I. CALL TO ORDER: Chairman Shaw

- Pledge of Allegiance: Commissioner Price
- Roll Call: Commissioners Krick, Briant, Price, Wallace, Chairman Shaw

II. PUBLIC COMMENTS - On Items Not on the Agenda

A five-minute limitation shall apply to each member of the public who wishes to address the Chairman and Commissioners for items not on the agenda. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public. (Usually, any items received under this heading are referred to staff or future study, research, completion and/or future Commissioner Action.) PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

III. 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.

1. Minutes of August 31, 2016 Special Planning Commission meeting........Page 1
2. Minutes of September 7, 2016 Regular Planning Commission meeting.. Page 129

IV. PUBLIC HEARINGS:

1. DISCUSSION AND CONSIDERATION OF APPROVING CONDITIONAL USE PERMIT NO. 16-8005 BY RESOLUTION NO. 2016-09 PROPOSED CRAFT BREWERY (MICROBREWERY) WITH TASTING ROOM, BREW REBELLION LOCATED AT 33 S. SAN GORGONIO AVENUE (APN 540-204-009).
APPLICANT REQUEST:

The applicant, Ed Parker, is requesting approval of a Conditional Use Permit to establish a craft brewery (microbrewery) with tasting room for the property located at 33 S. San Gorgonio Avenue (APN 540-204-009) in the Downtown Commercial Zoning District.

Order of Procedure:
1. Staff report presentation
2. Applicant presentation
3. Planning Commission questions for staff and applicant
4. Open public hearing
5. Close public hearing
6. Planning Commission discussion
7. Motion and Second
8. Planning Commission discussion on motion
9. Call the question (Roll call vote)

RECOMMENDATION:

That the Planning Commission adopt Resolution No. 2016-09.

I. Adopt a Categorical Exemption, pursuant to Section 15301 (Existing Facilities); and

II. Approve Conditional Use Permit (CUP) No. 16-8005 subject to the Findings and Conditions of Approval.

2. DISCUSSION AND CONSIDERATION OF APPROVING CONDITIONAL USE PERMIT NO. 16-8003 BY RESOLUTION NO. 2016-07 PROPOSED TRUCK REPAIR AND SERVICE FACILITY, CRUZ INDUSTRIAL TRUCK, INC. LOCATED AT 1233 E. RAMSEY STREET (APN 541-170-002).

APPLICANT REQUEST:

A proposal for a truck repair and service facility business at 1233 E. Ramsey in the Business Park zoning district. The property is currently vacant and formerly housed a recycling facility.

Order of Procedure:
1. Staff report presentation
2. Applicant presentation
3. Planning Commission questions for staff and applicant
4. Open public hearing  
5. Close public hearing  
6. Planning Commission discussion  
7. Motion and Second  
8. Planning Commission discussion on motion  
9. Call the question (Roll call vote)

RECOMMENDATION:

That the Planning Commission adopt Resolution No. 2016-07.

I. Adopt a Categorical Exemption pursuant to Section 15301 (Existing Facilities) and Section 15332 (In-Fill Development Projects); and

II. Approve Conditional Use Permit (CUP) No. 16-8003 subject to the Findings and Conditions of Approval.

V. PLANNING COMMISSIONER COMMENTS:

VI. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

VII. ADJOURMENT:

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of January 4, 2017 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 Division (951) 922-3125. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA title II].
City of Banning

SPECIAL PLANNING COMMISSION MEETING MINUTES

August 31, 2016

A special meeting of the City of Banning Planning Commission was held on Wednesday, August 31, 2016 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Vice-Chairman Kick
Commissioner Briant
Commissioner Price
Commissioner Wallace

Commissioner’s Absent: Chairman Shaw

Staff Present: Community Development Director, Brian Guillot
Senior Planner, Patty Nevis
City Manager, Michael Rock
Public Works Director/ City Engineer, Arturo Vela, P.E.
Interim City Attorney, John Cotti
Recording Secretary, Sandra Calderon

I. CALL TO ORDER

II. PUBLIC COMMENTS

None

Commissioner Krick closed public hearing

III. STUDY SESSION:

RANCHO SAN GORGONIO SPECIFIC PLAN

Senior Vice President Pete Pitassi of Diversified Pacific Communities based in Rancho Cucamonga for over 25 years, updated the Planning Commission on the Rancho San Gorgonio Specific Plan project. The PowerPoint detailing the information is attached hereto (Exhibit “A”)

Commissioner Krick opened Planning Commission Discussion and introduced our new appointed Commissioner Suzette Wallace.

Commissioner Price said he’s concerned about the fire station being scheduled for Phase 4 and also about four (4) contaminated wells on Westward Avenue.
Pete Pitassi said Cal Fire identified that the fire station should be fully functional by the time the 1,500th unit is built and it’s part of the Development Agreement. There is one well located on Westward Avenue adjacent to the Community College property, and regarding the water quality is addressed in the Water Supply Assessment (WSA) and the Public Works Director can also address the issue in a City wide basis.

Commissioner Bryant asked if any earthquake faults have been discovered.

Pete Pitassi said the Geotechnical analysis did not identified or that traverse this site that would be considered active and the analysis indicated that they are no hazards that would prevent development of the site.

Commissioner Price said he hopes Sunset and Lincoln Street will be widened, but doesn’t know how Westward Avenue could be widened.

Pete Pitassi said the full right-of-way on Westward Avenue exists today and that will require a right-of-way acquisition. Improvements are identified in the City’s General Plan and have gone a little further and designed how the improvements could be built from Sunset to San Gorgonio Avenue.

Commissioner Price asked if there are any scheduled Very High Density Residential (VHDR) homes to be built on the site.

Pete Pitassi said the Specific Plan identifies Medium Density Residential (MDR) and there are two areas that are intended for that use and are adjacent to the Community College Campus.

Commissioner Wallace asked if the construction of the school will be built at the same time as the housing construction.

Pete Pitassi said the School District will control the timing of the building of the school, he has not seen the schedule, but has seen some concept design that was prepared for the site.

Commissioner Krick said his concern is the right-of-way at Westward Avenue and 22nd Street.

Pete Pitassi said the purpose of the exhibit given to staff (Exhibit “B”) to evaluate what would happen if the intersection if no other improvements were made. The Conditions of Approval that will be receiving in the staff report will include the widening of 22nd and 8th between Westward and Lincoln Street. Pitassi said dealing with that widening will be their obligation and dealing with existing improvements and homes along the west side of 22nd Street.

Commissioner Krick asked if there is no parking on Rancho San Gorgonio Parkway. Pitassi said that’s a detail in the design component and can be looked at.

Pete Pitassi explained that 25% solar panels is proposed in the Specific Plan and as Title 24 becomes more restrictive as what it requires of new construction of homes in California, he thinks solar will be required within the next 10 years or less.
Commissioner Krick asked if there is a possibility of getting functioning camera systems on public areas as each Paseo or Village is built.

Pete Pitassi said that the Police Department indicated that they want power for camera systems in the parks only, the Specific Plan does not address that at this time, but they are open to discussion with the Police Department.

Director Guillot said he can have a discussion regarding the installation of camera systems with the Police Chief and will inform the Commissioner at the hearing.

Commissioner Krick asked who will be responsible for paying property taxes on the open space, on south San Gorgonio Avenue.

Pete Pitassi said the open space, paseos and trails will be under City ownership. If the alleys behind the homes are proposed, they will be a common area owned by the Home Owner’s Association (HOA).

Pete Pitassi said they are obligated to put improvements for full frontage up to the college property.

Discussion was made regarding the re-using of the recycled reclaimed water.

Director Vela said the City has a line that comes down Sunset Avenue and goes west on Westward Avenue and would not be difficult to connect it to the Westward main line.

Commissioner Krick asked at what phase will a new water tank will become necessary.

Pete Pitassi said the City has identified four potential locations, but a final decision has not been done. A focus water study will be done to assist the City and evaluate different sites.

Engineer Aaron Skears talked about the amount of water storage needed.

Pitassi said the existing storage capacity can accommodate Phase 1.

Commissioner Krick asked if this will be a Mello-Roos project.

Pete Pitassi said it will be a Community Facilities District (CFD) where a financing plan will be developed, reviewed and approved by City Council.

Commissioner Price asked about the overlay designation on PA 9 (Neighborhood Commercial) if it doesn’t develop as a commercial area.

Pete Pitassi said it will be Medium High Density Residential (MHDR).

Commissioner Krick opened public comments.
Jay McCormick, former owner of the Rio Ranch Market, said he reviewed the project and thinks this is a very positive project for this community. He mentioned that their business is good and think it will get better. Rio Ranch would like to expand 15,000 square feet to the east and complete the center and hopes to serve this area in the future.

Inge Shuler, resident of Banning, said she has concerns that emerged when she studied the Draft EIR, part of it is the water issue and the Fire station. She thinks it's a problem to have that built after 1500 dwelling units are completed. She talked about the July 22, 2016 meeting at the California Regional Water Quality Control board in the Santa Ana, she added that their report states that the City of Banning has not planned for recycled water use. Shuler said that City's waste water plant is not capable of producing recycled water. $68M was the estimated cost 10 years ago to put this into place. She proposed that as part of the conditions of approval this project shall have its own water wells, waste water treatment, and recycling.

Teresa Chang, Legal Counsel for the Banning Library District, said the Library District reviewed the Specific Plan and is in support of the project, she added that there is some concern related to the Draft EIR where it concludes that "This project will result in a less than significant impact to the Library District" she said this is an understatement - she added that the Library District is already with its existing resources is struggling to maintain an adequate level of services for its existing patrons. She mentioned concerns that are listed on a letter dated August 3, 2016 (Exhibit "C").

Ms. Chang said there are some points of analysis that are not listed on this letter. National accepted standard of about half square foot per resident, based on this standard, the Library District would like to see a minimum of 4,500 square feet and 2.5 volumes per resident and would require an additional 22 volumes increase for the library.

Ed Miller, Banning resident, and City Council Member said our City needs development, but there are problems always with development and the two problems in the City of Banning are the fact that we have chromium-6 in our water and it's going to cost approximately $50M to remove it. He asked, how are do we pay for the chromium-6 removal from our water, and how do we pay for the require recycle water?

Linda Pippinger, resident of Banning said that she lives across from the possibly contaminated water well. 9.83 acres across from her horse property will be zoned for commercial or possibly High Density Residential. She has fought this repeatedly four about three or four years when dealing with the developer, but no one has listened. She said that there are no amenities in south Banning to support this future development. She thinks it should return to the original zoning of 2,300 homes.

David Ellis, resident of Banning said the developer is having some legal issues in San Bernardino. He said a misrepresented report was previously presented to the Planning Commission and asked that any future reports are reviewed carefully. Ellis asked the Planning Commission to make the right decision and would like to see an investigation for a former Commissioner to find out if he was dealing with the developer when he was a Council Member.
Dorothy McClain resident of Banning said he would like the Planning Commissioners to be careful when questions are asked and their responses.

Commissioner Krick closed public comments

Pete Pitassi said that under California standards are no impediments to the developments to the site, there is no Alquist-Piolo zone or active earthquake zone, but will go back and verify the report. Regarding the quality and the quantity of wells, the maps he's familiar with show only one which is on Sunset and San Gorgonio Avenue.

Art Vela City Engineer said there is one well between Sunset Avenue and San Gorgonio Avenue plus three additional ones west of Sunset Avenue; the one west of Sunset is not contaminated, but the other three west of Sunset are. A chromium-6 treatment and compliance study was done and plan to take that to next City Council meeting for final review and action on that document. The City has a plan in how to meet the new standard and will be funded through multiple sources that include grant funds, state revolving fund loans, and some may be included in the current Development Impact fee analysis. State requires that the City come into compliance by January 1, 2020. Vela said there are about nine (9) wells that are contaminated and make up a little over 30% of our sources. The City’s next step is to develop a scope of work to hire a consultant to look at plans previously developed and make the appropriate changes to meet the current codes.

Commissioner Krick asked if this developer broke ground in the year of 2018, will the City be prepared for the flow to hit the sewage treatment plant.

Vela said yes, there is currently capacity of 3.5 MGD, but these plants will expand at the additional stage and don’t see it as a problem for the future. This development will be required to pay a development impact fee and are in the process of analyzing those fees and make sure the appropriate estimates for that plant expansion is part of this study.

Vela said we just finished the Urban Management Plan and it shows we are in good shape and as we move in to the future we have to keep conservation in mind and some practices have to change, but overall we are in decent shape. The City has a good size storage account in the Beaumont basin and it’s only available to the City of Banning and it will help to meet the City’s demand.

Price asked about the status of the flume.

Vela said it continues to bring water to our area but at very low rates due to the current condition of the flume.

Pete Pitassi said the Specific Plan does anticipate the issue of treatment and creation of recycled water, and said City’s Engineer Vela has expressed his desire to have the assistance of expanding the plant to create the recycled water and they intent is to do that, but if it doesn’t become feasible the Specific Plan does allow to build their own treatment facility and was designed within the plan.
The chromium-6 issue changed the standards, but the City has used the recycled water and can be
used for irrigation.

Commissioner Krick asked if there will be an issue in getting the permit to install the stop lights at
8th and 22nd in their right-of-way.

Pete Pitassi said he believes that will be so, and there might be additional required right-of-way to
do the widening and signal improvement, but don’t anticipate Caltrans refusing to do that because it
will be an improvement to their system.

Pitassi said full widening of the street will occur on Westward Avenue to Lincoln Street.

IV. ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

____________________________
Sandra Calderon
Recording Secretary

THE ACTION MINUTES SUMMARIZE ACTIONS TAKEN BY THE PLANNING COMMISSION. A COPY OF THE
MEETING IN ITS ENTIRETY IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN WRITING TO
THE CITY CLERK’S OFFICE.
EXHIBIT “A”
Rancho Cucamonga Based Homebuilder for over 25 years

Our Active Home Building Communities include:

- *The Estate Collection in Woodcrest*
- *The Orchard Collection in Wildomar*
- *The Orchard Collection in Redlands*
- *The Orchard Collection in Highland*
Design and Planning Team

RBF Consulting (Michael Baker)
Specific Plan Preparation

KTGY Group, Inc.
Land Planning & Architectural Design Guidelines

Madole and Associates, Inc.
Encompass Engineering Civil Engineering

David Taussig and Associates.
Financial Analysis

LSA, Inc.
Environmental Consultants

Kunzman Associates, Inc.
Traffic Consultants

Architerra Design Group
Landscape Architecture

RMA GeoScience
Geotechnical Consultants
Site Description

Existing Conditions
Site Location
Current Land Use Designation

- Existing General Plan and Zoning Designations on the RSG site are Rural Residential (RR), Very Low Density Residential (VLDR), Very High Density Residential (VHDR), and Park/Open Space.

- The current general plan and zoning land use designations allow for a build out of 1865 dwelling units on the RSG site.

- Under current land use designations the development of the site would occur via traditional subdivisions or multi-family projects.

*160 Acres to be annexed from unincorporated Riverside County to the City of Banning. This area is currently in the City of Banning’s Sphere of Influence. County zoning designation is A-1-10.
Opportunities and Constraints

Surrounding Area

Topography

Drainage and Hydrology

Geology/Soils

Easements & Property Restrictions

Walking Radius
Topography

- Relatively level site with gently sloping topography
- Site elevation ranges from approximately 2200 to 2400 feet above mean sea level (AMSL)
- Incised Creeks include Pershing, Smith, and Montgomery Creeks
- Incised channels vary in depth from one(1) to twenty(20) feet
Existing drainage quantities both entering and leaving the property during peak flows.

Table 1-1: Existing Peak Drainage Runoff

<table>
<thead>
<tr>
<th></th>
<th>Smith Creek</th>
<th>Pershing Creek</th>
<th>Montgomery Creek</th>
<th>Gilman Home Channel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peak flow, Upstream of</td>
<td>6,960 cfs</td>
<td>2,727 cfs</td>
<td>1,743 cfs</td>
<td>2,727 cfs</td>
</tr>
<tr>
<td>the Project</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acres (square miles)</td>
<td>7,833 (12.24)</td>
<td>1,628 (2.54)</td>
<td>1,536 (2.40)</td>
<td>2,626 (4.10)</td>
</tr>
<tr>
<td>Peak flow, downstream</td>
<td>15,452 cfs</td>
<td>3,300 cfs</td>
<td>1,985 cfs</td>
<td>2,896 cfs</td>
</tr>
<tr>
<td>end</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acres (square miles)</td>
<td>15,382 (24.04)</td>
<td>2,114 (3.30)</td>
<td>1,715 (2.68)</td>
<td>2,742 (4.28)</td>
</tr>
</tbody>
</table>

cfs = peak flow in cubic feet per second

Existing conditions do not allow for flows to be retained and to recharge the groundwater.
RMA Geoscience performed geotechnical investigations in 2012 and 2013. These geotechnical investigations have concluded that the site does not have any geological hazards which would prevent development.
Previous Proposals

Lariat Specific Plan
Proposed in 2006 however was withdrawn and never approved

Stallion Estates
Approved in May of 2003
Tentative Map has Expired

Tefft Project
Approved in May of 2005
Tentative Map has Expired
Specific Plans & Master Planned Communities
Specific Plan

- A Specific Plan is a planning document used to implement a master planned community.
- Comprehensive document that defines the zoning and development standards for a region of a City.
- An approved Specific Plan becomes part of the City’s General Plan.
- Banning has utilized Specific Plans for projects including Butterfield, Sun Lakes and Banning Bench.
Master Planned Communities

- Community Amenities such as Parks, Trails, Paseos, and Open Space
- Effective and Efficient Land Planning
- Consistent and Themed Development Standards
- Community Identity
Master Planned Communities (MPC)

Retaining Value
Historically, properties in MPCs are more resilient during market fluctuations and maintain value better.

High Quality Amenities
MPCs are focused on quality and design throughout the community. Recreational amenities contribute to healthy lifestyles and a better quality of life for residents.

Sense of Community
By nature, the parks, trails, and other amenities provide opportunities for neighbors to interact and get to know one another, creating an inherent sense of community.

Maintaining Quality
The Master Homeowners Association is responsible for enforcing the community's CC&R's as well as maintaining common areas and amenities, ultimately protecting and enhancing property values.
Traditional Subdivision

A traditional subdivision is utilized on smaller parcels of land and complies with the zoning designation determined by the City's zoning map. It becomes a part of the neighborhood it is within and utilizes public services which are available to the immediate neighborhood. This includes parks identified in the General Plan.
RANCHO SAN GORGONIO

RICH HISTORY, SPECTACULAR SETTING, NEW BEGINNINGS.
Planning

- Community Outreach and conceptual land planning began in the early stages of the project.

- A First Draft of the Specific Plan was submitted to the City in 2013.
Opportunities and Constraints
Land Use Plan
Land Use Plan

- RSG is organized into 44 planning area (PAs)

Land Use
- Residential: 516.5 Acres
- Parks/Open Space: 210.3 Acres
- Commercial: 9.3 Acres
- Roads: 77 Acres
- Other: 17.7 Acres
- Maximum units allowed 3,385

Table 2-1: General Land Use Summary

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Gross Acres</th>
<th>% of Area</th>
<th>Dwelling Units</th>
<th>% of Dwelling Units of Gross Density (du/ac)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Very Low Density (VLDR) (0-2.5 du/ac)</td>
<td>47.1</td>
<td>5.7%</td>
<td>94</td>
<td>2.8%</td>
</tr>
<tr>
<td>Low Density (LDR) (2.6-6.0 du/ac)</td>
<td>301.8</td>
<td>36.3%</td>
<td>1,355</td>
<td>40.0%</td>
</tr>
<tr>
<td>Medium Density (MDR)</td>
<td>115.9</td>
<td>14%</td>
<td>754</td>
<td>22.3%</td>
</tr>
<tr>
<td>Age Qualified (6.1-12.0 du/ac)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medium-High Density (MHDR) (12.1-18.0 du/ac)</td>
<td>51.7</td>
<td>6.2%</td>
<td>930</td>
<td>27.4%</td>
</tr>
<tr>
<td>Residential Totals</td>
<td>516.5</td>
<td>62.2%</td>
<td>3,133</td>
<td>92.5%</td>
</tr>
<tr>
<td>Parks/Open Space</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RSG Community Park</td>
<td>26</td>
<td>3.2%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confluence Park</td>
<td>10.2</td>
<td>1.2%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Neighborhood Park</td>
<td>12.7</td>
<td>1.5%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entry Park</td>
<td>1.1</td>
<td>0.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Village Paseos</td>
<td>12.6</td>
<td>1.5%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Creeks/Creek Edge Linear Parks</td>
<td>12.2</td>
<td>1.4%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural Open Space</td>
<td>25.7</td>
<td>3.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open Space Subtotals</td>
<td>210.3</td>
<td>25.2%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Neighborhood Commercial</td>
<td>9.3</td>
<td>1.1%</td>
<td>168*</td>
<td>5.0%*</td>
</tr>
<tr>
<td>Public Facility</td>
<td>2.6</td>
<td>0.3%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>School</td>
<td>14</td>
<td>1.7%</td>
<td>84**</td>
<td>2.5%**</td>
</tr>
<tr>
<td>Backbone Roadways Right-of-Way</td>
<td>77</td>
<td>9.3%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storm Drain Easement</td>
<td>1.1</td>
<td>0.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Subtotals</td>
<td>104</td>
<td>12.5%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SPECIFIC PLAN TOTALS</td>
<td>830.8</td>
<td>100%</td>
<td>3,385***</td>
<td>100%</td>
</tr>
</tbody>
</table>

Notes:
* A Residential Overlay alternative of Medium-High Density Residential (MHDR, 12.1-18.0 du/ac) is allowed on Planning Area 9 in lieu of the Neighborhood Commercial designation, if PA 9 does not develop as commercial.
** A Residential Overlay alternative of Low Density Residential (LDR, 2.6-6.0 du/ac) is allowed on Planning Area 16-C in lieu of the School use designation, if the Banning Unified School District does not acquire PA 16-C and the site is not developed with a school use.
*** The maximum number of dwelling units to be allowed in the Specific Plan is 3,385.
## Land Use Plan

### Table 2-2: Planning Areas Statistical Summary

<table>
<thead>
<tr>
<th>Planning Area</th>
<th>Land Use1</th>
<th>Target Minimum Lot Sizes (ac/ha)</th>
<th>Allowed Density Range (du/ac)</th>
<th>Target Density (du/acre)</th>
<th>Gross Acres</th>
<th>Target Dwelling Units (DU)</th>
</tr>
</thead>
<tbody>
<tr>
<td>PA 1</td>
<td>Very Low Density Residential</td>
<td>20,000 2.0</td>
<td>47.0</td>
<td>94</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 2-A</td>
<td>Low Density Residential</td>
<td>7,000 2.0</td>
<td>15.5</td>
<td>53</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 2-B</td>
<td>Low Density Residential</td>
<td>7,000 2.0</td>
<td>17.6</td>
<td>60</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 2-C</td>
<td>Low Density Residential</td>
<td>7,000 2.0</td>
<td>16.3</td>
<td>56</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 3-A</td>
<td>Low Density Residential</td>
<td>6,000 2.0</td>
<td>14.0</td>
<td>53</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 3-B</td>
<td>Low Density Residential</td>
<td>6,000 2.0</td>
<td>23.8</td>
<td>90</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 3-C</td>
<td>Low Density Residential</td>
<td>6,000 2.0</td>
<td>10.6</td>
<td>40</td>
<td></td>
<td></td>
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<tr>
<td>PA 3-D</td>
<td>Low Density Residential</td>
<td>6,000 2.0</td>
<td>24.0</td>
<td>91</td>
<td></td>
<td></td>
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<tr>
<td>PA 4-A</td>
<td>Low Density Residential</td>
<td>5,500 2.0</td>
<td>22.2</td>
<td>102</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 4-B</td>
<td>Low Density Residential</td>
<td>5,500 2.0</td>
<td>23.1</td>
<td>102</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 4-C</td>
<td>Low Density Residential</td>
<td>5,500 2.0</td>
<td>17.7</td>
<td>78</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 4-D</td>
<td>Low Density Residential</td>
<td>5,500 2.0</td>
<td>17.3</td>
<td>54</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 5-A</td>
<td>Low Density Residential</td>
<td>5,000 2.0</td>
<td>5.9</td>
<td>31</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 5-B</td>
<td>Low Density Residential</td>
<td>5,000 2.0</td>
<td>5.5</td>
<td>34</td>
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<td></td>
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<tr>
<td>PA 5-C</td>
<td>Low Density Residential</td>
<td>5,000 2.0</td>
<td>12.6</td>
<td>66</td>
<td></td>
<td></td>
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<tr>
<td>PA 5-D</td>
<td>Low Density Residential</td>
<td>5,000 2.0</td>
<td>16.4</td>
<td>85</td>
<td></td>
<td></td>
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<tr>
<td>PA 5-E</td>
<td>Low Density Residential</td>
<td>5,000 2.0</td>
<td>10.4</td>
<td>54</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 5-F</td>
<td>Low Density Residential</td>
<td>5,000 2.0</td>
<td>5.9</td>
<td>31</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 6-A</td>
<td>Low Density Residential</td>
<td>4,500 2.0</td>
<td>7.3</td>
<td>44</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 6-B</td>
<td>Low Density Residential</td>
<td>4,500 2.0</td>
<td>14.8</td>
<td>101</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 6-C</td>
<td>Low Density Residential</td>
<td>4,500 2.0</td>
<td>11.7</td>
<td>70</td>
<td></td>
<td></td>
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<tr>
<td>PA 6-D</td>
<td>Low Density Residential</td>
<td>4,500 2.0</td>
<td>10.8</td>
<td>60</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 7-7</td>
<td>Medium Density Residential</td>
<td>variable 6.1-12.0</td>
<td>85.5</td>
<td>555</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 7-B</td>
<td>Medium Density Residential</td>
<td>variable 6.1-12.0</td>
<td>30.6</td>
<td>199</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 8-A</td>
<td>Medium-High Density Residential</td>
<td>variable 12.1-18.0</td>
<td>18.5</td>
<td>333</td>
<td></td>
<td></td>
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<tr>
<td>PA 8-B</td>
<td>Medium-High Density Residential</td>
<td>variable 12.1-18.0</td>
<td>18.9</td>
<td>232</td>
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<tr>
<td>PA 8-C</td>
<td>Medium-High Density Residential</td>
<td>variable 12.1-18.0</td>
<td>11.7</td>
<td>211</td>
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<td></td>
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<tr>
<td>PA 8-D</td>
<td>Medium-High Density Residential</td>
<td>variable 12.1-18.0</td>
<td>8.6</td>
<td>154</td>
<td></td>
<td></td>
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<tr>
<td>PA 9</td>
<td>Neighborhood Commercial (0.25 FAR)</td>
<td>variable 12.1-18.0</td>
<td>9.3</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>PA 9</td>
<td>Residential Overlay Alternative2</td>
<td>variable 12.1-18.0</td>
<td>168</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>PA 10</td>
<td>ISS Community Park (includes fire station site)</td>
<td>10.2</td>
<td>10.2</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>PA 11</td>
<td>Confluence Park</td>
<td>1.1</td>
<td>1.1</td>
<td></td>
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<tr>
<td>PA 12</td>
<td>Neighborhood Park</td>
<td>3.3</td>
<td>3.3</td>
<td></td>
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<tr>
<td>PA 13</td>
<td>Entry Park</td>
<td>6.0</td>
<td>6.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 14-A</td>
<td>Village Park</td>
<td>2.2</td>
<td>2.2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 14-C</td>
<td>Village Park</td>
<td>1.0</td>
<td>1.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 15-A</td>
<td>Creeks / Creek Edge Linear Parks</td>
<td>54.8</td>
<td>54.8</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA 15-B</td>
<td>Creeks / Creek Edge Linear Parks</td>
<td>67.2</td>
<td>67.2</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

### Notes:
1. Very Low Density Residential (VLDR) and Low Density Residential (LDR) = detached single-family units only; Median Density Residential (MDR) = Age Qualified includes detached or attached single-family units; Medium-High Density Residential (MHDR) includes detached or attached single-family and multi-family units.
2. A Residential Overlay alternative of Medium-High Density Residential (MHDR, 12.1-18.0 du/ac) is allowed on Planning Area 5 in lieu of the Neighborhood Commercial designation. If PA 9 does not develop as commercial, and the maximum number of residential units in the Specific Plan does not exceed 1,189.
3. A Residential Overlay alternative of Low Density Residential (LDR, 2.6-6.0 du/ac) is allowed on Planning Area 16-C in lieu of the School Use designation. If the Rancho Unified School District does not acquire PA 16-C and the site is not developed with a school use, and the maximum number of residential units in the Specific Plan does not exceed 1,189.
Land Use Plan

- Zone A: Detached Single Family Homes
- Zone B: Age Qualified Medium Density
- Zone C: Medium Density adjacent to MSJCC
- Zone D: Potential Residential Overlay*

- Zone E: Parks and Open Space

1449 Dwelling Units
754 Dwelling Units
930 Dwelling Units
252 Dwelling Units
3385 Dwelling Units
210.3 Acres

*Planning Areas in Zone D are intended for retail/commercial and school use. If those uses do not come to fruition the Specific Plan allows a residential use.
Street Sections

Rancho San Gorgonio Parkway
("A" Street to "C" Street)
Modified Arterial

Southerly R/W

146'/156' Right-of-Way

86'/96'

* M.P. Trail  * Landsc. *

* Pedway  * Landsc.

Northerly R/W

20'  12'  12'  8'  12'  13'  10'/15'  10'/15'  13'  12'  8'  12'  28'  16'

"C" Street
Modified Divided Collector

Southerly R/W

116' Right-of-Way

56'

* M.P. Trail  * Landsc. *

* Pedway  * Landsc.

Northerly R/W

32'  12'  8'  13'  14'  13'  8'  12'  28'  16'
Street Sections

"B" Street & "D" Street

Modified Collector

Northerly R/W

80' Right-of-Way

44'

20'

10' 12' 12' 10'

* M.P. Trail

*

* Pedway

Southerly R/W

16'

Modified Local

56' Right-of-Way

10'

56'

36'

18'

18'

* Pedway

* Pedway
Roundabout Design

RSG Parkway Roundabout Design

Collector Street Roundabout Design
Non-Motorized Circulation Plan

[Diagram of a map showing various paths and locations with labels such as 'A Street', 'W Victory Ave', 'Mt. San Jacinto Community College', 'San Gorgonio Pass Campus', 'W Westward Ave', 'PA 9', 'PA 6 A', 'PA 7 A', 'PA 3 A', 'PA 4 D', 'PA 6 D', 'PA 5 C', 'PA 4 B', 'PA 3 B', 'PA 2 C', 'PA 2 B', 'PA 2 A', 'PA 9 A', 'PA 8 D', 'PA 8 C', 'PA 8 B', 'PA 8 A', 'PA 2 D', 'PA 2 E', 'PA 5 E', 'PA 5 F', 'PA 3 E', 'PA 1', 'PA 17']

[Legend for symbols: Equestrian Picnic Area, Trailhead, Special Equestrian Crossing to Dysart Park, Multi-Purpose Trail, Pedestrian Sidewalk and Bikeway, Equestrian Trail (City of Banning Master Plan), Urban Trail (City of Banning Master Plan)]
Low Speed Vehicles & Neighborhood Electric Vehicles

- Low Speed Vehicles (LSV) and Neighborhood Electric Vehicles (NEV) will have separate bike/NEV lanes on all arterial and collector roadways.

- LSV/NEVs are defined by the state as any vehicles that are capable of propelling themselves at a maximum speed between 20 and 25mph. LSV/NEVs are registered with the state and require a standard drivers license to operate.

- LSV/NEVs will be allowed on all local streets.
Traffic Impact Analysis

- Analyzed 44 intersections surrounding the project as identified by the County Transportation Department.
- Notes the existing traffic conditions with and without the project.
- Recommends traffic improvements on a phase by phase basis for each intersection. This will allow operation at a level of service (LOS) required by the General Plan.

Report analyzes the traffic impacts of the proposed project in accordance with the Riverside County Transportation Department Traffic Impact Analysis Preparation Guide and the RIVTAM Computer Model.
Traffic Impact Analysis - Intersections

Beaumont Avenue/SR-79:
  1st Street
  Potrero Boulevard
  California Avenue

Michigan Avenue:
  1st Street

Pennsylvania Avenue:
  1st Street

Highland Springs Avenue:
  14th Street
  Oak Valley Parkway
  8th Street/Wilson Street
  6th Street/Ramsey Street
  I-10 Freeway WB Ramps
  I-10 Freeway EB Ramps
  1st Street/Sun Lakes Boulevard

Highland Home Road:
  14th Street
  Wilson Street
  Ramsey Street
  Sun Lakes Boulevard

Lincoln Street:
  Westward Avenue (extension of Sun Lakes Boulevard)

Sunset Avenue:
  Wilson Street
  Ramsey Street
  I-10 Freeway WB Ramps
  I-10 Freeway EB Ramps
  Lincoln Street
  Westward Avenue
  C Street

A Street:
  Westward Avenue

22nd Street:
  Ramsey Street
  I-10 Freeway WB Ramps
  I-10 Freeway EB Ramps
  Lincoln Street
  Westward Avenue

San Gorgonio Avenue:
  Wilson Street
  Ramsey Street
  Lincoln Street
  Westward Avenue
  Charles Street
  Wesley Street

8th Street:
  Wilson Street
  Ramsey Street
  I-10 Freeway WB Ramps
  I-10 Freeway EB Ramps
  Lincoln Street
  Westward Avenue

San Gorgonio Avenue/SR-243:
  Old Idyllwild Road

SR 243:
  C Street
Traffic Signal Installation Locations
Project Infrastructure
Grading Plan

Master Grading Plan

- Approximately 4,200,000 cubic yards of cut and fill is anticipated for the entire site.

- Grading will occur on a phase by phase basis.

Topographical Map

- Existing site is relatively flat.

- Site generally slopes from northwest to southeast.
Geotechnical Investigation

- Report investigates and analyzes the geotechnical and geological condition of the site.
- RMA GeoScience performed a series of tests including 15 borings, 41 trenches, soil and infiltration testing, and investigation of utility lines.
- As individual planning areas are designed, a soils investigation will be prepared for each site.
Drainage Facilities

Drainage Master Plan

- Retention-detention basins are located in every planning area as well as in Confluence Park.

- Retention-detention basins will recharge the aquifer by allowing water to percolate back into the groundwater system. These basins will also improve water quality by biologically treating runoff pollutants and minimizing impact to the natural creeks.
Master Plan of Drainage

- A technical document that analyzes the pre and post development drainage conditions for the site.

- Used in designing the storm drain system to interact with existing conditions and provide flood control protection for developed properties.
RSG's conceptual WQMP evaluates the infiltration and water quality of stormwater.
Water Master Plan

- RSG Water Master Plan evaluates the existing infrastructure and determines the required improvements to provide potable water to the entire project.

- Additional water storage facilities will be developed for the City as part of this project.

- In addition to the Master Plan RSG was required to prepare a Water Supply Assessment (WSA) which evaluates the availability of water to serve the project.
Water Supply Assessment

- Analysis projects the water demands of the City with and without the project in comparison with current and projected water availability.

- The WSA uses conservative estimates for per capita per day water use.

- Even using conservative estimates, the WSA projects that the City will have an increase in net water usage by only 16 acre-feet per year in 2035.

---

Table 4-11 - Proposed Projected City Water Demand [acre-ft]
Non-Project Demand Based on City-wide Land Use Factors (with 20x2020)¹
Project Demand Based on Residential Per Capita Usage Rates²

<table>
<thead>
<tr>
<th>Water Use Sectors</th>
<th>Average % Use of Water Supply 2009-2010</th>
<th>2015</th>
<th>2020</th>
<th>2025</th>
<th>2030</th>
<th>2035</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population (per General Plan)³</td>
<td></td>
<td>30491</td>
<td>36086</td>
<td>39842</td>
<td>43989</td>
<td>48567</td>
</tr>
<tr>
<td>less RSG's current (General Plan)</td>
<td></td>
<td>-328</td>
<td>-739</td>
<td>-2535</td>
<td>-2945</td>
<td></td>
</tr>
<tr>
<td>project area population and Butterfield SP Reduction⁴</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjusted Population, without Project</td>
<td></td>
<td>30491</td>
<td>35758</td>
<td>39103</td>
<td>41454</td>
<td>45622</td>
</tr>
<tr>
<td>Per Capita Water Use [gpcd]⁵</td>
<td></td>
<td>283</td>
<td>252</td>
<td>252</td>
<td>252</td>
<td>252</td>
</tr>
<tr>
<td>Single Family Residential</td>
<td></td>
<td>56.2%</td>
<td>5440</td>
<td>5673</td>
<td>6203</td>
<td>6576</td>
</tr>
<tr>
<td>Multi-family Residential</td>
<td></td>
<td>2.3%</td>
<td>223</td>
<td>232</td>
<td>254</td>
<td>269</td>
</tr>
<tr>
<td>Commercial/Institutional</td>
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<td>26.2%</td>
<td>2536</td>
<td>2645</td>
<td>2892</td>
<td>3066</td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
<td>1.2%</td>
<td>116</td>
<td>121</td>
<td>132</td>
<td>140</td>
</tr>
<tr>
<td>Irrigation</td>
<td></td>
<td>11.9%</td>
<td>1152</td>
<td>1201</td>
<td>1314</td>
<td>1392</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>1.1%</td>
<td>106</td>
<td>111</td>
<td>121</td>
<td>129</td>
</tr>
<tr>
<td>Sales to other Agencies</td>
<td></td>
<td>1.1%</td>
<td>106</td>
<td>111</td>
<td>121</td>
<td>129</td>
</tr>
<tr>
<td>Subtotal [acre-ft/yr]⁶</td>
<td></td>
<td>9679.8</td>
<td>10094</td>
<td>11038</td>
<td>11701</td>
<td>12578</td>
</tr>
<tr>
<td>Project Population¹</td>
<td></td>
<td>1170</td>
<td>2973</td>
<td>8065</td>
<td>8936</td>
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<tr>
<td>Per Capita Water Use [gpcd]²</td>
<td></td>
<td>141</td>
<td>141</td>
<td>141</td>
<td>141</td>
<td></td>
</tr>
<tr>
<td>Subtotal, Project [acre-ft/yr]³</td>
<td></td>
<td>185</td>
<td>469</td>
<td>1274</td>
<td>1411</td>
<td></td>
</tr>
<tr>
<td>Gross Total</td>
<td></td>
<td>10279</td>
<td>11507</td>
<td>12975</td>
<td>14289</td>
<td></td>
</tr>
<tr>
<td>Increase over (decrease from) current projections⁷</td>
<td></td>
<td>96</td>
<td>264</td>
<td>562</td>
<td>584</td>
<td></td>
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<tr>
<td>Additional infiltration recharge due to project⁸</td>
<td></td>
<td>(26)</td>
<td>(66)</td>
<td>(180)</td>
<td>(199)</td>
<td></td>
</tr>
<tr>
<td>Additional recycled water available to reduce potable use elsewhere in the city⁹</td>
<td></td>
<td>(33)</td>
<td>(84)</td>
<td>(227)</td>
<td>(252)</td>
<td></td>
</tr>
<tr>
<td>Return flows from irrigation (25% of recycled water generated)¹⁰</td>
<td></td>
<td>(15)</td>
<td>(39)</td>
<td>(106)</td>
<td>(118)</td>
<td></td>
</tr>
<tr>
<td>Net Total: Increase (decrease) in demand less project-generated sources¹¹</td>
<td></td>
<td>22</td>
<td>75</td>
<td>49</td>
<td>16</td>
<td></td>
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Sewer Facilities

The RSG Sewer Master Plan is the detailed technical study that outlines the sewer infrastructure necessary to serve Rancho San Gorgonio. The plan evaluates the sewer system within RSG and how it connects to the City's waste water treatment system.
Recycled Water Facilities

- All Parkways, Medians, Parks and Common Areas in RSG will utilize recycled water for irrigation.
- RSG will pay its fair share in the expansion of the City’s Waste Water Treatment Plant.
Master Plan of Sewer

- Addressed both Sewer and Recycled Water Infrastructure.
- Determines the location, size, and extent of sanitary sewer improvements necessary to serve Rancho San Gorgonio.

MASTER PLAN OF SEWER
RANCHO SAN GORGONIO SPECIFIC PLAN

CITY OF BANNING
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

PREPARED BY:

MADOLE & ASSOCIATES, INC.
Engineering Communities for Life
9302 Pittsburgh Avenue Suite 230
Rancho Cucamonga, CA 91730
909-481-6572
Mark Bertone, President

Encompass Associates, Inc.
5999 Quails Place
Rancho Cucamonga, CA 91737
909-684-0993
Aaron Shears, P.E.

Prepared for:
Rancho San Gorgonio, LLC

April 10, 2015

54
Additional Technical Studies
Air Quality/Green House Gas

- The proposed project was evaluated by LSA using the procedures and methodologies outlined by the South Coast Air Quality Management District (SCAQMD).

- Criteria pollutant emission during project construction and project build out are considered in the California Emission Estimate Model (CalEEMod).

- Analysis provides data on existing air quality, evaluates potential air quality impacts associated with the project, and identifies mitigation measures.
Biological Resources Report

- Comprehensive Report prepared by LSA that evaluates all biological resources of the project in relation to all federal, state, regional, and local legislation and policies including the Riverside MSHCP.

- Biological report includes detailed evaluation on:
  - Jurisdictional Resources
  - Wildlife
  - Vegetation
  - Riparian/Riverian Habitat

Individual Surveys
Los Angeles Pocket Mouse
Riverside Fairy Shrimp
Vernal Pool Fairy Shrimp
Riparian Birds
Burrowing Owl
MSHCP Consistency and DBESP

- Multiple Species Habitat Conservation Plan and Determination of Biological Equivalent or Superior Report.

- Provides detailed description of how the project preserves and/or mitigates for sensitive habitat.

- Permits will be required from the Army Corps of Engineers, California Department of Fish and Wildlife, Regional Water Quality Control Board, and the United States Fish and Wildlife Service.
Cultural Resources Assessment

BCR Consulting, Inc.

- Evaluated the site by reviewing cultural records data bases and conducting several detailed site visits and field surveys.

- BCR notified all tribes as required by SB18 and AB52 and participated with the City, in consultation with Native American tribes who expressed an interest.

- All observed or recorded potentially culturally significant items were documented and described in the report and evaluated in the project EIR.

- Locations of historical interest were identified and are preserved in place.
Noise Study

- A noise impact study evaluates the potential acoustic issues and identifies mitigation measures.
- Recommends a series of mitigation measures to control construction noise such as time restrictions, equipment mufflers, and restrictions on the use and placement of construction equipment.
- Includes mitigation measures such as sound barrier walls and sound attenuating windows for homes built at specific distances from project perimeter.
Infrastructure Statistics

- Install 29,950 LF (5.67 miles) of Main Potable Waterlines
- Install 27,230 LF (5.16 miles) of Main Recycled Waterline
- Contribute to the construction of additional above ground water storage
- Install 36,000 LF (6.82 miles) of new Main Sewer lines which includes 15,000 LF (2.84 miles) of the “Deutsch” Trunk Sewer Line
- Install 22,400 LF (4.24 miles) of Storm Drains varying in size from 36” diameter RCP to Triple Box 12’x8’ RCB
- Design and build over 210 acres of public parks, trails, open space, and paseos.
- Install or contribute to the construction of numerous offsite street improvement, street widening projects, and traffic controls.
- The retention of storm water runoff will provide groundwater recharge. RSG is estimated to produce 199 acre-feet per year (based on average annual rainfall). An acre-foot per year is about 893 gallons per day. Utilizing current water demand projections (about 141 gppd) this equals approximately .16 acre-feet per year per person. That’s enough water for over 1200 people as a result of responsible design and planning to capture runoff.
Parks, Trails, and Open Space
Parks & Open Space

All parks and greenspace in Rancho San Gorgonio will be connected by a series of trails and paseos that provide the opportunity for pedestrian, bike, and equestrian use.
Parks and Trail System

Source: KIGY Architecture + Planning
Equestrian Multi-Purpose Trails
Entry Park

1.1 Acre

Legend:
1. City Sidewalk and Handicap Ramp
2. Primary Monument Gabion Wall with Boulder Accents
3. Primary Monument Entry Tower and Pedestrian Portal
4. 10' Wide Multi-Purpose Trail with Rail Fencing along Outside Edge
5. 6' Wide Decomposed Granite Meandering Walking Path
6. Open Space Meadow with Native Grasses
7. Accent Boulders at Meadow and Planter Areas
8. Accent Paving at Picnic Structure
9. Rustic Shade Structure with Galvanized Roof and Picnic Table Seating
10. Enclosed Equestrian Corral with PVC Rail Fencing (4'-8' Min.)
11. Galvanized Water Trough and Wash Down Area
12. Corral Access Swing Gate
13. 10' Wide Multi-Purpose Trail Bypass
14. Landscape Berming Along Trail Edges
15. Decorative Perimeter Wall with Accent Pilasters at Corners
16. PVC Rail Fencing Along Trail Edge
17. Horse Tie Up/Hitching Post
18. Enhanced Perimeter Landscaping with Boulder Accents
19. Pedestrian Bench Seating Area Along Decomposed Granite Path
Confluence Park

10.2 Acres

LEGEND
1. PARK CORNER MONUMENT SIGNAGE
2. LANDSCAPED MEDIAN
3. ENHANCED PAVING AT ROUNDABOUT
4. ENHANCED ROUNDABOUT ISLAND WITH SPECIMEN TREE AND STONE WALL
5. TOT LOTS WITH RESTROOM, PICNIC FACILITIES AND GROUP PICNIC SHELTERS
6. PARKING LOT WITH ENHANCED DRIVE-THROUGH PAVING
7. COMMUNITY EQUESTRIAN TRAIL
8. STORM DRAINAGE CULVERT
9. INLET INTO DETENTION BASIN
10. DETENTION BASIN PONDS (4-5 ACRES)
11. OVERFLOW OUTLET FROM DETENTION BASIN TO SMITH CREEK
12. PICNIC SHELTERS OVERLOOKING DETENTION BASIN
13. PICNIC AREAS WITH TABLES AND BARBECUES
14. TRAIL OVERLOOK REST AREAS (SET APPROXIMATELY EVERY 1/2 MILE)
15. COMMUNITY EQUESTRIAN TRAIL WITHIN 100' SETBACK OF SMITH CREEK
16. LOOPED PARK TRAIL
17. NATURE DISCOVERY GARDEN WITH CENTRALIZED PICNIC SHELTER
18. OPEN GRASS PLAY AREA
19. PASSIVE LINEAR PARK ADJACENT TO SMITH CREEK WITH PICNIC AREAS
20. OPEN MEADOW WITH CONTOUR BEAVING
21. EQUESTRIAN STAGING AREA WITH SHELTER AND HITCHING POST
Community Park

This 25 acre park will provide recreational opportunities for the residents of Rancho San Gorgonio and the entire City of Banning to enjoy.

Park Amenities

- Community Center
  - Approximately 12,000sf
  - City to determine programming
- Fire Station
- Programmable Sports Fields
  - Soccer and Baseball/Softball
- Exercise stations
  - Walkways
- Equestrian Rest Area
  - Connected to Trails Along Pershing Creek
- Basketball Courts
- Tot Lots
- Shaded Picnic Areas
- Rest Areas
The existing fifty (50) foot wide utility easement will be developed as a village paseo trail.
Creek Edges

Pershing Creek

Smith Creek

RANCHO SAN GORGONIO
Architectural and Landscape Design Guidelines
Design Guideline Objectives

Establish a Place
Sense of Community
Iconic First Impression
Activity and Sense of Destination

Connectivity
Pedestrian Experience
Walkability
Meaningful Destinations
Physical and Visual Connections

Neighborhood Crafting
Diversity of Housing Types
Architecture Forward Design
Convenient Park Locations

Sustainability
Preservation of key Features
Green Programming
Landscape Guidelines & Objectives

Specific Plan Covers
Water Conservation
HOAs and LMDs
Drought Tolerant
Xeriscape
Typical Front Yards
Soil Testing
Streetscape
Private Slopes
Public Slopes
Irrigation Design
Park Planting

“The landscape character of the Rancho San Gorgonio (RSG) Specific Plan community encompasses the elements of the rustic and natural beauty of the site’s surrounding rural foothill environment.”
### Rancho San Gorgonio Plant Palette

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Estimated Water Use</th>
<th>Streetscape</th>
<th>Parking Lot</th>
<th>Peggy Mechanism</th>
<th>Utility Corridor</th>
<th>Fuel Modification</th>
<th>Zone</th>
<th>Space of Smash</th>
<th>Space of Parking</th>
<th>Roadway &amp; Deferred Declaration</th>
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<tbody>
<tr>
<td><strong>TREES</strong></td>
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<tr>
<td>Acacia aneura</td>
<td>Mulga</td>
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<td>Acacia decurrens</td>
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<td>Arbutus unedo</td>
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<td>Brahea armata</td>
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<td>Callistemon citrinus</td>
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<td>Callistemon virgatus</td>
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<td>Cedrus deodara</td>
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<tr>
<td>Cerocidium floridum (See Parkinsonia floridad)</td>
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<td>Cerocidium microphyllum</td>
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<td>Cuayamaca Cypress</td>
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<td>Fraxinus augustifolia 'Raywood'</td>
<td>Raywood Ash</td>
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<td>Fraxinus americana 'Autumn Purple'</td>
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<td>Euclea triacanthos</td>
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<td>Olea europea</td>
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<td>Parkinsonia aculeata</td>
<td>Mexican palo verde / Jerusalem thorn</td>
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<td>Desert Museum Palo Verde</td>
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<td>Pinius brutia ssp. edlanda</td>
<td>Eldarica Pine</td>
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<td>Aleppo Pine</td>
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<td>Pinius pinea</td>
<td>Italian Stone Pine</td>
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<td>Platanus racemosa</td>
<td>California Sycamore</td>
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<td>Platanus wheatii</td>
<td>Arizona Sycamore</td>
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</tbody>
</table>

**Rancho San Gorgonio Specific Plan identifies a plant palate suitable for sustainable and drought tolerant design requirements.**
Entry Monumentation Design
Entry Monumentation Design

- Entry Tower with Corrugated Galvanized Roof and Weathervane
- Pedestrian Portal with Steel Trellis Structure
- Low Fieldstone Pilaster

Primary Entry Monument Elevation

- Specimen Palo Verde Tree
- Gabion Wall and Accent Boulders
- Barn Board and Batten Siding with Fieldstone Foundation/Base for Tower
- Corrugated Galvanized Roof
- Decorative Weathervane
Entry Monumentation Design

- Entry Tower with Corrugated Galvanized Roof and Weathervane
- Palo Verde Specimen Tree with Landscape Uplighting
- Gabion Retaining Wall
- 10' Wide Multi-Purpose Trail with Rail Fencing Along Outside Edge
- Arched Gabion Retaining Wall and Raised Planter
- Pedestrian Portal with Steel Trellis Structure and Logo Sign
- Enhanced Vehicular Paving
- Enhanced Landscaped Median
- 5' Wide Pedestrian Walkway

Note: Entry Monumentation may not occur on east side of Rancho San Gorgonio Parkway, at Victory Ave, due to existence of Dysart Park.
Entry Monumentation Design

- 45° angled monument wall for village entries
- Perimeter block wall
- Plaster with stone veneering and boulder accents
- Laser cut Corten steel with village name anchored to corner-cut wall
- Stone veneering at village monument wall base
- Boulder accents with ornamental grasses
- Low accent plaster in parkway with stone veneering
- Village entry monument

Inset images:
- Accent boulders
- Cut-out Corten steel sign

83 - Rancho San Gorgonio
Street Tree Master Plan
Rancho San Gorgonio Parkway

SECTION B
Rancho San Gorgonio Parkway
("A" Street to "B" Street)
Typical Local Street

SECTION I
Typical Local Street
Wall and Fence Master Plan
Wall and Fence Master Plan

A. Community Theme Wall
- Slump block wall with sacked finish and accent pilasters set 100'-150' on center

B. Perimeter Hoa Wall
- Theme pilaster with stone veneered base and sacked top (color white)

C. Village Interior Theme Walls
- 4" high slump scored wall cap
- Slump block wall (4" high block) with sacked finish tan color

D. Perimeter View Fencing Combo
- Slump block wall with sacked finish and accent pilasters set 100'-150' on center

E. PVC Trail Fencing
- 3-Hair fencing along multi-purpose and equestrian trails

F. Full Height Tubular Steel
- Combo wall and tubular steel

Rancho San Gorgonio
Architectural Guidelines

Rancho San Gorgonio will feature three distinct architectural themes. Each theme is further refined by identifying consistent architectural styles.

The intent is to allow a variety of design options and encourage a “village feel” to each individual planning area.

Spanish
- Spanish Colonial
- Monterey
- Andalusian
- Santa Barbara

California
- Napa
- Farmhouse
- Ranch
- Prairie
- Craftsman

Mediterranean
- Tuscan
This style reflects the traditional heritage of southern California homes.

Spanish Style

Andalusian

Monterey

Santa Barbara

Spanish Colonial
California Style

This style is sometimes characterized as "traditional" architecture. This collection represents traditional American styles found throughout the country and southern California.
California Style

Prairie

- Roof Pitch: Low-pitched, 3:12 to 4:12, Typ. Hipped
- Broad Eaves Emphasize Horizontal Massing
- Subtle Entry Door w/ Side Lights
- Roof Material: Flat Concrete Shingles
- Grouped Windows
- Exterior Materials: Stucco or Lapped Wood Siding
- Stone or Brick Base

Napa

- Deep Earth Tone w/ Stucco Finish
- Vertically Oriented Windows
- Torn Accents
- Roof Material: Flat Concrete Shingles or "C" Tiles

Ranch

- Gable and Shed Roofs
- Flat Concrete Siding
- Stucco Siding
- Stone Accent
- Wood Railing
- Stacked Chimney

SAN GORGONIO
Mediterranean Style

This style is a good example of a transplanted style development in a climate zone similar to the climate found in California. It would be mainly used at very low and low density residential areas.

<table>
<thead>
<tr>
<th>Style Elements</th>
<th>Required - Mediterranean</th>
</tr>
</thead>
<tbody>
<tr>
<td>Form</td>
<td>Informal arrangement of one- and two-story building forms</td>
</tr>
<tr>
<td>Roof</td>
<td>Low pitched roofs, 3:12 to 4:12</td>
</tr>
<tr>
<td></td>
<td>Tight to 18” overhangs at eaves</td>
</tr>
<tr>
<td></td>
<td>Tight to 12” overhangs at rakes</td>
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<tr>
<td></td>
<td>Full ‘S’ concrete tile</td>
</tr>
<tr>
<td></td>
<td>Shed and hip roofs or occasional gable or cross gable</td>
</tr>
<tr>
<td>Walls</td>
<td>Stucco exterior walls, smooth to light sand finish</td>
</tr>
<tr>
<td></td>
<td>Hill stone accents</td>
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<tr>
<td>Windows</td>
<td>Recessed windows</td>
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<tr>
<td></td>
<td>Shaped window trim</td>
</tr>
<tr>
<td>Details</td>
<td>Decorative “lacy” wrought iron grille work</td>
</tr>
<tr>
<td></td>
<td>Entry door patterns shall reflect architectural style of the building</td>
</tr>
<tr>
<td></td>
<td>Decorative iron accents</td>
</tr>
<tr>
<td></td>
<td>Decorative shutters and awnings</td>
</tr>
<tr>
<td></td>
<td>Arched windows or openings</td>
</tr>
<tr>
<td></td>
<td>Decorative shaped roller blinds</td>
</tr>
<tr>
<td>Colors</td>
<td>Variety of rich earth tone building color</td>
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<tr>
<td></td>
<td>Lighter or darker contrasting trim color</td>
</tr>
<tr>
<td></td>
<td>Dark or bright accent color</td>
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</tbody>
</table>

Exterior Material: Stucco

- Windows: Typ. Single Hung
- Trim
- Shutters Used For Accent
- Stucco Chimney

Tuscan

- Roof Pitch: 3:12 to 4:12
- Typ. Hipped Roof w/ Gable Ends: Tight Rakes and 12” Eaves
- Stone Veneer
- Simple Entry Door
- Roof Material: Concrete "S" Tile

RANCHO SAN GORGONIO
Architectural Guidelines

Building Orientation
Form, Massing, and Articulation
Architectural Enhancements
Forward Facing Living Spaces
Colors and Materials
Roofs
Green Buildings
Mechanical Equipment
Trash Enclosures
Garage Doors
Chimneys
Gutters and Downspouts

SINGLE FAMILY DESIGN CRITERIA MATRIX

<table>
<thead>
<tr>
<th>ARCHITECTURAL STYLE</th>
<th>Monterey, Spanish Colonial, Santa Barbara, Andalusian, Ranch, Farmhouse, Prairie, Napa, Craftsman, Tuscan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floor Plans / Elevation Options</td>
<td>Single-family detached neighborhoods shall consist of a minimum of 3 floor plans and 3 elevations options for each floor plan.</td>
</tr>
</tbody>
</table>

BUILDING MASSING AND SCALE

Single Story Elements:
1) At least 15% of the dwellings within a subdivision must be single story;
OR
2) At least 15% of the dwellings within a subdivision must have a building mass which combines single story and two story building forms;
OR
3) A combination of 1) and 2) above totaling at least 15% of the dwellings within the subdivision.

Staggered Wall Planes:
No building wall facing a public street shall extend more than 25’ vertically or horizontally without a visual break created by a minimum 1’ offset in the exterior wall or created by architectural detailing.

• Single Story Units:
  No more than 75% of the front elevation can be composed of a single wall plane.
• Two Story Units:
  No more than 60% of the front elevation can be composed of a single wall plane.
Garages and Building Articulation

RSG provides a variety of garage types that will allow for a wide variability in streetscape.
Commercial Design Guidelines

Form, Massing, and Articulation
Color and Materials
Building Site Orientation
Rooftops
Utilities and Mechanical Equipment
Service Loading and Storage Areas
Trash and Recycling Facilities
Parking and Vehicular Access
Accessory Structures
Sustainable Community Design

- Site Planning*
- Water Efficiency
- Energy Efficiency
- Material Efficiency
- Healthy Living Environment
- Sustainable Landscape Design
- Sustainable Stormwater Management/Stormwater Quality

“Site-specific sustainable community design strategies... take into consideration specific conditions related to the Specific Plan area, Banning, the San Gorgonio Pass area, and the region in regards to responsible development of the site.”

*Site Planning
- Neighborhood Design
- Land Use Pattern
- Walkability/Mobility
- Vehicle Use
- Solar Orientation
Water Efficiency

Elements

- Reduces potable water demand by utilizing recycled water for common area irrigation purposes.

- Requires high efficiency plumbing fixtures and appliances that meet or exceed the CalGreen code, including installation of ultra-low flow water closets at maximum 1.28 gallons/flush.

- Covenants, Conditions, and Restrictions (CC&R’s) shall require landscaping on all residential and commercial projects to comply with the water conservation xeriscape principles in the Banning Municipal Code section 13.16.030.

- Employs strategies that reduce turf areas in Parks.

“The RSG Specific Plan employs a multi-faceted approach to water efficiency”
Energy Efficiency

Development within RSG Specific Plan is required to be Energy Efficient, using various conservation and generation technologies including strategies and techniques that meet or exceed the California Green Building Standards (CalGreen Code) and California Energy Code.

**Elements**

- New buildings within RSG shall design to USGBC LEED, GreenPoint Rated standards or better.
- LED lighting and solar photovoltaic lighting fixtures where feasible in common areas.
- RSG requires the installation of energy efficient appliances (Energy Star of equivalent) in all residences and businesses.
- A minimum of 25% of all residences shall utilize photovoltaic panels.
- Electric vehicle charging stations are required at all multifamily and commercial development.
Green Building

Elements

- The use of recycled material is encouraged including the use of wood certified by the Forest Stewardship Council.
- Use of exterior building materials that do not require painting is encouraged.
- Visible roof materials shall have a 30-year life expectancy and have a radiant barrier.
- Low energy glazing is required.

“Builders are encouraged to incorporate building articulation and form that are driven by site conditions such as solar orientation, views, noise, prevailing winds, and local climate.”
Development Regulations
Residential Development Standards

A variety of housing types are allowed in RSG as illustrated in Table 4-1.

<table>
<thead>
<tr>
<th>Product Type</th>
<th>Density Range</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Very Low 0-2.5 du/ac</td>
</tr>
<tr>
<td>Single Family Conventional Detached</td>
<td>P</td>
</tr>
<tr>
<td>Single Family Alley-loaded Detached</td>
<td>P</td>
</tr>
<tr>
<td>Detached Cluster</td>
<td>P</td>
</tr>
<tr>
<td>Duplex</td>
<td>P</td>
</tr>
<tr>
<td>Row Townhome</td>
<td>P</td>
</tr>
<tr>
<td>Attached Cluster</td>
<td>P</td>
</tr>
<tr>
<td>Multi-Family Flat</td>
<td>P</td>
</tr>
</tbody>
</table>

NOTE: P - Permitted, otherwise not permitted if not marked.

Table 4-1: Product Type Allocation

Notes:
- Refer to section 4.4 for specific development standard criteria and dimensions.
- All front and corner side setbacks are measured from back of sidewalk, back of curb, or back of pavement if there is no curb or sidewalk. All other setbacks are measured from PL unless otherwise noted.
Housing Types & Design Concepts

Single Family Detached

Conventional detached homes with garage access from a public or private street. This housing type is allowed in PA1 though PA7.

Alley Loaded

Detached single family homes with a traditional street scape and rear loaded garages. Design provides a visually enhanced and pedestrian friendly streetscape.
Cluster Design

Stub Street Cluster

RSG Specific Plan allows for single family detached homes to be “clustered” and organized around motor courts, green courts, or “stub” streets. These detached homes in cluster concepts are allowed in any of PA2 through PA7.

Green Courts

Motor Courts
Public Ownership

The project will create a Landscape Maintenance District (LMD) which will provide a revenue source to the City for the purpose of maintaining parks, trails, and open space under the Cities jurisdiction.

Flood Control improvements larger than 36” in diameter will be maintained by Riverside County Flood Control.
Master Homeowners Association (HOA)

Elements

- Conditions Covenants & Restrictions (CC&Rs) with significant enforcement power vested in a Master HOA with the Master Developer controlling a majority of board positions.
- Through this management authority, the developer can implement and maintain the Specific Plan’s vision.
- Strong CC&R’s provide the Master HOA with tools to maintain an attractive environment and enhance property values.
- Individual HOAs may be formed for specific planning areas, to provide additional layers of enforcement.

Rancho San Gorgonio will have a Master HOA that will govern the entire Specific Plan. This HOA Board will have the power to maintain Rancho San Gorgonio as an attractive community in perpetuity.
Phasing

Phase 1: 239 Homes  
Phase 2: 359 Homes  
Phase 3: 444 Homes  
Phase 4: 1285 Homes  
Phase 5: 715 Homes  
Phase 6: 91 Homes
Benefits of RSG to the Community and the Public

Public Improvements
- Traffic Control Improvements
- Recycled Water Infrastructure
- Sewer/Water Infrastructure
- Increased Water Storage
- Ground Water Recharge Basins
- Flood Control Improvements
- Fire Station
- School Site

Parks/Amenities
- Four Public Parks
- Trails/Paseos
- Sports Fields
- Equestrian Trails

Commercial/Retail
- Rooftops are the primary driver of new retail and commercial development in any community.
- RSG anticipates a 100,000 square foot retail center.

Economic Benefits
- Increased tax revenue through appreciating property values
- Real estate values which stabilize and escalate with the value of the MPC
- The increase in rooftops becomes a citywide economic catalyst
Community Outreach and Support
Community Outreach

**Neighborhood Meetings**
- Diversified Pacific hosted community meetings inviting all property owners within 1200 feet of the site.
- First community meeting was in February of 2013 at Banning High School and discussed the overall vision and concept plan for the project.
- Second community meeting was in April of 2015 to update the community on progress and to answer questions.
- RSG was presented to the Banning Parks Commission in July of 2013 and July of 2014.

**Community Group Presentation**
- Mount San Jacinto Community College Board of Directors
- Banning Rotary Club
- Banning Chamber of Commerce
- Banning Women's Club
- Banning Library District
- Banning Kiwanis Club
- Banning Unified School District Superintendent and Senior Staff

**Neighborhood Coffees**
- Diversified Pacific hosted community coffees between August and November 2015 for individuals and groups active in the community.
Project Endorsements

Banning Chamber of Commerce

RESOLUTION OF THE BOARD OF DIRECTORS SUPPORTING THE APPROVAL OF RANCHO SAN GORGONIO BY THE CITY OF BANNING

WHEREAS, the Banning Chamber of Commerce is dedicated to creating a vibrant business environment by cooperative interaction among business, government, and community; and
WHEREAS, Rancho San Gorgonio is a proposed, master-planned community of high-quality homes, retail, public parks, pools, trails, and open space; and
WHEREAS, over the course of development and construction, Rancho San Gorgonio would create thousands of construction related jobs and hundreds of additional retail jobs in the City of Banning; and
WHEREAS, Rancho San Gorgonio is expected to spend closer to $1 billion during construction with the majority of funds to be spent in the City of Banning; and
WHEREAS, Rancho San Gorgonio will generate nearly $1.5 billion in economic output in the City of Banning annually; and
WHEREAS, Rancho San Gorgonio will provide the City of Banning with $50,000,000 per year in general fund revenue to help provide essential municipal services and improve the quality of life for Banning residents; and
WHEREAS, Rancho San Gorgonio will provide needed additional housing opportunities to attract new residents to Banning and help bring new customers to local businesses; and
WHEREAS, Rancho San Gorgonio will generate a substantial increase in its property values and; and
WHEREAS, historical data suggests, the values of surrounding property; and
NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE BANNING CHAMBER OF COMMERCE DO HEREBY RESOLVE TO DETERMINE AND ORDER AS FOLLOWS.

The Banning Chamber of Commerce Board of Directors endorses the support of Rancho San Gorgonio and encourages the City Council of the City of Banning to approve the project, as it will provide tremendous benefits for local business and the entire region.

ADOPTED, SIGNED AND APPROVED this 21st day of July, 2016.

Ron Duncan, President

Board Members
Ron Duncan
Onoanalyse Lyons
Bill Dickson
Thomas Watkins
Reako Davis
Laura Leindecker
Juan De La Fuente
Robin Calder
Heather Perry
Diane Benhar

Mount San Jacinto Community College

MT. SAN JACINTO COMMUNITY COLLEGE DISTRICT
RESOLUTION NUMBER 2016-677

A RESOLUTION OF SUPPORT FOR THE APPROVAL OF RANCHO SAN GORGONIO BY THE CITY OF BANNING

WHEREAS, Mt. San Jacinto College District is committed to the success of all of its campuses, including the San Gorgonio Campus, in the City of Banning; and
WHEREAS, Rancho San Gorgonio is a proposed, master-planned community of high-quality homes, retail, public parks, pools, trails, and open space which will be built adjacent to the San Gorgonio Campus; and
WHEREAS, Rancho San Gorgonio will provide important infrastructure improvements to roads, water, sewer, and storm drain systems, that will improve the access and infrastructure that will support the San Gorgonio Campus; and
WHEREAS, Rancho San Gorgonio will make significant improvements to local roads including the construction of a bridge on Juanita Avenue, providing all weather access and important flood control improvements along Penning Creek that will protect the San Gorgonio Campus; and
WHEREAS, the new residents of Rancho San Gorgonio will provide significant new revenue to the Mt. San Jacinto College District through the recently adopted Measure AA; and
WHEREAS, Rancho San Gorgonio will provide needed additional housing opportunities for faculty and students near campus; and
WHEREAS, Rancho San Gorgonio will generate a substantial increase in its property values and; and
WHEREAS, historical data suggests, the values of surrounding property; and
WHEREAS, Rancho San Gorgonio will provide significant economic benefits for the local economy.

NOW, THEREFORE BE IT RESOLVED THAT:

The Mt. San Jacinto College District hereby confirms its support of Rancho San Gorgonio and encourages the City Council of the City of Banning to approve the project, as it will provide tremendous benefits for the San Gorgonio Campus and the entire region.

PASSED AND ADOPTED this eighth day of October, 2015.

Secretary of the Governing Board

Board of Trustees
Tom Ashley
Bill Zimmerman
Sherrie Guerrera
Anne Motte
Dorothy McGargill
Liliana Gomez
Project Endorsements

Marinita Development Company

Banning Unified School District

Board Members
Alfredo Andrade
Jan Spann
Alex Cassadas
Martha Bediero
Kerri Mariner

Marinita is the owner and developer of the commercial/retail center on Highland Springs that is currently undergoing renovation.
Individual Supporters

Supporters

Bill Dickson
Diana Benhar
Onaolyse Lyons
Reako Davis
Amy Herr
David Kealy
Bill Bell
Bonnie Devine
George Johns
Richard Sanchez
Donna Harrington
Henry DeRoule
Bob Ewert
David Frank
Cathy Leograde
Robert Phelps
Gerry Phelps
Silvia DeCoud
Beverly Davis
Sharon Kealy
Jean Schipper
Dorthy Lewis

Jack Sidwell
Allen Braswell
Jay McCormack
Arthur D'Souza
Bob Rochelle
Juan De La Fuente
Beverly Rashidd
Carol Newkirk
Don Robinson
Karen Clavelot
Ann Botts
Gary Fawcett
Ron Duncan
John Savaggio
Jim Smith
Jay McCormack
Coulia Ringold
Helen Searcy
Thelma Thomas
Gerry Fawcett
Wendell Bainter
Kathy Bainter

Dr. Gene Kadow
Brenda Salas Freeman
David Frank
Jan Spann
Kerri Mariner
John Jeter
Dr. Roger Shultz
Dr. Sherrie Guerrero
Ron Duncan
Diniz D’Souza
Nelson Ringold
Bob Botts
Helen Enriquez
Fred Sakurai
Charlene Sakurai
Buddy Hawkins
Dick Peck
Brad Bowman
Heather Perry
Anita Simon
Joe Leograde
Lynette Simonson

August 2016

Mayor Art Welch, Mayor
Pro Tem George Moyer
Councilmember Edward Miller,
Councilmember Debbie Franklin
Councilmember Don Peterson
City of Banning
99 Earl Ramsay Street
Banning, CA 92220

Subject: Rancho San Gorgonio

Dear Mayor Welch and City Council Members:

The Banning Chamber of Commerce promotes the economic vitality of the City of Banning and its surrounding areas. The Chamber supports the planned development known as Rancho San Gorgonio. This new Planned Community will result in increased property values, increased business opportunities, and create beautiful new neighborhoods for the southern part of the city.

As you are certainly aware, the project provides for development of a new community of traditional residential neighborhoods combined with parks, open space, trails, paseos, neighborhood gathering places, retail commercial opportunities, educational opportunities, and community facilities all within a cohesive and beautifully planned community.

Rancho San Gorgonio enhances the quality of life features Banning residents have come to expect and treasure.

As a business owner, I recognize that Rancho San Gorgonio will strengthen my business investment. As a person who lives and/or works in the city of Banning and the San Gorgonio Pass and as a member of the Banning Chamber of Commerce, I urge the City Council to act in the best interest of the entire city and approve Rancho San Gorgonio.

Sincerely,

[Signature]

Copy to:
Planning Commissioners
City Manager Michael Rock
Director Community Development Brian Guillot

*Partial Listing
Next Steps
Project Applications

- Environmental Impact Report (State Clearinghouse #2015041064)
- General Plan Amendment No. 13-2503
- Zone Change No. 13-3501
- Specific Plan No. 13-2001
- Development Agreement No. 13-1502
- Tentative Tract Map No. 36586
- Annexation No. 13-1001

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<td>Master Tentative Tract Map Approval</td>
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<td>Water Supply Assessment</td>
<td>City of Banning – Water Department</td>
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<td>California Department of Fish and Wildlife</td>
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<td>404 Permit</td>
<td>U.S. Army Corps of Engineers</td>
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<td>Regional Water Quality Control Board</td>
</tr>
<tr>
<td>NPDES</td>
<td>Regional Water Quality Control Board</td>
</tr>
</tbody>
</table>
What Happens Next?

**Overall Project**
- The Master Tentative Tract Map, once approved, will record an a phase be phase basis. It will create individual lots for each planning area.
- Developer will obtain permits from various agencies including USFWS, CDFW, and ACOE.
- Developer will implement a series of mitigation measures as required by the environmental review.
- The annexation of 161 acres will be completed through LAFCO.
- Grading and project infrastructure improvements will be engineered, permitted, and completed on a phase by phase basis.

**Individual Planning Areas**
- Each individual planning area will require its own tract map. These maps are referred to as “B Maps”.
- These B Maps will define the actual lots within a Planning Area including architectural design and will be reviewed and approved by the city for consistency with the RSG Specific Plan.
- Individual Home Construction and Sales will begin for individual planning areas.
RANCHO SAN GORGONIO

RICH HISTORY, SPECTACULAR SETTING, NEW BEGINNINGS.
EXHIBIT “B”
EXHIBIT "C"
Via E-Mail and US Mail

Brian Guilot, Community Development Director
City of Banning
Community Development Department
99 E. Ramsey Street
Banning CA 92220

August 3, 2016

Re: Comments from Banning Library District re Draft Environmental Impact Report (DEIR) for the Rancho San Gorgonio Specific Plan

Dear Mr. Guilot:

The Banning Library District (BLD) is in receipt of the Draft Environmental Impact Report for the Rancho San Gorgonio Specific Plan Project (the RSGSP or "the Project"). BLD is in strong support for the development of the San Gorgonio Specific Plan Project and believes that this Project will add to the housing stock and long term health of the City of Banning.

However, as proposed, the Project will significantly and adversely impact the Banning Library District unless mitigated. This letter conveys comments and recommendations concerning issues germane to BLD's responsibility to provide library services within the City of Banning.

Currently, the BLD serves 12,150 persons within the District. The District currently has a library facility ("the Library") located at 21 Nicolet Street in the historical center of the City of Banning. The Library consists of a 9,583 s.f. building housing 62,300 volumes. The Library has a main reading room (3,113 s.f.), a teen reading area (570 s.f.), a computer lab with eighteen terminals, a children’s reading area (1,800 s.f.), a circulation desk, and administrative offices. The building capacity is 496 persons. The Library currently sees approximately 27,657 user per month.

The Project is located within the BLD boundaries, and will allow 3,133 to 3,385 new residential units to be built, resulting in an estimated increase of 9,038 persons to the population of the City of Banning at Project build out. This will amount to a 74.38% increase in the number of residents within the District.

Despite this increase in population, the conclusion provided in the Draft EIR is that the Project would have no significant impact on library services and the ability of the BLD to conduct its mission of providing library services. Such conclusion is misplaced.

Such conclusion is in error as the impact of increasing the City population by 9,038 persons would reduce the current level of service of the BLD by adding 75% more patrons to the current library district. The DEIR requires nothing from the developer to mitigate this impact. It is beyond logic that a 75% increase in the number of residents using a resource would be “less than significant”.

Northern California • Napa Valley/Yountville  Southern California • City of Industry
Mr. Guillot  
*Re: Banning Library District Comments re DEIR*  
August 3, 2016  
Page 2

The appropriate threshold of significance for analysis is that the proposed project would be considered to have a significant impact on library services if the existing or planned facilities and supplies are not adequate to serve the County’s future residents. Here, while the extent of planned facilities at the Project includes space that may be used for BLD, municipal, and/or school operations, no firm amount of space or amenity is provided in the project description or mitigation measures to bridge the gap in services created by this project from phase 1 through project build out. That analysis in the DEIR is flawed as it ignores the fact that the additional residents without increasing library resources will degrade the current ability of the BLD to effectively provide library services to existing residents.

Section 15.13.4. analyzes Library Services as part of the review of the Project on all Public Services in the area. The DEIR comes to the conclusion that, “No mitigation measures are identified, and impacts remain less than significant.” (DEIR Section 15.13.4.8).

However, the prior section acknowledges that, “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.” (DEIR Section 15.13.4.3).

The DEIR identifies BLD’s proposed mitigation measure for this impact: “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).” (DEIR Section 15.13.4.3).

Such statement by the BLD is taken out of context; the estimate of an additional 10,500 feet was not to augment current levels of services. Rather, the statement by BLD was that if the project is built, then in order to maintain the current level of service additional space would be needed to be provided by the developer to maintain the status quo of library services in the community. There is nothing in the BLD statements that justifies a position that this Project would bring current BLD services, collections, or programming up to acceptable levels of services for the current population. To be clear, the BLD is only asking that the Project mitigate Project impacts.

The DEIR identifies space within the Project which could be utilized to mitigate the impacts on BLD, “The additional community room spaces [in the Project as part of phase 5] 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).” (DEIR Section 15.13.4.3). However, the lack of specificity as to how BLD would “partner” with other non-profit organizations and community entities does not allow for this vagary to act as a mitigation. Statements made by you in our telephone conversation on July 23 implied that the BLD would have to share facility space with the school district and the City, and that such space would need to be purchased from the developer. Such “partnering” does not amount to mitigating the impacts imposed by the developer on public library services, rather it merely is a means for the BLD to pay for space shared with two other entities. In short, such proposal is not appropriate mitigation.

The DEIR, puts great weight in the BLD being able to mitigate the Project impacts by way of BLD’s own tax assessment: “…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.” (DEIR Section 15.13.4.3). However, such position is misplaced, and does not address the immediate impacts of adding residents to acknowledged already overburdened library facility.

Instead of mitigating the Project impacts, the DEIR instead attempts to argue that the current level of services is inadequate, and that though future taxation revenue from the Project will not remedy current deficiencies, it will somehow eliminate the acknowledged impacts of creating a 75% increase in the District population: “By [levying the library tax on future Project residents], 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.” (DEIR Section 15.13.4.3). This argument misstates the current situation with the BLD (that there are deficiencies) and that it is up to the BLD to mitigate Project impacts. This simply is not the law under CEQA. The project proponent has the duty to mitigate project impacts and the Lead Agency has the responsibility to ensure that such impacts are not only honestly and accurately identified, but in fact mitigated.

Instead, the DEIR summarily concludes that, “project impacts on the Banning Library District would be less than significant.”

The following section – 5.13.4.4—again acknowledges that, the “[c]umulative 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.”

This is a fallacious argument as it ignores statements in the DEIR that the current level of service is inadequate. With that being the case, the impact of additional population will be felt immediately with new patrons further diminishing the level of service of the BLD. That is cumulative impact is not being addressed.

As for the tax imposed by the BLD, the BLD – not the EIR consultant and developer—is responsible for allocating revenues collected by the BLD through taxation methods to projects that the BLD independently sees as relevant. Nothing in California law allows an EIR consultant, let alone a City Council, dictate where funds under the management of an independent political body such as the BLD should be allocating revenues. If the logic presented in the DEIR is adopted, the mere fact that there is tax money revenue available to a government agency related to the project should in and of itself is an acceptable argument that the impact is thereby mitigated. Such is simply not the case, and the DEIR has not sufficiently analyzed the anticipated revenues to support such an argument that at ANY time in the future revenues from the Project would create a revenue stream to adequately fund mitigation for the impacts the Project will cause (i.e., adding 9,038 patrons) to the BLD service area.

This is not the first time the DEIR authors have heard BLD’s position on this matter. In two pieces of correspondence to PLACEWORKS in reference to the potential impacts of the Project, BLD unequivocally addressed these impacts.
In our July 25, 2015 correspondence, we responded to the PLACEWORKS question as follows:

“Q5: Will Banning Library District be able to service the proposed project in addition to existing patrons and any known cumulative developments?

“No! The Banning Library District will not be able to service the new population without additional land with a building on it. It is incumbent upon new development to assist in establishing increased library infrastructure for new families and residents who will be moving into the City limits due to newly proposed project(s).”

Of concern to BLD is that this direct answer that screams “your project will cause an impact” was taken to mean that the BLD services are presently inadequate and that because BLD has taxing powers that such revenues will be sufficient.

Of even more concern is that it appeared this response in fact sparked a productive conversation with the developer and resulting Project feature which now appears to have not been incorporated in the DEIR and possibly into the Project itself.

In August through October 2015, Peter Pitassi of Diversified Pacific met with BLD President Gail Paparian and Trustee Brenda Freeman on several occasions to discuss how collaboration between the BLD and Diversified Pacific could take place at RSGSP so that these types of impacts would be avoided. Specifically, the discussion addressed how the two entities could be in partnership on this project, namely by incorporating branch library space into the community center area. Mr. Pitassi then made a presentation to the Friends of the Banning Library in October 2015 and discussed other ways that BLD and Diversified Pacific could collaborate to ensure that the new residents of Banning in the RSGSP area would be afforded library services, and more importantly to BLD, that the services of the BLD are not degraded without mitigation by virtue of adding more residents to the District.

Now, BLD is disappointed to see that the scope of the Project does not include dedications of space and amenities for a branch library as discussed with Mr. Pitassi, or mitigation to include added computer amenities in such available space.

Instead, the Draft EIR improperly states that no impact exists despite the obvious: the project will add 9,038 persons to the District boundaries and proposes no mitigation measure to public library services. How is this not an impact? The DEIR analysis and conclusion are without merit and fatally flawed.

Accordingly, BLD recommends that section 5.13.4.6 of the DEIR be amended to more accurately address the impacts that the Project would have on BLD:

The addition of 9,038 residents to the Library District would challenge existing resources and result in the need for new or physically altered library facilities. Upon implementation of regulatory requirements, and standard conditions of approval, and mitigation measures stated below, the following impacts would be mitigated to less than significant: 5.13-4.

As demonstrated above, both common sense and statements in the DEIR come to the obvious conclusion that the resultant increase in population would increase the number of people using BLD
library services and create the need for new or expanded library facilities and inventory. The Final EIR must adopt mitigation measures to address such impact.

As a proposed mitigation measure BLD recommends the following:

1. The applicant shall cause fair share mitigation to be made to the Banning Library District to maintain the current level of service of the Banning Library District by providing furnished library space in the new developed area, or augmented space at the current BLD Library.
2. The fair share mitigation shall be made either in kind (i.e., donation of space associated with impacts on need for additional library service facilities), or by payment to the Banning Library District of a sum agreed to by the parties to address appropriate mitigation measures.
3. The Applicant shall increase the number of computer terminals (computer hardware, computer software, and associated work space furniture) at the Banning Library District by 14 terminals, based on 18 terminals presently and a 75% increase in the number of residents.
4. The Applicant shall dedicate 10,050 s.f. of finished building space to the Banning Library District for the use as a library facility by the Banning Library District exclusively.
5. Delivery of terminals shall be made prior to the issuance of certificate of occupancy of each phase of construction, based on the number of anticipated residents for each phase as calculated by the ratio of total number of units in the phase at issue over the total number of units in the Project.
6. Delivery of dedicated space to the Banning Library as indicated in item 4 above shall be completed prior to issuance of final occupancy permits for phase 4 of the Project.

Again, the Banning Library District is eager to see the Rancho San Gregornio Specific Plan Project come to fruition. However, the District has a duty to ensure that the Project does not detrimentally affect the services provided by the District to the community.

The Banning Library District looks forwards to reviewing the Final EIR and discussing mitigation measures that would prevent impacts to the BLD. If you have any questions regarding this response, please contact me at (562) 699-5500 or by email at ajared@aglawfirm.com.

Very Truly Yours,

Andrew L. Jared
General Counsel, Banning Library District
City of Banning

REGULAR PLANNING COMMISSION MEETING MINUTES

September 7, 2016

A regular meeting of the City of Banning Planning Commission was held on Wednesday, September 7, 2016 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Chairman Shaw
                                      Vice-Chairman Kick
                                      Commissioner Briant
                                      Commissioner Price
                                      Commissioner Wallace

Staff Present: Community Development Director, Brian Guillot
                City Manager, Michael Rock
                Public Works Director/ City Engineer, Arturo Vela, P.E.
                Senior Planner, Patty Nevins
                Interim City Attorney, John Cotti
                Recording Secretary, Sandra Calderon

I. CALL TO ORDER

II. PUBLIC COMMENTS
None

III. CONSENT CALENDAR ITEMS

APPROVAL OF MINUTES: April 6, 2016.

ACTION (KRICK/PRICE): (Motion Carried 5 -0)

IV. PUBLIC HEARINGS

Community Development Brian Guillot presented the staff report; he talked out the land use map for the project, he said the project has a mixture of residential uses that range from Medium, Low Density to Very Low Density disbursed throughout the project that includes a small commercial site of about nine (9) acres and parks that are located through the site. The village concept has six (6) phases that were named after historic figures connected with the Pass Area in the City. The first phase begins by San Gorgonio and will move south. A list of amenities to this project were discussed, he said the recommendation before the Planning Commission includes the adoption of a resolution recommending that the City Council adopt all eight (8) items, each resolution has a specific purpose as well each ordinance. He said thirty (30) letters were received in support of the project, three (3) resolutions and no letters in opposition. This project includes a fire station, four community parks, the paseos and it represents a long term investment of over a twenty (20) year period but may extend to thirty (30) years with the Development Agreement. As of today, the local development impact fees are estimated to be above $46.5M, the regional development impact fees are estimated to be at $33.8M and permit fees are estimated at $9.5M bringing the development impact fees related to the project to almost $90M and this doesn’t include the actual structures of the investment that will be brought to the City.

JoAnn Hadfield with Placeworks gave a PowerPoint presentation of the Environmental Process and its findings (Exhibit “A”)

Pete Pitassi, Principal with Diversified Pacific thanked staff for all assistance provided. Pitassi provided the Planning Commission with a very detailed and comprehensive PowerPoint presentation as previously provided at the Special Planning Commission meeting on Wednesday, August 31 2016.

Director Guillot said that an amendment to the Conditions of Approval was distributed to the Planning Commission this evening. The revisions requested by the applicant provide clarification to certain conditions. Guillot listed Item No. 5 Ordinance 1500, and Item No. 6 Resolution 2016-86.

Chairman Shaw opened Planning questions for staff and applicant.

Commissioner Price asked Pitassi for the average lot size to this project. Pitassi said lot size vary based on the land use designation – On the Low Density Residential (LDR) it’s a minimum of 4,500 to 7,000 square feet and under Very Low Density Residential (VLDR) is up to 20,000 square feet.

Commissioner Price asked how long it will take to build 1500 homes? Pitassi said it is dependent on market conditions and a variety of factors, but hopes to create a very active market and a demand for this community that will be of rapid growth.

Commissioner Price asked about the timing for building the fire station and the availability; Pitassi said the site could be available at Phase 2.

Commissioner Krick asked if most to the subdivision is floodplain.
Pitassi said not the entire project, but there is a floodplain designated by FEMA on the site that is primarily along Pershing Creek.

Commissioner Krick said Montgomery Creek is going to be piped and by doing so revisions can be made to the flood map to prevent flood insurance. Pitassi said yes this is called a LOMR and CLOMR procedure through FEMA to delist a property once improvements have been made.

Commissioner Krick asked if Gilman Channel is boxed-in through Confluence Park.

Pitassi said it is along the east side, west side of the Banning High School; it is a an open channel along the High School side and the camp ground side and once it gets to the south side of the camp ground it will be contained with a storm drain pipe then it will be discharged into Smith Creek.

Commissioner Krick asked if the grading will occur near the creek high enough to avoid different levels of flood insurance.

Pitassi said when the CLOMR and LOMR process is completed the flood insurance is no longer required.

Aaron Skeers with Encompass Engineering said the 100 year flood plain is aligned along the creeks, it will be contained within the creeks and will not be allowed to change it very much; they will have to make the conditions better or keep them the same. The purpose of the setbacks along the creeks that are proposed is to increase a distance to add additional protection.

Commissioner Shaw asked who will acquire the additional right-of-way needed for Westward Avenue?

Pitassi said the right-of-way that is within their frontage will be dedicated to the City and are conditioned to do the improvements to widen the street, but no parkway improvements will be done on properties they don’t own.

Pitassi said on the tentative map shows three (3) feet of dedication on Lot 29 and they are conditioned to make an additional dedication.

Commissioner Krick asked why doesn’t “D” Street connect with Coyote Trail?

Pitassi said is to contain traffic inside the property and carry it to the north side of the site because the improvements on the south site are very minimal and adding traffic to that site was not desirable.

Commissioner Krick asked if the ponds on Confluence Park could have recycled water added to them. Pitassi said they looked into that and there are certain regulations that it will trigger, and it will also impact the design - it’s still open for discussion but it appears that it will be difficult to do.
Commissioner Krick asked about the golf cart lanes on Rancho San Gorgonio Parkway and if they will allowed to take-up the second lane.

Pitassi said the NEV Lanes are not allowed currently by City Ordinance on the perimeter streets but, per the Specific Plan they will be allowed on the collector and arterial streets. 8th Street is a modified collector, north south and modified divided collector east west.

Commissioner Price asked if there will be any half acre lots and any two-story homes available.

Pitassi said that in the Very Low Density Residential (VLDR) located at the south west corner of the site – PA 1 which allows 20,000 square foot minimum lots and 94 lots are being proposed in that area.

Pitassi said there will be many two-story homes within the Specific Plan he noted that there is a section on architectural guidelines, articulation and roof massing.

Chairman Shaw asked if these sites will be offered to other builders as they develop the tentative maps.

Pitassi said yes, they are a master developer and will build some of the planning areas, and others will be sold to other builders.

Chairman Shaw asked if the developer is ready to finance and provide off-site improvements during the development and the Phasing of the project.

Pitassi said their company is financially stable to develop this project.

Chairman Shaw opened public hearing.

Inge Schuler resident of Banning said the Developer has never met with the property owners that are within five hundred feet of the proposed development. The endorsements are from people that don’t live in the area. She mentioned that the average lot size information has changed, minimum set back is specified at nineteen feet and it’s not sufficient for some vehicles to park correctly without extending into the sidewalk. She mentioned the water tank listed on the conditions of approval needs to be assessed and find out where it’s going to be located and does not list a location for the offsite reservoir listed also. Discussion was made regarding the water treatment plant and the recycle treatment plant; she said these should be addressed before development starts.

Henri De Roule resident of Banning said he wrote a letter of support for this project, he said he would like to see this project stay and looks forward for an approval by the Planning Commission and the City Council.

Raymond Love resident of Banning said he’s been a resident since 1936 and has seen flooding problems occur in the City.
Linda Pippenger resident of Banning said she knows the many letter in support have been received regarding the proposed project, but previous discussions have been made with the developer regarding the commercial addition in this residential area, he was asked to move it, but it still remains as proposed and she doesn’t understand why it can’t be moved to a location closed to to San Gorgonio Avenue by Highway 243 where it seems to be a better location.

Carlos Tavares said the board of trustees has approved an architect for the design of a multi-use/multi-story building and they are seeing and planning for student growth at the San Gorgonio Pass Campus. He added that Mountain San Jacinto board of trustees signed a Resolution in support of the Rancho San Gorgonio project.

Dorothy McClain resident of Banning asked for the number of homes that are going to be zoned horse property and said there is no guarantee that if this project is approved, it will be completed.

Ralph Wright resident of Banning said he came to oppose the nine (9) acre retail center that is proposed across from his residence, he said a better choice would be south of the I-10 Fwy on Eight Street. Mr. Wright said he was the Superintendent for the Sun Lakes Country Club project here they were developers and builders. He’s opposes to the High Density Residential (HDR) housing and feels their horse property value will depreciate.

Theresa Chang Legal Counsel for the Library District said the Library District supports this project and thanks the applicant for revising the EIR to incorporate measures previously drafted and discussed. As revised the EIR and related conditions of approval require the developer to provide the Library District with dedicated space in the proposed Community Center and the developer will provide the district with fourteen (14) computer workstations upon occupancy of the Community Center she added that District looks forward to continuing discussions with the developer and staff regarding some clarifications requested.

Ron Duncan resident of Banning said big challenge comes with a project like this one. He mentioned that he was in a number of meetings where Marion Ashley was involved and he said “Banning is the next great area of growth” and he believes that we really are.

Duncan was a coach for Banning High School for many years where he and the high school students ran the through this proposed project area and agrees that this project will make that it acceptable and desirable.

Bill Lamb resident of Banning said one of the things that attracted him to move to Banning was the rural lifestyle on the south side; he would like the Planning Commission and City Council to take in consideration the equestrian part of town because the project does not create any access to the horse trail.

Mike Cummins resident of Banning said he’s opposed to the High Density Homes that will be built across from his property at Twenty Second Street; he likes one or two acre homes and he believes this development will bring high traffic to this area.
Don Smith resident of Banning said about ten (10) years ago a new General Plan was done and this land was zoned to allow for 1,800 homes and developer purchase the land, has submitted for twice as many homes for profit that it can be sold to other developers. He said the developer met with the residents to answer questions and suggestions were given as to why some of the proposed areas don’t work there and suggested that at a minimum, the commercial site should be removed.

David Ellis resident of Banning said he spent eleven (11) hours reading the staff report and he found many inconsistencies and feels we are not ready for this project; he mentioned that by having the High Density Residential (HDR) homes near the ranch properties will create problems and anticipates that future residents will complain about having farm animals close to their properties.

Coty Bray said his family own about twelve-hundred (1,200) acres of land that borders the Rancho San Gorgonio project, he’s been in several meetings with Mr. Pitassi and finds inconsistencies with what was said as opposed to what is being proposed. Mr. Bray also said he’s concern with the future increase of cost of water because it has doubled the cost within the past seven (7) years.

Chairman Shaw closed public hearing

Chairman Shaw opened for Planning Commission discussion

Commissioner Krick asked Director Guillot to address the State requirements, who is regulating it, and what was promised to the State.

Director Guillot said the State has requirements, and it’s a goal that all cities and regions are given, unfortunately the City of Banning has only built about six (6) homes in the last six (6) years. He explained that the development does include a mixture of densities for the project. The medium density homes adjacent to the college are an appropriate use and he believes that’s why it was proposed by the developer. He said the developer will be selling the homes at market rate, and will not be low income housing.

Director Guillot said rezoning was done to the project on the west end to encourage and facilitate housing in the City.

Commissioner Krick said that the High Density Residential (HDR) that is being proposed on the westerly portion of the project it’s there in order to comply with the State of California’s Housing Element that the City of Banning submitted to the State for approval.

Director Guillot added that the City obtained certification with the State which this was a very monumental event and if this was not done an approval would have not been obtained.

Commissioner Price asked how does High Density Residential (HDR) housing affect traditional home prices.
Director Guillot talked about several senior housing communities within the City that have more dense regulations within the City and are very popular areas. He said Sun Lakes is a Master Plan Community that has amenities that include parks, etc.

Henri De Roule said he has experience with High Density Residential (HDR) housing. He bought a town home in a rural part of San Jose California for $36,000 in 1976, and as of today the town homes are selling for well over $400,000.

Commissioner Wallace asked why the commercial site will be built at Phase 4, and how will the Home Owners Association (HOA) fee compare to the area.

Pitassi said the amount of frontage on Westward Avenue is fairly limited and the amount of frontage west of Twenty-Second Street is significant enough to allow for a retail center and be successful. Pittasi said he doesn’t know what the HOA fee will be at this time, but hopes the cost will be reasonable based on the number of homes being built.

Commissioner Price is asked if this is a Mello-Roos project.

Pitassi said the project will have a Community Facilities District (CFD).

Commissioner Shaw asked staff to talk more about the size of the water tank, location and the recycled water.

City’s Engineer Vela said a water analysis was done, have a good understanding of how much storage is needed for this project and the decision as to how big the storage tank should be to provide sufficient storage. As part of the conditions of approval, a focus study will be done to determine the location of the storage tank and infrastructure need. Regarding the waste water treatment plant the City is not at capacity at the existing plant and can allow for an expansion.

Director Vela talked about the extension of Sun Lakes Boulevard from Highland Home Road to Sunset Street, he said it is an alignment and improvement that is identified in the Transportation Uniform Mitigation Fee (TUMF) Nexus Study, and the developer will be responsible for paying the fee.

Commissioner Krick asked Vela if the City would have funding to complete the extension without this project.

Director Vela said no, estimates were put together and the biggest variable was the right-of-way acquisition cost, and it would take a while to obtain the funding to construct that road.

Commissioner Shaw asked if the questions from the Library’s council regarding the space needed in the future library has been addressed.

Pitassi said there is a condition of approval that talks about an amount of space that should be set aside in the Community Center and the commitment to provide fourteen (14) computer stations as part of Phase 4 of the project.
Commissioner Krick asked if the developer has a study regarding the sales tax that will be generated by the commercial site.

Pitassi said a financial benefit analysis was done, and lists the potential economic benefits to the community from retail sales and property tax revenue.

Commissioner Wallace asked for more clarification regarding the water wells.

Pitassi said there are four (4) water wells, one is currently on Westward Avenue, west of 22nd Street that is part of the City’s system and there are no additional wells proposed within RSG SP. All the City’s water wells will be studied in the focus study.

Discussion was made regarding the commercial element to the project, the economic benefits, and the need for a neighborhood shopping area for future residents.

Commissioner Wallace agrees that a commercial site is needed.

Commissioner Price thinks the commercial site should be moved to benefit the east side of town.

Commissioner Shaw said he did research of what is happening in the City of Beaumont – they are actually slow right now building two hundred (200) homes a year from five-hundred (500) homes a year; recently Pardee Homes asked for a new tentative map to be approved in the city of Beaumont for one-thousand (1,000) homes – the lots range from 5,000 to 14,000 square feet. He added that Pardee builds homes based on marketing and it shows that people want to move into this area.

Chairman Shaw opened the floor for a motion

ACTION (KRICK/PRICE): A motion was moved, seconded and carried that the Planning Commission take the following action:

That the Planning Commission adopts Resolution No. No. 2016-08 recommending that the City council approves the following:

1. Resolution No. 2016-83 adopting a Statement of Overriding Considerations and CEQA Findings of Fact, certification of the Final Environmental Impact Report, adoption of the Mitigation Monitoring and Reporting Program for the Rancho San Gorgonio Specific Plan project;

2. Resolution No. 2016-88 approving General Plan Amendment (GPA) No. 13-2503 to change the General Plan Designation from Very Low Density Residential, Medium Density Residential, Very High Density Residential, Rural Residential, and Open Space-Parks to Specific Plan;
3. Ordinance No. 1501 adopting Zone Change No. 13-3501 to reflect the proposed Zoning Ordinance text and map amendments for the Rancho San Gorgonio Specific Plan;

4. Resolution No. 2016-84 approving the Water Supply Assessment for the project based upon Findings of Fact as stated in the resolution;

5. Ordinance No. 1500 approving the Rancho San Gorgonio Specific Plan to create an 831 acre master planned community composed of 44 planning areas that include a variety of residential densities, common open spaces, an elementary school site and commercial area within the City of Banning;

6. Resolution No. 2016-86 approving Master Tentative Tract Map No. 36586 and conditions of approval establishing road right-of-ways, forty-four land use planning areas, parks and open space parcels;

7. Ordinance No. 1499 approving the Development Agreement containing said provisions for financing acquisition and infrastructure construction, and land use development parameters; and

8. Resolution No. 2016-87 approving the annexation of 161 acres of property located in the County of Riverside and within the City’s adopted Sphere of Influence General Planning Area and the Rancho San Gorgonio Specific Plan.

With the following amended Conditions of Approval:

a) Planning Area 9 (PA9) shall be designated as Neighborhood Commercial only with no residential alternative allowed unless the Specific Plan is amended by City Council.

b) The applicant/developer shall work with the City Engineer to provide sufficient traveled way to allow on-street parking for vehicles along 22nd Street (prolongation of Rancho San Gorgonio Parkway) from Victory Avenue to Westward Avenue.

c) The typical section for TTM 36585 for Rancho San Gorgonio Parkway adjacent to Dysart Park shall be amended to provide the 16 foot wide landscape buffer at street grade.

d) Amended conditions of approval dated September 7, 2016 regarding the Rancho San Gorgonio Specific Plan.

(Motion Carried 5-0)

VII. PLANNING COMMISSIONER COMMENTS:
None
VIII. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS
None

IX. ADJOURNMENT
There being no further business, the meeting was adjourned at 9:33 p.m.

Respectfully submitted,

________________________________________
Sandra Calderon
Recording Secretary

THE ACTION MINUTES SUMMARIZE ACTIONS TAKEN BY THE PLANNING COMMISSION. A COPY OF THE MEETING IN ITS ENTIRETY IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN WRITING TO THE CITY CLERK’S OFFICE.
EXHIBIT “A”
Rancho San Gorgonio Specific Plan

Planning Commission Public Hearing

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

September 7, 2016
6:30 P.M.
Environmental Process Overview

- April 20, 2015 – May 19, 2015
  - Notice of Preparation review period (30 days)
- June 20, 2016 – August 3, 2016
  - Draft EIR public review period (45 days)
- August 31, 2016 – PC Study Session
- September 7, 2016 (today) – PC Hearing
CEQA Environmental Topics

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality*
- Biological Resources*
- Cultural Resources*
- Geology and Soils*
- Greenhouse Gas Emissions*
- Hazards and Hazardous Materials*
- Hydrology and Water Quality*
- Land Use and Planning
- Mineral Resources
- Noise*
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic*
- Utilities and Service Systems*

* Technical studies were prepared
Environmental Impacts

Less Than Significant Impacts – No Mitigation Required

- Aesthetics
- Agriculture and Forestry Resources
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Public Services – fire, police, schools, and libraries
- Recreation
- Utilities and Service Systems – wastewater, water, storm drains, solid waste, dry utilities
Environmental Impacts

Impacts Mitigated to Less Than Significant

- Air Quality – construction emissions
- Biological Resources – sensitive species/habitat, CDFW/Corps jurisdictional resources, Riverside County MSHCP consistency, wildlife corridors
- Cultural Resources – historic, archaeological, paleontological resources
- Geology and Soils – unstable soils and geologic units
Significant Unavoidable Impacts

- Air Quality
- Greenhouse Gas Emissions
- Population
- Noise
- Transportation and Traffic
Significant Unavoidable Impacts

Air Quality
- Long-term operational emissions for VOC, NO\textsubscript{x}, CO, PM\textsubscript{10}, and PM\textsubscript{2.5} from Phase 2 onward
- Air Quality Management Plan inconsistency

Greenhouse Gas Emissions
- Exceedance of SCAQMD’s threshold (4.8 MTCO\textsubscript{2}e) for GHG emissions
Significant Unavoidable Impacts

Noise

- Short-term construction noise
  - Offsite impacts
    - Exceed City’s interior noise standard (55 dBA for 15 mins) by 3 dBA for offsite residences along Westward Ave, Lovell Street, and 22nd Street
    - No established County noise standard, but project would impact offsite County residences on Turtledove Lane (87 dBA exterior, 63 dBA interior)
  - Onsite impacts
    - Exceed City’s interior noise standard (55 dBA for 15 mins) if onsite already-built residences and schools are within approx. 71 feet of construction activities
Significant Unavoidable Impacts

Noise – cont’d.

- Traffic noise – 16 homes along Sunset Avenue north and south of Lincoln Street
  - 2035 Buildout traffic noise levels approx. 67.8 to 68.7 dBA CNEL
  - Existing 6-foot concrete backyard walls provide noise reduction by approx. 5 dBA
  - Even with 5 dBA reduction from wall, traffic noise still exceeds 60 dBA CNEL threshold by approx. 2.8 to 3.7 dBA
Significant Unavoidable Impacts

Population

- Exceedance of SCAG’s population projection for the City in 2040 by 1,041 residents
  - Proposed project: 9,038 residents
  - SCAG projection: +7,997 residents between 2010-2040
Significant Unavoidable Impacts

Transportation and Traffic

- Roadway segment operations under Beaumont and Caltrans jurisdictions
- I-10 freeway mainline segments and ramps operations under Caltrans jurisdiction
- Exceedance of Riverside County Congestion Management Program service standards
Project Alternatives

- Per CEQA Guidelines Section 15126.6, an EIR must address a range of reasonable alternatives to the project which would:
  - Feasibly attain most of the basic project objectives
  - Avoid or substantially lessen any of the significant project effects
  - Evaluate comparative merits of alternatives
Project Alternatives

1. No Project/No Development Alternative
   - No development would occur onsite

2. No Project/Existing General Plan Alternative
   - Site would be developed based on current land use designations—Very Low Density Residential, Medium Density Residential, High Density Residential, Rural Residential, Open Space-Parks and Open Space-Resources, and Light Agriculture

3. Reduced Density Alternative
   - Residential development would be reduced by 20 percent to 2,708 dwelling units
Project Alternatives Analysis

1. No Project/No Development Alternative
   - Reduces majority of impacts
   - Eliminates S/U impacts to air quality (operations), greenhouse gas emissions, noise (construction and operations), and population
   - Increases impact to transportation and traffic
   - Does not achieve any of the 13 project objectives
Project Alternatives Analysis

2. No Project/Existing General Plan Alternative
   - Reduces majority of impacts
   - Eliminates S/U impact to population
   - Similar impacts to biological resources, cultural resources, hazards and hazardous materials, and recreation
   - Achieves 4 of 13 project objectives
Project Alternatives Analysis

3. Reduced Density Alternative
   - Reduces majority of impacts
   - Eliminates S/U impact to population
   - Similar impacts to agriculture and forestry resources, biological resources, cultural resources, and hazards and hazardous materials
   - Achieves 11 of 13 project objectives
Rancho San Gorgonio Specific Plan
Planning Commission Public Hearing

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

September 7, 2016
6:30 P.M.
EXHIBIT “B”
CITY OF BANNING

MEMORANDUM

DATE: September 7, 2016
TO: PLANNING COMMISSIONERS
FROM: Brian Guillot, Community Development Director
RE: Rancho San Gorgonio (RSG) Specific Plan

Please find attached revisions to the proposed combined conditions of approval for the Rancho San Gorgonio Specific Plan and Tentative Map. The revisions, requested by the applicant, provide clarifications to certain conditions or delete duplicative conditions. The following numbered conditions contain edits:

#27 pertaining to Community Facilities Districts (superceded by the Development Agreement)
#34 pertaining to the Fire Station Site (superceded by the Development Agreement)
#42 pertaining to Landscaping (edit for clarification)
#49 pertaining to Fair Share of Impacts (edit to correct reference)
#56 pertaining to timing of park components (edit for clarification)
#58 pertaining to architectural review of park sites (edit for clarification)
#59 pertaining to park design themes (edit for clarification)
#63 pertaining to site leases (delete as there are no site leases)
#64 pertaining to payment of costs (delete to remove reference to site lease)
#66 pertaining to Traffic Construction plan (delete due to duplication with other measures)
#69 pertaining to cost recovery (superceded by the Development Agreement)
#70 pertaining to cost recovery (superceded by the Development Agreement)
#72 pertaining to ALTA survey (edit for clarification)
#76 pertaining to school site (delete for consistency with Specific Plan)
#78 pertaining to timing of deposit payment (edit for consistency)
#84 pertaining to entry monumentation (edit for clarification)
#98 pertaining to landscape maintenance (edit for clarification)
#104-114 pertaining to public works (delete due to duplication with other measures)
#115 pertaining to Fire Marshall approval (deletion to remove incorrect reference)
#164 pertaining to access exhibit (deletion to correct reference)
#195 pertaining to dedication (edits to correct reference to another numbered condition)
I. **GENERAL/ONGOING**

**COMMUNITY DEVELOPMENT DEPARTMENT**

1. **Approved General Plan Amendment and Zone Change.** The General Plan Amendment and Zone Change are approved as shown in Exhibit "A" to Resolution No 2016-88 and Ordinance No. 1501, respectively. A Development Agreement (the "Development Agreement") was approved concurrent with the General Plan Amendment and Zone Change. Capitalized terms used herein bear the same meaning as defined in the Development Agreement.

2. **Approved Rancho San Gorgonio Specific Plan – Approval of the Rancho San Gorgonio Specific Plan is based upon the plan dated January 26, 2015.** This approval includes development of up to 3,385 new residential units on approximately 830.8 acres, a minimum of 9.3 acres of commercial, 210.3 acres of open space including 184.6 acres of parks, paseos, and trails and 25.7 acres of natural open space, potentially one school site as determined by the school district, a 0.2 acre utility substation site, and approximately 77 acres of backbone roads as shown in the table below ("Project").
### Table 2-1: General Land Use Summary

<table>
<thead>
<tr>
<th>Land Use</th>
<th>2013 Rancho San Gorgonio Specific Plan</th>
<th></th>
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<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Gross Acres</td>
<td>% of Area</td>
<td>Dwelling Units</td>
<td>% of Dwelling Units</td>
<td>Average Gross Density (du/ac)</td>
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<tr>
<td>Residential</td>
<td></td>
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<tr>
<td>Very Low Density (VLD) (0-2.5 du/ac)</td>
<td>47.1</td>
<td>5.7%</td>
<td>94</td>
<td>2.8%</td>
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<td>Low Density (LDR) (2.6-6.0 du/ac)</td>
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<td>36.3%</td>
<td>1,355</td>
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<td>Medium Density (MDR) Age Qualified (6.1-12.0 du/ac)</td>
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<td>14%</td>
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<td>Medium-High Density (MHDR) (12.1-18.0 du/ac)</td>
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<td>Residential Totals</td>
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<td>Parks/Open Space</td>
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<td>RSG Community Park</td>
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<td>Confluence Park</td>
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<td>Neighborhood Park</td>
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<td>Entry Park</td>
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<td>Village Paseos</td>
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<td>Creeks/Creek Edge Linear Parks</td>
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<td>Natural Open Space</td>
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<td>Open Space Subtotals</td>
<td>210.3</td>
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<td>Other</td>
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<td>Neighborhood Commercial</td>
<td>9.3</td>
<td>1.1%</td>
<td>168*</td>
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<td>Public Facility</td>
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<td>School</td>
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<td>1.7%</td>
<td>84**</td>
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<td>Backbone Roadways Right-of-Way</td>
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<td>Storm Drain Easement</td>
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</tr>
<tr>
<td><strong>SPECIFIC PLAN TOTALS</strong></td>
<td>830.8</td>
<td>100%</td>
<td>3,385***</td>
<td>100%</td>
<td>4.0</td>
</tr>
</tbody>
</table>

**Notes:**

* A Residential Overlay alternative of Medium-High Density Residential (MHDR, 12.1-18.0 du/ac) is allowed on Planning Area 9 in lieu of the Neighborhood Commercial designation, if PA 9 does not develop as commercial.

** A Residential Overlay alternative of Low Density Residential (LDR, 2.6-6.0 du/ac) is allowed on Planning Area 16-C in lieu of the School use designation, if the Banning Unified School District does not acquire PA 16-C and the site is not developed with a school use.

*** The maximum number of dwelling units to be allowed in the Specific Plan is 3,385.

3. Within sixty (60) days, the Rancho San Gorgonio Specific Plan shall be updated by the applicant to incorporate any required conditions of approval and shall be resubmitted to the City Planning Department for review. Upon approval, the applicant shall print and submit ten final copies of the approved Specific Plan to the City.

4. The Rancho San Gorgonio Specific Plan shall be amended at Section 4.3.7 Projections Into Required Yards to add language under the third bullet indicating
that pergolas and/or covered but unenclosed landings may extend a maximum of
two feet into a side yard, subject to all Building and Fire Code requirements.

5. The Rancho San Gorgonio Specific Plan shall be amended at Table 4-2 to
specify that Large Day Care Homes shall require a Conditional Use Permit and
under “Other Uses”, to specify that private schools shall be subject to a
Conditional Use Permit.

6. The Rancho San Gorgonio Specific Plan shall be amended at Table 4-2 to
specify that Second Dwelling Units shall be subject to City of Banning Zoning
Ordinance Section 17.08.100 Second Unit Standard requirements.

7. The Rancho San Gorgonio Specific Plan shall be amended at Section 4.3
General Development Criteria, to specify that for non-gated communities, all
building setbacks shall be measured to property line and that for gated
communities, setbacks may be measured from street or back of sidewalk.
General references throughout the document to setback measurements from
street or back of sidewalk shall be amended as to be consistent with this
requirement. Section 4.3 shall also be amended to specify that all required 2-car
garages shall measure 20’x 20’ interior dimensions; and to limit freestanding
walls to 6’ in height excepting within a required front yard setback where the
maximum height shall be 48”. On a corner lot, no fence, wall, hedge, or other
structure, shrubbery, mounds of earth, or other visual obstruction over thirty-six
inches in height above the nearest street curb elevation shall be erected, placed,
planted, or allowed to grow within a traffic safety sight area.

8. The Rancho San Gorgonio Specific Plan shall be amended at Section 4.3.10
Interim Uses, to specify that the listed interim or temporary uses may be
permitted in any planning area ultimately planned for development uses prior to
construction, rather than entitlement, of its primary permitted use. Section
4.3.10 shall be further amended to require that (c) festivals or fairs; (e) farmers
markets, and (f) Christmas tree lots, pumpkin patches, and similar seasonal
uses, shall require a Temporary Use Permit, subject to City of Banning Zoning
Ordinance Chapter 17.108 requirements.

9. The Rancho San Gorgonio Specific Plan shall be amended at Table 4-3 VLDR
Residential Uses Development Standards to require a minimum lot depth of 100’
and a maximum lot coverage of 50%.

10. The Rancho San Gorgonio Specific Plan shall be amended at Table 4-4 LDR
Residential Uses Development Standards-4500 to require a minimum lot depth of
90’ and to require that the front yard garage setback shall be a minimum of 19’
from back of sidewalks.

11. The Rancho San Gorgonio Specific Plan shall be amended at Table 4-5 LDR
Residential Uses Development Standards-5000 to require a minimum lot depth of
100' and to require that the front yard garage setback shall be a minimum of 19' from back of sidewalk.

12. The Rancho San Gorgonio Specific Plan shall be amended at Table 4-6 LDR Residential Uses Development Standards-5500 to require a minimum lot depth of 100'.

13. The Rancho San Gorgonio Specific Plan shall be amended at Table 4-7 LDR Residential Uses Development Standards-6000 to require a minimum lot depth of 100' The Rancho San Gorgonio Specific Plan shall be amended at Table 4-8 LDR Residential Uses Development Standards-7000 to require a minimum lot depth of 100' and to require that the front yard garage setback shall be a minimum of 19' from back of sidewalks.

14. The Rancho San Gorgonio Specific Plan shall be amended at Section 5.1.5 Minor Modifications to be consistent with City of Banning Zoning Code Chapter 17.84.

15. The Rancho San Gorgonio Specific Plan shall be amended at Section 5.1.6 Amendments to the Specific Plan to specify that any modifications not listed under 5.1.5 Minor Modifications shall require an amendment to the Specific Plan requiring public hearings, a recommendation by the Planning Commission and approval by the City Council.

16. The Rancho San Gorgonio Specific Plan shall be amended at Section 5.2.3 Subsequent Approvals and Plans, third bullet, to specify that Design Review applications shall require Planning Commission consideration and approval.

17. **Precedence of Conditions.** If any of the Conditions of Approval conflict with the Rancho San Gorgonio Specific Plan text or map exhibits, the conditions enumerated herein shall take precedence unless superseded by the Development Agreement, which shall govern over any conflicting provisions of any other approval.

18. **Compliance with City Codes and Conditions.** Development of the property shall conform substantially to the approved Rancho San Gorgonio Specific Plan as filed in the Planning Division, unless otherwise amended. Should the regulations in the Specific Plan differ from the City of Banning Zoning Ordinance, the regulations in the Specific Plan shall take precedence. Regulations that are not addressed in the Rancho San Gorgonio Specific Plan shall be subject to the City of Banning Zoning Ordinance.

19. **Outside Agencies.** Development of the property shall be in accordance with the plans and procedures of various responsible agencies. These include the following:
a) **State and Federal Standards.** The Project shall conform where applicable to all disabled access requirements in accordance with the State of California, Title 14, and Federal Americans with Disabilities Act (ADA).

b) **Southern California Edison.** If construction is proposed within the area of the Southern California Edison power transmission easement or immediately adjacent thereto, the Developer shall contact the area service planner for Southern California Edison to coordinate construction related activities.

c) **School Districts.** The Developer shall demonstrate payment of standard requirements and mitigation fees established by the State of California and the Banning Unified School District.

d) **Riverside County Flood Control.** Prior to approval of any Final Tract or Parcel Map for which a Riverside County Flood Control master plan facility is included, the Developer shall obtain a written statement from the Riverside County Flood Control District, in a form satisfactory to the City, indicating that the Developer has adequately demonstrated the viability of proposed drainage facilities. The written statement could be the approval of the facility by RCFCD.

e) **Caltrans District 8.** Prior to issuance of applicable roadway improvement or encroachment permits, the Developer is required to receive approval of any construction or work within the Caltrans right-of-way(s).

f) **California Department of Fish and Game.** The Developer shall apply for and receive approval of an agreement under Section 1602 of the California Fish and game Code.

g) **United States Army Corps of Engineer.** The owner, Developer, or successor in interest shall receive approval of a permit under Section 404 of the Clean Water Act.

h) **Regional Water Quality Control Board.** The owner, Developer, or successor in interest shall receive approval of a permit under Section 401 of the State Porter-Cologne Act from the Colorado River basin Regional Water Quality Control Board.

i) **Riverside Conservation Authority.** The owner, Developer, or successor in interest shall comply with the Multi-Species Habitat Conservation Program mitigation fees.
j) **South Coast Air Quality Management District (SCAQMD).** The owner, Developer, or successor in interest shall comply with the air quality regulations promulgated by the SCAQMD.

20. **Mitigation Measures and Mitigation Monitoring Program.** The owner, Developer, or successor in interest shall comply with the Mitigation Measures and Mitigation Monitoring Program as approved in the Final Environmental Impact Report (SCH# 2015041064) as certified by the City Council on ____ ____, 2016 and incorporated herein by reference. The owner, Developer, or successor in interest shall pay for the cost of implementing and monitoring the mitigation measures.

21. **City Approvals.** All approvals by City, unless otherwise specified, shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.

22. **Homeowner's Associations.** The owner, Developer, or successor in interest shall form a Home Owner's Association (HOA) to maintain private amenities and areas that are determined by the City to be under the area of responsibility of the Homeowners Association as addressed in the Development Agreement, subject to review and approval by the City Attorney and the City Engineer.

23. **Property Management Association.** The owner, Developer, or successor in interest shall form a Property Management Association for maintenance of common areas within the commercial component of the Project, subject to review and approval by the City Attorney and the City Engineer.

24. **Covenant, Conditions, and Restrictions (CC&Rs).** Covenants, Conditions, and Restrictions (CC&Rs) shall be established for residential and commercial development. The owner, Developer, or successor in interest shall pay for the cost of review and approval of the CC&Rs by the City Attorney. The CC&Rs shall provide for proper maintenance of all property and include other necessary conditions to carry out the terms herein, and shall be enforceable by City, and recorded prior to development of any parcels. An initial deposit of $5,000 is required to cover processing costs. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.

25. **Reciprocal Ingress and Egress.** Reciprocal ingress and egress shall be established between the parcels within each of the commercial areas, in a form approved by the City Attorney.
26. **Mandatory Solid Waste Disposal.** Mandatory solid waste disposal services shall be provided by the City franchised waste hauler to all parcels/lots or uses affected by approval of this Project.

27. **Community Facilities District (CFD).** This Project is not within an existing Community Facilities District (CFD). As a requirement of this Project, one or more CFD’s (and LMDs) shall be required to fund the maintenance of infrastructure, landscaping, police, and fire services. The formation of the CFD must be completed prior to recordation and shall be subject to review and approval by the City Attorney and City Engineer. An initial deposit of $5,000 is required to cover processing costs associated with the proceedings for the establishment of the CFD. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.

28. **Addresses.** All numbered lots shall have addresses assigned by the Building and Safety Department.

29. **Fair Share Agreements, Reimbursement and Covenant Agreements.** All fair share agreements, covenant agreements and agreements subject to recordation will be subject to review and approval by the City Attorney and will include appropriate enforcement provisions by the City and be properly securitized. The City may require the Developer to enter into fair share and reimbursement and other covenant agreements which may be recorded against property and bind owners of property and their successors. A “fair share” agreement shall provide for Developers of property to pay their fair share for infrastructure improvements as determined by an independent study of the respective benefit received by the benefitted property. A reimbursement agreement requires the initial Developer to install infrastructure which will also serve other property when it is developed, and the initial Developer is reimbursed by the future development in accordance with the benefit received by the future development. The benefit formulas and terms of the fair share and reimbursement agreements shall contain provisions for securitization and enforcement and shall be in form and content approved by the City Attorney in accordance with law. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.

30. **Development Impact Fees.** The development is required to comply with the provisions agreed upon in the Development Agreement regarding the payment of and timing of Development Impact Fees (“DIFs”).

31. **School District Fees.** Prior to the issuance of any building permit, the Developer shall provide certification from Banning USD as required by California
Government Code Section 53080(b) that state mandated school fees have been satisfied.

32. Processing Fees. The development is subject to all appropriate City Processing fees, charges, deposits for services to be rendered, and securities required pursuant to the Development Agreement.

33. One hundred sixty-one (161) Acre Property. The 161-acre property that is part of the Rancho San Gorgonio Specific Plan and designated as portions of Planning Area 2-B, 2-C, 3-A, 14-A, 15-A, and 15-B; and, and Planning Area 1, 2-A, and 4-A is for the establishment of pre-zoning for the property. If the property is annexed into the City, the property shall be annexed into the Community Facilities District and Landscape Maintenance District as established for the Project.

34. Fire Station Site. The developer, owner, or successor in interest shall dedicate the fire station site to the City of Banning. The Owner will receive fee credits as provided in the appraised value of the property at the time of purchase. The dedication shall occur in accordance with the phasing plan in the Development Agreement.

35. Bicycle Path and Neighborhood Electric Vehicle and Multi-purpose Trails. The development shall provide bicycle paths/lanes, neighborhood electric vehicle/golf cart lanes, and walking trails in substantial conformance with the Rancho San Gorgonio Specific Plan. The dedication shall occur as the appropriate phase of the TTM 36586 is recorded and in accordance with the Development Agreement. The developer shall provide an exhibit depicting typical bicycle paths, neighborhood electric vehicles, and multi-purpose trails for review and approval by the City Attorney and City Engineer prior to submittal of tentative subdivision maps.

37. Trust Deposit Accounts. Trust deposit accounts shall be established for future submittal and review of tentative tract or parcel maps. All trust deposits shall be maintained with no deficits. The trust deposits shall be governed by deposit agreements. The trust deposit account shall be maintained separate from other City funds and shall be non-interest bearing. City may make demands for additional deposits to cover all expenses over a period of 60 days and funds shall be deposited within 10 days of the request therefore, or work may cease on the Project.

38. Indemnification. The Developer shall indemnify the City and its elected boards, commissions, officers, agents and employees and will hold and save them and
each of them harmless from any and all actions, suits, claims, liabilities, losses, damages, penalties, obligations and expenses (including but not limited to attorneys’ fees and costs) against the City and/or Agent for any such Claims or Litigation (as defined in Section____ of the Development Agreement) and shall be responsible for any judgment arising therefrom. The City shall provide the Developer with notice of the pendency of such action and shall request that the Developer defend such action. The Developer may utilize the City Attorney’s office or use legal counsel of its choosing, but shall reimburse the City for any necessary legal cost incurred by City. The Developer shall provide a deposit in the amount of 150% of the City’s estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorneys fees, and shall make additional deposits as requested by City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If the Developer fails to provide or maintain the deposit, the City may abandon the action and the Developer shall pay all costs resulting therefrom and City shall have no liability to the Developer. The Developer’s obligation to pay the cost of the action, including judgment, shall extend until judgment. After judgment in a trial court, the parties must mutually agree as to whether any appeal will be taken or defended. The Developer shall have the right, within the first 30 days of the service of the complaint, in its sole and absolute discretion, to determine that it does not want to defend any litigation attacking this Agreement or the Development Approvals in which case the City shall allow the Developer to settle the litigation on whatever terms the Developer determines, in its sole and absolute discretion, but Developer shall confer with City before acting and cannot bind City. In that event, the Developer shall be liable for any costs incurred by the City up to the date of settlement but shall have no further obligation to the City beyond the payment of those costs. In the event of an appeal, or a settlement offer, the Parties shall confer in good faith as to how to proceed. Notwithstanding the Developer’s indemnity for claims and litigation, the City retains the right to settle any litigation brought against it in its sole and absolute discretion and the Developer shall remain liable except as follows: (i) the settlement would reduce the scope of the Project by 10% or more, and (ii) the Developer opposes the settlement. In such case the City may still settle the litigation but shall then be responsible for its own litigation expense but shall bear no other liability to the Developer.

39. The developer shall provide a dedicated space in the Community Center for use by the Banning Library District. The size of the space shall be determined by Parks and Recreation Director at time of submittal of construction documents. Upon occupancy of the Community Center, the developer shall provide desks with computers for 14 stations.
40. Any future library facilities associated with the project shall be reviewed and approved by the City for compliance with applicable environmental and other regulations.

41. Model Homes. Prior to the issuance of building permits, the Developer shall submit a model home plan that shows building elevations, plotting plan(s), and precise grading for review and approval for each phase of development, or per neighborhood, or per each master or merchant builders for review and approval by the Community Development Director as long as the plans conform to the Design Guidelines depicted in the Specific Plan. Subsequent minor technical change/adjustment after approval of the model homes and plotting is subject to an additional approval of the Community Development Director.

42. Landscaping. Prior to issuance of building permits for each phase of development, the Developer shall submit and obtain approval of three (3) copies of construction level Landscape and Irrigation Plans for landscape improvements in that phase to the Community Development Department accompanied by the appropriate trust deposit. The plans shall be prepared by a registered landscape architect and include the location, number, genus species, and container size of the plants. Plants shall be consistent with the Banning Municipal Code. The cover page shall identify the total square footage of the landscaped area and note that it shall be maintained in accordance with the City Code. Water efficient fixtures and drought tolerant plants shall be utilized where possible. Required landscape areas specific to this Project include front yards of all lots; side yards of corner lots; streetscapes on the Project side for Sunset Avenue, Westward Avenue, and Old Idyllwild Road; landscaping of slopes and entry theme walls; streetscapes for both sides of all in-tract roadways; and landscaping of all lettered lots including the detention basin, and all drainage channels which include Smith Creek and Pershing Creek.

43. Walls & Fences. Prior to issuance of building permits in each phase of the map, the Developer shall submit and obtain approval from the Community Development Department of any wall or fence plans. These plans shall be consistent with intent of the Rancho San Gorgonio Specific Plan. Plans for the construction of retaining walls shall be reviewed and approved by the Building and Safety and Planning divisions.

44. Disclosure Statement. The Developer, property owner or successor in interest shall submit the disclosure statement for review and approval by the City Attorney prior to the issuance of building permit for the first home within the Specific Plan.

45. A permanent homeowners association (HOA) will be established for the Specific Plan area to assume ownership and maintenance responsibility for all common
areas, private streets/ drives, recreation areas, open space and landscaped areas not dedicated to the City/public. An area-wide or local Landscape Maintenance District will be accepted for any area dedicated to the City for public use provided that the organization is legally and financially capable of assuming the responsibilities for ownership and maintenance. Maintenance organizations will be established prior to or concurrent recordation of land division maps or issuance of building permits for construction within that land division.

46. CC&Rs. A property owners' association shall be established following grading permit issuance and the applicable Conditions, Covenants & Restrictions ("CC&Rs"), shall be prepared for review and approval of the City Engineer and City Attorney providing for maintenance of the parkways, slopes adjacent to public right-of-ways, drainage areas, water quality facilities, detention basins, debris basins, common area landscaping, and median island landscaping. The Developer shall appoint the members of the Board of Directors of the property owners' association, or take such other steps as may be reasonably necessary to assure that members have been appointed or elected to such Board of Directors, until under the terms of the applicable CC&Rs individual lot owners have the power to elect the members of the Board of Directors in accordance with the CC&Rs.

47. CC&Rs shall contain provisions which prohibit dissolution of the property owners' association unless another entity has agreed to assume the operation and maintenance responsibilities of the property owners' association. The CC&Rs shall contain provisions that prohibit the Developer and his/her successors-in-interest from amending said covenants, conditions and restrictions to conflict with these conditions of approval, City codes and/or standards.

48. CC&Rs shall be subject to prior review and approval of the City Attorney. The Developer shall bear the cost of the review and make a deposit pursuant to a deposit agreement. The City shall be a party of the CC&Rs with full rights to enforce the provisions pertaining to the City including lien rights. The CC&Rs shall be submitted for review prior to issuance of grading permits and recorded prior to issuance of building permits unless approved by the City Attorney.

49. Fair Share of Cumulative Impacts. The Developer shall pay a fair share toward cumulative impacts not otherwise captured in existing fee programs, funding sources or in lieu improvements noted above, if such a program is in place at the time of building permit issuance, based on Project contribution percentages identified in Table 4.13-16 1-2 of the Rancho San Gorgonio Specific Plan Draft Environmental Impact Report (June 2016). (FEIR Mitigation Measure XXXXX).
50. Artifac Disposition/Tribal Monitoring: Prior to grading permit, the landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The Applicant shall relinquish the artifacts through one or more of the following methods and provide the County Archaeologist with evidence of same.

a) The developer shall provide to the City of Banning evidence a fully executed reburial agreement with the appropriate culturally affiliated Native American tribe(s) or band(s). This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing, analysis and special studies have been completed.

b) The developer shall provide to the City of Banning evidence a curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation.

c) If more than one Native American Group is involved with the project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the Western Science Center.

d) Should reburial of collected cultural items be preferred, it shall occur in coordination with the consulting federally recognized Indian tribes. Should curation be preferred, the developer/permit applicant is responsible for all costs and the repository and curation method shall be described in the Phase IV monitoring report.

51. TRIBAL MONITORING: Prior to Grading Permit the developer shall provide to the City of Banning evidence of fully executed monitoring agreement(s) with the appropriate culturally affiliated Native American tribe(s) or band(s) for all ground disturbing activities associated with the project. If more than one tribe Federally Recognized Indian Tribe has requested monitoring, an equal rotation shall be created around the grading and ground disturbing schedule. This shall include a scope of work and a description of tribal monitoring activities.
52. Palec/Archeological Conditions. In the event that Native American cultural resources are discovered during project development/construction, all work in the immediate vicinity of the find shall cease and a qualified archeologist meeting the Secretary of Interior Standards shall be hired to access the find. Work on the overall project may continue during this assessment period. If significant Native American cultural resources are discovered, for which a Treatment Plan must be prepared, the developer or his archeologist shall contact the Morongo Band of Mission Indians ("Tribe"). If requested by the Tribe, the developer of the project archeologist shall, in good faith, consult on the discovery and its disposition.

53. The applicant shall comply with all conditions and requirements identified in the Airport Land Use Commission, Riverside County, letter dated January 21, 2014.

**PARKS, RECREATION, AND OPEN SPACE**

54. Prior to the recordation of any phase of the final "A" map that contains a designated public park lot, the Applicant shall make an irrevocable offer of fee dedication for park purposes to the City of Banning or its designee for said parks. The form of the offer shall be suitable for recordation as approved by the City Engineer. Said offer shall be free and clear of money and all other encumbrances, liens, leases, fees, easements (recorded and unrecorded), assessments and unpaid taxes except those meeting the approval of the City Attorney.

55. Developer shall fully improve all public parks, including design, construction and final completion as required in the approved specific plan. Developer’s obligation for improvement costs of said parks shall be as set forth in the Development Agreement. OR shall not be limited to the amount of the park portion of the City’s Development Impact Fees, but shall include full obligation to provide fully improved parks.

56. Prior to the issuance of rough grading permits for each phase, the applicant shall ensure the following applicable components are incorporated into the rough grading plans:

- All public and private parks
- Linear parks
- Detention basins
- Major entry monuments
- Pedestrian trails, equestrian trails, paseos, and/or bicycle trails
- Paseo connections between cul-de-sacs to and from other paseos and trails where feasible
57. The graphics for parks and monuments in the Specific Plan are conceptual in nature. Prior to issuance of precise grading permits for parks and monuments, the developer shall submit and obtain approval of construction plans from the Community Development Director that are in substantial conformance with the concepts introduced in the Specific Plan.

58. Prior to issuance of a building permit for buildings and structures for active park sites, the applicant shall submit a comprehensive architectural plan package for review and approval by the Community Development Department, Public Works Department, Building Department and Fire Department, including, but not limited to, the following items: site plan, landscape plan, photometric plan, floor plans, elevations, roof plan, and mechanical, electrical, and structural plans wet stamped and signed by a California licensed architect and/or structural engineer. The plans shall demonstrate compliance with the current California Building, Plumbing, Mechanical, Electrical, Fire, Energy, and Green Codes and Banning Municipal Code, Public Works Standards, and all conditions contained herein.

59. Active park sites shall be developed in accordance with the conceptual design shown in the approved Specific Plan. The plans submitted into plan check shall demonstrate compliance with the following items:

- Building elevations shall have varied design elements on each unit within a unified design theme. Enhanced articulation shall be provided on elevations visible from common areas;
- All mechanical equipment shall be adequately screened from public view through landscaping or architectural compatible screens to the satisfaction of the Community Development Director;
- Exterior lighting shall be designed as an integral part of the building and landscape design and shall complement and enhance the selected style of the building. In areas adjacent to existing residential properties, shields shall be used to contain light on-site by directing lighting downward;
- Illumination levels shall be provided to address security concerns, especially for parking lots, pedestrian paths, outdoor gathering spaces, at building entries and any other pedestrian accessible areas; and,
- Landscaping, gateway signs, perimeter and internal walls and fences shall be designed to be compatible with the architectural style of the buildings.
- Active Recreational Facilities, such as pools, spas and playgrounds, shall not be located closer than 40-feet to any dwelling unit.

60. Landscape and irrigation plans shall be submitted for review and approval and shall be prepared in accordance with the provisions of the RSG Specific Plan and Banning Municipal Code requirements. All landscape and irrigation construction
plans shall be substantially complete, to the satisfaction of the Community Development Director. The plans shall demonstrate compliance with the following items:

- All landscaping and hardscape within a City park, utility easement or right of way shall be subject to approval by the Public Works Director. Trees shall be planted a minimum of five (5) feet from dry utilities, a minimum of ten (10) feet from driveways, water meters, water lines, sewer mains and lines, traffic and directional signs, and fire hydrants, a minimum of fifteen feet (15) from street lights, and a minimum of thirty feet (30) from street corners.

- Water efficient planting and irrigation practices shall be utilized to conserve water, reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides.

- Location of all new water facilities, including water mains, valves, landscape services, meters and backflow devices shall require approval from the Public Works Department prior to issuance of a permit to install landscaping and irrigation.

- Landscaping plans that include work in public right-of-way shall include a note stating: "A permit shall be obtained from the Public Works Department prior to any work commencing in the public street parkway. The approved Street Improvement Plans shall be assumed correct if they conflict with these plans".

- All plant materials shall be installed in a healthy and vigorous condition typical to the species and shall be maintained in a neat and healthy condition.

61. After City approval of the landscaping and irrigation installation, the developer shall provide 180-day maintenance during the plant establishment period. The City or LLMD shall take over maintenance responsibilities at the completion of the plant establishment period.

62. Prior to issuance of a grading permit, the Applicant shall submit plans for review and approval to provide for grading & erosion control and shall stub out sewer, water, gas, electricity, telephone, storm drain, etc., connections to the property lines. Grading, erosion control, utility, stub-outs, etc. would be done in conjunction with park construction.

63. Site Lease. Developer shall enter into a separate lease agreement with the City ("Site Lease") that defines the arrangement by which Developer shall lease the Project site from the City and have the Project constructed and presented upon completion to the City. Breach of the Site Lease shall also constitute a violation of these Conditions of Approval.

64. Payment of Project Approval Costs. Prior to the issuance of City permits, Developer shall pay all Project Approval Costs for the Project as approved by the
City, according to a reimbursement process acceptable to the City. "Project Approval Costs" shall include, but are not limited to, reasonable costs for consultants, including the City Attorney and City Engineer during approval process, and shall include any outstanding amounts owed to the City. Project Approval Costs do not include costs of construction of the Project ("Project Construction Costs"), which are provided for under the separate Site Lease.

65. CEQA Mitigation Measures. The Mitigation Monitoring and Reporting Program (MMRP) related to the Final Environmental Impact Report prepared pursuant to the California Environmental Quality Act for this project are incorporated herein by reference. Compliance with the MMRP is required.

66. Traffic Construction Management Plan. Prior to issuance of a grading or construction permit, a Traffic Construction Management Plan (TCMP) shall be submitted and approved by the City Engineer. The TCMP shall be developed to avoid conflicts with large vehicles removing or delivering materials to the Project site during commute hours, and shall employ traffic control measures as specified by Caltrans Standards and approved by the City Engineer and Director of Public Works.

67. Geotechnical Report and Review. At the time of plan submittal for City Permits, the Developer shall submit a report prepared by a geotechnical engineer, selected by the Developer with the City's prior approval, that fully assesses the existing site conditions, and addresses all issues regarding excavation and grading, foundations and their construction, drainage, retaining wall systems, periodic on-site observations, and other related items involving the Project.

68. Storm Water Discharges. Prior to issuance of grading permits, the developer shall submit a copy of the Notice of Intent (NOI) indicating that coverage has been obtained under the National Pollutant Discharge Elimination System (NPDES) State General Permit for Storm Water Discharges Associated with Construction Activity from the State Water Resources Control Board. Evidence that the NOI has been obtained shall be submitted to the City Engineer and Building Official. In addition, the developer shall include notes on the grading plans indicating that the project will be implemented in compliance with the Statewide Permit for General Construction Activities.

69. Consultant Cost Recovery. The Developer shall, at the time of the City Permit Application, make a cash deposit with the City in the amount of $10,000 to be used to pay for the fees and expenses of City consultants as deemed necessary by the City, or in any way otherwise required to be expended by the City for professional assistance (other than City Staff). If the cash deposit has been
reduced to $5,000 or less at any time, the Director of Public Works may require the Developer to deposit additional funds to cover any further estimated fees and expenses associated with consultants retained by the City for the Developer's Project. Any unexpended amounts shall be refunded to the Developer within 120 days after the Project has an approved Final Inspection and Notice of Completion by the City.

70. City Attorney and City Engineer Cost Recovery. The Developer shall, at the time of the City Permit Application, make a cash deposit with the City in the amount of $10,000 to be used to offset time and expenses of the City Attorney and City Engineer relating to the Project. If such cash deposit has been reduced to $5,000 or less at any time, the Director of Public Works may require the Developer to deposit additional funds to cover any further estimated additional City Attorney and City Engineer time and expenses. Any unused amounts shall be refunded to the Developer within 120 days after the Project has an approved Final Inspection and Notice of Completion by the City.

71. California's Water Efficient Landscape Ordinance: The Developer shall comply with the requirements of California’s Model Water Efficient Landscape Ordinance that went into effect January 1, 2010. Landscape & Irrigation plans shall be submitted for review and approval prior to issuance of a grading permit.

- The Developer shall submit a copy of the Water Efficient Landscape Worksheet to the City prior to issuance of a grading permit.
- After completion of work, the Developer shall submit to the City a Certificate of Completion, including an irrigation schedule, an irrigation maintenance schedule, and an irrigation audit report. The City may approve or deny the Certificate of Completion.

72. ALTA Survey. Prior to issuance of building permits dedication by City, Developer shall have prepared and submitted for review and approval by the Public Works Director and City Engineer an ALTA Survey for the Park Site.

73. Prior to issuance of any permits, the Applicant must submit an Agreement and Faithful Performance and Labor and Materials Bonds (or other surety type acceptable to the City) in the amount approved by the City Engineer guaranteeing the installation of park improvements.

74. Parks, Recreation and Open Space. The Land Use Plan includes development of a total of 210.3 acres of neighborhood parks, paseos, and open space as
depicted in Table 2-1 and described in Section 3 Design Guidelines, and 4.7 and 4.8 of the approved Rancho San Gorgonio Specific Plan. All dedications and improvements shall be in accordance with the Development Agreement except as specifically provided herein.

75. **Parks Completion and Use by the Public.**

a. Prior to the construction of any parks, the Developer shall meet with both the Director and the Director of Parks and Recreation to review the provisions set forth in the Specific Plan outlining the facilities to be provided at each park and discuss the Developer's plans for near-term construction of the parks. Prior to development of each park, a detailed site plan consistent with the Specific Plan shall be prepared by the Developer and approved by the Director and the Parks and Recreation Commissions. The Developer shall complete the construction of the neighborhood parks as follows: PA-13 shall be completed prior to the issuance of the final certificate of occupancy for Phase 1. PA's 14C and 14D shall be completed prior to the issuance of the final certificate of occupancy for Phase 1. PA-11 shall be completed prior to the issuance of the final certificate of occupancy for Phase 2. PA-14B shall be completed prior to the issuance of the final certificate of occupancy for Phase 2. PA-12 shall be completed prior to the issuance of the final certificate of occupancy for Phase 3. PA-15B shall be completed prior to the issuance of the final certificate of occupancy for Phase 3. PA-10 shall be completed prior to the issuance of the final certificate of occupancy for Phase 4. PA-14A shall be completed prior to the issuance of the final certificate of occupancy for Phase 4. PA-15A shall be completed prior to the issuance of the final certificate of occupancy for Phase 4. Upon completion of each neighborhood park, the City shall after the 90-180 day—one—year maintenance period has expired, within 10 working days, develop final punch lists of items to be corrected prior to acceptance by the City. Upon correction of final punch list items by the Developer, the City shall accept the park within 30 days of the date of the final inspection.

76. **Alternative Use of the School Sites.** If the school site(s) is not needed, then any alternative use(s) of the site(s) shall be subject to the City discretionary
Design Review process as provided for in the Specific Plan and the City’s Zoning Ordinance.

77. All parks plans shall be reviewed by the City Engineer and the Director of Parks and Recreation.

78. **One Year Maintenance of Parks and Open Space.** The Developer shall maintain all parks, parkways, medians, berms, lakes, drainage facilities not accepted by Riverside County Flood Control District and irrigation systems within streets or otherwise annexed into the Maintenance Districts, excluding facilities maintained by the Homeowners Association (HOA), for a period of one year after construction until accepted by the receiving agency. All facilities shall be operable and in good working order and any dead or dying landscaping shall be replaced with like materials. If these conditions are not met, or if landscaping has not been in a consistently healthy condition, the one year period can be extended. The Developer shall pay 180 days one-year cash deposit or post a bond in an amount equal to one year’s maintenance plus City administrative costs (value to be determined prior to recordation of each final map) to ensure maintenance for one year, and shall securitize the obligation in a form approved by the City Attorney. After one year, these operations shall be accepted by the appropriate Maintenance District. That maintenance district will then maintain the facilities to the same level as required by Owner during the maintenance period.

79. **Confluence Park Planning Area 11.** The Developer, owner, or successor in interest shall develop amenities around the basin for recreational purposes as described in the Specific Plan and approved as noted in conditions. Maintenance of the amenities shall be provided by the Community Facilities District (CFD) or Landscape Maintenance District (LMD).

80. **Installation of Plant Material.** Landscaping and permanent irrigation facilities shall be installed with street improvements including landscaped medians on Rancho San Gorgonio Parkway, “C” Street, and Sunset Avenue in accordance with the approved Rancho San Gorgonio Specific Plan as they pertain to plant and irrigation standards. The Developer shall have appropriate right-of-way improvements, landscaping, street lighting and irrigation installed and in good working order prior to final release of occupancy of the homes within the phase adjacent to the improvements.

81. **Content of Plans.** Landscape Improvement plans shall conform to the concepts, features, and standards established in the approved Rancho San Gorgonio Specific Plan and the conditions enumerated herein, and shall be prepared by a licensed landscaped architect.
82. **Security Camera.** For security reasons, the Developer, property owner or successor in interest shall provide a security camera at the City's discretion in selected neighborhood and/or community parks where restroom facilities and other structures are provided. Specifications of the security camera shall be subject to review and approval of the Police Department. The cameras, once installed, will be maintained and operated by the City of Banning Police Department. Developer shall convey the equipment to City with all warranties therein.

**SITE AND ARCHITECTURAL DESIGN**

83. **Architectural Styles.** The architectural styles for the Project shall be consistent with the conceptual architectural design as approved in the Rancho San Gorgonio Specific Plan.

84. **Community Entry Monument Program and Project/Tract Identification.** Consistent with the Rancho San Gorgonio Specific Plan, community entry statements, including theme walls, monumentation, and enhanced landscaping at each entrance to the Project shall be consistent with the locations as approved in the Rancho San Gorgonio Specific Plan. Theme walls and monuments shall not occur within the public right-of-way. All entry monumentation programs shall be submitted for review and approval by the Community Development Department and shall be in substantial conformance with the approved Rancho San Gorgonio Specific Plan. Construction of the monumentation shall occur based on phasing and shall be completed and open prior to final occupancy of the first home in each phase.

85. **Unit/Building Identification.** Each building and unit in the Project shall include a lighted address fixture. This fixture shall allow for replacement of the bulbs, and shall be reviewed and approved by the Community Development Department, the Fire Department, and the Police Department.

86. **Phasing.** Any Phasing Plan shall be reviewed and approved by the Community Development Department and Public Works Department. Each Phase of the Project shall provide adequate drainage, domestic water, and at least two points of access to all lots. A phasing plan shall be submitted with the Design Review application. The phasing plan shall be in accordance with the Master Phasing Plan in the Development Agreement and shall include the installation of any necessary backbone infrastructure.

87. **Satellite Waste Water Treatment Facility.** The architecture of the building for the satellite wastewater treatment facility, if the construction of such a facility is requested by City, shall be designed to be compatible with the architecture of residential homes and the surrounding environment. The facility shall be
constructed on a site approved by the Director of Public Works and dedicated to
City, in accordance with the terms of the Development Agreement. If built off
site, Developer will pay its fair share fees for such development in accordance
with an approved fair share agreement. Plans for construction shall be prepared
by appropriately certified architects and engineers and approved by the Director
of Public Works.

88. **Mechanical Equipment.** All mechanical equipment, including air conditioning
units, pool equipment, etc., shall be screened from the public right-of-way by a
view obscuring fence, wall, or landscaping to the satisfaction of the Community
Development Department.

89. **Spark Arresters.** All spark arresters in the proposed tract shall be screened by
enhanced architectural enclosures or other material acceptable to the Building
Official and Planning Division and painted according to the approved paint
palette.

90. **Decorative Paving within Streets at the Primary and Secondary Entries.**
Decorative paving could be provided within the right-of-way at sufficient distance
at the primary and secondary entries. The type of enhancement could include
stamped asphalt or other similar applications.

91. **Street Paving.** Public streets in each tract, planning area, or phase of
development shall be paved and accessible prior to the issuance of building
permits for the first production unit.

92. **Lighting for the Garages and Porches.** Light fixtures for the garage exteriors
and porches shall be provided with decorative light fixtures.

93. **Trash Enclosures for Commercial and Multi-Family Residential
Development.** Trash enclosures for the commercial development and multi-
family residential development shall be provided with a walk-in enclosure with
decorative cap and lattice covers.

**LANDSCAPE DEVELOPMENT**

94. **Landscape Construction and Water Conservation.** All landscape architecture
documents and landscape construction shall comply with the City of Banning
Municipal Code with regard to water conservation in landscaping.

95. **Registered Landscape Architect Licensed by the State of California.** All
landscape architecture documents, used as part of the entitlement and
landscape construction process, shall be designed by a registered landscape
architect licensed by the State of California.
96. **Review and approval of Landscape Architecture Documents.** All landscape architecture documents shall be submitted to Community Development Department for review and approval.

97. **Future Changes to Approval Landscape Architecture Documents.** All future changes, to the landscape architecture documents after City approval, shall be reviewed by the City for conformance to the Specific Plan. If major changes are proposed, the Developer, owner, or successor in interest shall submit the landscape plans and shall deposit funds in the City's trust deposit account for review and approval of the plans. The determination of whether a change is major or minor shall be made by the Director.

98. **Landscape Maintenance.** The owner, Developer, or its successors agrees to maintain the landscape construction, including trails, in accordance with the following:

   a) The landscape construction shall be neat, of good quality and design, and show good horticultural practice.

   b) The landscape construction shall preserve the design intent in accordance with the approved landscape architecture documents.

   c) The landscaped areas shall have appropriate irrigation and drainage systems to assure healthy landscaping and prevent runoff and debris flows.

   d) The landscape construction shall be maintained in good 1st class condition in accordance with the approved Rancho San Gorgonio Specific Plan Landscape Maintenance Guidelines approved with the Project.

   e) The landscape maintenance shall be provided by the owner, the owner's representatives, or by the proper professionals registered with the State of California until such time that the appropriate entity accepts the areas for maintenance.

   f) Any diseased or dead landscaping shall be replaced by landscaping of similar size and in good and healthy condition.

99. **Clear Sight Triangles.** All vehicular sight line triangles shall be shown on the landscape construction planting plans.
100. **Trail Easement.** Trail easements shall be dedicated to the City of Banning, where appropriate, and shall be shown on the final map in accordance with the requirements of the City of Banning. The Developer shall provide information sufficient to confirm to the City of Banning that the trails are terminated in a safe manner at the tract boundaries. Trail crossings shall be shown on the road improvement plans and the final map, where appropriate. Unless otherwise approved by City, all trails shall be fully improved, when dedicated in accordance with Rancho San Gorgonio Specific Plan and all Project approvals. The Developer may be required to provide temporary trail connections to be replaced by permanent improvements in accordance with agreements approved by the City Attorney.

101. **Landscape Inspection.** All landscape inspections shall be requested at least 48 hours in advance.

102. **Avoidance of Trees Conflict with Light Standard and Utility Lines.** Trees shall be planted in such a way as to avoid conflict between light standards and electric utility distribution lines. Street tree size shall be a minimum 15-gallon and at least 50% of all street trees should be a minimum of 24-inch box size consistent with the provision of the Rancho San Gorgonio Specific Plan. All residential landscaping shall conform to the Rancho San Gorgonio Specific Plan. All residential lots for single-family residential development shall be provided with a minimum of one 15-gallon front yard tree, one, 15-gallon accent tree. The plant list shall be provided consistent with the Specific Plan. If there are conflicts between the landscaping requirements of the Banning Municipal Code versus the Rancho San Gorgonio Specific Plan, the requirements in the Rancho San Gorgonio Specific Plan shall prevail.

103. **Landscape Inspections.** The Project Developer shall be aware and inform the on-site project or construction manager and the landscape contractor of their responsibility to call for landscape inspections. A minimum of three (3) landscape inspections are required in the following order, and the landscape inspection card shall be signed by the City’s landscape inspector to signify approval at the following stages of landscape installation:

   a) At installation of irrigation equipment, when the trenches are still open;

   b) After soil preparation, when plant materials are positioned and ready to plant; and,

   c) At final inspection, when all plant materials are installed and the irrigation system is fully operational.
PUBLIC WORKS DEPARTMENT

104. Prior to issuance of a building permit for the first unit in Phase I, the Applicant shall prepare and the City shall approve an updated Traffic Impact Fee Study to include development densities and parameters within the Rancho San Gorgonio Specific Plan area. The applicant shall be required to pay Traffic Impact Fees as defined in said fee.

105. Plan Submittal for Public Works. The issuance of these Conditions of Approval do not negate the requirements of the Public Works Department for submittal, review, and approval of street improvement plans, signing and striping plans, grading plans, storm drain improvement plans, street lighting plans, water, sewer, and electrical improvement plans, or other plans as deemed necessary by the Public Works Director.

106. Public Works Permit. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class "A" State Contractor's License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.

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

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

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

110. Index Map. A small index map shall be included on the title sheet of each set of plans, showing the overall view of the entire work area.
111. All street improvement design shall provide pavement and lane transitions per City standards for transition to existing street sections.

112. Driveway Grades. Driveway grades shall not exceed eight percent unless approved by the City Engineer.

113. Construction Debris. Construction debris shall be disposed of at a certified recycling site. It is recommended that the Developer shall contact the City's franchised solid waste hauler for disposal of construction debris.

114. Plan Check Fees. Required plan check fees for professional report review (geotechnical, drainage, etc.), and all improvement plans review, shall be paid prior to submittal of said documents for review and approval in accordance with the fee schedule in effect at the time of submittal and in accordance with the Development Agreement.

115. Fire Marshal Approval. The Developer shall submit and obtain approval in writing from the Fire Marshall for the plans for all public or private access roads, drives, streets, and alleys. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end access exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable covenant, conditions or restrictions or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Marshall is granted. Secondary Access for certain Planning Areas, as depicted in the Specific Plan (Exhibit 3.3D; Secondary Access Drives) and reviewed and approved by Fire Marshall, shall be constructed accordingly, at the time of construction of all other improvements in the tract.

ELECTRIC UTILITY DEPARTMENT

116. Plan Submittal Requirements. Prior to the issuance of grading permit, the Developer, owner, or successor in interest shall submit detailed plans indicating lot lines, streets, easements, building layout, etc. These plans are required in electronic format AutoCAD 2010 or equivalent at the time of development.

117. Electric Utility Backbone Infrastructure. Prior to the issuance of grading permit, electric utility infrastructure backbone plans for this Project must be completed.

118. Permit Fees. Developer shall pay current required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for
completing the underground line extension in accordance with the city policies and the Development Agreement.

119. **Electricity Easements.** Developer shall dedicate all easements for electric facilities installation/maintenance, etc.

120. **Electric Utility Infrastructure.** Electric Utility Infrastructure for each Phase in accordance with the Phasing Plan in the Development Agreement. The dedication shall be in a form approved by the City Attorney. Prior to the issuance of building permit, electric utility infrastructure (conduits, vaults, etc.) must be completed as well any temporary or permanent electric infrastructure to supply power to each phase as constructed.

121. **Electric Utility Materials.** The Developer shall provide install all conduits, vaults, and other materials associated with electric facility installations (except cables and their terminations).

122. **Streetlights.** The Developer shall install, complete and test streetlight poles and conduits.

123. **Secondary Service Entrance Conductors.** Secondary service entrance conductors to be provided and installed by the Developer. The Developer shall install, complete and test secondary service entrance conductors.

124. **Completion of Electric Utility Infrastructure prior to Issuance of Certificate of Occupancy.** Prior to the issuance of certificate of occupancy, the Developer, owner, or successor in interest shall install, complete and test all electric utility infrastructure including primary and secondary cabling, transformers, etc.

125. **Cost of Electrical Line in Aid of Construction.** Prior to the issuance of certificate of occupancy, the Developer, owner, or successor in interests shall pay the required cost of electrical line extension and in aid of construction for the particular phase under construction.

126. The new area for the future Electric Utility Substation shall be increased from 114' x 104' to 114' x 130' to accommodate future right of way and setback requirements.

127. All new public distribution and transmission lines shall be placed underground throughout the Specific Plan area. All existing overhead distribution and transmission lines along Westward Street shall be relocated or placed underground to accommodate new right-of-way alignment/setback requirements.

128. All streetlight designs will require approval from City of Banning Electric Utility for
future maintenance purposes.

POLICE DEPARTMENT

129. The Developer shall provide a 110 outlet at the top of any light post in the designated parks for future camera placements.

130. The Developer shall ensure any water and power outlets in the parks are securable so they cannot be used after hours.

131. The Developer shall ensure the foliage in the parks and pathways does not create unsafe blind spots that cannot be seen from the street and/or parking lots and trail systems by patrolling officers.

FIRE DEPARTMENT

132. Prior to the City's issuance of the 200th building permit, Developer will submit to City applications for all entitlements necessary for the construction of the San Gorgonio Station (i.e., zoning changes, plot planning, CEQA study, etc.) and thereafter shall diligently process such applications.

133. Prior to the City's issuance of the 500th building permit, Developer will retain duly licensed and authorized design and engineering consultants for the designing and planning of the Station and complete the design of the Station totaling between 7,000 to 8,000 square feet consisting of two (2) or three (3) apparatus bays, five (5) bedrooms to accommodate a staff of ten (10) personnel, and four (4) restrooms. The design of the San Gorgonio Station shall be in accordance with fire guidelines. Further, Developer will purchase one fire engine that meets the RCFD specifications. The proposed fire station will be in accordance with the Riverside County Fire Department Design Standards. Developer shall identify an alternative funding mechanism for the completion of the fire station that parallels the project phasing.

134. Prior to the County's issuance of the 800th building permit for the Project, and subject to the approval by the RCFD Manager or his designee (the "Strategic Planning Bureau") of the final plans and specifications for the San Gorgonio Station (collectively the "Improvement Plans") and an estimate of the total costs to construct the San Gorgonio Station, the Developer and City shall execute the Construction Agreement and Developer shall proceed to solicit bids for the
construction of the San Gorgonio Station and award and administer the contract(s) for such construction.

135. Prior to the 1000th building permit, Developer shall commence construction of the San Gorgonio Station in accordance with the Improvement Plans and the Construction Agreement.

136. Prior to the 1500th building permit, Developer shall complete construction of the San Gorgonio Station in accordance with the Improvement Plans and the Construction Agreement.

137. The Developer shall provide traffic control signal light adjacent to the fire station along the arterial roadway.

138. The Fire department shall concurrently review proposed roundabouts with the city traffic engineer.

The following are the minimum Banning Fire Marshal’s office requirements. These requirements will satisfy for the Club House, Commercial Occupancies, and Park Buildings for this Project. There may be additional requirements when the Project specifics are defined and the final proposal is submitted for approval.

139. Any fees will be set pursuant to the Development Agreement. The current fee schedules at this time are as follows:

   Commercial, Industrial and/or Office Complex –
       $579.00 for 50,000 square feet or less
       $25.00 per unit Disaster Planning
   Plan Check and Inspection - $134.00 per hour

140. All contractors, subcontractors etc. are required to obtain a City of Banning Business license prior to submitting plans or starting construction.

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

142. Three (3) sets of Plans and Specifications shall be submitted for review prior to obtaining a permit. This requirement applies to all work regardless of the size of the job; new construction or remodel.
143. Fire Sprinkler Systems shall be installed as required by the CFC or in any and all structures that are thirty six hundred (3,600) sq. ft. or more, or if the applicable codes require a more restrictive system.

144. With the adoption of the 2010 codes, all residential homes shall be protected with fire sprinkler systems. Three (3) sets of plans and calculations, including three (3) sets of manufacturer's hardware specifications, shall be submitted to a State Certified Fire Protection Engineering Firm, designated by the Fire Marshal, for review for compliance with recognized codes and standards.

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

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

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

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

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

150. All hydrants must be installed, working and inspected by the Public Works Department and the Banning Fire Marshal's office before any combustible materials can be placed at the worksite.

151. Spacing of fire hydrants shall comply with CFC Appendix C and the City of Banning Public Works Standards. (Maximum 250 feet between hydrants).

152. Minimum 6-inch riser, street valve, approved shear valve and blue dot identification marker shall be provided for each fire hydrant. The City standard fire hydrant is the Commercial, James Jones #J3765, Residential, James Jones #J3700, or an equivalent approved by the Fire Marshal.

153. Fire Hydrants are to be painted by the Developer, contractor, etc., prior to the final inspection. (EOS Standard W714) Rustoleum Red, damp proof #769 and two (2) coats of Rustoleum semi-gloss yellow #659, or an approved equivalent.
154. Fire flow shall be established by the Fire Department using the information provided in the CFC Appendix B. Fire Flow may be adjusted upward where conditions indicate an unusual susceptibility to fire. (1000 gallons/minute for 2 hours).

155. Fire department access shall be required when any portion of the first story of any structure is more than 150 feet from Fire Department apparatus access.

156. Minimum clearances or widths may be increased when the minimum standards are not adequate for Fire Department access.

157. Surfaces shall be designed and maintained to support the imposed loads of fire apparatus (75,000gvw). Surfaces shall have all-weather driving capabilities, including bridges. All roads must be place and meet the above standard before any combustible materials can be delivered to the site.

158. Minimum unobstructed width shall be 20 feet.

159. Minimum unobstructed vertical clearance shall not be less than 13 feet 6 inches.

160. Minimum turning radius shall be 42 feet.

161. All dead-end access roads in excess of 150 feet shall have approved provisions for turning around of fire apparatus.

162. Maximum grade shall be established by the Banning Fire Marshal’s office.

163. Vehicles shall not be parked or otherwise obstruct the required width of any fire apparatus access.

164. Two means of ingress/egress shall be provided for emergency vehicles and fire apparatus. Surfaces shall have all-weather driving capabilities, including bridges. All roads must be place and meet the above standard before any combustible materials can be delivered to the site, and approved by the Banning Fire Marshal’s office. See Secondary Access Plans as depicted Exhibit 3.3D, Secondary Access Drives, in the approved Rancho San Gorgonio Specific Plan.

165. A “Knox” box will be required for fire department access and location approved by the Banning Fire Marshal’s office.

166. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.
167. Inspections shall be requested a minimum of forty-eight (48) hours prior to the time the required inspection is needed.

168. Developer shall pay the inspection fees that are effective at that time. Work begun without a permit or without an approved set of plans at the job site will result in a triple fee and/or the work stopped.

169. The storage, dispensing, use or handling of hazardous materials shall be in accordance with the provisions of CFC Chapter 27 and CBC in addition to all federal, state and local laws or ordinances.

170. Business Plans may be required per SB 2186 and 2187 including MSDS, HMMP and RMPP.

171. If there are no existing fire hydrants within 150 feet of the proposed building, then there will be a requirement for the installation of two commercial grade hydrants as described above. If a hydrant then only one additional hydrant will be required.

172. A fire alarm system, designed to NFPA 72 standards, will be required.

**PUBLIC WORKS DEPARTMENT**

**General Requirements**

173. The subject property shall substantially conform to the approved tentative map and specific plan. The City Engineer may approve minor design modifications to the project plans during the plan check process, if such modifications conform to the provisions of the Banning Municipal Code. Substantial changes shall not be permitted except upon application for, and approval of modification of this entitlement in compliance with all applicable procedures and requirements.

174. Termination of approval of the Tentative “A” Tract Map shall occur under the terms of the Development Agreement.

175. All Ordinances, Policy Resolutions, and Standards of the City in effect at the time this project is approved shall be complied with as a condition of this approval.

176. All applicable mitigation measures specified in the approved Environmental Impact Report (EIR) and the approved Traffic Impact Analysis (TIA) shall be incorporated as conditions of approval for this project and shall be addressed to the satisfaction of the Public Works Director and City Engineer.
177. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class "A" State Contractor’s License, City of Banning Business License, and Liability Insurance.

178. Prior to the issuance of any grading, construction, or public works permit by the City, the Applicant shall obtain any necessary clearances and/or permits from the following agencies. Permits will not be unreasonably withheld if the developer has met all typical standards for a permit and satisfied all relevant conditions of approval and items in the development agreement for the appropriate permit.

- City of Banning Fire Marshal
- City of Banning Police Department
- City of Banning Public Works Department
- City of Banning Community Development Department
- City of Banning Water/Wastewater Department
- City of Banning Electric Department
- Riverside County Transportation Department
- Riverside County Flood Control & Water Conservation District (RCFC&WCD)
- Riverside County Environmental Health Department
- California Department of Transportation (Caltrans)
- California Regional Water Quality Control Board Colorado River Basin (RWQCB)
  - Provide copy of Section 401 water quality certification.
- South Coast Air Quality Management District (SCAQMD)
- United States Army Corps of Engineers (USACE)
  - Provide copy of executed Section 404 permit.
- California Department of Fish and Game (DFG)
  - Provide copy of executed Streambed Alteration Agreement.
- US Fish and Wildlife Services

179. The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City. The applicant shall comply with all conditions and mitigation measures and submit copies of all correspondence with the agencies to the Engineering Division.

180. Prior to recordation of each phase of the final "A" map, the following improvement plans shall be prepared by a qualified civil engineer or architect licensed by the State of California as allowed and submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized by the City Engineer in writing, the
plans shall utilize the minimum scale specified and shall be drawn on 24” x 36” Mylar on City standard title block. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility surveyors).

a) Grading Plans 1” = 40’ Horizontal
b) Clearing Plans 1” = 50’ Horizontal
   Include fuel modifications zones
   Include construction fencing plan
c) Construction Haul Route Plans 1” = 50’ Horizontal
d) Erosion Control, SWPPP & WQMP 1” = 40’ Horizontal
   (Note: A, B, C, D & E shall be processed concurrently.)
e) Storm Drain Plan 1” = 40’ Horizontal
f) Street Improvement Plans 1” = 40’ Horizontal
   1” = 4’ Vertical
g) Signing & Striping Plans 1” = 40’ Horizontal
h) Traffic Signal Plans 1” = 20’ Horizontal
i) Construction Traffic Control Plans 1” = 40’ Horizontal
j) Sewer Improvement Plans 1” = 40’ Horizontal
   1” = 4’ Vertical
k) Recycled Water Improvement Plans 1” = 40’ Horizontal
   1” = 4’ Vertical
l) Water Improvement Plans 1” = 40’ Horizontal
   1” = 4’ Vertical
m) Landscaping Plans for Streets and Parks 1”=20’ Horizontal
n) On-site Utility Plans
   1”=40’

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

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

183. A small index map shall be included on the title sheet of each set of plans, showing the overall view of the entire work area. All plans shall be complete to
the satisfaction of the City Engineer, prior to final map recordation and determination of surely estimates.

184. Prior to release of surety and upon completion of construction, the applicant shall furnish the City with reproducible record drawings on Mylar of all improvement plans that were approved by the City Engineer. Each sheet shall be clearly marked "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files submitted to the City, revised to reflect the "As-Built" conditions.

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

186. Prior to recordation of phase 2 of the final "A" map, the unincorporated portions of the site which include 161 acres in the City's sphere of influence, must be formally annexed into the City. The Applicant shall submit proof to the City Engineer that the annexation has been processed and approved by LAFCO. No work within the unincorporated area may commence until annexation has been completed.

187. Prior to recordation of any final map, the applicant shall either demonstrate that the CFD has already been created or that a CFD application has been submitted and accepted as complete by the City of Banning Financial Services Division and shall include all maps, related Engineers report, and the required information (CFD boundary maintenance areas by location and type, etc.) to the satisfaction of the City Engineer.

188. A Landscape, Lighting and Maintenance District (LLMD) or other approved mechanism shall be established promptly following grading permit issuance and prior to recordation of the first phase of the final "A" map. The LLMD shall provide for maintenance of the public parkways and median island landscaping, slopes adjacent to public right-of-ways, debris basins, detention and retention basins, public parks, linear parks and trails along the creeks, open space areas, BMP's referenced in the approved WQMP, and other items as required by the City Engineer.

189. In the event that the Applicant creates a Homeowners' Association (HOA), the Covenants, Conditions, and Restrictions (CC&Rs) and Articles of Incorporation of
the Homeowners' Association are subject to the approval of the Planning and Engineering Divisions and the City Attorney. They shall be recorded concurrently with the associated Final Map. A recorded copy shall be provided to the City Engineer. The Homeowners' Association shall submit to the Planning Division a list of the name and address of their officers on or before January 1 of each and every year and whenever said information changes.

190. The conditions, covenants and restrictions shall contain provisions which prohibit dissolution of the Homeowners' Association unless another entity has agreed to assume the operation and maintenance responsibilities of the Homeowners' Association. The conditions, covenants and restrictions shall contain provisions that prohibit the Applicant and his/her successors-in-interest from amending said covenants, conditions and restrictions to conflict with these conditions of approval unless the subject property is reverted to acreage and the subdivision abandoned.

191. If the elementary school site is approved for Planning Area 16-C as provided for in the Rancho San Gorgonio Specific Plan, the Applicant will be required to provide a mass graded pad, street access and utility connection stubs for the school site.

Rights of Way, Easements and Dedications

192. Prior to issuance of any permit(s), the applicant shall, in good faith, put forth his best efforts to acquire or confer property rights necessary for the construction and proper functioning of the proposed project/development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for public access, emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements as directed by the City Engineer. All costs associated with acquiring rights-of-way or easements shall be paid by the Applicant. In the event that the applicant is unsuccessful in acquiring said property rights, the City will consider and possibly act on the option to acquire through eminent domain.

193. Prior to recordation of any final map; to determine intersection right of way dedication and ultimate street improvement locations, applicant shall prepare an alignment study of all roadway intersections of collector and above to the satisfaction of the City Engineer. The approved alignment study, in the form of a 1" = 40' scale striping plan, will establish interim and ultimate alignments for all applicable roadways. The approved alignment study shall consider the design requirements for all project mitigation identified in the Traffic Impact Analysis to include lane geometry and capacities, any new traffic signal locations or relocations, roundabouts, striping transitions, bus bay locations (if any), driveway locations and future medians.
194. During the improvement plan checking process, turning radius template checks shall be submitted for access to all storm drain facilities, open space, and other utility easements that are accessed from a publicly accessible paved street. These templates shall clearly show that the easements are sufficient for full access under emergency conditions. The City of Banning's review of the easements shall include appropriateness of the vehicle turning radius, easement slopes and easement widths. Additional easement widths shall be required when the design vehicle is likely to use outriggers or other means of load stabilization.

195. Prior to recordation of each phase of the final "A" map, the Applicant shall dedicate Public Street, Parkway and Utility Easements associated with that phase of the map and in accordance with the Approved Traffic Impact Analysis, further referenced in the Circulation Element of the adopted San Gorgonio Specific Plan, and as shown on the Tentative Tract Map to the satisfaction of the City Engineer. Additional right of way (ROW) shall be acquired and/or dedicated for the following streets which require street alignment and intersection geometry to be submitted to the City Engineer for review and approval prior to map approval:

   a) Sunset Avenue – Sufficient right of way to accommodate its ultimate half street width on the east side plus an additional 10 foot dedication west of the centerline to allow for two way traffic. (44’ half street plus 10’) from the south end of the MSJCC property to Bobcat Road. This dedication is associated with Phase 5.

   b) 8th Street – Sufficient right of way to accommodate its ultimate full width street section (60’ feet) from Westward Avenue to Lincoln Street. Refer to Condition 46 192 regarding acquisition of Right of Way. This dedication is associated with Phase 1.

   c) 22nd Street - Sufficient right of way to accommodate its ultimate full width street section (66 feet) from Westward Avenue to Dysart Park located just south of Victory Avenue. Refer to Condition 46 192 regarding acquisition of Right of Way. This dedication is associated with Phase 2.

   d) Victory Avenue – A City owned public park fronts the south side of Victory Avenue between 22nd Avenue and Lovell Street. Applicant shall work with City to ensure sufficient right of way is allocated to accommodate the ultimate half street width on the south side of Victory plus an additional 10 foot dedication north of centerline to allow for two way traffic from 22nd Avenue to Lovell Street. This condition is associated with Phase 4.

   e) Bob Cat Road, Turtle Dove Lane, Lovell Street, Old Idyllwild Rd and Coyote Trail – Sufficient right of way to accommodate their ultimate
half street width along the property frontage. City Engineer may require additional ROW dedication beyond the half street centerline as deemed necessary to allow for two way traffic. Ultimate right of way widths shall be determined by the City Engineer. Any excess right of way that currently exists beyond the ultimate half street width shall be vacated.

196. Prior to map recordation of each phase of the map, applicant shall dedicate right-of-way beyond either the phased construction and/or tract boundary required to provide utility service, public and/or emergency vehicular ingress and egress access to the nearest paved and publically maintained street as follows:

- A minimum width of 36 feet for a paved public access (Primary, Secondary, Tertiary etc).
- A minimum width of 20 feet for a paved or all weather emergency access.

197. The applicant shall be responsible for right-of-way acquisition, design and construction for the offsite portions of “C” Street from the project boundary to SR-243. Said right-of-way acquisition and improvements shall be completed prior to recordation of the first phase of the final “A” map. “C” Street shall intersect SR-243 at a right angle. Off-Site Cross-Section shall match On-Site Cross Section in this segment. Street alignment and geometry require approval by the City Engineer. City and Applicant acknowledge that a portion of the property needed to secure road access alignment is on private property and not owned or controlled by Applicant. Applicant shall make in good faith and put forth his best efforts to secure said right-of-way; however, in the event that Applicant is unsuccessful, City may elect to acquire required right of way through its power of eminent domain. Applicant shall pay all costs related to right-of-way acquisition, design and construction of these offsite improvements.

198. Any public right-of-way or streets to be vacated from public use, pursuant to Street and Highway Codes Sections 8300 through 8363, shall conform to the complete vacation procedure and show specific circulation alternative, where required. All street vacations shall be shown on the final tract map.

199. Prior to or concurrently with the recordation of the first phase of the final “A” map, Old Idylwild Road from SR-243 to the intersection of “C” Street shall be vacated as required by the City Engineer.

200. The Applicant shall grant slope easements to the City of Banning for road maintenance purposes for all locations where slopes adjoin the public right-of-ways as shown on the final “A” tract map. The easements shall extend 10 feet from the toe of slope and 5 feet from the top of slope. All private slopes shall be maintained by the Homeowners’ Association or other approved mechanism.
201. The applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the City of Banning or the Riverside County Flood Control and Water Conservation District unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFC&WCD. Prior to granting any of said easements, the Applicant shall furnish a copy of the proposed easement to the City Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the City Engineer prior to the issuance of any certificate of use and/or occupancy.

202. All public facilities including sewer, water, reclaimed water and drainage shall be located in a public right of way or public utility easement. All final maps shall include appropriate easements per the approved tentative map and as required by the City Engineer and/or RCFC&WCD. All easements shall meet minimum width and access requirements as mandated by the City or governing agency.

203. Montgomery Creek will be captured at Westward Avenue and conveyed through the project in an underground storm drain system. If it is determined by the City Engineer that off-site improvements will be necessary on the north side of Westward Avenue to accommodate the collection of natural flows into the pipe system, the Applicant shall be required to make every effort to obtain the necessary right-of-way, temporary and permanent easements required for the facilities. All costs associated with these improvements and right-of-way and/or easement acquisitions shall be the responsibility of the Applicant. Interception of these flows on the south side of Westward may be considered.

Street and Traffic

204. All public improvements shall be financed, designed, and constructed by the Applicant. This may include the formation of a regional financial mechanism for the construction of required improvements. Additionally, the Applicant may enter into a reimbursement agreement for those improvements constructed that may provide benefit outside the development in accordance with Banning Municipal Code. Prior to recordation of the first phase of the final “A” map, the Applicant shall prepare and submit for approval by City, a fair share cost analysis for the project’s offsite traffic improvements.

205. Prior to recordation of each phase of the final “A” map, the applicant shall provide estimates to construct, improve, or finance the proposed public improvements to the City Engineer for review and approval. The estimate shall differentiate between public improvements within the property boundaries of the tentative map, improvements outside the project boundaries and public improvements which abut the boundary of the property to be subdivided.
206. All street improvement design, not specifically addressed by City of Banning approved engineering standards and specifications, shall be per Caltrans Standards or the latest edition of the Standard Plans for Public Works Construction and/or approved Specific Plan.

207. Prior to recordation of any phase of the final “A” map, the Applicant shall provide evidence that all mitigation measures identified for that phase from the approved Traffic Impact Analysis (TIA) have been designed and approve by the City Engineer.

208. Prior to recordation of each phase of the Final “A” Map or any subsequent development final maps, all associated improvement plans shall be submitted for review and approval by the City Engineer and Public Works Director and shall include all mitigation measures/recommendations resulting from the final approved Traffic Impact Analysis (TIA). Street improvements shall include but not be limited to the following: construction of roadway grading and paving as required, curb and gutter, the installation of sidewalk, multi-purposes trails, parkway trees, parkway landscaping, street lights, all roadway striping, pavement markings, traffic signing, traffic signals and other improvements to the satisfaction of the City Engineer.

209. Prior to recordation of the appropriate phase of the final “A” map, full width street improvement plans shall be submitted for review and approval by the City Engineer for the following streets. Street alignment and intersection geometry to be submitted to the City Engineer for review and approval prior to final map approval.

   a) 22nd Street from Westward Avenue to Dysart Park (just south of Victory Avenue) in accordance with the Specific Plan designation for this section of Rancho San Gorgonio Parkway and as adjusted to accommodate existing conditions at the intersection of Westward Avenue and 22nd Street to the Satisfation of the City Engineer. Said improvements shall be completed prior to the first occupancy release in Phase 2.

   b) 8th Street from Lincoln Street to Westward Avenue in accordance with the Secondary Highway Section shown on Figure 8 of the City of Banning General Plan Roadway Cross-Sections. Said improvements shall be completed prior to the first occupancy release in Phase 1.

210. Prior to recordation of each phase of the final “A” map, street improvements shall be required and associated plans shall be submitted for review and approval by the City Engineer for half street improvements plus additional improvements as deemed necessary by the City Engineer to allow for two way traffic. Ultimate
street section widths shall be determined by the City Engineer. This condition applies to the following streets:

a) Sunset Avenue: Minimum east side plus 10' from existing improvements adjacent to the college property to Bob Cat Road. Improvements to be completed prior to the first occupancy release in Phase 5.

b) As required by the City Engineer, Old Idyllwild Road from Coyote Trail to the southeast corner of Lot 36 (PA 3-D). Improvements to be completed prior to the first occupancy release in Phase 6.

c) Old Idyllwild Road from the intersection of “C” St. to the southeast corner of Lot 36 (PA 3-D). The applicant will be required to resurface but not widen the existing bridge that crosses the creek south of “C” Street. Said improvements to be completed prior to the last occupancy release in Phase 1. Access to Old Idyllwild Road from Lot 36 (PA 3-D) shall be gated and for emergency vehicles only.

d) Bob Cat Road along the project boundary (improvements to be completed prior to the first occupancy release phase 5)

e) Turtle Dove Lane along the project boundary. Improvements to be completed prior to the first occupancy release in Phase 5.

f) Lovell Street along the project boundary. Improvements to be completed prior to the first occupancy release in Phase 4.

g) As required by the City Engineer, Coyote Trail along the project boundary. Improvements to be completed prior to the first occupancy release in Phase 5.

h) Victory Avenue: Minimum south side plus 10' between 22nd Street and Lovell Street. Improvements to be completed prior to the first occupancy release in Phase 4.

211. In addition to the above improvements, all remaining existing pavement beyond the improvement requirements for each street shall be cold planed 1 ½ inch and overlayed with a minimum of 1 ½ inch A.C. pavement or as otherwise specified by the City Engineer. All above improvements shall be constructed and accepted by the City prior to issuance of the first occupancy release for the associated phase.

212. Prior to recordation of Phase 6 of the final “A” map, bridge/street improvement plans shall be submitted for review and approval by the City Engineer to extend “B” Street southerly from “C” Street across Smith Creek to Lot 36. These
improvements shall be constructed and accepted by the City prior to issuance of the first occupancy release for phase 6.

213. Prior to recordation of the first phase of the final "A" map, full width street improvement plans shall be submitted for review and approval by the City Engineer for construction of Westward Avenue from the east edge of the MSJCC property to San Gorgonio Avenue. Improvements shall include full street width improvements including but not be limited to construction of roadway grading and paving, curb and gutter, the installation of ROW adjacent sidewalk, parkway trees, parkway landscaping, street lights, all roadway striping, pavement markings, traffic signing, traffic signals, and other improvements to the satisfaction of the City Engineer in accordance with Collector Highway (66-foot ROW) shown on Figure 8 of the City of Banning General Plan Roadway Cross-Sections. Parkway improvements including landscaping and sidewalk will not be required along sections of Westward Avenue that are not adjacent to the project boundary. Street lights shall be installed on both sides of the street for the entire length. Improvements from the 8th Street intersection easterly to the High School shall be completed prior to the first certificate of occupancy in Phase 1. The remaining Westward Avenue improvements shall be completed prior to issuance of the 200th certificate of occupancy in Phase 1. Street alignment and intersection geometry to be submitted to the City Engineer for review and approval prior to final map approval.

214. Prior to recordation of each phase of the final "A" map, all traffic improvements not located within the City of Banning's jurisdiction will require written evidence of plan approval, permits and bonding from appropriate agencies. Plans shall include all required mitigations/public improvements identified in the approved Traffic Impact Analysis Table 33 and the approved Environmental Impact Report. Such improvements include but are not limited to traffic signals and intersection improvements in the City of Beaumont and improvements to State Highway 243 (San Gorgonio Avenue) and other intersections and lane improvements to facilities owned by Caltrans.

215. Timing goals for completion of proposed improvements to SR-243 (San Gorgonio Avenue) should take into account the lengthy Caltrans Streamline Oversight Review process and separate CEQA environmental approval process that may be required for this project. All construction within the Caltrans right of way will require a Caltrans Encroachment Permit and plans shall be in compliance with all current Caltrans design standards, applicable policies and construction practices.

216. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California.

217. In accordance with the California Building Code, Title 24, and the requirements of the Americans with Disabilities Act (ADA), facilities for disabled persons shall be
constructed and existing facilities adjacent to the project limits shall be reconstructed in locations specified by the City Engineer (i.e., accessible paths of travel, curb ramps, etc.).

218. Prior to construction of any improvements, a Traffic Control Plan based on the Work Area Traffic Control Handbook shall be submitted, for review and approval by the City Engineer. The Traffic Control Plan shall be prepared by a California Registered Traffic Engineer or Civil Engineer experienced in this type of plan preparation. Traffic control shall be included as a line item in the Engineer's Estimate for bonding purposes. No construction shall be allowed prior to the approval of this plan.

219. Prior to recordation of each phase of the final "A" map, a line item shall be included in the Engineer's Estimate for the personnel needed for twenty-four hours a day, seven days per week for tending and maintaining all construction signage and safety apparatus. To the best extent possible, a person should be available twenty-four hours a day and seven days a week. The police department and fire department shall have access to the phone number. If there is a public concern, any person can contact the police/fire department who will be able to get a hold of the personnel. The personnel shall be available as on-call and the telephone number for the on-call person shall be publicly available at the Banning Police and Fire Departments. This condition applies to Tentative Tract Map 36586 and all subsequent tracts and phases related to Tentative Tract Map 36586. The City of Banning's construction inspectors shall have the authority to stop the work in progress until the safety signage/lighting has been restored to a condition acceptable to said inspector.

220. Prior to laying of the aggregate base layer for any new streets, all landscaping irrigation services (or sleeves to accommodate said services) shall be installed. Street cut permits may be denied and alternate methods may be required for any construction within a street that was accepted by the City within the prior five years.

221. Prior to recordation of each phase of the final "A" map, signing and striping plans shall approved by the Public Works Department. Prior to release of bonds, the Applicant shall install all street name signs, striping, and related signage as shown on the approved plans to the satisfaction of the City Engineer and Public Works Director.

222. Prior to bond release, the applicant shall make pavement repairs necessary to mitigate the impacts of project construction traffic on all affected existing streets. Prior to map recordation or issuance of permits, the applicant shall post a bond with the City of Banning to guarantee the repair of the roads.

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

224. Street pavement design shall take into account the subgrade soil strength, the projected traffic loading, and have a design life of 20 years.

225. Traffic improvements for the final "A" map shall adhere to the phasing criteria shown in the approved Traffic Impact Analysis and Environmental Impact Report. Prior to map recordation for any subsequent development phases, detailed phasing plans shall be submitted for review and approval by the Public Works Director, Community Development Director and City Engineer. Each phasing plan shall identify construction access, public access and emergency access routes. The City Engineer reserves the right to modify any phasing plan.

226. Prior to issuance of a Certificate of Occupancy for any tract or development phase, all onsite and offsite mitigation measures/public improvements identified in the approved Traffic Impact Analysis, approved Environmental Impact Report, the approved Specific Plan, these conditions of approval and related engineering studies and reports shall be completed in place, tested, and approved by the Engineering Division for each tract or development phase.

227. Prior to recordation of tract "B" maps, Focused Traffic Impact Analysis Reports may be required, at the discretion of the City Engineer, for each Planning Area with project application process. These reports shall not limit or eliminate Specific Plan mitigations identified but instead address additional mitigation as required.

228. Prior to map recordation for the final "A" Map or any individual phase tract map, the Developer shall provide horizontal and vertical site distance calculations for review and approval by the City Engineer. Safe horizontal traffic sight distances and vertical curve sight distances shall be maintained regardless of street intersection angles, street grades, landscaping, or the lot configuration shown on the approved tentative tract map, as follows:

   a) All vertical curve sight line design shall be per the Caltrans Design Manual (Figures 201-latest, Topic 405-latest, et al). The vertical curve design speed along with the requisite vertical curve geometric data shall be shown on the improvement-drawing sheet where the curve occurs.

   b) All horizontal curve sight line design shall be per Riverside County Standards (Plates 114, 821, et al). Horizontal curve design speeds along with the related geometric data shall be tabulated on the improvement drawing sheets where the curves occur.

   c) Horizontal and vertical sight distances shall be maintained even if such compliance results in reconfigured lots and/or a reduction in the lot
count shown on the approved tentative map. All Rancho San Gorgonio Specific Plan requirements and City of Banning Ordinances shall be met while achieving the required safety requirements.

229. Access to any phased construction site shall be restricted by a temporary installation of a chain link fence with locks to restrict public access, but allowing emergency vehicle access per City acceptable arrangements as required by the City Engineer.

Grading and Drainage

230. Prior to recordation of each phase of the final “A” map, the Applicant shall submit grading and erosion control plans to the City Engineer for review and approval. All other provisions of this Specific Plan notwithstanding, all grading shall conform to the California Building Code and all other applicable laws, rules and regulations governing grading in the City of Banning, including Banning Ordinance No. 1388, Grading Manual and Ordinance No. 1415.

231. A grading permit shall be obtained prior to commencement of any grading activity.

232. Prior to approval of any grading permits the applicant shall submit a construction haul route plan to the City Engineer for review and approval. Deviation during construction from the approved plan shall constitute a violation of the conditions of the grading permit.

233. Grading work shall be balanced on-site, wherever possible. If export is required as a result of the final grading plan, then measures will be taken to be in compliance with the applicable City of Banning Ordinances at time of final grading plan approval.

234. Any retaining walls proposed within the limits of the rough grading plans shall include top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions. The Applicant shall submit design calculations and obtain permits for all perimeter and retaining walls from the Building and Safety Department.

235. All streets shall have a maximum grade of 15 percent or less. Wherever feasible street grades should be kept to 10 percent or less.

236. Prior to issuance of a grading permit, a soils report and geotechnical study shall be submitted in conjunction with the grading plan with further analyses of on-site soil conditions and appropriate measures to control erosion and dust. Any issues or recommendations provided in the report shall be addressed to the satisfaction of the City Engineer. The responsible geotechnical engineer shall sign and stamp all grading plans indicating the plan complies with the recommendations of the comprehensive soils and geotechnical report.
237. Prior to issuance of any grading permits, the applicant shall retain a qualified archeologist, paleontologist, and biologist for observation of grading and excavation activities in accordance with the approved mitigation program.

238. The height of grading dirt stockpiles shall be minimized and promptly removed as grading allows. Such stockpiles shall be setback from the boundaries of the Specific Plan area a minimum of 150 feet.

239. Prior to issuance of a grading permit, construction documents shall include language that requires all construction contractors to strictly control the staging of construction equipment and the cleanliness of construction equipment stored or driven beyond the limits of the construction work area. Construction equipment shall be parked and staged within the project site. Staging areas shall be screened from view from adjacent properties. Vehicles shall be kept clean and free of mud and dust before leaving the development site. Surrounding streets shall be swept daily and maintained free of dirt and debris.

240. Prior to recordation of the first phase of the final “A” map or issuance of a grading permit, the Applicant shall finalize the Drainage Study to the satisfaction of the City Engineer and Riverside County Flood Control and Water Conservation District (RCFC&WCD). Drainage design shall be in accordance with Banning Master Drainage Plan adopted by RCFC&WCD Hydrology Manual, and standard plans and specifications. The study shall include hydrologic and hydraulic analysis for developed and undeveloped conditions, the 10-year storm flows shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way. The design flow rate for Gilman Home Creek shall be a Q100 of 3,665 cfs (Q includes the 25% bulked flow). All other creeks flow rates shall be bulked (increased) 25% for debris. All findings within the final report shall be implemented to the satisfaction of the City Engineer.

241. The approved drainage study for this project determined the developed peak flows for the ultimate, built-out condition; therefore, prior to issuance of a grading permit or recordation of the applicable final map, a separate drainage analysis will be required for each phase of construction to determine what additional temporary mitigation measures are warranted to reduce runoff to the existing condition and protect new improvements from potential flooding.

242. Prior to recordation of the final “A” map or subsequent planning area final maps that contains a detention basin, the developer shall identify the exact location and sizing of each detention basin in conjunction with submittal and acceptance of a complete hydrology report. Depending upon the results of the report, minor adjustments shall be made to the final map to ensure that the detention basins will be designed and constructed to meet the RCFC&WCD standards. It is anticipated that RCFC&WCD will assume ownership and responsibility for maintenance of the basins. If RCFC&WCD elects not to own and maintain a
basin, the developer shall provide other means such as a LLMD, CFD or other publicly controlled mechanism to maintain these facilities.

243. Prior to recordation of each phase of the final "A" map or issuance of a grading permit, the Applicant shall submit drainage improvement plans for the proposed subdivision with the accompanying hydrology and hydraulic analysis and shall be designed per the RCFC&WCD Hydrology Manual and the City of Banning flood control standards. Finalized studies shall verify the size of flood control facilities. Drainage facilities shall be in accordance with the approved tentative map and specific plan. Plans shall be submitted to RCFC&WCD and the City of Banning for review and approval. A Cooperative Agreement between the District, the City, and the Developer is required.

244. The proposed drainage improvement plans shall be designed such that drainage facilities will maintain or reduce the 100-year peak runoff rates presently exiting all Project boundaries. The Project will use on-site detention basins to reduce the storm water flows to or below the existing condition flows prior to their discharge to areas located downstream of the project. The project shall be designed to retain the 100 year 3 hour storm. Detention facilities shall have a maximum draw down time of 72 hours.

245. Prior to plan approval, a fee shall be paid to the RCFC&WCD in the amount as specified by the District for performing plan checking and an inspection for the proposed subdivision.

246. The areas within the creeks are the only areas within the project site that are situated within a designated Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Special Flood Hazard Zone. Prior to release of sureties, a letter of map revision (LOMR) shall be processed through FEMA to remove the flood limits as related to Montgomery Creek and a portion of Gilman Home Creek, as it is proposed to place those flows in pipes. The LOMR may also need to address minor changes to Smith Creek as related to grading and proposed improvements.

247. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Prior to issuance of any grading permits, FEMA requires a hydrologic and hydraulic analysis to be submitted and approved that demonstrates that the development will not cause any rise in base flood levels.

248. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the City of Banning and District for review prior to the recordation of each associated final map.
249. The applicant shall comply with Chapter 13.24 "Storm Water Management Systems" and Title 18 "Grading, Erosion and Sediment Control" of the Banning Municipal Code (BMC), the California Building Code related to excavation and grading; and, the State Water Resources Control Board's orders, rules and regulations.

a) For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the applicant shall be required to submit a Storm Water Pollution Protection Plan (SWPPP) and file a Notice of Intent (NOI) with the Regional Water Quality Control Board.

b) The applicant's SWPPP shall be reviewed and approved by Regional Water Quality Control Board prior to any on-site or off-site grading being done in relation to this project.

c) The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.

d) The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs"):

   i. Temporary Soil Stabilization (erosion control)
   ii. Temporary Sediment Control
   iii. Wind Erosion Control
   iv. Tracking Control
   v. Non-Storm Water Management
   vi. Waste Management and Materials Pollution Control

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

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

250. Prior to issuance of any grading or building permit, a Project-Specific Water Quality Management Plan (WQMP) shall be reviewed and approved in accordance with the City Engineer and California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2008-0001. Best
Management Practices (BMPs) shall be implemented to enhance pollutant removal during storms and to improve the quality of storm water runoff. Project Water Quality Management Plans (WQMP’s) shall be prepared for project phases as required by the State Water Resource Control Board.

251. Prior to approval of any final map the applicant shall identify and include in its improvement plans those routine structural and non-structural Best Management Practices (BMP’s) as outlined in Supplement A to the Riverside County Drainage Area Management Plans and any attachments or revisions.

252. Prior to issuance of grading permits, the potential for conveyance of debris by the offsite watershed shall be accounted for in design of onsite drainage facilities to the satisfaction of the City.

253. Prior to approval of any grading permits the applicant shall submit a PM10 Management Plan for construction operations to the City Engineer and SCAQMD for review and approval.

254. Upon the completion of construction, the Applicant shall file a letter with the SWRCB or submit information to the SMART System stating that the construction activity is complete. A copy of this letter shall be submitted to the City prior to any occupancy.

255. Low flow creek crossings shall not be permitted.

256. Prior to issuance of any grading permits, a phase plan for the designated tract or development area shall be submitted and approved by the Community Development Director and City Engineer. Each phase shall provide for adequate vehicular access, public facilities, and infrastructure to service the development and as needed for public health and safety. A separate analysis is required for each phase of construction to determine what additional temporary mitigation measures are warranted in order to reduce runoff to the existing condition, and protect the new improvements from potential flooding. Such improvements might include temporary detention basins, natural channels, and minor levees. Additionally, each development proposal will need to meet current MS4 Permit requirements in effect at time of building permit issuance as directed by the Colorado River Basin Regional Water Quality Control Board.

257. Detailed grading plans shall be prepared and approved by the City prior to any on-site grading for each project or group of projects.

258. Construction of each phase shall include an assessment of the size and flow patterns of the adjacent undeveloped areas on the Specific Plan area.

259. Each phase shall prepare an erosion control plan that provides the developed phases with the required flood protection. Flood protection shall be determined by the size of the undeveloped areas and the flow patterns.
260. Temporary basins shall be constructed to meet detention requirements and earthen channels/berms shall be used to divert and convey flows during construction phases.

261. Within park areas or areas accessible to the public, detention/retention basins will be protected from public entry as required.

262. Impacts to jurisdictional streams, creeks and drainages shall be reviewed and approved by the appropriate regulatory agencies with jurisdiction in this area and will require the appropriate required permits issued. Long term regular maintenance and operation of drainage improvements, such as detention basins, shall be included in the initial regulatory permitting applications.

263. Streambed protection along Pershing Creek and Smith Creek shall include a 100-foot setback for infrastructure and residential improvements. These setback areas are proposed to include a linear trail system, native and drought-tolerant landscaping, and some of the retention-detention basin facilities. Bridge encroachments into this setback area are proposed at two locations along Pershing Creek, one being a steel bridge crossing at B Street and the other being a series of culverts crossing under Sunset Avenue, designed such that the full 100-year storm would be conveyed through the culverts, leaving Sunset Avenue passable during a storm. Bridge piers, culvert headwalls, cutoff walls and slope protection measures for these road crossings should be extended well below the existing streambed to account for channel scouring due to high flow velocities. Additional freeboard in accordance with RCFC&WCD standards shall be included in the design of these road crossings to account for possible sediment deposits.

264. Prior to recordation of the first phase of the final "A" map, the Applicant shall submit a wash study and protection plan for the washes/creeks within the boundaries of the development for review and approval of the City Engineer. The study shall include provision to protect the trails from erosion at locations where drainage flows enter the creeks. Slope stability measures shall incorporate those requirements as established by the RCFC&WCD.

265. As a means to mitigate the impact of piping the Montgomery Creek flows, the project proposes to construct three interconnected retention-detention basins located in Confluence Park (Lot 17). The retention component would contain smaller storm events, daily nuisance flows and other sources, and would ensure that storm water released to Smith Creek downstream would not occur at a faster rate than occurs in the existing condition. The basins are anticipated to be approximately 10 to 20 feet deep, depending on the ultimate park design. Within park areas or areas accessible to the public, the basins shall be protected from public entry as required. The aforementioned retention-detention basins are proposed to enhance storm water runoff quality and maintaining the creeks in their natural state. Prior to recordation of the applicable final map, all
retention/detention basin plans and accompanying hydrology and hydraulics reports shall be submitted for review and approval to the City Engineer.

266. Prior to the issuance of any earth moving permit on the site, all improvement plans which cross or abut the Gas Company easement or SCE easement (containing transmission towers and lines) will be submitted to the Gas Company and SCE for review, approval and any required permits. Any conditions or requirements from said utility agencies shall be incorporated onto the plans and be made part of the grading permit(s) for the project. The location of the easement shall be surveyed, staked and clearly marked immediately following rough grading of the project site. The staking and signage shall be maintained in visible order until all construction adjacent to it is complete.

267. All public drainage facilities shall be located within a public right-of-way or a publicly dedicated drainage easement. Additionally, if the inlet works are required on the north side of Westward Avenue and are outside the project boundaries, permission/easements from the property owners for construction of the inlet works shall be secured by the Applicant. Easements shall meet minimum width and access requirements as mandated by the City and District.

268. All storm drains 36 inches in diameter or less shall be designed and constructed to RCFC&WCD Standards and shall be maintained by the City of Banning, except as modified by separate agreement between the Applicant and the City of Banning. All Water Quality Management Plan (WQMP) basins shall be maintained by an LLMD or other approved mechanism.

269. All storm drains greater than 36 inches in diameter, and structures proposed for maintenance by RCFC&WCD shall be designed and constructed to RCFC&WCD standards. All plan sets related to any RCFC&WCD facilities shall be reviewed, checked, and approved by said District prior the recordation of the applicable final map.

270. Prior to acceptance of public streets, all catch basins and storm drain inlet facilities shall be stenciled with the appropriate no dumping message as required by the Public Works Department.

271. The Contractor shall comply with SCAQMD Rule 403 - Fugitive Dust requirements. Dust control operations shall be performed by the Contractor at the time, location and in the amount required and as often as necessary to prevent the excavation or fill work, demolition operation, or other activities from producing dust in amounts harmful to people or causing a nuisance to persons living nearby or occupying buildings in the vicinity of the work. Dust control shall consist of sprinkling water, use of approved dust preventatives, modifications of operations or any other means acceptable to the Engineer, City of Banning, the Regional Water Quality Control Board (RWQCB), the Air Quality Management District (AQMD), and any Health or Environmental Control Agency having
jurisdiction over the site. The City shall have the authority to suspend all construction operations if, in their opinion, the Contractor fails to adequately provide for dust control.

272. Prior to issuance of a grading permit, the project Applicant shall implement all applicable mitigation measures identified in the approved Environmental Impact Report (EIR) prepared for the proposed project. All mitigation measures shall be addressed on the grading plans as applicable.

Landscaping

273. Prior to recordation of each phase of the final “A” map, landscape and irrigation plans for all required facilities including backbone street parkways and medians shall be submitted for approval. The final design of the parkways, walls, landscaping, and sidewalks shall be included in the plans and shall be subject to approval by the Community Development Director and City Engineer.

274. Landscaping and irrigation systems required to be installed within the public right-of-way shall be continuously maintained by the Applicant until maintenance is assumed by or a Landscape, Lighting & Maintenance District (LLMD) as required by the Public Works Director.

275. An automatic sprinkler system and landscaping shall be installed, prior to release of bonds/sureties and prior to occupancy of the first unit of the development, within the parkway and median islands fronting collector streets; secondary, major and arterial highways. The system shall include a landscape controller, a separate water meter and electric meter, and plantings as approved by the Community Development Director.

276. The Applicant shall prepare a water conservation plan to reduce water consumption in the landscape environment using xeriscape principles. "Xeriscape" shall mean a combination of landscape features and techniques that in the aggregate reduce the demand for and consumption of water, including appropriate low water using plants, non-living groundcover, a low percentage of turf coverage (limited to 25% of the planted area), permeable paving and water conserving irrigation techniques and systems.

277. Prior to release of bonds/sureties, landscape improvements shall be certified by a licensed landscape architect or licensed landscape contractor as having been installed in accordance with the approved detailed plans and specifications. The applicant shall furnish said certification, including an irrigation management report, for each landscape irrigation system and any other required implementation report determined applicable, to the City Engineer for review and approval.
278. Public landscaped areas shall be irrigated with recycled water once recycled water becomes available. The use of recycled water shall be accounted for in the design of the irrigation system and plant selection. The Water Supply Assessment Report based its calculations and conclusions on the assumption that recycled water would be used for landscaping purposes. Prior to recordation of the first phase of the final "A" map, the Applicant shall include calculations in a Supplemental Water Study to deduce the timing of when the project must be connected to recycled water. No building permits will be issued beyond the timing conclusions of the above report unless recycled water is available.

Final Map, Monuments & Surety

279. This project includes a master tract map referred to as the “A” map that will be recorded in six phases as described the on TTM 36586. The applicant will develop improvement plans and provide construction improvements or bonding/sureties for the improvements that are required by each phase. All improvement plans and construction improvements or bonding/sureties for the entire project shall be in place by the recordation of the Phase 6 “A” map.

280. The approval of this project is subject to, and contingent upon, the recordation of six phases of the final “A” map. The submittal, approval, and recordation of any final map shall be in accordance with the provisions of the State Subdivision Map Act and Title 16, Subdivisions, of the Banning Municipal Code.

281. Prior to approval of each Final Map, the applicant shall construct all on-site and off-site improvements in accordance with the approved plans and satisfy its obligations for same, or shall furnish a fully secured and executed Agreement for Construction of Public Improvements guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, as may be required by the City.

282. Each final map shall have adequate reservations for public ingress and egress as well as public and/or private utility easements and abandonment of existing utility easements to the satisfaction of the Public Works Director. The applicant shall be responsible for contacting all utility providers to establish appropriate easements required to provide services to each development area.

283. Prior to release of surety, the Applicant shall comply with Assembly Bill 1414, which was enacted on January 1, 1995, and amended Section 8771 of the Business and Professions Code of the Land Surveyors Act. Assembly Bill 1414 requires that two (2) corner records be filed when:

a) Monuments exist that control the location of subdivisions or tracts, streets or highways; or provides survey control. The monuments are located and referenced by a licensed Land Surveyor before any streets or highways are reconstructed or relocated. The corner record(s) of
the references are filed with the County Surveyor.

b) Monuments are reset in the surface of the new construction and a corner record is filed with the County Surveyor before recording of a Certificate of Completion for the project.

284. The applicant shall file an Environmental Constraint Sheet. An Environmental Constraint Sheet means a duplicate of the final map on which are shown the Environmental Constraint Notes. This sheet shall be filed with the County Surveyor simultaneously with the final map and labeled ENVIRONMENTAL CONSTRAINT SHEET in the top margin. Applicable items will be shown under a heading labeled Environmental Constraints Notes. The Environmental Constraint Sheet shall contain the statement

THE ENVIRONMENTAL CONSTRAINT INFORMATION SHOWN ON THIS MAP SHEET IS FOR INFORMATIONAL PURPOSES DESCRIBING CONDITIONS AS OF THE DATE OF FILING, AND IS NOT INTENDED TO AFFECT RECORD TITLE INTEREST. THIS INFORMATION IS DERIVED FROM PUBLIC RECORDS OR REPORTS, AND DOES NOT IMPLY THE CORRECTNESS OR SUFFICIENCY OF THOSE RECORDS OR REPORTS BY THE PREPARER OF THIS MAP SHEET.

As required by the City Engineer, the sheet shall delineate constraints involving, but not limited to, any of the following that are conditioned by the Advisory Agency: archaeological sites, geologic mapping, grading, building, building setback lines, flood hazard zones, seismic lines and setbacks, fire protection, water availability, and sewage disposal.

285. Security for the construction of public improvements in accordance with Government Code Section 66499 shall be as follows:

- Faithful Performance Bond - 100% of estimated cost
- Labor and Material Bond - 100% of estimated cost
- Monumentation Bond – In the amount as supplied by the Record Engineer/Land Surveyor and as approved by the City Engineer

286. Securities for the public improvements shall be on file with the City Clerk prior to scheduling the final map for approval by City Council. Unit prices for bonding estimates shall be those specified or approved by the City Engineer.

287. Revisions to the tentative map during plan check including, but not limited to, lot line alignments, easements, improvement plan revisions, and similar minor changes which do not alter the design (property rights, number of lots, environmental impact, etc.) may be administratively approved through the plan check process with the mutual consent and approval of the Community Development Director and City Engineer. Final maps shall be amended in
accordance with the Subdivision Map Act. Changes to points of access to existing roadways other than those shown in the approved Specific Plan shall be cause for revision of the tentative tract map and preparation of revised conditions of approval.

288. Prior to release of surety, permanent survey monuments shall be set at the intersection of street centerlines, beginning, and end of curves in centerlines, and at other locations designated by the Director of Public Works and City Engineer. All other centerline monuments shall be placed in accordance with standard survey practice. A complete set of street centerline ties shall be submitted to the Engineering Division upon completion of improvements or prior to release of the monumentation bond.

289. The engineer/surveyor of record shall submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division for review and approval of the City Engineer prior to any final map approval.

290. An original Mylar of all recorded final maps shall be provided to the City for the record files prior to release of the securities.

Water

291. As required by the City Engineer and prior to recorrdation of the first phase of the final “A” map, Applicant shall prepare and the City shall approve a Focused Water Study to supplement the project’s Water System Hydraulic Analysis and Water Supply Assessment Report. The Focused Water Study shall include but not be limited to identifying well production facility locations, treatment requirements, define on/off site transmission facilities, location and volume of system storage, define system points of connection and booster or reducing stations. The report must verify that water pipeline sizes and pressures meet all required water flow rates and identify offsite system improvements and phase in which they shall be constructed. The report shall also determine the project’s fair share cost for said water facilities.

292. Prior to recorrdation of each phase of the final “A” map, improvement plans for water facilities shall be prepared by a Licensed Engineer and submitted for review and approval by the City Engineer. The Applicant is required to design and construct all those water facilities identified in the approved Focused Water Study Report, the project’s Water System Hydraulic Analysis report and the Water Supply Assessment report and in accordance with the phasing plan selected and approved by the City Engineer. Water facilities include wells, storage capacity (reservoirs), transmission pipelines, booster stations, pressure reducing station, three permanent points of connections, interim points of connection, looped systems, SCADA systems, emergency generators, and other facilities. As an alternative to constructing certain facilities, the Applicant may
pay the projects fair share for improvements as approved by the City Engineer and Public Works Director. All the proposed new waterlines shall connect into the City's water supply and be designed and constructed to City Standards.

293. Additional potable water storage is required for this development. There is no acceptable on-site location with sufficient elevation for a new reservoir; therefore an off-site location is required for the construction of a new water storage tank. The City shall identify a reservoir site and the Applicant shall participate in acquiring the property and development of the water facilities as directed by the City Engineer. Timing and completion of the reservoir and all piping required to connect the water facilities to the project shall be evaluated and determined in the Focused Water Study.

294. Above ground water tanks/reservoirs constructed in conjunction with the Specific Plan development shall be buffered from view and nearby residences by berms and/or landscaping. The tanks will be finished with a colored, matte finish intended to allow the tanks to blend into the surrounding hillsides and environment. Access to the tanks will be provided by easements extending from local roads.

295. One year after the initiation of construction, and annually thereafter until build out of the proposed project, City will analyze actual water usage per unit. The City will provide this information to the applicant who will then adjust projected water usage for future development (based on actual on-site usage), and actual City water supplies. At any time should projections show that the proposed project and cumulative development will require water supplies in excess of the Maximum Perennial Yield, the City Engineer may request that the WSA be updated to evaluate this new data.

296. Prior to occupancy release, a backflow device must be installed on all irrigation water connection. The backflow device must be in compliance with the State Department of Health Regulations.

297. Offsite waterlines are to be constructed to and across property boundaries of the project to connect to the existing water system. During phasing of the project, all waterlines are to be looped for each phase with a minimum of two points of connection in each pressure zone and no long dead end pipelines. Points of connection are located along Westward Avenue at Sunset Avenue, 22nd Avenue and 8th Street. The Applicant shall be required to construct an offsite water main in Sunset Avenue from the project boundary to Westward Avenue and a 24-inch water main in Sunset north of Westward Avenue as directed by the City Engineer. Exact alignment, pipe diameter and phasing for these water facilities shall be determined in the Focused Water Study and as approved by the City Engineer.
298. All dead end water mains shall be provided with 4-inch blow off valves or fire hydrants.

299. All water lines shall be a minimum of 8" diameter pipe, and constructed of ductile iron pipe (DIP).

**Waste Water**

300. As required by the City Engineer and prior to recordation of the first phase of the final "A" map, the applicant shall submit and the City shall approve a supplemental Focused Sewer System Study to the satisfaction of the City Engineer. The study shall determine on/off site conveyance system requirements and project's fair share cost for the City's wastewater treatment plant expansion. The study shall also include a phasing plan and timing hooks for treatment plant expansion.

301. Prior to recordation of any phase of the final "A" map, associated improvement plans for sewer facilities shall be submitted to the City for review and approval and shall be substantially complete to the satisfaction of the City Engineer.

302. Prior to occupancy release of the first unit in Phase 1, the Applicant shall construct approximately 600 feet of off-site sewer main to the point of connection with the existing city sewer system. The project would connect to the existing 21" sewer trunk line located south of Wesley Street, east of San Gorgonio Avenue, in the projection of Porter Street, as shown on the Conceptual Sewer Master Plan Exhibit 2-10 of the RSG Specific Plan. The developer is responsible for securing all required easements to the satisfaction of the City Engineer. The Applicant may enter into a reimbursement or fee credit agreement for costs incurred beyond the project's fair share contribution as approved by the City Attorney. Exact alignment, pipe diameter and phasing for these sewer improvements shall be determined in the Focused Sewer System Study and as approved by the City Engineer.

303. The Applicant is required to participate in the expansion of the existing Waste Water Treatment Plant as required in the executed Development Agreement.

304. The Applicant is required to design and construct all those sewer facilities identified in the City of Banning's approved Sewer Master Plan. This includes a trunk line (Deutsch Trunk Line) through the project to the existing Wastewater Treatment Plant located at Charles Street, main lines through the project, pumps, SCADA systems, emergency generators, and other facilities. The project sewer flows shall be incorporated into the ultimate design of the Deutsch Trunk Line and an offset in sewer impact fees relative to the cost to upsize the sewer main will be allowed. A reimbursement agreement will be entered into to facilitate reimbursement of fair-share costs from future developments. All facilities shall
be installed per the approved Phasing plan to be included in the Focused Sewer System study.

305. All sewer lines to be constructed within the Public right-of-way shall be extra strength Vitrified Clay Pipe. All sewer laterals shall be a minimum of 4" (residential) and 6" (commercial) and all sewer mains shall be a minimum of 8". Final sizes shall be approved by the City Engineer.

306. The Applicant shall CCTV all public sewer mains and submit to the City for review and approval prior to surety release and acceptance of sewer improvements.

**Recycled Water**

307. As required by the City Engineer and prior to recordation of the first phase of the final “A” map, applicant shall prepare and City shall approve a supplemental Recycled Water System Study to define system components and shall include a phasing plan and project’s fair share cost analysis for all recycled water facilities. Prior to recordation of each phase of the final “A” map, recycled water plans shall be submitted to the City for review and approval and shall be substantially complete to the satisfaction of the City Engineer. Design and installation of recycled water facilities shall be in accordance with the requirements and specifications of the State Department of Health Services, Riverside County Environmental Health, and the City of Banning. Plans shall include pipelines, services, pumps, etc. Recycled water shall be used to irrigate all common landscape areas, median and parkway landscape areas along the major streets within the project, as well as at the various parks and paseos throughout the master planned community.

308. Prior to any occupancy release of the first unit in Phase 1, the Applicant shall construct an off-site recycled water pipeline from the project boundary to the point of connection to the city system at Lincoln and 8th Streets (Approximately 1,350 LF). The Applicant may enter into a reimbursement or fee credit agreement for costs incurred beyond the project’s fair share contribution as approved by the City Attorney. Exact alignment, pipe diameter and phasing for these recycled water improvements shall be determined in the Focused Recycled Water System Study and as approved by the City Engineer.

309. The applicant is responsible to pay the fair share cost for the additional storage requirement of 0.548 MG generated from the project for recycled water as defined in the Development Agreement.

**Utilities**

310. All new utility systems including gas, electric, telephone, and cable TV shall be provided for underground with easements provided as required and designed
and constructed in accordance with City Codes and the utility provider specifications. The Applicant shall submit improvement plans to all affected utility companies and provide copies of approved plans to the Engineering Division prior to the issuance of any permits for utility work within the public right-of-way.

311. Street lights shall be installed in accordance with the City of Banning Electric Department Standards. A detailed lighting plan shall be submitted for review and approval by the City's Electric Department and City Engineer prior to recordation of each phase of the final “A” map. The plan shall indicate style, illumination, location, height and length of mast arm.

312. The Applicant shall be responsible for research on private utility lines (Gas, Edison, Telephone, Cable, Internet, etc.) to ensure there are no conflicts with site development. All existing on-site utility lines that conflict with this project shall be relocated, removed, or sealed to the satisfaction of the City Engineer.

313. All existing overhead utility lines located on or along the frontage of the project shall be undergrounded prior to public improvement acceptance and surety release, to the satisfaction of the Public Works Director, including but not limited to, electrical distribution, telephone, and cable lines, with the exception of electric utility lines over 33 kV.

Construction and Maintenance of Public Improvements

314. All required water lines and fire hydrants shall be installed and made operable before any building permits are issued. This may be done in phases if the construction work is in progress for emergency vehicles.

315. All weather vehicular access shall be maintained at all times to all parts of the proposed subdivision, where construction work is in progress, for emergency vehicles.

316. All precautions shall be taken to prevent washouts, undermining and subsurface ponding, caused by rain or runoff to all surface structures (curbs, gutters, sidewalks, paving, etc.). The Engineering Division may order repair, removal and replacement, extra compaction tests, load tests, etc. or any combination thereof for any such structure that was damaged or appears to have been damaged. All of the additional work, testing, etc., shall be at the expense of the Applicant.

Fees

317. Plan check fees for final map review, professional report review (geotechnical, drainage, etc.), and all improvement plans review, shall be paid prior to submittal of said documents for review and approval in accordance with the Fee Schedule in effect at the time of submittal.
318. Public Works Inspection fees shall be paid prior to the scheduling the associated final map for approval by City Council in accordance with the Fee Schedule in effect at time of scheduling. Public Works permits are required prior to construction within the public right of way.

319. A plan storage fee shall be paid for any engineering plans that may be required prior to issuance of certificate of occupancy in accordance with the fee schedule in effect at the time the fee is paid.

320. A fee shall be paid to Riverside County Flood Control and Water Conservation District in the amount specified by them to perform plan checking for drainage purposes for the proposed subdivision.

321. Water, sewer and recycled water connection fees including frontage fees and water meter installation charges shall be paid at the time of building permit issuance in accordance with the Fee Schedule in effect at that time.

322. Development Impact Fees (DIF) shall be paid as required in the Development Agreement.

323. Applicant shall be eligible to enter into a reimbursement agreement to receive reimbursements for offsite traffic improvements completed by Applicant in excess of their fair share contributions as shown in Table 33 of the approved Traffic Impact Analysis. However, traffic fee credits will not be available to Applicant because the City will utilize these fees as they deem necessary to mitigate the remainder of the offsite improvements that are shown to be less than 50% of the projects fair share contribution and therefore not the obligation of the Applicant to complete.

324. Prior to issuance of a building permit for the first unit in Phase I, the Applicant shall prepare and the City shall approve an updated Traffic Impact Fee Study to include development densities and parameters within the Rancho San Gorgonio Specific Plan area. The applicant shall be required to pay Traffic Impact Fees as defined in said fee study and as required in the Development Agreement.
CITY OF BANNING
Planning Commission Report

DATE: December 7, 2016
TO: Planning Commission
FROM: Brian Guillot, Community Development Director
Patty Nevins, Senior Planner

SUBJECT: DISCUSSION AND CONSIDERATION OF APPROVING CONDITIONAL USE PERMIT NO. 16-8005 BY RESOLUTION NO. 2016-09 PROPOSED CRAFT BREWERY (MICROBREWERY) WITH TASTING ROOM, BREW REBELLION LOCATED AT 33 S. SAN GORGONIO AVENUE (APN 540-204-009)

APPLICANT'S REQUEST:

The applicant, Ed Parker, is requesting approval of a Conditional Use Permit to establish a craft brewery (microbrewery) with tasting room for the property located at 33 S. San Gorgonio Avenue (APN 540-204-009) in the Downtown Commercial Zoning District.

APPLICANT INFORMATION:

Project Location: 33 S. San Gorgonio Avenue

APN Information: 540-204-009

Project Applicant: Ed Parker
1080 Dorothy Anna Drive
Banning, CA 92220

Property Owner: City of Banning
99 E Ramsey Street
Banning, CA 92220

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 2016-09 (Attachment 1):
I. Adopting a Categorical Exemption, pursuant to Section 15301 (Existing Facilities) and Conditional Use Permit 16-8005; and

II. Approving Conditional Use Permit No. 16-8005 for a craft brewery (microbrewery) and drinking establishment in the Downtown Commercial zoning district

PROJECT BACKGROUND AND DESCRIPTION:

The applicant is requesting approval of a Conditional Use Permit for Brew Rebellion, a proposed craft brewery (microbrewery) with tasting room to be located at 33 S. San Gorgonio Avenue, south of Ramsey Street. The project site is a 2,925 square foot lot that includes an existing 1,915 square foot building occupying the frontmost portion of the lot. The rear thirty-seven feet of the lot is paved and surrounded by a masonry wall and gate. The site is currently vacant.

The site is located within the Downtown Commercial zoning district, wherein drinking establishments and breweries are permitted with approval of a Conditional Use Permit by the Planning Commission. The Downtown Commercial (DT) zoning district 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 encouraged and bed and breakfasts, hotels and motels are also appropriate in this district.

Land Use Summary Table

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<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
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<td>Existing Vacant Building</td>
<td>Downtown Commercial</td>
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<td>North</td>
<td>Art Gallery, Restaurant (The Haven)</td>
<td>Downtown Commercial</td>
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<td>South</td>
<td>Vacant Lot, Printing/Lithography</td>
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PROPOSAL AND ANALYSIS

Conditional Use Permit

Brew Rebellion’s operations would occupy the 1,915 square foot building space and would be divided between the 1,267 square foot brewery-related facilities and the 850 square feet bar/tasting area. Brew Rebellion is considered a microbrewery – a small scale brewery operation that typically is dedicated to the production of specialty beers. Operations would include beer production, a tasting area (drinking establishment), and sale of beer produced on premises for off-site consumption. Brew Rebellion also anticipates featuring live entertainment and making food available that would not be prepared on-site, but could be purchased and brought in (e.g. via food truck or from nearby restaurants such as the Haven or Station Taphouse).

Table 17.12.020 "Permitted, Conditional and Prohibited Commercial and Industrial Uses" of Title 17 of the Zoning Code requires that a Conditional Use Permit be approved by the Planning Commission for both Bars and Drinking Establishments as well as for Breweries and Distilleries in the Downtown Commercial zoning district. The proposed use is a hybrid of these two uses and would contain both a craft beer microbrewery and an associated tasting area/drinking establishment in which the brewery would offer its own beers to the public.

The proposed microbrewery would be an attractive business in the City’s downtown area, and is the type of establishment that is encouraged both by the area’s zoning and by the General Plan. About the Downtown Commercial zoning district, the Zoning Ordinance states “This area is the City’s traditional commercial core, and has special significance to the community because small scale commercial retail and office uses, restaurants, and entertainment retail are the primary uses in this district”. The microbrewery represents the type of small business described, and would provide an interesting and upscale product (craft beers) and service (entertainment) to both residents and visitors. Multiple programs and policies in the City’s General Plan also guide development and uses in the Downtown area, including Program 4.A which states that “Provisions for the Downtown Commercial Zoning District shall encourage specialty retail uses, live-work uses, and other uses which support and expand the pedestrian and tourist-related shopping experience.” Program 4.C states that “The City shall work...to identify grant monies, private development interests, and business synergies to build on existing revitalization activities in this area”. The proposed craft brewery will help create synergy - combined with other eating/drinking establishments and attractions in the immediate vicinity, the craft brewery will help grow the City’s vision of the downtown as a destination for both residents and visitors.

ABC License

A conflict occurs in the zoning code wherein according to Table 17.12.020, alcoholic beverage sales on- or off-site, are not permitted in the Downtown Commercial zone
although they are a conditionally permitted use in all other zones. This is in conflict with the zoning ordinance provisions that allow consideration of bars and drinking establishments (which by definition have on-site alcoholic beverage sales) as a conditionally permitted use in the Downtown Commercial zoning district. Staff interprets the alcoholic beverage sales exclusion to apply to liquor stores, which are not permitted in the Downtown Commercial zoning district. However, in order to apply the most conservative standards, staff has applied the required Conditional Use Permit conditions for alcoholic beverage sales to the analysis for this project. Those conditions include the following standards: (a) Establishments shall not be located within 500 feet of any religious institution, school, or public park within the City; and, (b) The license shall be reviewed by the police department prior to planning commission approval. With respect to the 500’ limitation, the proposed establishment is in fact more than 500 feet travel distance from a school, park, or religious institution, but is less than 500 feet from a religious institution “as the crow flies” (it is on another block). While staff initially considered a variance to be necessary to address this, zoning code Section 17.112.010 (C) (Variances, Purpose) specifically states that “...Flexibility in use regulations is provided in the Conditional Use provisions of this Ordinance.” As such, it is clearly within the Planning Commission’s purview to make any discretionary decisions related to the provisions of this Conditional Use Permit and a variance is not needed. The proposed craft brewery would not be in conflict with any uses, and staff has provided findings to support approval that include a finding that the use will not result in harmful effects upon neighborhood characteristics nor be detrimental to the public interests. The police department has reviewed the application and requested a condition that ensures the business meet all state and city laws pertaining to this type of business. That condition has been included in the recommended conditions of approval.

Parking Requirements

Per code section 17.24.020 Applicability, all new projects, redevelopment projects, and project modifications which add twenty-five percent or more to a structure’s building area are required to conform to standards and regulations related to off-street parking, setbacks, public street improvements, storage, fences, and so forth. The applicant’s proposal includes approval of a use but no expansion of the building area. As such, the parking requirements for the Downtown Commercial zone specified under 17.12.050(4) are provided for informational purposes only:

- Parking for commercial land uses shall be 1 space per 300 square feet of building area.
- Parking may be provided on-site, on the public right-of-way adjacent to the building frontage, calculated at one space per 20 linear feet of frontage, of in a City parking lot, pursuant to the Downtown Parking Inventory assignments maintained by the Community Development Department. No more than 10% of all the parking spaces in public parking lots may be assigned to one
project, and the parking spaces shall not be assigned parking spaces. According to a survey of public parking conducted in early 2016, there is a total of 56 public parking spaces available.

A City-owned parking lot with thirty parking spaces is located adjacent to the project site, and additional parking is available in close proximity to the north and west. Staff finds that there is adequate available to parking for patrons of this business as well as other nearby businesses.

The proposed business will provide a new, unique use to the downtown area. With the drinking establishment/tasting room, the brewery provides a specialty service where customers can sample new and original products. The craft brewery and tasting room will complement existing restaurants and other establishments in the immediate area, including the existing Haven restaurant and the recently opened Station TapHouse restaurant, and will help to create a destination location within the City that will attract both residents and visitors.

A conditional use permit review requires a determination as to whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use against any negative or undesirable impact which it may cause. Findings in favor of the project are included in the draft Planning Commission resolution.

Mobile Vendors

As noted previously, the applicant envisions making food available that would not be prepared on-site, but could be purchased and brought in (e.g. via food truck, or from nearby restaurants such as the Haven or Station Taphouse). Should a food truck be proposed, zoning ordinance requirements for mobile vending would be applied as provided for under Section 17.108.070, including Technical Staff Review to ensure that property owner consent (including consent of the public entity if applicable) is procured, required permits (including those pertaining to food handling) are obtained, and other similar requirements are met.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

In accordance with §15301 (Existing Facilities) a Class 1 Categorical Exemption of the California Environmental Quality Act (CEQA), the project is being exempt from further environmental review. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The Planning Commission has analyzed proposed Conditional Use Permit 16-8005 and has determined that it is Categorically Exempt from CEQA pursuant to§15301 of the CEQA Guidelines due to the fact that the proposal meets the required criteria to qualify as a “existing facilities” as defined by §15301 of the CEQA Guidelines.
Staff has analyzed proposed Conditional Use Permit 16-8005 and has determined that it is Categorically Exempt from CEQA pursuant to §15301 of the CEQA Guidelines due to the fact that the proposed meets the required criteria to qualify as an “existing facilities” as defined by §15301 of the CEQA Guidelines.

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 CONDITIONAL USE PERMIT 16-8005:**

Section 17.52.050 of the City of Banning Zoning Ordinance requires that Conditional Use Permit applications meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval of Conditional Use Permit No. 16-8005:

**Finding No. 1:** The proposed use is consistent with the General Plan;

**Finding of Fact:** Conditional Use Permit 16-8005 is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands.” The land-use designation of Downtown Commercial allows small scale commercial retail and office uses, services, restaurants, entertainment retail are the primary uses in this designation. Mixed use, residential land uses in combination with commercial businesses are also encouraged. Further, Conditional Use Permit16-8005 is consistent with General Plan Economic Development Policy which states: “The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues.” Approval of the permit would allow the applicant to provide an economic benefit to the City and provide additional recreational opportunities in the City of Banning.
Finding No. 2: The proposed use is conditionally permitted within the subject land use district and complies with all the applicable provisions of this Ordinance.

Finding of Fact: In accordance with table 17.12.020 Permitted, Conditional and Prohibited Commercial and Industrial Uses, of Title 17 of the Municipal Code, Bars and Drinking Establishments, as well as Breweries and Distilleries, are conditionally permitted uses. Section 17.12.050 Use Specific Standards provides specific provisions for the Alcohol Beverage Control "ABC" Licenses and these provisions have been addressed in this approval as well.

Finding No. 3 The proposed use would not impair the integrity and character of the land use district in which it is to be located.

Finding of Fact: The proposed use will provide a new and upscale use that will complement existing restaurant and other social and entertainment businesses in the vicinity in the downtown area and will provide a desirable new use for residents and visitors to the City.

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

Finding of Fact: The subject site currently consists of a vacant building and the applicant is not proposing any expansion of the building. Furthermore, Economic Development Policy 3 states the following: "Encourage and promote infill development in orderly and logical development patterns that decrease the costs, and increase the efficiency of new utilities, infrastructure, and public services."

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

Finding of Fact: The site is served by the public and private utilities, including the City's water and electrical utilities. The site is accessed and served from South San Gorgonio Avenue which is an existing developed roadway with existing utilities.

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

Finding of Fact: The use of the building to accommodate the proposed craft brewery including the sale of alcohol related beverages, was reviewed pursuant to the California Environmental Quality Act (CEQA). The craft brewery and tasting room qualifies for a Class 1 Existing Facilities categorical exemption.
**Finding No. 7**

The proposed location, size, design and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

**Finding of Fact:**

The proposed use will not have harmful effects upon environmental quality, or natural resources. It is anticipated to have beneficial effects upon neighborhood characteristics by complementing existing businesses in the vicinity and serving as a further draw to the downtown core. Sales of alcohol are regulated by the State of California, Department of Alcoholic Sales Licensing program and the California Constitution authorizes the Department of Alcoholic to suspend or revoke any license to sell alcoholic beverage if it determined for good cause that the continuance of such license would be contrary to the public welfare or morals.

**PUBLIC COMMUNICATION**

Proposed Conditional Use Permit No. 16-8005 was advertised in the Record Gazette newspaper on November 25, 2015 (Attachment 3). As of the date of this report, staff has not received any verbal or written comments for or against the proposal. Although the public advertisement included a variance, it was determined per Section 17.112.010(C) of the Zoning Ordinance that the Conditional Use Permit regulations govern.
Prepared By:  

[Signature]

Patty Nevins  
Senior Planner

Reviewed By:  

[Signature]

Brian Guillot  
Community Development Director

Attachments:

1. Resolution No. 2016-09  
2. Proposed Site & Floor Plan  
3. Public Hearing Notice
ATTACHMENT 1
PC Resolution No. 2016-09
RESOLUTION NO. 2016-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA ADOPTING A CATEGORICAL EXEMPTION FOR CONDITIONAL USE PERMIT (CUP) NO. 16-8005 TO APPROVE A CRAFT BREWERY AND DRINKING ESTABLISHMENT LOCATED AT 33 S. SAN GORGONIO AVENUE WITHIN THE DOWNTOWN COMMERCIAL ZONING DISTRICT.

WHEREAS, an application for a Conditional Use Permit including a request for a craft brewery and drinking establishment has been duly filed by:

Project Applicant:   Ed Parker  
                     1080 Dorothy Anna Drive  
                     Banning CA 92220

Parcel Address:     33 S. San Gorgonio Avenue

APN:               540-204-009

Lot Area:           2,925 square feet

WHEREAS, the Planning Commission has the authority per Chapter 17.52 of the Banning Municipal Code to take action on Conditional Use Permit 16-8005 for a craft brewery and drinking establishment in the Downtown Commercial Zoning District; and

WHEREAS, on November 25, 2016 the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered; and

WHEREAS, on December 7, 2016 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to Conditional Use Permit No. 16-8005; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Conditional Use Permit No. 16-8005 determined that, pursuant to CEQA Section 15301 (Existing Facilities) is Categorically Exempt; and

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

California Environmental Quality Act (CEQA)

In accordance with §15301 (Existing Facilities) a Class 1 Categorical Exemption of the California Environmental Quality Act (CEQA), the project is being exempt from further environmental review. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The Planning Commission has analyzed proposed Conditional Use Permit No. 16-8005 and has determined that it is Categorically Exempt from CEQA pursuant to §15301 of the CEQA Guidelines due to the fact that the proposal meets the required criteria to qualify as a “existing facilities” as defined by §15301 of the CEQA Guidelines.

Staff has analyzed proposed Conditional Use Permit No. 16-8005 and has determined that it is Categorically Exempt from CEQA pursuant to §15301 due to the fact that the proposed meets the required criteria to qualify as “existing facilities” as defined by §15301 and of the CEQA Guidelines. Therefore, Conditional Use Permit No. 16-8005 is Categorically Exempt from CEQA pursuant to §15301 and of the CEQA Guidelines.

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 CONDITIONAL USE PERMIT 16-8005:

Section 17.52.050 of the City of Banning Zoning Ordinance requires that Conditional Use Permit applications meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval of Conditional Use Permit No. 16-8005:

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

Finding of Fact: Conditional Use Permit No. 16-8005 is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands.” The land-use designation of Business
Park (BP) allows land uses that are light industrial and office/warehouse buildings. The proposed project under Conditional Use Permit 16-8003 is not adjacent to residential uses or a residentially zoned district. Further, Conditional Use Permit No. 16-8003 is consistent with General Plan Economic Development Policy which states: "The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues." The land-use designation of Downtown Commercial allows small scale commercial retail and office uses, services, restaurants, entertainment retail are the primary uses in this designation. Mixed use, residential land uses in combination with commercial businesses are also encouraged. Further, Conditional Use Permit 15-8005 is consistent with General Plan Economic Development Policy which states: "The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues." Approval of the permit would allow the applicant to diversify and provide an economic benefit to the City and provide an additional recreational opportunities in the City of Banning.

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

Finding of Fact: Table 17.12.020 Permitted, Conditional and Prohibited Commercial and Industrial Uses, of Title 17 of the Municipal Code, Bars and Drinking Establishments, as well as Breweries and distilleries, as conditionally permitted uses. Section 17.12.050 Use Specific Standards provides specific provisions for the Alcohol Beverage Control "ABC" Licenses and these provisions have been addressed in this approval as well.

Finding No. 3 The proposed use would not impair the integrity and character of the land use district in which it is to be located.

Finding of Fact: The proposed use will provide a new and upscale use that will complement existing restaurant and other social and
entertainment oriented businesses in the vicinity in the
downtown area and will provide a desirable new use for
residents and visitors to the City.

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

Finding of Fact: The subject site currently consists of a vacant building and
the applicant is not proposing any exterior changes to the
building. Furthermore, Economic Development Policy 3
states the following: "Encourage and promote infill
development in orderly and logical development patterns
that decrease the costs, and increase the efficiency of new
utilities, infrastructure, and public services."

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

Finding of Fact: There are adequate provisions for water, sanitation, and
public utilities and services to ensure that the proposed use
would not be detrimental to public health and safety.

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

Finding of Fact: The expansion of the building to accommodate the sale for
alcohol related beverages, was reviewed pursuant to the
California Environmental Quality Act (CEQA). The
expansion to accommodate alcohol related inventory
qualifies for a Class 32 In-fill Development Project
categorical exemption; furthermore, the ABC license
issuance qualifies for a Class 1 Existing Facilities categorical
exemptions.

Finding No. 7 The proposed location, size, design and operating
characteristics of the proposed use will not be detrimental to
the public interests, health, safety, convenience, or welfare of
the City.

Finding of Fact: The proposed use will not have harmful effects upon
environmental quality, or natural resources. It is anticipated
to have beneficial effects upon neighborhood characteristics
by complementing existing business (restaurants and the
theater) in the vicinity and serving as a further draw to the downtown core. Sales of alcohol are regulated by the State of California, Department of Alcoholic Sales Licensing program and the California Constitution authorizes the Department of Alcoholic to suspend or revoke any license to sell alcoholic beverage if it determined for good cause that the continuance of such license would be contrary to the public welfare or morals.

SECTION 3. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution No. 2016-09:

   a. In accordance with CEQA Guidelines Section 15301 the Planning Commission hereby adopts the Categorical Exemption (Class 1: Existing Facilities) and directs the Community Development Director to prepare and file with the Clerk for the County of Riverside a Notice of Exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062; and

   b. Conditional Use Permit No. 16-8005 is approved, subject to Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.

PASSED, APPROVED AND ADOPTED this 7th day of December 2016.

________________________________________
Eric Shaw, Chairman
Banning Planning Commission
APPROVED AS TO FORM
AND LEGAL CONTENT:

_________________________________
John C. Cotti
Assistant City Attorney
City of Banning, California

ATTEST:

_________________________________
Sandra Calderon, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2016-07, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 7th day of December 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California
PROJECT #: Conditional Use Permit No. 16-8005
SUBJECT: Conditions of Approval (Planning Commission Resolution No. 2016-09)
APPLICANT: Ed Parker / Brew Rebellion
LOCATION: APN: 540-204-009

EXHIBIT A

* All fair share agreements, covenant agreements and agreements subject to recodartion will be subject to review and approval by the City Attorney and will include appropriate enforcement provisions by the City and be properly securitized.

Community Development Department

1. This Conditional Use Permit is approved for the operation of a craft brewery and tasting room (drinking establishment) with sale of beer produced on premises for on and off-site consumption, along with live entertainment and on-site food consumption.

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

3. Approval of this entitlement shall not waive compliance with any sections of the Development Code, other applicable City Ordinances, in effect at the time of building permit issuance.

4. Construction and/or occupancy shall commence within two (2) years from the date of project approval, or the Conditional Use Permit approval shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year the Conditional Use Permit shall become null and void. The Community Development Director may, upon a written application being filed 30 days prior to expiration and for good cause, grant a onetime extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Conditional Use Permit complies with all current Ordinance provisions.

5. If there more than three public safety calls for service in any six-month period or any future issues that arise with the use that is the subject of this discretionary approval (e.g., complaints from neighboring residents or businesses) the Community Development Director or other appropriate City designee has the authority to require that the Conditional Use Permit be brought back before the Planning Commission for immediate remedy which may include, but not necessarily be limited to, the imposition of additional conditions of approval.

6. The Site shall be developed in compliance with all current model codes. All plans shall be designed in compliance with the latest editions of the California Building Codes as adopted by the City of Banning.

7. If mobile food vending is proposed, prior to engaging such services the applicant shall submit information and plans for said proposal to the Community Development Department for Staff Technical Review and approval.

Public Works Department

8. The applicant shall ensure that a backflow devices is working properly and is in compliance with the State Department of Health Regulations. A backflow
certification shall be submitted to the Public Works Department for each backflow device.

**Building Department**

The following requirements will be required at the time of plancheck submittal and/or prior to building occupancy, whichever occurs first:

9. The Site shall be developed in compliance with all current model codes. All plans shall be designed in compliance with the latest editions of the California Building Codes as adopted by the City of Banning.

10. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.

**Fire Department**

The Fire Department requires the listed fire protection measures be provided in accordance with the City of Banning Municipal Code and/or the Riverside County Fire Department Fire Protection Standards. All measures shall be complied with prior to building occupancy unless otherwise stated or approved by the Fire Department.

11. Fire Department approval is based upon the 2013 CBC requirements for Group B (possibly A) occupancies. It is prohibited to use, process or store any materials in the occupancy that would classify it as a Group H occupancy.

12. The Fire Department is required to set a minimum fire flow for the construction of all commercial buildings using the procedure established in the 2013 CFC.

13. For commercial areas, the required fire flow shall be available from Super hydrant(s) (6" x 4" x 2¹/₂" x 2¹/₂") not more than 400' from any point on the street frontage and shall be capable of delivering the required fire flow of 1500 GPM for 2 hours duration at 20 psi residual operating pressure. Flow test will be required to verify these requirements.

14. Provide keys to the tenant space for inclusion in the main building Knox Box. Key(s) shall have durable and legible tags affixed for identification of the correlating tenant space. Provide Knox Key switch for the gate. Forms can be picked up at Banning City Hall.

15. Install door hardware and exit signs as per the 2013 CBC.

16. Install portable fire extinguishers per Title 19, but not less than 2A10BC in rating. Contact a certified extinguisher company for proper placement and spacing of
equipment.

17. Approved building address shall be placed in such a position as to be plainly visible and legible from the street and rear access if applicable. Building address numbers shall be a minimum of 12”. All addressing must be legible and of a contrasting color with the background and adequately illuminated to be visible from the street at all hours.

18. A durable sign stating "This door to remain unlocked during business hours" shall be placed on or adjacent to the front exit doors. The sign shall be in letters not less than one inch high on a contrasting background.

19. Verify occupancy type/load per section 1004 of the 2013 CBC. Show calculations on site plan.

Police Department

20. The business shall comply with all state and federal laws pertaining to microbreweries.

***END***
ATTACHMENT 2
Proposed Site & Floor Plan
ATTACHMENT 3
Public Hearing Notice
I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

November 25, 2016

Executed on: 11/25/2016
At Banning, CA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature
CITY OF BANNING
Planning Commission Report

DATE: November 30, 2016
TO: Planning Commission
FROM: Brian Guillot, Community Development Director
PREPARED BY: Patty Nevins, Senior Planner
MEETING DATE: December 7, 2016
SUBJECT: DISCUSSION AND CONSIDERATION OF APPROVING CONDITIONAL USE PERMIT NO. 16-8003 BY RESOLUTION NO. 2016-07 PROPOSED TRUCK REPAIR AND SERVICE FACILITY, CRUZ INDUSTRIAL TRUCK, INC LOCATED AT 1233 E. RAMSEY (APN 541-170-002)

APPLICANT’S REQUEST:
The applicant, Cruz Industrial Truck, Inc., is requesting approval of a Conditional Use Permit to establish a truck repair and service facility business for the property located at 1233 E. Ramsey in the Business Park zoning district. The site is partially improved and the building is currently vacant. This site formerly housed a recycling facility.

APPLICANT INFORMATION:
Project Location: 1233 E. Ramsey Street
APN Information: 541-170-002
Project Applicant: Cruz Industrial Truck Inc.
1300 E. Ramsey Street
Banning, CA 92220
Property Owner: Krystal Perez-Cruz
1233 E. Ramsey Street
RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 2016-07 (Attachment No. 1):

I. Adopting a Categorical Exemption pursuant to Section 15301 (Existing Facilities) and Section 15332 (In-Fill Development Projects); and

II. Approving Conditional Use Permit (CUP) No. 16-8003 for a truck repair and service facility subject to the Findings and Conditions of Approval contained therein.

PROJECT BACKGROUND AND DESCRIPTION:

The applicant is requesting approval of a Conditional Use Permit to establish a truck repair and service facility at 1233 E. Ramsey Street. The project site is a 1.23-acre rectangular-shaped parcel and is the former location of Ramsey Recycling, which ceased operating in 2015. The site is located in the Business Park (BP) District, which allows light industrial and office/warehouse buildings. Uses for truck repair and service facilities are conditionally permitted with approval of a Conditional Use Permit (CUP) by the Planning Commission.

The summary table below lists the uses surrounding the site:

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Vacant Land</td>
<td>Business Park (BP)</td>
<td>Business Park (BP)</td>
</tr>
<tr>
<td>South</td>
<td>Vacant Land (across Ramsey Street)</td>
<td>Business Park (BP)</td>
<td>Business Park (BP)</td>
</tr>
<tr>
<td>East</td>
<td>Vacant Land</td>
<td>Business Park (BP)</td>
<td>Business Park (BP)</td>
</tr>
<tr>
<td>West</td>
<td>Vacant Land</td>
<td>Business Park (BP)</td>
<td>Business Park (BP)</td>
</tr>
</tbody>
</table>

PROPOSAL AND ANALYSIS

Cruz Industrial Truck, Inc. is proposing to relocate an existing business on Gallaher Way to facilities located at 1233 E. Ramsey Street.
Existing Buildings and Site

There are two existing buildings on the property that will be utilized for the operation of the truck repair and service facility. The rectangular-shaped building to the western edge is perpendicular to East Ramsey Street and will include a 4,800 square-foot service work area and a 670 square foot office. There are four existing bay doors on the east side of this building, facing the interior of the property; the applicant proposes to ultimately add two roll-up doors (the only proposed modification to the site buildings), for a total of six service bays. The 1,470 square-foot building located on the east side of the property will be used for storage and includes an attached open cover. The applicant is not proposing to increase the square footage of the existing structures. The majority of the property (excepting the rear, which is elevated) has asphalt paving; additional paving will be required for parking.

An existing block wall is located along the west, east, and north property lines alongside and back of the buildings; there is a break in the wall along the east side. The rear 75' of the property will not be utilized in the operation of the business.

The truck repair and service facility will provide six vehicle parking stalls and two commercial truck parking stalls at the front of the property, with additional parking in the back of the property. An iron fence with an east/west orientation separates the facility operations from the public access area located at the front of the property.

Site and Buildings

The two existing buildings are architecturally dissimilar and not tied together visually. Staff has recommended a condition requiring that the buildings and existing east-west fencing be painted to create a complementary appearance within the site, subject to approval by the Community Development Director. Portions of the property intended for parking and maneuvering areas are currently unimproved (dirt), and will be required to be paved in accordance with zoning ordinance requirements. Additionally, the applicant will be conditioned to segregate the rear/unused area of the property from the on-site areas to be utilized for the business. Any future uses of areas not included in this approval will require an amendment of the Conditional Use Permit.

The existing block wall surrounding the property includes open gaps along the side. Staff has included a condition of approval requiring that the wall be constructed to completion and that prior to submittal for building permits for the wall, the applicant design plans to include proposed decorative treatment to the Community Development Director for review and approval.

The site includes a large area in the front of the property containing right of way to be vacated. Engineering/Public Works staff have confirmed that the proposed area to be vacated is consistent with City plans and right-of-way requirements at the proposed location. The vacation of the 25' area shown at the front of the property will be required
to be completed prior to installation of any improvements in this area and the start of business.

Parking and Access

Due to the nature of the use which is repair of large trucks, staff has applied the parking requirements of service stations under Table 17.28.040B Commercial and Industrial Parking Requirements, which requires the following:

- General Office – one space for each 200 square feet of gross floor area (4 spaces).
- Service Station – one space for each service bay, plus one for each employee (11 spaces).

The applicant is proposing a total of sixteen parking spaces whereas fifteen spaces total are required. Portions of the site designated for parking are currently within the rear dirt area with old/broken asphalt and a condition of approval has been included to require that the affected area be paved and striped to meet zoning code requirements for parking areas.

Access for large trucks is provided via a driveway on the easterly-adjacent property, and front parking spaces overlap the easterly parcel as well. The adjacent property is also owned by the applicant, and the driveway at this location is necessary to accommodate the required turning radius needed for the larger trucks. Because this property is a separate parcel, the applicant has been conditioned to execute a non-revocable reciprocal access and parking agreement. Further, the area on the adjacent property to be used for access will require paving and has been conditioned to require such, along with curbing for separation from the remainder of the parcel.

Landscaping

Currently, site vegetation consists primarily of overgrown weeds and dried grass visible from the Street. The preliminary landscaping plan provided divides the site into landscaping planting areas; six viewable from East Ramsey Street and one adjacent to a parking space behind the access gate. Proposed planting includes a combination of Grass Palm, Saguaro cactus, beach pebble, gravel and 24"-36" boulders.

Section 17.28.060(E), requires that a minimum of fifteen percent of the net area of all parking areas shall be landscaped, with all landscaped areas to have a minimum interior dimension of six feet in width. Additionally, where parking areas adjoin a public right of way, a landscaped planting strip equal to the required yard setback shall be established between the public right of way and the parking area.

Proposed landscaping will be required to meet zoning requirements relative to plantings (including trees) and minimum widths and areas. As such, a condition of approval has been included to require that revised landscape plans addressing this be submitted to the Planning Department for review and approval.
Conclusion

The proposed use, along with proposed and conditioned site improvements, will update and enhance a previous recycling site with new paving and landscape improvements. Additionally, the proposed business is being relocated within the City and furthers the goal of business retention. Staff recommends approval of the proposed project, subject to conditions contained in Exhibit "A" attached.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

In accordance with the California Environmental Quality Act (CEQA), the project is exempt from further environmental review as a Class 1 Categorical Exemption under §15301 Existing Facilities and as a Class 32 Categorical Exemption under §15332 In-fill Development Projects. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. A Class 32 Categorical Exemption consists of projects characterized as in-fill development meeting the conditions described as the following: (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as the applicable zoning designation and regulations; (b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) the project site has no value as habitat for endangered, rare or threatened species; (d) approval of the project would no result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) the site can be adequately served by all required utilities and public services.

Staff has analyzed proposed Conditional Use Permit No. 16-8003 and determined that the Project is Categorically Exempt from CEQA pursuant to §15332 and §15301 due to the fact that the proposed meets the required criteria to qualify as both "existing facilities" and an "in-fill development project" as defined by §15332 and §15301 of the CEQA Guidelines. Therefore, Conditional Use Permit No. 16-8003 is Categorically Exempt from CEQA pursuant to both §15301 and §15332 of the CEQA Guidelines.

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 CONDITIONAL USE PERMIT 16-8003:

Section 17.52.050 of the City of Banning Zoning Ordinance requires that Conditional Use Permit applications meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval for Conditional Use Permit No. 16-8003:

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

Findings of Fact: Conditional Use Permit No. 16-8003 is consistent with the General Plan Land Use Element Policy which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands." The land-use designation of Business Park (BP) allows land uses that are light industrial and office/warehouse buildings. The proposed project under Conditional Use Permit 16-8003 is not adjacent to residential uses or a residentially zoned district. Further, Conditional Use Permit No. 16-8003 is consistent with General Plan Economic Development Policy which states: "The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues." The proposed truck repair and service facility is relocating from its current location at 313 Gallaher Way to 1233 E. Ramsey Street; therefore, approval of Conditional Use Permit No. 16-8003 would proactively assist in retaining an existing business and maintain and create employment opportunities for the City.

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

Findings of Fact: Conditional Use Permit No. 16-8003 is consistent with Section 17.12.020 of the Zoning Ordinance in that truck repair and service facilities are listed as conditionally permitted in the Business Park District. The project will be conditioned to comply with the parking, landscaping, and refuse storage standards.

Finding No. 3: The proposed use would not impair the integrity and character of the land use district in which it is to be located.
Findings of Fact: The proposed use is conditionally permitted under the Zoning Ordinance. The site is a former recycling facility which will be improved by the proposal and will be conditioned to be maintained in a manner that will not interfere with the use and enjoyment of future development in that it will be conditioned to maintain landscaping areas and not permit outdoor storage.

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

Findings of Fact: The subject site is suitable for the type and intensity of land use proposed in that the proposed use will take place completely within an enclosed building and the proposal will provide sufficient parking area for employees and customers as well as landscaping improvements as required by the Zoning Ordinance. Its location on East Ramsey Street is conveniently accessible the Interstate 10 from the Ramsey Avenue and Hargrave freeway exits without impacting residentially zoned district. The site circulation and landscaping area is designed in a way that the project is compatible with the character of the surrounding neighborhood and Zoning Ordinance design guidelines.

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

Finding of Fact: The proposed project is conditioned to contract with the City's waste hauler. The site will be serviced by the City's water and electrical departments. The disposal of oil and removal of tires shall comply with State law and the City's regulations and conditions of approval.

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

Finding of Fact: There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety. The proposed project was evaluated for environmental impacts utilizing the provisions under California Environmental Quality Act (CEQA).

Finding No. 7: The proposed location size, design and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.
Finding of Fact: The proposed used does not involve an expansion of the buildings to accommodate the operation of the truck repair and service facility, will improve the appearance of the property, and has been conditioned to ensure that it will not be detrimental to the public interests, health, safety, convenience, or welfare of the City. Furthermore, it was reviewed pursuant to the California Environmental Quality Act (CEQA) and qualifies for a Class 32 (Infill Development Projects) and Class 1 (Existing Facilities) categorical exemptions.

PUBLIC COMMUNICATION:

Proposed Conditional Use Permit No. 16-8003 was advertised in the Record Gazette newspaper on November 25, 2016 (Attachment No. 3). As of the date of this report, staff has not received any comments for or against the proposal.

ATTACHMENTS:

1. Resolution No. 2016-07 with Conditions of Approval
2. Exhibits - Plans
3. Public Hearing Notice

Prepared By: Reviewed and Recommended By:

[Signature]
Patty Nevins
Senior Planner

[Signature]
Brian Guillot
Community Development Director
ATTACHMENT 1
Resolution No. 2016-07
with Conditions of Approval
RESOLUTION NO. 2016-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA ADOPTING A CATEGORICAL EXEMPTION FOR CONDITIONAL USE PERMIT (CUP) NO. 16-8005 TO APPROVE A TRUCK REPAIR AND SERVICE FACILITY LOCATED AT 1233 E. RAMSEY STREET (APN 541-170-002) WITHIN THE BUSINESS PARK ZONING DISTRICT.

WHEREAS, an application for a Conditional Use Permit including a request for a truck repair and service facility business has been duly filed by:

Project Applicant: Cruz Industrial Truck, Inc.
1300 E. Ramsey Street
Banning CA 92220

Parcel Address: 1233 E. Ramsey Street

APN: 541-170-002

Lot Area: 1.23 acres

WHEREAS, the Planning Commission has the authority per Chapter 17.52 of the Banning Municipal Code to take action on Conditional Use Permit 15-8005 for a truck repair and service facility in the Business Park Zoning District; and

WHEREAS, on November 25, 2016 the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered; and

WHEREAS, on December 7, 2016 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to Conditional Use Permit No. 16-8003; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Conditional Use Permit No. 16-8003 determined that, pursuant to CEQA Section 15301 (Existing Facilities) is Categorically Exempt; and

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

California Environmental Quality Act (CEQA)
In accordance with §15301 (Existing Facilities) a Class 1 Categorical Exemption of the California Environmental Quality Act (CEQA) and §15332 (In-Fill Development Projects), the project is being exempt from further environmental review. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. A Class 32 Categorical Exemption consists of projects characterized as in-fill development wherein (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) the project site has no value as habitat for endangered, rare or threatened species; (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) the site can be adequately served by all required utilities and public services. The Planning Commission has analyzed proposed Conditional Use Permit No. 16-8003 and has determined that it is Categorically Exempt from CEQA pursuant to §15301 of the CEQA Guidelines due to the fact that the proposal meets the required criteria to qualify as a "existing facilities" and "infill development as defined by §15301 of the CEQA Guidelines.

Staff has analyzed proposed Conditional Use Permit No. 16-8003 and has determined that it is Categorically Exempt from CEQA pursuant to §15301 and §15332 due to the fact that the proposed meets the required criteria to qualify as "infill development" and "existing facilities" as defined by §15301 and §15332 of the CEQA Guidelines. Therefore, Conditional Use Permit No. 16-8003 is Categorically Exempt from CEQA pursuant to §15301 and of the CEQA Guidelines.

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 CONDITIONAL USE PERMIT 15-8005:

Section 17.52.050 of the City of Banning Zoning Ordinance requires that Conditional Use Permit applications meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval of Conditional Use Permit No. 16-8003:
Finding No. 1: The proposed use is consistent with the General Plan;

Finding of Fact: Conditional Use Permit No. 16-8003 is consistent with the General Plan Land Use Element Policy which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands." The land-use designation of Business Park (BP) allows land uses that are light industrial and office/warehouse buildings. The proposed project under Conditional Use Permit 16-8003 is not adjacent to residential uses or a residentially zoned district. Further, Conditional Use Permit No. 16-8003 is consistent with General Plan Economic Development Policy which states: "The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues." The proposed truck repair and service facility is relocating from its current location at 1300 E. Ramsey Street to 1233 E. Ramsey Street; therefore, approval of Conditional Use Permit No. 16-8003 would proactively assist in retaining an existing business and maintain and create employment opportunities for the City.

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

Finding of Fact: Conditional Use Permit No. 16-8003 is consistent with Section 17.12.020 of the Zoning Ordinance in that truck repair and service facilities are listed as conditionally permitted in the Business Park District. The project will be conditioned to comply with the parking, landscaping, and refuse storage standards.

Finding No. 3 The proposed use would not impair the integrity and character of the land use district in which it is to be located.

Finding of Fact: The proposed use is conditionally permitted under the Zoning Ordinance. The site is a former recycling facility which will be improved by the proposal and will be conditioned to be maintained in a manner that will not interfere with the use and enjoyment of future development
in that it will be conditioned to maintain landscaping areas and not permit outdoor storage.

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

Finding of Fact: The subject site is suitable for the type and intensity of land use proposed in that the proposed use will take place completely within an enclosed building and the proposal will provide sufficient parking area for employees and customers as well as landscaping improvements as required by the Zoning Ordinance. Its location on East Ramsey Street is conveniently accessible the Interstate 10 from the Ramsey Avenue and Hargrave freeway exits without impacting a residentially zoned district. The site circulation and landscaping is designed in a way that the project is compatible with the character of the surrounding neighborhood and Zoning Ordinance design guidelines.

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

Finding of Fact: The proposed project is conditioned to contract with the City’s waste hauler. The site will be serviced by the City’s water and electrical departments. The disposal of oil and removal of tires shall comply with State law and the City’s regulations and conditions of approval.

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

Finding of Fact: The proposed used does not involve an expansion of the buildings to accommodate the operation of the truck repair and service facility, will improve the appearance of the property, and has been conditioned to ensure that it will not be detrimental to the public interests, health, safety, convenience, or welfare of the City. Furthermore, it was reviewed pursuant to the California Environmental Quality Act (CEQA) and qualifies for a Class 32 (In-fill Development Projects) and Class 1 (Existing Facilities) categorical exemptions.

Finding No. 7: The proposed location, size, design and operating characteristics of the proposed use will not be detrimental to
the public interests, health, safety, convenience, or welfare of the City.

Finding of Fact: The proposed used does not involve an expansion of the buildings to accommodate the operation of the truck repair and service facility, will improve the appearance of the property, and has been conditioned to ensure that it will not be detrimental to the public interests, health, safety, convenience, or welfare of the City. Furthermore, it was reviewed pursuant to the California Environmental Quality Act (CEQA) and qualifies for a Class 32 (In-fill Development Projects) and Class 1 (Existing Facilities) categorical exemptions.

SECTION 3. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution No. 2016-07:

   a. In accordance with CEQA Guidelines Section 15301 the Planning Commission hereby adopts the Categorical Exemption (Class 1: Existing Facilities and Class 32: Infill Development) and directs the Community Development Director to prepare and file with the Clerk for the County of Riverside a Notice of Exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062; and

   b. Conditional Use Permit No. 16-8003 is approved, subject to Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.

PASSED, APPROVED AND ADOPTED this 7th day of December 2016.

__________________________________________
Eric Shaw, Chairman
Banning Planning Commission

5
APPROVED AS TO FORM
AND LEGAL CONTENT:

______________________________
John C. Cotti
Assistant City Attorney
City of Banning, California

ATTEST:

______________________________
Sandra Calderon, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City
of Banning, California, do hereby certify that the foregoing Resolution, No. 2016-07,
was duly adopted by the Planning Commission of the City of Banning,
California, at a regular meeting thereof held on the 7th day of December 2016, by
the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________________________
Sandra Calderon, Recording Secretary
City of Banning, California
EXHIBIT A

* All fair share agreements, covenant agreements and agreements subject to recodration will be subject to review and approval by the City Attorney and will include appropriate enforcement provisions by the City and be properly securitized.

Community Development Department

1. This Conditional Use Permit is approved for the operation of a truck repair and service facility to include a 4,800 square foot service work area and a 670 square foot office within existing buildings.

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

3. Approval of this entitlement shall not waive compliance with any sections of the Development Code, other applicable City Ordinances, in effect at the time of building permit issuance.

4. Construction and/or occupancy shall commence within two (2) years from the date of project approval, or the Conditional Use Permit approval shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year the Conditional Use Permit shall become null and void. The Community Development Director may, upon a written application being filed 30 days prior to expiration and for good cause, grant a onetime extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Conditional Use Permit complies with all current Ordinance provisions.

5. The Community Development Director, may upon an application being filed 30 days prior to expiration and for good cause, grant one time extension not to exceed twelve months. Upon granting of an extension the Community Development director shall ensure that the Conditional Use Permit complies with all current Ordinance provisions.

6. A copy of the signed resolution of approval or Community Development Director’s letter of approval and all conditions of approval and any applicable mitigation measures shall be reproduced in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for review and approval as required by the reviewing department.

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

8. All work shall take place completely within buildings; no repair, maintenance, or other work shall take place outside.

9. There shall be no visible storage of any items including garbage, building, or manufacturing materials or junk, in any portion of the project.
10. The site shall be maintained free of trash and/or debris. The applicant/occupant shall properly dispose of any refuse and bulk trash located on the property.

11. If there more than three calls for service in any six-month period or any future issues that arise with the use that is the subject of this discretionary approval (e.g., complaints from neighboring residents or businesses) the Community Development Director or other appropriate City designee has the authority to require that the Conditional Use Permit be brought back before the Planning Commission for immediate remedy which may include, but not necessarily be limited to, the imposition of additional conditions of approval.

12. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.

13. A trash enclosure shall be provided with three, decorative walls with enhanced wall cap and a gate and cover, in a style compatible with the structure's architecture. The gate shall be maintained in working order and shall remain closed except when in use.

14. Any roof-mounted equipment or utility equipment on the side of the structure, or on the ground, shall not be visible from adjacent properties, the public rights-of-way or the parking lot. Any architectural screening that is proposed to shield the roof-mounted equipment shall be compatible in terms of colors and materials of the building. Landscape screening for ground mounted equipment shall be of sufficient size and quantity to fully screen the equipment.

15. The existing block wall surrounding the site shall be made solid such that all gaps in the wall are closed and the wall is continuous around the sides and rear of the subject property. A plan shall be submitted to the Community Development Department for approval prior to the submittal of building permits and/or occupancy of the site, whichever occurs first. Said plan shall include proposed finishes, which shall be decorative in nature.

16. Sixteen parking spaces shall be provided. All standard parking spaces shall be 9 feet wide by 19 feet long minimum. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide. All parking spaces shall be surfaced and striped per City standards and all loading zones, driveway aisles, entrances, and exits shall be surfaced and striped per City standards. Each exit from a parking area shall be clearly marked with a "Stop" sign. A minimum of two of the required large truck spaces shall be provided in front of the property for customers, and no less than six of these large truck parking spaces shall be provided for trucks; 40 feet x 14 feet minimum dimensions.
17. No street parking or parking of equipment or trailers shall be permitted in the public right-of-way. Should the need arise for additional parking, the owner shall construct the necessary facilities in accordance with current development guidelines.

18. A complete landscape/irrigation package prepared by a landscape architect licensed by the State of California shall be reviewed and approved by the Planning Division prior to issuance of building permit. The plans shall include the following elements:

   a. Water conservation concept statement.
   b. Calculation of maximum applied water allowance.
   c. Calculation of estimated total water use.
   d. Landscape design plan.
   e. Irrigation design plan.
   f. Certificate of substantial completion.

The landscape plan shall demonstrate compliance with Zoning Ordinance requirements related to landscaping in parking areas, including required front yard setback landscaping and shall include trees and additional groundcover planting as required by the Zoning Code.

19. Areas at the front of the easterly-adjacent property to be used to accommodate site access and circulation shall be paved and landscaped in accordance with Zoning Ordinance requirements, and a curb shall be installed across the width of the property to separate this area from the rear/remainder of the property. Plans for paving and curbing shall be provided for review and approval in conjunction with submittal for landscaping and irrigation approval.

20. A Reciprocal Parking and Access Agreement ensuring continuous parking and access availability to the project site from the easterly adjacent parcel shall be recorded against the subject property prior to occupancy. The Agreement shall first be reviewed and approved by the Community Development Director. Alternatively, a parcel merger may be processed to merge the two parcels. In the case of a parcel merger, any expansion of the proposed use beyond that depicted in plans approved by the Planning Commission will require that the applicant secure approval of an amendment to the Conditional Use Permit.

21. Vacation of twenty-five feet (25') of public right-of-way as depicted on the plan shall be required prior to installation of any improvements and start of business operations.
22. Site buildings and the existing metal fencing shall be painted to attain a complementary appearance; a painting plan shall first be submitted to the approved by the Director of Community Development for review and approval.

23. Site exterior lighting shall be shielded or recessed so that light is contained within the boundaries of the parcel on which the lighting is located. All lighting shall be directed downward and away from adjoining properties and public rights-of-way.

24. Prior to occupancy the applicant shall obtain a grading permit for existing and proposed grading work conducted.

**Public Works Department**

**General Requirements**

25. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class “A” State Contractor’s License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.

26. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:
   - Fire Marshal
   - Public Works Department
   - Riverside County Flood Control & Water Conservation District (RCFC&WCD)
   - California Regional Water Quality Control Board Colorado River Basin (RWQCB)
   - South Coast Air Quality Management District (SCAQMD)

The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.

**Right of Way/Public Improvements**

27. All public improvements shall be constructed per the City of Banning standard drawings and specifications.
28. The applicant shall remove and reconstruct existing driveway(s) along Ramsey Street. The driveways shall be reconstructed using the City’s commercial driveway standard (C-209).

29. Parking spaces shall have a minimum of three (3) feet separation from the sidewalk with 6” curb per City’s standard C-203

Grading/Drainage

28. The applicant shall comply with Chapter 13.24 “Stormwater Management Systems” of the Banning Municipal Code (BMC) and Title 18 “Grading, Erosion and Sediment Control” of the California Building Code related to excavation and grading; and, the State Water Resources Control Board’s orders, rules and regulations.

For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the applicant shall be required to submit a Storm Water Pollution Protection Plan (SWPPP) and file a Notice of Intent (NOI) with the Regional Water Quality Control Board.

The applicant’s SWPPP shall be reviewed and approved by the City Engineer prior to any permit issuance.

The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.

The applicant’s SWPPP shall include provisions for all of the following Best Management Practices (“BMPs”):

- Temporary Soil Stabilization (erosion control).
- Temporary Sediment Control.
- Wind Erosion Control.
- Tracking Control.
- Non-Storm Water Management.
- Waste Management and Materials Pollution Control.
All erosion and sediment control BMPs proposed by the applicant shall be designed using the CASQA BMP handbook and approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.

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

29. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California.

30. Prior to the issuance of any building permit(s), a precise grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any grading activity.

Trash/Recycling

31. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City’s franchised solid waste hauler, Waste Management of the Inland Valley at 1-800-423-9986, for disposal of construction debris.

Water

32. A backflow device must be installed on all commercial/industrial buildings and at each irrigation water connection. The backflow device must be in compliance with the State Department of Health Regulations. A backflow certification shall be submitted to the Public Works Department for each backflow device.

33. Landscape irrigation systems shall have a separate water meter.

34. If new water service meter/connection is needed, pay all applicable water connection and frontage fees per Chapter 13.08 “Water, Sewer and Electricity Rates” of the Banning Municipal Code prior to the issuance of a building permit.

35. Submit a utility plan showing location of water services; meters and sizes; fire service lines and backflow devices.

Water Quality

36. Prior to issuance of any building permit, a Project-Specific Water Quality Management Plan (WQMP) shall be reviewed and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.
i. At a minimum, all development will make provisions to store runoff from rainfall events up and including the one-hundred year, three hour duration.

ii. A priority redevelopment project replaces less than 50% of the impervious surfaces on an existing developed site, and the site was not previously subject to priority development project requirements, the WQMP design standards specified in the Order apply only to the addition or replacement, and not to the entire developed site.

37. All material storage areas including trash enclosures must be covered to protect from runoff.

Fees

38. Plan check fees for professional report review (geotechnical, drainage, WQMP, etc.), and all improvement plans review, shall be paid prior to submittal of said documents for review and approval in accordance with the fee schedule in effect at the time of submittal.

39. Public Works Inspection fees shall be paid prior to issuance of any permits in accordance with the fee schedule in effect at time of scheduling.

40. Water meter and installation fees shall be paid prior to issuance of any permits in accordance with the fee schedule in effect at time of scheduling.

Building Department

41. The Site shall be developed in compliance with all current model codes. All plans shall be designed in compliance with the latest editions of the California Building Codes as adopted by the City of Banning.

42. Site development and grading shall be designed to provide access to all entrances and exterior ground floor exits and access to normal paths of travel, and where necessary to provide access. Paths of travel shall incorporate (but not limited to) exterior stairs, landings, walks and sidewalks, pedestrian ramps, curb ramps, warning curbs, detectable warnings, signage, gates, lifts and walking surface material. The accessible route(s) of travel shall be the most practical direct route between accessible building entrances, site facilities, accessible parking, public sidewalks, and the accessible entrance(s) to the site. California Building Code (CBC) 11A and 11B.

43. City of Banning enforces the State of California provisions of the California Building Code disabled access requirements. The Federal ADA standards differ in some cases from the California State requirements. It is the building owner’s responsibility to be aware of those differences and comply accordingly.
44. Disabled access parking shall be located on the shortest accessible route. Relocate parking spaces accordingly.

45. Commercial buildings on the site shall be accessible per California Building Code (CBC) 11B.

46. Separate submittals and permits are required for all accessory structures such as but not limited to, trash enclosures, patios, block walls and storage buildings.

47. At the time of building plancheck and pursuant to California Business and Professions Code Section 6737, this project is required to be designed by a California licensed architect or engineer based on change of use and potential exiting and fire life safety improvements (change from recycle use to vehicle repair).

**Fire Department**

The Fire Department requires the listed fire protection measures be provided in accordance with the City of Banning Municipal Code and/or the Riverside County Fire Department Fire Protection Standards. All measures shall be complied with prior to building occupancy unless otherwise stated.

48. Fire Department approval is based upon the 2013 CBC requirements for Group S-1 occupancies. It is prohibited to use, process or store any materials in the occupancy that would classify it as a Group H occupancy.

49. The Fire Department is required to set a minimum fire flow for the construction of all commercial buildings using the procedure established in the 2013 CFC.

50. For commercial areas, the required fire flow shall be available from Super hydrant(s) (6" x 4" x 2 1/2" x 2 1/2") not more than 250' from any point on the street frontage and shall be capable of delivering the required fire flow of 2000 GPM for 2 hours duration at 20 psi residual operating pressure.

51. Prior to building plan approval and construction, applicant/developer shall furnish two copies of the water system fire hydrant plans to Fire Department for review and approval. Plans shall confirm hydrant type, location, spacing, and minimum fire flow. Once plans are signed and approved by the local water authority, the originals shall be presented to the Fire Department for review and approval.

52. Install a complete fire sprinkler system per NFPA 13. System plans must be submitted to the Fire Department for review.

53. Whenever sprinkler overhead mains of 4" size or larger are provided, the
Riverside County Fire Department requires documentation from a structural engineer that the roof structural members will be capable of supporting the weight of the water filled mains and attached lines. Provide appropriate detailed documentation, with a wet stamp and signature, by the project structural engineer.

54. All Fire Department Appliances such as hydrants, FDCs and PIVs shall be located on the front access side of the building. PIV and FDC appliances shall not be less than 40' from the building or more than 200' from an approved hydrant.

55. Exterior access to sprinkler system risers and FACP will be required.

56. Fire department emergency key (KNOX) box will be required. Provide keys to the tenant space for inclusion in the main building Knox Box. Key(s) shall have durable and legible tags affixed for identification of the correlating tenant space. Provide Knox Key switch for the gate. Forms can be picked up at Banning City Hall.

57. Install a manual and/or automatic fire alarm system as per NFPA 72 required by the California Building Code, California Fire Code and designed in accordance with adopted standards. A C-10 licensed contractor must submit plans to the Fire Department office for review and approval prior to installation. (Prior to building final inspection)

58. Install door hardware and exit signs as per the 2013 CBC

59. Prior to final inspection of any building, the applicant shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane painting and/or signs.

60. Certain designed areas will be required to be maintained as fire lanes and will require approved signs and/or stenciling in red with CVC 22500.1 conspicuously posted.

61. Install portable fire extinguishers per Title 19, but not less than 2A10BC in rating. Contact a certified extinguisher company for proper placement and spacing of equipment.

62. Approved building address shall be placed in such a position as to be plainly visible and legible from the street and rear access if applicable. Building address numbers shall be a minimum of 12”. All addressing must be legible and of a contrasting color with the background and adequately illuminated to be visible from the street at all hours.
63. Applicable room door(s) shall be posted “ELECTRICAL”, “FACP”, “FIRE RISER” and “ROOF ACCESS” on the outside of the door so it is visible and in a contracting color.

64. A durable sign stating "This door to remain unlocked during business hours" shall be placed on or adjacent to the front exit doors. The sign shall be in letters not less than one inch high on a contrasting background.

Electric Department

65. Plans submitted to the City shall correct the location of the power pole on the northwest corner to indicate its correct placement on the adjacent property.

66. Damaged service conduit from unpermitted grading shall be replaced at a minimum depth of 3’ and any non-damaged conduit will be required to be potholed/exposed so that adequate coverage can be confirmed. Any conduit not at adequate depth will be required to be replaced.

67. All conduit that is replaced or extended will be installed by the owner per electric utility requirements. Please contact the Electric Utility prior to backfill for inspection of installed conduit.

68. A minimum of 1’ of clearance will be required from the proposed retaining wall footing and the service conduits.

69. Electric service contract time, material, labor, and equipment costs applicable to replacement of the electric service conductor shall be paid for by the applicant.

***END***
ATTACHMENT 2
Exhibits-Plans
ATTACHMENT 3
Public Hearing Notice
Record Gazette
218 N. Murray St.
Proof of Publication
(2015.5 C.C.P.)

138326 PERMIT NO. 16-8003

State of California
County of Riverside

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

November 25, 2016

Executed on: 11/25/2016
At Banning, CA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature