similarly to the south and north. The site is generally flat.

The development of two and three story structures will result in limitations of views of the foothills of the San Jacinto Mountains for properties to the west (Five Bridges Specific Plan), however, the mountain ridges and peaks will still be visible from this area. Lands to the north, planned for single family residential and a college campus, will experience similar limitations in their views, although the separation created by Pershing Channel will provide some separation and distance, and therefore lessen the ultimate impact. Lands to the south will have no limitations to their views to the south and southeast, but will experience limitations of their views of the San Bernardino Mountains foothills. The distance to these mountains, however, will limit the potential impacts.

There are no significant trees, rock outcroppings or historic structures on the site. Trees and vegetation located in Pershing Creek will generally remain, although improvements to the creek’s banks will occur.

Development of the project will change the visual character of the area, which is currently rural and sparsely developed. However, the area is designated for urban development in the General Plan, and is located immediately south and east of proposed Low and Medium Density residential development in the Five Bridges Specific Plan, and single family and college buildings at the Stallion Estates and Mt. San Jacinto College
campus, respectively. The development of the Specific Plan and college campus in the future will result in a change in the area, with which the proposed project will be consistent. Impacts are expected to be less than significant.

The project site is currently grassland, and does not generate any light or glare. Development of the site will result in light and glare from vehicular movement and on-site lighting. The City regulates both residential and landscaping lighting to assure that it has a less than significant impact on surrounding properties. The imposition of City standards will assure that potential impacts are less than significant.
<table>
<thead>
<tr>
<th>II. AGRICULTURE RESOURCES: Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (General Plan and EIR)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Zoning Map)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (General Plan Land Use Map)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

II. a)-c) The site is currently vacant, and has been used for grazing and pasture lands in the past. The area is designated farmland of local importance, but not Prime or Unique farmland in the County’s General Plan. The site has been designated for Medium Density and Rural Residential development in the General Plan, and prior to its adoption was designated for lower density residential land uses. The area has limited opportunities for farming, and no farming activities occur either adjacent to, or in the vicinity of the proposed project. There are no Williamson Act contracts on the project site. Impacts associated with agricultural resources are expected to be less than significant.
III. AIR QUALITY: Would the project:

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

III. a)-e) The South Coast Air Quality Management District (SCAQMD) has jurisdiction over the regulation of air quality impacts in the City. The SCAQMD bases air quality plans on land uses in local General Plans. The proposed project is consistent with the uses envisioned for the site in the current and previously approved General Plans. Therefore, the proposed project will not conflict with or obstruct any air quality plan, or violate any air quality standard.

Development of the proposed project will result in 410 residential units on 63 acres. This development will create air emissions both during construction and operation of the project. Each of these potential impact areas is discussed separately below.

Construction Impacts
The proposed project will result in the grading of up to 49.7 acres of land (excluding the Pershing Creek area). Table 1 below, illustrates the potential fugitive dust which could be generated from mass grading of the site.
Table 1
Fugitive Dust Potential
(pounds per day)

<table>
<thead>
<tr>
<th>Total Acres to be Disturbed at Buildout*</th>
<th>Factor (lbs./day/acre)</th>
<th>Total Potential Dust Generation (lbs./day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>49.7</td>
<td>26.4</td>
<td>1,312.1</td>
</tr>
</tbody>
</table>

Source: Table A9-9, "CEQA Air Quality Handbook," prepared by South Coast Air Quality Management District, April 1993.

As shown in the Table, mass grading of the site would exceed the SCAQMD threshold of significance for fugitive dust of 150 pounds per day. This is a potentially significant impact which requires mitigation. Through the limitation of the area to be graded and other mitigation measures included below, however, impacts associated with fugitive dust can be lowered to less than significant levels.

Grading activities will also result in air emissions associated with the equipment used for that grading, and the trips made by workers during that grading. Table 2 below illustrates that these activities will exceed threshold of significance established by SCAQMD for NOx. This represents a potentially significant impact which requires mitigation.

Table 2
Grading - Related Exhaust Emissions Summary
(pounds per day)

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>CO</th>
<th>NOx</th>
<th>SOx</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment Emissions</td>
<td>19.71</td>
<td>160.14</td>
<td>133.11</td>
<td>14.02</td>
<td>5.73</td>
</tr>
<tr>
<td>Workers' Vehicle Emissions</td>
<td></td>
<td>10.44</td>
<td>1.12</td>
<td>0.01</td>
<td>0.09</td>
</tr>
</tbody>
</table>

Total Construction Emissions

|                                      | 19.71| 170.58| 134.23| 14.03| 5.82 |

SCAQMD Thresholds of Significance

|                                      | 75.00| 550.00| 100.00| 150.00| 150.00|

Operational Impacts

Build out of the proposed project will result in air emissions primarily associated with vehicle trips to and from the project site. The traffic study performed for the proposed project indicated that a total of 2,890 average daily trips can be expected at build out. As shown in Table 3, these trips will generate air emissions within the acceptable thresholds established by the SCAQMD. Therefore, impacts associated with long term operation of the proposed project are expected to be less than significant.
Table 3
Moving Exhaust Emission Projections at Project Build Out (pounds per day)

<table>
<thead>
<tr>
<th>Total No. Vehicle Trips/Day</th>
<th>Ave. Trip Length (miles)</th>
<th>Total miles/day</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CO NOX ROG SOX PM10</td>
<td></td>
</tr>
<tr>
<td>Pounds</td>
<td>370.5 39.3 40.0 0.3 3.3</td>
<td></td>
</tr>
<tr>
<td>SCAQMD Thresholds</td>
<td>550.0 55.0 55.0 150.0 150.0</td>
<td></td>
</tr>
</tbody>
</table>

URBEBMIS Version 2.2
Scenario Year 2007 -- Model Years 1965 to 2007

As described above, grading of the proposed project will result in potentially significant impacts which require mitigation. In order to reduce potential impacts, the following mitigation measures shall be implemented.

1. No more than 12 acres shall be actively graded in any one day.
   a. A dust control plan shall be submitted to the City for review and approval prior to the issuance of grading permits. The dust control plan shall include a combination of measures which reduce dust emissions by at least 50%, as described in Table 4.

Table 4
Fugitive Dust Control Methods

<table>
<thead>
<tr>
<th>Daily PM_{10} Reduction</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Apply Soil Stabilizers to Inactive Areas</td>
<td>30%</td>
</tr>
<tr>
<td>Replace Ground Cover in Disturbed Areas Quickly</td>
<td>15%</td>
</tr>
<tr>
<td>Water Exposed Surfaces 2 Times Daily</td>
<td>34%</td>
</tr>
<tr>
<td>Water Exposed Surfaces 3 Times Daily</td>
<td>50%</td>
</tr>
</tbody>
</table>


2. All grading activities shall be halted when winds are forecast to exceed 25 miles per hour.
3. Speed limits on construction site shall not exceed 15 miles per hour.
4. All soil stockpiles not used within three days shall be covered with plastic, or sprayed with a nontoxic chemical stabilizer.
5. Construction access points to City streets shall be swept daily or washed down at the end of each work day.
6. Any visible track-out extending more than 50 feet from the access point shall be swept or washed within 30 minutes of deposition.
7. All diesel powered vehicles and equipment shall be properly maintained.
8. All vehicles shall be turned off if idling for more than 5 minutes.
9. Electric or natural gas powered equipment shall be used wherever feasible.
10. The contractor shall encourage ridesharing and transit incentives for construction workers.
11. If alternative fuel source construction equipment is available at comparable cost, the project proponent shall specify such equipment for all construction activities.

The implementation of these mitigation measures shall reduce air quality impacts to less than significant levels.

The proposed project will result in the development of single family homes, which are not expected to result in objectionable odors.
<table>
<thead>
<tr>
<th>IV. BIOLOGICAL RESOURCES  -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (General Plan Biological Resources Element)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
The proposed project site consists of 63 acres of land bordered on the north by the Pershing Creek channel, an unimproved natural channel which flows from the northwest to the southeast through the City. Vegetation on the site consists primarily of non-native grasslands, but also includes areas of Coastal Sage Scrub, disturbed Alluvial Sage Scrub, Ephemeral Ponds, unvegetated Wash, and disturbed areas, as determined by the Habitat Assessment performed on the property. The Habitat Assessment also included trapping to determine presence/absence for Los Angeles Pocket Mouse, Burrowing Owl survey, Marvin’s Onion assessment, and wet season surveys of vernal pools identified on the site. In addition to the Habitat Assessment, a Jurisdictional Delineation was also completed, to analyze potential impacts to the Creek, and a report on dry season testing of vernal pools was prepared. The results of these analyses are summarized below.

The habitat assessment was conducted in conformance with the requirements of the Western Riverside County Multiple Species Habitat Conservation Plan. The habitat assessment including records searches and site investigations.

The habitat assessment determined that the Creek area includes riparian habitat, but this area does not support southwestern willow flycatcher of least Bell’s vireo. The MSHCP requires that projects avoid impacts to 90% of this habitat, or provide alternative mitigation through preparation of a Determination of Biologically Equivalent or Superior Preservation (DBESP) in order to mitigate the impacts to this habitat. Such a mitigation measure is included below to assure that impacts to riparian habitat are reduced to less than significant levels.

The habitat assessment also determined that vernal pools occur at six locations within the site. Vernal pools have the potential to provide habitat for several species of fairy shrimp. As a result, wet and dry season surveys were conducted, which found that common species of fairy shrimp occur at the site, but no Riverside fairy shrimp are present.

Focused surveys for Marvin’s onion and many-stemmed duleya were also conducted, with negative results. Focused surveys (trapping) for Los Angeles Pocket Mouse was also negative.

The burrowing owl survey conducted identified a number of appropriate burrows for the species, but found no evidence of the species on the site. However, since appropriate habitat occurs, there is a potential that burrowing owls could locate on the project site prior to the initiation of construction. This represents a potentially significant impact which requires mitigation.

The assessment also determined that the trees on the project site have the potential to provide nesting habitat for species of birds included in the Migratory Bird Treaty Act. The Act prohibits the disturbance of nesting birds covered under the Act. This is a potentially significant impact which requires mitigation.

The habitat assessment further identified that the project site is not located in or near a linkage area as defined in the MSHCP, and that the area of the Creek may provide

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1 “Habitat Assessment for Sunset Avenue and Bobcat Road in Riverside County...” prepared by BonTerra Consulting, September, 2006.
3 Letter report dated October 19, 2006, signed Stacie Tennant, Bonterra Consulting.

-13-
opportunities for wildlife movement through not only the project area, but areas to the northwest and southeast. The proposed project could therefore result in impacts associated with the urban/wildland interface. The assessment determined that the guidelines of Section 6.1.4 of the MSHCP should be followed in the design of the proposed project, to minimize impacts to these areas.

The Jurisdictional Delineation identified a total of 4.74 acres of land within the Creek which is under the jurisdiction of the Army Corps of Engineers and the California Department of Fish and Game. The construction of drop structures within the Creek will impact 0.58 acres of land permanently in this area, and an additional 0.18 acres of land temporarily within this area. This is a potentially significant impact which requires mitigation.

In order to assure that impacts to biological resources are reduced to less than significant levels, the following mitigation measures shall be implemented:

1. The proposed project shall either preserve 90% of riparian habitat on the site, or receive approval from all responsible agencies for a MSHCP DBESP prior to the issuance of any ground disturbing permit on the project site. Copies of all DBESP materials shall be submitted to the City for review and transmittal to responsible agencies for approval prior to the issuance of any permit.

2. Within 30 days of the initiation of any ground disturbing activity on the project site, a protocol-compliant survey for burrowing owl shall be conducted by a qualified biologist. Should the species be identified on the site, the biologist shall prepare and implement mitigation measures consistent with the requirements of the California Department of Fish and Game’s requirements for the species at that time. The mitigation shall be approved by CDFG and fully implemented prior to initiation of ground disturbing activity at the site. Reports of the surveys shall be submitted to the Planning Department for review and approval prior to the issuance of permits.

3. Should ground disturbing activities be proposed for the period from March 1 to June 30, a qualified biologist shall, within 30 days of initiation of such activities, perform a nesting survey to determine the presence of active nests. Should active nests be identified, the biologist shall prepare and implement mitigation measures to avoid disturbance of these nests consistent with the Migratory Bird Treaty Act and the Fish and Game Code. Reports of the surveys shall be submitted to the Planning Department for review and approval prior to the issuance of permits.

4. The final improvement plans for any construction activity impacting Pershing Creek shall be submitted to a qualified biologist for delineation of impacts to jurisdictional waters. The delineation shall be submitted to the City Planning Department for review and approval.

5. Prior to the issuance of any ground disturbing activity permits impacting Pershing Creek, the applicant shall secure all necessary permits from the US Army Corps of Engineers. Written proof of same shall be provided to the City Planning Department.
6. Prior to the issuance of any ground disturbing activity permits impacting Pershing Creek, the applicant shall secure all necessary permits from the California Regional Water Quality Control Board. Written proof of same shall be provided to the City Planning Department.

7. Prior to the issuance of any ground disturbing activity permits impacting Pershing Creek, the applicant shall secure all necessary permits from the California Department of Fish and Game. Written proof of same shall be provided to the City Planning Department.

Implementation of these mitigation measures shall assure that impacts to biological resources are reduced to less than significant levels.

The proposed project, through preparation of the habitat assessment and associated focused surveys, has complied with the requirements of the MSCHP, as described above. The completion of the mitigation measures will complete the compliance process, as will be required payment of MSHCP mitigation fees in place at the time building permits are issued.
### V. CULTURAL RESOURCES -- Would the project:

<table>
<thead>
<tr>
<th>Potential Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5? (General Plan)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

V. a)-d) A cultural resource assessment was completed for the proposed project. The assessment included historic, archaeological and paleontological resource assessments, including records searches and on-site investigations.

The analysis found that six studies have been conducted within one mile of the project site. The study identified a culvert on the project site, but it was found not to meet the requirements for historic significance. No prehistoric resources were identified on the site, but found that the potential to encounter buried resources during ground disturbing activities is high. Similarly, the analysis found that the soils on the project site are of Pleistocene alluvial deposits, which have a high potential of containing significant paleontological resources. These are potentially significant impacts which require mitigation, as follows:

1. A qualified archaeological monitor shall be on-site during all ground disturbing activities on the project site. The monitor shall be empowered to stop or relocate construction activities. The monitor shall determine the proper course of action should any resource be identified. A report of the monitoring activities shall be submitted to the City Planning Department within 30 days of the completion of ground disturbing activities.

2. A qualified paleontological monitor shall be on-site during all ground disturbing activities on the project site. The monitor shall be empowered to stop or relocate construction activities. The monitor shall determine the proper course of action should any resource be identified. A report of the monitoring activities shall be

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submitted to the City Planning Department within 30 days of the completion of ground disturbing activities.

These mitigation measures will assure that impacts associated with cultural resources are reduced to less than significant levels.

The site is not known to have been a burial ground. California law requires that any human remains uncovered during grading operations be reported to law enforcement. This state requirement will assure that potential impacts to human remains are reduced to less than significant levels.
VI. GEOLOGY AND SOILS -- Would the project:

| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: |
|---|---|---|---|
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (General Plan) | | | X |
| ii) Strong seismic ground shaking? (General Plan) | X | | |
| iii) Seismic-related ground failure, including liquefaction? (General Plan) | | X | |
| iv) Landslides? (General Plan) | | | X |
| b) Result in substantial soil erosion or the loss of topsoil? (General Plan) | | X | |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (General Plan) | | | X |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (General Plan) | | | X |

VI. a)-e) A geotechnical study has been completed for the proposed project. The investigation identified Pleistocene and Holocene alluvium on the site, as well as topsoil and localized artificial fill.

The study conformed that the site is not located within an Alquist-Priolo Earthquake Fault Zone, but is within 1.5 miles of the San Gorgonio Pass Fault, within 2.5 miles of the Banning Fault, and within 2 miles of the Beaumont Plain Fault Zone. Groundshaking during a significant earthquake on these faults is expected to be significant. The City implements the most stringent requirements for construction in seismically active areas,

5 "Geotechnical Review of Tentative Tract Map No. 33384" prepared by Pacific Soils Engineering, October 2006.
through implementation of the Uniform Building Code. These requirements are designed to reduce potential impacts associated with seismic groundshaking to less than significant levels.

The analysis also found that groundwater under the site occurs at depths far exceeding 50 feet, therefore making the potential for liquefaction insignificant. The site is generally flat, and does not occur adjacent to significant hillsides, so the potential for landslides and rock fall does not exist.

The study also found that the soils on the site have a very low to low potential for expandable soils, and that the site soils were appropriate for the residential development contemplated for the site, with the implementation of standard construction practices. In addition, the City requires the submittal of detailed soils analysis with the submittal of building plans, to assure proper construction of these structures.

The site will be subject to erosion from wind and water during construction activities. However, the mitigation measures included in the Air Quality section, as well as the City's standard implementation of the NPDES standards for water quality, will assure that potential impacts associated with erosion of topsoil are less than significant.

The site will be required to connect to the City's sanitary sewer service, and will not utilize septic tanks.

Overall impacts associated with geology and soils are expected to be less than significant.
<table>
<thead>
<tr>
<th>VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Application materials)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Application materials)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Application materials)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Riverside County Hazardous Materials Listing)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (General Plan land use map)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (General Plan land use map)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (General Plan)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>h) Expose people or structures to a significant risk of loss, injury or death</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
VII. a)-h) The development of single family homes on the project site will have no significant impact on hazardous materials. Single family homes do not transport, store or use significant amounts of hazardous materials. The City’s waste disposal franchisee is responsible for the proper disposal of all substances, including household hazardous waste.

Construction activities on the project site have the potential to result in the release of hazardous materials through spillage from trucks and other equipment. The City will require the preparation of a Storm Water Pollution Prevention Program (SWPPP) for the proposed project, which will include best management practices for handling spillage as it relates to storm water. In addition, the City’s inspectors and the project contractors are required to report any spill if it occurs. These standards and requirements will reduce the potential impacts associated with hazardous materials during construction activities to less than significant levels.

The proposed project is located within a significant fire hazard area. The Fire Marshall will require the preparation of a fuel modification plan for areas adjacent to the Creek, and the City will implement regulations relating to weed abatement and the control of vegetation. These standards and requirements will assure that impacts associated with wildland fires are less than significant.
<table>
<thead>
<tr>
<th>VIII. HYDROLOGY AND WATER QUALITY -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Urban Water Management Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (FEMA Maps)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
VIII. a) - g) The City of Banning will provide domestic water to the project site. Domestic water is obtained by the City entirely through well pumping of groundwater resources at this time. The City is aggressively pursuing additional sources for water for domestic use. The City’s Urban Water Management Plan, which included the proposed project, has determined that the City has adequate long term supplies of water to assure that potable water is available for the proposed project. The City is also pursuing recycled water for irrigation, and the project will be required to participate in that program. Impacts associated with water supplies are expected to be less than significant.

The applicant will also be required to comply with the City’s NPDES standards, requiring that potential pollutants not be allowed to enter surface waters. These City standards will assure that impacts to water quality and quantity will be less than significant.

The project site is bordered on the north by the Pershing Creek Channel, a natural floodway. In order to assess the potential impacts associated with hydrology, two analyses were completed. The first analysis focused on regional drainage associated with the Creek, and improvements required to alleviate these potential impacts. The second focused on the impacts of construction of the proposed project on the local drainage associated with the creation of impervious surfaces associated with roads and housing units.

The regional analysis concluded that soil cement bank protection will reduce the potential impacts associated with storm flows through the Creek to assure that the Creek remains stable. The soil cement would be applied to the banks of the channel, and the bottom of the channel would remain in its natural condition. In addition to the bank protection, drop structures will be located in the Creek bottom to control velocity. This proposed improvement plan will occur in a facility to be owned and maintained by the Riverside County Flood Control District, which will have final approval of the facilities. The applicant will be required to meet or exceed their standards. These requirements will assure that impacts associated with Pershing Creek are reduced to less than significant levels.

The project will also generate increased flows from storm water generated on site, as a result of increased impermeable surfaces from homes and streets on the project site. The preliminary analysis prepared for the project indicates that development of the site will increase flows which will require detention on site. The project, as a result proposes two detention basins west of Pershing Creek. Flows within the project will be directed to these detention basins through the streets and a system of storm water pipes. These basins will collect water from the site, and allow for its release into Pershing Creek in a controlled manner. The detention basins are required by the City to include measures which assure that water released into the Creek meets water quality standards. The City Engineer will continue to review the hydrology analysis as plans are finalized, and must approve the final design to assure that it meets all the City’s requirements. These City...
standards will assure that impacts associated with storm water are reduced to less than significant levels.

The proposed project does not propose to locate structures or homes within a 100 year floodplain.
<table>
<thead>
<tr>
<th>IX. LAND USE AND PLANNING - Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Physically divide an established community? (Aerial photo)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (General Plan Land Use Element)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Banning Municipal Code)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

IX. a)-c) The proposed project site is currently vacant, and implementation of the project will not divide an established community.

The proposed project is consistent with the General Plan designations assigned to the property. Under these designations, a total of 423 units could be constructed on the 63 acres. The project proposes 410 units, and is therefore consistent with the land use designations. The preparation of a Specific Plan allows for the amendment of development standards and regulations within the limits of the land use designation to permit the distribution of density on the property. The proposed project also includes open space setbacks to locate the residential units away from Pershing Creek, which has the potential to impact residential units in a significant flood event.

As discussed under Biological Resources, above, the proposed project has complied, as mitigated, with the requirements of the MSHCP.

Impacts associated with land use and planning are expected to be insignificant.
<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>X. MINERAL RESOURCES -- Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X:</td>
</tr>
<tr>
<td>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

X. a) & b) The proposed project site occurs in an area designated MRZ-3 in the General Plan. These zones indicate that mineral resources are present, but that there is insufficient information available to determine the significance of these resources. The project site, however, has been designated for urban development in the General Plan for some time, and is in an area which is also designated for urban development. Mining of mineral resources is not contemplated in this area of the City. Therefore, no impacts to mineral resources are anticipated.
XI. NOISE Would the project result in:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (General Plan EIR, p. III-163 ff.)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (General Plan EIR, p. III-163 ff.)</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (General Plan EIR, p. III-163 ff.)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (General Plan EIR, p. III-163 ff.)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (General Plan land use map)</td>
<td></td>
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<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (General Plan land use map)</td>
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<td>X</td>
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</tbody>
</table>

XI. a)-f) The proposed project occurs in an area of the City where the noise environment currently is very quiet. As development occurs in the area, ambient noise levels will increase, and will be tied primarily to increases in traffic on surrounding roadways. The General Plan requires that sensitive receptors, such as residential units, have outdoor noise levels of 65 dBA CNEL, and interior noise levels of 45 dBA CNEL. The General Plan EIR identified noise levels on Sunset Avenue, south of Lincoln, at less than 60 dBA CNEL. The EIR further identifies that at General Plan buildout, the noise level at a distance of 55 feet
from the centerline of Sunset will be 65 dBA CNEL. Noise levels on Bobcat, which will carry much less traffic, are not expected to exceed City standards.

The proposed project includes the construction of Sunset Avenue to its ultimate right of way, a distance of 44 feet from the centerline. The Specific Plan requires a 15 foot setback from a perimeter street for the townhomes, and a 10 foot setback for the single family residences from Sunset Avenue. Therefore, the closest buildings to Sunset will occur at a distance of 54 to 59 feet from the centerline of Sunset Avenue, and noise levels are expected to be 65 dBA CNEL at this location. In addition, the Specific Plan requires a solid wall around the single family homes, and landscaping adjacent to the townhome units, which will further reduce noise levels by 5 to 12 dBA. Therefore, development of the proposed project, in combination with build out of the General Plan, will not expose residents to long term noise levels in excess of City standards, and noise impacts are expected to be less than significant.

It can be expected that construction of the proposed project will occur in phases, and that residents will occupy both single family and townhome units while later phases are under construction. This is likely to expose people to temporary noise levels associated with construction equipment. The project proponent will be required to adhere to construction operating hours as enumerated in the Municipal Code, which will limit the activities to daylight hours when ambient noise levels are higher, and noise increases less noticeable.

The operation of excavation machinery such as backfillers, bulldozers, and front loaders could generate noise levels ranging from 86 to 89 dBA at a distance of 50 feet from the source. Activities associated with the erection of structures can generate occasionally intrusive noise levels ranging from 83 to 85 dBA at 50 feet. Grading and site preparation activities can generate noise levels ranging from 82 to 84 dBA at 50 feet\(^7\). The doubling of distance results in a reduction of 6 dBA for equipment noise.

Because the phasing of the proposed project is not known, it is impossible to predict the likely noise levels at occupied residences while other phases are under construction. However, the careful placement of stationary noise sources, and the limitations imposed by the construction hours in the Municipal Code will reduce impacts, and the nature of construction is that it is sporadic and temporary, and impacts will also be sporadic and temporary. In order to further reduce these impacts, the following mitigation measures shall be implemented.

1. All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and the engines shall be equipped with shrouds.

2. All construction equipment shall be in proper working order and maintained in a proper state of tune to reduce backfires.

3. Stockpiling and vehicle staging areas shall be located as far as practical from the northern and eastern boundaries of the site.

4. Parking, refueling and servicing operations for all heavy equipment shall be located at the southeast corner of the site.

\(^7\) Environmental Protection Agency, 1971.
5. Stationary equipment shall be placed such that emitted noise is directed away from noise-sensitive receptors.

The proposed project will result in residential units, which do not generate groundborne vibration. The proposed project site does not occur within the influence area of the Banning Airport.
### XII. POPULATION AND HOUSING – Would the project:

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

#### XII. a)-c)

The proposed project will result in 410 residential units. The site is located in an area of the City which is experiencing growth pressures, including the proposed 5 Bridges Specific Plan to the northwest of the project site. The proposed project will provide a limited number of units for a variety of households which are expected to move to the City as part of the normal population growth projected for the area, and will not, in and of itself, generate growth pressures in the area. Impacts associated with growth are expected to be consistent with projections, and less than significant.

The project site is currently vacant, and the project will therefore not displace either persons or housing units.
<table>
<thead>
<tr>
<th>XIII. PUBLIC SERVICES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</td>
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<tr>
<td>Fire protection? (General Plan)</td>
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<td>X</td>
<td></td>
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<tr>
<td>Police protection? (General Plan)</td>
<td></td>
<td>X</td>
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<tr>
<td>Schools? (General Plan EIR)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Parks? (General Plan; Recreation and Parks Master Plan)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Other public facilities? (General Plan)</td>
<td></td>
<td>X</td>
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</tbody>
</table>

XIII. a)

Development of the proposed project will result in an increased demand on public services. The proposed project occurs in an area which is currently undeveloped. Services to this area are currently limited. The proposed project will generate property and sales tax revenues to the City to offset the cost of the provision of services. However, the project site is currently outside the 5 minute response time for fire services, due to the lack of a fire station on the south side of the City. There is a fire station proposed within the adjacent 5 Bridges Specific Plan, which would also serve the proposed project. In order to assure that the project’s impacts associated with this fire station are less than significant, mitigation is required, as follows:

1. The project will pay its fair share of the construction and equipment at a south side fire station.

The proposed project will be required to pay school fees to mitigate its impact on the school system. The proposed project includes 6.5 acres of parks, which also serve as detention basins, and 13.9 acres of open space, which include the Pershing Creek channel. The project will therefore provide on-site parkland to a limited extent (the City will not credit lands used for storm water control to park land dedication requirements). The project will be required to pay in lieu fees for parkland, pursuant to the City's requirements at the time that building permits are issued to compensate for any shortfall in parkland dedication. This City requirement will assure that impacts associated with parks are reduced to less than significant levels.
<table>
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<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Application materials)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Application materials)</td>
<td></td>
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<td>X</td>
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</tbody>
</table>

XIV. a) & b) As discussed above, the proposed project includes park facilities, and shortfalls in on-site parkland dedication will be offset by the provision of in lieu fees paid by the project. The project will not significantly impact existing recreational facilities, and will not require the expansion of existing facilities. No impacts are expected.
<table>
<thead>
<tr>
<th>XV. TRANSPORTATION/TRAFFIC -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections) (General Plan EIR p. III-20 ff.)</td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (General Plan EIR p. III-20 ff.)</td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (No air traffic involved in project)</td>
<td></td>
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<td>X</td>
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<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Specific Plan document)</td>
<td></td>
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<td>X</td>
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<tr>
<td>e) Result in inadequate emergency access? (Specific Plan document)</td>
<td></td>
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<td>X</td>
<td></td>
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<tr>
<td>f) Result in inadequate parking capacity? (Specific Plan document)</td>
<td></td>
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<td>X</td>
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<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Project description)</td>
<td></td>
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<td>X</td>
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</tbody>
</table>

XV. a)-g) A traffic impact analysis was prepared for the proposed project\(^8\). The traffic analysis determined that the proposed project will result in a total of 2,890 average daily trips, of which 221 will occur during the morning peak hours, and 276 will occur during the evening peak hours. The study then analyzed traffic flow with and without the project at six intersections, including Sunset Avenue at Wilson Street, at Ramsey Street, at the I-10

\(^8\) "Lariat Specific Plan Traffic Impact Analysis (Revised)," prepared by Urban Crossroads, October 2006.
west and eastbound ramps, at Lincoln Street, and at Westward Avenue. The analysis found that without the project and without improvements, unacceptable levels of service occur at the Sunset/I-10 westbound ramps, at the I-10 eastbound ramps, and at Lincoln Street. With improvements and without the project, these intersections operate at acceptable levels of service. With the project, these intersections still operate at acceptable levels of service. Therefore, the proposed project will contribute to an existing deficiency, but will not add new deficiencies to the City’s street system. The project will therefore have a potentially significant impact on the local circulation system which requires mitigation, as follows:

1. The project proponent will contribute its fair share to the construction of improvements listed in the traffic study Table 5-1, at the intersection of Sunset Avenue and Wilson Street and Sunset Avenue and Lincoln Street. Fair share contributions shall be approved by the City Engineer prior to the approval of grading permits for the project site.

2. The project proponent shall pay required Transportation Uniform Mitigation Fees prior to the issuance of building permits for the proposed project.

3. The project proponent will construct Sunset Avenue to its ultimate half width, plus 10 feet, for the entire project boundary with the first phase of development.

4. The project proponent shall construct Bobcat Road to its ultimate half-width, plus 10 feet, for the entire project boundary with the first phase of the development.

5. On-site improvements shall be constructed consistent with the recommendations contained in section 5 of the cited traffic study.

With implementation of these mitigation measures, impacts associated with traffic and circulation are expected to be less than significant.

The proposed project will be reviewed and conditioned by the City to meet street design requirements for safety. The Specific Plan document includes parking requirements which may or may not be changed by the approval process through the City. The site provides multiple points of access, and the project will continue to be reviewed by the Fire Department for adequate access. The project site is not located in an area where public transit is provided.
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<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:</td>
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<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (General Plan)</td>
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</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Water Management Plan)</td>
<td></td>
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<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (General Plan)</td>
<td></td>
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<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Water Management Plan)</td>
<td></td>
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<td>X</td>
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</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (General Plan, Dept. of Public Works)</td>
<td></td>
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<td>X</td>
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<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (General Plan)</td>
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<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste? (General Plan)</td>
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</table>

XVI. a-g) Water and sewer service will be provided to the site by the City. The proposed project will be required to extend water lines from their current locations at Sunset and
Westward, as well as a water line in Bobcat Road from the Cameo Homes development easterly. Sanitary sewer service will be extended from the east side of Pershing Creek in Bobcat Road. As previously stated, the City Urban Water Management Plan has determined that the City has adequate water supplies to serve the proposed project. The City’s wastewater treatment plant also has capacity to serve the proposed project.

The proposed project will construct new storm drainage facilities which will be allowed to discharge into Pershing Creek. The proposed project will also be required to improve Pershing Creek to assure that impacts to this floodway are not significant.

The project site will be served by the City’s solid waste provider. Solid waste is transported to one of several regional landfills, all of which have capacity to accommodate the proposed project and regional growth in the area. The City’s solid waste franchise will continue to implement the requirements of AB 939, requiring the reduction of the solid waste stream. The construction of the proposed project is expected to have less than significant impacts on utility providers.
<table>
<thead>
<tr>
<th>XVII. MANDATORY FINDINGS OF SIGNIFICANCE --</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
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<tr>
<td>b) Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals?</td>
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<tr>
<td>c) Does the project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
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<tr>
<td>d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>X</td>
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</table>

XVII. a) The proposed project has the potential to generate significant biological and cultural resources. The mitigation measures included in this document, however, reduce these potential impacts to less than significant levels.

XVII. b) The proposed project is consistent with the land use designations assigned to the property, and supports the long term goals of the General Plan by providing a variety of housing opportunities for City residents.

XVII. c) Development of the project site is not expected to result in significant cumulative impacts, insofar as the project is consistent with the General Plan, and development in the south side of the City is expected to be limited when compared to development in the north side of the City.

XVII. d) The proposed project will result in potentially significant impacts associated with air quality and noise. The mitigation measures included in this document, however, reduce these potential impacts to less than significant levels.
XVIII. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

a) **Earlier analyses used.** Identify earlier analyses and state where they are available for review.

General Plan EIR.

b) **Impacts adequately addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

Not applicable.

c) **Mitigation measures.** For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Not applicable.
STAFF REPORT
PLANNING COMMISSION

DATE: DECEMBER 4, 2007

CASE NO: GENERAL PLAN AMENDMENT #07-2503

REQUEST: AMENDMENT TO GENERAL PLAN PROPOSED STREET SYSTEM TO DELETE PORTER STREET BETWEEN SUNSET AVENUE AND 22ND STREET

LOCATION: CITYWIDE

APPLICANT: CITY OF BANNING

ENVIRONMENTAL
CONSIDERATION: AFTER COMPLETION OF AN INITIAL STUDY, THE COMMUNITY DEVELOPMENT DIRECTOR DETERMINED THAT THE PROPOSED PROJECT WILL NOT RESULT IN POTENTIALLY SIGNIFICANT IMPACTS ON THE ENVIRONMENT, THEREFORE A NEGATIVE DECLARATION IS RECOMMENDED.

BACKGROUND/ANALYSIS:

Porter Street is an east west street that is indicated on the General Plan Street Circulation plan as a secondary highway running between Sunset Avenue and Cottonwood Road and as a collector highway between Highland Home Road and Sunset Avenue.

This proposed change is in response to development that is occurring in the area bounded by 22nd Street and Sunset Avenue on the east and west and Bobcat Road on the south, including the approved Rolling Hills and the Tefft projects and the proposed Lariat and 5 Bridges Specific Plans.

None of these aforementioned developments occurring in this area has built or plans to build or utilize Porter Street as an access. However they do plan to build and utilize Bobcat Road. Staff is recommending that the segment of road be deleted from the Street System. As evidenced in the attached initial study, Bobcat Road serves the same purpose and will provide the same level of service.

An advertisement regarding this proposal was placed in the Press Enterprise Newspaper on November 16, 2007 and to date, no comments have been received regarding the proposal.
ENVIRONMENTAL ASSESSMENT

An initial study (attached) was completed for this project and it was determined that there would be no effect on the environment. The intent to adopt a mitigated negative declaration was circulated and no comments were received. Bobcat Road has the capacity to carry the traffic that will be generated in this area at buildout and the amendment will not substantially change current or proposed traffic patterns in the city. A negative declaration is recommended for the project as no mitigation measures are necessary.

RECOMMENDATION:

That the Planning Commission:

1. Approve Resolution No. 2007-45 recommending to the City Council approval of a Negative Declaration for the project.

2. Approve Resolution No. 2007-46, recommending to the City Council approval of General Plan Amendment #07-2503.

Respectfully submitted,

Kim Clinton
Senior Planner

Exhibits:
1) Resolution No. 2007-45 with Initial Study
2) Resolution No. 2007-46
3) Exhibit A indicating deleted segment from the General Plan Roadway System
GPA #07-2503

RESOLUTION
NO. 2007-45

EXHIBIT "1"
RESOLUTION NO. 2007-45

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF BANNING, CALIFORNIA RECOMMENDING TO
THE CITY COUNCIL ADOPTION OF A NEGATIVE
DECLARATION FOR GENERAL PLAN AMENDMENT NO.
07-2503 TO DELETE PORTER STREET BETWEEN SUNSET
AVENUE AND 22ND STREET FROM THE GENERAL PLAN
PROPOSED STREET SYSTEM.

WHEREAS, an application for General Plan Amendment No. 07-2503 to delete Porter Street between Sunset Avenue and 22nd Street from the General Plan proposed street system has been duly filed by:

Applicant / Owner: City of Banning
Authorized Agent: City wide
Project Location: Porter Street between Sunset Avenue and 22nd Street

WHEREAS, the proposed General Plan Amendment No. 07-2503 is considered a “project” as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. (“CEQA”); and,

WHEREAS, after completion of an Initial Study, the Planning Director determined that it did not identify any potentially significant effects on the environment nor was there any substantial evidence from which it could be fairly argued that the project would have a significant effect on the environment. Therefore, staff has proposed a Negative Declaration for this project; and,

WHEREAS, the proposed Negative Declaration consists of the following documents: Initial Study, Determination Page.

WHEREAS, on December 4, 2007, using a method permitted under CEQA Guidelines Section 15072(b), the City provided notice of its intent to adopt the proposed Declaration to the public, responsible agencies, trustee agencies, and the Riverside County Clerk; and,

WHEREAS, the City made the proposed Negative Declaration available for public review beginning on November 14, 2007 and closing on December 3, 2007, a period of not less than 20 days. During the public review period, the City received no written comments concerning the proposed Negative Declaration; and,

WHEREAS, the Banning Planning Commission conducted a duly noticed public hearing on December 4, 2007 at which it received public testimony concerning the project and the proposed Negative Declaration and considered the proposed Negative Declaration.

NOW THEREFORE, the Planning Commission of the City of Banning does hereby resolve, determine, order as follows:
SECTION 1. FINDINGS.

The Planning Commission, in light of the whole record before it including but not limited to the City’s local CEQA Guidelines and Thresholds of Significance, the proposed Negative Declaration and documents incorporated therein by reference, any written comments received and responses provided, and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby finds and determines as follows:

1. **Review Period:** That the City has provided the public review period for the Negative Declaration for the duration required under CEQA Guidelines Sections 15073 and 15105.

2. **Compliance with Law:** That the Negative Declaration was prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Banning.

3. **Independent Judgment:** That the Negative Declaration reflects the independent judgment and analysis of the City.

4. **No Significant Effect:** That there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the Planning Commission concludes that the project will not have a significant effect on the environment.

SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

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

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. **Adopt Negative Declaration:** The Negative Declaration for General Plan Amendment No. 07-2503 to delete Porter Street between Sunset Avenue and 22nd Street from the General Plan is hereby recommended for adoption to the City Council.

2. **Notice of Determination:** In compliance with Public Resources Code § 21152 and CEQA Guidelines § 15075, the Planning Director shall prepare a Notice of Determination concerning the approval and adoption of the Negative Declaration, and within five (5) working days of project approval, file the Notice with the Riverside County Clerk for posting.
3. Location: The Negative Declaration, and all documents incorporated therein or forming the record of decision therefore, shall be filed with the Banning Planning Department at the Banning City Hall, 99 E. Ramsey Street, Banning, California 92220 and shall be made available for public review upon request.

PASSED, APPROVED AND ADOPTED this 4th day of December, 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-45, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of December, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
Environmental Checklist Form

1. Project title: General Plan Amendment #07-2503

2. Lead agency name and address: City of Banning
   99 East Ramsey
   Banning, CA 92220

3. Contact person and phone number: Oscar Orci
   951-922-3107

4. Project location: Porter Street, from Highland Home Road to 22nd Street

5. Project sponsor's name and address: City of Banning
   99 East Ramsey
   Banning, CA 92220

6. General plan designation: N/A

7. Zoning: N/A

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

   The City proposes to remove Porter Street from the General Plan of Roads. Porter Street is currently designated a Collector Highway from Highland Home Road to Sunset Avenue, and a Secondary Highway from Sunset to 22nd Street. Porter Street does not currently exist at this location. Traffic would be routed to Bobcat Road, which occurs immediately south of the planned location of Porter Street. The road would remain as a local street where it provides access to existing of future parcels.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

   North: Vacant lands and scattered single family homes.
   South: Vacant lands and scattered single family homes.
   West: Sun Lakes Country Club
   East: Vacant lands and scattered single family homes.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<table>
<thead>
<tr>
<th>Aesthetics</th>
<th>Agriculture Resources</th>
<th>Air Quality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biological Resources</td>
<td>Cultural Resources</td>
<td>Geology /Soils</td>
</tr>
<tr>
<td>Hazards &amp; Hazardous Materials</td>
<td>Hydrology / Water Quality</td>
<td>Land Use / Planning</td>
</tr>
<tr>
<td>Mineral Resources</td>
<td>Noise</td>
<td>Population / Housing</td>
</tr>
<tr>
<td>Public Services</td>
<td>Recreation</td>
<td>Transportation/Traffic</td>
</tr>
<tr>
<td>Utilities / Service Systems</td>
<td>Mandatory Findings of Significance</td>
<td></td>
</tr>
</tbody>
</table>

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

X

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

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

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

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

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

Signature: ____________________________
Date: 11/13/07

-2-
EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

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

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

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

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

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

9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance
<table>
<thead>
<tr>
<th>I. AESTHETICS -- Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista? (General Plan)</td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Aerial photograph)</td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Application materials)</td>
</tr>
<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Application materials)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>X</td>
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</tbody>
</table>

I. a)-d) The General Plan Amendment will have no impact on aesthetics. The proposed removal of Porter Street from the General Plan is an administrative amendment only. The street does not currently exist in the area where it is proposed to be removed from the General Plan of Roads. Individual projects occurring in this area of the City will be reviewed under CEQA at the time they are proposed.
II. AGRICULTURE RESOURCES:  
Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (General Plan and EIR)</td>
<td></td>
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<td>X</td>
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<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Zoning Map)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (General Plan Land Use Map)</td>
<td></td>
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<td>X</td>
</tr>
</tbody>
</table>

II. a)-c)  
The General Plan Amendment will have no impact on agricultural resources. Individual projects occurring in this area of the City will be reviewed under CEQA at the time they are proposed. The removal of the roadway from the General Plan will result in less fragmentation of lands in this area of the City, and could therefore preserve potential grazing lands in the area.
<table>
<thead>
<tr>
<th>III. AIR QUALITY: Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan? (SCAQMD CEQA Handbook)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (SCAQMD CEQA Handbook)</td>
<td></td>
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<td>X</td>
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</tr>
<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (SCAQMD CEQA Handbook)</td>
<td></td>
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<td>X</td>
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<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations? (Project Description, Aerial Photo, site inspection)</td>
<td></td>
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<td>X</td>
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<tr>
<td>e) Create objectionable odors affecting a substantial number of people? (Project Description)</td>
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</table>

The General Plan Amendment will have no impact on air quality. Individual projects occurring in this area of the City will be reviewed under CEQA at the time they are proposed.

The deletion of the roadway from the General Plan will result in increased traffic on Bobcat Road. However, both Porter and Bobcat are projected to carry fewer than 5,000 vehicles per day at General Plan build out. Therefore, Bobcat will still operate at LOS or better at General Plan build out. Therefore, the Amendment will not result in the concentration of pollutants on that roadway.
<table>
<thead>
<tr>
<th>IV. BIOLOGICAL RESOURCES -- Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?</td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (General Plan)</td>
</tr>
<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Biological Assessment, Pacific Southwest, 11/04)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
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<th>Less Than Significant Impact</th>
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</tbody>
</table>
The General Plan Amendment will have no impact on biological resources. Individual projects occurring in this area of the City will be reviewed under CEQA at the time they are proposed.

The elimination of Porter will reduce the area needed for development in the City, and may ultimately preserve lands for species, insofar as less pavement will occur in this area of the City.

The area planned for Porter Street between Highland Home and 22nd Street is not located in a criteria cell under the Western Riverside County Multiple Species Habitat Conservation Plan. The proposed Amendment will have no impact on that Plan.
### V. CULTURAL RESOURCES - Would the project:

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
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</thead>
<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5? (General Plan)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5? (General Plan)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (General Plan)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries? (General Plan)</td>
<td></td>
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<td>X</td>
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</tbody>
</table>

The General Plan Amendment will have no impact on cultural resources. Individual projects occurring in this area of the City will be reviewed under CEQA at the time they are proposed.

Elimination of the roadway may reduce the potential impacts to cultural resources, insofar as less land may ultimately be disturbed for roadway construction, reducing the potential to affect cultural resources.
VI. GEOLOGY AND SOILS -- Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
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<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (General Plan)</td>
<td></td>
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<tr>
<td>ii) Strong seismic ground shaking? (General Plan)</td>
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<tr>
<td>iii) Seismic-related ground failure, including liquefaction? (General Plan)</td>
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<td>X</td>
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<tr>
<td>iv) Landslides? (General Plan)</td>
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<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil? (General Plan)</td>
<td></td>
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<td>X</td>
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<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (General Plan)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (General Plan)</td>
<td></td>
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<td>X</td>
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</tbody>
</table>

VI. a)-e) The General Plan Amendment will have no impact on soils and geology. Individual projects occurring in this area of the City will be reviewed under CEQA at the time they are proposed. The proposed amendment will reduce the amount of roadway in the City, and result in less area which has the potential to be impacted by seismic events.
<table>
<thead>
<tr>
<th>VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Application materials)</td>
<td></td>
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<td>X</td>
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<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Application materials)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Application materials)</td>
<td></td>
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<td>X</td>
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<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Riverside County Hazardous Materials Listing)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (General Plan land use map)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (General Plan land use map)</td>
<td></td>
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<td>X</td>
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<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (General Plan)</td>
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</tr>
<tr>
<td>h) Expose people or structures to a significant risk of loss, injury or death</td>
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<td>X</td>
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</tbody>
</table>
The General Plan Amendment will have no impact on hazards or hazardous materials. Individual projects occurring in this area of the City will be reviewed under CEQA at the time they are proposed. The proposed amendment will result in increased traffic on Bobcat Road. However, this roadway is designated a Collector Highway, and will still have capacity to operate at acceptable levels of service. The increased traffic will not, therefore, result in increased hazards. The area surrounding the Amendment is proposed for residential development, and is not expected to result in the storage, use or transport of hazardous materials.
<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements? (General Plan)</td>
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<td>X</td>
</tr>
<tr>
<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Urban Water Management Plan)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (FEMA Maps)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (FEMA Maps)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

VIII. a) - g) The General Plan Amendment will have no impact on hydrology or water resources. Individual projects occurring in this area of the City will be reviewed under CEQA at the time they are proposed. The elimination of the roadway from the General Plan may ultimately increase the amount of land available for percolation in the area, which may marginally increase the recharge of the aquifer, thereby resulting in a beneficial impact.
<table>
<thead>
<tr>
<th>IX. LAND USE AND PLANNING - Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Physically divide an established community? (Aerial photo)</td>
</tr>
<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (General Plan Land Use Element)</td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Banning Municipal Code)</td>
</tr>
</tbody>
</table>

IX. a)-c) The General Plan Amendment will have no impact on land use and planning. Individual projects occurring in this area of the City will be reviewed under CEQA at the time they are proposed. The deletion of Porter Street as a General Plan road is proposed in an area where it is not being included in proposed projects. The Sunset Crossroads project, and the Lariat Specific Plans both propose to utilize Bobcat Road, and do not include Porter Street in their plans. The roadway capacities will be maintained at build out of the General Plan, without Porter Street.
<table>
<thead>
<tr>
<th>MINERAL RESOURCES -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (General Plan)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (General Plan)</td>
<td></td>
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<td>X</td>
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</tbody>
</table>

X. a) & b) The General Plan Amendment will have no impact on mineral resources. No mineral resources are known in this area of the City. The land is designated for residential land uses.
<table>
<thead>
<tr>
<th>XI. NOISE Would the project result in:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (General Plan EIR, p. III-163 ff.)</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (General Plan EIR, p. III-163 ff.)</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (General Plan EIR, p. III-163 ff.)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (General Plan EIR, p. III-163 ff.)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (General Plan land use map)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (General Plan land use map)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

XI. a)-f) The General Plan Amendment will have no impact on noise. Individual projects occurring in this area of the City will be reviewed under CEQA at the time they are proposed. The roadway capacity of Bobcat Road will remain at acceptable levels, and noise levels are projected to remain within the City's limits of 65 dBA CNEL, with or without the inclusion of Porter Street. The elimination of the roadway may reduce noise levels for those lands which were to be adjacent to Porter.
<table>
<thead>
<tr>
<th>XII. POPULATION AND HOUSING – Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (General Plan, application materials)</td>
</tr>
<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (General Plan, application materials)</td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (General Plan, application materials)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>X</td>
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<td></td>
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<td>X</td>
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<td></td>
<td></td>
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<td>X</td>
</tr>
</tbody>
</table>

XII. a)-c) The General Plan Amendment will have no impact on population and housing. The lands available for development in this area of the City will remain the same, and projects are proposed on most of them, which would result in residential land uses. The Amendment will not impact the development of these projects, and their impacts on population and housing will be assessed as the projects are reviewed under CEQA.
<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</td>
<td></td>
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<tr>
<td>Fire protection? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Police protection? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Schools? (General Plan EIR)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Parks? (General Plan; Recreation and Parks Master Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Other public facilities? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

XIII. a) The General Plan Amendment will have no impact on public services. The fire and police departments will still have east-west access via Bobcat Road. As Porter does not exist, it is currently not used for emergency services. The elimination of a roadway from the General Plan of Roads will have no impact on parks, schools or other governmental services.
<table>
<thead>
<tr>
<th>Potential Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>XIV. RECREATION</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Application materials)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Application materials)</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

XIV. a) & b) The General Plan Amendment will have no impact on recreation. No parks or other recreational facilities are proposed adjacent to Porter Street.
<table>
<thead>
<tr>
<th>XV. TRANSPORTATION/TRAFFIC -- Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections (General Plan EIR p. III-20 ff.)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (General Plan EIR p. III-20 ff.)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (No air traffic involved in project)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (TTM 34736)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) Result in inadequate emergency access? (TTM 34736)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity? (TTM 34736)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Project description)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

XV. a)~g) The General Plan Amendment will have a less than significant impact on traffic. Individual projects occurring in this area of the City will be reviewed under CEQA at the time they are proposed. However, the General Plan EIR Traffic Impact Analysis identified that both Porter and Bobcat would handle less than 5,000 trips per day at General Plan build out. Bobcat is designated as a Collector Highway, with a 66 foot right of way, with one lane in each direction, parking, and curb, gutter and sidewalk. The capacity of a Collector at Level of Service (LOS) C is 12,800 vehicles. The elimination of Porter will result in Bobcat Road transporting less than 10,000 vehicles per day at
General Plan build out. Therefore, Bobcat will operate at better than LOS C at build out of the General Plan, with implementation of the Amendment. LOS C is the established standard for acceptable operations in the City. Impacts associated with traffic are therefore expected to be less than significant.

The General Plan Amendment will have no impact on air traffic, traffic hazards, parking or emergency access.
<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Water Management Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (General Plan)</td>
<td></td>
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</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Water Management Plan)</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments? (General Plan, Dept. of Public Works)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs? (General Plan)</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

XVI. a)-g) The General Plan Amendment will have no impact on utilities. Individual projects occurring in this area of the City will be reviewed under CEQA at the time they are
proposed. Since Porter does not currently exist at this location, it is not used by utilities for distribution lines. The elimination of the roadway will not impact these utilities.
<table>
<thead>
<tr>
<th>XVII. MANDATORY FINDINGS OF SIGNIFICANCE --</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Does the project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

XVII. a)-d) The proposed General Plan Amendment will have no impact on biological or cultural resources.

The proposed Amendment will not impact long term goals or result in cumulative impacts, insofar as Porter Road does not currently exist in this area of the City. Bobcat Road is located immediately south of the proposed alignment of Porter Street, and has the capacity to accommodate traffic without impact to the level of service.

The General Plan Amendment will have no impact on human beings.
XVIII. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

a) Earlier analyses used. Identify earlier analyses and state where they are available for review.

General Plan EIR.

b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

Not applicable.

c) Mitigation measures. For effects that are “Less than Significant with Mitigation Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Not applicable.
GPA #07-2503

RESOLUTION
NO. 2007-46

EXHIBIT "2"
RESOLUTION NO. 07-46

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT NO. 07-2503 TO DELETE PORTER STREET BETWEEN SUNSET AVENUE AND 22ND STREET FROM THE GENERAL PLAN PROPOSED STREET SYSTEM.

WHEREAS, an application for General Plan Amendment No. 07-2503 to delete Porter Street between Sunset Avenue and 22nd Street from the General Plan proposed street system has been duly filed by:

Applicant / Owner: City of Banning
Authorized Agent: City wide
Project Location: Porter Street between Sunset Avenue and 22nd Street

WHEREAS, the Planning Commission has the authority to review and make recommendations to the City Council on General Plan Amendment No. 07-2503 for a change in the General Plan Proposed Street System to delete Porter Street between Sunset Avenue and 22nd Street.

WHEREAS, in accordance with Government Code Sections 65353, 65355 and 65090, on November 16, 2007 the City gave public notice by advertisement in the Press Enterprise Newspaper of the holding of a public hearing at which the General Plan Amendment would be considered by the Planning Commission; and

WHEREAS, in accordance with Government Code Section 65353, on December 4, 2007 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the General Plan Amendment and at which the Planning Commission considered the General Plan Amendment; and

WHEREAS, at this public hearing on December 4, 2007 the Planning Commission considered, heard public comments on, and adopted a Negative Declaration for the project by Resolution (insert number) and

NOW THEREFORE, the Planning Commission of the City of Banning does Resolve, Determine, Find and Order as follows:

SECTION 1. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, the recommendation of the
Planning Director as provided in the Staff Report dated December 4, 2007 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. **CEQA:** The approval of this General Plan Amendment is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on December 4, 2007, at a duly noticed public hearing, the Planning Commission approved and adopted a Mitigated Negative Declaration and Mitigation Monitoring Program reflecting its independent judgment and analysis and documenting that there was not substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. The documents comprising the City’s environmental review for the project are on file and available for public review at Banning City Hall, 99 East Ramsey Street, Banning, California 92220.

2. **Multiple Species Habitat Conservation Plan (MSHCP).** The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fees paid for by developer of the properties on which the roadway will be dedicated when that land is developed.

SECTION 2. GENERAL PLAN AMENDMENT

The Planning Commission recommends approval of General Plan Amendment No. 07-2503 on the following grounds:

1. The proposed amendment is internally consistent with the General Plan because although it deletes a portion of a roadway in the circulation plan for the city, the development occurring in the area will use an alternative route, Bobcat Street, for east west access between 22nd Street and Sunset Avenue that is equivalent to and serves the same purpose as the portion of roadway that is being deleted.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the City because the levels of service, street hierarchy and convenience of access using Bobcat Street are equivalent to the use of Porter Street in that location.

3. The proposed amendment would maintain the appropriate balance of land uses within the City.

This amendment will maintain appropriate balance of land uses within the city because it has no effect on land use. The land uses in this area have been planned and are being developed without the need for this segment of roadway.
SECTION 3.  PLANNING COMMISSION RECOMMENDATIONS

The Planning Commission hereby recommends that the City Council take the following action:

1. Approve General Plan Amendment No. 07-2503 Deleting Porter Street from the General Plan proposed street system between Sunset Avenue and 22nd Street as shown in Exhibit A which is attached hereto and incorporated herein by this reference.

PASSED, APPROVED AND ADOPTED this 4th day of December 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California

CERTIFICATION:

I, Virginia Sorensen, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-46 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of December, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorensen, Recording Secretary
City of Banning, California

PC Reso No. 07-46
3
PASSED, APPROVED AND ADOPTED this ___ day of ____, 200___, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

__________________________, Chairperson
Banning Planning Commission

ATTEST:

__________________________, Minutes Secretary
GPA #07-2503

EXHIBIT A – INDICATING
DELETED SEGMENT
FROM GEN PLAN
ROADWAY SYSTEM

EXHIBIT “3”
EXHIBIT A

Legend

- Collector Highway (66 foot highway with 2 lanes without left turn pockets)
- Secondary Highway (88 foot highway with 4 lanes without left turn pockets)
- Major Highway or Arterial Highway (100 or 110 foot highway with 4 lanes with left turn pockets)
  (Build 100 foot Major Highway if there is insufficient space for 110 foot Arterial Highway)
- Urban Arterial Highway (134 foot highway with 6 lanes with left turn pockets)

Intersection alignment is conceptual only. Please see Special Issues discussion.

DELETE SEGMENT OF PORTER STREET

Source: Kunzman Associates

TERRA NOVA®
Planning & Research, Inc.

Banning General Plan
Proposed General Plan Street System