City of Banning

PLANNING COMMISSION
Special Meeting – Thursday, January 10, 2008 - 6:30 p.m.
Council Chambers, 99 E. Ramsey Street
Banning, CA 92220

I. CALL TO ORDER

Pledge of Allegiance

Roll Call: Chairperson De Santis, Commissioner Barsh,
Commissioner Dickson, Commissioner Escandel,
Commissioner Hawkins

II. PUBLIC COMMENT

III. PUBLIC HEARING:

A. New Items:

1. Conditional Use Permit #07-809:

   a. A request to construct the Sunset Substation and supporting subtransmission and
distribution facilities necessary to interconnect with the existing city-owned
subtransmission and distribution systems. The purpose of this new electric
substation and its related interconnection facilities is to reduce loading levels on
existing electrical facilities to within acceptable limits and to provide for a long-term
safe, reliable, and cost-effective electric system to serve the City.

   The Sunset Substation and Transmission and Distribution Project (Project) is
composed of three separate components that would serve to improve the reliability
of the City’s electric system. Specifically, the proposed Project components would
include:
   -- Construction of a new 3.5-acre electrical distribution substation and an associated
1.5-acre stormwater facility area with access in the northwestern sector of the City,
located approximately 1,000 feet northwest of the northern end of Mountain
Avenue;

   -- Construction of a 5.1-mile double-circuit subtransmission line consisting of the
following: (1) reconstruction of the existing 3.2-mile overhead line from SCE
Banning Substation (located on Lincoln Street near Hargrave Street) west along
Lincoln Street to Midway Substation (located on Ramsey Street near Highland Home Road); and (2) the construction of an approximately 2.0-mile new underground section north along Ramsey Street, Omar Street, Wilson Street, and Mountain Avenue to the existing Southern California Edison (SCE) transmission easement, and then west to the proposed Sunset Substation; and -- Construction of underground distribution circuits in the vicinity of Sunset Substation to interconnect with existing distribution circuits and to provide for distribution circuits to serve new loads in the northwestern section of the City.

b. In compliance with the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration/Initial Study (MND/IS) was prepared for the project. The MND concludes that there would be no impacts associated with the proposed project that could not be mitigated to less than significant levels.

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2. THIS ITEM WILL NOT BE DISCUSSED: Unclassified Use Permit #01-47501: Revocation of said permit to establish a professional drag racing facility on property generally located approximately 1300 feet east of the northeast corner of Hathaway Street and Westward Avenue. APN's 532-130-008 & 018.

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IV. BUSINESS ITEM


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V. PLANNING COMMISSIONER COMMENTS

VI. ADJOURNMENT

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

DATE: JANUARY 10, 2008

CASE NO’S: CONDITIONAL USE PERMIT #07-809

REQUESTS: CONDITIONAL USE PERMIT TO ALLOW THE DEVELOPMENT AND OPERATION OF AN ELECTRIC SUBSTATION AND SUPPORTING TRANSMISSION AND DISTRIBUTION FACILITIES.

LOCATION: SUBSTATION IS LOCATED APPROXIMATELY 1,000 FEET NORTHWEST OF MOUNTAIN AVENUE’S NORTHERN TERMINUS; OVERHEAD LINES WILL BE LOCATED ALONG PORTIONS OF LINCOLN STREET; UNDERGROUND DISTRIBUTION LINES WILL BE LOCATED ALONG PORTIONS OF MOUNTAIN AVENUE, WILSON STREET, OMAR STREET AND RAMSEY STREET. APN 531-080-010.

APPLICANT: CITY OF BANNING

ENVIRONMENTAL CONSIDERATION: THE CITY OF BANNING HAS COMPLETED AN ENVIRONMENTAL ASSESSMENT OF THE ABOVE REFERENCED CASE. BASED ON THIS ASSESSMENT, IT HAS BEEN DETERMINED THAT ALTHOUGH THE PROJECT COULD HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, THERE WILL NOT BE A SIGNIFICANT EFFECT IN THIS CASE BECAUSE REVISIONS TO THE PROJECT HAVE BEEN MADE BY OR AGREED TO BY THE APPLICANT; THEREFORE, THE COMMUNITY DEVELOPMENT DEPARTMENT HAS PREPARED AND IS RECOMMENDING APPROVAL OF A MITIGATED NEGATIVE DECLARATION.

BACKGROUND:

The City of Banning proposes to develop and operate an electric substation (Sunset Substation) in order to reduce electrical load levels on the existing facilities to within acceptable limits. A Conditional Use Permit is required to develop and operate the electric substation in the Very Low Density Residential zone.
The project includes the following primary components:

1) Substation: Banning proposes to construct a 3.5-acre electric distribution facility. The site is located within the Pardee property, approximately 1,000 feet northwest of the Mountain Avenue northern terminus. The property is vacant and relatively flat and has been used for cattle grazing. The project involves the development of an electrical distribution substation, including transformers, 69-kV circuit breakers, 12-kV switching gear, and other distribution equipment. The maximum height of this equipment will be 24 feet. Other improvements include a water detention basin, bathroom, storage shed and a 10-high perimeter wall. To construct the substation, excavation of 150,000 cubic yards of soil will be required as well as the trenching for the distribution lines.

Aside from the initial construction, operation of the substation is minimal and involves weekly inspections and monitoring. Maintenance is conducted annually for a two to three day period.

2) 33-kV transmission line. The 5.1 mile double-circuit line would travel (underground) south on Mountain Avenue, west on Wilson Street, south on Omar Street, west on Ramsey Street to the Midway Substation (south of Ramsey Street, east of Highland Home Road). This line would then cross HWY 10 (south) and travel (overhead lines) east on Lincoln towards the Banning Substation (Lincoln Street, east of Hargrave Street). The underground line would involve the excavation of 75,240 cubic feet of soil.

3) 12-kV Distribution Line. The 2.0 mile line would travel (underground) south on Highland Home Road, west on Wilson Street, south on Omar Street, west on Ramsey Street to the Midway Substation (south of Ramsey Street, east of Highland Home Road).

Environmental Review

As Lead Agency, the City of Banning assessed the proposed project. The Community Development Department determined that the project would result in potentially significant effects on the environment, but that revisions to the project or the incorporation of the mitigation measures would avoid or lessen the effects below the threshold of significance; therefore, the Community Development Department has prepared and is recommending approval of a Mitigated Negative Declaration. The Mitigated Negative Declaration, as well as corresponding information is attached to this report.

Generally speaking, the greatest impacts from this project will be temporary, during the construction phase of the project. Specific impacts from this project will result from noise, emissions, and traffic congestions. These impacts will be mitigated to within less than significant levels and are expected to end at the conclusion of the construction phase. The project will not be considered growth-inducing because the
purpose of this project is to reduce loading levels on existing electrical facilities to within acceptable limits.

Findings:
Findings can be made for this project and are included in the resolutions of approval.

Public Notice
This proposal was advertised in the Record Gazette newspaper on December 28, 2007. All property owners within 300 feet of the site were mailed a public hearing notice. To date, no written comments have been received. Any comments received prior to the meeting will be incorporated into the appropriate documents.

Analysis

The illustrated below, the project meets or exceeds the development standards:

<table>
<thead>
<tr>
<th>Max. Density (Units/Ac.)</th>
<th>VLD</th>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Min. Lot Size (Ac. or s.f.)</td>
<td>20,000</td>
<td>3.5 ACRES</td>
</tr>
<tr>
<td>Min. Lot Size (Ac.) Multi-Family Units</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Min. Lot Width (Feet)</td>
<td>100</td>
<td>300</td>
</tr>
<tr>
<td>Min. Lot Depth (Feet)</td>
<td>100</td>
<td>750</td>
</tr>
<tr>
<td>Min. Front Setback (Feet)</td>
<td>35</td>
<td>40</td>
</tr>
<tr>
<td>Min. Rear Setback (Feet)</td>
<td>35</td>
<td>90</td>
</tr>
<tr>
<td>Min. Side Yard Setback (Feet)</td>
<td>15</td>
<td>200</td>
</tr>
<tr>
<td>Min. Street Side (Feet)</td>
<td>20</td>
<td>200</td>
</tr>
<tr>
<td>Max. Bldg. Coverage (%)</td>
<td>15</td>
<td>N/A</td>
</tr>
<tr>
<td>Min. Private Outdoor Space (s.f.)</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Min. Common Outdoor Space (s.f.)</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Height (stories/feet)</td>
<td>2/35</td>
<td>0/24</td>
</tr>
</tbody>
</table>

Staff has worked closely with consultants to devise a project that will provide a reliable electrical delivery system to the City. The project will have a slight aesthetic impact;
however, the project has been located immediately adjacent to the Edison power poles and lines in order to cluster all of the electric equipment and to take advantage of Edison’s easement (separation) from the adjacent properties. Also to reduce the aesthetic impacts, the project will be approximately 430 feet from the adjacent residential properties; will be surrounded by a 10 foot high perimeter decorative wall and be landscaped.

The project will follow all Federal and State safety guidelines.

RECOMMENDATION:

Staff Recommends the Planning Commission approve:

1) Resolution No. 2008-02, adopting a Mitigated Negative Declaration; and

2) Resolution No. 2008-03, approving Conditional Use Permit #07-809.

Respectfully submitted,

Oscar W. Orci
Community Development Director

Exhibits:
1. Resolution No. 2008-02
2. Resolution No. 2008-03
CUP #07-809
SUNSET SUBSTATION

RESOLUTION
NO. 2008-02

EXHIBIT "1"
RESOLUTION NO. 2008-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR CONDITIONAL USE PERMIT #07-809.

WHEREAS, an application for Conditional Use Permit #07-809 to develop and operate the Sunset Substation, an electric distribution substation and related transmission lines has been filed by:

Applicant / Owner: City of Banning
Authorized Agent: Jim Earhart, Utility Director
Project Location: Substation is located approximately 1,000 feet northwest of Mountain Avenue’s Northern Terminus; overhead lines will located along portions of Lincoln Street. Underground distribution lines will be located along Mountain Avenue, Wilson Street, Omar Street and Ramsey Street.

WHEREAS, the proposed Conditional Use Permit #07-809 is considered a “project” as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. (“CEQA”); and,

WHEREAS, after completion of an Initial Study, the Community Development Director determined that significant effects on the environment could result from the development of this project, but that revisions to the project or the incorporation of mitigation measures would avoid or lessen the effects below the threshold of significance. Therefore, staff has proposed a Mitigated Negative Declaration and Mitigation Monitoring Program for this project; and,

WHEREAS, the proposed Mitigated Negative Declaration consists of the following documents: Environmental Checklist Form, including Determination Page, Mitigation Monitoring program and related documents; and

WHEREAS, on the 10th day of January, 2008, using a method permitted under CEQA Guidelines Section 15072(b), the City provided notice of its intent to adopt the proposed Mitigated Negative Declaration to the public, responsible agencies, trustee agencies, and the Riverside County Clerk; and,

WHEREAS, the City made the proposed Mitigated Negative Declaration available for public review beginning on the 30th day of November 2007, and closing on the 31st day of December 2007, a period of not less than 20 days; and,
WHEREAS, the Banning Planning Commission conducted a duly noticed public hearing on the 10th day of January, 2008 at which it received public testimony concerning the project and the proposed Mitigated Negative Declaration and considered the proposed Mitigated Negative Declaration and proposed Mitigation Monitoring Program.

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

SECTION 1. FINDINGS.

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

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

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

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

4. **Mitigation Monitoring Program**: That the Mitigation Monitoring Program is designed to ensure compliance during project implementation in that change to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through permit conditions, agreements or other measures as required by Public Resources Code Section 21081.6.

5. **No Significant Effect**: That revisions made to the project plans agreed to by the applicant and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the Planning Commission finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the Planning Commission concludes that the project will not have a significant effect on the environment.
SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP).

The project is found to be consistent with the MSHCP. The project is located outside the MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. PLANNING COMMISSION ACTIONS.

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

1. Adoption of the MND: The Planning Commission adopts the Mitigated Negative Declaration for Conditional Use Permit #07-809.


3. Location: The Mitigated Negative Declaration (Attachment “1”, attached herein), Mitigation Monitoring Program (Attachment “2”, attached herein), and all documents incorporated therein or forming the record of decision therefore, shall be filed with the Banning Planning Department at the Banning City Hall, 99 East Ramsey Street, Banning, California 92220 and shall be made available for public review upon request.

PASSED, APPROVED AND ADOPTED this 10th day of January, 2008.

____________________________
Betty De Santis, Planning Commission Chairperson
City of Banning, California

APPROVED AS TO FORM AND
LEGAL CONTENT:

____________________________
Burke, Williams & Sorensen, LLP
City Attorney

PC Resolution No 2008-02
3
CERTIFICATION:

I, Virginia Sorenson, Recording Secretary for the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2008-02, was duly adopted by the Planning Commission of the City of Banning, California, at a Special meeting thereof held on the 10th day of January, 2008 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
CUP #07-809
SUNSET SUBSTATION

MITIGATED NEGATIVE DECLARATION

ATTACHMENT “1”
MITIGATED NEGATIVE DECLARATION

Introduction
The City of Banning (City) proposes to construct the Sunset Substation and supporting subtransmission and distribution facilities necessary to interconnect with the existing city-owned subtransmission and distribution systems. The purpose of this new electric substation and its related interconnection facilities is to reduce loading levels on existing electrical facilities to within acceptable limits and to provide for a long-term safe, reliable, and cost-effective electric system to serve the City.

In compliance with the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration/Initial Study (MND/IS) was prepared for the project. The MND concludes that there would be no impacts associated with the proposed project that could not be mitigated to less than significant levels.

Project Description
The Sunset Substation and Transmission and Distribution Project (Project) is composed of three separate components that would serve to improve the reliability of the City’s electric system. Specifically, the proposed Project components would include:

- Construction of a new 3.5-acre electrical distribution substation (Sunset Substation) and an associated 1.5-acre stormwater facility area with access in the northwestern sector of the City, located approximately 1,000 feet northwest of the northern end of Mountain Avenue;
- Construction of a 5.1-mile double-circuit subtransmission line consisting of the following (see Figure 3-2): (1) reconstruction of the existing 3.2-mile overhead line from SCE Banning Substation (located on Lincoln Street near Hargrave Street) west along Lincoln Street to Midway Substation (located on Ramsey Street near Highland Home Road); and (2) the construction of an approximately 2.0-mile new underground section north along Ramsey Street, Omar Street, Wilson Street, and Mountain Avenue to the existing Southern California Edison (SCE) transmission easement, and then west to the proposed Sunset Substation; and
- Construction of underground distribution circuits in the vicinity of Sunset Substation to interconnect with existing distribution circuits and to provide for distribution circuits to serve new loads in the northwestern section of the City.

Availability of Documents
Copies of the MND/IS and other documents utilized in conducting the environmental assessment for the proposed project are on file at:

    City of Banning City Hall
    99 East Ramsey Street
    Banning, CA 92220
CUP #07-809
SUNSET SUBSTATION

MITIGATION
MONITORING
PROGRAM

ATTACHMENT “2”
Environmental Determination

A MND/IS was prepared to identify the potential effects on the environment from the proposed project and to evaluate the significance of these effects. Based on the MND/IS, the proposed project would have less than significant effects or no impacts related to the following issues:

- Agricultural Resources
- Air Quality
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems

However, the environmental assessment presented in the MND/IS identifies environmental impacts in three areas that could be potentially significant unless mitigation measures are applied that can effectively reduce or avoid the impacts. These are in the areas of:

- Aesthetics
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Noise
- Transportation and Traffic
- Mandatory Findings of Significance

Mitigation measures have been incorporated to effectively mitigate all of the potentially significant environmental impacts identified in the MND/IS. Implementation of these mitigation measures can avoid the impacts or reduce them to a less than significant level. The mitigation measures are presented below in the Mitigation Monitoring and Reporting Plan.

Mitigation Monitoring and Reporting Plan

The following mitigation measures and a program for their implementation and monitoring are proposed.

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measure No.</th>
<th>Recommended Mitigation</th>
<th>Period/Method of Implementation</th>
<th>Implementation Monitor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potential impacts to existing scenic vista views by residents facing the northern San Bernardino Mountain foothills</td>
<td>AES-1</td>
<td>Substation Site Landscaping and Grading. The City of Banning shall incorporate decorative landscaping, decorative block walls, and other visual screening techniques (including but not limited to painting wall to closely match surrounding landscape) into the design of the proposed substation in order screen the substation site from existing residences.</td>
<td>Prior to and during Construction</td>
<td>Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight.</td>
</tr>
</tbody>
</table>
| Creation of a new source of light for nearby residential homes that currently have northern views of the San Bernardino Mountain foothills | AES-2 | Substation Site Lighting. The City of Banning shall design, install, and shield all necessary security lighting such that it minimizes the amount of spill or reflected light onto property adjacent to the substation site. These methods shall include, but are not necessarily limited to, the following:  
- Lighting shall be designed so that exterior light fixtures are hooded, with lights directed downward or toward the area to be | Prior to and during Construction | Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight. |
<table>
<thead>
<tr>
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<th>Mitigation Measure No.</th>
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<th>Period/Method of Implementation</th>
<th>Implementation Monitor</th>
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</thead>
<tbody>
<tr>
<td>Illuminated in order to minimize backscatter to the nighttime sky. The design of the lighting shall be such that the luminescence or light source is shielded to prevent light trespass outside the Project boundary; • All lighting shall be of minimum necessary brightness consistent with worker safety and meet the National Electrical Safety Code; and • High illumination areas not occupied on a continuous basis shall have switches or motion detectors to light the area only when occupied.</td>
<td>BIO-1</td>
<td>Worker Environmental Awareness Program. The City of Banning shall conduct Worker Environmental Awareness Program (WEAP) training for construction crews. All construction crews and contractors shall participate in WEAP training prior to starting work on the project. The WEAP training shall include a review of the special-status species and other sensitive resources that could exist in the project area (including their life history and habitat requirements), the locations of sensitive biological resources, and their legal status and protection under the U.S. Endangered Species Act of 1973 (6 USC 1536). The education program shall include materials describing sensitive resources, resource avoidance, permit conditions, and possible fines for violations of State or federal environmental laws. The program shall cover the mitigation measures, environmental permits, proposed Project plans, reclamation plans, and any other required plans. The City of Banning shall be responsible for ensuring that all project personnel and subcontractors adhere to the guidelines and restrictions set forth in the WEAP training. Training shall be conducted as needed to update crews as they commence work on the project or as crews advance into sensitive areas.</td>
<td>Prior to and during construction</td>
<td>Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight.</td>
</tr>
<tr>
<td>Construction activities may result in reduced habitat quality for rare upland plants.</td>
<td>BIO-2</td>
<td>Pre-construction surveys and flagging for avoidance. The City of Banning shall conduct a pre-construction survey to locate rare plants that may occur in the project area. Reconnaissance surveys for rare plants shall be conducted by a qualified biologist in accordance with appropriate survey protocols within a timeframe approved by USFWS and CDFG prior to the start of site ground disturbance. Sensitive plants shall be clearly flagged, mapped, and marked on construction drawings or project maps before construction in these areas. Sensitive plants shall be avoided by limiting the removal of the habitat or if necessary by</td>
<td>Prior to, during, and after construction</td>
<td>Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight.</td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measure No.</td>
<td>Recommended Mitigation</td>
<td>Period/Method of Implementation</td>
<td>Implementation Monitor</td>
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<tr>
<td>Potential impacts to sensitive bird species</td>
<td>BIO-3</td>
<td>Conduct Pre-construction Surveys and Monitoring for Breeding Birds and Reptiles. The City of Banning shall have a qualified biologist conduct pre-construction surveys for raptors and other migratory and or sensitive birds. The surveys shall occur no more than 30 days prior to construction. Surveys shall be conducted in areas within 500 feet of tower sites, laydown/staging areas, subslation sites, and access road/spur road locations. If breeding birds with active nests are found, a biological monitor shall establish a 300-foot buffer around the nest and no activities will be allowed within the buffer until the young have fledged from the nest or the nest fails. The 300-foot buffer may be adjusted to reflect existing conditions including ambient noise and disturbance with the approval of the CDFG.</td>
<td>Prior to construction</td>
<td>Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight.</td>
</tr>
<tr>
<td>BIO-4</td>
<td></td>
<td>Conduct Burrowing Owl Surveys and Relocate Individual Burrowing Owls During the Non-Breeding Season. The City of Banning shall conduct pre-construction surveys for the western burrowing owl. Surveys will be conducted no more than 30 days prior to ground disturbance activities in areas that contain habitat for this species. Burrows located outside the project area shall be flagged for avoidance. Un-occupied burrows located in the ROW shall be covered to prevent owls from re-occupying the burrows prior to construction. If active owl burrows are discovered within 160 feet of a tower the owls would be monitored during the course of construction to ensure the animals are not breeding. Owls would not be passively relocated from a burrow unless the qualified biologist determines construction activity may result in harm to the animal. Owls would be passively relocated from the burrows only after consultation with the CDFG.</td>
<td>Prior to construction</td>
<td>Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight.</td>
</tr>
<tr>
<td>Potential impacts to Los Angeles pocket mouse</td>
<td>BIO-5</td>
<td>Remain in Designated Work Areas. The City of Banning shall limit construction activities, staging areas, and access roads to the project footprint, as defined in the Stormwater Pollution Prevention Plan (SWPPP), at all times. Prior to construction, the City of Banning shall clearly delineate all work areas, approved access roads, and laydown areas to ensure project activities do not enter habitat for the Los Angeles pocket mouse, as defined in Appendix C of this document.</td>
<td>Prior to and during construction</td>
<td>Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight.</td>
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</table>

<p>| Cultural Resources                        |                        |                                                                                                                                                                                                                 |                                  |                        |
|-------------------------------------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|                                  |                        |
| Potential impacts to undiscovered archaeological resources | CR-1                   | Monitor Ground-Disturbing Activities for Archaeological Resources. A qualified archaeologist shall monitor all ground disturbing activities for the presence of archaeological resources.                                                                                   | During Construction              | Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight. |</p>
<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measure No.</th>
<th>Recommended Mitigation</th>
<th>Period/Method of Implementation</th>
<th>Implementation Monitor</th>
</tr>
</thead>
<tbody>
<tr>
<td>CR-2</td>
<td>Qualified Archaeologist to Provide Cultural Resources Briefing. A qualified archaeologist shall provide a cultural resources briefing prior to the start of construction for all construction personnel. If construction personnel discover a cultural resource in the absence of an archaeological monitor, construction shall be halted and a qualified archaeologist shall be contacted to make an immediate evaluation of significance and recommend appropriate treatment of the resource.</td>
<td>Start of construction and during construction</td>
<td>Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight. A qualified archaeologist will also monitor during ground disturbing activities.</td>
<td></td>
</tr>
<tr>
<td>Potential impacts to paleontological resources</td>
<td>CR-3</td>
<td>Monitor Ground-Disturbing Activities for Paleontological Resources. A qualified paleontologist shall monitor all ground disturbing activities for the presence of paleontological resources (clearing and grading, excavation, drilling). In the event that a potential paleontological resource is discovered, all work shall temporarily cease until the material can be assessed. Paleontological resources shall be processed in accordance with the Standards of Professional Vertebrate Paleontologists.</td>
<td>During construction</td>
<td>Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight. A qualified paleontologist will also monitor during ground disturbing activities.</td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measure No.</td>
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<td>---------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>CR-4</td>
<td>Qualified Paleontologist to Provide Briefing. A qualified paleontologist shall provide a paleontological resources briefing prior to the start of construction for all construction personnel. If construction personnel discover a paleontological resource in the absence of a paleontological monitor, construction shall be halted and a qualified paleontologist shall be contacted to make an immediate evaluation of significance and recommend appropriate treatment of the resource.</td>
<td>During construction</td>
<td>Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight: A qualified paleontologist will also monitor during ground disturbance activities.</td>
<td></td>
</tr>
<tr>
<td>Potential disturbance of human remains</td>
<td>CR-5</td>
<td>Notification of Discovered Remains. In the event that human remains or potential human remains are discovered, construction activities shall be immediately halted. The Construction Project Manager shall immediately notify the Riverside County Coroner, in compliance with California Health and Safety Code § 7050.5 and CEQA Guidelines §15064.5(e). If the County Coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission within 24 hours (CA Health and Safety Code § 7060.5). Construction may continue once compliance with all relevant sections of the California Health and Safety Code has been completed, all necessary investigations have been completed by the Cultural Resources Specialist, and a written authorization to proceed has been issued by the Construction Project Manager.</td>
<td>During construction</td>
<td>Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight.</td>
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<p>| Geology and Soils                                    | GEO-1                  | Reduce Effects of Ground Shaking. The Applicant shall follow the Institute of Electrical and Electronics Engineers 693 &quot;Recommended Practices for Seismic Design of Substations,&quot; which has specific requirements to mitigate damage incurred at substations. These design guidelines shall be implemented during substation construction. Substation control buildings shall be designed in accordance with the California Building Code for sites in Seismic Zone 4 with near-field factors. | Prior to and during construction | Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight. |</p>
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<tbody>
<tr>
<td>Potential erosion impacts associated with pier drilling, excavation, and backfilling</td>
<td>GEO-2</td>
<td>Minimize Soil Erosion. Soil erosion at the substation site and along the proposed subtransmission route shall be minimized through implementation of appropriate Best Management Practices included in the Project's Stormwater Pollution Prevention Plan (SWPPP), such as the construction of water bars, grading road surfaces to direct flow away from natural slopes, and consistent maintenance of roads and culverts to maintain appropriate flow paths. Silt fences and straw bales installed during construction shall be removed to restore natural drainage during the cleanup and restoration phase of the Project. Culverts or rock crossings shall be used to cross streambeds and washes; construction and maintenance shall not occur within streambeds or washes; and provisions for erosion control using check dams and culverts to prevent alteration to natural drainage patterns and to prevent siltation shall be implemented.</td>
<td>During construction</td>
<td>Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight</td>
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<tr>
<td>Potential impacts related to soil instability</td>
<td>GEO-3</td>
<td>Implement Recommendations of Geotechnical Investigation. A site-specific geotechnical investigation for the Sunset Substation site recommends the following to prevent soil stability problems: Remedially grade younger alluvium prior to placing additional fill or settlement-sensitive structures on-site. Do not place cohesionless soils within the outer 15 feet of the face fill slope. Slopes should be planted, drained, and maintained to prevent erosion. Further geotechnical analysis would be required if slopes greater than 15 feet high are included in the final project design.</td>
<td>During construction</td>
<td>Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight</td>
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**Hazards and Hazardous Materials**

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<tr>
<th>Potential impact associated with the transport, use, or disposal of hazardous materials</th>
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<td></td>
<td>HAZ-1</td>
<td>Environmental Training and Monitoring Program. An environmental training program shall be established to communicate environmental concerns and appropriate work practices, including spill prevention, emergency response measures, and proper Best Management Practice implementation, to all construction and maintenance personnel. The training program will emphasize site-specific physical conditions to improve hazard prevention (e.g., identification of potentially hazardous substances) and will include a review of all site-specific plans, including but not limited to, the Project's Stormwater Pollution Prevention Plan (SWPPP); and Spill Prevention, Control, and Countermeasures Plan (SPCC). A monitoring program shall also be implemented to ensure that the plans are followed throughout the period of construction. Best Management Practices, as identified in the Project SWPPP, shall also be implemented during the construction of the Project to minimize the risk of an accidental release and provide the necessary information for emergency response.</td>
<td>During construction</td>
<td>Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight</td>
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<td>HAZ-2</td>
<td></td>
<td>Proper Disposal of Construction Waste. All construction and demolition waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials, shall be removed to a hazardous waste facility permitted or otherwise authorized to treat, store, or dispose of such materials.</td>
<td>During construction</td>
<td>Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight</td>
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<tr>
<td>HAZ-3</td>
<td></td>
<td>Emergency Spill Supplies and Equipment. Hazardous material spill kits shall be maintained on site for onsite spills. This shall include oil-absorbent material, tarps, and storage drums to be used to contain and control any minor releases. Emergency spill supplies and equipment will be kept adjacent to all areas of work and in staging areas, and will be clearly marked. Detailed information for responding to accidental spills and for handling any resulting hazardous materials will be provided in the Project's Spill Prevention, Control, and Countermeasures Plan and in the training program required under Mitigation Measure HAZ-1.</td>
<td>During construction</td>
<td>Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight</td>
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</tbody>
</table>
| Potential impacts associated with the risk of wildland fires | HAZ-4                  | Riverside County Fire Department Review of Construction Methods. Should the Project schedule require construction during the fire season, the City of Banning shall coordinate with the Riverside County Fire Department to review the specific construction methods and equipment, and to identify any additional requirements that will minimize the potential for wildfires, such as the following:  
  - Any motor, engine, welding equipment, cutting torch, grinding device or equipment from which a spark, fire or flame may originate shall not be used without first (a) clearing away all flammable material for a distance of 10 feet, and (b) having on hand a round-point shovel with an overall length of not less than 46 inches and a fire extinguisher or water-filled backpack pump fully equipped and ready to use. This does not apply to power saws and other portable tools powered by a gasoline-fueled internal combustion engine.  
  - Any portable gasoline-powered tool (chainsaws, etc.) shall not be used within 25 feet of any flammable materials without providing one round-point shovel with an overall length of not less than 46 inches or a fire extinguisher having a minimum rating of 2-BC. The fire tools must be unobstructed and within 25 feet of the tool operation at all times. Motor vehicles shall not be parked or operated outside of cleared work areas except for the specific purpose of clearing vegetation. | Prior to and during construction | Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight                           |
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<td>HAZ-5</td>
<td>Practice Safe Welding Procedures. The City shall select a welding site that is void of native combustible material and/or clear the site of such material to minimize the fire hazard. All welding on supporting structures shall be performed during fabrication of the poles at the fabricator's yard.</td>
<td>During construction</td>
<td>Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight</td>
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| HAZ-6            | Fire Preventive Construction Equipment Requirements. Construction equipment shall meet the following requirements:  
- The exhausts of all equipment powered by gasoline, diesel, or other hydrocarbon fuel shall be equipped with effective spark arrestors;  
- The spark arrestor shall be designed to prevent the escape from the exhaust of carbon or other flammable particles over 0.0232 inches. Motor trucks, truck tractors, buses, and passenger vehicles (except motorcycles) shall not be subject to this provision if their exhaust systems are equipped with mufflers; and  
- All welding rigs shall be equipped with a minimum of one 20-pound or two 10-pound fire extinguishers, and a minimum of five gallons of water in a fire-fighting apparatus. | During construction             | Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight |

**Hydrology and Water Quality**

| WQ-1 | Collect Excess Water and Liquid Concrete. During pole foundation pours, excess water and liquid concrete shall be directed to bermed areas adjacent to the borings where the water will infiltrate or evaporate and the concrete will remain and begin to set. Once the excess concrete has been allowed to set up (but before it is dry), it shall be removed and recycled or transported to an approved landfill for disposal. | During construction             | Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight |

<p>| WQ-2 | Trenching Spoil Collection. Trenching spoils shall be removed to an off-site location, and/or temporarily collected and placed in a controlled area surrounded by silitation fencing, hay bales, or a similarly effective erosion control technique that prevents the transport of sediment. Upon completion of trenching activities, excavated soil shall be replaced and graded to match the surroundings. Surplus soil shall be transported from the site and disposed of in a manner approved by the City. Open portions of the trench shall be covered when not under active construction. Standard erosion and dust control practices shall be used during construction according to the City's Best Management Practices to protect biological and hydrological resources. | During construction             | Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight |</p>
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<td>Alteration of a stream or drainage which would result in substantial erosion or siltation on or off site</td>
<td>WQ-3</td>
<td>Ensure Proper Drainage of Sunset Substation. The stormwater pond located adjacent to the Sunset Substation shall be designed to accommodate all drainage and runoff from the substation site. Sunset Substation shall be designed such that all surface water would drain to the adjacent stormwater facility.</td>
<td>Prior to and during construction</td>
<td>Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight</td>
</tr>
<tr>
<td>Do Not Site Transmission Pole Foundations In or Near Streams and Drainages. Subtransmission line poles shall be located to avoid active drainages, including Smith Creek, Pershing Creek and Montgomery Creek.</td>
<td>WQ-4</td>
<td></td>
<td>Prior to and during construction</td>
<td>Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight</td>
</tr>
<tr>
<td>Potential impacts associated with on or off site flooding</td>
<td>WQ-5</td>
<td>Design Underground Subtransmission Line to Avoid Conflicts with Streams and Channels. The underground subtransmission line shall be designed to avoid physical conflicts or damage to the improved East Pershing Channel and Pershing Creek.</td>
<td>Prior to and during construction</td>
<td>Project Construction Manager will be responsible for implementation, and City of Banning will provide compliance oversight</td>
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</table>
| Potential noise impacts associated with off-site construction noise sources | NOI-1 | Implement Best Management Practices for Construction Noise. The construction contractor shall employ the following noise-suppression techniques to minimize the impact of temporary construction noise:  
- Construction activity, excluding staging activities, shall be confined to daytime, weekday hours (e.g., 7:00 a.m. to 6:00 p.m.);  
- Construction equipment shall use noise reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer;  
- Unnecessary construction vehicle use and idling time shall be minimized to the extent feasible. The ability to limit construction vehicle idling time is dependent upon the sequence of construction activities and when and where vehicles are needed or staged. A "common sense" approach to vehicle use shall be applied; if a vehicle is not required for use immediately or continuously for construction activities, its engine should be shut off. (Note: certain equipment, such as large diesel-powered vehicles, require extended idling for warm-up and repetitive construction tasks). | Prior to and during construction | Project Construction Manager will be responsible for implementation, and the City of Banning will provide compliance oversight |
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<td>NOI-2</td>
<td>Off-Site Noise Reduction. The construction contractor shall ensure that construction traffic is routed away from residences and schools, where feasible.</td>
<td>During Construction</td>
<td>Project Construction Manager will be responsible for implementation, and the City of Banning will provide compliance oversight</td>
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<tr>
<td>Potential impacts associated with groundborne vibration</td>
<td>NOI-3</td>
<td>Siting of Vibration Sources. During construction, all vibration sources shall be located in an area of the construction site that maximizes their distance from adjacent residences.</td>
<td>During Construction</td>
<td>Project Construction Manager will be responsible for implementation, and the City of Banning will provide compliance oversight</td>
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<tr>
<td>NOI-4</td>
<td>Provide Advanced Notification of Construction. During construction, the construction contractor or the City of Banning shall provide advance notice, between two and four weeks prior to construction, by mail to all single-family residences that would be within 600 feet of Project construction, multi-family residences within 300 feet of construction, and commercial uses within 170 feet of construction. The announcement shall state specifically where and when construction would occur in the area. If construction delays of more than seven days occur, an additional notice shall be made, either in person or by mail. Notices shall provide tips on reducing noise intrusion, for example, by closing windows facing the planned construction. The construction contractor or the City of Banning shall also publish a notice of impending construction in local newspapers, stating when and where construction would occur.</td>
<td>During Construction</td>
<td>Project Construction Manager will be responsible for implementation, and the City of Banning will provide compliance oversight</td>
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<tr>
<td>Transportation/Traffic</td>
<td>TRA-1</td>
<td>Traffic Control Plan. The contractor shall prepare a Traffic Control Plan, approved by the City of Banning, to reduce potential construction impacts resulting from temporary roadway and lane closures. The Plan shall include, but is not limited to, the following protocols: use of highly visible warning signs, flaggers, barricades, flashers, or traffic cones to give advance warning, and use of channelization devices to define traffic lanes through the work zone and separate opposing lanes of traffic. Flaggers shall wear approved warning garments follow standard flagging procedures. Pedestrian and bicycle protection shall also be provided.</td>
<td>Prior to Construction</td>
<td>Project Construction Manager will be responsible for implementation, and the City of Banning will provide compliance oversight</td>
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The Traffic Control Plan shall also include measures to avoid disruptions or delays in access for emergency service vehicles and to keep emergency service agencies fully informed of road closures, detours, and delays. Police departments, fire departments, ambulance services, and paramedic services shall be notified at least one month in advance by the City of Banning of the proposed locations, nature, timing, and duration of any construction activities and advised of any access restrictions that could impact their effectiveness. Provisions shall be ready at all times to accommodate emergency vehicles, such as immediately stopping work for emergency vehicle passage, short detours, and alternate routes developed in conjunction with local agencies. The Traffic Control Plan shall also identify all emergency service agencies, include contact information for those agencies, assign responsibility for notifying the service providers, and specify coordination procedures. Copies of the Traffic Control Plan shall be provided to all affected police departments, fire departments, ambulance and paramedic services.
CUP #07-809
SUNSET SUBSTATION

RESOLUTION
NO. 2008-03

EXHIBIT “2”
RESOLUTION NO. 2008-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING CONDITIONAL USE PERMIT #07-809 FOR THE DEVELOPMENT AND OPERATION OF AN ELECTRIC SUBSTATION (SUNSET SUBSTATION) AND RELATED DISTRIBUTION LINES.

WHEREAS, an application for a Conditional Use Permit to develop and operate an electric substation and related distribution lines has been duly filed by:

Applicant/Owner: City of Banning
Project Location: Substation is located approximately 1,000 feet northwest of Mountain Avenue's Northern Terminus; overhead lines will located along portions of Lincoln Street and Sunset Avenue. Underground distribution lines will be located along Mountain Avenue, Wilson Street, Omar Street and Ramsey Street.

WHEREAS, the Planning Commission has the authority per Chapter 17.52 of the Banning Municipal Code to take action on Conditional Use Permit #07-809 to develop and operate an electric substation and related distribution lines; and

WHEREAS, on December 28, 2007 the City gave public notice by advertising in the Record Gazette newspaper and notices to property owners within 300 feet of the site were mailed a public hearing notice of the holding of a public hearing at which the project would be considered; and

WHEREAS, on January 10, 2008 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Conditional Use Permit and at which the Planning Commission considered the Conditional Use Permit; and

WHEREAS, at this public hearing on January 10, 2008 the Planning Commission considered and heard public comments on and approved a Mitigated Negative Declaration and Mitigation Monitoring Program for the project by Resolution No. 2008-02 and

NOW THEREFORE, the Planning Commission of the City of Banning does Resolve, Determine, Find and Order as follows:

SECTION 1. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including, but not limited to, the City's local CEQA Guidelines, the recommendation of the Planning Commission as provided
in the Staff Report Dated January 10, 2008 and documents incorporated therein by reference, and
any other evidence (within the meaning of Public Resources Code §21080(c) and §21082.2)
within the record or provided at the public hearing of this matter, hereby finds and determines as
follows:

1. **CEQA:** The approval of Conditional Use Permit #07-809 is in compliance with the
requirements of the California Environmental Quality Act ("CEQA"), in that on January 10,
2008, at a duly noticed public hearing, the Planning Commission approved and adopted a
Mitigated Negative Declaration and Mitigation Monitoring Program reflecting its
independent judgment and analysis and documenting that there was no substantial evidence,
in light of the whole record, from which it could be fairly argued that the project may have a
significant effect on the environment. The documents comprising the City’s environmental
review for the project are on file and available for public review at Banning City Hall, 99 E.
Ramsey Street, Banning, California 92220.

2. **Wildlife Resources:** Pursuant to Title 14, California Code of Regulations Section 753.5(c),
the City Council has determined, based on consideration of the whole record before it, that
there is no evidence that the proposed project will have the potential for any adverse effect on
wildlife resources or the habitat upon which wildlife depends. Furthermore, on the basis of
substantial evidence, the City Council hereby finds that any presumption of adverse impact
has adequately been rebutted.

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

**SECTION 2. REQUIRED FINDINGS.**

Pursuant to Banning Municipal Code Chapter 17.52 and in light of the record before it including
the staff report dated January 10, 2008 and all evidence and testimony heard at the public
hearing of this item, the Planning Commission hereby finds as follows:

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

Fact: The primary Goals stated in the Land Use Element indicates that projects provide “a
balanced, well planned community” that will “[enhance] the quality of life for all Banning
residents.” This project will enhance the quality of life for all Banning residents by creating a
more reliable electrical distribution system that will reduce the existing electrical loads.

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

Fact: The proposed substation and related facilities is a use conditionally permitted within the
Very Low Density Residential zone. The Substation will comply with the required setbacks.
Furthermore, the Substation will be enclosed with a block wall and landscape will be installed
around the project perimeter.
Finding 3. The proposed use would not impair the integrity and character of the land use district in which it is to be located.

Fact: The surrounding properties are comprised of vacant land (to the north, west and east) and single family homes to the south. The development of the Substation and related transmission lines will be mostly behind a perimeter wall. The transmission lines will be underground or attached to existing utility poles.

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

Fact: The subject site is vacant and relatively flat and capable accommodating the electric substation. The existing poles are capable of accepting the new transmission lines. There is sufficient street/public right-of-way to accommodate the underground utility lines.

Finding 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.

Fact: The substation site has adequate provisions for water and public utilities and service connections. A septic system will be provided for the bathroom. The transmission lines will not require services.

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

Fact: The site is currently vacant and does not contain any significant vegetation or habitat for wildlife. There is no evidence that any endangered, threatened or listed species of plant or animal, or its habitat, is located on the site. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site.

Finding 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.

Fact: The Sunset substation is allowed within the Very Low Density Residential zone subject to a conditional use permit. The Substation is consistent with the intent of the City’s Zoning Ordinance as described in the staff report. The site has been described to meet the required development standards related to setbacks, lot coverage, etcetera such that it will not be detrimental to the public interest, health, safety, coverage or welfare as described in more detail in the Staff report.

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

Finding 1. **Approve Conditional Use Permit.** Conditional Use Permit #07-809, is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Attachment “1”.

Resolution No. 2008-03
PASSED, APPROVED AND ADOPTED this 10th day of January 2008.

Betty De Santis, Chairperson
City of Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary for the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2008-03, was duly adopted by the Planning Commission of the City of Banning, California, at a Special meeting thereof held on the 10th day of January, 2008 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT #07-809
APN: 531-080-010

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

2. A Conditional use Permit shall be exercised by the commencement of construction within 2 years from the date of approval or the Conditional Use Permit shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, the Conditional Use Permit shall become null and void. Projects may be built in phases if pre-approved by the review authority.

3. Minor modifications to an approved Conditional Use Permit may be approved by the Director, pursuant to Chapter 17.84, Minor Modifications. Any other modifications will require review by the Planning Commission. (Zoning Ord. dated 1/31/06, § 9113.08.)

4. 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 12 months. Upon granting of an extension, the Community Development

Attachment "1"
Director shall ensure that the Conditional Use Permit complies with all current Ordinance provisions.

5. The Commission shall hold a public hearing to revoke or modify a Conditional Use Permit granted pursuant to the provisions of Chapter 17.52, or extended by the Community Development Director. At least ten days prior to the hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which such Conditional Use Permit was granted. Notice shall be deemed delivered 2 days after being mailed, first class postage paid, to the owner as shown on the current tax rolls of the County of Riverside, and/or the project applicant.

A Conditional Use Permit may be revoked or modified by the Commission if any one (1) of the following findings can be made: 1) Circumstances have changed so that one or more of the findings contained in Section 17.52.050 can no longer be made; 2) The Conditional Use Permit was obtained by misinformation, misrepresentation or fraud; 3) The use for which Conditional Use Permit was granted has ceased or was suspended for six (6) or more consecutive calendar months. 4) One or more of the conditions of the Conditional Use Permit have not been met; 5) The use is in violation of any statute, ordinance, law, or regulations.
STAFF REPORT
PLANNING COMMISSION

DATE: JANUARY 10, 2008

CASE NO'S: UNCLASSIFIED USE PERMIT #01-47501

REQUESTS: REVOCATION OF SAID PERMIT TO ESTABLISH A PROFESSIONAL DRAG RACING FACILITY ON PROPERTY GENERALLY LOCATED APPROXIMATELY 1300 FEET EAST OF THE NORTHEAST CORNER OF HATHAWAY STREET AND WESTWARD AVENUE. APN'S 532-130-008 & 018.

DUE TO CLERICAL ERROR, THIS MATTER WILL NOT BE DISCUSSED AT THIS SPECIAL PLANNING COMMISSION MEETING OF JANUARY 10, 2008. THIS ITEM WILL BE RESCHEDULED AND READVERTISED WHEN A NEW DATE HAS BEEN SELECTED.
STAFF REPORT
PLANNING COMMISSION

DATE: JANUARY 10, 2008

CASE NO'S: DESIGN REVIEW #07-7012

REQUESTS: THE DEVELOPMENT AND OPERATION OF A 11,862 SQUARE FOOT OFFICE BUILDING
419-101-003

APPLICANT: MUHAMMAD S. AKHTAR

SURROUNDING USES/ZONES:
NORTH: SAN GORGONIO MEDICAL, PROFESSIONAL OFFICE
WEST: OFFICES, PROFESSIONAL OFFICE
SOUTH: VACANT, GENERAL COMMERCIAL
EAST: RENTAL EQUIPMENT, PROFESSIONAL OFFICE

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

BACKGROUND:

Project Location:
The project site is 29,879 square feet, located on the north side of Ramsey Street, adjacent to the San Gorgonio Memorial Hospital driveway. The subject site contained the Ratz Motel, which has been recently demolished. The site is now vacant, relatively flat and slopes from the rear towards Ramsey Street.

Project Description:
The project proponent is requesting approval of Design Review #07-7012 to construct a 11,862 SF two-story building (on a 29,879 square foot site) in the Professional Office Zone. The project will include a 67 space parking lot and landscaping. As designed the project will have reciprocal parking with the San Gorgonio Hospital, which is located immediately west of this site. The project will take access from Ramsey Street.

The project will incorporate mission style architecture, with a tile roof style (mudded) and will include multiple planned facades (recessed entries and pop-outs), smooth trowel stucco, wood shutters, and wrought iron.
Table 17.12.020 allows office uses, including medical offices, in the Professional Office zone. At the time of this writing, tenants for this office have not been identified.

**Design Review:** The Design Review application focuses on community design principles which, per the Zoning Ordinance Chapter 17.12.090, result in creative, imaginative solutions which establish quality design for the City. Staff has worked with the developer to create a Mission architectural style.

**Environmental:**
The project has been determined to be exempt from California Environmental Quality Act (CEQA) pursuant to Section 15332 which consists of projects characterized as fill development meeting the following conditions: (a) The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable Zoning designations and regulations, (b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses, (c) The project site has no value as habitat for endangered, rare or threatened species, (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, (e) The site can be adequately served by all required utilities and public services.

The project complies with the provision of Section 15332 in that the use is allowed in the General Plan's Professional Office Land Use designation and complies with the related policies; the project is located within the City and is .68 acres in size. The site has no value as habitat because it is surrounded by development, devoid of vegetation, has no bodies of water, has been graded and used as a motel; the project proponent will contribute to a master circulation plan for the area that will maintain safe vehicular and pedestrian circulation; and the development will be served from the existing street (Ramsey Street).

**Findings:**
Findings can be made to approve the Design Review application which is included in the Resolutions of Approval.

**Public Notice:**
This proposal was advertised in the Record Gazette newspaper on December 28, 2007. To date, no written comments have been received. Any comments received prior to the meeting will be incorporated into the appropriate documents.

**ANALYSIS:**

**Density:** 6,771 square feet of buildings (footprint) on a 29,879 square foot lot yields 22% building coverage. Maximum building coverage permissible in the Professional Office Commercial is 35%. The project complies with the Zoning Code.

**Access:** The project will be accessed from Ramsey Street.

**Parking requirements:** For General offices, Table 17.28.040B requires one space for each 200 sq ft for up to 2000 square feet of gross floor area, for 2001 to 7500 square feet
of gross floor area, one space for each 250 sq ft. For over 7500 square feet of gross floor area, one space for each 300 sq ft. Based upon this requirement, the project would require 38 spaces. For medical uses, Table 17.28.040B requires ten spaces for the first 2000 sq, plus one space for each additional 175 sq ft (or fraction thereof) above 2000. Thus at 11,861 sq. ft., the use requires 66 parking spaces. The project provides 67 spaces (including handicap spaces).

**Setbacks**: The project meets or exceeds all setback requirements. The project is in compliance with the development standards for this zone. Please refer to the table below:

<table>
<thead>
<tr>
<th>Setbacks</th>
<th>Proposed</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Setback</td>
<td>21' - 4''</td>
<td>0 min.</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>87'</td>
<td>0 min.</td>
</tr>
<tr>
<td>Side Yard Setbacks</td>
<td>5' - 6''</td>
<td>0 min.</td>
</tr>
</tbody>
</table>

**Architecture**: As indicated previously, the applicant proposes a mission architectural style consisting of white smooth stucco, recessed openings, tile roof, decorative wrought iron balconies, and exposed ridge rafters.

**Landscape Plan**: A conceptual landscape plan has been submitted. The applicant illustrated landscape along the property's perimeter and structure. The applicant proposes to landscape 26% of the lot area, the Code requires 15%. If the project is approved it will be conditioned to comply with the City's requirements, including drought-tolerant landscape.

**Utilities**: The project will be served by the City's utilities. These utilities are located on the adjacent street.

**Design Review**: In accordance with Chapter 17.56 ("Design Review") of the Banning Zoning Code, the Planning Commission must determine that the project complies with the following findings:

Finding No. 1: The proposed project is consistent with the General Plan.

Findings of Fact: The General Plan Land Use Element designation is Professional Office, which allows medical and office uses. This development proposes medical and professional uses, which is consistent with the land use designation.

Policy 3 of the General Plan Land Use Element indicates that development be of high quality projects. This project, as designed, will include a mission architectural style with smooth stucco, decorative roof rafters, tile roof, and wrought iron treatments that will result in a high quality design that is consistent with this Policy.
Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Findings of Fact: The Zoning District designation is Professional Office, which allows for the development of this project. The project meets or exceeds the development standards for this district, including:

- Minimum front yard setback (21'-4" provided versus 0' required);
- Minimum rear yard setback (87' provided versus 0' required);
- Minimum side yard setback (5'-6" provided (minimum) versus 0' required);
- Maximum lot coverage (22% provided versus 35% maximum permitted);
- Maximum height (2-story/ 34'-7" provided versus 2-story/ 35' maximum permitted); and
- Parking space requirement (67 provided versus 66 required).

Finding No. 3: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards.

Facts of Fact: The design and layout of the proposed project will not unreasonably interfere with future development, and will not result in vehicular and or pedestrian hazards because of the following:

- The "back-of-house" features, such as the trash enclosures and loading area are located in the parking lot and surrounded by landscape, which will minimize the visibility from the surrounding properties and public view;
- As conditioned the project will be required to contain nuisance water on site;
- As conditioned the project's illumination will not spill over onto adjacent properties;
- The project provides the required parking (67 provided versus 66 required); and
- As conditioned, the project will provide an internal connection with the adjacent property (Hospital) to the west for additional parking and access through private property.

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

Findings of Fact: The project proponent proposes Mission architecture with a tile roof and smooth white stucco. These elements will be consistent with medical building located west from this site. The landscape plans contain a plant palette and design elements that are consistent with the Banning Commercial Corridor standards.
RECOMMENDATION:

That the Planning Commission:

1. Approve Resolution No. 2008-04, approving Design Review #07-7012, based on the findings and conditions of approval (Attachment "1" and incorporated by reference).

Respectfully submitted,

Oscar W. Orci
Community Development Director

Exhibits:
1. Resolution No. 2008-04, with Conditions of Approval
2. Design Plans for Design Review # 07-7012 (Separate Cover)
RESOLUTION NO. 2008-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING DESIGN REVIEW #07-7012 TO DEVELOP A 11,862 SQUARE FOOT, TWO-STORY BUILDING FOR OFFICE USE ON A 29,879 SQUARE FOOT LOT IN THE PROFESSIONAL OFFICE ZONE. APN 419-101-003

WHEREAS, an application for the operation of a medical use, has been duly filed by:

Applicant/Owner: Dr. Muhammed Abktar
Project Location: 5827 W. Ramsey Street.
APN Number: 419-101-003
Lot Area: 29,879 square feet

WHEREAS, the Planning Commission has the authority per Chapter 17.56 of the Banning Municipal Code to take action on Design Review #07-7012 to develop a 11,861 sq. ft. building; and

WHEREAS, the applicant is requesting approval of Design Review #07-7012 for development plans for a 11,861 square foot two-story building on a 29,879 sq. ft. lot in the Professional Office zone, in compliance with Banning Municipal Code Chapter 17.56; and,

WHEREAS, on December 28, 2007 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 January 10, 2008, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Design Review at which the Planning Commission considered the Design Review; and

WHEREAS, the Community Development Director has reviewed the project's potential effects on the environment and has recommended that the project is categorically exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15332 "In-fill Development" and that the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 are not applicable to the project.

NOW THEREFORE, the Planning Commission of the City of Banning does Resolve, Determine, Find and Order as follows:
SECTION 1. REQUIRED FINDINGS.

Pursuant to Banning Municipal Code Chapter 17.56 and in light of the record before it including the staff report dated January 10, 2008, all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

A. Chapter 17.56 requires that the Design Review satisfy each of the findings under the Banning Municipal Code Section 17.56.050. The Planning Commission hereby finds and determines that each of these requirements is satisfied as follows:

Finding No. 1: The proposed project is consistent with the General Plan.

Findings of Fact: The General Plan Land Use Element designation is Professional Office, which allows medical and office uses. This development proposes a medical and professional uses, which is consistent with the land use designation.

Policy 3 of the General Plan Land Use Element indicates that development be of high quality projects. This project, as designed, will include a mission architectural style with smooth stucco, decorative roof rafters, tile roof, and wrought iron treatments that will result in a high quality design that is consistent with this Policy.

Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Findings of Fact: The Zoning District designation is Professional Office, which allows for the development of this project. The project meets or exceeds the development standards for this district, including:

- Minimum front yard setback (21'-4" provided versus 0' required);
- Minimum rear yard setback (87' provided versus 0' required);
- Minimum side yard setback (5'-6" provided (minimum) versus 0' required)
- Maximum lot coverage (22% provided versus 35% maximum permitted);
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- Parking space requirement (67 provided versus 66 required).

Finding No. 3: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards.

Facts of Fact: The design and layout of the proposed project will not unreasonably interfere with future development, and will not result in vehicular and or pedestrian hazards because of the following:
• The "back-of-house" features, such as the trash enclosures and loading area are located in the parking lot and surrounded by landscape, which will minimize the visibility from the surrounding properties and public view;
• As conditioned the project will be required to contain nuisance water on site;
• As conditioned the project's illumination will not spill over onto adjacent properties;
• The project provides the required parking (67 provided versus 66 required); and
• As conditioned, the project will provide an internal connection with the adjacent property (Hospital) to the west for additional parking and access through private property.

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

Findings of Fact: The project proponent proposes Mission architecture with a tile roof and smooth white stucco. These elements will be consistent with medical building located west from this site. The landscape plans contain a plant palette and design elements that are consistent with the Banning Commercial Corridor standards.

SECTION 2. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Community Development Director as provided in the Staff Report dated January 10, 2008, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. CEQA:

(a) The project is exempt from CEQA under CEQA Guidelines Section 15332 in that the staff report submitted by the Planning Department and other findings made in this Resolution demonstrate that: the Design Review #07-7012 is consistent with the Professional Office General Plan land use designation and all applicable General Plan polices as well as with applicable zoning designation; Design Review #07-7012 is located within the boundaries of the City of Banning; the area within Design Review #07-7012 comprises less than five acres and has no value as habitat for endangered, rare or threatened species; there is no substantial evidence in the record that Design Review #07-7012 will result in significant effects related to traffic, noise, air quality, or water quality; and the site is or can be adequately served by all required utilities and public services. As such, the project meets the criteria for application of a Class 32 Categorical Exemption under the CEQA Guidelines.

(b) None of the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15322 from exempting the project for the following reasons:
(i) The project is not a Class 3, 4, 5, 6, or 11 project, and therefore is not subject to the exception pertaining to projects located in particularly sensitive environments.

(ii) The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. The proposed use will not impair the integrity and character of the land use district in which it is to be located because it is surrounded by other Professional Office properties (existing and pending office, medical and retail projects) to the south, east and west.

(iii) There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment. There is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence of a vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The site is devoid of vegetation—a motel had existed on the site for more than thirty years and was recently demolished.

(iv) The project will not result in damage to scenic resources within a designated state scenic highway because there is no designated state scenic highway in the project area.

(v) The project site has not been listed as a hazardous waste and substance facility or site by the Department of Toxic Substances Control pursuant to California Government Code Section 659625.

(vi) The project will not cause a substantial adverse change to the significance of a historical resource. The site is vacant, an historical resource or its immediate surroundings will not be demolished, destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.

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

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. Design Review #07-7012 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Attachment “1” for the review of the site development and architecture for the office building. Any modification to the project shall be in compliance with the City of Banning Zoning Ordinance, and other applicable state and local ordinances.
PASSED, APPROVED AND ADOPTED this 10th day of January, 2008.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

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

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2008-04, was duly adopted by the Planning Commission of the City of Banning, California, at a special meeting thereof held on the 10th day of January, 2008 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

PROJECT #: Design Review #07-7012

SUBJECT: Development and Operation of a 11,862 Sq. Ft. Office Building

APPLICANT: Muhammad S. Akhtar

LOCATION: 5827 West Ramsey Street, A.P.N. 419-101-003

APPLICANT SHALL CONTACT THE PLANNING DIVISION, (951) 922-3125, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

A. General Requirements

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

2. The issuance of these Conditions of Approval do not negate the requirements of the Engineering/Public Works Department or submittal, review, and approval of: Street improvement plans, signing and striping plans, grading plans, storm drain improvement plans, street lighting plans, water, sewer, and electrical improvement plans, or other plans as deemed necessary by the City Engineer.
3. A copy of the signed Resolution of Approval or Community Development Director's letter of approval, and all Standard Conditions, shall be included in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for plan check.

B. Time Limits

4. Development/Design Review approval shall expire if building permits are not issued or approved use has not commenced within 2 years from the date of approval. In addition, if after commencement of construction, work is discontinued for a period of one year, the Design Review shall become null and void. 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 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Design Review complies with all current Ordinance provisions.

C. Site Development

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

6. 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.

7. Occupancy of the facilities shall not commence until such time as all Uniform Building Code and State Fire Marshal regulations have been complied with. Prior to occupancy, plans shall be submitted to the City of Banning Fire Marshal and the Building and Safety Division to show compliance. The buildings shall be inspected for compliance prior to occupancy.

8. Revised site plans and building elevations incorporating all Conditions of Approval shall be submitted for Community Development Director review and approval prior to the issuance of building permits.

9. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, tree removal, encroachment, building, etc.) or prior to final map approval in the case of a custom lot subdivision, or approved use has commenced, whichever comes first.

10. Approval of this request shall not waive compliance with all sections of the Development Code, all other applicable City Ordinances, and applicable Community or Specific Plans in effect at the time of building permit issuance.
11. A detailed on-site lighting plan, including a photometric diagram, that illustrates ‘0’ lumens at the property line, shall be reviewed and approved by the Community Development Director (922-3125) prior to the issuance of building permits. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties.

12. A detailed “As-Built” lighting plan, including a photometric diagram, shall be prepared and submitted after the lighting has been erected and before a certificate of occupancy is issued. Said plan must be consistent with the on-site lighting plan that illustrates ‘0’ lumens at the property line. Prior to the issuance of a certificate of occupancy, the applicant shall work with Staff to reduce the lighting levels to ‘0’ lumens at the property line if the “As-Built” plans demonstrate more than ‘0’ lumens at the property line.

13. All ground-mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, bermsing, and/or landscaping to the satisfaction of the Community Development Director.

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

15. Provide for the following design features in each trash enclosure, to the satisfaction of the Community Development Director:

   a. Architecturally integrated into the design of the project.
   b. Separate pedestrian access that does not require the opening of the main doors and to include self-closing pedestrian doors.
   c. Large enough to accommodate two trash bins.
   d. Trash bins with counter-weighted lids.
   e. Architecturally treated overhead shade trellis.
   f. Chain link screen on top to prevent trash from blowing out of the enclosure and designed to be hidden from view.

16. Graffiti shall be removed within 72 hours.

17. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.

18. All operations and businesses shall be conducted to comply with the following standards which shall be incorporated into the lease agreements for all tenants:

   a. Noise Level - All commercial activities shall not create any noise that would exceed an exterior noise level of 60 dB during the hours of 10 p.m. until 7 a.m. and 65 dB during the hours of 7 a.m. until 10 p.m.
b. Loading and Unloading - No person shall cause the loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or other similar objects between the hours of 10 p.m. and 7 a.m. unless otherwise specified herein, in a manner which would cause a noise disturbance to a residential area.

19. Textured pavement shall be provided in accordance with the City of Banning standards across circulation aisle and pedestrian walkway.

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

D. Building Design

21. All dwellings shall have the front, side and rear elevations upgraded with architectural treatment as submitted and approved by the Planning Commission.

22. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Planning Division. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development Director. Details shall be included in building plans.

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

   a. 67 parking spaces shall be provided that are 9 feet wide by 19 feet long. 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.

   b. All parking lot landscape islands shall have a minimum outside dimension of 6 feet and shall contain a 12-inch walk adjacent to the parking stall (including curb). Said islands shall be designed to accept nuisance parking lot water flows.

   c. All parking spaces shall be striped per City standards and all driveway aisles, entrances, and exits shall be striped per City standards.

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

   c. The parking lot shall be graded so as to discharge nuisance water into the landscape areas. Said design must also include the standard water discharge requirements.

24. Trip Reduction

   a. Transit improvements such as bus shelters, bus pullouts, and bus pads shall be provided, if required by the City’s transit service.
Landscaping

25. A detailed landscape and irrigation plan shall be prepared by a licensed landscape architect and submitted for Community Development Director review and approval prior to the issuance of building permits or prior final map approval in the case of a custom lot subdivision.

26. Existing trees required to be preserved in place shall be protected with a construction barrier, and so noted on the grading plans. The location of those trees to be preserved in place and new locations for transplanted trees shall be shown on the detailed landscape plans. The applicant shall follow all of the arborist's recommendations regarding preservation, transplanting, and trimming methods.

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

28. Within parking lots, trees shall be planted at a rate of one 15-gallon tree for every three parking stalls, sufficient to shade 50% of the parking area at solar noon on August 21.

29. Trees shall be planted in areas of public view adjacent to and along structures at a rate of one tree per 30 linear feet of building.

30. For commercial development, property owners are responsible for the continual maintenance of all landscaped areas on-site, as well as contiguous planted areas within the public right-of-way. All landscaped areas shall be kept free from weeds and debris and maintained in healthy and thriving condition, and shall receive regular pruning, fertilizing, mowing, and trimming. Any damaged, dead, diseased, or decaying plant material shall be replaced within 30 days from the date of damage.

31. The final design of the perimeter parkways, walls, landscaping, and sidewalks shall be included in the required landscape plans and shall be subject to Community Development Director review and approval and coordinated for consistency with any parkway landscaping plan which may be required by the Engineering Division.

32. Landscaping and irrigation systems required to be installed within the public right-of-way on the perimeter of this project area shall be continuously maintained by the developer.

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

34. Tree maintenance criteria shall be developed and submitted for Community Development Director review and approval prior to issuance of building permits. These criteria shall encourage the natural growth characteristics of the selected tree species.

35. Landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape.
36. The signs indicated on the submitted plans are conceptual only and not a part of this approval. Any signs proposed for this development shall comply with the Sign Ordinance and shall require separate application and approval by the Planning Division prior to installation of any signs.

37. A Uniform Sign Program for this development shall be submitted for Community Development Director review and approval prior to issuance of building permits.

Other Agencies

38. The applicant shall contact the U.S. Postal Service to determine the appropriate type and location of mail boxes. The final location of the mail boxes and the design of the overhead structure shall be subject to Community Development Director review and approval prior to the issuance of building permits.

APPLICANT SHALL CONTACT THE BUILDING AND SAFETY DIVISION, (951) 922-3120, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

General Requirements

39. Submit four complete sets of plans including the following:
   i. Site/Plot Plan;
   ii. Foundation Plan;
   iii. Floor Plan;
   iv. Ceiling and Roof Framing Plan;
   v. Electrical Plans (2 sets, detached) including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
   vi. Plumbing and Sewer Plans, including isometrics, underground diagrams, water and waste diagram, sewer or septic system location, fixture units, gas piping, and heating and air conditioning; and

40. Submit two sets of structural calculations, energy conservation calculations, and a soils report. Architect's/Engineer's stamp and "wet" signature are required prior to plan check submittal.

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

42. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
43. Business shall not open for operation prior to posting the Certificate of Occupancy issued by the Building and Safety Division.

Site Development

44. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number (i.e., CUP 98-01). The applicant shall comply with the latest adopted Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electric Code, Title 24 Accessibility requirements, and all other applicable codes, ordinances, and regulations in effect at the time of permit application. Please contact the Building and Safety Division for availability of the Code Adoption Ordinance and applicable handouts.

45. Prior to issuance of building permits for a new commercial the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to: Transportation Development Fee, Drainage Fee, School Fees, Permit and Plan Checking Fees. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division prior to permit issuance.

46. Construction activity shall not occur between the hours of 8:00 p.m. and 6:30 a.m. Monday through Saturday, with no construction on Sunday or holidays.

New Structures

47. Provide compliance with the Uniform Building Code for the property line clearances considering use, area, and fire-resistiveness.

48. Provide compliance with the Uniform Building Code for required occupancy separation(s).

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

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

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

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

53. Roofing materials shall be Class "A."

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

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

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

57. Walls and floors separating dwelling units in the same building shall be not less than 1-hour fire-resistive construction.
58. Provide smoke and heat venting in accordance with UBC Section 906.

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

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

Grading

61. Grading of the subject property shall be in accordance with the Uniform Building Code, City Grading Standards, and accepted grading practices. The final grading plan shall be in substantial conformance with the approved grading plan.

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

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

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

65. All grading related reports, including but not limited to, soils report, geological report, pad certification, etc. shall be reviewed and approved by the City of Banning Engineer in accordance with all the applicable code requirements.

66. The following requirements shall be met:

   a. Surety shall be posted and an agreement executed guaranteeing completion of all on-site drainage facilities necessary for dewatering all parcels to the satisfaction of the Building and Safety Division prior to final map approval and prior to the issuance of grading permits.

   b. Appropriate easements for safe disposal of drainage water that are conducted onto or over adjacent parcels, are to be delineated and recorded to the satisfaction of the Building and Safety Division prior to issuance of grading and building permits.

   c. On-site drainage improvements, necessary for dewatering and protecting the subdivided properties, are to be installed prior to issuance of building permits for construction upon any parcel that may be subject to drainage flows entering, leaving, or within a parcel relative to which a building permit is requested.

   d. Final grading plans for each parcel are to be submitted to the Department of Public Works for approval prior to issuance of building and grading permits. This may be on an incremental or composite basis. Said approval must be included prior to permit issuance by the Department of Building and Safety.
67. A separate grading plan check submittal is required for all new construction projects and for existing buildings where improvements being proposed will generate 50 cubic yards or more of combined cut and fill. The Grading Plan shall be prepared, stamped, and signed by a California Registered Civil Engineer.

APPLICANT MAY CONTACT THE ENGINEERING DIVISION, (951) 922-3130, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

General Requirements

E. General Requirements

68. 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.

69. 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 (Grading Permit, Improvement Permit)
- Community Development Department
- Riverside County Environmental Health Department
- Banning Unified School District
- 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.

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

A. On-Site Grading Plan

1" = 40' Horizontal
(all conditions of approval shall be reproduced on last sheet of set)

B. Clearing Plan  
    1" = 50' Horizontal

Include construction fencing plan

C. SWPPP  
    1" = 40' Horizontal

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

D. Street Improvement Plan  
    1" = 40' Horizontal
    1" = 4' Vertical

E. Landscaping Plan  
    1"=20' Horizontal

F. Signing & Striping Plan  
    1" = 40' Horizontal

G. Construction Traffic Control Plan  
    1"=40' Horizontal

(major or arterial highways only)

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

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

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

A small index map shall be included on the title sheet of each set of plans, showing the overall view of the entire work area.

71. 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.

72. All utility systems including gas, electric, telephone, water, sewer, and cable TV shall be provided for underground, with easements provided as required, and designed and constructed in accordance with City Codes and the utility provider. Telephone, cable TV, and/or security systems shall be pre-wired in the residence.

F. Rights of Way

73. Prior to issuance of any permit(s), the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.
74. Submit a copy of the Title Report to the City Engineer prior to grading plan review and approval.

75. Offer to dedicate for public purposes the right-of-way for Ramsey Street as a major highway; 100 foot width. Offers of dedication shall include corner cut-off at intersections.

76. Direct vehicular access to alley/utility easement along the northern frontage of the site shall be restricted, except for those access points identified on the approved site plan, or as otherwise conditioned in these conditions of approval. The vehicular access restriction shall be recorded a separate instrument.

77. Prior to the issuance of any certificates of occupancy, the applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the City of Banning or the Riverside County Flood Control and Water Conservation District unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFC. Prior to granting any of said easements, the subdivider 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.

G. Public Improvements

78. Construct half street improvements in accordance with City standards fronting Ramsey Street including street lighting, curb and gutter, access ramps, sidewalk, and asphalt concrete paving, traffic signs and striping, and any transitions. Street lights along Ramsey Street shall be installed offset of the existing street lights. Where the transverse slope of the existing pavement exceeds 3% the applicant shall remove pavement and join the existing pavement surface. Applicants’ geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

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

80. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee, prior to the issuance of a certificate of occupancy.

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

H. Grading and Drainage

82. Submit a Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFC), RCFC Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be
contained within the street right-of-way; when this criteria is exceeded, additional drainage facilities shall be designed and constructed.

83. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Note: An identified floodway exists onto the existing property as identified in Flood Boundary and Floodway Map dated October 17, 1978.

84. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or diverted storm flows. The project shall accept and convey storm flows from the adjacent developed property to the north and west.

85. Prior to approval of the grading plan 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.

86. The applicant shall comply with Chapter 34 “Stormwater Management and Discharge Controls” of the Banning Municipal Code (BMC); California Building Code Appendix Chapter 33 “Excavation and Grading”; and the State Water Resources Control Board’s Order No. 99-08-DWQ.

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

2. The applicant’s SWPPP shall be reviewed and approved by the City Engineer prior to any on-site or off-site grading being done in relation to this project.

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

4. The applicant’s SWPPP shall include provisions for all of the following Best Management Practices (“BMP’s”):
   a. Temporary Soil Stabilization (erosion control).
   b. Temporary Sediment Control.
   c. Wind Erosion Control.
   d. Tracking Control.
   e. Non-Storm Water Management.
   f. Waste Management and Materials Pollution Control.

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.

87. 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.

88. 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. Rough grading plans shall include perimeter walls with top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions.

89. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil.

I. Landscaping

90. An automatic sprinkler system and landscaping shall be installed, prior to occupancy of the first unit of the development, within the parkway fronting Ramsey Street. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.

91. 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.

J. Traffic

93. Street name signs and traffic control devices including traffic legends and traffic striping shall be installed, or relocated in accordance with Caltrans Standards and as shown on the approved plans, and/or as directed by the City Engineer.

94. 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.
K. Trash/Recycling

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

L. Fees

96. 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.

97. Public Works Inspection fees shall be paid prior to the scheduling the final map for approval by City Council in accordance with the Fee Schedule in effect at time of time of scheduling.

98. Water and sewer connection fees including frontage fees and water meter installation charges shall be paid on a per lot basis at the time of building permit issuance in accordance with the Fee Schedule in effect at that time.

99. A plan storage fee shall be paid prior to approval of the final map and improvement plans in accordance with the Fee Schedule in effect at the time the fee is paid.

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

APPLICANT SHALL CONTACT THE WATER AND WASTE WATER UTILITY AT (951) 922-3281 FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

WATER

101. Submit Water Improvement Plans to the Water Division for review and approval, Design, construct, and install water service lateral for project.

102. Fire hydrants shall be installed within and on the project boundaries as per the approval plans, at a 300’ maximum spacing.

103. A backflow device must be installed on commercial developments and for each irrigation water connection; and in compliance with the State of California Department of Health Regulations. Contact the City of Banning, Water Operations Division, prior to the installation.

SEWER

104. Submit Sewer Improvement Plans to the Sewer Division for review and approval. Design and construct a 6” VCP sewer lateral connecting to the main line within the ally right-of-way.
105. A sewer check valve shall be provided for the project with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

FEES

106. Water Connection Fees shall be paid per EDU (EDU is based upon meter size), Sewer Connection Fees shall be paid per EDU (EDU for commercial types will be based upon the estimated quality and quantity of discharge into the sewerage system), and Water Meter Installation charges shall all be paid at the time of issuance of building permits, for this project in accordance with the fee schedule in effect at the time the fees are paid. Also, pay all water and sewer frontage fees, if applicable, and in accordance with the fee schedule in effect at the time the fees are submitted, prior to plan checking proceedings.

APPLICANT SHALL CONTACT ELECTRICAL OPERATIONS DEPARTMENT FOR COMPLIANCE WITH THE FOLLOWING CONDITION:

107. Provide electrical plans and load calculation for review.

- Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. The plans are required in electronic format, we currently use AutoCad2006. Plans should consist of a plot plan, site plan signed and approved by city engineering, one line diagram of proposed electrical main service panels and a sheet showing load calculation by an electrical engineer. Additional sheets may be required upon request.
- Paying required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension.
- Granting easement for electric facilities installation/maintenance, etc.
- All trenching, backfill, and compaction.
- All conduits, vaults, and other materials associated with their installation (except primary cables and their terminations).
- Installation of Streetlight poles and conduit.

108. The City Electric Department shall be responsible for:

- Reviewing plans submitted by customer.
- Design an electrical utility plan for the installation of structures and conduit by developer.
- Providing a cost estimate for installing an underground electrical system for this project.
- Inspecting all trenches prior to backfilling. 24 hour prior notice is required before inspection.
- Installation of primary cable and terminations.

APPLICANT SHALL CONTACT THE FIRE MARSHAL AT, (951) 922-3210 FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:
FIRE DEPARTMENT DEVELOPER FEES:

109. Fees are increased annually and may be different at the time of construction. The fee schedule at the time of plan submittal shall apply.

Commercial, Industrial and/or Office Complex:
- $ .579 per square foot Commercial
- $ .821 per square foot Dental Office +
- $ 25.00 per unit Disaster Planning

Plan Check and Inspection: $ 118.00 per hour
Exception, Sprinkler and Alarm System Plan Check
See Number (7) for Fee Schedule.

CODE COMPLIANCE:

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

PREMISES IDENTIFICATION:

111. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

Commercial: 6" mm. size

FLAMMABLE LIQUID:

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

INSPECTIONS:

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

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

115. Work begun without a permit or without an approved set of plans at the job site will result in a triple fee and/or the work stopped.

HAZARDOUS MATERIALS:

116. The storage, dispensing, use or handling of hazardous materials shall be in
accompany with the provisions of UFC Article 80 and UBC Section 307, in addition to all federal, state and local laws or ordinances.

Business Plans may be required per SB 2186 and 2187 including MSDS, HMMP and RMPP. APPLICANT SHALL CONTACT THE WATER AND WASTE WATER UTILITY AT (951) 922-3281 FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

WATER

117. Submit Water Improvement Plans to the Water Division for review and approval. Design, construct, and install water service lateral for project.

118. Fire hydrants shall be installed within and on the project boundaries as per the approval plans, at a 300' maximum spacing.

119. A backflow device must be installed on commercial developments and for each irrigation water connection; and in compliance with the State of California Department of Health Regulations. Contact the City of Banning, Water Operations Division, prior to the installation.

SEWER

120. Submit Sewer Improvement Plans to the Sewer Division for review and approval. Design and construct a 6" VCP sewer lateral connecting to the main line within the ally right-of-way.

121. A sewer check valve shall be provided for the project with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

FEES

122. Water Connection Fees shall be paid per EDU (EDU is based upon meter size), Sewer Connection Fees shall be paid per EDU (EDU for commercial types will be based upon the estimated quality and quantity of discharge into the sewerage system), and Water Meter Installation charges shall all be paid at the time of issuance of building permits, for this project in accordance with the fee schedule in effect at the time the fees are paid. Also, pay all water and sewer frontage fees, if applicable, and in accordance with the fee schedule in effect at the time the fees are submitted, prior to plan checking proceedings.

APPLICANT SHALL CONTACT ELECTRICAL OPERATIONS DEPARTMENT FOR COMPLIANCE WITH THE FOLLOWING CONDITION:
123. Provide electrical plans and load calculation for review.

- Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. The plans are required in electronic format, we currently use AutoCad2006. Plans should consist of a plot plan, site plan signed and approved by city engineering, one line diagram of proposed electrical main service panels and a sheet showing load calculation by an electrical engineer. Additional sheets may be required upon request.
- Paying required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension.
- Granting easement for electric facilities installation/maintenance, etc.
- All trenching, backfill, and compaction.
- All conduits, vaults, and other materials associated with their installation (except primary cables and their terminations).
- Installation of Streetlight poles and conduit.
- Developer / electrical contractor to provide and install secondary service entrance conductors spec by utility department from transformer to service panel pull section on commercial developments.

124. The City Electric Department shall be responsible for:

- Reviewing plans submitted by customer.
- Design an electrical utility plan for the installation of structures and conduit by developer.
- Providing a cost estimate for installing an underground electrical system for this project.
- Inspecting all trenches prior to backfilling. 24 hour prior notice is required before inspection.
- Installation of primary cable and terminations.

APPLICANT SHALL CONTACT THE FIRE MARSHAL AT, (951) 922-3210 FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:
FIRE DEPARTMENT DEVELOPER FEES:

125. Fees are increased annually and may be different at the time of construction. The fee schedule at the time of plan submittal shall apply.

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<th>EXHIBIT &quot;B&quot;</th>
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<tr>
<td>CITYWIDE DEVELOPMENT IMPACT FEES</td>
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<td>Fire Department Developer Impact Fees</td>
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Other Nonresidential
- Lodging (per room) | $144.00 **
- Day Care (per student) | $32.00 **
- Nursing Home (per bed) | $73.00 **

** A $25/unit Disaster Planning Fee is also levied

Plan Check and Inspection: $118.00 per hour
Exception, Sprinkler and Alarm System Plan Check
See Number (7) for Fee Schedule.

126. CODE COMPLIANCE:

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

127. SPRINKLER SYSTEMS REQUIRED:

Attachment "1" 19
Fire Sprinkler Systems shall be installed as required by the UFC or in any and all structures with a total floor area of ten thousand (10,000) sq. ft. or more (5,000 sq. ft. for assembly occupancies or 3,000 sq. ft. for hazardous occupancies), or for those occupancies that are at or beyond the Fire Department's response time of ten (10) minutes beginning at the time the call is received at Dispatch.

128. SPRINKLER AND ALARM SYSTEMS:

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

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

129. SPRINKLER AND ALARM SYSTEM FEE SCHEDULE:

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

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

130. SPRINKLER SYSTEM UNDERGROUND:

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

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

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

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

131. FIRE HYDRANTS:

An approved fire hydrant shall be within 50 feet of the Fire Department Connection for a building consisting of fire sprinklers.

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

All hydrants must be installed, working and inspected by the Public Works Department before any combustible materials can be placed at the worksite.

Spacing of fire hydrants shall comply with UFC Appendix III B and the City of Banning Public Works Standards (maximum 300 feet between hydrants).
Minimum 6-inch riser, street valve, approved shear valve, and blue dot identification marker shall be provided for each fire hydrant.

The City standard fire hydrant is the Clow Model 960 or an equivalent approved by the Fire Marshal.

Fire Hydrants are to be painted by the developer, contractor, etc., prior to the final inspection (EOS Standard W714, Rustoleum Red, damp proof #769 and two (2) coats of Rustoleum semigloss yellow #659, or an approved equivalent).

132. WATER SUPPLY:

Fire flow shall be established by the Fire Department using the information provided in the UFC Appendix III A. Fire flow is based on the type of construction and the size of the building. 1500 gallons/minute for 2 hours is the minimum flow required. Fire flow will be adjusted upward where conditions indicate; such as building size and construction type or an unusual susceptibility to fire may exist.

133. FIRE DEPARTMENT ACCESS:

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

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

Surfaces shall be designed and maintained to support the imposed loads of fire apparatus (65,000gvw). Surfaces shall have all-weather driving capabilities, including bridges. All roads must be placed and meet the above standard before any combustible materials can be delivered to the site.

Minimum unobstructed width shall be 20 feet.

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

Minimum turning radius shall be 42 feet.

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

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

The requirements for this segment are covered in UFC Article 9.

A "Knox" box will be required for fire department access.
134. PREMISES IDENTIFICATION:

Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

Commercial: 6" mm. size

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

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

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

136. FLAMMABLE LIQUID:

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

Underground tank installation requires three (3) sets of plans approved by the Riverside County Health Department Hazardous Material Division. The Fire Department will inspect the product lines and supervise the test thereof.

Above ground tanks may be approved for non-commercial use in certain zones by the Fire Marshal. Only above ground tanks that are UL listed, provide two (2) hour firewall protection, and which exceed 110% minimum interstitial, or 150% exterior containment, shall be considered.

137. INSPECTIONS:

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

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

WORK BEGUN WITHOUT A PERMIT OR WITHOUT AN APPROVED SET OF PLANS AT THE JOB SITE WILL RESULT IN A TRIPLE FEE AND/OR THE WORK STOPPED.

138. FLAMMABLE LIQUID:

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

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

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

WORK BEGUN WITHOUT A PERMIT OR WITHOUT AN APPROVED SET OF PLANS AT THE JOB SITE WILL RESULT IN A TRIPLE FEE AND/OR THE WORK STOPPED.

140. HAZARDOUS MATERIALS:

The storage, dispensing, use or handling of hazardous materials shall be in accordance with the provisions of UFC Article 80 and UBC Section 307, in addition to all federal, state and local laws or ordinances.

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