I. CALL TO ORDER: Chairman Arterberry

- Pledge of Allegiance: Commissioner Briant
- Roll Call: Chairman Arterberry; Commissioner Barsh; Commissioner Briant, Commissioner Hawkins; Commissioner Siva

II. PUBLIC COMMENTS:

At this time, the general public is invited to address the Planning Commission concerning any items that are not listed on the agenda, which are not public hearings or other items under the jurisdiction of the Planning Commission. Comments from the public of any non-agenda items will be limited to three (3) minutes in accordance with City policy.

III. PLANNING COMMISSION ELECTIONS

IV. CONSENT CALENDAR ITEMS:

Note: All items listed on the Consent Calendar may be enacted by a single motion without separate discussion. If a discussion or a separate vote on any item is desired by a Planning Commissioner, that item may be removed from the Consent Calendar and considered separately. All remaining items not removed from the Consent Calendar by a Planning Commissioner shall be voted on prior to discussion of the item(s) requested to be pulled.

No Consent Calendar Item
V.  PUBLIC HEARING

Initial Study/Negative Declaration, General Plan Amendment (GPA) No. 12-2502, Zone Change (ZC) No. 12-3501, and Zone Text Amendment (ZTA) No. 12-97502 to change land use and zoning designations for certain properties related to Regional Housing Needs Assessment for Certification of the Housing Element (2008-2014) by the State Housing and Community Development

Staff Report

Order of Procedure:
1. Request staff report / Questions of staff
2. Open public hearing
3. Close public hearing
4. Planning Commission discussion / Questions of staff
5. Motion and Second
6. Discussion on motion
7. Call the question (Roll call vote)

Recommendation:

That the Planning Commission take the following action:

1. Adopt Planning Commission Resolution No. 2012-08 (Attachment 1) recommending that the City Council adopt an Initial Study/Negative Declaration for General Plan Amendment (GPA) No. 12-2502, Zone Change (ZC) No. 12-3501, and Zone Text Amendment (ZTA) No. 12-97502 to change land use and zoning designations for certain properties related to Regional Housing Needs Assessment for Certification of the Housing Element by the State Housing and Community Development.

2. Adopt Planning Commission Resolution No. 2012-09 (Attachment 2) recommending that the City Council the adoption of Ordinance No. 1452 amending the Banning Zoning Ordinance to establish a Very High Density Residential (VHDR) zoning district for certain properties in the City of Banning related to Regional Housing Needs Assessment for Certification of the Housing Element by the State Housing and Community Development.

3. Adopt Planning Commission Resolution No. 2012-10 (Attachment 3) recommending that the City Council approve General Plan Amendment No. 12-2502 and Zone Change No. 12-3501 to change the General Plan Land Use and Zoning Map to create a Very High Density Residential (VHDR) zoning district for certain properties in the City of Banning related to Regional Housing Needs Assessment Certification of the Housing Element by the State Housing and Community Development.

VI.  STAFF REPORT / INFORMATION ITEM - None
VII. PLANNING COMMISSIONER COMMENTS

VIII. COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

1. City Council Actions from previous meetings on Planning-Related Items

IX. ADJOURNMENT

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of June 6, 2012 starting at 6:30 p.m. in the City Council Chambers.

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

Chairperson: Nominations for the office of Chairperson are now open. A second to the nominations is not required.

(Commissioners shall nominate the person of their choice.)

Chairperson: Are there any further nominations? If not, I will entertain a motion that the nominations be closed.

(Motion is made)

Is there a second?

All those in favor say Aye, those opposed No.

Chairperson: I will take a roll call vote. Please signify your choice for Chairperson when your name is called. The roll call will be in alphabetical order.

<table>
<thead>
<tr>
<th>ROLL CALL VOTE</th>
<th>Commissioner Arterberry</th>
<th>Commissioner Barsh</th>
<th>Commissioner Briant</th>
<th>Commissioner Hawkins</th>
<th>Commissioner Siva</th>
</tr>
</thead>
</table>

Chairperson: The vote is in favor of Commissioner who is our newly elected Chairperson. Chairperson shall now preside over the election of Vice-chairperson. (Repeat this procedure for Vice-chairperson.)
CITY OF BANNING
Planning Commission Report

DATE: May 2, 2012
TO: Planning Commission
FROM: Zai Abu Bakar, Community Development Director

SUBJECT: INITIAL STUDY/NEGATIVE DECLARATION/GENERAL PLAN AMENDMENT (GPA) NO. 12-2502/ZONE CHANGE (ZC) NO. 12-3501/ZONE TEXT AMENDMENT (ZTA) NO. 12-97502 TO CHANGE LAND USE AND ZONING DESIGNATIONS FOR CERTAIN PROPERTIES IN THE CITY OF BANNING RELATED TO THE REGIONAL HOUSING NEEDS ASSESSMENT

STAFF RECOMMENDATION

That the Planning Commission takes the following actions:

1. Adopt Planning Commission Resolution No. 2012-08 (Attachment 1) recommending that the City Council adopt an Initial Study/Negative Declaration for General Plan Amendment (GPA) No. 12-2502, Zone Change (ZC) No. 12-3501, and Zone Text Amendment (ZTA) No. 12-97502 to change land use and zoning designations for certain properties related to Regional Housing Needs Assessment for Certification of the Housing Element by the State Housing and Community Development.

2. Adopt Planning Commission Resolution No. 2012-09 (Attachment 2) recommending to the City Council the adoption of Ordinance No. 1452 amending the Banning Zoning Ordinance to establish a Very High Density Residential (VHDR) zoning district for certain properties in the City of Banning related to Regional Housing Needs Assessment.

3. Adopt Planning Commission Resolution No. 2012-10 (Attachment 3) recommending that the City Council approve General Plan Amendment No. 12-2502 and Zone Change No. 12-3501 to change the General Plan Land Use and Zoning Map to create a Very High Density Residential (VHDR) zoning district for certain properties in the City of Banning related to Regional Housing Needs Assessment.
APPLICANT INFORMATION

Applicant: City of Banning
99 E. Ramsey Street
Banning, CA 92220

EXECUTIVE SUMMARY

The rezoning program is necessary to satisfy the State of California Department of Housing and Community Development (HCD) requirement for review and certification of the City’s Housing Element (2008-2014). The program provides for the rezoning of several parcels of land in the City to Very High Density Residential (VHDR). The VHDR allows residential development at the rate of at least 20 dwelling units per acre to a maximum of 30 dwelling units per acre. Staff recommends approval of the proposed General Plan Amendment/Zone Change along with the Zone Text Amendment in order to provide additional housing sites at densities adequate to meet the requirements of the State for lower-income households.

Failure to obtain approval of the revised Housing Element by the State places the entire City’s General Plan at risk for legal challenges. This element of risk could prove to be costly to the City both in delays associated with developing housing projects and litigation. Should the Housing Element not be certified, the City is required to double the number of required affordable housing units from the current Housing Element into the next Housing Element cycle (Year 2014-2021) plus future RHNA allocation to the City by the State. Staff has considered various alternatives to increasing housing densities with HCD and they continue to deny certification of the revised Housing Element until a rezoning program has been adopted.

BACKGROUND/ANALYSIS

The Housing Element is an integral component of the City’s General Plan. It addresses existing and future housing needs of all types for persons of all economic groups in the City. The Housing Element is a tool for use by citizens and public officials in understanding and meeting the housing needs in City of Banning. Recognizing the importance of providing adequate housing in all communities, the state has mandated a Housing Element within every General Plan since 1969.

It is one of the seven elements required by the state. Article 10.6, Section 65580 – 65589.8, Chapter 3 of Division 1 of Title 7 of the Government Code sets forth the legal requirements of the Housing Element and encourages the provision of affordable and decent housing in all communities to meet statewide goals. Specifically, Section 65580 states the element shall consist of "... an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources and scheduled programs for the preservation, improvement, and development of housing."

The element must also contain a five-year housing plan with quantified objectives for the implementation of the goals and objectives of the Housing Element. The contents of the element
must be consistent with the other elements of the General Plan. Meeting the housing needs established by the State of California is an important goal for the City of Banning. As the population of the State continues to grow and scarce resources decline, it becomes more difficult for local agencies to ensure the provision of adequate housing opportunities while maintaining a high standard of living for all citizens in the community. State law recognizes that housing needs may exceed available resources and, therefore, does not require that the City’s quantified objectives be identical to the identified housing needs. This recognition of limitations is critical, especially during this period of financial uncertainties in both the public and private sectors. Section 65583(b)(2) states:

“It is recognized that the total housing needs... may exceed available resources and the communities’ ability to satisfy this need... Under these circumstances, the quantified objectives need not be identical to the identified existing housing needs. The quantified objectives shall establish the maximum number of housing units by income category that can be constructed, rehabilitated, and conserved over a five-year time period.”

This Housing Element (2008-2014) was created in compliance with state General Plan law pertaining to Housing Elements and is scheduled to be adopted by the City of Banning City Council subsequent to review and approval of the State of California Housing and Community Development (HCD), Division of Housing Policy Development.

Upon review of the Housing Element, HCD is stipulating that the City implement a program to rezone additional sites at densities adequate to meet the Regional Housing Needs Assessment (RHNA) for lower-income households. The consultant for the City (Laurin Associates) is preparing the revised Housing Element and has recommended the proposed changes to the General Plan Land Use/Zoning District map in order to satisfy the comments provided by HCD. The goal of the City’s consultant is to ultimately have the revised Housing Element certified by the state.

The selection of the parcels to be rezoned was based upon the comments received from HCD in their review of the Revised Draft Housing Element and the professional opinion of the City’s consultant. HCD requests that the land selected be vacant and have a potential for development that includes provisions for public services and facilities. A program to rezone is specifically mention in their letter dated December 3, 2009.

The northeast quadrant of the City contains existing high density residential projects. To the north of the Downtown Commercial zoning district there are several High Density Residential zones with some existing residential; it is similar in the northwest quadrant of the City. The south side of the City, especially the southeast quadrant of the City, contains no HDR zoning districts although some high density residential projects exist within the area. Therefore, the selected parcels included in the rezoning program were distributed at locations throughout the City with several parcels selected on the south side of the City. This was done for the purpose of not concentrating VHDR, HDR, and MDR zoning districts at any one location in the City. Consideration was also given to locating the selected parcels in areas adjacent or nearby commercial and industrial developments to provide residents convenient access to commercial services.
Therefore, at this time it is proposed to amend the General Plan (GP) Land Use Map and Zoning Overlay designating Very High Density Residential (VHDR) and Downtown Commercial (DC-30) districts to comply with State of California Department of Housing and Community Development requirements for housing (see Figure 1 for a list of parcels). The proposal consists of rezoning approximately 74.77 acres of land at various locations in the City. Individual maps of the parcels in question are included in Exhibit A. An overall city location map is included in Exhibit B.

**Figure 1- VHDR Parcel List**

<table>
<thead>
<tr>
<th>No.</th>
<th>Assessor's Parcel Number</th>
<th>Acres</th>
<th>Existing GP Land Use Designation</th>
<th>Existing Zoning</th>
<th>Proposed Land Use Designation</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>537-110-008</td>
<td>17.0</td>
<td>MDR/HDR</td>
<td>MDR/HDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>2</td>
<td>537-150-005</td>
<td>7.48</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>3</td>
<td>537-150-006</td>
<td>8.57</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>4</td>
<td>537-150-007</td>
<td>7.43</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>5</td>
<td>538-250-004</td>
<td>9.26</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>6</td>
<td>538-261-001</td>
<td>5.0</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>7</td>
<td>540-163-001</td>
<td>0.13</td>
<td>DC</td>
<td>DC</td>
<td>DC-30</td>
<td>DC-30</td>
</tr>
<tr>
<td>8</td>
<td>540-163-002</td>
<td>0.13</td>
<td>DC</td>
<td>DC</td>
<td>DC-30</td>
<td>DC-30</td>
</tr>
<tr>
<td>9</td>
<td>540-163-003</td>
<td>0.13</td>
<td>DC</td>
<td>DC</td>
<td>DC-30</td>
<td>DC-30</td>
</tr>
<tr>
<td>10</td>
<td>540-163-004</td>
<td>0.13</td>
<td>DC</td>
<td>DC</td>
<td>DC-30</td>
<td>DC-30</td>
</tr>
<tr>
<td>11</td>
<td>540-163-005</td>
<td>0.22</td>
<td>DC</td>
<td>DC</td>
<td>DC-30</td>
<td>DC-30</td>
</tr>
<tr>
<td>12</td>
<td>540-240-013</td>
<td>4.85</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>13</td>
<td>540-240-014</td>
<td>4.44</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>14</td>
<td>543-050-002</td>
<td>10.0</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>74.77</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The following new zoning districts are proposed to accommodate the densities required in the revised Housing Element. They are described as follows:

**Very High Density Residential** (VHDR) (20 to 30 du/acre).
The Very High Density Residential zoning district allows housing that is generally affordable multi-family in character such as garden apartments, condos, flats, townhouses, and low-rise multi-family complexes. The clustering of condominiums and townhomes is appropriate with the provision of common area amenities. Home Occupations may be appropriate with approval of a Home Occupation permit.

**Downtown Commercial** (DC-30) (18-30 du/ac for mixed uses). This District occurs within the DC zoning district on Ramsey Street, that is located between 8th Street and Hargrave Street on the west and east, by Interstate 10 on the south, and by Williams and Nicolet on the north. This area is the City's traditional commercial core, and has special significance to the community because small scale commercial retail and office uses, services, restaurants, and entertainment retail are the primary uses in this district. Mixed Use, residential land uses in combination with
commercial businesses, are also encouraged. Bed & breakfasts, hotels and motels are also appropriate in this district.

Included with this proposal is the amendment of the GP Land Use Map and Zoning Overlay designating five parcels of land as Very Low Density Residential (VLDR) from Industrial (I) (see Figure 2 for a list of parcels). The included parcels amount to approximately 9.28 acres. Individual maps of the parcels in question are included in Exhibit A. An overall city location map is included in Exhibit B. The rezoning of the included parcels is done at the request of a majority of the property owners (see Exhibit C for copies of property owner’s responses).

**Figure 2- VLDR Parcel List**

<table>
<thead>
<tr>
<th>No.</th>
<th>Assessor’s Parcel Number</th>
<th>Acres</th>
<th>Existing GP Land Use Designation</th>
<th>Existing Zoning</th>
<th>Proposed Land Use Designation</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>543-090-003</td>
<td>1.13</td>
<td>Industrial</td>
<td>Industrial</td>
<td>VLDR</td>
<td>VLDR</td>
</tr>
<tr>
<td>16</td>
<td>543-090-004</td>
<td>1.26</td>
<td>Industrial</td>
<td>Industrial</td>
<td>VLDR</td>
<td>VLDR</td>
</tr>
<tr>
<td>17</td>
<td>543-090-014</td>
<td>0.17</td>
<td>Industrial</td>
<td>Industrial</td>
<td>VLDR</td>
<td>VLDR</td>
</tr>
<tr>
<td>18</td>
<td>543-090-016</td>
<td>3.0</td>
<td>Industrial</td>
<td>Industrial</td>
<td>VLDR</td>
<td>VLDR</td>
</tr>
<tr>
<td>19</td>
<td>543-090-017</td>
<td>3.72</td>
<td>Industrial</td>
<td>Industrial</td>
<td>VLDR</td>
<td>VLDR</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>9.28</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Explanations for the other existing zoning designations referenced in this report are as follows:

**Very Low Density Residential (VLDR)** (0-2 du/acre). This zoning district allows detached single-family homes at a density of up to 2 units per acre. May be appropriate for bed & breakfast and similar uses. Animal keeping is permitted according to Zoning restrictions.

**Medium Density Residential (MDR)** (0-10 du/acre). This zoning district allows the development of attached and detached single family homes, in traditional subdivisions and planned communities. Also allows condominiums and townhomes, garden apartments and duplexes, with the provision of common area amenities and open space. The clustering of condominiums and townhomes may be appropriate with the provision of common area amenities and open space. Bed & breakfasts and similar uses may be appropriate with the approval of a conditional use permit. Home Occupations are permitted with approval of a Home Occupation permit. May also be appropriate for convenience retail commercial ("corner store" type development such as convenience stores, grocery or green grocer, video rental, drug stores, sit down restaurants, coffee shops or coffee bars or similar uses), less than 5,000 square feet in total square footage, with approval of a conditional use permit. Mixed use projects, which combine residential and commercial uses, are appropriate with approval of a Planned Unit Development.

**High Density Residential (HDR)** (11-18 du/acre). Allows condominiums and townhomes, as well as apartments with the provision of common area amenities and open space. The clustering of condominiums and townhomes is appropriate with the provision of common area amenities and open space. Mobile home parks and subdivisions with the provision of common area amenities and open space may also be appropriate, with the approval of a conditional use permit. Home Occupations may be appropriate with approval of a Home Occupation permit.
**Downtown Commercial** (DC). This District occurs on Ramsey Street, between 8th Street and Hargrave Street on the west and east, by Interstate 10 on the south, and by Williams and Nicolet on the north. This area is the City’s traditional commercial core, and has special significance to the community because small scale commercial retail and office uses, services, restaurants, and entertainment retail are the primary uses in this district. Mixed Use, residential land uses in combination with commercial businesses, are also encouraged. Bed & breakfasts, hotels and motels are also appropriate in this district.

**Industrial** (I). This district includes industrial parks and freestanding industrial users. Examples of permitted uses include light and medium intensity manufacturing operations, warehousing and distribution, ministorage, and associated offices. Commercial recreation facilities, auto storage and repair are also allowed. Retail uses ancillary to the industrial use are also appropriate.

**ENVIRONMENTAL DETERMINATION**

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

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

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

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

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

2. **Multiple Species Habitat Conservation Plan (MSHCP).** The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.
REQUIRED FINDINGS FOR ZONE TEXT AMENDMENT (ZTA) NO. 12-97502:

The Zoning Ordinance requires that each Zone Text Amendment meet certain findings in Section 17.116.050 in order to be approved by the Planning Commission. The following findings are provided for Commission consideration:

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

Findings of Fact:

The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan, insofar as the proposed addition of high density residential zoning designations encourages and facilitates development of housing affordable to lower-income households. The primary General Plan Land Use Goal is “A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents”. By amending the Zoning Ordinance to include zoning designations that allow densities of 20 to 30 dwelling units per acre the revised housing element of the General Plan provides a program to comply with Housing Element law, specifically Section 65583(c). Compliance with Housing Element law provides a balance in housing for all income levels.

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

Findings of Fact:

The Zone Text Amendment is consistent with the existing provisions of the Zoning Ordinance. The proposed amendments will modify the densities permitted on certain parcels of land in order to encourage and facilitate development of housing affordable to lower-income households in accordance with Housing Element law. No significant changes are proposed to the development standards of the Zoning Ordinance. Staff has reviewed and compared the proposed changes and finds no conflicting statements or inconsistencies.

3. That the Planning Commission has independently reviewed and considered the requirements of the California Environmental Quality Act.

Findings of Fact:

The Planning Commission, in light of the whole record before it including but not limited to the City’s local CEQA Guidelines and Thresholds of Significance, the proposed Negative Declaration and documents incorporated therein by reference, any written comments received and responses provided, and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby finds and determines as follows:
Review Period: That the City has provided the public review period for the Negative Declaration for the duration required under CEQA Guidelines Sections 15073 and 15105.

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

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

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

REQUIRED FINDINGS FOR GENERAL PLAN AMENDMENT (GPA) NO. 12-2502 AND ZONE CHANGE (ZC) NO. 12-3501:

The Zoning Ordinance requires that each General Plan Amendment meet certain findings in Section 17.64.010 in order to be approved by the Planning Commission. The following findings are provided for Commission consideration:

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

   Findings of Fact:

   The proposed General Plan Amendment is consistent with the existing provisions of the General Plan and the various elements. The proposed amendments will modify the densities permitted on certain parcels of land in order to encourage and facilitate development of housing affordable to lower-income households in accordance with Housing Element law. It has been determined that the other elements of the General Plan will not be affected significantly. The proposed land use designations and densities appear to be compatible with current or planned land uses. Staff has reviewed and compared the proposed changes and finds no conflicting statements or inconsistencies among the Elements of the General Plan.

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

   Findings of Fact:

   The proposed General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City. Housing costs are excessive in the
State of California and the proposed increase in densities for certain parcels of land are designed to encourage the development of housing units affordable to lower-income families in accordance with Housing Element law for which the public has a direct interest. The locations of the proposed VHDR designations have been strategically located in areas adjacent or nearby commercial and industrial developments to provide residents convenient access to commercial services.

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

Findings of Fact:

The proposed amendment would maintain the appropriate balance of residential land uses within the City. The State Income Limits for 2012 provide data for the County of Riverside that classify a 4-person household as lower income if they on average earn less than $53,000 per year. The 2003 median income for families in the City is estimated at $36,514 per year. This means that on average families in the City of Banning are classified as low income and there is a direct need for land uses that may provide suitable housing. Therefore, the State of California, Housing and Community Development Department has determined that the City provide a program to provide additional housing opportunities for lower-income families by rezoning. It is intended that this program provide a balance of residential land uses within the City.

4. That in the case of an amendment to the General Plan Land Use Map, the subject parcels are physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints), for the requested land use designations and the anticipated land use development.

Findings of Fact:

The proposed amendments will modify the densities permitted on certain parcels of land in order to encourage and facilitate development of housing affordable to lower-income households in accordance with Housing Element law. The location of the parcels was carefully selected to be physically suitable and compatible with existing residential neighborhoods while at the same time providing opportunities for future development as required by the Department of Housing and Community Development. Each of the parcels has access to a public right-of-way and provisions for utilities, or will have these amenities through development review process in accordance with the City's development standards, guidelines, and regulations. None of the parcels proposed for rezoning are located in areas that have physical constraints on development such as rock out-croppings.
PUBLIC COMMUNICATION

A notice of the proposed Amendment was advertised in the Record Gazette newspaper on April 20, 2012. Additionally, a notice was mailed to all property owners within 300 feet of the subject parcels. As of the date of the publication of this report, staff received one written comment in support of the proposal.

Prepared by:
Brian Guillot
Assistant Planner

Approved by:
Zai Abu Bakar
Community Development Director

Attachments:
1. Resolution No. 2012-08 (recommending City Council adoption of a Negative Declaration)
2. Resolution No. 2012-09 (recommending City Council adoption of Ordinance No. 1452)
3. Resolution No. 2012-010 (recommending City Council adoption of the General Plan Amendment/Zone Change)

Exhibits:
A. Individual parcel maps
B. Overall City location map
C. Property owner’s responses
D. Initial Study
E. Ordinance No. 1452
Exhibit A
(Individual parcel maps)
This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.
This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.
Exhibit B
(Overall city location map)
Exhibit C
(Property owner’s responses)
Property Owner's Reply Form
Proposed Zone Change to Very High Density Residential (VHDR)

Return to:
City of Banning
Community Development Department
Attn.: Zai Abu Bakar, Community Development Director
P.O. Box 998
99 E. Ramsey Street
Banning, CA 92220

Subject: Proposed Zoning Change
APN 537-150-005 to 007

As a property owner affected by the proposed Zone change to Very High Density Residential (VHDR) (20-30 dwelling units/acre) zoning district, I/we have the following comments:

Please check the appropriate box and write in any additional comments.

☑️ I support the proposed changes.

Comments: I appreciate the City of Banning's proactive approach to address the need for additional housing. We support the City's proposal and look forward to its approval and implementation.

☐ I do not support the proposed changes.

Comments: ____________________________________________________________

Property owner information:

Signature ___________________________ Date __2-7-12_________
Print Name Philip BURUM
Address 10621 Civic Center Drive
              Rancho Cucamonga, CA 91730
Telephone (909) 481-1175
Email burum@diversifitpac-ri.com
Property Owner's Reply Form
Proposed Zone Change to Very High Density Residential (VHDR)

Return to:

City of Banning
Community Development Department
Attn.: Zai Abu Bakar, Community Development Director
P.O. Box 998
99 E. Ramsey Street
Banning, CA 92220

Subject: Proposed Zoning Change
APN 538-250-004; 538-261-001

As a property owner affected by the proposed Zone change to Very High Density Residential (VHDR) (20-30 dwelling units/acre) zoning district, I/we have the following comments:

Please check the appropriate box and write in any additional comments.

☑ I support the proposed changes.

Comments: The current (LRD) zoning does not reflect highest & best use. It has been a hurdle in the development of land. Besides our best efforts, we encourage the city to amend the general plan land use & zoning map to comply with state requirements.

☐ I do not support the proposed changes.

Comments:

Property owner information:

[Signature]

Date: 1-26-2012

J. C. SADHI (General Manager)
SELECT VENTURES INC.
636 S. 2ND AVE #D, COVINA CA 91723

Telephone: 951-662-1469

Email: Sodhi jc @ aol.com
Property Owner’s Reply Form
Proposed Zone Change to Very High Density Residential (VHDR)

Return to:

City of Banning
Community Development Department
Attn.: Zai Abu Bakar, Community Development Director
P.O. Box 998
99 E. Ramsey Street
Banning, CA 92220

Subject: Proposed Zoning Change
APN 540-163-001 to 005

As a property owner affected by the proposed Zone change to Very High Density Residential (VHDR) (20-30 dwelling units/acre) zoning district, I/we have the following comments:

Please check the appropriate box and write in any additional comments.

[ ] I support the proposed changes.

Comments:

[ ] I do not support the proposed changes.

Comments:

Property owner information:

[Signature]

[Print Name]

[Address]

[Telephone]

[Email]

2/21/2012
Property Owner's Reply Form
Proposed Zone Change to Very High Density Residential (VHDR)

Return to:
City of Banning
Community Development Department
Attn.: Zai Abu Bakar, Community Development Director
P.O. Box 998
99 E. Ramsey Street
Banning, CA 92220

Subject: Proposed Zoning Change
APN 540-240-013; 540-240-014

As a property owner affected by the proposed Zone change to Very High Density Residential (VHDR) (20-30 dwelling units/acre) zoning district, I/we have the following comments:

Please check the appropriate box and write in any additional comments.

☒ I support the proposed changes.

Comments: With its proximity to the freeway 10, this lot should be developed with higher density to increase the tax base.

☐ I do not support the proposed changes.

Comments: 

Property owner information:

Signature: [Signature]
Print Name: Fred F. Soepman
Date: 1/25/2012
Address: 1275 Calavilla St, Colton, CA 92324
Telephone: (951) 203-5000
Email: soepman@asl.com
Property Owner’s Reply Form
Proposed Zone Change to Very High Density Residential (VHDR)

Return to:

City of Banning
Community Development Department
Attn.: Zai Abu Bakar, Community Development Director
P.O. Box 998
99 E. Ramsey Street
Banning, CA 92220

Subject: Proposed Zoning Change
APN 543-050-002

As a property owner affected by the proposed Zone change to Very High Density Residential (VHDR) (20-30 dwelling units/acre) zoning district, I/we have the following comments:

Please check the appropriate box and write in any additional comments.

☑ I support the proposed changes.

Comments: I appreciate the City of Banning's prudent approach to address the need for additional housing. We support the City's proposal and look forward to its implementation.

☐ I do not support the proposed changes.

Comments:

Property owner information:

[Signature]
P. L. 12-20 Burrell
Print Name
16011 Civic Center Drive
Rancho Cucamonga, CA 91730
Telephone (909) 481-1150
Email pburrell@desertpacific.com
Property Owner's Reply Form
Proposed Zone Change to Very Low Density Residential (VLDR)

Return to:

City of Banning
Community Development Department
Attn.: Zai Abu Bakar, Community Development Director
P.O. Box 998
99 E. Ramsey Street
Banning, CA 92220

Subject: Proposed Zoning Change
963 Charles Street (APN 543-090-003)

As a property owner affected by the proposed Zone change to Very Low Density Residential (VLDR) (0-2 dwelling units/acre) zoning district, I/we have the following comments:

Please check the appropriate box and write in any additional comments.

☐ I support the proposed changes.

Comments:

☐ I do not support the proposed changes.

Comments:

Property owner Information:

Signature

Print Name

Date

Address

Telephone

Email

Marcin Tobor

1260 N. San Gorgonio Ave

911-849-2532

jtoobamar@gmail.com
Return to:
City of Banning
Community Development Department
Attn.: Zai Abu Bakar, Community Development Director
P.O. Box 998
99 E. Ramsey Street
Banning, CA 92220

Subject: Proposed Zoning Change
981 Charles Street (APN 543-090-004)

As a property owner affected by the proposed Zone change to Very Low Density Residential (VLDR) (0-2 dwelling units/acre) zoning district, I/we have the following comments:

Please check the appropriate box and write in any additional comments.

☑ I support the proposed changes.

Comments: [Signature]

☐ I do not support the proposed changes.

Comments: [Print Name]

Property owner information:

Ingeborg E. Graves-Gordon 2-22-12

981 E. Charles St. Banning, CA 92220

(714) 849-8781

Email
Property Owner’s Reply Form
Proposed Zone Change to Very Low Density Residential (VLDR)

Return to:

City of Banning
Community Development Department
Attn.: Zai Abu Bakar, Community Development Director
P.O. Box 998
99 E. Ramsey Street
Banning, CA 92220

Subject: Proposed Zoning Change
981 Charles Street (APN 543-090-004)

As a property owner affected by the proposed Zone change to Very Low Density Residential (VLDR) (0-2 dwelling units/acre) zoning district, I/we have the following comments:

Please check the appropriate box and write in any additional comments.

X I support the proposed changes.

Comments:

□ I do not support the proposed changes.

Comments:

Property owner information:

[Signature]

[Print Name]

[Address]

[Telephone]

[Email]
Property Owner's Reply Form
Proposed Zone Change to Very Low Density Residential (VLDR)

Return to:

City of Banning
Community Development Department
Attn.: Zai Abu Bakar, Community Development Director
P.O. Box 998
99 E. Ramsey Street
Banning, CA 92220

Subject: Proposed Zoning Change
911 Charles Street (APN 543-090-016)

As a property owner affected by the proposed Zone change to Very Low Density Residential (VLDR) (0-2 dwelling units/acre) zoning district, I/we have the following comments:

Please check the appropriate box and write in any additional comments.

☑ I support the proposed changes.

Comments: ____________________________________________________________

☐ I do not support the proposed changes.

Comments: ____________________________________________________________

Property owner information:

Signature
Guadalupe Beam

Print Name
Guadalupe Beam

Address
13856 Meadow View Lane
Yucca Valley, CA 92284

Telephone
951-849-4755 or 909-792-121

Email
April 24, 2012

C/o Mr. Zai Abu Bakar
City of Banning
Planning Division
P.O.Box 998
Banning, CA 92220-0998

Re: Zoning change No 12-3501, hearing on May 2, 2012.

Dear Mr. Bakar:

I am a land owner of two parcels of land each over 4 acres in Banning and I’m writing to you in support of your proposal for zoning change to a high density house on land adjacent to 8th Street and Westwood. The total of over 9 acres sits adjacent to pre-existing high density housing (apartments) across the 8th Street and the cost for development can be minimized by its proximity to utilities from the city. Moreover, the clustering of such housing has been shown to be very effective and cosmetically acceptable for the city. In my opinion, this is a great fiscal move for the city to utilize undeveloped land within the city.

You have my full support.

Sincerely,

Fred Speproho
Owner of PN 540-240-013, 540-240-014
Exhibit D
(Initial study)
General Plan Amendment and Rezoning Related to Regional Housing Needs Assessment

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

March 2012

Zai Abu Bakar
Community Development Director
(951) 922-3131
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXECUTIVE SUMMARY</td>
<td>1</td>
</tr>
<tr>
<td>1. INTRODUCTION</td>
<td>4</td>
</tr>
<tr>
<td>2. EVALUATION OF ENVIRONMENTAL IMPACTS</td>
<td>5</td>
</tr>
<tr>
<td>3. ENVIRONMENTAL DETERMINATION</td>
<td>7</td>
</tr>
<tr>
<td>4. PROJECT DESCRIPTION</td>
<td>8</td>
</tr>
<tr>
<td>5. ENVIRONMENTAL ANALYSIS CHECKLIST</td>
<td>10</td>
</tr>
<tr>
<td>6. EXPLANATION OF THE ITEMS MARKED ON THE ENVIRONMENTAL CHECKLIST FORM</td>
<td>22</td>
</tr>
<tr>
<td>7. INCORPORATION BY REFERENCE</td>
<td>28</td>
</tr>
<tr>
<td>8. LIST OF PREPARERS</td>
<td>29</td>
</tr>
<tr>
<td>EXHIBIT A (site maps)</td>
<td>40</td>
</tr>
<tr>
<td>EXHIBIT B (reproduced General Plan information)</td>
<td>42</td>
</tr>
</tbody>
</table>
EXECUTIVE SUMMARY

This Initial Study assesses the potential environmental impacts of the proposed project. The purpose of the project is to amend the General Plan (GP) Land Use Map and Zoning Overlay designating Very High Density Residential (VHDR) districts to comply with State of California Department of Housing and Community Development requirements for housing (see Figure 1 for a list of parcels). The proposed project consists of approximately 74,777 acres of land at various locations in the City (see Figure 3 for locations). Included with this project is the amendment of the GP Land Use Map and Zoning Overlay designating five parcels of land as Very Low Density Residential (VLDR) from Industrial (I) (see Figure 2 for a list of parcels). The included parcels amount to approximately 9.28 acres. Individual maps of the parcels in question are included in Exhibit A.

The results of the Initial Study show that there is no substantial evidence that the project would have a significant effect on the environment. A Negative Declaration is being recommended for adoption.
Figure 1- VHDR Parcel List

<table>
<thead>
<tr>
<th>No.</th>
<th>Assessor’s Parcel Number</th>
<th>Acres</th>
<th>Existing GP Land Use Designation</th>
<th>Existing Zoning</th>
<th>Proposed Land Use Designation</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>537-110-008</td>
<td>17.0</td>
<td>MDR/HDR</td>
<td>MDR/HDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>2</td>
<td>537-150-005</td>
<td>7.48</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>3</td>
<td>537-150-006</td>
<td>8.57</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>4</td>
<td>537-150-007</td>
<td>7.43</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>5</td>
<td>538-250-004</td>
<td>9.26</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>6</td>
<td>538-261-001</td>
<td>5.0</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>7</td>
<td>540-163-001</td>
<td>0.13</td>
<td>DC</td>
<td>DC</td>
<td>DC-30</td>
<td>DC-30</td>
</tr>
<tr>
<td>8</td>
<td>540-163-002</td>
<td>0.13</td>
<td>DC</td>
<td>DC</td>
<td>DC-30</td>
<td>DC-30</td>
</tr>
<tr>
<td>9</td>
<td>540-163-003</td>
<td>0.13</td>
<td>DC</td>
<td>DC</td>
<td>DC-30</td>
<td>DC-30</td>
</tr>
<tr>
<td>10</td>
<td>540-163-004</td>
<td>0.13</td>
<td>DC</td>
<td>DC</td>
<td>DC-30</td>
<td>DC-30</td>
</tr>
<tr>
<td>11</td>
<td>540-163-005</td>
<td>0.22</td>
<td>DC</td>
<td>DC</td>
<td>DC-30</td>
<td>DC-30</td>
</tr>
<tr>
<td>12</td>
<td>540-240-013</td>
<td>4.85</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>13</td>
<td>540-240-014</td>
<td>4.44</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>14</td>
<td>543-050-002</td>
<td>10.0</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>74.77</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Very High Density Residential (VHDR) (20 to 30 du/acre). The Very High Density Residential zoning district allows housing that is generally affordable multi-family in character such as garden apartments, condos, flats, townhouses, and low-rise multi-family complexes. The clustering of condominiums and townhomes is appropriate with the provision of common area amenities. Home Occupations may be appropriate with approval of a Home Occupation permit.

Figure 2- VLDR Parcel List

<table>
<thead>
<tr>
<th>No.</th>
<th>Assessor’s Parcel Number</th>
<th>Acres</th>
<th>Existing GP Land Use Designation</th>
<th>Existing Zoning</th>
<th>Proposed Land Use Designation</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>543-090-003</td>
<td>1.13</td>
<td>Industrial</td>
<td>Industrial</td>
<td>VLDR</td>
<td>VLDR</td>
</tr>
<tr>
<td>16</td>
<td>543-090-004</td>
<td>1.26</td>
<td>Industrial</td>
<td>Industrial</td>
<td>VLDR</td>
<td>VLDR</td>
</tr>
<tr>
<td>17</td>
<td>543-090-014</td>
<td>0.17</td>
<td>Industrial</td>
<td>Industrial</td>
<td>VLDR</td>
<td>VLDR</td>
</tr>
<tr>
<td>18</td>
<td>543-090-016</td>
<td>3.0</td>
<td>Industrial</td>
<td>Industrial</td>
<td>VLDR</td>
<td>VLDR</td>
</tr>
<tr>
<td>19</td>
<td>543-090-017</td>
<td>3.72</td>
<td>Industrial</td>
<td>Industrial</td>
<td>VLDR</td>
<td>VLDR</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>9.28</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Very Low Density Residential (VLDR) (0-2 du/acre). This zoning district allows detached single-family homes at a density of up to 2 units per acre. May be appropriate for bed & breakfast and similar uses. Animal keeping is permitted according to Zoning restrictions.
Explanations for other zoning designations referenced:

**Medium Density Residential** (MDR) (0-10 du/acre). This zoning district allows the development of attached and detached single family homes, in traditional subdivisions and planned communities. Also allows condominiums and townhomes, garden apartments and duplexes, with the provision of common area amenities and open space. The clustering of condominiums and townhomes may be appropriate with the provision of common area amenities and open space. Bed & breakfasts and similar uses may be appropriate with the approval of a conditional use permit. Home Occupations are permitted with approval of a Home Occupation permit. May also be appropriate for convenience retail commercial ("corner store" type development such as convenience stores, grocery or green grocer, video rental, drug stores, sit down restaurants, coffee shops or coffee bars or similar uses), less than 5,000 square feet in total square footage, with approval of a conditional use permit. Mixed use projects, which combine residential and commercial uses, are appropriate with approval of a Planned Unit Development.

**High Density Residential** (HDR) (11-18 du/acre). Allows condominiums and townhomes, as well as apartments with the provision of common area amenities and open space. The clustering of condominiums and townhomes is appropriate with the provision of common area amenities and open space. Mobile home parks and subdivisions with the provision of common area amenities and open space may also be appropriate, with the approval of a conditional use permit. Home Occupations may be appropriate with approval of a Home Occupation permit.

**Downtown Commercial** (DC). This District occurs on Ramsey Street, between 8th Street and Hargrave Street on the west and east, by Interstate 10 on the south, and by Williams and Nicolet on the north. This area is the City's traditional commercial core, and has special significance to the community because small scale commercial retail and office uses, services, restaurants, and entertainment retail are the primary uses in this district. Mixed Use, residential land uses in combination with commercial businesses, are also encouraged. Bed & breakfasts, hotels and motels are also appropriate in this district.

**Downtown Commercial** (DC-30)(18-30 du/ac for mixed uses). This District occurs on Ramsey Street, between 8th Street and Hargrave Street on the west and east, by Interstate 10 on the south, and by Williams and Nicolet on the north. This area is the City's traditional commercial core, and has special significance to the community because small scale commercial retail and office uses, services, restaurants, and entertainment retail are the primary uses in this district. Mixed Use, residential land uses in combination with commercial businesses, are also encouraged. Bed & breakfasts, hotels and motels are also appropriate in this district.

**Industrial** (I). This district includes industrial parks and freestanding industrial users. Examples of permitted uses include light and medium intensity manufacturing operations, warehousing and distribution, ministorage, and associated offices. Commercial recreation facilities, auto storage and repair are also allowed. Retail uses ancillary to the industrial use are also appropriate.
1. INTRODUCTION

Purpose and Scope

This Initial Study 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 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 implementation of the Project.

Incorporation by Reference

This Initial Study is based in part on the information and analysis contained in other environmental and planning documents. These documents are hereby incorporated by reference in their entirety into this Initial Study, as authorized by Section 15150 of the State CEQA Guidelines. All of the documents incorporated by reference are listed in Section 7 of this Initial Study.

2. EVALUATION OF ENVIRONMENTAL IMPACTS

An Environmental Checklist Form (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 the California Environmental Quality Act.

This Form has been used by the City of Banning to review the effects of the proposed Project with respect to the following environmental factors. 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.

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

Approved for distribution by:

Signature: [Signature]
Zai Abu Bakar, Community Development Director

Prepared by: Brian Guillot, Assistant Planner

Date: March 27, 2012

4. PROJECT DESCRIPTION

Project Title: General Plan Amendment and Rezoning Related to Regional Housing Needs Assessment

Lead agency: City of Banning
99 E. Ramsey Street
Banning, CA 92220

Applicant: City of Banning
99 E. Ramsey Street
Banning, CA 92220

General plan designation: Various (see Figure 1 and Figure 2)

Zoning: Various (see Figure 1 and Figure 2)

Project Description: The purpose of the project is to amend the General Plan (GP) Land Use Map and Zoning Overlay designating Very High Density Residential (VHDR) land use and zoning districts to comply with State of California Department of Housing and Community Development requirements for housing (see Figure 1 for a list of parcels). The proposed project consists of approximately 74.77 acres of land at various locations in the City (see Figure 3 for locations). Included with this project is the amendment of the GP Land Use Map and Zoning Overlay designating five parcels of land as Very Low Density Residential (VLDR) from Industrial (I) (see Figure 2 for a list of parcels). The included parcels amount to approximately 9.28 acres. Individual maps of the parcels in question are included in Exhibit A.

Surrounding land uses and setting: The surrounding land uses are as designated in the existing General Plan Land Use Map with Zoning Overlay as shown in Exhibit B. The City of Banning is a growing residential community in west-central Riverside County. The City is located in the San Gorgonio Pass area and is well served by major transportation routes. The US Interstate-10 corridor includes a significant portion of the City’s developed acreage, with vacant lands and lower density development generally located towards the northern and southern portions of the City. The City of Banning corporate limits encompass about 23.2 square miles. The City is situated across a variety of geographic and geologic conditions, including the San Bernardino Mountains to the north and the San Jacinto Mountains to the south. The adjacent mountain canyons form the alluvial plains on which portions of the City have developed. The mountains provide dramatic and valuable viewsheds. The City is located in a transitional zone where
coastal climates transition to desert, resulting in significantly differing landscape and geology.

**Approvals Required:**

In order to complete and approve the Project, the City of Banning would need to take the following actions:

- Approval of a Negative Declaration;
- Approval of a General Plan Amendment;
- Approval of a Zoning Ordinance Amendment.
5. ENVIRONMENTAL ANALYSIS CHECKLIST

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

<table>
<thead>
<tr>
<th>II. AGRICULTURAL RESOURCES. Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>■</td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>■</td>
</tr>
<tr>
<td>c) Conflict with existing zoning for, or cause rezoning of, 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))?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>■</td>
</tr>
<tr>
<td></td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------</td>
<td>-----------------------------------------------------</td>
<td>-----------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>d) Result in the loss of forest land or conversion of forest land to non-forest use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>II. AIR QUALITY. Would the Project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Violate any air quality standard or contribute to an existing or projected air quality violation?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the 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)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>IV. BIOLOGICAL RESOURCES. Would the Project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Would the Project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td></td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>------------------------------</td>
<td>--------------------------------</td>
<td>------------------------------------------------------</td>
<td>-----------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>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?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>■</td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>■</td>
</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>■</td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>■</td>
</tr>
<tr>
<td>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?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>■</td>
</tr>
</tbody>
</table>

V. CULTURAL RESOURCES: Would the Project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>■</td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>■</td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>■</td>
</tr>
</tbody>
</table>
### VI. GEOLOGY AND SOILS: Would the Project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>d) Disturb any human remains including those interred outside of formal cemeteries?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>ii) Strong seismic ground shaking?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>iv) Landslides?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td><strong>VII. GREENHOUSE GAS EMISSIONS. Would the Project:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the Project:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
</tr>
<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
</tr>
<tr>
<td>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?</td>
</tr>
<tr>
<td>e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>□</td>
<td>□</td>
<td>□</td>
<td>■</td>
</tr>
<tr>
<td>□</td>
<td>□</td>
<td>■</td>
<td>□</td>
</tr>
<tr>
<td>□</td>
<td>□</td>
<td>□</td>
<td>■</td>
</tr>
<tr>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Impact</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
</tr>
<tr>
<td>--------</td>
<td>-------------------------------</td>
<td>---------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>f) For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the area?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**IX. HYDROLOGY AND WATER QUALITY. Would the Project:**

<table>
<thead>
<tr>
<th>Impact</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing or planned land uses for which permits have been granted)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Substantially alter the existing</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td></td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------</td>
<td>-----------------------------------------------------</td>
<td>----------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>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?</td>
<td>◯</td>
<td>◯</td>
<td>◯</td>
<td>■</td>
</tr>
<tr>
<td>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?</td>
<td>◯</td>
<td>◯</td>
<td>◯</td>
<td>■</td>
</tr>
<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>◯</td>
<td>◯</td>
<td>◯</td>
<td>■</td>
</tr>
<tr>
<td>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?</td>
<td>◯</td>
<td>◯</td>
<td>◯</td>
<td>■</td>
</tr>
<tr>
<td>h) Place, within a 100-year flood hazard area, structures that would impede or redirect flood flows?</td>
<td>◯</td>
<td>◯</td>
<td>◯</td>
<td>■</td>
</tr>
<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
<td>◯</td>
<td>◯</td>
<td>◯</td>
<td>■</td>
</tr>
<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
<td>◯</td>
<td>◯</td>
<td>◯</td>
<td>■</td>
</tr>
</tbody>
</table>

X. LAND USE AND PLANNING. Would the Project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Physically divide an established community?</td>
<td>◯</td>
<td>◯</td>
<td>◯</td>
<td>■</td>
</tr>
<tr>
<td>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 environmental effect?</td>
<td>◯</td>
<td>◯</td>
<td>■</td>
<td>◯</td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat</td>
<td>◯</td>
<td>◯</td>
<td>◯</td>
<td>■</td>
</tr>
</tbody>
</table>
### XI. MINERAL RESOURCES. Would the Project:

<table>
<thead>
<tr>
<th>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?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>□</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>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?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>□</td>
</tr>
</tbody>
</table>

### XII. NOISE. Would the Project:

<table>
<thead>
<tr>
<th>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?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>□</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>b) Expose persons to a generation of excessive groundborne vibration or groundborne noise levels?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>□</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>c) Create a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>□</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>d) Create a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>□</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>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?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>□</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>f) For a Project within the vicinity of a private airstrip, would the Project expose people residing or working</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>□</td>
</tr>
</tbody>
</table>

---

17
<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Impact Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>in the Project area to excessive noise levels?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>XIII. POPULATION AND HOUSING.</strong> Would the Project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>b) Displace a substantial number of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td><strong>XIV. PUBLIC FACILITIES.</strong> Would the Project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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 . . .</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Fire protection?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>b) Police protection?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>c) Schools?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>d) Parks?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>e) Other public facilities?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td><strong>XV. RECREATION:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
<td></td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------------------------------</td>
<td>-----------------------------</td>
<td>-----------</td>
<td></td>
</tr>
<tr>
<td>physical deterioration of the facility would occur or be accelerated?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>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?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>

### XVI. TRANSPORTATION/TRAFFIC

**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?

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?

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?

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>c) Result in inadequate emergency access?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>g) Conflict with adopted policies, plans, or regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>XVII. UTILITIES AND SERVICE SYSTEMS. Would the Project.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or new or expanded entitlements needed?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>g) Comply with federal, state and local statutes and regulations related to solid waste?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or an endangered threatened species, or eliminate important examples of the major periods of California history or prehistory?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Does the Project have impacts that are individually limited, but cumulatively considerable? (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?)</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Does the Project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
6. EXPLANATION OF THE ITEMS MARKED ON THE ENVIRONMENTAL CHECKLIST FORM

Checklist Item I Aesthetics.

a-d No Impact (Scenic Vista, Scenic Resources-State Scenic Highway, Visual Character, Light/Glare). The project does not involve the construction or placement of physical structures; and, therefore would not have a substantial adverse effect on scenic vistas, resources, or highways. The parcels in question do not include any significant rock outcroppings, trees, or historic structures. No scenic resources would be affected and the visual character of the locations would not be changed. Since the project does not contain physical structures no new source of light or glare would be created as a consequence of the project.

Checklist Item II Agricultural and Forestry Resources.

a-c No Impact (Farmland Conversion, Zoning, Land Use). The proposed amendment to the General Plan Land Use Map and Zoning Overlay does not involve the conversion of any farmland to a non-agricultural use. The existing zoning designations for the parcels in question are MDR, HDR, VLDR, and DC which all permit development in accordance with the development standards of the City’s Zoning Ordinance. The project does not involve the conversion of any Williamson Act lands.

Checklist Item III Air Quality.

a-e Less Than Significant Impact (Air Quality Plan, Air Quality Standards, Cumulative Considerable Net Increase/Criteria, Sensitive Receptors, Pollutant Concentrations, Odors). The proposed amendment to the General Plan Land Use Map and Zoning Overlay will have no significant impact on air quality. The parcels in question occur within the jurisdiction of the South Coast Air Quality Management District. The District’s air quality management plans have been developed based on the City’s General Plan. Although the change in intensity will result in more potential traffic at some locations and less potential traffic at other locations the project is generally consistent with the adopted land use plans of the General Plan; and, therefore air quality plans for the area. Overall impacts associated with air quality are expected to be less than significant.

No construction or operational impacts are associated with the proposed amendment to the General Plan Land Use Map and Zoning Overlay as the project does not involve any physical changes to the environment.

No objectionable odors are associated with the project as no physical changes to the environment are proposed.

Checklist Item IV Biological Resources.
No Impact (Listed Species, Riparian Habitat, Natural Communities, Wetlands, Wildlife Movement, Local Policies – Tree Preservation, Conservation Plans). The proposed amendment to the General Plan Land Use Map and Zoning Overlay will have no impact on biological resources since no physical change to the environment is proposed. The existing zoning designations for the parcels in question are MDR, HDR, VLDR, and DC which all permit development in accordance with the development standards of the City’s Zoning Ordinance and conversion of the parcels to a different zoning designation does not in itself create any impacts to biological resources.

The project area occurs within the Western Riverside County Multiple Species Habitat Conservation Plan (WRMSHCP), but outside of criteria cells, linkage areas, or other protected lands under the WRMSHCP. Future development will be required to contribute WRMSHCP fees in effect at the time of development to compensate for the loss of vacant lands. As part of the development review process, the City will evaluate future projects based on their impact on existing habitat and wildlife at time of development.

Checklist Item V Cultural Resources.

No Impact (Historic Resource, Archeological Resources, Paleontological Resources, Disturbance of Human Remains). The proposed amendment to the General Plan Land Use Map and Zoning Overlay will have no impact on cultural resources as it does not involve any physical changes to the environment. The City will exercise its responsibility to identify, document, and evaluate archaeological and historic sites, artifacts, traditions and heritage at time of development or development proposals.

Checklist Item VI Geology and Soils.

No Impact (Alquist-Priolo Zone, Seismic Ground Shaking, Seismic Ground Failure, Liquefaction, Landslide, Soil Erosion, Loss of Topsoil, Unstable Geologic Unit, Expansive Soil, Septic Tank Suitability). The proposed amendment to the General Plan Land Use Map and Zoning Overlay will have no impact on geology and soils as it does not involve any physical changes to the environment.

The City is located in an extremely active seismic area. The parcels in question are not located in an Alquist-Priolo Fault Zone. However, when development occurs, proposed structures shall be required to comply with the latest California Building Code regulations for construction in seismic areas. The California Building Code has implemented standards which are designed to mitigate strong seismic ground shaking to less than significant levels.

The City’s Public Works Department and Building and Safety Division require that detailed geotechnical analysis be completed prior to the issuance of building or grading permits to assure that all cut and fill excavation, septic tank suitability, and foundation design will address site-specific soil conditions. Therefore, foundation and soil
compatibility will be analyzed and mitigated to the satisfaction of the City Engineer and City Building Official prior to the issuance of building or grading permits.

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

**Checklist Item VII  Greenhouse Gas Emissions.**

*a-b Less Than Significant Impact (Global Climate Change).* The proposed amendment to the General Plan Land Use Map and Zoning Overlay will have no significant impact on greenhouse gas emissions. Future development is subject to the review requirements of Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006. AB 32 directs the California Air Resources Board (CARB) to implement regulations for a cap on sources or categories of sources of GHG emissions. The bill requires that CARB develop regulations to reduce emissions with an enforcement mechanism to ensure that the reductions are achieved, and to disclose how it arrives at the cap. Other regulations both federal and state apply to the control of greenhouse gases and are ongoing. While, the change in density will result in more potential impacts to greenhouse gases at some locations and less potential impact at other locations, the overall impact is not considered significant.

**Checklist Item VIII  Hazards and Hazardous Materials.**

*a-h No Impact (Transport, Use, Disposal of Hazardous Materials, Upset and Accident Conditions Involving Hazardous Materials, Emit if Handle Hazardous Materials within 1/4 mile from a School, Identified Hazardous Site, Within Airport Plan Area, Safety Hazard from Private Airstrip, Impair Emergency Evacuation Plan, Wildland Fire Hazard).* The proposed amendment to the General Plan Land Use Map and Zoning Overlay will have no impact on hazards and hazardous materials as it does not involve any physical changes to the environment. The eventual development of the parcels in question will result in the use of small quantities of waste due to the use of paints, cleaners, batteries and electronics. The City’s solid waste franchisee is responsible for the proper disposal of such products.

The parcels in question are located in an area rated as a high threat for wild land fires. However, development of the parcels located in the urbanized area of the City will require compliance with the California Building Code and Fire Code. Implementation of hazard reduction and fuel modification requirements will address development in very high fire zones. The future project development will be required to comply with all standards and requirements of the Riverside County Fire Department relating to wild land fire prevention.

**Checklist Item IX  Hydrology and Water Quality.**
a-j No Impact (Water Quality, Waste Discharge, Groundwater, Drainage Patterns Flooding, Storm Drains, Water Quality, Housing in 100-Year Flood Hazard Area, Flood Levee or Dam, Seiche, Tsunami, or Mudflow). The proposed amendment to the General Plan Land Use Map and Zoning Overlay will have no impact on hydrology and water quality as it does not involve any physical changes to the environment. Future development within areas subject to any form of flood impact will be mitigated in accordance with the Grading Ordinance adopted by the City.

Checklist Item X Land Use and Planning.

a-c Less Than Significant Impact (Physical Division, Land Use Plans, Conservation Plans). The proposed amendment to the General Plan Land Use Map and Zoning Overlay will have less than significant impact on the Land Use Planning. Future development of the parcels in question will not divide any existing communities. The project generally proposes an increase in density for the purpose of providing additional affordable housing units in connection with the Department of Housing and Community Development requirements. The parcels are presently zoned residential, or as in the case of the DC zoned parcels, permit residential development as mixed use development. The parcels zoned Industrial are located in a neighborhood formally zoned residential and the project is intended to eliminate a spot of Industrially zoned land in a primarily residential area of the City.

The project will not conflict with any conservation plan. Future development will be required to pay a mitigation fee for funding the preservation of natural ecosystems in accordance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The purpose of the plan is to protect the existing character of the city and the region through the implementation of a system of reserves which will provide for permanent open space, community edges, and habitat conservation for species covered by the MSHCP.

Checklist Item XI Mineral Resources.

a-b No Impact (Loss of Mineral Resources, Site Delineated as Mineral Resource Site). The proposed amendment to the General Plan Land Use Map and Zoning Overlay will have no impact on mineral resources. The parcels in question are located in a MRZ-3 zone, as is most of the City of Banning. A MRZ-3 area may contain mineral deposits, the significance of which cannot be evaluated from available data.

Checklist Item XII. Noise.

a-f Less Than Significant Impact (Exceed Noise Standard, Groundborne Vibration, Ambient Noise Levels, Temporary Noise Levels, Airport Noise, Private Airstrip). The proposed amendment to the General Plan Land Use Map and Zoning Overlay will have no impact on Noise. The eventual development of the site will generate noise on-site and off-site. The primary noise source in the City of Banning is motor vehicle traffic. The parcels in question are located in a part of the City which has relatively low to moderate ambient noise levels. This condition is expected to continue. Impacts associated with long term noise are expected to be less than significant.
The site is located outside of the Banning Municipal Airport Policy Area. Noise impacts upon persons associated with aircraft operations are less than the existing Interstate 10 noise contours identified in the City’s General Plan; and, therefore noise impacts from aircraft operations are considered less than significant.

Noise impacts associated with future construction activity will be regulated in accordance with the City’s “Noise Ordinance”.

Checklist Item XIII  Population and Housing.

a-c  Less Than Significant Impact (Population Growth, Displace Housing). The proposed amendment to the General Plan Land Use Map and Zoning Overlay will have less than significant impact on population and housing. The project generally proposes an increase in density for the purpose of providing additional affordable housing units in connection with the Department of Housing and Community Development requirements. Therefore, the selected parcels are primarily vacant land located within the City best suited to provide affordable housing.

The parcels are presently zoned residential, or as in the case of the DC zoned parcels, permit residential development as mixed use development. The parcels zoned Industrial are located in a neighborhood formally zoned residential and the project is intended to eliminate a spot of industrially zoned land in a primarily residential area of the City. Although the change in intensity will result in more potential traffic at some locations and less potential traffic at other locations the project is generally consistent with the circulation and other infrastructure plans of the General Plan. Therefore, overall impacts associated with population and housing are expected to be less than significant.

Checklist Item XIV  Public Facilities.

a-c  Less Than Significant Impact (Fire Services, Police Services, Schools, Parks, Other Public Facilities). The proposed amendment to the General Plan Land Use Map and Zoning Overlay will have less than significant impact on public facilities. The project generally proposes an increase in density for the purpose of providing additional affordable housing units in connection with the Department of Housing and Community Development requirements. The parcels are presently zoned residential, or as in the case of the DC zoned parcels, permit residential development as mixed use development. The parcels zoned Industrial are located in a neighborhood formally zoned residential and the project is intended to eliminate a spot of industrially zoned land in a primarily residential area of the City. Although the change in intensity will result in more potential traffic at some locations and less potential traffic at other locations the project is generally consistent with the adopted public facilities plans of the General Plan. Therefore, overall impacts associated with public facilities are expected to be less than significant.

Checklist Item XV  Recreation.

a-b  Less Than Significant (Existing Facilities, New or Altered Facilities). The proposed amendment to the General Plan Land Use Map and Zoning Overlay will have less than
significant impact on recreation. The project generally proposes an increase in density for the purpose of providing additional affordable housing units in connection with the Department of Housing and Community Development requirements. The parcels are presently zoned residential, or as in the case of the DC zoned parcels, permit residential development as mixed use development. The parcels zoned Industrial are located in a neighborhood formally zoned residential and the project is intended to eliminate a spot of Industrially zoned land in a primarily residential area of the City. Although the change in intensity will result in more potential traffic at some locations and less potential traffic at other locations the project is generally consistent with the adopted parks and recreation plans of the General Plan. Therefore, overall impacts associated with recreation are expected to be less than significant.

Checklist Item XVI Transportation/Traffic.

a-g Less Than Significant Impact (Roadway Capacity and Level of Service, Congestion Management Program (CMP), Air Traffic Patterns, Roadway Design Hazards, Emergency Access, Parking, Alternative Transportation). The proposed amendment to the General Plan Land Use Map and Zoning Overlay will have less than significant impact on transportation and traffic. The project generally proposes an increase in density for the purpose of providing additional affordable housing units in connection with the Department of Housing and Community Development requirements. The parcels are presently zoned residential, or as in the case of the DC zoned parcels, permit residential development as mixed use development. The parcels zoned Industrial are located in a neighborhood formally zoned residential and the project is intended to eliminate a spot of Industrially zoned land in a primarily residential area of the City. Although the change in intensity will result in more potential traffic at some locations and less potential traffic at other locations the project is generally consistent with the adopted circulation plans of the General Plan. Therefore, overall impacts associated with circulation and traffic are expected to be less than significant.

Checklist Item XVII Utilities and Service Systems.

a-g Less Than Significant Impact (RWQCB Wastewater Treatment, New Water and Wastewater Facilities, New Storm-water Drainage Facilities, Water Supplies, Wastewater, Landfill, Solid Waste). The proposed amendment to the General Plan Land Use Map and Zoning Overlay will have less than significant impact on utilities and service systems. The project generally proposes an increase in density for the purpose of providing additional affordable housing units in connection with the Department of Housing and Community Development requirements. The parcels are presently zoned residential, or as in the case of the DC zoned parcels, permit residential development as mixed use development. The parcels zoned Industrial are located in a neighborhood formally zoned residential and the project is intended to eliminate a spot of Industrially zoned land in a primarily residential area of the City. Although the change in intensity will result in more potential utility use at some locations and less potential utility use at other locations the project is generally consistent with the adopted utility plans of the General Plan. Therefore, overall impacts associated with utility and service systems are expected to be less than significant.
Checklist Item XVIII  Mandatory Findings of Significance.

a. **No Impact (Environment and Habitat).** Based on the analysis contained in this Initial Study, the proposed project will not impact Aesthetics, Agriculture Resources, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gases, Hydrology/Water Quality, Land Use and Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Transportation/Traffic, and Utility/Services Systems. Thus the project would have no impact on the environment. It will not degrade the quality of the environment and no habitat, wildlife populations, and plant and animal communities would be impacted.

b. **No Impact (Cumulatively Considerable).** Based on the analysis contained in this Initial Study, no cumulative impacts associated with the project with significantly affect the environment.

c. **No Impact (Human Beings).** Based on the analysis contained in this Initial Study, no human impacts associated with the project with significantly affect the environment.

7. **INCORPORATION BY REFERENCE**

This Initial Study is based in part on the information and analysis contained in the documents listed below. These documents are hereby incorporated by reference in their entirety into this Initial Study. Copies of all documents incorporated herein are available for review in the Community Development Department at the Banning Civic Center, 99 E. Ramsey Street, Banning, and California, 92220.

A. **City of Banning General Plan**

This document provides a vision for the future development of the community. It is the official policy statement of the City Council intended to guide the private and public development of the City. The General Plan was adopted March 2006.

B. **Environmental Impact Report (EIR) for the City of Banning General Plan and Zoning Ordinance**

This document was prepared to review the environmental constraints and opportunities associated with the adoption of the Banning Comprehensive General Plan and Zoning Ordinance that was adopted March 2006. The EIR is designed to be used as an information database to facilitate the streamlining of, or tiering of the environmental review process for subsequent projects for the City.

C. **City of Banning Municipal Code**

The Municipal Code contains various regulations and development standards that govern use and development of properties within the City. The Zoning Ordinance was adopted in March 2006.

D. **City of Banning Local Procedures for Complying with CEQA**

These procedures identify how the City implements CEQA and the State CEQA Guidelines. These local procedures were put into effect in order to comply with Section 15022 of the State CEQA Guidelines.
8. LIST OF PREPARERS

Listed below are the persons who prepared or participated in the preparation of the Initial Study:

**Project Manager:** Brian Guillot, Assistant Planner

**Reviewed by:** Zai Abu Bakar, Community Development Director
EXHIBIT A

(Site Maps)
This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.
EXHIBIT B

(General Plan Land Use Map with Zoning Overlay)
Attachment 1
(Resolution No. 2012-08)
RESOLUTION NO. 2012-08


WHEREAS, an application for amending the General Plan Land Use and Zoning Designation map has been duly filed by:

- Applicant / Owner: City of Banning
- Authorized Agent: Community Development Director
- Project Location: Various
- APN Number: See Figure 1 and Figure 2

WHEREAS, the proposed amendment to the General Plan Land Use and Zoning Designation map is considered a “project” as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. (“CEQA”); and,

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

WHEREAS, the proposed Negative Declaration consists of the following documents: Initial Study as shown in Exhibit D; and,

WHEREAS, on April 20, 2012, using a method permitted under CEQA Guidelines Section 15072(b), the City provided notice of its intent to adopt the proposed Negative Declaration to the public, responsible agencies, trustee agencies, and the Riverside County Clerk; and,

WHEREAS, the City made the proposed Negative Declaration available for public review beginning on March 27, 2012, and closing on April 28, 2012, a period of not less than 30
days. During the public review period, the City received one written comment concerning the proposed Negative Declaration; and,

WHEREAS, the Banning Planning Commission conducted a duly noticed public hearing on May 2, 2012, at which it received public testimony concerning the project and the proposed Negative Declaration and considered the proposed Negative Declaration.

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

SECTION 1. ENVIRONMENTAL FINDINGS.

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

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

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

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

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

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

SECTION 2. PLANNING COMMISSION ACTIONS.

1. The Planning Commission hereby adopts Resolution No. 2012-08 recommending that the City Council adopt an Initial Study/Negative Declaration for General Plan Amendment (GPA) No. 12-2502, Zone Change (ZC) No. 12-3501, and Zone Text Amendment (ZTA) No. 12-97502 to change land use and zoning designations for certain properties related to
Regional Housing Needs Assessment for Certification of the Housing Element by the State Housing and Community Development.

The parcels listed in Figure 1 and Figure 2 are more than two miles from the Banning Municipal airport.

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

This action involves the following described parcels:

<table>
<thead>
<tr>
<th>No.</th>
<th>Assessor’s Parcel Number</th>
<th>Acres</th>
<th>Existing GP Land Use Designation</th>
<th>Existing Zoning</th>
<th>Proposed Land Use Designation</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>537-110-008</td>
<td>17.0</td>
<td>MDR/HDR</td>
<td>MDR/HDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>2</td>
<td>537-150-005</td>
<td>7.48</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>3</td>
<td>537-150-006</td>
<td>8.57</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>4</td>
<td>537-150-007</td>
<td>7.43</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>5</td>
<td>538-250-004</td>
<td>9.26</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>6</td>
<td>538-261-001</td>
<td>5.0</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>7</td>
<td>540-163-001</td>
<td>0.13</td>
<td>DC</td>
<td>DC</td>
<td>DC-30</td>
<td>DC-30</td>
</tr>
<tr>
<td>8</td>
<td>540-163-002</td>
<td>0.13</td>
<td>DC</td>
<td>DC</td>
<td>DC-30</td>
<td>DC-30</td>
</tr>
<tr>
<td>9</td>
<td>540-163-003</td>
<td>0.13</td>
<td>DC</td>
<td>DC</td>
<td>DC-30</td>
<td>DC-30</td>
</tr>
<tr>
<td>10</td>
<td>540-163-004</td>
<td>0.13</td>
<td>DC</td>
<td>DC</td>
<td>DC-30</td>
<td>DC-30</td>
</tr>
<tr>
<td>11</td>
<td>540-163-005</td>
<td>0.22</td>
<td>DC</td>
<td>DC</td>
<td>DC-30</td>
<td>DC-30</td>
</tr>
<tr>
<td>12</td>
<td>540-240-013</td>
<td>4.85</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>13</td>
<td>540-240-014</td>
<td>4.44</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>14</td>
<td>543-050-002</td>
<td>10.0</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
</tbody>
</table>

Total: 74.77
Along with the following included parcels:

**Figure 2- VLDR Parcel List**

<table>
<thead>
<tr>
<th>No.</th>
<th>Assessor’s Parcel Number</th>
<th>Acres</th>
<th>Existing GP Land Use Designation</th>
<th>Existing Zoning</th>
<th>Proposed Land Use Designation</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>543-090-003</td>
<td>1.13</td>
<td>Industrial</td>
<td>Industrial</td>
<td>VLDR</td>
<td>VLDR</td>
</tr>
<tr>
<td>16</td>
<td>543-090-004</td>
<td>1.26</td>
<td>Industrial</td>
<td>Industrial</td>
<td>VLDR</td>
<td>VLDR</td>
</tr>
<tr>
<td>17</td>
<td>543-090-014</td>
<td>0.17</td>
<td>Industrial</td>
<td>Industrial</td>
<td>VLDR</td>
<td>VLDR</td>
</tr>
<tr>
<td>18</td>
<td>543-090-016</td>
<td>3.0</td>
<td>Industrial</td>
<td>Industrial</td>
<td>VLDR</td>
<td>VLDR</td>
</tr>
<tr>
<td>19</td>
<td>543-090-017</td>
<td>3.72</td>
<td>Industrial</td>
<td>Industrial</td>
<td>VLDR</td>
<td>VLDR</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>9.28</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PASSED, APPROVED AND ADOPTED this 2\textsuperscript{nd} day of May, 2012.

Dennis Arterberry, Chairman
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Lona N. Laymon
Aleshire & Wynder, LLP
Assistant City Attorney
City of Banning, California

ATTEST:

Holly Stuart, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Holly Stuart, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2012-08, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 2\textsuperscript{nd} day of May 2012, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Holly Stuart, Recording Secretary
City of Banning, California
Attachment 2
(Resolution No. 2012-09)
RESOLUTION NO. 2012-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 1452 AMENDING THE BANNING ZONING ORDINANCE TO ESTABLISH A VERY HIGH DENSITY RESIDENTIAL (VHDR) ZONING DISTRICT FOR CERTAIN PROPERTIES IN THE CITY OF BANNING RELATED TO REGIONAL HOUSING NEEDS ASSESSMENT FOR CERTIFICATION OF THE HOUSING ELEMENT (2008-2014)

WHEREAS, the Community Development Director for the City of Banning is proposing amending the Zoning Ordinance (Title 17 of the Banning Municipal Code) related to the Regional Housing Needs Assessment; and

WHEREAS, the Planning Commission has authority per Chapter 17.116 of the Municipal Code to review and make recommendations to the City Council regarding amendments to the Zoning Ordinance consistent with the goals and policies of the General Plan; and

WHEREAS, in accordance with Government Code §65854, on the 20th day of April 2012, the City gave public notice as required under Chapter 17.68 of the Zoning Ordinance by advertising in the Record Gazette newspaper of the holding of a public hearing at which the amendment to the Zoning Ordinance would be considered; and

WHEREAS, on the 2nd day of May 2012, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the proposed amendment, and at which time the Planning Commission considered the Zone Text Amendment; and

WHEREAS, at this public hearing on the 2nd day of May 2012, the Planning Commission considered and heard public comments on the proposed Zone Text Amendment; and

WHEREAS, at this public hearing, the Planning Commission has analyzed this proposed project and recommends adoption of a Negative Declaration in accordance with Government Code §15070(a) of the California Environmental Quality Act ("CEQA");

NOW THEREFORE, the Planning Commission of the City of Banning does hereby find, determine, and resolve as follows:
SECTION 1. ENVIRONMENTAL FINDINGS.

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

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

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

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

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

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

SECTION 2. REQUIRED FINDINGS.

The Zoning Ordinance requires that each Zone Text Amendment meet certain findings in Section 17.116.050 in order to be approved by the Planning Commission. The following findings are provided for Commission consideration:

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

**Findings of Fact:**

The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan, insofar as the proposed addition of high density residential zoning designations encourages and facilitates development of housing affordable to lower-income households. The primary General Plan Land Use Goal is “a balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life
for all Banning residents”. By amending the Zoning Ordinance to include zoning
designations that allow densities of 20 to 30 dwelling units per acre the revised housing
element of the General Plan provides a program to comply with Housing Element law,
specifically Section 65583(c). Compliance with Housing Element law provides a balance in
housing for all income levels.

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

Findings of Fact:

The Zone Text Amendment is consistent with the existing provisions of the Zoning
Ordinance. The proposed amendments will modify the densities permitted on certain parcels
of land in order to encourage and facilitate development of housing affordable to lower-
income households in accordance with Housing Element law. No significant changes are
proposed to the development standards of the Zoning Ordinance. Staff has reviewed and
compared the proposed changes and finds no conflicting statements or inconsistencies.

3. That the Planning Commission has independently reviewed and considered the
requirements of the California Environmental Quality Act.

Findings of Fact:

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

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

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

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

No Significant Effect: That there is no substantial evidence, in light of the whole record,
from which it could be fairly argued that the project may have a significant effect on the
environment. Therefore, the Planning Commission concludes that the project will not have a
significant effect on the environment.
SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. Adopt Planning Commission Resolution No. 2012-09 recommending to the City Council the adoption of Ordinance No. 1452 amending the Banning Zoning Ordinance to establish a Very High Density Residential (VHDR) zoning district for certain properties in the City of Banning related to Regional Housing Needs Assessment for certification of the Housing Element (2008-2014).
PASSED, APPROVED AND ADOPTED this 2nd day of May, 2012.

Dennis Arterberry, Chairman
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Lona N. Laymon
Aleshire & Wynder, LLP
Assistant City Attorney
City of Banning, California

ATTEST:

Holly Stuart, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Holly Stuart, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2012-09, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 2nd day of May 2012, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Holly Stuart, Recording Secretary
City of Banning, California
Exhibit E
(Ordinance No. 1452)
ORDINANCE NO. 1452

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA APPROVING ZONING TEXT AMENDMENT NO. 12-97502 AMENDING THE BANNING ZONING ORDINANCE TO ESTABLISH A VERY HIGH DENSITY RESIDENTIAL (VHDR) ZONING DISTRICT FOR CERTAIN PROPERTIES IN THE CITY OF BANNING RELATED TO REGIONAL HOUSING NEEDS ASSESSMENT FOR CERTIFICATION OF THE HOUSING ELEMENT (2008-2014)

WHEREAS, the Community Development Director for the City of Banning is proposing amending the Zoning Ordinance (Title 17 of the Banning Municipal Code) related to the Regional Housing Needs Assessment; and

WHEREAS, the City Council has authority per Chapter 17.116 of the Municipal Code to approve, approve with modifications, or disapprove amendments to the Zoning Ordinance based upon its findings; and

WHEREAS, the Planning Commission recommended adoption of Ordinance No. 1452 amending the Zoning Ordinance (Title 17 of the Banning Municipal Code) related to the Regional Housing Needs Assessments by approving Planning Commission Resolution No. 2012-09 as stated in writing; and

WHEREAS, on the _____th day of ________________, 2012, the City gave public notice as required under Chapter 17.68 of the Zoning Ordinance by advertising in the Record Gazette newspaper of the holding of a public hearing at which the amendment to the Zoning Ordinance would be considered; and

WHEREAS, on the _____th day of ________________, 2012, the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the proposed amendment, and at which time the City Council considered Zone Text Amendment No. 12-97502; and

WHEREAS, at this public hearing on the _____th day of ________________, 2012, the City Council considered and heard public comments on the proposed Zone Text Amendment; and

WHEREAS, at this public hearing, the City Council analyzed this proposed project and adopted a Negative Declaration in accordance with Government Code §15070(a) of the California Environmental Quality Act (“CEQA”);
WHEREAS, the City Council has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the _________th day of ____________, 2012;

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Banning as follows:

SECTION 1. ENVIRONMENTAL FINDINGS.

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

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

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

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

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

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

SECTION 2. REQUIRED FINDINGS.

The Zoning Ordinance requires that each Zone Text Amendment meet certain findings in Section 17.116.050 in order to be approved by the City Council. The following findings are provided for Council consideration:

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

The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan, insofar as the proposed addition of high density residential zoning designations encourages and facilitates development of housing affordable to lower-income households. The primary General Plan Land Use Goal is “A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents”. By amending the Zoning Ordinance to include zoning designations that allow densities of 20 to 30 dwelling units per acre the revised housing element of the General Plan provides a program to comply with Housing Element law, specifically Section 65583(c). Compliance with Housing Element law provides a balance in housing for all income levels.

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

Findings of Fact:

The Zone Text Amendment is consistent with the existing provisions of the Zoning Ordinance. The proposed amendments will modify the densities permitted on certain parcels of land in order to encourage and facilitate development of housing affordable to lower-income households in accordance with Housing Element law. No significant changes are proposed to the development standards of the Zoning Ordinance. Staff has reviewed and compared the proposed changes and finds no conflicting statements or inconsistencies.

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

Findings of Fact:

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

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

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

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

SECTION 3. Amend Section 17.08.010(B) of the Banning Municipal Code by replacing paragraph 9 and adding paragraph 10 as follows:

"9. Very High Density Residential (VHDR) (20 to 30 du/acre). The Very High Density Residential zoning district allows housing that is generally affordable multi-family in character such as garden apartments, condos, flats, townhouses, and low-rise multi-family complexes. The clustering of condominiums and townhomes is appropriate with the provision of common area amenities. Home Occupations may be appropriate with approval of a Home Occupation permit.

10. Mobile Home Park (MHP). The district applies to existing mobile home parks or subdivisions within the City. Only mobile parks and subdivisions are permitted. Home occupations may be appropriate with the approval of a conditional use permit."

SECTION 4. Amend Table 17.08.020 of the Banning Municipal Code by adding a column for VHDR. The uses shall be the same as those for HDR.

SECTION 5. Amend Table 17.08.030 of the Banning Municipal Code by adding a column for VHDR. The standards shall be the same as those for HDR with the exception that Max. Density (Units/Ac.) shall be 20-30.

SECTION 6. Amend Section 17.12.010(B) of the Banning Municipal Code by replacing paragraph 1 as follows:

"1. Downtown Commercial (DC) and (DC-30).
   a. This District occurs on Ramsey Street, between 8th Street and Hargrave Street on the west and east, by Interstate 10 on the south, and by Williams and Nicolet on the north. The DC-30 designations only occur as shown on the Zoning District map and are intended to accommodate mixed uses with densities of 20 to 30 dwelling units per acre. This area is the City's traditional commercial core, and has special significance to the community because small scale commercial retail and office uses, services, restaurants, and entertainment retail are the primary uses in this district. Mixed Use, residential land uses in combination with commercial businesses, are also encouraged. Bed & breakfasts, hotels and motels are also appropriate in this district.
   b. New auto related uses proposed after adoption of the 2005 General Plan will be prohibited. All existing auto uses in existence as of the adoption of the 2005 General Plan
will be permitted until such time as the use in a particular location ceases operation for a period of six months.

   c. Special standards and permits are applied to this district, and are included under Development Standards, Article II of this chapter.”

SECTION 7. Amend Table 17.12.020 of the Banning Municipal Code by adding a column for DC-30 uses. The uses shall be the same as those for DC.

SECTION 8. Amend Table 17.12.030 of the Banning Municipal Code by adding a column for DC-30. The standards shall be the same as those for DC.

SECTION 9. Amend Section 17.12.050(H) of the Banning Municipal Code by replacing paragraph 2 as follows:

   “2. Multi-family residential uses shall be permitted at a density of up to 18 dwelling units per acre and 20 to 30 dwelling units per acre in the DC-30 zoning district. Multi-family residential uses are prohibited on the ground floor on Ramsey Street and San Gorgonio within the Downtown Commercial district. Multi-family uses on Ramsey Street and San Gorgonio must occur above commercial uses. In the balance of the district, multi-family uses may occur on any level.”

SECTION 10. SEVERABILITY.

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

SECTION 11. PUBLICATION; EFFECTIVE DATE.

The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the City Clerk shall cause it to be published in a newspaper of general circulation and shall post the same at City Hall, 99 E. Ramsey Street, Banning, California.
PASSED, APPROVED, AND ADOPTED this ___ day of __________, 2012.

Don Robinson, Mayor
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

David J. Aleshire, City Attorney
Aleshire & Wynder, LLP
City of Banning, California

ATTEST:

Marie A. Calderon, City Clerk

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1452 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the ______th day of _______________ 2012, and was duly adopted at a regular meeting of said City Council on the _____ day of ________________. 2012, by the following vote, to wit:

AYES:

NOES:

ABSEN:

ABSTAIN:

Marie A. Calderon, City Clerk
City of Banning
Banning, California
Attachment 3
(Resolution No. 2012-10)
RESOLUTION NO. 2012-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT NO. 12-2502 AND ZONE CHANGE NO. 12-3501 TO CHANGE THE GENERAL PLAN LAND USE AND ZONING MAP TO CREATE A VERY HIGH DENSITY RESIDENTIAL (VHDR) ZONING DISTRICT FOR CERTAIN PROPERTIES IN THE CITY OF BANNING RELATED TO REGIONAL HOUSING NEEDS ASSESSMENT FOR CERTIFICATION OF THE HOUSING ELEMENT (2008-2014)

WHEREAS, an application for amending the General Plan Land Use and Zoning Designation map has been duly filed by:

Applicant / Owner: City of Banning
Authorized Agent: Community Development Director
Project Location: Various
APN Number: See Figure 1 and 2

WHEREAS, the Planning Commission has the authority to review and make recommendations to the City Council on General Plan Amendment No. 12-2502/Zone Change No. 12-3501 for a change in the General Plan Land Use and Zoning Designation map from Very Low Density Residential (VLDR), Medium Density Residential (MDR), High Density Residential (HDR), and Downtown Commercial (DC) to Very High Density Residential (VHDR) and Downtown Commercial 30 dwelling units per acre (DC-30) for the properties located as shown in Figure 1 and Figure 2 below; and

WHEREAS, in accordance with Government Code Sections 65353, 65355 and 65090, on April 20, 2012, the City gave public notice by advertising in the Record Gazette a newspaper of general circulation and mailed to property owners within 300 feet of the holding of a public hearing at which the General Plan Amendment and Zone Change would be considered by the Planning Commission; and

WHEREAS, in accordance with Government Code Section 65353, on May 2, 2012, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the General Plan Amendment and Zone Change and at which the Planning Commission considered the General Plan Amendment and Zone Change; and

WHEREAS, at this public hearing on May 2, 2012, the Planning Commission considered, heard public comments on, and adopted a Negative Declaration for the project by Resolution 2012-08; and
NOW THEREFORE, the Planning Commission of the City of Banning does Resolve, Determine, Find and Order as follows:

SECTION 1. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Planning Director as provided in the Staff Report dated May 2, 2012 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. CEQA: The approval of this General Plan Amendment and Zone Change is in compliance with requirements of the California Environmental Quality Act (“CEQA”), in that on May 2, 2012, at a duly noticed public hearing, the Planning Commission approved and adopted a Negative Declaration reflecting its independent judgment and analysis and documenting that there was not substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. The documents comprising the City’s environmental review for the project are on file and available for public review at Banning City Hall, 99 East Ramsey Street, Banning, California 92220.

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

SECTION 2. GENERAL PLAN AMENDMENT AND ZONE CHANGE.

The Zoning Ordinance requires that each General Plan Amendment and Zone Change meet certain findings in Section 17.64.010 in order to be approved by the Planning Commission. The following findings are provided for Commission consideration:

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

Findings of Fact:

The proposed General Plan Amendment is consistent with the existing provisions of the General Plan and the various elements. The proposed amendments will modify the densities permitted on certain parcels of land in order to encourage and facilitate development of housing affordable to lower-income households in accordance with Housing Element law. It has been determined that the other elements of the General Plan will not be affected significantly. The proposed land use designations and densities appear to be compatible with current or planned land uses. Staff has reviewed and compared the proposed changes and finds no conflicting statements or inconsistencies among the Elements of the General Plan.
2. That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Findings of Fact:

The proposed General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City. Housing costs are excessive in the State of California and the proposed increase in densities for certain parcels of land are designed to encourage the development of housing units affordable to lower-income families in accordance with Housing Element law for which the public has a direct interest. The locations of the proposed VHDR designations have been strategically located in areas adjacent or nearby commercial and industrial developments to provide residents convenient access to commercial services.

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

Findings of Fact:

The proposed amendment would maintain the appropriate balance of residential land uses within the City. The State Income Limits for 2012 provide data for the County of Riverside that classify a 4-person household as lower income if they on average earn less than $53,000 per year. The 2003 median income for families in the City is estimated at $36,514 per year. This means that on average families in the City of Banning are classified as low income and there is a direct need for land uses that may provide suitable housing. Therefore, the State of California, Housing and Community Development Department has determined that the City provide a program to provide additional housing opportunities for lower-income families by rezoning. It is intended that this program provide a balance of residential land uses within the City.

4. That in the case of an amendment to the General Plan Land Use Map, the subject parcels are physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints), for the requested land use designations and the anticipated land use development.

Findings of Fact:

The proposed amendments will modify the densities permitted on certain parcels of land in order to encourage and facilitate development of housing affordable to lower-income households in accordance with Housing Element law. The location of the parcels was carefully selected to be physically suitable and compatible with existing residential neighborhoods while at the same time providing opportunities for future development as required by the Department of Housing and Community Development. Each of the parcels has access to a public right-of-way and provisions for utilities, or will have these amenities through development review process in accordance with the City’s development standards,
guidelines, and regulations. None of the parcels proposed for rezoning are located in areas that have physical constraints on development such as rock out-croppings.

SECTION 3. PLANNING COMMISSION RECOMMENDATIONS.

Approve Planning Commission Resolution No. 2012-10 recommending that the City Council approve General Plan Amendment No. 12-2502 and Zone Change No. 12-3501 to change the General Plan Land Use and Zoning Map to create a Very High Density Residential (VHDR) zoning district for certain properties in the City of Banning related to Regional Housing Needs Assessment.

### Figure 1- VHDR Parcel List

<table>
<thead>
<tr>
<th>No.</th>
<th>Assessor's Parcel Number</th>
<th>Acres</th>
<th>Existing GP Land Use Designation</th>
<th>Existing Zoning</th>
<th>Proposed Land Use Designation</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>537-110-008</td>
<td>17.0</td>
<td>MDR/HDR</td>
<td>MDR/HDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>2</td>
<td>537-150-005</td>
<td>7.48</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>3</td>
<td>537-150-006</td>
<td>8.57</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>4</td>
<td>537-150-007</td>
<td>7.43</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>5</td>
<td>538-250-004</td>
<td>9.26</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>6</td>
<td>538-261-001</td>
<td>5.0</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>7</td>
<td>540-163-001</td>
<td>0.13</td>
<td>DC</td>
<td>DC</td>
<td>DC-30</td>
<td>DC-30</td>
</tr>
<tr>
<td>8</td>
<td>540-163-002</td>
<td>0.13</td>
<td>DC</td>
<td>DC</td>
<td>DC-30</td>
<td>DC-30</td>
</tr>
<tr>
<td>9</td>
<td>540-163-003</td>
<td>0.13</td>
<td>DC</td>
<td>DC</td>
<td>DC-30</td>
<td>DC-30</td>
</tr>
<tr>
<td>10</td>
<td>540-163-004</td>
<td>0.13</td>
<td>DC</td>
<td>DC</td>
<td>DC-30</td>
<td>DC-30</td>
</tr>
<tr>
<td>11</td>
<td>540-163-005</td>
<td>0.22</td>
<td>DC</td>
<td>DC</td>
<td>DC-30</td>
<td>DC-30</td>
</tr>
<tr>
<td>12</td>
<td>540-240-013</td>
<td>4.85</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>13</td>
<td>540-240-014</td>
<td>4.44</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td>14</td>
<td>543-050-002</td>
<td>10.0</td>
<td>VLDR</td>
<td>VLDR</td>
<td>VHDR</td>
<td>VHDR</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>74.77</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Along with the following included parcels:

### Figure 2- VLDR Parcel List

<table>
<thead>
<tr>
<th>No.</th>
<th>Assessor's Parcel Number</th>
<th>Acres</th>
<th>Existing GP Land Use Designation</th>
<th>Existing Zoning</th>
<th>Proposed Land Use Designation</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>543-090-003</td>
<td>1.13</td>
<td>Industrial</td>
<td>Industrial</td>
<td>VLDR</td>
<td>VLDR</td>
</tr>
<tr>
<td>16</td>
<td>543-090-004</td>
<td>1.26</td>
<td>Industrial</td>
<td>Industrial</td>
<td>VLDR</td>
<td>VLDR</td>
</tr>
<tr>
<td>17</td>
<td>543-090-014</td>
<td>0.17</td>
<td>Industrial</td>
<td>Industrial</td>
<td>VLDR</td>
<td>VLDR</td>
</tr>
<tr>
<td>18</td>
<td>543-090-016</td>
<td>3.0</td>
<td>Industrial</td>
<td>Industrial</td>
<td>VLDR</td>
<td>VLDR</td>
</tr>
<tr>
<td>19</td>
<td>543-090-017</td>
<td>3.72</td>
<td>Industrial</td>
<td>Industrial</td>
<td>VLDR</td>
<td>VLDR</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>9.28</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PASSED, APPROVED AND ADOPTED this 2nd day of May, 2012.

Dennis Arterberry, Chairman
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Lona N. Laymon
Aleshire & Wynder, LLP
Assistant City Attorney
City of Banning, California

ATTEST:

Holly Stuart, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Holly Stuart, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2012-10, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 2nd day of May 2012, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Holly Stuart, Recording Secretary
City of Banning, California