

**ORDINANCE NO. 1475**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA APPROVING NEGATIVE DECLARATION AND ZONE CHANGE NO. ZC 13-3503 AND MAKING FINDINGS IN SUPPORT THEREOF**

**WHEREAS**, five (5) properties that are designated by the Riverside County Tax Assessor as 543-090-003 (963 Charles Street); 543-090-004 (981 Charles Street), 543-090-014 (941 Charles Street); 543-090-016 (911 Charles Street); and 543-090-017 (No Street Address – Vacant Lot) and which are located at the northeast corner of Charles and Hargrave Streets were re-zoned from residential to Industrial when the current General Plan and Zoning Code were adopted on January 31, 2006, and

**WHEREAS**, four (4) of the five (5) property owners who own properties that are located at the northeast corner of Hargrave and Charles have verbally requested that the City change the current General Plan and Zoning designations of their properties from Industrial to Very Low Density Residential Zone, and

**WHEREAS**, the reasons for the requested change are because the subject properties are considered legal non-conforming which creates difficulties in qualifying for home improvement loans to make property improvements; purchasing homeowner's insurance; or selling homes under the current Zoning. There are restrictions and limitations with regard to expansion to existing properties such as size of the additions and the approval process for additions. Additions to the homes require approval of a conditional use permit from the Planning Commission. The size of the addition to the home is limited to a maximum of 50% of the size of their current home, and

**WHEREAS**, on September 24, 2013, the City Council adopted Resolution No. 2013-86 initiating a General Plan Amendment (GPA No. 13-2505) and a Zone Change (ZC No. 13-3503) for five (5) parcels that are located at the northeast corner of Hargrave and Charles; and

**WHEREAS**, the City has reviewed the proposed General Plan Amendment and Zone Change for compliance with the California Environmental Quality Act (CEQA) and it is determined that the General Plan Amendment and Zone Change are defined as "project" under CEQA Guidelines 15378 and has prepared and Initial Study, and

**WHEREAS**, the Initial Study recommended the preparation of a Negative Declaration (Exhibit "A") for compliance with CEQA; and

**WHEREAS**, the Negative Declaration was prepared and made available for a 20-day public review from October 11, 2013 to November 4, 2013, and

**WHEREAS**, on October 11, 2013, the City gave public notice by advertisement in the Record Gazette newspaper of a public hearing concerning the project, which included the Initial Study/Negative Declaration, General Plan Amendment (GPA No. 13-2505), and a Zone Change

(ZC #13-3503). In addition, the City mailed public hearing notices to the owners of properties that are directly affected by the General Plan Amendment and Zone Change; the property owners that are located within a 300' radius of the project boundaries and to interested persons who requested to be on the mailing lists for the project, and

**WHEREAS**, on November 6, 2013, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the project and at which the Planning Commission considered the General Plan Amendment (GPA No. 13-2505), and a Zone Change (ZC #13-3503); and

**WHEREAS**, on November 29, 2013, the City gave public notice by advertisement in the Record Gazette newspaper of a public hearing concerning the project, which included the Initial Study/Negative Declaration, General Plan Amendment (GPA No. 13-2505), and a Zone Change (ZC #13-3503). In addition, the City mailed public hearing notices to the owners of properties that are directly affected by the General Plan Amendment and Zone Change; the property owners that are located within a 300' radius of the project boundaries and to interested persons who requested to be on the mailing lists for the project; and

**WHEREAS**, on December 10, 2013, the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the project and at which the City Council considered the Initial Study/Negative Declaration, General Plan Amendment (GPA No. 13-2505), and a Zone Change (ZC #13-3503).

**NOW THEREFORE**, the City Council of the City of Banning does hereby resolve, determine, find, and order as follows

**SECTION 1. ENVIRONMENTAL FINDINGS**

Compliance with the California Environmental Quality Act (CEQA): The City Council has analyzed this proposal in accordance with the California Environmental Quality Act (CEQA). Based on the analysis, the proposed General Plan Amendment and Zone Change are considered a "Project". CEQA defines the project as an activity that has a potential for resulting in either a direct physical change in the environment. Examples of projects include an activity that is directly undertaken by any public agency including but not limited to an amendment to zoning ordinances and general plan elements

In compliance with CEQA, an Initial Study/Negative Declaration was prepared and made available for a 20-day public review from October 11, 2013 through November 4, 2013. A Negative Declaration means that the project can be seen with certainty that it will not have any negative impacts to the physical environment.

Multiple Species Habitat Conservation Plan (MSHCP): The proposed General Plan Amendment and Zone Change do not relate to any one physical project and are not subject to the MSHCP. Further, projects subject to this resolution will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee

**SECTION 2. REQUIRED FINDINGS FOR ZONE CHANGE NO. 13-3503:**

**Finding No. 1:** The proposed Amendment and Zone Change are internally consistent with the General Plan.

**Findings of Fact:** The current General Plan Land Use and Zoning Overlay Map show the five (5) properties are zoned Industrial. The proposed Zone Change along with the General Plan Amendment No. 13-2505 will amend the current Zoning for the five (5) parcels from Industrial to Very Low Density Residential. The Very Low Density Residential Zoning designation allows the properties to be developed with single-family homes. Four (4) of the five (5) parcels have been developed with single-family homes and accessory structures. Under the current Zoning, these homes are legal non-conforming. The Zone Change along with the General Plan Amendment No. 13-2505 will make the current Zoning on the property to be consistent with General Plan and Zoning.

The proposed Zone Change No. 13-3503, along with General Plan Amendment No. 13-2505 has been reviewed against the development standards for Very Low Density Residential within the Banning Zoning Code for internal consistency within all of the General Plan elements' text, diagrams, and maps and have concluded that the proposed Zone Change along with General Plan Amendment No. 13-2505 will not create any conflicts within the Zoning Code and among the various General Plan elements goals, policies, and objectives, including the maps and diagrams of all the elements in the General Plan. Therefore, the proposed Zone Change along with the General Plan Amendment No. 13-2505 will make the current use on the property to be consistent with Zoning and the General Plan land use.

**Finding No. 2:** The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or welfare of the community.

**Finding of Facts:** The General Plan Goal 1 for Residential Land Uses states, "Preserve and enhance the City's neighborhoods."<sup>1</sup> The proposed Zone Change provides conformity between existing single-family homes that have been developed on the property and the current Zoning designation which is Very Low Density Residential. Furthermore, an Initial Study/Negative Declaration was prepared for compliance with the California Environmental Quality Act (CEQA). The Negative Declaration concluded that the proposed Zone Change and General Plan Amendment would not have any negative impacts on the environment. The Negative Declaration was made available for a 20-day public review from October 11, 2013 through November 4, 2013.

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<sup>1</sup> City of Banning General Plan, page III-16

With regard to compatibility with existing neighborhoods, the proposed Zone Change along with the General Plan Amendment for the five (5) parcels will not create an island within an existing neighborhood. The Zone Change will make the existing development which is single-family home and future development of the five (5) parcels consistent and compatible with the existing neighborhoods to the easterly and southerly area of the parcels in that the Zoning and the General Plan for these adjacent areas are Very Low Density Residential. The existing uses on the four of the five parcels (one parcel is currently vacant) are single-family homes and accessory structures and are compatible with the existing development to the east and the south of subject properties.

Based on the above finding of facts provided in this subsection, the proposed Zone Change along with the General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the community as the project has been reviewed for compliance with the City of Banning Zoning Code and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.)

**Finding No. 3:** The proposed Zone Change would maintain the appropriate balance of land uses within the City

**Findings of Fact:** The General Plan Build out Summary, Table III-1, on page III-10 shows that the City presently has 420.8 acres of land area that is zoned Industrial. The five (5) parcels that are proposed for the Zone Change along with General Plan Amendment from Industrial to Very Low Density Residential totaled 9.28 acres. The proposed Zone Change along with General Plan Amendment would reduce the amount of Industrial properties by 9.28 acres (or 2.2%) from 420.8 acres to 411.52 acres and increase the Very Low Density Residential zone by the same amount of acreage. The 2.2% reduction in land area designated for Industrial Zone is relatively a minor reduction when compared with the actual development that exists within the 9.28 acre land area zoned for Industrial. Sixty (60) percent (or 5.5 acres) of the 9.28 acre land zoned for Industrial is already developed with single-family. This means that potential Industrial development will occur on the 3.7 acres of land that is currently vacant. The loss of 3.7 acres of Industrial land is insignificant compared to the overall land that is available and the City is still maintaining an appropriate balance of land use in the City.

**Finding No. 4:** With regard to the Zone Change and its effect on the General Plan Land Use, the subject property is physically suitable for the requested land use designation(s) and the anticipated land use development(s).

**Finding of Fact:** Four of the five parcels are currently developed with single-family homes. The proposed Zone Change along with the General Plan Amendment will bring the existing development on the above referenced properties to be in conformance with the Zoning and General Plan. In addition, the proposed Zone Change along with the General Plan Amendment will bring the five (5) properties to be compatible and consistent with the Zoning and General Plan designations for existing residential neighborhoods to the east and south of the project site.

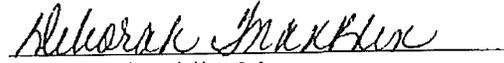
Based on the facts indicated in this subsection and subsections above, the project site is suitable for requested land use designation(s) and the anticipated land use development(s).

**SECTION 3. CITY COUNCIL ACTIONS**

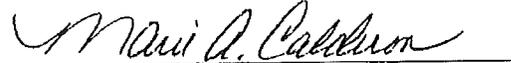
The City Council hereby takes the following action:

1. Adopt Negative Declaration as referenced herein for compliance with CEQA (Exhibit "A"); and
2. Adopt Zone Change No. 13-3503 to change the Zoning designations for five (5) parcels that are located at the northeast corner of Charles and Hargrave Streets from Industrial to Very Low Density Residential (Exhibits "B").

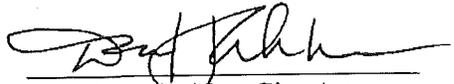
PASSED, APPROVED AND ADOPTED this 14<sup>th</sup> day of January, 2014.

  
Deborah Franklin, Mayor  
City of Banning

**ATTEST:**

  
Marie A. Calderon, City Clerk  
City of Banning

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

  
David J. Aleshire, City Attorney  
Aleshire & Wynder, LLP

**CERTIFICATION:**

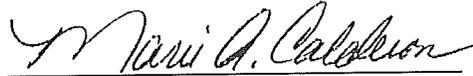
I, Marie A Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No 1475 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 10<sup>th</sup> day of December, 2013, and was duly adopted at a regular meeting of said City Council on the 14<sup>th</sup> day of January, 2014, by the following vote, to wit.

AYES: Councilmembers Miller, Peterson, Welch, Westholder, Mayor Franklin

NOES: None

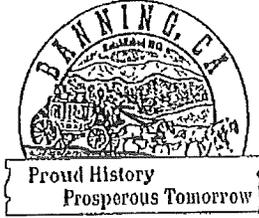
ABSENT: None

ABSTAIN None



Marie A. Calderon, City Clerk  
City of Banning, California

**Exhibit A**  
**Ordinance No. 1475**  
**Initial Studies/Negative Declaration**



**CITY OF BANNING**  
**Initial Study/Negative Declaration**

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**GENERAL PLAN AMENDMENT NO. 13-2505**  
**AND ZONE CHANGE NO. 13-3503**

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

**October 8, 2013**

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**City of Banning**  
**Initial Study/Negative Declaration**

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**Project Title:**

1. **General Plan Amendment No. 13-2505 and Zone Change No. 13-3503**
2. **Lead Agency Name and Address:** City of Banning, 99 E. Ramsey Street , Banning, CA 92220
3. **Contact Person and Phone Number:** Zai Abu Bakai, Community Development Director, (951) 922-3131
4. **Applicant Name and Address:** City of Banning, 99 E Ramsey Street, Banning, CA 92220
5. **Project Location:** Northeast corner of Hargrave and Charles Street (See Figure 1)
6. **General Plan Designation:** Industrial
7. **Project Description (describe the whole action involved, including, but not limited to, later phases of the project, and any secondary, support, or off-site features that are necessary for its implementation).**

The Project evaluated in this Initial Study is an amendment to the General Plan Land Use and Zoning maps to change the land use designations for five (5) properties from Industrial to Very Low Density Residential (See Figures 1 and 2). The total acreage for the five (5) properties is 9.28 acres. The size of each parcel is indicated in the Table on page 3 of this Initial Study.

The Assessors Parcel Numbers and addresses for the five (5) properties are: 543-090-003 (963 Charles Street); 543-090-004 (981 Charles Street); 543-090-014 (941 Charles Street); 543-090-016 (911 Charles Street); and 543-090-017 ( No Street Address – Vacant Lot). No new home construction is currently proposed on any of the sites at this time. See Figures 3 and 4 for the location and aerial view of the properties.

This Initial Study/Mitigated Negative Declaration analyzes the potential environmental impacts that would be expected to result from the proposed changes to General Plan land use and zoning designations on the General Plan and Zoning maps from Industrial to Very Low Density Residential for the above-mentioned parcels. Since there is no new home development is proposed at this time, future home construction will be reviewed for compliance with all applicable City policies, standards, regulations and the California Environmental Quality Act (CEQA)..

Figure 1  
Existing Zoning

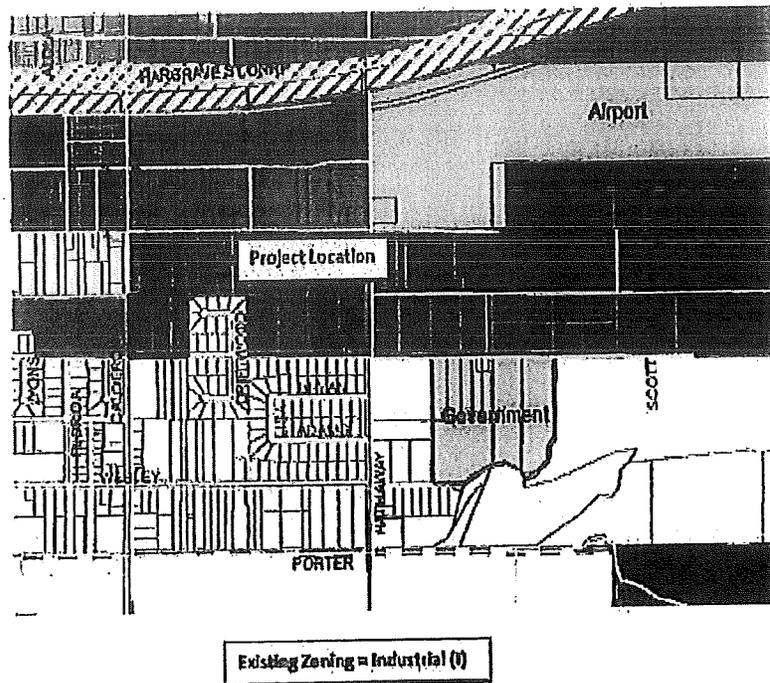
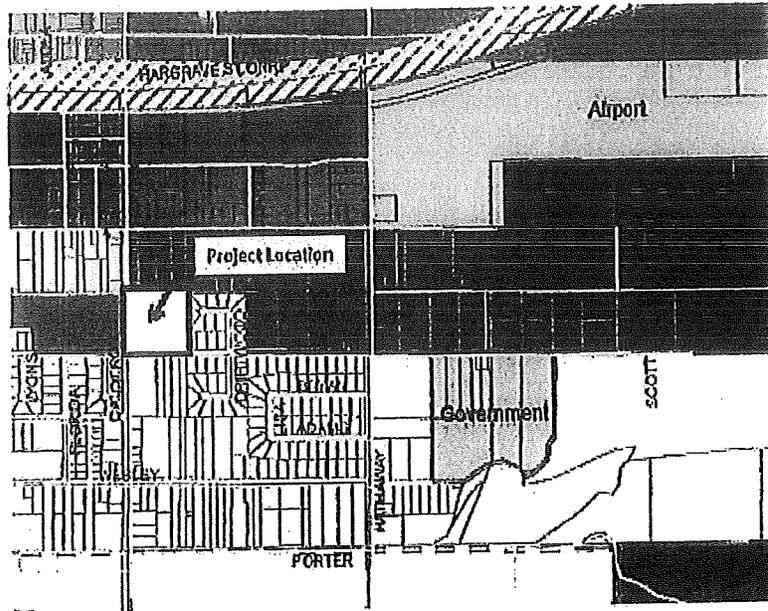
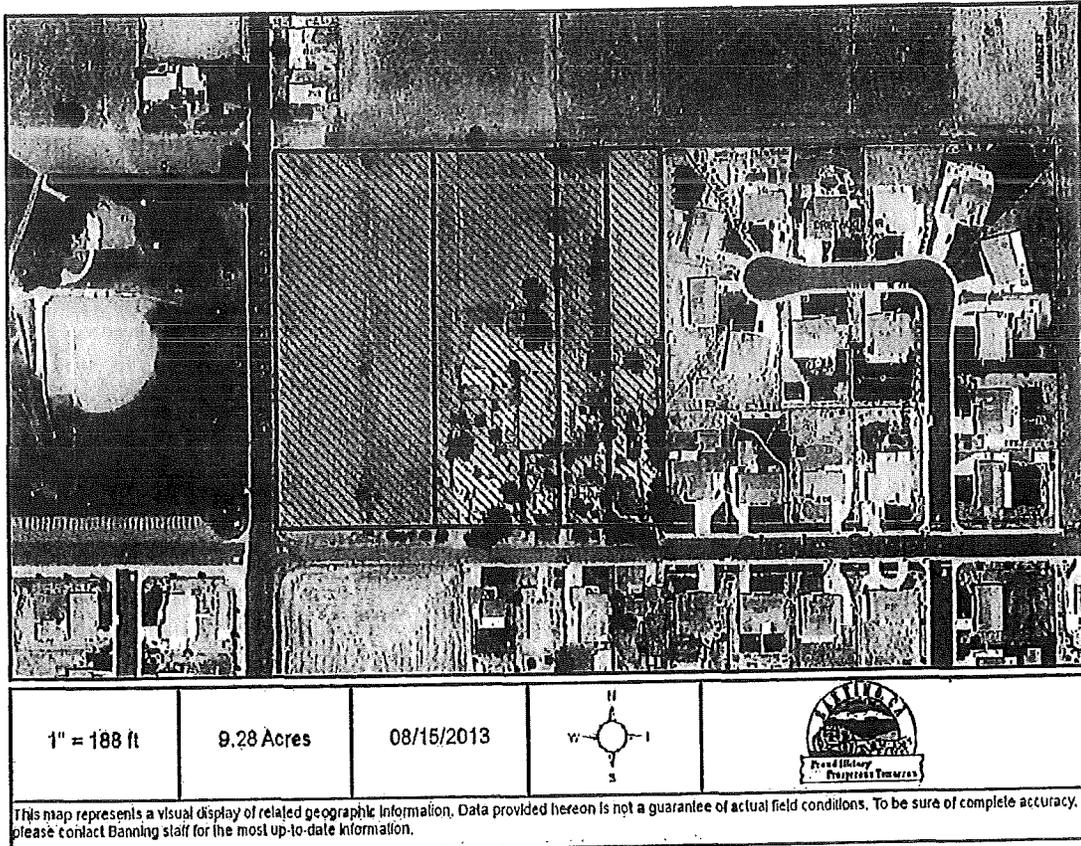


Figure 2  
Proposed Zoning



Proposed Zoning = Very Low Density Residential (VLDR)

**Figure 3**  
**Aerial View of the Five Parcels**



**Note:** The (5) five parcels are delineated within the dark lines that are crosshatched.

**8. Surrounding Land Uses and Environmental Setting (describe the project's surroundings):**

The project site is located at the northeast corner of Hargrave and Charles Street. Four (5) of the five (5) parcels currently have existing homes and accessory structures and there is one vacant parcel. The table below provides information with regard to the existing use on uses surrounding each of the properties

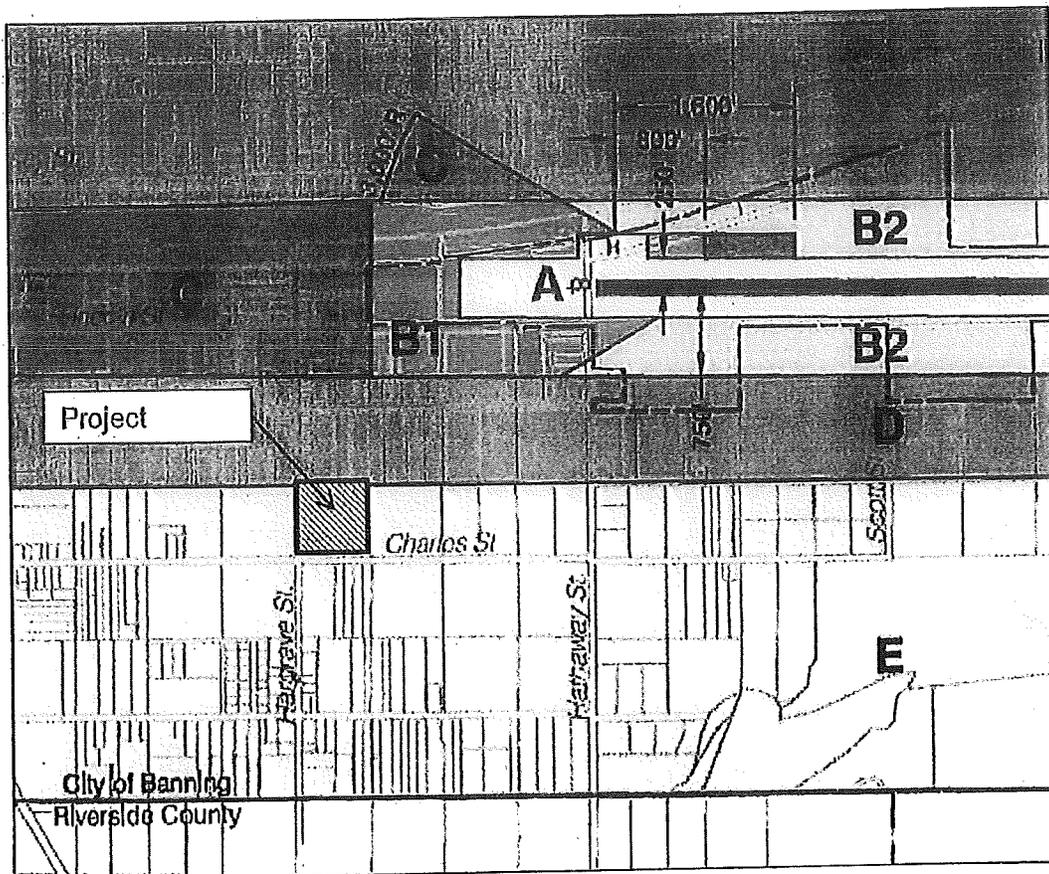
APN/ Address	ACR ES	EXISTING USE	NORTH	SOUTH	EAST	WEST
543-090-003 963 Charles Street	1.13	Single-family homes and accessory structures	Vacant Land	Charles Street/Very Low density Residential	Single-family Home	Single-Family Home
543-090-004 981 Charles Street	1.26	Single-family homes and accessory structures	Industrial	Charles Street/Very Low density Residential	Single-family Home	Single-Family Home
543-090-014 941 Charles Street	0.17	Single-family homes and accessory structures	Industrial	Charles Street/Very Low density Residential	Single-family Home	Single-Family Home
543-090-016 911 Charles Street	3.0	Single-family homes and accessory structures	Industrial	Charles Street/Very Low density Residential	Single-family Home	Single-Family Home
543-090-017 No Address	3.72	Vacant	Single-family Home/Vacant Land	Charles Street/Vacant Land	Single-family Home	Hargrave Street/Lions Park
Total	9.28 acres					

**9. Public Agencies whose approval or Participation is Required (i.e., for permits, financing approval, or participation agreements):**

The General Plan Amendment and Zone Change is required to be reviewed by the Airport Land Use Commission as the project site is located within Zone E of the Banning Airport Land Use Compatibility Zone. Figure 2 shows the five parcels in relation to the airport.

City review of specific development proposals by the property owners will be required prior to development of the properties in the future.

Figure 4  
Parcels location in relation to the Banning Municipal Airport



# ENVIRONMENTAL ANALYSIS

## 1. INTRODUCTION

### Purpose and Scope

This Initial Study/Mitigated Negative Declaration serves as the environmental review of the proposed Project, as required by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., the State CEQA Guidelines, and the City of Banning Local Guidelines for Implementing CEQA.

In accordance with Section 15063 of the State CEQA Guidelines, the City of Banning is the lead agency and is required to prepare an Initial Study to determine if the Project may have a significant effect on the environment. This Initial Study is intended to be an informational document providing the Planning Commission, City Council, other public agencies, and the general public with an objective assessment of the potential environmental impacts that could result from the adoption of the Housing Element and related implementation actions. Since there is no specific housing project proposed on any of the sites affected by the proposed General Plan and zoning amendments, the environmental analysis is evaluates impacts that would be anticipated as a result of the implementation of the Housing Element to the extent they can be known at this time.

### PREVIOUS ENVIRONMENTAL DOCUMENTATION

A Final Environmental Impact Report (FEIR) for the Banning General Plan was prepared by the City of Banning in accordance with the California Environmental Quality Act (CEQA). The FEIR analyzed the environmental consequences of the development of the city according to the General Plan. The General Plan and FEIR were adopted by the Banning City Council on January 31, 2006 (Resolution No. 2006-13).

Prior to approval of subsequent actions, the City is required to determine whether the environmental effects of such actions are within the scope of the project covered by the FEIR, and whether additional environmental analysis is required. If the agency finds that pursuant to Sections 15162, 15164, and 15183 of the CEQA Guidelines no new effects would occur, nor would a substantial increase in the severity of previously identified significant effects occur, then no supplemental or subsequent EIR is required.

### PURPOSE OF THIS INITIAL STUDY

Pursuant to state law, the City is required to evaluate the consequences of an amendment to the General Plan Land Use and changes to the Zoning designations for properties. The adoption of amendments to the General Plan and Zone Change is a "project" under CEQA. This Initial Study provides an analysis of whether the proposed General Plan amendment and Zone Change would result in any new or more substantial adverse environmental effects than were previously analyzed in the General Plan FEIR pursuant to CEQA Guidelines Sections 15162. The City, as

Lead Agency, has the authority for project approval and certification of the accompanying environmental documentation.

#### BASIS FOR A SUBSEQUENT NEGATIVE DECLARATION

Section 15162 of the State CEQA Guidelines states:

*(a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:*

*(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

*(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

*(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*

*(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

*(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*

*(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative;  
or*

*(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but project proponents decline to adopt the mitigation measure or alternative.*

The Final EIR certified in 2006 for the Banning General Plan evaluated the potential impacts of development of the City according to the land use designations set forth in the Land Use Element of the General Plan. The General Plan EIR evaluated the impacts associated with development of 32,198 additional housing units during the time horizon of the General Plan within the 23,555-acre study area, of which 14,824± acres are within the City limits. The proposed amendments to the General Plan Land Use Element and Zoning Map would replace the current land use and Zoning designations of five (5) properties from Industrial to Very Low Density Residential (0-2 dwelling units per acre). Four of the properties are already developed with single-family homes. The existing vacant lot that is located at the northeast corner of Hargrave and Charles Streets could be developed with up to two (2) dwelling units per acre. This increase is a negligible increase in residential development under the 2006 General Plan and current zoning.

The level of development reflected in the proposed general plan amendment and zone change is consistent with the current regional growth forecast, the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), and the City is required by state law to adopt land use plans and zoning regulations consistent with these regional plans and growth forecast.

Through the analysis presented in this document, the City of Banning has determined that potential impacts associated with the proposed General Plan amendment and Zone Change are not substantial. There are no new significant impacts resulting from these changes; in fact the impacts will be significantly reduced since the land use intensity and density will change from commercial to residential. In addition, the changes with respect to the circumstances under which the project will be undertaken would not result in new or more severe significant environmental impacts than previously analyzed.

#### SUMMARY OF FINDINGS

Based on the Environmental Checklist prepared for the project and supporting environmental analysis and pursuant to Section 15162 of the CEQA Guidelines, the City of Banning has determined, on the basis of substantial evidence in the light of the whole record, that:

- (a) The proposed General Plan Amendment and the Zone Change do not propose substantial changes to the project which would require major revisions to the FEIR due to new or substantially more severe significant environmental effects than previously analyzed in the General Plan FEIR;
- (b) There have been no substantial changes in circumstances under which the project will be undertaken that will require major revisions to the FEIR due to new or substantially more severe significant environmental effects than previously analyzed in the FEIR; and
- (c) No new information of substantial importance as described in subsection (a)(3) of Section 15162 has been revealed that would require major revisions to the FEIR or its conclusions.

There is no negative impacts resulting from the adoption of the proposed General Plan Amendment and Zone Change since the intensity and density of the land use will be significantly reduce by having the properties rezoned from Industrial to Very Low Density Residential.

## 2. EVALUATION OF ENVIRONMENTAL IMPACTS

An Environmental Checklist Form has been used to evaluate the potential environmental impacts associated with the proposed Project. The Form has been prepared by the Resources Agency of California to assist local governmental agencies, such as the City of Banning, in complying with the requirements of the Statutes and Guidelines for implementing CEQA.

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Potentially Significant Impact". Based on the analysis contained in this Initial Study, the following environmental factors are affected by the proposed project.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Hydrology/Water Quality       | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Agriculture Resources    | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Air Quality              | <input type="checkbox"/> Land Use and Planning         | <input type="checkbox"/> Transportation/Traffic             |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Utilities/Service Systems          |
| <input type="checkbox"/> Cultural Resources       | <input type="checkbox"/> Noise                         | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Geology/Soils            | <input type="checkbox"/> Population/Housing            |   |
| <input type="checkbox"/> Greenhouse Gas Emissions |  |   |

In the Form, a series of questions is asked about the Project for each of the above-listed environmental factors. A brief explanation is then provided for each question on the Form. There are four possible responses to each question:

### A. Potentially Significant Impact.

This response is used when the Project has the potential to have an effect on the environment that is considered to be significant and adverse.

### B. Potentially Significant Unless Mitigation Incorporated.

This response is used when the Project has the potential to have a significant impact, which is not expected to occur because:

- Mitigation measures have been incorporated into the Project design in order to reduce the impact to a less than significant level; or,
- Adherence to existing policies, regulations, and/or design standards would reduce the impact of the Project to a less than significant level.

**C. Less Than Significant Impact.**

This response is used when the potential environmental impact of the Project is determined to be below known or measurable thresholds of significance and thus would not require mitigation.

**D. No Impact.**

This response is used when the proposed Project does not have any measurable impact.

### 3. ENVIRONMENTAL DETERMINATION

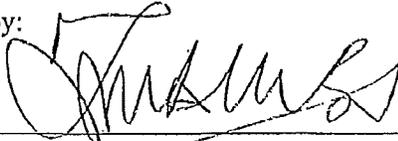
On the basis of this initial evaluation, the City finds that:

- The proposed Project could not have a significant effect on the environment, and a Negative Declaration will be prepared.
- Although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures, described in Exhibit C (attached), have been added to the Project. A Mitigated Negative Declaration will be prepared.
- The proposed Project may have a significant effect on the environment, and an Environmental Impact Report is required.
- The proposed Project may have a potentially significant impact unless mitigation is incorporated, but at least one of the impacts has been: 1) adequately analyzed in an earlier document pursuant to applicable legal standards and 2) addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An Environmental Impact Report is required, but it is to analyze only those impacts that have not already been addressed.
- 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 Environmental Impact Report (EIR) or in a Negative Declaration pursuant to applicable legal 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.

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Approved for distribution by:

Signature:

  
Zai Abu Bakar, Community Development Director

Prepared by:

Zai Abu Bakar, Community Development Director

Date:

October 8, 2013

Public Review:

October 11, 2013 through November 4, 2013

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4. ENVIRONMENTAL ANALYSIS CHECKLIST

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS: Would the Project:</b>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Item I.c) through d) Scenic Vista, Scenic Resources, Visual Character, and Light and Glare. No Impact.**

The proposed General Plan Land Use and Zone Change from Industrial to Residential will not negatively impact the environment because the land use intensity and density will be reduced significantly by changing the land use and zoning from Industrial to Very Low Density Residential. The overall building height for Industrial zone is 2 stories or 60' maximum. The overall building height for Very Low Density Residential Zones is two stories or 35' maximum. Maximum lot coverage by building for an Industrial Zone is 60% while maximum lot coverage for a home on a Very Low Density Residential Lot is 25%. The overall height and bulk impact is significantly reduced with Very Low Density Residential Land Use and Zoning and; therefore, it minimizes view and aesthetic impacts for the area. In addition, lighting for the buildings and parking lot will be significantly reduced with the change in land use and zoning designations from Industrial to Very Low Density Residential since single-family homes do not have commercial parking lots.

**Explanation of Item I. a) and b). Scenic Vista and Scenic Resources. No Impact.**

The California Department of Transportation regulates scenic resources within State highway. In 1963, the California State Scenic Highway Program was established by State legislation (SB 1467). The purpose of the program is to help communities protect and enhance their natural and cultural uniqueness and beauty. According to Caltrans, a highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the travelers' enjoyment of the view. Caltrans defines a State Scenic Highway as any freeway, highway, road, or other public

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right-of-way that traverses an area of exceptional scenic quality, containing striking views, flora, geology, or other unique natural attributes.

I-10 from SR-38 and SR 62 is an "eligible" State Scenic Highway. To be designated as 'eligible' for State Scenic Highway status, this Section of I-10 must meet the following criteria:

- a. Consist of scenic corridor that is comprised of a memorable landscape that showcases the natural scenic beauty or agriculture of California;
- b. Existing visual intrusions do not significantly impact the scenic corridor;
- c. Demonstration of strong local support for the proposed scenic highway designation; and
- d. The length of the proposed scenic highway is not less than a mile and is not segmented.

The City must apply to Caltrans for the official designation, adopt the Corridor Protection Program, and receive notification from Caltrans that the highway has been officially designated State Scenic Highway. To receive Scenic Highway official designation, the scenic corridor of the highway must be identified and defined. Scenic corridor consists of land that is visible from the highway right-of-way and is comprised primarily of scenic and natural features. Topography, vegetation, viewing distance, and/or jurisdictional lines determine the corridor boundaries. The City must adopt ordinances, zoning, and/or planning policies that are designed to protect the scenic quality of the corridor. These ordinances and/or policies make up the official "Corridor Protection Program."

The City of Banning has not adopted a Corridor Protection Plan for the portion of the I-10 that traverses the City. Though eligible for designation, this section of the I-10 is not officially designated State scenic highway.

State Route 243 starts at Lincoln Street in Banning and traverses through the San Jacinto Mountains is designated State Scenic Highway. This portion of the highway is mostly visible from properties that are located immediately adjacent to State Route 243. The closest project site at the corner of Hargrave and Charles streets are approximately one-half (1/2) mile away from State Route 243. Therefore, there is no negative impact on scenic highway.

II. AGRICULTURAL RESOURCES Would the Project:				
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
non-agricultural use?				
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for , or cause rezoning of, forestland (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forestland or conversion of forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation for II. a) and e). Farmland and Conversion of Farmland. No Impact.**

The California Department of Conservation maintains information related to mapping and monitoring of farmland and farmland subject to Williamson Act contract. Based on the California Department of Conservation website at [www.consrv.ca.gov/dlrr/FMMP](http://www.consrv.ca.gov/dlrr/FMMP) and Riverside County Land Management System, there is no farmland that are of Statewide and regional importance on any of the candidate project sites. Therefore, the Project has no impact on Williamson Act Contract/Agriculture Preserve and it will not convert farmland to non-agricultural use.

**Explanation for II. b). Williamson Act Contract. No Impact.**

With regard to Williamson Act/Agricultural Preserve contract's existence on the parcels, research was done on the Riverside County Transportation and Land Use Department's website at: <http://www3.tlma.co.riverside.ca.us/pa/rcrlis/viewer>. The County's website reveals no Williamson Act/Agricultural Preservation contracts in the City of Banning. Therefore, the project has no conflict with zoning for agriculture use and it also has no impact on Williamson Act/Agriculture Preserves contract.

**Explanation for II. c) and d) Forestland. No Impact.**

As indicated in the Explanation for Item II. b) above, the parcels proposed for General Plan

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<p>Amednment and Zone Change are currently designated as Industrial on the General Plan and Zoning maps and is not zoned for forestland (as defined in PRC section 12220(g), timberland (as defined by PRC section 4526, or timberland zoned for timberland production (as defined by Government Code Section 51104(g). Therefore, the Project has no impact on forestland, timberland, or timberland zoned for timberland production and it will not convert any forestland to non-forest use. No mitigation measure is required.</p>				
<b>III. AIR QUALITY: Would the Project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions with exceeded quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b><u>Explanation for III. a) through e) Air Quality. No Impact.</u></b>  The City of Banning is located within the South Coast Air Basin where air quality is regulated by the South Coast Air Basin. The South Coast Air Basin regulates short-term and long term air quality impact from stationary and non-stationary pollution sources. The South Coast Air Quality Management District (SCAQMD) adopted the latest Air Quality Management Plan (AQMP) in December 2012<sup>1</sup>. The Air Quality Management Plan includes development information from the cities general plan within the South Coast air district boundaries including the City of Banning. The adopted AQMD included development industrial development at the time of adoption since the current General Plan and Zoning desigantions for the properties are Industrial. Industrial Zoning include assumptions that more emissions are to be generated because of the nature of land</p>				

<sup>1</sup> <http://www.aqmd.gov/aqmp/2012aqmp/index.htm>

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use. These are emissions from vehicles such as trucks, passenger vehicles, and air quality related to the use and operations of the buildings. With the change from Industrial to Very Low Density Residential, the land use activities for the site will be less intense. Therefore, the air quality impact will be significantly reduced.				
<b>IV. BIOLOGICAL RESOURCES:</b> <b>Would the Project</b>				
a) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservancy Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b><u>Explanation Item IV. a) through c) Habitat and Wildlife Resources. No Impact.</u></b>  The City of Banning is a signatory to the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP). Within the MSHCP, there are requirements for which the City must comply with if the biological resources are affected. There are three features that are present in the City of Banning General Plan Study area which include: criteria areas, special linkage areas, and special survey area. The General Plan EIR on pages III-126 and III-127 and General Plan on page IV-48 define these areas in detail. The sites for the Project are located on vacant land that are either surrounded by existing development or located adjacent to an existing development and are not located in the criteria cell, special linkage areas, and special survey area. Therefore, there is no impact to habitat and wildlife resources.</p> <p><b><u>Explanation Item IV. d) through f) . Fish or Wildlife Species, Biological Resources, Trees, and Conservation Plan. No Impact</u></b>  The project will not impact fish or wildlife species, habitat, corridors or wildlife nursery sites or conflict City policies or ordinances protecting biological resources including tree preservation or habitat conservation as the project area is not a pristine site. There is no development proposed with the General Plan amendment and Zone Change at this time; therefore, there is no impact to fish or wildlife species, biological resources, trees and conservation plan. Future development on the site will need to comply with the City's Municipal Code and environmental review at the time that the application is submitted for entitlement processing.</p>				
<b><u>V. CULTURAL RESOURCES: Would the Project</u></b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Disturb any human remains including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanation of V. a). Historical Resources. No Impact.**

The City's General Plan and General Plan EIR (pages IV-62 through IV-64) provides a listing of structures that are designated heritage properties and recorded historic era buildings. Review of the listing concluded that there is no listing of structures that are designated heritage properties and recorded historic era buildings on the project site. Therefore, there is no impact on historical resources.

**Explanation of V. b) and c). Archeological and Paleontological Resources. Less Than Significant.**

The General Plan indicated that less than one-third of the total acreage within the General Plan study area has been surveyed for archeological resources. The majority of the areas previously surveyed are located in the southern portion of the City on the Valley Floor, and these surveys encountered relatively few archeological sites or other cultural resources. The project site is located within an area that is low probability for archeological resources. The City's standard practice during development is that monitoring by a qualified archeologist shall be required during all earthmoving activities, grading, grubbing, trenching or other earth-moving activities on the project site. A City-approved project archeologist must create a mitigation-monitoring plan prior to earth-moving in the project area, a pre-grade meeting associated with the details of that plan must occur between the monitoring archeologist, the City representative, and the grading contractor before issuance of a grading permit. The Plan must discuss contingency plans associated with Native American tribal representation if any pre-historic artifacts are found during earth-moving. The mitigation-monitoring plan document must contain a description of how and where artifacts will be curated if found during monitoring. Because of the low probability of archeological and paleontological resources findings and with the City's standard operating procedure, there is no impact to archeological and paleontological resources. At this time, there is no development proposed with the General Plan Land Use amendment and Zone Change; therefore, there is no impact on the environment.

**Explanation of V. d). Human Remains. Less Than Significant**

There is no development proposed with the General Plan Land Use Amendment and the Zone Change. However, at the time of future development, the Health and Safety Code Section 7050.5 requires that the Project follow the proper protocol when human remains are found on a construction project site. The City's standard operating procedure is that if previously unknown cultural resources, including human remains, are identified during grading activities, a qualified archaeologist shall be retained to assess the nature and significance of the find. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant

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<p>to Public Resources Code Section 5097.98. The County Coroner shall be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the discovery site. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. With the standard operating procedure, impact to human remains is less than significant. There is no proposal for development with the proposed General Plan Land Use amendment and the Zone Change; therefore, there</p>				
<p><b>VI. GEOLOGY AND SOILS: Would the Project:</b></p>				
<p>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</p> <ul style="list-style-type: none"> <li>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</li> <li>ii) Strong seismic ground shaking?</li> <li>iii) Seismic-related ground failure, including liquefaction?</li> <li>iv) Landslides?</li> </ul>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>
<p>b) Result in substantial soil erosion or the loss of topsoil?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on-</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems if sewers are not available?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Item VI a) i) through iii) and c) Exposure to Risk to Earthquake. No Impact.**

The City's General Plan Table V-1<sup>2</sup> shows the various faults names, proximity to Banning, and seismic intensities. Exhibit V-3<sup>3</sup> shows approximate locations of these fault zones including San Andreas fault. The entire area of the City is therefore susceptible to seismically induced ground shaking. There is no development project proposed at this time with the General Plan Land Use Amendment and Zone Change from Industrial to Very Low Density Residential. Therefore, there is no exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury. In the future, should development takes place within the project site, all buildings and construction must comply with the California Building Code for occupancies.

**Explanation on Item VI. a). iv) Landslides. No Impact.**

The Project site is relatively flat and is not in the vicinity of slopes that are susceptible to landslide. Therefore, there is no landslide impact.

**Explanation on Item VI. b) Soil Erosion. No Impact.**

There is no development proposed with this General Plan Land Use Amendment and Zone Change from Industrial to Very Low Density Residential. Should there be any future development on the sites that would create the potential for soil erosion by removing existing vegetation or existing structures, the Project is required to adhere to conditions under the National Pollution Discharge Elimination System permit issued by the Regional Water Quality Control Board and prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to be administered through out project construction. The SWPPP will incorporate best management practices to ensure that the potential water quality impacts during construction from soil erosion would be reduced to less than significant levels. In the long-term, previously undisturbed soil will be replaced with structures, pavement, and new landscaping as part of the project. These improvements will not contribute to the conditions that result in on-site soil erosion or off-site.

<sup>2</sup> Page V-12 of the Banning General Plan, Environmental Hazards

<sup>3</sup> Page V-13 of the Banning General Plan, Environmental Hazards

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Therefore, there is no impact on soil erosion.

**Explanation on Item VI. d) Expansive Soil. Less Than Significant Impact**

The Project sites are located in low-lying areas of the City that are proposed for development. The General Plan indicates that low-lying areas of the City are underlain by alluvial fan sediments that are composed primarily from granular soils and thus the expansion potential for soils ranges from low to very low<sup>4</sup>. There is no development proposed at this time with this General Plan Amendment and Zone Change from Industrial to Very Low Density Residential. Should a development is proposed on the project site, the project is required to submit a soils and geotechnical report and recommendations in the soils report are to be incorporated into the project which reduced the project impact to less than significant. No mitigation measure is required.

**Explanation on Item VI. e) Septic Tank. No Impact**

The Project is required to use the City's sewer system and not use a septic system. No mitigation measure is required.

<b>VII. GREENHOUSE GAS EMISSIONS:</b> <b>Would the Project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanation of Item VII. a) and b). Greenhouse Gas Emission. Less than Significant Impact.**

The proposed General Plan Amendment and Zone Change from Industrial to Very Low Density Residential designations would significantly reduce the generation of greenhouse gas emissions. This is due to the intensity of the land use has been reduced significantly because Very Low Density Residential development would generate significantly less traffic compared to Industrial Development. Low Density Residential Development at the most would generate approximately 20 homes on the gross land size of 9.28 acres compared to 242,542 square feet of industrial building.

There is no development proposed with the General Plan Amendment and Zone Change therefore

<sup>4</sup> Banning General Plan, Paragraph 1, page V-9, Environmental Hazards

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
there is no increase in the greenhouse gas. In fact, the greenhouse gas would be significantly reduced based on the residential land use.				
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the Project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site included on the list of hazardous materials sites compiled per Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 it result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b><u>Explanation of Item VIII. a), b), c), e), and f). Hazardous Materials. No Impact</u></b>            There is no new development proposed with the General Plan Amendment and Zone Change. However, should there be additional and new residential construction on the project site in the future, the project is required to comply with the the South Coast Air Quality Management District regulations regarding pollution generated from construction equipment.</p> <p>Additionally in the future, construction water impact is regulated through the National Pollution Discharge Elimination System (NPDES) and State Water Pollution and Prevention Program as part of grading plan requirements. In the long-term, housing developments typically use cleaning and solvent products for household cleaners, swimming pool, landscape maintenance, and washing of automobiles. Use of these products are governed by the manufacturer's materials safety and data sheet which will not create hazards to people, environment, schools, and airport. No mitigation measure is required.</p> <p><b><u>Explanation of Item VIII. d) Hazardous Materials Site. No Impact</u></b>            The project site is not located on list of hazardous materials sites compiled per Government Code Section 65962.5. No mitigation measure is required.</p> <p><b><u>Explanation of Item VIII. g) Emergency Response. No Impact</u></b>            There is no development proposed with the General Plan Amendment and Zone Change. Should there be a development proposed on the project site in the future, the project is required to meet the fire department and emergency personnel access and route for emergency response and therefore will not interfere with the emergency response and evacuation plan. Additionally, the building Code currently requires that new homes provide fire sprinklers to mitigate fire impact. No mitigation measure is required beyond compliance with the building code.</p> <p><b><u>Explanation of Item VIII. h) Wildland Fire. No Impact</u></b>            The Project sites are located in low-lying areas within and adjacent to other developments and not adjacent to wildlands. Furthermore, the homes are required to comply with the Fire Code for which a sprinkler system is required for fire protection. No mitigation measure is required.</p>				
<b>IX. HYDROLOGY AND WATER QUALITY. Would the Project</b>				

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 or planned land uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 such a way as to result in flooding either on-site or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water exceeding the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place, within a 100-year flood	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
hazard area, structures that would impede or redirect flood flows?				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Item IX. a) Water Quality & Waste Discharge. No Impact.**

There is no new residential project proposed in conjunction with the General Plan Amendment and Zone Change. As there is no new construction, there is no new impact to water quality and waste discharge. In the future, construction activities associated with new housing development is subject to the National Pollutant Discharge Elimination System (NPDES) requirements. NPDES requires best management practices for site design, source control, and treatment of pollutants which include conservation of natural area, construct street, sidewalks, and parking lot aisles to the minimum width necessary, and minimize the use of impervious surfaces in landscape design. Source control best management practices include street sweeping, roof run-off controls, and water efficient irrigation systems for landscaping. Treatment control best management practices include biofilters for trash and debris, bacteria and viruses, and oils and grease.

The U.S. Environmental Protection Agency (EPA) regulates the Clean Water Act. Under Section 402 of the Clean Water Act, the EPA regulates and control storm water discharge into the waters of the U.S. through a program called National Pollution Discharge Elimination System (NPDES). In California, the State Water Resources Control Board (SWRCB) administers the NPDES permitting program. The SWRCB works in coordination with the local Water Quality control Board to preserve, protect, enhance, and restore water quality. The City of Banning is within the jurisdiction of the Colorado River Water Quality Control Board and is required to comply with the Clean Water Act.

**Explanation of Item IX. b). Ground Water Supply and Ground Water Recharge. No Impact**

There is no new housing construction proposed with the General Plan Amendment and the Zone Change. In the future, should there be new residential construction, the project will be required to connect to the City's water supply system for household use and irrigation. The City is a water purveyor and evaluates the water supply needs every five (5) years through its water master plan. The demand included in the water master plan is sufficient to accommodate the projected water demand for the proposed project as . The Banning Municipal Code requires that the project pay for its demand for water through water connection fees to reduce impact to water supply. Compliance with the Municipal Code ensures that the project impact is less than significant. The

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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project sites are located in areas proposed for development and are not being used as ground water recharge so it is not anticipated that the natural aquifer recharge process will be impacted. No mitigation measure is required.

**Explanation of Item IX. c), d), and e) Drainage Pattern and Water Run-Off. No Impact.**

There is no new housing construction proposed with the General Plan Amendment and the Zone Change therefore the project will not alter the existing drainage pattern of the area. In addition, there is no stream or river on the project site and therefore, the project will not impact any streams or river.

Any future housing development that are proposed on the project site require that it complies with the City of Banning Municipal Code to contain the storm water run-off on site so as not to exceed the pre-development condition so that the drainage pattern in the area is not altered. In addition, the City of Banning Municipal Code requires that the project submit a hydrology study that will determine pre- and post development flow of storm water. The recommendation of the hydrology study is required to be incorporated onto the grading plan to ensure that the project does not create flooding on- and off-site. No mitigation measure is required.

**Explanation of Item IX. f) Water Quality. No Impact.**

There is no new housing construction proposed with the General Plan Amendment and the Zone Change; therefore, the project will not create new water pollutants that could be released from the project site. The project would not otherwise degrade water quality.

**Explanation of Item IX. g), h), i) and j) Flooding. Inundation. No Impact.**

According to the National Flood Insurance Program, the Project sites are located on Map Index Community Panel No. 06065C, Map revised August 28, 2008. The site is within Zone X, which is outside of a 100-year flood hazard area, in and adjacent area to the levee or dam area. All structures must comply with the City's Grading Ordinance. Therefore, no structures will be placed within the flood hazard area. There is no water bodies in the area where in the event of an earthquake could create inundation by seiche, tsunami, or mudflow. No mitigation measure is required.

<b>X. LAND USE AND PLANNING</b> <b>Would the Project</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
environmental effect?				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b><u>Explanation of Item X a) and c). Community and Habitat Conservation Plan. No Impact.</u></b>  The proposed General Plan Amendment and Zone Change will change the land use designation and zoning from Industrial to Very Low Density Residential. Four (4) of the five parcels are currently developed mostly with single-family homes and associated accessory structures, the general plan land use and zone change will remove the land use and zoning non-conformity and would make the project site consistent with what was built and the general plan and zoning and also compatible with the land use and zoning for the neighborhood to the east of the project site and properties across the street.</p> <p>The proposed General Plan Amendment and Zone Change will not conflict with any applicable habitat conservation plan or natural community conservation plan as there is no housing development that is proposed. Should there be any future housing construction, the developer of the housing development will be required to comply with the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP). The City is a signatory to the MSHCP; therefore, any development project that are proposed within the City are required to pay in-lieu fees for development or provide mitigation consistent with the MSHCP.</p> <p><b><u>Explanation of Item X b). No Impact.</u></b>  The proposed General Plan Amendment and a Zone Change from Industrial to Very Low Density Residential would allow the existing structures/uses to conform to the land use and zoning. Therefore, there is no impact on the land use plan.</p>				
<b><u>XI. MINERAL RESOURCES. Would the Project:</u></b>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b><u>Explanation of Item XI. a) and b). Mineral Resources. No Impact</u></b>  Based on the General Plan Map for Mineral Resources Zone, the Project sites are located outside</p>				

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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of the area zones for Mineral Resources Zone<sup>5</sup>. Therefore, the project will not result in loss of the availability of known mineral resources that are of value to the State, the Pass Area, and to the City. No mitigation measure is required.

**XII. NOISE: Would the Project:**

a) Expose persons to a generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Expose persons to a generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Create a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Item XII. a), b), and d). Noise Exposure, Groundborne Vibration, Ambient Noise. No Impact.**

The proposed General Plan Amendment and Zone Change will change the land use designation and zoning from Industrial to Very Low Density Residential. There is no housing development

<sup>5</sup> Exhibit IV-8 of the City of Banning General Plan, page IV-84.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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proposed with the General Plan Amendment and Zone Change; therefore, there is no new noise impacts resulted from the proposal.

**Explanation of Item XII. c), and e). Permanent Increase in Noise and Exposure of People to Airport Noise. Less Than Significant Impact**

The proposed General Plan Land Use Amendment and Zone Change will not create an increase in noise levels since no new homes construction are proposed. Future home construction requires compliance with the Municipal Code regarding noise that would be generated by construction and noise after the project is occupied. The General Plan policy<sup>6</sup> and its EIR<sup>7</sup> require that interior noise levels for residential development shall not exceed 45 dBA in accordance with the California Noise Insulation standards. During plan check process, the building and safety division will ensure that the interior noise levels of the residence meet the standard.

**Explanation of Item XII. f). Private Airstrip. No Impact**

The project will not impact a private air strip as there is no private airport within the City.

<b>XIII. POPULATION AND HOUSING</b>				
<b>Would the Project:</b>				
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace a substantial number of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Item XIII. a). Population Growth. Less Than Significant Impact.**

The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Should a housing development is proposed, the entire project site could accommodate up to 18 dwelling units. Based on the current persons per household of 2.7, the

<sup>6</sup> Paragraph 1, the Community Noise and Land Use Compatibility Model, page V-49 of the General Plan Noise Element

<sup>7</sup> Pages III-186 through III-188 of the General Plan Noise Element.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
project site is expected to generate 49 residents which is less than significant impact.				
<p><b><u>Explanation of Item XIII. b) and c). Displacement of Housing and People. No Impact.</u></b>  The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction; therefore, it would not displace existing housing and people.</p>				
<b>XIV. PUBLIC FACILITIES. Would the Project:</b>				
Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant Environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services.				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b><u>Explanation of Item XIV. a) through e). Public Facilities. Less Than Significant Impact.</u></b>  The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. The entire project site is anticipated to generate 18 dwelling units on a 9.28-acre site). The cumulative net increase of 14 housing units as compared to existing regulations, which would generate approximately additional 38 residents based on an average of 2.7 persons per dwelling unit. The increase in population will generate demand for fire protection, police protection, schools, parks, and additional public facilities.</p> <p><b><u>Fire Protection</u></b> - The City's General Plan policy requires that the Fire Department maintain a 5-minute response time<sup>8</sup>. Currently, fire protection services are provided by the County through Cal-Fire. The City has a three-party agreement with the City of Beaumont and Cal-Fire with regard to providing fire protection services for the City using Station 20 that is located at 1550 E. 6<sup>th</sup> Street in Beaumont in addition to services provided by the current station at 170 N. Murray Street. The California Building Code currently requires that new homes provide fire sprinkler</p>				

<sup>8</sup> Policy 9 page VI-38, Public Services and Facilities Element of the General Plan

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>system which would help reduce the impact to fire services. Additionally, new housing projects are required to pay fire impact fees which would provide for future facilities as the cities develop.</p>				
<p><b>Police Protection</b> - The General Plan policy requires that the Police Department maintain a level of service goal of 2.0 sworn officers per 1000 residents. The Project is required to pay police impact fees to mitigate impacts to police services. Payment of the impact fees reduces the Project impact to less than significant. No mitigation measure is required.</p>				
<p><b>Schools</b> - The Banning Unified School District provides educational facilities and services to students that would be generated by the Project. As the individual housing project site develop, the Project is required to pay school impact fees consistent with State law. Payment of school impact fees is deemed to have mitigated the impacts to schools which reduces the Project impact to less than significant. No mitigation measure is necessary.</p>				
<p><b>Parks</b> - The City's General Plan requires that parks are maintained at a standard of 5 acres per 1,000 population.<sup>9</sup> The proposed project is required to provide amenities for its population to enjoy in addition to payment of park impact fee for future development of park and facilities as the City grows. Payment of park impact fees mitigates the project impacts to less than significant. No mitigation measure is necessary.</p>				
<p><b>Other Public Facilities</b> - The Banning Public Library provides library services to the residents of Banning. The Library is funded by a library taxing district. The Project is required to pay its fair share costs to the County library district which in turn pays for providing the library system, including staffing and equipment.</p>				
<b>XV. RECREATION</b>				
<p>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?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>9</sup> Program 1.B page III-98, Community Development Element of the General Plan

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b><u>Explanation of Item XV. a) and b) Recreation. Less Than Significant Impact.</u></b>  The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Future home construction will be required to pay parks impact fees. Payment of park impact fees will mitigate the project impacts to recreation to less than significant.</p>				
<b>XVI. TRANSPORTATION/TRAFFIC</b> Would the Project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Item XVI. a). Circulation System Effectiveness. No Impact.**

The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Therefore, there is no impact to the existing circulation system effectiveness. Any future home construction be required to pay the adopted traffic impact and Traffic Uniform Mitigation Fees (TUMF) to minimize project impact on existing roadway network.

**Explanation of Item XVI. b). Congestion Management Program. No Impact.**

Riverside County Transportation Commission is the Congestion Management Agency for Riverside County. The project will not conflict with the Congestion Management program as the future home construction project will be required to pay the TUMF fee. The TUMF fee is used for improvements to freeway and major highways to minimize project traffic impacts.

**Explanation of Item XVI. c). Change to Air Traffic. No Impact.**

The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Subsequent housing development will be required to comply with the Riverside County Airport Land Use Commission's regulations to ensure that the project will not impact the airport or area surrounding the airport.

**Explanation of Item XVI. d). Road Design. No Impact.**

The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Subsequent housing development will be reviewed for compliance with the City standards as established in the City's Municipal Code and Zoning Code including road design.

**Explanation of Item XVI. e). Emergency Access. No Impact.**

The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Subsequent housing development are required to provide adequate access to

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>and from the project site to public right-of-way including road and road grade, driveway and driveway grade, drive aisle. Two points of access into and out of the project are required to be in compliance with the City's Municipal Code and Zoning Code. Future housing construction would require compliance with the City Codes prior to issuance of grading and buildings permits. No mitigation is required.</p> <p><b><u>Explanation of Item XVI. f). Parking Capacity. No Impact.</u></b>  The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Subsequent housing development is required to provide adequate parking in compliance with the Zoning Code.</p> <p><b><u>Explanation of Item XVI. g). Transit, Non-motorized transportation. No Impact.</u></b>  The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. The General Plan encourages people to rely on other modes of transportation including public transit, walking and bicycling. Subsequent housing projects will be reviewed to ensure that the project provides adequate pedestrian access to sidewalk and streets for people to walk and ride bicycles. No mitigation measure is required as the project will not impact transit, bicycling, and pedestrian facilities.</p>				
<b>XVII. UTILITIES AND SERVICE SYSTEMS. Would the Project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or new or expanded entitlements	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
needed?				
e) Result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Item XVII. a) Waste Water Treatment. Less Than Significant Impact.**

The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Future waste water to be generated by the project is domestic sewage. Future housing developments will be required to connect to the City's sewer system and pay their sewer connection fees. Any surface run-off from the project is addressed in Responses to Questions IX a), c), e), and f) of this Initial Study. Therefore, the waste water treatment requirements of the Regional Water Quality Control Board are not expected to be exceeded. In addition, the payment of fees for sewer connection will reduce the project impact to less than significant. No mitigation measure is required.

**Explanation of Item XVII. b) New Waste Water or Expansion of Facility. Less Than Significant Impact.**

The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Future home construction will be required to connect to the City's water and wastewater system. This includes on-site pipelines and unit connections to the City's existing water and wastewater system. The construction of the on-site water and wastewater have been addressed as part of the Initial Study and impacts were found to be less than significant. The project will not require or result in construction or expansion of new water or waste water treatment facilities off-site. Therefore, there is no significant environmental effects associated with respect to water and wastewater.

**Explanation of Item XVII. c) New Storm Water or Expansion of Facility. Less Than Significant Impact.**

The proposed General Plan Land Use amendment and Zone Change are not associated with any home construction. Subsequent housing projects are required to provide on-site storm water

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
	<p>systems to prevent on-site flooding and impact to the adjacent development. The project also will be required to tie into the City's storm drain system. The construction of the storm drain facilities has been considered in other parts of this Initial Study and is considered not to be significant. At the time of a specific project application, the City shall review the storm drain system plan in detail to ensure that it meets the requirement of the Municipal Code. Compliance with the Municipal Code will reduce the project impact to less than significant. No mitigation measure is required.</p> <p><b><u>Explanation of Item XVII. d) Water Supply. Less Than Significant Impact.</u></b>  The City's 2010 Urban Water Management System which was adopted on June 28, 2011 anticipates that the City is capable of meeting the water demand of its customers in normal, single dry, and multiple dry years between 2015 and 2035. The City's water supply comes from ground water and imported State water project through San Gorgonio Pass Water Agency. Eighty Seven (87) percent of the water supply comes from ground water in the Banning, Banning Bench, Banning Canyon, Cabazon, and Beaumont basins and less reliance on State imported water. The 2010 Urban Water Management Plan also includes a variety of best management practices<sup>10</sup> to comply with the State mandate for water availability and conservation. In addition, the City is currently installing recycled water infrastructure to help off-site the demand for ground water. Furthermore by 2015, the extension of pipelines for EBX1 (State Water Project) to bring water to the City of Banning. Collectively, these measures will help ensure that the City has adequate water to support the demand of its customers including the project. The project will be required to provide adequate infrastructure to serve any future development on the project site and pay the water connection fee which will reduce the project impact to less than significant.</p>			

<sup>10</sup> Pages 98 through 114 of the adopted 2010 Urban Water Management Plan.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVIII MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or an endangered threatened species, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the Project have impacts that are individually limited, but cumulatively considerable? (Are the incremental effects of the Project considerable when viewed in connection with those of past Projects, those of other current Projects, and those of probable future Projects?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the Project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanation of Item XVIII Mandatory Findings of Significance.**

- a. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or an endangered threatened species, or eliminate important examples of the major periods of California history or prehistory?

Based on the analysis contained in this Initial Study/Negative Declaration, the Project has no impact on Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water, Land Use and Planning, Mineral Resources, Noise, and Transportation/Traffic. No mitigation measure is required.

Impacts to Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Population and Housing, Public Facilities, Recreation, and Transportation/Traffic, Utilities and Service Systems are less than significant impact.

**b) Does the Project have impacts that are individually limited, but cumulatively considerable? (Are the incremental effects of the Project considerable when viewed in connection with those of past Projects, those of other current Projects, and those of probable future Projects?)**

The proposed General Plan Land Use amendment and Zone Change does not include a specific development proposal at this time, and future residential developments shall be required to comply with applicable policies, standards, regulations and mitigation measures identified herein, which would reduce potential impacts to a level that is less than significant..

**c) Does the Project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

As discussed in the above Sections, future residential developments shall be required to comply with applicable policies, standards, regulations and mitigation measures identified herein, which would reduce potential impacts, either directly or indirectly, on human beings to a level that is less than significant.

## INCORPORATION BY REFERENCE

This Initial Study is based in part on the information and analysis contained in other environmental and planning documents as authorized by Section 15150 of the State CEQA Guidelines. The following references were utilized during preparation of this Initial Study. These documents are available for review at the City of Banning City Hall located at 99 E. Ramsey Street, Banning, CA 92220.

**City of Banning General Plan.** The City of Banning General Plan (“General Plan”) was adopted on January 31, 2006. It is a statement of community values and priorities and contains the plan for the future development and operation of the City. The 2006 General Plan Update, which brought the General Plan into conformance with changes in State law and other legal requirements; reflects changes in local population and economy since 1986; incorporates recent projections and assumptions regarding future growth; and responds to the issues, challenges and opportunities created by recent trends and developments.

The City of Banning General Plan incorporates the State-mandated and Non-mandated elements. The seven (7) mandated elements are: land use, housing, traffic circulation, safety, parks and recreation, conservation, and noise. The rest of the elements are non-mandated elements. The General Plan is structured into five (5) major policy areas listed below:

1. **Community Development:** The Community Development Element includes five (5) elements: Land Use, Economic Development, Circulation, Parks and Recreation and Housing elements.
2. **Environmental Resources:** The Environmental Resources include six (6) elements: Water Resources, Open Space and Conservation, Biological Resources, Archeological and Historic Resources, Air Quality, and Energy and Mineral Resources elements.
3. **Environmental Hazards:** The Environmental Hazards include Geotechnical, Flooding and Hydrology, Noise, Wildland Fire, and Hazardous and Toxic Materials elements.
4. **Public Services and Facilities:** Public Services and Facilities include Water, Wastewater, and Utilities, Public Buildings and Facilities, School and Libraries, Police, and Fire Protection, and Emergency Preparedness elements.

Background and policy information from the General Plan is utilized in several sections of this Initial Study to provide setting and context and establish the regulatory framework, which governs development of the candidate sites.

**City of Banning General Plan Final Environmental Impact Report (Certified January 31, 2006).** This document, which was certified through City Council Resolution 2006-13, is comprised of the Draft and Final EIR. The analysis evaluated the impacts resulting from implementation of the City of Banning General Plan 2006. The General Plan EIR concluded that implementation of the General Plan would result in housing stock between 26,595 and 31,503 dwelling units at build-out in 2030. Additionally, the General Plan EIR concluded the build-out

population would be between 67,697 and 80,226 persons. The General Plan EIR was utilized throughout this Initial Study as a source of baseline and build-out conditions.

**City of Banning General Plan Circulation Element Amendment Final Environmental Impact Report (Certified March 26, 2013).** This document was certified through the City Council Resolution 2013-34, and comprised of the Draft and Final EIR. The analysis evaluated the impacts resulting from changing the citywide policy for roadway level of service (LOS) from LOS C to D and removing of Highland Home Road interchange from the City's General Plan Circulation Element. This Circulation Element Final EIR is utilized throughout this Initial Study as a source of baseline and build-out conditions.

**Banning Municipal Code (BMC).** The City's ordinances are codified in the "Banning Municipal Code" (BMC). The BMC consists of all of the City's regulatory and penal ordinances and some of its administrative ordinances, codified pursuant to the California Government Code. Information within the BMC was utilized in various sections of this Initial Study, in order to establish the existing regulatory framework.

**Banning Zoning Ordinance (BZO).** In contrast with the General Plan, which is comprehensive, long-range, general policy statement for the entire community, the Banning Zoning Ordinance (BZO) is a specific statement of permissible uses of land by zoning district designed to control the use, type, bulk, height, space, and location of buildings and land. The Zoning Ordinance is the primary tool by which the City implements the General Plan policies. The Zoning Ordinance is intended to be applied to the City based on land use designations established in the General Plan. Information within the BZO was utilized in various sections of this Initial Study, in order to establish the existing regulatory framework.

#### **LIST OF PERSONS CONSULTED IN PREPARATION OF THIS INITIAL STUDY/NEGATIVE DECLARATION**

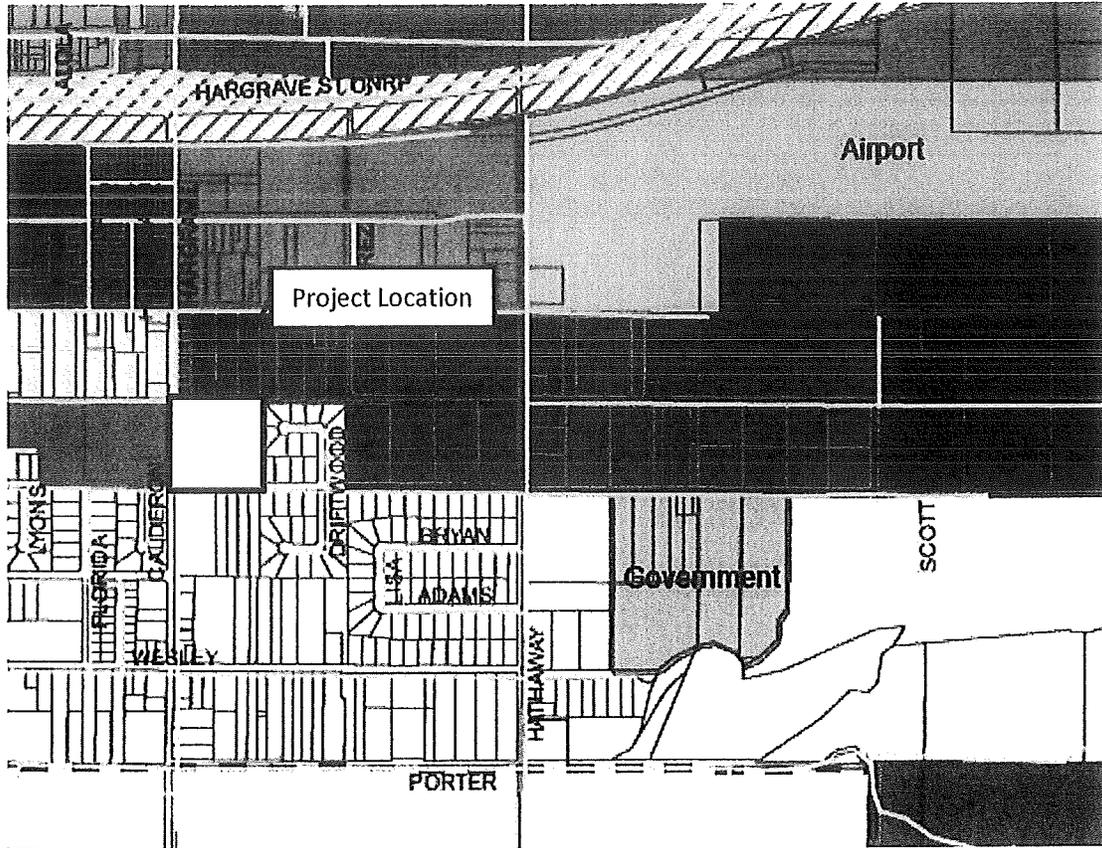
Duane Burk, Public Works Director

**Exhibit B**

**Ordinance No. 1475**

**Map Showing Location of Properties Proposed for  
General Plan Amendment and Zone Change from  
Industrial to Very Low Density Residential**

# Proposed General Plan and Zoning



General Plan & Zoning = Very Low Density Residential (VLDR)