

5. Environmental Analysis

5.13 PUBLIC SERVICES

This section of the Draft Environmental Impact Report (DEIR) evaluates the potential for implementation of the Rancho San Gorgonio Specific Plan to impact public services and facilities in the City of Banning and its sphere of influence (SOI). Public services include fire protection and emergency services, police protection, school services, and library services. Park services are addressed in Section 5.14, *Recreation*. Public and private utilities and service systems, including water supply and distribution systems, wastewater (sewage) conveyance and treatment, storm drainage systems, solid waste collection and disposal services, and other public utilities, are addressed in Section 5.16, *Utilities and Service Systems*. Responses to service provider letters are included as Appendix M to this DEIR.

Two individuals submitted a Notice of Preparation (NOP) comment letter or had verbal comments during the scoping meeting addressing concerns about public services. One individual was concerned about impacts on police and school services, and the other commenter was concerned about the lack of medical facilities (e.g., hospitals) and fire stations in the southern portion of the City where the project site is located. The NOP comment letter is included in Appendix B.

Hospitals are privately owned and are not considered a public service under CEQA. Additionally, private hospitals do not have authority to impose development fees or taxes to fund the improvement or expansion of hospitals in the City to maintain a certain level of service. Therefore, medical facilities are not addressed in this DEIR. Adequacy of fire, police, and school services are addressed below.

5.13.1 Fire Protection and Emergency Services

5.13.1.1 ENVIRONMENTAL SETTING

Regulatory Setting

State

California Fire Code

The California Fire Code (California Code of Regulations, Title 24, Part 9) is based on the 2012 International Fire Code and includes amendments from the State of California fully integrated into the code. The California Fire Code contains fire safety-related building standards that are referenced in other parts of Title 24 of the California Code of Regulations.

California Building Code

Chapter 7A of the 2013 California Building Code (CBC; California Code of Regulations, Title 24, Part 2), “Materials and Methods for Exterior Wildfire Exposure,” prescribes building materials and construction methods for new buildings in a Fire Hazard Severity Zone. Chapter 7A contains requirements for roofing; attic ventilation; exterior walls; exterior windows and glazing; exterior doors; decking; protection of underfloor, appendages, and floor projections; and ancillary structures.

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California Public Resources Code Sections 4291 et seq.

California Public Resources Code, Sections 4291 et seq., require that brush, flammable vegetation, or combustible growth within 100 feet of buildings be removed. Vegetation that is more than 30 feet from the building, less than 18 inches high, and important for soil stability, may be maintained, as may single specimens of trees or other vegetation that are maintained so as to manage fuels and not form a means of rapid fire transmission from other nearby vegetation to a structure. Requirements regarding hazardous vegetation and fuel management are also in Sections 4906 and 4907 of the California Fire Code.

Local

Riverside County Ordinance 460

Ordinance No. 460 regulates the division of land in the County and includes fire design requirements for new lots and development, including those related to fuel modifications, fire hydrants and flows, water systems, etc.

Riverside County Ordinance 787

Ordinance No. 787 adopts the 2013 California Fire Code, California Code of Regulations, Title 24, Part 9, as amended, to govern the safeguarding of life and property from fire, explosion hazards and hazardous conditions and to regulate the issuance of permits and collection of fees.

City of Banning Municipal Code

The City of Banning Municipal Code identifies land use categories, development standards, and other general provisions that ensure consistency between the City's general plan and proposed development projects. The following provisions address fire and emergency services.

- **Chapter 8.16 (Fire Protection Code).** The California Fire Code is adopted, as amended, revised and supplemented, by the City as the City of Banning Fire Protection Code.
- **Chapter 15.28 (Fire Districts).** Categorizes the City into Fire Zones One, Two, and Three. Requires fire-retardant roof coverings on all buildings or structures in the City. No wood roof-covering of any type is permitted within the city limits.
- **Section 15.72.010 (Fire Facilities Fee).** Requires payment of a fire facilities fee as a condition of issuance of a building permit for the construction of any new single-family residential structure to pay for the fair share of the estimated cost of construction of fire facilities serving the property.

Existing Conditions

Banning Fire Services (BFS) contracts fire protection with the Riverside County Fire Department (RCFD) and the California Department of Forestry and Fire Protection (CAL FIRE). Since September 2008, RCFD has been providing a full service department to Banning, including fire protection, paramedic response, hazardous materials response, search and rescue, swift water rescue, full fire prevention support, disaster

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preparedness, and weed abatement services. The entire project site is within the service area of BFS and RCFD (Chavez 2015).

Staffing

As shown on Figure 5.13-1, *Public Services*, Banning Fire Station No. 89 is at 172 North Murray Street in the City of Banning, about 0.7 mile northeast of the project site. Station No. 89 is equipped with one Type 1 municipal engine, and daily staffing is three people with a paramedic. The service area for Station No. 89 is east of 22nd Street to the City's eastern boundary and south of Interstate 10 (I-10).

The second closest station is Beaumont Station No. 20 at 1550 E. 6th Street in the City of Beaumont. This station is also equipped with one Type 1 municipal engine and is staffed with three people and a paramedic. Seasonally, two additional Type 3 brush engines and three additional people are staffed at Station No. 20 from May through December. The service area for Station No. 20 is west of 22nd Street to the City's western boundary and south of I-10 (Chavez 2015).

Further from the project site—approximately five miles—is Beaumont Station No. 66 at 628 Maple Avenue in the City of Beaumont. The station is equipped with two Type 1 engines and one rescue squad (Beaumont 2016).

These three stations would provide fire and emergency services to the project area and are staffed full-time, 24 hours a day, seven days a week, with a minimum 3-person crew (including paramedic service). Current minimum staffing levels of 3 persons per responding unit meet existing demands (RCFD 2016).

Regional Fire Protection Program and Automatic Aid

RCFD also provides fire protection to the neighboring city of Beaumont, the nearby city of Calimesa, and unincorporated areas of Riverside County including the Community of Cabazon just east of Banning. Automatic aid agreements obligate the nearest RCFD fire company to respond to a fire regardless of the jurisdiction. The RCFD also has an automatic aid agreement with the Morongo Band of Mission Indians. Automatic aid is assistance dispatched automatically by contractual agreement between two fire departments, in comparison with mutual aid, which is arranged case by case.

Call Statistics and Response Times

In 2015, BFS responded to 4,691 emergency service calls, including 3,838 emergency medical service calls (82 percent of the total); 19 wildland fires; and 17 rescue fires (RCFD 2015). Calls for service from 2013 to 2015 are detailed in Table 5.13-1.

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Table 5.13-1 RCFD Calls for Service

	2013	2014	2015
Fire ¹	76	111	76
Rescue Fire	12	18	17
Vehicle Fire	21	12	23
Wildland Fire	25	16	19
Medical	3,236	3,420	3,838
Traffic Collision	159	182	177
Hazardous Materials	18	11	19
Public Service Assistance	338	299	267
False Alarm	166	196	189
Standby	70	62	66
TOTAL	4,121	4,327	4,691

Source: Riverside County Fire Department Annual Report 2015.

¹ Fire includes commercial fire, single/multifamily dwelling unit fire, rescue, other fire, and other miscellaneous fire.

The response time goal for responding to emergency and nonemergency calls in the service area is five minutes. Average response time for BFS as of 2014 was less than five minutes 80.8 percent of the time.

Approximate response times for the Banning Station No. 89 is 4 minutes after dispatch; Beaumont Station No. 20 is within 6 minutes after dispatch; and Beaumont Station No. 66 is within 8 minutes after dispatch to the general project vicinity (south of Interstate 10 in the City of Banning) (RCFD 2016).

Funding

Funding for RCFD and BFS comes primarily from the County of Riverside and City of Banning's General Fund. Other revenue sources include paramedic fees, fire building plan and building checks, various state and federal grants, and private donations.

Per Section 15.72.010 of the City's municipal code, a fire facilities fee is required for new development. All new residential and nonresidential development are required to pay this fee, which funds the acquisition of land, if necessary, and the design and construction of, or reimbursement for construction of, fire facilities and equipment serving the development. Current fire facilities fees for various land use types are listed in Table 5.13-2.

Figure 5.13-1 - Public Services
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City Boundary

Specific Plan Boundary

Sphere of Influence

Park Limits

Source: Google Earth Pro, 2015

0 1,500
Scale (Feet)



PlaceWorks

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Table 5.13-2 Fire Facilities Fees

Land Use Type	Fee
Residential (per unit)	
Single Family Detached	\$1,335
Townhouse/Duplex	\$1,335
Multifamily	\$1,335
Mobile Home	\$1,335
Nonresidential (per 1,000 SF)	
Commercial/Shopping Center	\$405–579
Office/Institutional	\$748–841
Medical-Dental Office	\$821
Hospital	\$685
Business Park	\$640
Light Industrial	\$468
Manufacturing	\$363
Warehousing	\$259
Elementary School	\$186
Other Nonresidential	
Lodging (per room)	\$144
Day Care (per student)	\$32
Nursing Home (per bed)	\$73

Source: City of Banning Fee Schedule 2011.

Measure J

A small percentage of funds also come from Measure J, the Banning Mining Tax Measure. Approved in November 2014, the mining tax applies only to mining operations that excavate rock, sand and gravel within the City limits. The tax rate is not to exceed eighty cents per ton of mined rock, sand, and gravel. It would go toward supporting general City services like police and fire and help the City monitor and remediate negative environmental impacts caused by mining in the City (Banning 2014).

Proposition 172

A public safety sales tax was adopted under California Proposition 172 and consists of a one-half cent sales tax strictly used for public safety operations. The sales tax is recorded in a separate fund and is subsequently transferred to the City's General Fund to subsidize fire and police operations.

5.13.1.2 THRESHOLDS OF SIGNIFICANCE

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

FP-1 Result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to

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maintain acceptable service ratios, response times or other performance objectives for fire protection services.

5.13.1.3 ENVIRONMENTAL IMPACTS

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

The maximum number of dwelling units to be allowed in the Specific Plan area is 3,385 units if Planning Area (PA) 9 and PA-16C are not developed as commercial or school uses, respectively, and instead are developed in accordance with their Residential Overlay Alternatives. Therefore, the analysis in this section analyzes a worst case buildout scenario of 3,385 residential units.

Impact 5.13-1: The proposed project would introduce new homes and residents into the Banning Fire Services' service boundaries, thereby increasing the requirement for fire protection facilities and personnel. [Threshold FP-1]

Impact Analysis: Depending on whether PA 9 and PA 16-C are developed as commercial and school uses, respectively, development of the project would allow for up to 3,385 residential homes and 9,038 additional residents or 3,133 homes and 9.3 acres of commercial use in BFS' service area. Increasing population and residential and nonresidential development would lead to an increase in fire and paramedic service demands.

According to BFS, current resources are adequate to serve the existing community; however, a fire station is needed on the south side of I-10 near Sunset Avenue to accommodate future growth and calls for service (Chavez 2015). Planning Area (PA) 10 of the Specific Plan is designated for park use as the Rancho San Gorgonio Community Park site; however, it also allows for a potential fire station facility site on the east side of PA 10.

This future station location would meet BFS' need for a station south of I-10 and would alleviate BFS's increased call loads associated with the project's homes and residents. The station would be funded by development impact fees. Per Section 15.72.010 of the municipal code, fire facilities fees are required for any new residential structures to pay for the fair share of the estimated cost of construction of fire facilities serving the property. Currently, the fire facilities fee is \$1,335 for single-family detached units, townhouse/duplexes, and multifamily units; \$405-579 per 1,000 square feet for commercial/shopping centers uses; and \$186 per 1,000 square feet for elementary school uses. As development occurs, tax revenue would increase the City's General Funds, which also funds fire services (i.e., staffing and equipment) within Banning. Therefore, General Funds and development impact fees would help offset the increase in fire service demands associated with the proposed project and help to fund the potential fire station facility in the Rancho San Gorgonio Community Park site if deemed necessary by BFS. Environmental impacts associated with construction and/or expansion of fire service facilities in accordance with the Specific Plan would require future environmental review when site specific project details are available.

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Further, all fire services emergency vehicle access road locations and design shall be in accordance with the California Fire Code and Riverside County Ordinances 460 and 787. Plans must also be submitted to the BFS and RCFD for review and approval prior to building permit issuance.

Additionally, potential wildfire impacts and adequacy of water supply for firefighting are analyzed in Sections 5.8, *Hazards and Hazardous Materials*, and 5.16, *Utilities and Service Systems*. As stated in Section 5.8, a small southeast portion of the project site is located in a Very High Fire Hazard Severity Zone (VHFHSZ) and is also adjacent to other VHFHSZs to the east and south (see Figure 5.8-4, *Fire Hazard Severity Zones*). The portion of VHFHSZ within the project site is proposed as natural open space and would be lined with 100-foot wide fuel modification zones to protect against potential wildfires. The project would also be required to comply with fire regulations, including the California Fire Code and BFS requirements. The water supply assessment prepared for the proposed Specific Plan also concludes adequate water supply exists to meet the water demands of the proposed development, including residential, nonresidential, and firefighting needs. Overall, impacts would be less than significant.

5.13.1.4 CUMULATIVE IMPACTS

Implementation of the proposed project in conjunction with other planned projects in the City of Banning, in accordance with buildup of the City's General Plan, could contribute to potentially significant adverse cumulative impacts on BFS's fire protection and services needs and their ability to provide an acceptable level of service. The related projects listed in Table 4-3 would allow a combined development of 6,379 dwelling units and 104 acres of commercial use in addition to development associated with the proposed Specific Plan. Cumulative development would lead to an increased number of emergency and public service calls, which would place additional demands on station and equipment maintenance, staffing, training, and fire prevention inspection. The additional personnel and materials costs would be offset through each developer's pro rata, fair-share funding of capital improvements necessary to establish and maintain adequate fire protection, in accordance with the City's fire facilities fees required under Section 15.72.010 of the City's municipal code. Therefore, a funding mechanism is in place to expand fire protection services to adequately serve cumulative development.

Additionally, as with the proposed project, future cumulative development projects would be reviewed by the City during plan check and would be required to adhere to applicable fire protection measures, including building construction standards, project design requirements, fuel modification, and erosion and sediment control. During the development review and permitting process, BFS would also review and approve development projects to ensure that adequate access, traffic circulation, water, and hydrant systems are provided during the development phase of a project. Furthermore, all development projects in the City of Banning are required to comply with the most current adopted fire codes; building codes; and nationally recognized fire and life safety standards of Banning, Riverside County, and the State of California.

Therefore, the increase in fire protection service demand due to the proposed project would not combine with future demand to result in cumulatively considerable impacts. Impacts would be less than significant.

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5.13.1.5 EXISTING REGULATIONS

- City of Banning Municipal Code Chapter 8.16 (Fire Protection Code), Chapter 15.28 (Fire Districts), and Section 15.72.010 (Fire Facilities Fee)

5.13.1.6 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Upon implementation of regulatory requirements and standard conditions of approval, the following impacts would be less than significant: 5.13-1.

5.13.1.7 MITIGATION MEASURES

Impacts are less than significant, and no mitigation measures are required.

5.13.1.8 LEVEL OF SIGNIFICANCE AFTER MITIGATION

No mitigation measures are identified, and impacts remain less than significant.

5.13.2 Police Protection

5.13.2.1 ENVIRONMENTAL SETTING

Regulatory Background

Local

City of Banning Municipal Code

The City of Banning Municipal Code identifies land use categories, development standards, and other general provisions that ensure consistency between the City's general plan and proposed development projects. The following provision addresses police services:

- **Section 15.72.020 (Police Facilities Fee).** Requires payment of a police facilities fee as a condition of issuance of a building permit for the construction of any new single-family residential structure to pay for the fair share of the estimated cost of construction of police facilities serving the property.

Existing Conditions

The Banning Police Department (BPD) provides police protection to the City of Banning, including the portion of the project site within Banning city limits, and is located at 125 East Ramsey Street (see Figure 5.13-1, *Public Services*). It offers a variety of services and assignments, such as: field patrol, detective bureau, emergency tactical unit, gang task force, school resource officer, field training officer, and reserve police officer program (BPD 2014).

The County of Riverside Sheriff's Department provides police services to the 161-acre portion of the project site currently in unincorporated Riverside County and the City's SOI.

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Staffing

BPD consists of 27 sworn personnel and 12 classified personnel, and 3 or 4 patrol personnel are assigned per shift. According to BPD, the department is currently staffed at 0.87 officers per 1,000 residents, which is significantly below the 1.2 per 1,000 residents national average (Diaz 2015). Volunteer civilians also provide additional patrols in the community and assist with clerical functions.

There are no current plans to expand facilities in the project area, but BPD anticipates adding police officer positions as the economy improves (Diaz 2015).

Response Times

BPD's response time goal for responding to emergency and nonemergency calls within its service area is three minutes or less. Currently, its average response time is eight minutes (Diaz 2015).

Funding

Funding for BPD comes primarily from the City's General Funds, asset forfeiture, police volunteer funds, and police facilities fees (per Section 15.72.020 of the City's municipal code). The current police facilities fees are detailed in Table 5.13-3.

Table 5.13-3 Police Facilities Fees

Land Use Type	Fee
Residential (per unit)	
Single Family Detached	\$823
Townhouse/Duplex	\$626
Multifamily	\$913
Mobile Home	\$500
Nonresidential (per 1,000 SF)	
Commercial/Shopping Center	\$307–472
Office/Institutional	\$140–192
Medical-Dental Office	\$379
Hospital	\$184
Business Park	\$134
Light Industrial	\$73
Manufacturing	\$40
Warehousing	\$52
Elementary School	\$152
Other Nonresidential	
Lodging (per room)	\$95
Day Care (per student)	\$47
Nursing Home (per bed)	\$24

Source: City of Banning Fee Schedule 2011.

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Proposition 172

California Proposition 172 was passed in November 1993 and is a public safety sales tax of 0.5 percent used to subsidize local public safety activities. These activities include police and sheriffs' departments, fire protection, county district attorneys, county probation, and county jail operations.

Measure J

As stated above, Measure J is a sales tax on mining of all rock, sand, and gravel within City limits. The tax rate is not to exceed eighty cents per ton of mined material and goes toward supporting police and fire services.

5.13.2.2 THRESHOLDS OF SIGNIFICANCE

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

PP-1 Result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services.

5.13.2.3 ENVIRONMENTAL IMPACTS

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

The maximum number of dwelling units to be allowed in the Specific Plan area is 3,385 units if Planning Area (PA) 9 and PA-16C are not developed as commercial or school uses, respectively, and instead are developed in accordance with their Residential Overlay Alternatives. Therefore, the analysis in this section analyzes a worst case buildout scenario of 3,385 residential units.

Impact 5.13-2: The proposed project would introduce new residents, homes, and commercial uses into the Banning Police Department service boundaries, thereby increasing the requirement for police protection facilities and personnel. [Threshold PP-1]

Impact Analysis: Upon project approval, 161 acres of the project site currently in unincorporated Riverside County and the City's SOI would be annexed into Banning city limits and within BPD's service area (instead of the service area of Riverside County Sheriff's Department). Thus, the entire 831-acre project site would be served by BPD. Implementation of the proposed project would introduce either 3,133 homes and 9.3 acres of commercial use or 3,385 homes and 9,038 residents if PA 9 and PA 16-C are developed based on their residential overlay alternative. An increase in population, homes, and commercial development would increase calls for BPD police services.

As stated above, BPD is currently understaffed, with an officer-to-resident ratio of 0.87 officers per 1,000 residents. To meet the national average, BPD would ideally need approximately 11 more officers to serve the

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9,038 additional residents from the proposed project. According to BPD, a “storefront” police facility and additional vehicles and nonsworn personnel would also be needed (Diaz 2015).

Increased demand for personnel, facilities, and operational costs due to buildout of the proposed Specific Plan would be funded and offset through the increased tax revenue generated and deposited into the City’s General Fund (from which BPD receives annual funding) by the additional development that would be accommodated under the proposed project. Furthermore, individual development projects would be reviewed by the City and required to comply with the requirements in effect at the time building permits are issued, including the payment of police facilities fees in accordance with Section 15.72.020 of the City’s municipal code. As stated, prior to and as a condition of issuance of a building permit for the construction of any new residential structure, a police facilities fee shall be paid representing the owner’s fair share of the estimated cost of the construction of police facilities serving the property. The fee shall be placed in a special fund, which may be further segregated by specific project. The police facilities fund and any interest earned shall be used solely for acquisition of land, if necessary, and the design and construction of, or reimbursement for construction of, police facilities serving the development.

Although buildout of the proposed project would increase the number of homes and residents within the City of Banning, future project residents would pay their fair share in taxes (e.g., property and sales tax) and police facilities fees. By doing so, existing police service deficiencies would not be resolved; however, future project residents would offset their individual impacts on police services. The increase in City’s General Funds from property and sales tax would increase BPD’s funding to hire additional sworn and nonsworn (i.e., clerical) personnel and the increase in funds from payment of police facilities fees would help fund future construction and/or expansion of BPD’s facilities and purchase of equipment. Environmental impacts associated with construction and/or expansion of police service facilities would require future environmental review when site specific project details are available. Overall, project impacts would be less than significant.

5.13.2.4 CUMULATIVE IMPACTS

Implementation of the proposed project in conjunction with other planned projects in the City of Banning in accordance with buildout of the City’s General Plan, could contribute to a potentially significant adverse cumulative impact on BPD’s police protection and services needs and their ability to provide an acceptable level of service. If development of the proposed project and growth in the area are not provided with sufficient law enforcement personnel, this would affect response times to calls and could reduce service to other areas of the City. The additional personnel and materials costs would be offset through each developer’s pro rata, fair-share funding of capital improvements necessary to establish and maintain adequate police protection, in accordance with the City’s development impact fees required under Section 15.72.020 of the municipal code. Therefore, a funding mechanism is in place to expand police protection services to adequately serve cumulative development.

Additionally, as with the proposed project, future cumulative development projects would be reviewed by the City and BPD to ensure that adequate access, traffic circulation, site security, lighting, pedestrian flow, barriers, and other project components are provided during the development phase of a project to serve the

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needs of the police department. Therefore, the increase in police protection service demand due to the proposed project would not combine with future demand to result in cumulatively considerable impacts.

5.13.2.5 EXISTING REGULATIONS

- City of Banning Municipal Code Section 15.72.020 (Police Facilities Fee)

5.13.2.6 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Upon implementation of regulatory requirements and standard conditions of approval, the following impacts would be less than significant: 5.13-2.

5.13.2.7 MITIGATION MEASURES

Impacts are less than significant, and no mitigation measures are required.

5.13.2.8 LEVEL OF SIGNIFICANCE AFTER MITIGATION

No mitigation measures are identified, and impacts remain less than significant.

5.13.3 School Services

5.13.3.1 ENVIRONMENTAL SETTING

Regulatory Background

State

California State Assembly Bill 2926: School Facilities Act of 1986

To assist in providing school facilities to serve students generated by new development, Assembly Bill (AB) 2926 was enacted in 1986 and authorizes a levy of impact fees on new residential and commercial/industrial development. The bill granted school districts the authority to impose statutory school fees on new development projects to help fund construction of public school facilities. A fee cap was established in 1986 and is adjusted biannually for inflation by the State of California, State Allocation Board. In 2014, the cap was established as \$3.36 per square foot on residential construction and \$0.54 per square foot on commercial/industrial construction. These fees are referred to as “Level I Fees.” The bill was expanded and revised in 1987 through the passage of AB 1600, which added Sections 66000 et seq. to the Government Code. Under this statute, payment of impact fees by developers serves as CEQA mitigation to satisfy the impact of development on school facilities.

California Senate Bill 50

Senate Bill (SB) 50, passed in 1998, provides a comprehensive school facilities financing and reform program and enables a statewide bond issue to be placed on the ballot. Under the provisions of SB 50, school districts are authorized to collect fees to offset the costs associated with increasing school capacity as a result of development and related population increases. School districts were authorized to levy “Alternative school

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fees” also referred to as Level II and Level III Fees. Similar to Level I Fees under AB 2926, the funding goes to acquiring school sites, constructing new school facilities, and modernizing existing school facilities. SB 50 establishes a process for determining the amount of fees developers would be charged to mitigate the impact of development on school districts from increased enrollment. According to Section 65996 of the California Government Code, development fees authorized by SB 50 are deemed “full and complete school facilities mitigation.”

AB 2926 and SB 50 together establish three levels of developer fees that may be imposed upon new development by the governing school district. Level I fees are assessed based on the proposed square footage of residential, commercial/industrial, and/or parking structure uses. Level II fees require the developer to provide one-half of the costs of accommodating students in new schools, and the state provides the remaining half. To qualify for Level II fees, the governing board of the school district must adopt a School Facilities Needs Analysis and meet other prerequisites in accordance with Section 65995.6 of the California Government Code. Level III fees apply if the state runs out of bond funds, allowing the governing school district to impose on the developer 100 percent of the cost of school facility or mitigation minus any local dedicated school monies.

Existing Conditions

The Banning Unified School District (USD) provides public K–12 education in the City of Banning; the communities of Cabazon, Whitewater, and Poppett Flats in unincorporated Riverside County; and the Morongo Indian Reservation. Banning USD spans 300 square miles, and districtwide enrollment in the 2013–14 school year was 4,480 (CDE 2014). Banning USD operates four elementary schools, one middle school, one intermediate school (grades 5–6), one traditional comprehensive high school, one alternative high school, and an independent study program. All of these schools—except one of the elementary schools—are in the City of Banning.

As shown on Figure 5.13-1, *Public Services*, the nearest schools to the project site are Central Elementary School at 295 North San Gorgonio Avenue, about 0.9 miles to the northeast; Hemmerling Elementary School at 1928 West Nicolet Street, about 0.8 miles to the north; Nicolet Middle School at 101 East Nicolet Street, about one mile to the northeast; and Banning High School next to the northeast site boundary. Enrollments for these four schools for the 2014–15 school year are shown in Table 5.13-4. According to Banning USD, existing school facilities are adequately serving Banning’s student population (Guillen and Reyes 2015).

Table 5.13-4 Enrollment and Capacity of Schools Serving the Project Site

School (Grades)	Capacity – Permanent Buildings	Capacity – Portable Buildings	Total Capacity	Enrollment, 2014–15 School Year
Central Elementary (K–5)	475	325	800	777
Hemmerling Elementary (K–5)	250	325	575	577
Proposed Rancho San Gorgonio Elementary School (K–8) to open in 2018	850	—	850	—
Nicolet Middle (6–8)	648	540	1,188	970
Banning High School (9–12)	1,755	162	1,917	1,129

Source: Guillen and Reyes 2015.

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Banning USD is also planning a proposed Rancho San Gorgonio Elementary School at 778 Westward Avenue adjacent to Banning High School's western boundary. The 85,000-square foot-elementary school would be in Planning Area 16-C of the proposed Specific Plan and underwent separate environmental review, with Banning USD as the lead agency. A mitigated negative declaration was prepared and certified in June 2015. The proposed school is anticipated to begin construction in May 2017 and open for the 2018–19 school year (BUSD 2015).

Funding

Pursuant to SB 50, Banning USD has the authority to levy development impact fees on developers. Revenue generated by these impact fees would be used to accommodate the student population generated from the new development projects by expanding and improving school facilities. Banning USD's developer fees are \$3.36 per square foot of residential development (including room additions) and \$0.54 per square foot of commercial and hotel/motel development (BUSD 2014a).

Measure R

Banning USD General Obligation Bond Measure R was adopted by the citizens of Banning in November 2007. This measure offers \$63,000,000 of bonds to Banning USD for construction, repair, and upgrade of local schools, including new electrical wiring; new/expanded science labs and libraries; building safety upgrades; restroom, plumbing, and HVAC repairs; and additional classroom and school construction.

Of the schools serving the project site, the following have undergone projects funded by Measure R: Hemmerling Elementary School (modernization), Nicolet Middle School Science Building (modernization), and Banning High School (two-story classroom addition; athletic complex with tennis courts, concession stand, restrooms, and parking) (BUSD 2014b).

5.13.3.2 THRESHOLDS OF SIGNIFICANCE

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

SS-1 Result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for school services.

5.13.3.3 ENVIRONMENTAL IMPACTS

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

The maximum number of dwelling units to be allowed in the Specific Plan area is 3,385 units if Planning Area (PA) 9 and PA-16C are not developed as commercial or school uses, respectively, and instead are

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developed in accordance with their Residential Overlay Alternatives. Therefore, the analysis in this section analyzes a worst case buildout scenario of 3,385 residential units.

Impact 5.13-3: The proposed project would generate 1,060 additional students who would impact the school enrollment capacities of Banning Unified School District. [Threshold SS-1]

Impact Analysis: Development of up to 3,385 homes in accordance with the proposed Specific Plan would introduce up to 9,038 additional residents in Banning. The increase in residents would also increase the City's student population, which is served by the Banning USD. The additional student population would likely attend Banning USD schools closest to the project site, including Central, Hemmerling, and the proposed Rancho San Gorgonio elementary schools; Nicolet Middle School; and Banning High School.

School districts project the number of students generated by new residential development by using district-specific generation rates in order to plan for future facility expansions or constructions. Banning USD's districtwide generation rates for residential development per dwelling unit are reflected in Table 5.13-5. According to the generation rates, the proposed project would generate approximately 1,060 additional students.

Table 5.13-5 Student Generation

Proposed Project Buildout	Student Generation Rates	Generated Students	Current BUSD Enrollment 2014–15	BUSD School Capacity	Remaining Capacity
3,385 DUs	ES = 0.1675	567	1,354	2,225	304
	MS = 0.0673	228	970	1,188	-10
	HS = 0.0782	265	1,129	1,917	523
Total	0.3130	1,060	3,453	5,330	817

Source: Guillen and Reyes 2015.

Notes: ES = Elementary school; MS = Middle School; HS = High School

Overall, Banning USD would be able to adequately serve the 1,060 additional students from the proposed project. Nicolet Middle School would exceed its maximum capacity by 10 students. However, it is recognized that the actual enrollment and corresponding remaining capacities would change annually. Therefore, an exceedance of 10 students would not be considered significant.

In addition, Banning USD would continue receiving development impact fees pursuant to SB 50. In accordance with SB 50, these fees are collected by school districts at the time of issuance of building permits. As stated in Government Code Section 65995(h), “The payment or satisfaction of a fee, charge, or other requirement levied or imposed ...are hereby deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization ...on the provision of adequate school facilities.” Payment of these fees would offset impacts from increased demand for school services associated with development of the proposed project by providing an adequate financial base to construct and equip new and existing schools. Currently, development impact fee for residential development under SB 50 is \$3.36 per square foot for residential developments and \$0.54 per square foot for commercial, industrial, and hotel/motel uses (Guillen and Reyes 2015). Overall, Banning USD would be able to provide adequate

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school facilities for the projected student residents of the proposed project, and payment of impact fees would ensure that impacts are offset and remain less than significant. No mitigation measures are necessary.

5.13.3.4 CUMULATIVE IMPACTS

Buildout of the related projects listed in Table 4-2, would introduce up to 6,379 residential units in BUSD service area. Using BUSD's student generation rates, the 6,379 homes would generate approximately 1,068 elementary school students, 429 middle school students, and 498 high school students. In addition to the proposed project, the students generated from the related projects would exceed BUSD's existing student capacities for elementary and middle schools. The proposed Rancho San Gorgonio Elementary School planned for PA 16-C on the project site would be able to absorb some of the project generated elementary school students.

Additionally, similar to the proposed project, the related project would be required to pay development impacts fees under SB 50 currently set at \$3.36 per square foot for residential development and \$0.54 per square foot for commercial, industrial, and hotel/motel uses. Thus, acquisition, construction, and upgrade of existing and future school facilities would be funded with development impact fees collected as new residential and commercial development occurs in the future.

Implementation of the proposed project in conjunction with other planned projects in the City of Banning in accordance with buildout of the City's general plan could contribute to a potentially significant adverse cumulative impact on school services. However, as stated in Government Code Section 65995(h), development impact fees established by school districts are deemed to be full and complete mitigation of impacts. Thus, cumulative impacts on Banning USD services would be less than significant.

5.13.3.5 EXISTING REGULATIONS

- California Senate Bill 50

5.13.3.6 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Upon implementation of regulatory requirements and standard conditions of approval, the following impacts would be less than significant: 5.13-3.

5.13.3.7 MITIGATION MEASURES

Impacts are less than significant, and no mitigation measures are required.

5.13.3.8 LEVEL OF SIGNIFICANCE AFTER MITIGATION

No mitigation measures are identified, and impacts remain less than significant.

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5.13.4 Library Services

5.13.4.1 ENVIRONMENTAL SETTING

The Banning Library District, at 21 West Nicolet Street, is about 0.75 miles north of the project site (see Figure 5.13-1, *Public Services*). It is organized as a California Special District and provides public library services to the City of Banning and San Gorgonio Pass residents. The district was known as the Banning Union High School Library District of Riverside County until an act of the state legislature made it an Independent Special District of Riverside County, California. The governing body is the board of trustees. The library is not associated with the City of Banning or part of the Riverside County Library System. It is funded by property tax revenue through the County of Riverside and a special property tax assessment on residents within the Banning Library District service area (Gonzales 2015).

The 9,583-square-foot library facility has a building capacity of 496 persons and carries approximately 62,300 collection volumes, including books, audiobooks, E-books, DVDs, CDs, newspapers, and magazines. In addition to collection items, the Banning Library has wireless access, 17 public computers, a computer lab with 8 laptops provided by a California State Library Services and Technology Act grant, a Children's Services Department, and Teen Zone. It also offers computer classes, summer reading programs, scanning services, local history collection, book clubs, story and craft times, and homework help.

The Banning Library District does not use an established standard to determine the adequacy of existing library resources. However, according to the Banning Library District, existing library resources are not adequately serving all residents of Banning, the San Gorgonio Pass area, and the students of the Mt. San Jacinto College San Gorgonio Pass Campus. There are currently no plans to expand library services or facilities, nor are there funds budgeted for facility improvements. There is also limited space for expansion since the footprint of the existing library and parking has reached the property limits. A preliminary conversation has started amongst the Banning Library Board of Trustees to create a vision plan for the future. A new strategic plan is anticipated to be completed by 2016 that would include a fiscal matrix and proposed timeline for future library improvements (Paparian 2015).

5.13.4.2 THRESHOLDS OF SIGNIFICANCE

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

LS-1 Result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for library services.

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5.13.4.3 ENVIRONMENTAL IMPACTS

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

The maximum number of dwelling units to be allowed in the Specific Plan area is 3,385 units if Planning Area (PA) 9 and PA-16C are not developed as commercial or school uses, respectively, and instead are developed in accordance with their Residential Overlay Alternatives. Therefore, the analysis in this section analyzes a worst case buildout scenario of 3,385 residential units.

Impact 5.13-4: The proposed project would increase population by approximately 9,038 residents and increase demand on Banning Library District's resources; however, the District would still be able to adequately serve the larger population. [Threshold LS-1]

Impact Analysis: Future development accommodated by the proposed Specific Plan would introduce up to 3,385 residential units and 9,038 additional residents to the City of Banning. This would result in an increase in demand for library services at the Banning Library District.

The current 9,583-square-foot library and its resources do not adequately serve the Banning and San Gorgonio Pass residents. Implementation of the proposed project would challenge existing resources. According to the Banning Library District, a net increase of 10,500 square feet would be needed to provide new collection items, expanded computer area, new communications equipment, meeting areas, and a historic collections area. The district states that a new library sited near new development south of I-10 would help the district meet current and future library demands and also provide additional library services (e.g., computer labs, research help, meeting rooms) to the student residents attending Banning High School and the Mt. San Jacinto College San Gorgonio Pass Campus (Paparian 2015). The additional community room spaces would give the Banning Library District an opportunity to partner with nonprofit organizations and other community entities that can offer educational programing to benefit Banning's library patrons or provide rentable meeting spaces (e.g., guest lectures, book signings). Additionally, a new library facility would provide space for the Friends of the Library book sales and outdoor space (e.g., shaded courtyard) for additional reading and study space or rental space for events.

As stated above, Banning Library District is a California Special District and is primarily funded by property tax revenue through the County of Riverside and a special property tax on residents in the district, which includes the future residents of the proposed project. Future project residents would be required to pay special property tax to the district. By doing so, existing library service deficiencies would not be resolved; however, future project residents would be required to pay special property tax to contribute towards the district's funds and offset their individual impacts. The increase in funding would allow the district to expand its existing library facility or construct new facilities, such as the one described above, to accommodate future library service demands in the San Gorgonio Pass area. Thus, project impacts on the Banning Library District would be less than significant.

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5.13.4.4 CUMULATIVE IMPACTS

Cumulative population growth within the City associated with the proposed project and development pursuant to Rancho San Gorgonio Specific Plan would likely increase the demand for library services beyond the capacity of the existing Banning Library District. However, as stated above, the Banning Library District is a California Special District and is funded by a special property tax on residents within the District's service boundary. Therefore, as new developments within the City occur, the special property tax would increase in rough proportion and contribute to an increase in the District's funds.

If required, future construction and operation of a new library facility could result in significant environmental impacts. Until the precise location and type of facility are identified, the potential impacts cannot be meaningfully evaluated. Addressing potential impacts associated with any potential sites or facilities of unknown size would be too speculative at this time. However, construction of new library facilities would require future environmental review which would then determine site specific impacts and any required mitigation. Therefore, no cumulatively significant impacts associated with the construction and operation of new library facilities to address the future shortfall in library service standards can conclusively be identified at this time.

5.13.4.5 EXISTING REGULATIONS

There are no existing regulations related to library services.

5.13.4.6 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Upon implementation of regulatory requirements and standard conditions of approval, the following impacts would be less than significant: 5.13-4.

5.13.4.7 MITIGATION MEASURES

Impacts are less than significant, and no mitigation measures are required.

5.13.4.8 LEVEL OF SIGNIFICANCE AFTER MITIGATION

No mitigation measures are identified, and impacts remain less than significant.

5.13.5 References

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