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 (January 25, 2007)

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III. PUBLIC COMMENT

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

V. PUBLIC HEARING:

A. Continued Item:

1) General Plan Amendment No. 06-2501, Zoning Map Change 06-3501, Site Plan Review 05-75016 - Request to change the General Plan and Zoning Map Designation from Low Density Residential to Medium Density Residential, and Site Plan Review for a Tentative Tract Map. Project site: 935 E. Williams / APN 541-121-022.

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B. New Item:

1) Request to approve Design Review #07-705, a three story commercial building including retail, medical offices and professional offices with under ground parking, and Conditional Use Permit # 06-808, a request to have professional offices in Highway Serving Commercial and an increase in height. The property is located along Ramsey Street, between 22nd Street and Sunset Avenue. APN 538-340-003 & 004.

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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

January 25, 2007

A special meeting of the City of Banning Planning Commission was held on Thursday, January 25, 2007, at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

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

Commissioners Excused: Commissioner Hawkins

Staff Present: Community Development Director Orci
Deputy City Attorney Jex
Senior Planner Clinton
Associate Planner Carchola
Captain Yarbrough, Fire Marshall
Recording Secretary Sorenson

I. CALL TO ORDER

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

II. REVIEW OF MINUTES

ACTION (DICKSON / BARSII): A motion was moved, seconded and carried that the minutes of October 16, 2006 be approved as presented.

(Motion carried 4 -0; Commissioner DeSantis noted for the record that she arrived to the meeting late and missed voting on the first item)

III. PUBLIC COMMENT

No one came forward.
IV. DIRECTOR'S REPORT FOR THE MONTH OF DECEMBER - 
CITY COUNCIL ACTIONS ON PLANNING RELATED ITEMS:

Director Orci stated that he wanted to discuss term limits for the Planning Commission. There were two positions available, Commissioner Barsh was re-appointed and Buddy Hawkins was appointed to fill the vacancy left by Chairperson Franklin. In the next election cycle, the balance of the Commission will have to reapply for their positions. There was discussion regarding the bylaws and term limits. The main issue was regarding four 4-year terms vs. two 4-years terms.

V. PUBLIC HEARING:

A. New Items:

1. Design Review #06-707 & Site Plan #06-7505, a request to develop a General Commercial Center, of 3 commercial buildings. The site contains 26,955 sq. ft. of retail space and 5,988 sq. ft. of drive through restaurant. The property is located on West Ramsey St., west of Lori Way. APN 419-081-002.

Associate Planner Canchola presented the staff report and described the project. The project will consist of six buildings eventually. Staff recommended approval of a mitigated negative declaration and mitigation monitoring program. Mr. Canchola stated there will be a six foot block wall along the north perimeter with the senior housing project, Peacock Valley I and will affect lots 22 through 33. Staff recommended approval of the project.

Commissioner Dickson inquired if the buildings would be two-story. Mr. Canchola responded that they would only be one story and the design was such just to create architectural interest.

Commissioner DeSantis inquired about the “Design Review Committee” as she thought that was supposed to be a separate entity and not the Planning Commission. Director Orci responded that it will be, however right now the Zoning Code is structured such that the Planning Commission has the review authority. Commissioner DeSantis stated that she realizes this project is a conforming use, but she felt that sometimes, especially with such a large project, it should come before the Planning Commission for approval.

Darwin Manuel, 539 S. Brea Blvd, Suite 200, Brea CA, came forward to speak on behalf of his project. Mr. Manuel stated that this project began during the transition time of the update of our General Plan and Zoning Code. He stated they will maintain the properties on the affected lots in Peacock Valley I with permission from the land owners.
Commissioner Dickson requested that the applicant makes certain that there is no spill over of lighting into the residential neighborhood to the north and he encouraged the applicant to provide fewer “drive-thrus” and more retail / office space.

Dale Helen Riddle, 5452 Evelyn Drive, Banning CA, came forward to state that she has emphysema and does not think she can take the smells generated by restaurants.

Jack Riddle, 5452 Evelyn Drive, Banning CA, came forward to state that he enjoys the quiet of Peacock Valley I and objects to fast food restaurants.

Edward Meza, 5400 W. Ramsey Street, Banning CA, (he is rehabilitating the old Herb House), spoke on behalf of the project and stated he feels it will improve the area.

Beverly Howard, 5346 Evelyn Drive, Banning CA, came forward to point out that Peacock Valley I is a senior citizen community and they want peace and quiet. She objects to a commercial project adjoining their property.

Susan Thomas, 5478 Evelyn Drive, Banning CA, came forward to state that she opposes the project if it includes drive-thru restaurants, but is in favor of the project if it just includes retail and office uses.

Colby Vendeville, 394 Beverly Drive, Banning CA, President of the Peacock Valley I HOA, came forward to state that he opposes the project with fast food restaurants and he is concerned about speeders along Apex Avenue.

Jim Guerra, 165 Clair Court, Banning CA, came forward to state that he is OK with the project if it includes just commercial and office uses, but does not want any fast food use.

Connie Hovis, 5528 Evelyn Drive, Banning CA, came forward to state that she also is in favor of the project if it only includes commercial and office use, but opposes it if there is fast food. She is worried about trash, noise and vagrants. She would also like a higher wall with razor wire.

Joyce Bridges, 158 Beverly Drive, Banning CA, came forward to state that she has been here for 42 years and feels offices are all right, but not fast food.

Bernadine Edmonson, 66 Lori Way, Banning CA, came forward to state that she is concerned about traffic and would like office and commercial use, but no fast food.

Darwin Manuel, came forward to respond that there will be a traffic signal constructed at the entrance of the project and that they will make arrangements to meet with the property owners of the affected lots of Peacock Valley I and will prepare minutes of that meeting and distribute them to all interested parties.

Commissioner Escandel stated that he understands the concerns of the people who have spoken tonight. However, he feels there is only so much that the Planning Commission can do. He feels
that people have rights, but we all have to live together and if someone wants to develop a permitted use on his property, then he should be able to do that. Commissioner Dickson agreed with that point of view, but encouraged the applicant to avoid putting in a fast food restaurant as there is quite a need for office space in this area.

Commissioner Barsh stated that he would like to condition that no fast food restaurant be allowed in the shopping center.

Commissioner DeSantis stated that she likes the design of the shopping center and would like to condition that no fast food be allowed as she feels we have enough in this City. She also commented that she was pleased to see the condition regarding graffiti and that it be removed promptly, mentioned the outdoor storage of carts and wanted to be certain that this is enforced and the carts go in at night. She encouraged the applicant to use as much xeriscape in their landscape plans as possible. Commissioner DeSantis stated that she would really like to see the developer take care of the property along the flood channel and the affected parcels in Peacock Valley I.

Commissioner DeSantis felt this was a good project, but was concerned that buildings D, E and F were left out of this Design Review. She inquired if the resolution only included buildings A, B and C. Director Orci stated she would have to modify Planning Condition, Section D, #1 to make that happen, because based upon this condition, the applicant has been approved for A, B and C, however D, E and F would be required to go through review by the Community Development Director to make certain that any drive-thru facilities would be properly camouflaged with berms and retaining walls, etc. So this condition would be either deleted or amended. Director Orci also stated if the Commission wishes, you can impose these conditions, the applicant will have to agree. However, the applicant can always appeal the Commission’s decision or come in at a later time if and when they have a specific tenant in mind and see if the Planning Commission would be willing to reconsider this condition. For example if you have a Coffee Bean & Tealeaf which has a drive-thru facility and they have outdoor seating. So for this condition, you would strike the first sentence and indicate that the three buildings, D, E and F are not approved at this time for drive-thru facilities, retail only. They shall be consistent in design with the requirements of Section 9103.03 (1), subsections 1 – 12 as well as consistent with buildings of A, B and C and that they shall be reviewed and approved by the Community Development Director.

Director Orci also requested that the Commission consider amending Condition #7 of page M-20 to indicate zero lumens at the property line, that was the intent of the photometric request. Also, on M-24 that we add #16 that would require the applicant to install some sort of thorny plant, whether Lady Banks Rose or Bougainvillea, etc which is more aesthetically pleasing than barbed wire.

There was discussion regarding the terms “drive-thru” and “fast food”. There are drive-thru cleaners, banks, and other uses.

**ACTION (BARSH / DICKSON):** A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-03 approving the Mitigated Negative Declaration, Mitigated Monitoring Program, direct staff to file a Notice of Determination, as amended to delete Section 2, Wildlife Resources.
(Motion carried 4 - 0)

ACTION (BARSH / DICKSON): A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-04 approving Design Review No. 06-707, based on the findings and conditions of approval; (attached hereto as attachment "A" and incorporated by reference), as amended to include the deletion of Section 3, Wildlife Resources on page M-16; and Condition # 7 under Site Development include that a detailed on-site lighting plan including a photometric diagram shall be reviewed and approved by the Community Development Director and the Police Department and shall achieve zero lumens at the property line prior to issuance of a building permit; and buildings D, E and F shall be required to comply with and be consistent with buildings A, B and C in terms of design; should the applicant wish to include a drive-thru facility, but no fast food, the applicant would have to bring that use back to the Planning Commission for further review and approval; add Condition #16 on page M-24 that would require the applicant to landscape and install some type of thorny plant along property wall.

(Motion carried 3 – 1, Escandel – no)

2. Zone Text Amendment #06-97507
Amendment to Municipal Code Provisions Pertaining to:
   a) Determine that the project is exempt from the California Environmental Quality Act (CEQA) as stipulated by Section 1528 of the Guidelines for the Implementation of the California Environmental Quality Act.
   b) Amendment to Zoning Code Section 9114.04, Design Review: To conduct public meetings for design review applications.

Senior Planner Clinton presented the staff report and stated that this zone text amendment is intended to serve as a bridge between the time we put a Design Review Commission together and the purpose is to permit design review as a public meeting. We would still have a requirement for public hearings when necessary, but this is meant for lesser projects such as building facades, single family homes, etc. to shorten the timeline of the design review process. Staff recommended approval of Resolution No. 2007-01.

ACTION (BARSH / DICKSON): A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-01, recommending to the City Council approval of Zone Text Amendment #06-97507.

(Motion carried 4 – 0)
3. Zone Text Amendment # 06-97508 –
Amendment to Municipal Code Provisions Pertaining to:
 a) Determine that the project is exempt from the California Environmental Quality Act (CEQA) as stipulated by Section 1528 of the Guidelines for the Implementation of the California Environmental Quality Act.
b) Table 9102.B, Residential Development Standards of the Zoning Code to modify the maximum building coverage standard in the LDR (Low Density Residential) Zone.
c) Section 9107.05, Handicapped Parking Requirements modified to reflect current state standards.
d) Amendment to Table 9107.D, Parking Stall Dimensions to add compact parking space standards.

Senior Planner Clinton presented the staff report and stated that there are three separate amendments being proposed to the Zoning Code. The first is to update the handicapped parking requirements so they are consistent with the State Building Code. The second amendment has to do with providing for compact parking spaces and staff is proposing that they be permitted on a case by case basis.

Commissioners DeSantis and Dickson want to strictly limit the number of compact parking spaces as vehicles today are so large.

Senior Planner Clinton continued with the staff report and stated the next amendment has to do with modifying the building coverage for the Low Density Residential zoning section. In our current code, 25% building coverage is allowed. Staff is proposing that the percentage be increased to 30 – 35%.

George Nordquist, 4133 W. Wilson, Banning CA and his daughter, Sonya Cluster, came forward to discuss the lot coverage issue. Mr. Nordquist is developing tract 33270, which was approved before the new General Plan and Zoning Code were approved. He was under the impression that his tract could be developed under the provisions of the old code and began grading. Mr. Nordquist was hoping to build large homes with RV garages. The new lot coverage regulation will not allow that. Sonya Cluster mentioned that in their research they have found that seniors and empty nesters do not want two-story homes.

**ACTION (BARSII / DICKSON): A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-02, Sections A, C and D recommending to the City Council approval of Zone Text Amendments #06-97508.**

(Motion carried 4 – 0)

Commissioner Escandiel made a motion that the Planning Commission deny Resolution No. 2007-02, Section B, as he would like to keep the lot coverage at 25%. He felt he did not want to undo all the hard work that the GPAC accomplished. There was no second.
There was discussion regarding this issue and Director Orci stated that he realized the GPAC put in a great deal of effort on this subject and now with the 25% lot coverage requirement in place, we have started hearing from developers that this condition limited them to a rather small product. Last August this issue was before the commission and at that time they requested that staff bring back information on what the market was doing in the rest of the world. Therefore, the research was done and we found we were a little below the market trend as far as house sizes.

Commissioner Escandel felt the information provided did not give a clear representation of the square footage of the homes. Director Orci stated that perhaps a floor area ratio in combination with lot coverage will regulate massing of structures and will address the commissioners concerns.

Commissioner Dickson and Commissioner Escandel felt this item should be continued and discussed at a later time. Director Orci stated we will keep this general information that was provided in the staff report and will include floor area ratio and do a primer on what that means and how it will work in relation to lot coverage and building coverage.

VI. STAFF REPORT / INFORMATION ITEMS

Director Orci stated that during the break he printed Ordinance No. 1332, the ordinance that approved the bylaws for the Planning Commission. In that ordinance it does state “a four year term which shall be staggered every two years”.

VII. COMMISSIONER’S COMMENTS

Commissioner DeSantis mentioned that the commissioners should let the Recording Secretary know if they will be planning to attend the League of California Cities Planner’s Institute in March. Commissioner Escandel stated he would not be attending.

VIII. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:17 p.m.

Respectfully submitted,

[Signature]
Gini Sorenson
Recording Secretary
STAFF REPORT
PLANNING COMMISSION

DATE: MARCH 6, 2007

CASE NO'S: GENERAL PLAN AMENDMENT #06-2501, ZONING CODE CHANGE #06-3501 AND SITE PLAN #05-7516

REQUESTS: CHANGE THE TO THE GENERAL PLAN LAND USE MAP AND ZONING MAP DESIGNATIONS FROM LOW DENSITY RESIDENTIAL (0-5 UNITS/ACRE) TO MEDIUM DENSITY RESIDENTIAL (0-10 UNITS/ACRE) AND DESIGN REVIEW FOR A TENTATIVE TRACT MAP

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

APPLICANT: HLCD INC.

SURROUNDING ZONE/USES: NORTH: SINGLE FAMILY HOMES
SOUTH: VACANT PROPERTY & EXISTING SINGLE FAMILY HOMES
EAST: VACANT PROPERTY & EXISTING MULTI-FAMILY HOME;
WEST: VACANT LAND & MULTI-FAMILY HOMES

ENVIRONMENTAL CONSIDERATION: THE COMMUNITY DEVELOPMENT DEPARTMENT DETERMINED THAT THE PROJECT WOULD RESULT IN POTENTIALLY SIGNIFICANT EFFECTS ON THE ENVIRONMENT, BUT THAT REVISIONS TO THE PROJECT OR THE INCORPORATION OF MITIGATION MEASURES WOULD AVOID OR LESSEN THE EFFECTS BELOW THE THRESHOLD OF SIGNIFICANCE; THEREFORE, STAFF HAS PROPOSED A MITIGATED NEGATIVE DECLARATION.

BACKGROUND/ANALYSIS:

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 project proponent is requesting conceptual approval of a map that would create 36 detached single family homes (condominium type units) on approximately 4.62 acres, which
would result in a density of approximately 7.80 units per acre. The applicant is also requesting approval to change the General Plan land use and Zoning designation from Low Density Residential to Medium Density Residential (up to 10 units/acre). For additional project information please refer the February 20, 2007 Staff Report.

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).

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. The Planning Commission directed staff to bring back resolutions recommending approval of the change to the General Plan land use and Zoning designation.

Please note that the applicant’s townhome proposal is conceptual; the map does not have an assigned tract map number nor has sufficient information to be able to generate conditions of approval and take a formal action. Additional information such as architectural details, landscape information, color and materials, etc. is needed to be able to take action on the Design Review application. Therefore, these applications can not be approved at this time. This means that the Commission will only be making a determination regarding the land use designation for this site. Approving this request could mean the development of the property in accordance with the Zoning Code for Medium Density Residential, which could mean the development of up to 10 units per acre and could allow other uses including apartments. Having said this, there are no guarantees that this project would ever be built even if the Map and the Design Review application were complete and ready for a formal action.

Findings:

Findings to recommend approval of the change in the General Plan land use and Zoning designations have been made and are included in the attached resolutions, including the resolution for the CEQA determination. Please note that resolutions recommending approval of the Map and the Design Review application (for the architecture) are not included because the applicant has chosen to submit conceptual drawings. Additional information will be needed to process these applications.
RECOMMENDATION:

The Planning Commission has the following options:

1. **Approval.** The Planning Commission can adopt the attached resolutions to recommend approval of this project to the City Council. Note this will not approve the map or the Design Review application; further information is needed to process these applications; or

2. **Continue.** The Planning Commission can provide staff and 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:

\[Signature\]

Oscar W. Orci
Community Development Director

Exhibits:

1. Resolution No. 2007-10
2. Resolution No. 2007-11
3. Resolution No. 2007-12
HLCD, INC.
GPA #06-2501, ZC #06-3501
SITE PLAN #05-7516

RESOLUTION NO. 2007-10

EXHIBIT "1"
RESOLUTION NO. 2007-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING ADOPTION OF A MITIGATED NEGATIVE DECLARATION TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION AND MAP AS WELL AS THE ZONING CLASSIFICATION FROM LOW DENSITY RESIDENTIAL (LDR) TO MEDIUM DENSITY RESIDENTIAL (MDR) AT 935 E. WILLIAMS STREET (APN: 541-121-022)

WHEREAS, an application to modify the Banning General Plan Land Use designation and Map as well as the Zoning Map from Low Density Residential (LDR, 0-5 units/acre) to Medium Density Residential (MDR, 0-10 units/acre) at 935 E. Williams Street (APN: 541-121-022) has been duly filed by:

Applicant / Owner: HLCD INC
Authorized Agent: Marisela Labastida
Project Location: 935 E. Williams Street
APN Numbers: APN: 541-121-022
Lot Area: 4.62 Acres

WHEREAS, the proposed application to modify the Banning General Plan Land Use designation and Map as well as the Zoning Map from Low Density Residential (LDR, 0-5 units/acre) to Medium Density Residential (MDR, 0-10 units/acre) at 935 E. Williams Street (APN: 541-121-022) 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 Community Development Director determined that it identified potentially significant effects on the environment, but that revisions to the project or the incorporation of mitigation measures would avoid or lessen the effects below the threshold of significance. Therefore staff has proposed a Mitigated Negative Declaration for this project; and,

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

WHEREAS, on January 8th, 2007, using a method permitted under CEQA Guidelines Section 15072(b), the City provided notice of its intent to adopt the proposed Mitigated Negative Declaration to the public, responsible agencies, trustee agencies, and the Riverside County Clerk; and,
WHEREAS, the City made the proposed Mitigated Negative Declaration available for public review beginning on January 12, 2007 and closing on February 1, 2007, a period of not less than 20 days. During the public review period, the City did not receive written comments concerning the proposed Mitigated Negative Declaration; and,

WHEREAS, the Banning Planning Commission conducted a duly noticed public hearing on the 20th day of February and 6th day of March 2007, at which it received public testimony concerning the project and the proposed Mitigated Negative Declaration and considered the proposed Mitigated Negative Declaration.

NOW THEREFORE, the Planning Commission of the City of Banning does hereby resolve, determine and 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 Mitigated 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 Mitigated Negative Declaration for the duration required under CEQA Guidelines Sections 15073 and 15105.

2. **Compliance with Law:** That the Mitigated 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 Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

4. **No Significant Effect:** That revisions made to the project plans agreed to by the applicant and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the Planning Commission finds 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.

Based on the foregoing findings, and on substantial evidence in the whole of the record, the Planning Commission hereby takes the following actions:

1. **Adopt MND:** The Mitigated Negative Declaration (attached hereto and incorporated by reference) to modify the Banning General Plan Land Use designation and Map as well as the Zoning Map from Low Density Residential (LDR, 0-5 units/acre) to Medium Density Residential (MDR, 0-10 units/acre) at 935 E. Williams Street (APN: 541-121-022) is hereby approved and adopted.

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 Mitigated Negative Declaration, and within five (5) working days of project approval, file the Notice with the Riverside County Clerk for posting.

3. **Location:** The Mitigated 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 6th day of March, 2007.

__________________________
Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND
LEGAL CONTENT:

__________________________
Thomas D. Jex,
Deputy 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. 2007-10, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of March, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

January 8, 2007

FROM: City of Banning

TO: Responsible and Trustee Agencies/Interested Organizations and Individuals

RE: Notice of Intent to Adopt a Mitigated Negative Declaration, General Plan Amendment 06-2501 and Zone Change 06-3501

The City of Banning (City), in its capacity as the Lead Agency for this project under CEQA, evaluated the potential environmental impacts of the project under CEQA. The City has determined through the preparation of an Initial Study that although the project has the potential to result in significant environmental effects, these impacts will not be significant in this case because the mitigation measures described in the detailed Initial Study have been added to the project. The Initial Study meets the requirements of the State of California CEQA, the State CEQA Guidelines, and the City of Banning Guidelines for the Implementation of CEQA. A Mitigated Negative Declaration will be prepared.

This constitutes a Notice of Intent (NOI) to adopt the aforementioned Mitigated Negative Declaration.

Project Location/Description:

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

The General Plan and Zoning Map amendments are requested to change the permitted land use on the property from Low Density Residential (0-6 units per acre) to Medium Density Residential (0-10 units per acre).

A development proposal is also included, which would result in the construction of 40 detached condominiums on 4.62 acres (a density of 8.7 units per acre). Other permits and agreements: N/A

Toxic Sites: No listed toxic sites are present on the project site.

Public Hearing: No hearing dates have been established for the proposed project. In no case, however, shall the City take any action on this project prior to the completion of the comment period (see below). Please contact the Planning Department at 951-922-3125 for further information on hearing dates for this project.
Public Review: The Initial Study and related documents are available for public review daily. Members of the public may view these documents in the Department of Planning, City Hall, 99 E. Ramsey, Banning, and submit written comments at or prior to the Planning Commission or City Council hearing.

If any group challenges the action in court, issues raised may be limited to only those issues raised at the public hearing described in this notice or in written correspondence at, or prior to the Planning Commission hearing.

An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Oscar Orci at 951-922-3125.

Comment Period: Based on the time limits defined by CEQA, your response should be sent at the earliest possible date. The public comment period on this project is from January 12 to February 1, 2007. All comments and any questions should be directed to:

City of Banning
Attn: Oscar Orci
99 E. Ramsey
Banning, CA 92220
Telephone: 951-922-3125
Fax: 951-922-3128
Environmental Checklist Form

1. Project title: General Plan Amendment 06-2501, Change of Zone 06-3501

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

3. Contact person and phone number: Oscar Orci
   951-922-3125

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
   HLCD, Inc.
   897 Via Lata, #A
   Colton, CA 92324

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

7. Zoning: Current: Low Density Residential; Proposed: Medium Density 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 General Plan and Zoning Map amendments are requested to change the permitted land use on the property from Low Density Residential (0-5 units per acre) to Medium Density Residential (0-10 units per acre).

   A development proposal is also included, which would result in the construction of 40 detached condominiums on 4.62 acres (a density of 8.7 units per acre).

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 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.

<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:

- 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: [Signature]

Date: 1/9/07
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
I. AESTHETICS -- 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) Have a substantial adverse effect on a scenic vista? (Application materials)</td>
<td></td>
<td></td>
<td>X</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? (Application materials)</td>
<td></td>
<td></td>
<td>X</td>
<td></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>X</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? (RivCo General Plan, The Pass Area Plan, Figure 6)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

I. a)-c) The General Plan Amendment and Zone Change will have no impact on aesthetics. The development of 40 two-story townhomes on the site will result in some blockage of foothills of the San Bernardino and San Jacinto mountains for residents to the south and north, respectively. However, due to the height of these mountains, the mid-range and peaks will still be visible. Development in this area of the City consists of primarily single story structures to the north, west and east, and industrial buildings to the south. Development of the townhomes will be generally consistent with this development, although the mass will be greater than the residential development to the north, west and east. Development of the townhomes, however, is expected to be consistent with the requirements of the Zoning Ordinance for Medium Density Residential projects. Impacts to scenic vistas are expected to be less than significant.

The site is currently vacant and does not include any significant rock outcroppings, trees or historic structures.

I.d) The proposed project will result in additional lighting from landscaping and project lighting and vehicle headlights. The project’s lighting plan, however, will be reviewed by the City, to assure that off-site spillage of light is kept to a minimum. Impacts are expected to be less than significant.
<table>
<thead>
<tr>
<th>II. AGRICULTURE RESOURCES: Would the project:</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>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Zoning Map)</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>
</tr>
</tbody>
</table>

II. a)-c) The General Plan 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.
<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</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>implementation of the applicable air</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>quality plan? (SCAQMD CEQA Handbook)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Violate any air quality standard</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>or contribute substantially to an</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>existing or projected air quality</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>violation? (SCAQMD CEQA Handbook)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Result in a cumulatively</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>considerable net increase of any</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>criteria pollutant for which the</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>project region is non-attainment</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>under an applicable federal or state</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ambient air quality standard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(including releasing emissions which</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>exceed quantitative thresholds for</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ozone precursors)? (SCAQMD CEQA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Handbook)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Expose sensitive receptors to</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>substantial pollutant concentrations?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Project Description)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Create objectionable odors</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>affecting a substantial number of</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>people? (Project Description)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

III. a)-e) The General Plan 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 residential units on the site, the land use is generally consistent with land use plans and therefore air quality plans for the area.

The actual development of the proposed project will generate air pollution during construction and operations at the site. Each of these issue areas is discussed individually below.

**Construction Impacts**
The proposed 40 unit townhome project will generate dust associated with site clearing and grading, as well as emissions from grading and construction equipment. Given the nature of the project and the small size of the site, it has been assumed that the entire site will be graded at once. The Tables below illustrate the anticipated emissions associated with construction.
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>4.62</td>
<td>26.4</td>
<td>122.0</td>
</tr>
</tbody>
</table>

Source: Table A9-9, "CEQA Air Quality Handbook," prepared by South Coast Air Quality Management District, April 1993.

As demonstrated, the project site grading will not exceed SCAQMD thresholds of significance for fugitive dust. The grading of the site will also generate emissions from construction vehicles. For purposes of this analysis, it has been assumed that one each scraper, loader, motor grader and water truck would be utilized to grade the project site. It has further been assumed that six workers would work on the grading project, traveling 30 miles to and from the site. Emission factors for 2007, from the SCAQMD CEQA Air Quality Handbook, Table A-9-8-A, were used to calculate emissions. The resulting emissions are shown in Table 2.

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>PM_{10}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment Emissions</td>
<td>9.65</td>
<td>79.86</td>
<td>63.28</td>
<td>6.66</td>
<td>2.69</td>
</tr>
<tr>
<td>Workers' Vehicle Emissions</td>
<td>-</td>
<td>5.01</td>
<td>0.54</td>
<td>0.00</td>
<td>0.04</td>
</tr>
<tr>
<td>Total Construction Emissions</td>
<td>9.65</td>
<td>84.87</td>
<td>63.82</td>
<td>6.67</td>
<td>2.73</td>
</tr>
</tbody>
</table>

SCAQMD Thresholds of Significance

|                          | 75.00 | 550.00 | 100.00 | 150.00 | 150.00 |

As can be seen in Table 2, the proposed project will not exceed thresholds of significance established by SCAQMD. As a result, grading activities at the site are expected to have a less than significant impact on air quality.

Following grading on the site, the project construction will occur. Table 3 illustrates the emissions expected during the construction process. As shown in the Table, none of the SCAQMD thresholds for significance will be exceeded during the construction process.

Table 3
Aggregate Construction - Related Emissions
(pounds per day)

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>CO</th>
<th>NOx</th>
<th>SOx</th>
<th>PM_{10}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment Emissions</td>
<td>6.84</td>
<td>56.12</td>
<td>43.34</td>
<td>8.42</td>
<td>1.49</td>
</tr>
<tr>
<td>Workers' Vehicle Emissions</td>
<td>-</td>
<td>11.54</td>
<td>1.22</td>
<td>0.01</td>
<td>0.10</td>
</tr>
<tr>
<td>Asphalt Paving Emissions</td>
<td>0.69</td>
<td>-</td>
<td>1.22</td>
<td>0.01</td>
<td>-</td>
</tr>
<tr>
<td>Architectural Coatings Emissions</td>
<td>0.24</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total Construction Emissions</td>
<td>7.77</td>
<td>67.66</td>
<td>44.56</td>
<td>8.43</td>
<td>1.59</td>
</tr>
</tbody>
</table>

SCAQMD Thresholds of Significance

|                          | 75.00 | 550.00 | 100.00 | 150.00 | 150.00 |
Operational Emissions
Once completed, the proposed project is expected to generate 234 average daily trips\(^1\). These trips will generate emissions as shown in Table 4. These trips will generate vehicle emissions within the limits of the SCAQMD thresholds of significance, and are expected to have less than significant impacts on air quality in the region.

### Table 4
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>234</td>
<td>13</td>
<td>3,510</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Pounds</th>
<th>SCAQMD Thresholds</th>
<th>URBEBMIS Version 2.2</th>
</tr>
</thead>
<tbody>
<tr>
<td>CO</td>
<td>45.0</td>
<td>550.0</td>
<td>55.0</td>
</tr>
<tr>
<td>NOX</td>
<td>4.8</td>
<td>55.0</td>
<td>55.0</td>
</tr>
<tr>
<td>ROG</td>
<td>4.9</td>
<td>150.0</td>
<td>150.0</td>
</tr>
<tr>
<td>SOX</td>
<td>0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM10</td>
<td>0.4</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Scenario Year 2007 -- Model Years 1965 to 2007

<table>
<thead>
<tr>
<th>Pollutant - Vehicle</th>
<th>CO</th>
<th>NOX</th>
<th>ROG</th>
<th>SOX</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.01282</td>
<td>0.00136</td>
<td>0.00138</td>
<td>0.000009</td>
<td>0.00015</td>
</tr>
</tbody>
</table>

The development of townhomes is not expected to generate significant odors. Overall impacts associated with air quality are expected to be less than significant.

---

\(^1\) "Trip Generation, 7th Edition," Institute of Transportation Engineers, category 230, Condominiums/Townhomes.
<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></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></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></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></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></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>
</tbody>
</table>

-9-
IV. a)-f) The General Plan Amendment and Zone Change will have no impact on biological resources. Development of the proposed townhome project would eliminate vegetated lands from the area. 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.
<table>
<thead>
<tr>
<th>V. CULTURAL 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) 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></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></td>
<td></td>
<td></td>
<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>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries? (General Plan)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

V. a)-d) The General Plan 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.

The project proponent is 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.
<table>
<thead>
<tr>
<th>VI. GEOLOGY AND SOILS -- 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) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<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>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii) Strong seismic ground shaking?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii) Seismic-related ground failure, including liquefaction? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iv) Landslides? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
<td></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>
<td></td>
<td>X</td>
<td></td>
<td></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>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

VI. a-d) The General Plan Amendment and Zone Change will have no impact on geology and soils. The development of the townhome project, however, 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 with 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>
<td></td>
<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>
<td></td>
<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>
<td></td>
<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>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>h) Expose people or structures to a significant risk of loss, injury or death</td>
<td></td>
<td></td>
<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 townhomes will result in the use of small quantities of cleaning products for household use. The City's solid waste franchisee is responsible for the proper disposal of such products.

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>
</tr>
</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements? (General Plan)</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>
</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>
</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>
</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>
</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>
</tr>
</tbody>
</table>
VIII. a) & b) The General Plan 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 domestic water service for 40 residential units. Expected water demand from this 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.

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 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 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>
<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>
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<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>
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<td>X</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>
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</tbody>
</table>

IX. a)-c) The General Plan Amendment and Zone Change will increase the potential density on the site from 5 units per acre to 10 units per acre. The proposed project would result in a density of 8.7 units per acre. Under the Low Density Residential category, the site could develop with as many as 23 single family homes. Under the Medium Density Residential category, as many as 46 units could be built. The parcel occurs in an area of mixed development, including both single family homes and apartments. The increase in density would be consistent with this mix of development. Prior to adoption of the General Plan, the site had been designated High Density Residential, allowing up to 24 units per acre. 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. The proposed General Plan Amendment and Zone Change do not, however, guarantee that the proposed project, as currently presented, would be constructed, and should the project not go forward, up to 46 units could be constructed on the site. Given the mix of development types already occurring in this part of the City, however, this would not represent a significant change or conflict with the General Plan. Overall impacts 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 with the WRMSHCP through the payment of fees.
<table>
<thead>
<tr>
<th>X. MINERAL RESOURCES -- Would the project:</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>
</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>
</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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<td>X</td>
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</tbody>
</table>

X. a) & b) The General Plan 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>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? (City of Banning, Noise Ordinance, Section 11D-09)</td>
<td></td>
<td></td>
<td>X</td>
<td></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>
<td></td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (City if Banning, Noise Ordinance, Section 11D-09)</td>
<td></td>
<td></td>
<td>X</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>
<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 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 and Zone Change will have no impact on noise. The eventual development of the proposed townhome project 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 low ambient noise levels. This condition is expected to continue, with or without construction of the homes. The addition of 40 homes will not significantly impact the long-term noise levels at the site, insofar as
residential land uses do not produce significant noise levels. Impacts associated with long term noise are expected to be less than significant.

The construction of the proposed project will generate noise from construction equipment and activities in the short term. 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. Although construction noise in this area will be temporary and periodic, and will not represent a permanent increase in noise levels at the site, it will impact adjacent sensitive receptors on the east and west. In order to assure that impacts associated with construction noise are kept as low as possible, the following mitigation measures shall be implemented:

1. All stationary equipment and staging areas shall be located as far from existing sensitive receptors as possible during the construction process.
2. All construction equipment, stationary or mobile, shall be equipped with properly functioning mufflers.
3. Construction activities shall be limited to the times prescribed in the Banning Municipal Code.

The site is located outside of the Banning Municipal Airport Policy Area.
<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>XII. POPULATION AND HOUSING – Would the project:</td>
<td></td>
<td></td>
<td></td>
</tr>
<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>
<td>X</td>
</tr>
<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (General Plan, application materials)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (General Plan, application materials)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

XII. a)-c) The General Plan Amendment and Zone Change will have no impact on population and housing. The development of 40 townhomes will will not induce substantial growth in the City. 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)</td>
<td>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>
<td></td>
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</tr>
<tr>
<td>Fire protection? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police protection? (General Plan)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<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>
</tr>
<tr>
<td>Other public facilities? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

XIII. a) The General Plan Amendment and Zone Change will have no impact on public facilities. The eventual construction of the townhomes will have a less than significant impact on public services. The proposed project will be served by the City Police Department, and by the County Fire Department, under City contract. The proposed project will be required to provide on-site park recreational facilities, and will be required to pay school fees in place at the time that building permits are issued. Overall impacts are expected to be less than significant.
<table>
<thead>
<tr>
<th>XIV. RECREATION --</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>
</tr>
<tr>
<td>Potentially Significant Impact</td>
</tr>
<tr>
<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>
</tr>
<tr>
<td>Potentially Significant Impact</td>
</tr>
<tr>
<td>X</td>
</tr>
</tbody>
</table>

XIV. a) & b) The General Plan Amendment and Zone Change will have no impact on recreational facilities. As previously stated, the proposed project will be required to include on-site open space and recreational areas, in conformance with the Zoning Ordinance standards for multi-family development. The proposed project will not impact existing recreational facilities.
<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)? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) Result in inadequate emergency access? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity? (General Plan)</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)? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

XV. a)-g) The General Plan Amendment and Zone change will have no impact on traffic and circulation. The eventual development of the townhomes, as previously stated, is estimated to result in 234 average trips per day. Under the Low Density Residential land use designation, the site could generate 220 trips per day. If the site were to develop at the maximum potential density under the Medium Density Residential designation, up to 270 trips would be generated. The increase in trips, therefore, associated with the change in designation, is not substantial. Further, the General Plan EIR identified streets in this portion of the City as operating at acceptable levels of service at General Plan build out.
The change in density, given the differences in trip types associated with multi-family development rather than single family development, will not significantly change the number of trips on these streets. Therefore, the impact is expected to be less than significant.

The proposed project does not include sharp curves or other traffic hazards. The proposed project includes 2-car garages and guest parking areas, consistent with Zoning Ordinance standards. The project is located immediately north of a transit bus route, and transit facilities will continue to be available on Ramsey Street.
<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><strong>XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:</strong></td>
<td></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>X</td>
<td></td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Water Master Plan)</td>
<td></td>
<td></td>
<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? (Preliminary Hydrology Study)</td>
<td></td>
<td></td>
<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 Master Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments? (General Plan, Dept. of Public Works)</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs? (General Plan)</td>
<td></td>
<td></td>
<td>X</td>
<td></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>X</td>
<td></td>
</tr>
</tbody>
</table>

Source: Hydrology & Drainage, Martin & Ziemniak, February 2006; SGMHD Specific Plan p.48-49;

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 franchisee 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.
### XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

<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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<tr>
<td>a)</td>
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<td>X</td>
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<tr>
<td>b)</td>
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<td>b)</td>
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<td></td>
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<tr>
<td>c)</td>
<td></td>
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<td>X</td>
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</tbody>
</table>

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.

The proposed project supports the long term goals of the General Plan by providing a variety of housing types to the community into the future.

The proposed project will not result in cumulative impacts. The increase in density resulting from the General Plan Amendment is not substantial when considering the City's build out.

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.
HLCD, INC.

GPA #06-2501, ZC #06-3501
SITE PLAN #05-7516

RESOLUTION NO. 2007-11

EXHIBIT “2”
RESOLUTION NO. 2007-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT # 06-2501 TO MODIFY THE GENERAL PLAN LAND USE MAP.

WHEREAS, an application for General Plan Amendment #06-2501, to modify the Banning General Plan Land Use Map from Low Density Residential (LDR, 0-5 units/acre) to Medium Density Residential (MDR, 0-10 units/acre) at 935 E. Williams Street (APN: 541-121-022) has been duly filed by:

Applicant / Owner: HLCD INC
Authorized Agent: Marisela Labastida
Project Location: 935 E. Williams Street
APN Numbers: APN: 541-121-022
Lot Area: 4.62 Acres

WHEREAS, the Planning Commission has the authority to review and make recommendations to the City Council on General Plan Amendment #06-2501, to modify the Banning General Plan Land Use Map from Low Density Residential (LDR, 0-5 units/acre) to Medium Density Residential (MDR, 0-10 units/acre) at 935 E. Williams Street (APN: 541-121-022; and

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

WHEREAS, in accordance with Government Code Sections 65353, 65355 and 65090, on the 9th day of February 2007, the City gave public notice by advertising in the Record Gazette newspaper and property owners within 300 feet of the site were mailed a public hearing notice of the holding of a public hearing at which the project would be considered; and

WHEREAS, in accordance with Government Code Section 65353, on the 20th day of February and 6th day of March 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 time the Planning Commission considered the General Plan Amendment; and

WHEREAS, at this public hearing on the 20th day of February and 6th day of March 2007, the Planning Commission considered, heard public comments on, and adopted a Mitigated Negative Declaration for the project by Resolution No. 2007-10; and

PC RESOLUTION NO. 2007-11
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, the recommendation of the Community Development Director as provided in the Staff Reports dated the 20th day of February and the 6th day of March 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 the requirements of the California Environmental Quality Act ("CEQA"), in that on the 6th day of March 2007, at a duly noticed public hearing, the Planning Commission approved and adopted a Mitigated Negative Declaration reflecting its independent judgment and analysis and documenting that there was 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. 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. GENERAL PLAN CONSISTENCY

The Planning Commission recommends approval of General Plan Amendment # 06-2501 on the following grounds:

1. The proposed amendment is internally consistent with the General Plan.

Fact: The change to the land use map will not result in inconsistencies with the elements of the General Plan. There are no changes to the General Plan Elements. The proposed project supports the long term goals of the General Plan by providing a variety of housing types to the community into the future.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the City.

Fact: The proposed General Plan land use designation from LDR to MDR will not be detrimental to the public interest, health, safety, convenience or welfare because the increase in density resulting from the General Plan Amendment is not substantial when considering the City's build out. 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.

3. The proposed amendment would maintain the appropriate balance of land uses
within the City.

Fact: This project proposes to change the General Plan land use designation from
LDR to MDR. This amendment will maintain appropriate balance of land uses
within the city because approximately 3,142.7 acres of land designated as LDR
would still remain, which is approximately 39.2% of the City’s land area. The
MDR would increase to 1023.3 acres; or 12.7% of the City’s land area.

4. The subject parcel is physically suitable (including, but not limited to, access,
provision of utilities, compatibility with adjoining land uses, and absence of
physical constraints), for the requested land use designation and the anticipated
land use developments.

Fact: The project proposes to modify the Banning General Plan Land Use Map
from Low Density Residential (LDR, 0-5 units/acre) to Medium Density Residential
(MDR, 0-10 units/acre) at 935 E. Williams Street (APN: 541-121-022). As
conditioned, the project will be accessible from existing streets (Williams and
Nicolet Streets); will be served by utilities from these streets; is consistent with
the residential land uses (multifamily and single-family) that surround (north, east
and west of the site) the subject site. Further, the higher density development
coupled with the walled designed, will provide a buffer from the commercial
designated properties located immediately south of the subject site against the
single family homes located north of the subject site.

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following action:

1. Recommend Approval of General Plan Amendment. The Planning Commission hereby
recommends approval of General Plan Amendment #06-2501 to the City Council.

PASSED APPROVED AND ADOPTED this 6th day of March, 2007.

Betty DeSantis, Chairperson
Banning Planning Commission
APPROVED AS TO FORM AND LEGAL CONTENT:

Thomas D. Jex,
Deputy 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. 2007-11, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of March, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
HLCD, INC.

GPA #06-2501, ZC #06-3501
SITE PLAN #05-7516

RESOLUTION NO. 2007-12

EXHIBIT “3”
RESOLUTION NO. 2007-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE CHANGE #06-3501 TO CHANGE THE ZONING CLASSIFICATION FROM LOW DENSITY RESIDENTIAL (LDR) TO MEDIUM DENSITY RESIDENTIAL (MDR) ON 935 E. WILLIAMS STREET (APN: 541-121-022)

WHEREAS, an application to modify the Banning General Plan Land Use Map from Low Density Residential (LDR, 0-5 units/acre) to Medium Density Residential (MDR, 0-10 units/acre) at 935 E. Williams Street (APN: 541-121-022) has been duly filed by:

Applicant / Owner: HLCD INC
Authorized Agent: Marisela Labastida
Project Location: 935 E. Williams Street
APN Numbers: APN: 541-121-022
Lot Area: 4.62 Acres

WHEREAS, the Planning Commission has the authority per Section 9129 of the Banning Zoning Code to review and make recommendations to the City Council on Zone Change #06-3501 for a change in zoning from LDR to MDR for the property located 935 E. Williams Street; and

WHEREAS, in accordance with Government Code § 65854, on the 9th day of February 2007, the City gave public notice by advertising in the Record Gazette newspaper and by mailing a public hearing notice to property owners within 300 feet of the site that the project would be considered by the Planning Commission; and

WHEREAS, on the 20th day of February and 6th day of March 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 Zone Change and at which the Planning Commission considered the Zone Change; and

WHEREAS, at this public hearing on the 20th day of February and 6th day of March 2007, the Planning Commission considered, heard public comments on, and adopted a Mitigated Negative Declaration for the project by Resolution #2007-10; 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 the 20th day of February and 6th day of March 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 the 20th day of February and 6th day of March 2007, at a duly noticed public hearing, the Planning Commission approved and adopted a Mitigated 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 ZONE CHANGE FINDINGS.

Pursuant to Banning Municipal Code Section 9129, the Planning Commission makes the following findings pertaining to Zone Change #06-3501:

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

Fact: The property is located at 935 E. Williams Street. The surrounding area is made up of a variety of land uses including attached multifamily (apartments) residential units to the east and west of the site, single family detached homes to the north and commercial development to the south. This project would consist of detached single family townhomes within a gated development, which is compatible with the surrounding neighborhood.

The Zone Change will increase the potential density on the site from 5 units per acre to 10 units per acre. The proposed project would result in a density of 7.8 units per acre. Under the Low Density Residential category, the site could develop with as many as 23 single family homes. Under the Medium Density Residential category, as many as 46 units could be built. The parcel occurs in an area of mixed development, including both single family homes and apartments. The increase in density would be consistent with this mix of development. Prior to adoption of the General Plan, the site had been designated High Density Residential, allowing up to 24 units per acre. The proposed General Plan Amendment and Zone Change do not, however, guarantee that the proposed
project, as currently presented, would be constructed, and should the project not go forward, up to 46 units could be constructed on the site. Given the mix of development types already occurring in this part of the City, however, this would not represent a significant change or conflict with the General Plan.

The General Plan vision states that residential development should: 1) Consist of a variety of residential development types; 2) Development should be provided to all residents; 3) Be high quality; 4) Respect the character of the existing neighborhood; 5) Evenly distributed throughout the City; and 6) Encourage open space;

This proposed Zone Change will allow the development of detached single family townhomes that: 1) creates a residential product type that is not found in the immediate vicinity; 2) will provide housing to a segment of the market that could not otherwise afford a standard single-family home; 3) as conditioned will provide a variety of architectural styles and finished materials; 4) fills a gap in the housing market between the single-family homes and apartments found immediately adjacent to this site; 5) establishes townhomes on the east side of the City’s boundaries; and 6) provide open space amenities that include open space, picnic area, children’s play area, and pool.

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

Facts: The proposed change in zone from LDR to MDR will not result in cumulative impacts. The increase in density resulting is not substantial when considering the City’s build out. 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 analysis section of the Staff Report, the proposed internal streets will be private, maintained by the residents, and reviewed and approved by the appropriate agencies.

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 Mitigated 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 Mitigated Negative Declaration for the duration required under CEQA Guidelines Sections 15073 and 15105.
2. **Compliance with Law**: That the Mitigated 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 Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

4. **No Significant Effect**: That revisions made to the project plans agreed to by the applicant and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the Planning Commission finds 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 takes the following action:

1. **Recommend Approval of Zone Change #06-3501.** Recommend Approval of Zone Change #06-3501 to modify the Banning General Plan Land Use Map from Low Density Residential (LDR, 0-5 units/acre) to Medium Density Residential (MDR, 0-10 units/acre) at 935 E. Williams Street (APN: 541-121-022), to the City Council.

**PASSED APPROVED AND ADOPTED** this 6th day of March, 2007.

Betty DeSantis, Chairperson  
Banning Planning Commission
APPROVED AS TO FORM AND LEGAL CONTENT:

Thomas D. Jex,
Deputy 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. 2007-12, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of March, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
DATE: MARCH 6, 2007

CASE NO'S: CONDITIONAL USE PERMIT #06-808 AND DESIGN REVIEW #07-705.

REQUESTS: TO APPROVE CONDITIONAL USE PERMIT #06-808 AND DESIGN REVIEW #07-705 FOR THE DEVELOPMENT OF A 3-STORY PLUS BASEMENT BUILDING CONSISTING OF RETAIL, MEDICAL OFFICES AND PROFESSIONAL OFFICES ON 1.97 ACRES IN THE HIGHWAY SERVING COMMERCIAL ZONE.


APPLICANT: DON WILLS BROKER & REPRESENTATIVE

SURROUNDING USES/ZONES: NORTH- COMMERCIAL - HIGHWAY SERVING COMMERCIAL
WEST- VACANT LOT
SOUTH- HIGHWAY - INTERSTATE 10
EAST-GRAMMA'S COUNTRY KITCHEN -HIGHWAY SERVING COMMERCIAL

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

BACKGROUND:

Project Location:
The project is located adjacent to and north of Interstate 10 Highway, south of Ramsey Street, east of Sunset Ave., and south of Morongo Ave. There are no improvements on the site. The property slopes downward from Ramsey St. to the Interstate 10 highway.
**Project Description:**

Design Review #07-705 and CUP #06-808 applications are required to review the design of the building, to allow an increase in the height of the building (from 35' to 52'), and to allow the use of medical and professional offices in Highway Serving Commercial. The Sunset Plaza will have an 11,040 sq. ft. footprint (12.8% of the gross area of the site), be three stories in height with an underground basement used for 44 parking spots. The applicant is providing 170 parking spaces for the site, which includes 68 compact spaces. The project complies with all the development standards including minimum front yard setback (26', proposed versus 10', required), minimum rear yard setback (111', proposed versus 0' to the building), minimum side yard setback (25', proposed versus 0', required), street side yard (5'), maximum lot coverage (12.8%, proposed versus 35%, required), landscaping requirements, etc.

**Conditional Use Permit:** Table 9103.B (Ordinance No. 1355) allows 2 stories and a maximum height of 35'; a Conditional Use Permit is required to exceed the 35 foot height. The applicant proposes a 3 story building at 52 feet in height. The third floor and architectural features, including roof features, result in the increase in height. The project is approximately 10' and 15' below I-10 and 6' to 8' below the Sunset Avenue exit.

**Conditional Use Permit:** Table 9103.A (Ordinance No.1355) allows the use of professional offices with a Conditional Use permit. The applicant purposes to utilize the third floor along with some of the second floor as professional offices.

**Design Review:** The Design Review application focuses on community design principals which result in creative, imaginative solutions which establish quality design for the City. The applicant proposes a Mediterranean architectural style with earth tone colors, smooth stucco, wrought iron and stone accents. Other amenities include parking, archway entries, outdoor sitting areas, and landscaping.

**Environmental Review:**

The project has been determined to be exempt from California Environmental Quality Act (CEQA) pursuant 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 is within the City's jurisdiction; consistent with the General Plan Highway Serving Commercial Zone and Zoning Code in terms of the commercial land use, and lot size; and the project is less than 5 acres (1.97 acres in size). In addition, the site has been
found to be of no value as habitat. The site will be served by the public and private utilities and will not generate significant environmental effects.

In accordance with CEQA Section 15332, the following findings can be made:

(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;

The General Plan Land Use Element as well as a Zoning District designation of Highway Serving Commercial (HSC) allows for the development of retail, medical, and professional offices with a Conditional Use Permit; however, upon approval of the Conditional Use Permit, the project will comply with all applicable provisions of the ordinance. This development is consistent with the land use designation in that the project will establish a three story building (with approval of a Conditional Use Permit), parking and landscaping.

(b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses;

The development is entirely within the City’s boundaries and is 1.97 acres in size and located within areas that have been substantially developed.

(c) The project site has no value as habitat for endangered, rare or threatened species;

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 that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality;

This project and its resulting density are consistent with the current General Plan. The project is consistent with the surrounding area, with density, size, shape of the lots. To the north the existing uses are commercial, to the south is Interstate 10, the west is vacant and to the east is Gramma’s Country Kitchen.

(e) The site can be adequately served by all required utilities and public services.

The site will be served by the public and private utilities and will not generate significant environmental effects.

Findings:
Findings can be made to approve the Design Review and Conditional Use Permit and are included in the Resolutions of Approval (attached).

Public Notice
This proposal was advertised in the Record Gazette newspaper on February 23, 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:

Analysis
The proposed design is consistent with the goals and objectives of the General Plan, and also conforms to the development standards of the Zoning Code. Based on these provisions, the following analysis of the project is provided:

Design Review

In accordance with Section 9114.00 of the Banning Zoning Code, the purpose of the Design Review application is the following:

1. Establish design review procedures for development proposals;
2. Assure that proposed project conforms to development standards and design guidelines;
3. Focus on community design principles which result in creative, imaginative solutions which establish quality design for the City;
4. Promote the orderly and harmonious appearance of structures, landscaping, parking areas, etc; and
5. Maintain the public health, safety and general welfare and property throughout the City.

The 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 as well as a Zoning District designation Highway Serving Commercial (HSC) allows for the development of retail, medical and professional offices with a Conditional Use Permit; however, upon approval of the Conditional Use Permit, the project will comply with all applicable provisions of the ordinance. This development is consistent with the land use designation in that the project will establish a three story building, parking and landscaping.

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 Highway Serving Commercial (HSC) Zoning District designation allows retail, medical and professional offices with a Conditional Use Permit. The project complies with all the development standards including minimum front yard setback (26’, proposed versus 10’, required), minimum rear yard setback (111’, proposed versus 0’ to the building), minimum side yard setback (25’, proposed versus 0’, required), street side yard (5’), maximum lot coverage (12.8%, proposed versus 35%, required). The Code requires a Conditional Use Permit to exceed the maximum height (2/35’) and to allow professional offices. The project complies with all applicable provisions of the zoning district, including the required approval of the Conditional Use Permit to exceed the height and allow the additional land uses.

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 project is consistent with the surrounding properties. The adjacent properties are also zoned Highway Serving Commercial.

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

Findings of Fact: The project will incorporate Mediterranean tile roof and will include multiple planed facades (recessed entries, trellis, and pop-outs), gable roof pitch, and arch entry ways. This style is not found in the immediate areas, but is a style that will enhance the surrounding community.

**RECOMMENDATION:**

That the Planning Commission:

1. Approve Resolution No. 2007-08, approving CUP #06-808, based on the findings and conditions of approval; (attached hereto as Attachment “1” and incorporated by reference).

2. Approve Resolution No. 2007-09, approving Design Review #07-705, based on the findings and conditions of approval (Refer to Attachment “1” from CUP #06-808 and incorporated by reference).
Respectfully submitted,

Kevin Swartz
Assistant Planner

Exhibits:
1. Resolution No.2007-08, with Conditions of Approval
2. Resolution No.2007-09
3. Design Plans for Design Review #07-705 (Separate Cover)
SUNSET PLAZA

CUP #06-808 AND
DESIGN REVIEW #07-705

RESOLUTION NO. 2007-08
WITH
CONDITIONS OF APPROVAL

EXHIBIT "1"
RESOLUTION NO. 2007-08

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF BANNING, CALIFORNIA APPROVING
CONDITIONAL USE PERMIT # 06-808 FOR HEIGHT AND
THE USE OF MEDICAL AND PROFESSIONAL OFFICES
COMPRISED OF A THREE STORY BUILDING ON 1.97
ACRES IN THE HIGHWAY SERVING COMMERCIAL
ZONE. APN 538-340-003, 538-340-004

WHEREAS, an application for Sunset Plaza has been duly filed by:

Applicant/Owner: Don Wills
Authorized Agent: Don Wills Broker
Project Location: The Property is Located on the south side of
Ramsey St., east of Sunset Ave., south of Morongo
Ave. and North of Interstate 10.

APN Number: 538-340-003, 538-340-004
Lot Area: 1.97 acre

WHEREAS, the Planning Commission has the authority per section 9113.00 and
9114.00 of the Banning Municipal Code to take action on Conditional Use Permit #06-808 to
develop retail, medical, and professional offices comprised of a three story building; and

WHEREAS, on February 23, 2007 the City gave public notice by mailing notices to
property owners within 300 feet of the project site and advertising in the Record Gazette, 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, on March 6, 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 Planning Director has evaluated the project’s potential effects on the
environment as required under the California Environmental Quality Act (“CEQA”) and has
recommended that the project is categorically exempt under CEQA Guidelines Section 15332
“In-Fill Development”.

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 March 6, 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:

CEQA:
1. The project has been determined to be exempt from California Environmental Quality Act (CEQA) pursuant Section 15332 which consists of projects characterized as In-fill development in that the staff report and other findings demonstrate that CUP # 06-808 meets 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 designation 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.

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;

The General Plan Land Use Element as well as a Zoning District designation of Highway Serving Commercial (HSC) allows for the development of retail, medical, and professional offices with a Conditional Use Permit; however, upon approval of the Conditional Use Permit, the project will comply with all applicable provisions of the ordinance. This development is consistent with the land use designation in that the project will establish a three story building (with approval of a Conditional Use Permit), parking and landscaping.

(b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses;

The development is entirely within the City’s boundaries and is 1.97 acres in size and located within areas that have been substantially developed.

(c) The project site has no value as habitat for endangered, rare or threatened species;

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 that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site.

-2-
PC Reso No. 2007-08
(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality;

This project and its resulting density are consistent with the current General Plan. The project is consistent with the surrounding area, with density, size, and shape of the lots. To the north the existing uses are commercial, to the south is Interstate 10, the west is vacant and to the east is Gramma’s Country Kitchen. Further.

(e) The site can be adequately served by all required utilities and public services.

The site will be served by the public and private utilities and will not generate significant environmental effects.

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 FINDINGS.

Pursuant to Banning Municipal Code Section 9113.00 and 9114.00 and in light of the record before it including the staff report dated March 6, 2007 and all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

1. The proposed use is consistent with the General Plan.

The General Plan land use designation for the site is “Highway Serving Commercial”. One of the primary objectives stated in the Land Use Element of the General Plan is commercial uses which meet the needs of the City’s residents, increase the City’s revenues, and provide a range of employment opportunities. This project serves to achieve this objective because it will increase city’s revenues and job opportunities. Considering all of these aspects, the project furthers the objectives and policies of the General Plan and is compatible with the general land uses as specified in the General Plan.

2. The proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provisions of the Ordinance.

The development of medical and professional offices is allowed in the Highway Serving Commercial Zone subject to the approval of a conditional use permit (for the height of the building, and land uses). The proposed use is consistent with the intent of the Zoning Ordinance since it meets and/or exceeds the minimum development standards of the HSC zone as illustrated in the Development Standards section of the Staff Report relative to setbacks, lot coverage, land use, and parking. Additionally, conditions have been added to the project to ensure that all the minimum requirements of the Banning Municipal Code are met, including engineering, landscaping, water and wastewater and the fire department conditions.
3. The proposed use would not impair the integrity and character of the land use district in which it is to be located.

The surrounding properties are comprised of commercial properties. These properties are similar in character and integrity as the Highway Serving Commercial; therefore, there are no impacts to the surrounding properties. In addition, the project will not impair the character and integrity of this land use district because the project allows commercial to be geared toward the Interstate 10. The subject site is currently located approximately 10 feet below the grade of the adjacent Interstate 10; therefore, the proposed height (and additional 17 feet above the 35 feet) will not impair the view from the highway, and will not be an imposing mass from the highway. The project site is of sufficient size and configuration to accommodate the medical and professional office use proposed. The project meets all of the development standards of the Highway Serving Commercial zone as illustrated in the Development Standards section of the Staff Report relative to setbacks, lot coverage, building heights, land use, and parking such that it will not be detrimental to the public health, safety or welfare.

4. The subject site is physically suitable for the type and intensity of land use being proposed.

The site is generally flat and slopes toward the I-10. The property is 1.97 acres. The site is not located within a flood plain and no major geologic hazards have been reported on the site or other limited conditions that would render it unsuitable for commercial development. The project has been designed to accommodate the development of medical and professional offices considering the shape and topography of the site.

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.

A condition of approval has been placed on the project which will require the project proponent to construct all necessary on and off-site infrastructure to provide utilities to the proposed project prior to the issuance of Building Permits. Water, sanitation and public utilities and services are available in Ramsey St., a public street.

6. There will not be significant harmful effects upon environmental quality, natural resources, or neighborhood characteristics.

Access to the project site will be gained via Ramsey St. Further, in order to provide a safe means of ingress and egress from the project site, the applicant will be required to construct all improvements within the public right-of-way to the City of Banning Standard. The proposed retail, medical and professional office land use is consistent with the General Plan and Zoning land use designation. As proposed, the project together with the attached Conditions of Approval, is consistent with both the City of Banning General Plan and Zoning Ordinance and no substantial negative impacts to the surrounding environment and the existing land uses will occur. The proposed location of the project is consistent with both the Zoning Ordinance and the underlying General Plan designation of Highway Serving Commercial. The proposed size, design, and operating characteristics of the retail, medical and professional office use are
consistent and compatible with those uses currently located within the Highway Serving Commercial Zone.

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.

The use of medical and professional office is allowed within the Highway Serving Commercial with a Conditional Use Permit (for height, and land use) is consistent with the intent of the City’s zoning ordinance as described in the staff report. The site has been described to meet the required development standards related to setbacks, lot coverage, building height, land use, and parking such that it will not be detrimental to the public interest, health, safety, coverage or welfare as described in more detail on pages of the Staff report.

SECTION 3. 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 for the project under CEQA Guidelines Section 15332 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 #06-808 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Attachment “1”.

PASSED, APPROVED AND ADOPTED this 6th day of March, 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. 2007-08, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of March, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

PROJECT #: CUP 06-808, Design Review 07-705

SUBJECT: Sunset Plaza

APPLICANT: Don Wills
The property is located on south side of Ramsey St., east of Sunset Ave., south of Morongo Ave., and north of Interstate Highway 10.

LOCATION:

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

1. Conditional Use Permit, Variance, or Development/Design Review approval shall expire if building permits are not issued or approved use has not commenced within 5 years from the date of approval. No extensions are allowed.

C. Site Development

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

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director and Police Department (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.

8. 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.
9. All building numbers and individual units shall be identified in a clear and concise manner, including proper illumination.

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

11. 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.

12. 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 owner at least 30 days prior to the removal of any existing walls/ fences along the project's perimeter.

D. Sunset Plaza Development

1. A uniform hardscape and street furniture design including seating benches, trash receptacles, free-standing potted plants, light bollards, etc., shall be utilized and be compatible with the architectural style. Detailed designs shall be submitted for Planning Division review and approval prior to the issuance of building permits.

2. 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.

3. Graffiti shall be removed within 72 hours.

4. 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.

5. 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.

6. Textured pavement shall be provided across circulation aisle, pedestrian walkway, and plaza. They shall be of brick/tile pavers, exposed aggregate, integral color concrete, or any combination thereof. Full samples shall be submitted for Community Development Director review and approval prior to the issuance of building permits.

7. All future building pads shall be seeded and irrigated for erosion control. Detailed plans shall be included in the landscape and irrigation plans to be submitted for Planning Division approval prior to the issuance of building permits.

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

E. Building Design

1. All dwellings shall have the front, side and rear elevations upgraded with architectural treatment, detailing and increased delineation of surface treatment subject to Community Development Director review and approval prior to issuance of building permits.

2. 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.

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

1. All parking spaces shall be 9 feet wide by 19 feet long except if approved by Planning Commission compact parking shall be 8 feet by 18 feet. 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.

2. 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).

3. Textured pedestrian pathways and textured pavement across circulation aisles shall be provided throughout the development to connect dwellings/units/buildings with open spaces/plazas/recreational uses.

4. All parking spaces shall be striped per City standards and all driveway aisles, entrances, and exits shall be striped per City standards.
5. Plans for any security gates shall be submitted for the Community Development Director, City Engineer, and City of Banning Fire Marshal review and approval prior to issuance of building permits.

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

7. Motorcycle parking area shall be provided for commercial and office facilities with 25 or more parking stalls. Developments with over 100 parking stalls shall provide motorcycle parking at the rate of one percent. The area for motorcycle parking shall be a minimum of 56 square feet.

8. Carpool and vanpool designated off-street parking close to the building shall be provided for commercial, office, and industrial facilities at the rate of 10 percent of the total parking area. If covered, the vertical clearance shall be no less than 9 feet.

G. Trip Reduction

1. Category 5 telephone cable or fiber optic cable shall be provided for office buildings and single-family developments of 500 or more units.

2. Transit improvements such as bus shelters, bus pullouts, and bus pads shall be provided.

H. Landscaping

1. 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.

2. 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.

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

4. 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.

5. 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.

6. All private slopes of 5 feet or more in vertical height and of 5:1 or greater slope, but less than 2:1 slope, shall be, at minimum, irrigated and landscaped with appropriate ground cover for erosion control. Slope planting required by this section shall include a permanent irrigation system to be installed by the developer prior to occupancy.
7. All private slopes in excess of 5 feet, but less than 8 feet in vertical height and of 2:1 or greater slope shall be landscaped and irrigated for erosion control and to soften their appearance as follows: one 15-gallon or larger size tree per each 150 sq. ft. of slope area, 1-gallon or larger size shrub per each 100 sq. ft. of slope area, and appropriate ground cover. In addition, slope banks in excess of 8 feet in vertical height and 2:1 or greater slope shall also include one 5-gallon or larger size tree per each 250 sq. ft. of slope area. Trees and shrubs shall be planted in staggered clusters to soften and vary slope plane. Slope planting required by this section shall include a permanent irrigation system to be installed by the developer prior to occupancy.

8. 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.

9. Front yard and corner side yard landscaping and irrigation shall be required per the Development Code. This requirement shall be in addition to the required street trees and slope planting.

10. 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.

11. 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.

12. All walls shall be provided with decorative treatment. If located in public maintenance areas, the design shall be coordinated with the Engineering Division.

13. 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.

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

I. Signs

1. 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.

2. A Uniform Sign Program for this development shall be submitted for Community Development Director review and approval prior to issuance of building permits.
3. Directory monument sign(s) shall be provided for apartment, condominium, or town homes prior to occupancy and shall require separate application and approval by the Planning Division prior to issuance of building permits.

J. Environmental

1. A final acoustical report shall be submitted for Community Development Director review and approval prior to the issuance of building permits. The final report shall discuss the level of interior noise attenuation to below 45 CNEL, the building materials and construction techniques provided, and if appropriate, verify the adequacy of the mitigation measures. The building plans will be checked for conformance with the mitigation measures contained in the final report.

2. 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.

K. Other Agencies

1. 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:

L. General Requirements

1. Submit four complete sets of plans including the following:
   a. Site/Plot Plan;
   b. Foundation Plan;
   c. Floor Plan;
   d. Ceiling and Roof Framing Plan;
   e. 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;
   f. 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
2. 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.

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

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

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

M. Site Development

1. 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 06-808). 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.

2. Prior to issuance of building permits for a new commercial or industrial development or addition to an existing development, 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.

3. 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.

4. Construct trash enclosure(s) per City Standard (available at the Planning Division's public counter).

5. Submit pool plans to the County of Riverside's Environmental Health Services Department for approval.

6. The following is required for side yard use for increase in allowable area:
   a. Provide a reduced site plan (8 ½" x 11") which indicates the non-buildable easement.
   b. Recorded "Covenant and Agreement for the Maintenance of a Non-Buildable Easement," which is signed by the appropriate property owner(s).
   c. Sample document is available from the Building and Safety Division.

N. New Structures

1. Provide compliance with the Uniform Building Code for the property line clearances considering use, area, and fire-resistiveness.
2. Provide compliance with the Uniform Building Code for required occupancy separation(s).

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

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

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

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

7. Roofing materials shall be Class "A."

8. Exterior walls shall be constructed of the required fire rating in accordance with UBC Table 5-A

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

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

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

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

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

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

O. Grading

1. 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.

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

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

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

5. As a custom-lot subdivision, 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 Building and Safety Division for approval prior to issuance of building and grading permits. (This may be on an incremental or composite basis).

e. All slope banks in excess of 5 feet in vertical height shall be seeded with native grasses or planted with ground cover for erosion control upon completion of grading or some other alternative method of erosion control shall be completed to the satisfaction of the Building Official. In addition a permanent irrigation system shall be provided.

6. 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:

P. 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. 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 Plans
   (all conditions of approval shall be reproduced on last sheet of set)
   1” = 40’ Horizontal

B. SWPPP
   1” = 40’ Horizontal

(Note: A, B, & C shall be processed concurrently.)

C. Street Improvement Plans
   1” = 40’ Horizontal
   1” = 4’ Vertical

D. Traffic Signal Plan
   1”=20’ Horizontal

E. Off-Site Landscaping Plans
   1”=20’ Horizontal

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

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

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.

3. 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.

4. 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.
Q. Rights of Way

5. 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.

6. The existing right-of-way appears to meet the required General Plan width of 55 feet for a half street. After completion of the alignment study by the developers’ engineer, if additional right-of-way is required along Ramsey Street, the applicant shall offer to dedicate for public purposes the required right-of-way.

7. Obtain a drainage easement from the downstream property owner adjacent to the project site, if required. A note shall be added to the instrument stating "drainage easements shall be kept free of buildings and obstructions."

8. Direct vehicular access to Ramsey Street from the site frontage shall be restricted, except for the single access point identified on the approved site plan, or as otherwise conditioned in these conditions of approval. The approved access point shall be restricted to right-in and right-out only, unless otherwise approved by the City Engineer. The vehicular access restriction shall be recorded on a separate instrument prior to issuance of any building permits. Additionally, the applicant shall obtain reciprocal access rights to the parcel adjoining the westerly property line in order to utilize the joint use driveway and encourage onsite traffic circulation.

9. Prior to the issuance of any certificates of occupancy, the applicant shall grant a public easement for maintenance of traffic signal facilities at the main drive entrance at Ramsey Street, if required.

10. 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 developer 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.

R. Public Improvements

11. All public improvements shall be financed, designed, and constructed at the expense of the developer. Additionally, 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.

12. Remove and construct street improvements as necessary in accordance with City standards fronting Ramsey Street including street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, median island improvements, traffic signs and striping, and any transitions. Driveway approaches not utilized shall be removed and reconstructed in accordance with city standards. Drive approaches fronting Ramsey Street shall be curb return style (commercial) as approved by the City.
Engineer. Street lights on 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.

13. In accordance with the traffic impact analysis dated December 20, 2006, construct a traffic signal at Ramsey Street and Morongo Avenue (shared project access drive). This will necessitate the reconstruction of the eastbound traffic lanes along Ramsey Street in order eliminate the grade differential at the intersection. The operation of the proposed traffic signal shall be coordinated with the existing traffic signal at Ramsey Street/Sunset Avenue. The private drive shall be a minimum of 42 feet in width to provide a 15 foot wide inbound lane, 12 foot wide left turn lane and 15 foot wide outbound lane.

As an alternative to the construction of a traffic signal at this location, the median island along Ramsey Street may be reconstructed to restrict vehicle access as approved by the City Engineer. Specifically, the dedicated left turn pocket along westbound Ramsey Street shall be reconstructed to serve the shared project drive and shall be limited to left-in, right-out vehicle access only; and, the dedicated left turn pocket along eastbound Ramsey Street shall be reconstructed to serve Morongo Avenue for left-in, right-out vehicle access only. The design of the turn pockets shall address the grade differential.

14. Construct full median island improvements from the existing Portland Cement Concrete retaining wall approximately 350 feet westerly of the westerly prolongation of the property line along the project frontage on Ramsey Street to the easterly prolongation of the property line along the project frontage.

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

16. 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.

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

S. Grading and Drainage

18. 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.

19. 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 crossing Ramsey Street onto the existing property as identified in Flood Boundary and Floodway Map dated October 17, 1978.
20. 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 west.

21. 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.
      g. 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.
      h. 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.

22. 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. 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.

23. Prior to the issuance of a building permit for any building, 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.
T. Landscaping

24. An automatic sprinkler system and landscaping shall be installed, prior to issuance of certificate of occupancy for the development, within the parkway and median island fronting Ramsey Street. 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. Improvements shall be designed in accordance with the Streetscape Landscape Guidelines approved in Resolution No. 2006-52 by City Council on May 30, 2006.

25. The Developer shall record a written offer to participate in, and wave all rights to object to the formation or annexation to the Landscape Maintenance District for the perpetual maintenance of the proposed parkway and median island landscaping along Ramsey Street. The developer shall provide written consent from all property owners within the development waiving the notice, hearing, and right of protest and consenting to the annexation and zone formation, if any (Streets and Highways Code §§ 22608, 22608.2). The form of the offer shall be subject to the approval of the City Engineer and City Attorney. Additionally, the developer shall provide to the City an Assessment Engineer’s Report prepared by an assessment engineer pursuant to California Streets and Highways Code Sections 22500 et seq. and California Constitution Article XIID. The developer shall agree to maintain the parkway landscaping for a period of 24 months after acceptance of the improvements, or deposit funds to administer and maintain the parkway landscaping until the assessments placed on the tax roll are collected.

26. 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.

U. Traffic

27. Provide a focused traffic study addressing the proposed onsite circulation for the project and address the adequacy as it relates to safe access along Ramsey Street. This includes identifying the desired level of traffic control at project driveways and/or intersections.

28. Driveways accessing Ramsey Street shall provide adequate onsite “throat” depth to provide sufficient queuing for vehicles in accordance with the approved traffic impact analysis.

29. 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.

30. 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.
V. Trash/Recycling

31. 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.

32. 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.

W. Fees

33. 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.

34. 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.

35. 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.

36. 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.

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

CITY OF BANNING FIRE SERVICES
STANDARD CONDITIONS OF APPROVAL

As amended for the proposed Office Building at: W. of 2868 W. Ramsey

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.

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.

Commercial, Industrial and/or Office Complex:

- $ .841 per square foot +
- $ 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:

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.

SPRINKLER SYSTEMS REQUIRED:

Fire Sprinkler Systems shall be installed as required by the UFC or in any and all structures with a total floor area of ten thousand (10,000) sq. ft. or more (5,000 sq. ft. for assembly occupancies or 3,000 sq. ft. for hazardous occupancies), or for those occupancies that are at or beyond the Fire Department's response time of ten (10) minutes beginning at the time the call is received at Dispatch.

SPRINKLER AND ALARM SYSTEMS:

Three (3) sets of plans and calculations, including three (3) sets of manufacturer's hardware specifications, shall be submitted to a State Certified Fire Protection Engineering Firm, designated by the Fire Marshal, for review for compliance with recognized codes and standards.

Alarm monitoring stations must be located within 100 miles of the City of Banning or approved by the Fire Marshal.

SPRINKLER AND ALARM SYSTEM FEE SCHEDULE:

Inspections: Fire Department: $118.00 per hour, per person (One-hour minimum).
Additional fees as charged by the designated Fire Protection Engineering Firm.

Plan Checks: Established by the Fire Protection Engineering firm designated.

SPRINKLER SYSTEM UNDERGROUND:

No work shall be started prior to issuance of the permit.

The minimum size for water supply to the base of the riser shall be six (6) inches for commercial systems.

An approved AWWA double check detector check assembly, as approved by the C.O.B. Water Department, located as close to the property line as possible, and a minimum of twelve (12) inches above the ground, shall be provided.

The Water Department shall approve all plans involving water main service.

FIRE HYDRANTS:

Prior to construction or renovation, fire hydrants shall be provided when any portion of any structure exceeds 150 feet from a water supply on a public street.

All hydrants must be installed, working and inspected by the Public Works Department before any combustible materials can be placed at the worksite.
Spacing of fire hydrants shall comply with UFC Appendix III B and the City of Banning Public Works Standards (maximum 300 feet between hydrants).

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 Commercial James Jones #J3765 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).

Based on the expected fire flow requirement for the building (see below), three fire hydrants, as described above, will be required to be within 150 feet of the building. At least one on-site hydrant will be required.

**WATER SUPPLY:**

Fire flow shall be established by the Fire Department using the information provided in the UFC Appendix III A. Fire flow is based on the type of construction and the size of the building. 6500 gallons/minute for 4 hours is the maximum flow required for your project. A 50% reduction in that requirement may be granted due to the installation of fire sprinkler systems.

**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 (65,000 gvw). Surfaces shall have all-weather driving capabilities, including bridges. All roads must be placed and meet the above standard before any combustible materials can be delivered to the site.

Minimum unobstructed width shall be 20 feet.

Minimum unobstructed vertical clearance shall not be less than 13 feet, 6 inches. This requirement will not include the parking garage. Other fire protection measures will be required for the parking area.

Minimum turning radius shall be 42 feet for all driveways.

All dead-end access roads in excess of 150 feet shall have approved provisions for the 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.
The requirements for this segment are covered in UFC Article 9.

*A "Knox" box will be required for fire department access.*

**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.

*Commercial: 6" mm. size*

**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 arrestor.

**FIRE EXTINGUISHING EQUIPMENT FOR PROTECTION OF KITCHEN GREASE HOODS AND DUCTS.**

An approved fire-suppression system shall be provided for the protection of commercial type food heat-processing equipment.

Three (3) sets of plans and a copy of the manufacturer’s installation manual are required.

**FLAMMABLE LIQUID:**

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

**INSPECTIONS:**

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

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

*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:**

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.
APPLICANT MAY CONTACT THE ELECTRIC DIVISION, (951) 922-3260, 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.

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.
7. Developer / electrical contractor to provide and install secondary connectors and service entrance conductors spec by utility department from transformer to service panel pull section

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 cable and terminations.
SUNSET PLAZA

CUP #06-808 AND
DESIGN REVIEW #07-705

RESOLUTION NO. 2007-09

EXHIBIT “2”
RESOLUTION NO. 2007-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING DESIGN REVIEW NO. 07-705 FOR THE DEVELOPMENT OF A 3-STORY PLUS BASEMENT BUILDING CONSISTING OF RETAIL, MEDICAL OFFICES AND PROFESSIONAL OFFICES ON 1.97 ACRES IN THE HIGHWAY SERVING COMMERCIAL ZONE. LOCATED SOUTH SIDE OF RAMSEY STREET, EAST OF SUNSET AVENUE, SOUTH OF MORONGO AVENUE, AND WEST OF PARK AVENUE. APN 538-340-003, 538-340-004

WHEREAS, an application for Design Review No. 07-705 was duly filed by:

Applicant/Owner: Don Wills
Authorized Agent: Don Wills Broker
Project Location: The Property is Located on the south side of Ramsey St., east of Sunset Ave., south of Morongo Ave. and North of Interstate 10.
APN Number: 538-340-003, 538-340-004
Lot Area: 1.97 acre

WHEREAS, the Planning Commission is authorized to review and approve, conditionally approve, or deny Design Review No. 07-705 pursuant to Banning Municipal Code Section 9114.00; and,

WHEREAS, the applicant is requesting approval of Design Review No. 07-705 for the site development plans for the development of a retail, medical and professional offices on 1.97 acres in compliance with Banning Municipal Code Section 9114.00; and,

WHEREAS, on February 23, 2007 the City gave public notice by advertising by mailing notices to property owners and advertising in the Record-Gazette, a newspaper of general circulation within the City of Banning, of the holding of a public meeting at which the project would be considered; and

WHEREAS, the Community Development Director has evaluated the project’s potential effects on the environment as required under the California Environmental Quality Act (“CEQA”) and has recommended that the project is categorically exempt under CEQA Guidelines Section 15332.
WHEREAS, the Planning Commission of the City of Banning has considered oral and written comments, pro and con, as presented by the Planning Department, the applicant, and other interested parties at a public meeting held on March 6, 2007.

NOW, THEREFORE, the Planning Commission of the City of Banning now finds, determines, and resolves as follows:

SECTION 1. Site Design Review Project Findings:

In light of the record before it, including the staff report dated March 6, 2007, and all evidence and testimony heard at the public meeting of this item, the Planning Commission hereby finds as follows:

Banning Municipal Code Section 9114.00 requires that the Design Review satisfies each of the findings. 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.

The General Plan Land Use Element as well as a Zoning District designation Highway Serving Commercial (HSC) allows for the development of retail, medical and professional offices with a Conditional Use Permit; however, upon approval of the Conditional Use Permit, the project will comply with all applicable provisions of the ordinance. This development is consistent with the land use designation in that the project will establish a three story building, parking and landscaping.

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.

The Highway Serving Commercial (HSC) Zoning District designation allows retail, medical and professional offices with a Conditional Use Permit. The project complies with all the development standards including minimum front yard setback (26’, proposed versus 10’, required), minimum rear yard setback (111’, proposed versus 0’ to the building), minimum side yard setback (25’, proposed versus 0’, required), street side yard (5’), maximum lot coverage (12.8%, proposed versus 35%, required). The Code requires a Conditional Use Permit to exceed the maximum height (2/35’) and to allow professional offices. The project complies with all applicable provisions of the zoning district, including the required approval of the Conditional Use Permit to exceed the height and allow the additional land uses.

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.

The project is consistent with the surrounding properties. The adjacent properties are also zoned Highway Serving Commercial.
Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.

The project will incorporate Mediterranean tile roof and will include multiple planed facades (recessed entries, trellis, and pop-outs), gable roof pitch, and arch entry ways. This style is not found in the immediate areas, but is a style that will enhance the surrounding community.

SECTION 2. Environmental Review:

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 March 6, 2007, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code Section 21080(e) and 21082.2) within the record or provided at the public hearing on this matter, hereby finds and determines as follows:

A. CEQA. The project is exempt from CEQA under CEQA Guidelines Section 15332 in that:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;

The General Plan Land Use Element as well as a Zoning District designation of Highway Serving Commercial (HSC) allows for the development of retail, medical, and professional offices with a Conditional Use Permit; however, upon approval of the Conditional Use Permit, the project will comply with all applicable provisions of the ordinance. This development is consistent with the land use designation in that the project will establish a three story building (with approval of a Conditional Use Permit), parking and landscaping.

(b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses;

The development is entirely within the City's boundaries and is 1.97 acres in size and located within areas that have been substantially developed.

(c) The project site has no value as habitat for endangered, rare or threatened species;

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 that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site.
(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality;

This project and its resulting density are consistent with the current General Plan. The project is consistent with the surrounding area, with density, size, and shape of the lots. To the north the existing uses are commercial, to the south is Interstate 10, the west is vacant and to the east is Gramma’s Country Kitchen.

(e) The site can be adequately served by all required utilities and public services.

The site will be served by the public and private utilities and will not generate significant environmental effects.

A. 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

1. Approval of Notice of Exemption. In compliance with Public Resources Code § 21080 et. seq. and CEQA Guidelines § 15061, the Community Development Director shall prepare a Notice of Exemption, and within five (5) working days of project approval, file the Notice with the Riverside County Clerk for posting.

2. Approval of Design Review. Approve Design Review No. 07-705 for the site plan and architecture consisting of the site development plans for the development of a 3-story building consisting of retail, medical, and professional offices is hereby approved subject to the conditions set forth in Attachment “1” attached hereto and incorporated herein by this reference.

PASSED, APPROVED AND ADOPTED this 6th day of March, 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

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

Resolution No. 2007-09
CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 6th day of March, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California