I. CALL TO ORDER: Chairman Hawkins

➢ Pledge of Allegiance: Commissioner Siva

➢ Roll Call: Chairman Hawkins, Commissioner Arterberry; Commissioner Barsh; Commissioner Escandel; Commissioner Siva

II. PUBLIC COMMENTS:

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

III. CONSENT CALENDAR ITEMS:

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

Nothing at this time
IV. PUBLIC HEARINGS

A. CONTINUED ITEM:

1. Tentative Parcel Map #36056 / Initial Study & Draft Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program: Tentative Parcel Map #36056 is a request to subdivide an approximately 64 acre site into 9 lots for the development of a business park and five lettered lots for street purposes, which includes office, manufacturing and warehouse uses.

Design Review #07-708 /: Design Review # 07-708 is a request to review the design of the project and site development to ensure conformity with the City’s development standards and design guidelines. The Banning Business Park proposal will consist of 12 office/warehouse buildings and associated parking on approximately 63.98 acres. The proposed project is located approximately 1,090 feet north of the northeast corner of Hathaway Street and Ramsey Street / APN 532-110-003, 532-110-008, 532-110-009 and 532-110-010.

V. PLANNING COMMISSIONER COMMENTS

VI. COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

1. City Council Actions from previous meetings on Planning-Related Items (Oral Report)

VII. TENTATIVE PROJECTS SCHEDULED FOR JULY 6, 2010


VIII. ADJOURNMENT

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of July 6, 2010 starting at 6:30 p.m. in the City Council Chambers.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department (951) 922-3125. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA title II]
DATE:       June 15, 2010

TO:         Planning Commission

FROM:       Zai Abu Bakar, Community Development Director

SUBJECT:    INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND
            MITIGATION MONITORING AND REPORTING PLAN,
            TENTATIVE PARCEL MAP #36056, AND DESIGN REVIEW #07-
            708 (BANNING BUSINESS PARK. ASSESSORS PARCEL
            NUMBERS 532-110-003, 008, 009, AND 010)

This is a continued public hearing from June 1, 2010.

STAFF RECOMMENDATION:

That the Planning Commission recommend to the City Council the:

1. Adoption of Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Plan; and

2. Adoption of PC Resolution No. 2010-04 approving Tentative Parcel Map #36056 and Design Review #07-708 subject to Conditions of Approval.

PROJECT/APPLICANT INFORMATION:

Project Location: Northeast corner of Hathaway Street and Nicolet Street (Attachment 5)
APN Information: 532-110-003, 532-110-008, 532-110-009; and 532-110-010
Project Applicant: The O'Donnell Group, Inc. (Representative: Stantec Consulting Services/ Patrick Osborne)
Property Owner: OSI Partnership I, LLC
Redevelopment Area: Yes
Specific Plan: No
**PROJECT DESCRIPTION, SITE INFORMATION AND SURROUNDING LAND USES:**

**Project Description**
The Banning Business Park will consist of 12 buildings, associated parking, and site improvements on approximately 63.98 acres. The Project proposes office, manufacturing, and warehouse buildings that will vary from 11,719 to 786,984 square feet with total build out area of approximately 1,194,045 square feet. The square footages and uses within each of the buildings are as follows:

<table>
<thead>
<tr>
<th>Building No.</th>
<th>Uses within each building</th>
<th>Square footage of each use</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Square footage)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 (35,397)</td>
<td>Mezzanine 2,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Office 2,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Manufacturing 31,397</td>
<td></td>
</tr>
<tr>
<td>2 (42,218)</td>
<td>Mezzanine 2,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Office 2,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Manufacturing 38,218</td>
<td></td>
</tr>
<tr>
<td>3 (44,938)</td>
<td>Mezzanine 2,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Office 2,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Manufacturing 40,938</td>
<td></td>
</tr>
<tr>
<td>4 (40,031)</td>
<td>Mezzanine 2,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Office 2,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Manufacturing 36,031</td>
<td></td>
</tr>
<tr>
<td>5 (11,719)</td>
<td>Office 4,000</td>
<td></td>
</tr>
<tr>
<td>6 (15,890)</td>
<td>Warehouse 7,719</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Office 1,500</td>
<td></td>
</tr>
<tr>
<td>7 (17,727)</td>
<td>Warehouse 14,390</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Office 1,500</td>
<td></td>
</tr>
<tr>
<td>8 (16,496)</td>
<td>Warehouse 16,227</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Office 1,500</td>
<td></td>
</tr>
<tr>
<td>9 (15,448)</td>
<td>Warehouse 14,996</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Office 1,500</td>
<td></td>
</tr>
<tr>
<td>10 (16,667)</td>
<td>Warehouse 13,946</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Office 1,500</td>
<td></td>
</tr>
<tr>
<td>11 (786,984)</td>
<td>Manufacturing 13,177</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mezzanine 5,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Office 10,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Manufacturing 126,667</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Warehouse 645,327</td>
<td></td>
</tr>
<tr>
<td>12 (182,520)</td>
<td>Manufacturing 39,806</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Office 6,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Warehouse 103,714</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>1,194,045</td>
</tr>
</tbody>
</table>
Buildings 1 and 5 are designated for manufacturing/business park uses, buildings 2, 3, 4, 6, 7, 8, 9, are designated for Warehouse uses, and buildings 11 and 12 are designated for High Cube Warehouse uses. The Project will be built in three phases (build out of Project will be completed in year 2015). Phase I includes Building 11. Phase 2 includes Building 12. Phase 3 includes buildings 1 through 10. A total of 1,282 parking spaces, including parking spaces for the trailers are provided for the project.

The developer is requesting approval of two entitlements for the project.

1. Tentative Parcel Map # 36056
2. Design Review #07-708

Detailed descriptions of these entitlements are provided on pages 4 through 12 of this report.

**Site Description**

The project site consists of four parcels: Assessor's Parcel Nos. 532-110-003; 532-110-008; 532-110-009; and 532-110-010 totaling approximately 64 acres. (See Exhibit 1 - Location Map.) The site is located at the eastern terminus of Nicolet Street and Hathaway Street adjacent to Orco Block (on the east side of Hathaway Street). The site is currently vacant and undeveloped. Ramsey Street is located to the south of the project site. Regional access to the project site will be provided by I-10. Ramsey Street and Hathaway Street are the primary local accesses that connect the I-10 to the project site. The I-10, Ramsey Street, and Hathaway Street are approved roadways in the Circulation Element of the City of Banning General Plan with approved street alignment and widths. (See Exhibit 2 - Aerial Photo.)

The Project site contains small to medium boulders generally scattered all over the site. Two washes which generally trend northwest-southeast traverse the subject site. Ground surface cover consists of exposed soil. Vegetation over most of the site consists of sparse to moderate native grass and weed growth, as well as brush and small shrubs.²

**Land Use Information**

The project is located in the Business Park (BP) zone. West of the site and across Hathaway Street are existing single-family homes. Northwest corner of the site is the existing Orco Block. Directly north of the project site (Building 11) is the Morongo Tribal land and south of the project site is vacant land and Caltrans Yard.

The table on the following page shows the nature of the surrounding uses, Zoning and General Plan land use designations.

---

¹ Institute of Transportation Engineers characterized high cube warehouses as warehouses with a high level of mechanization.
² Southern California Geotechnical, October 25, 2006.
### Site and Surrounding Land Use Summary Table

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Vacant Land</td>
<td>Business Park</td>
<td>Business Park</td>
</tr>
<tr>
<td></td>
<td>Orco Block and Morongo Tribal Land</td>
<td>Business Park/ Morongo Indian Reservation – outside of the City’s corporate boundaries</td>
<td>Business Park/Morongo Indian Reservation – outside of the City’s corporate boundaries</td>
</tr>
<tr>
<td>South</td>
<td>Undeveloped land fronting Ramsey Street and Caltrans Yard</td>
<td>Business Park</td>
<td>Business Park</td>
</tr>
<tr>
<td>East</td>
<td>Undeveloped Land</td>
<td>Business Park</td>
<td>Business Park</td>
</tr>
<tr>
<td>West</td>
<td>Residential properties across Hathaway Street</td>
<td>Low Density Residential</td>
<td>Low Density Residential</td>
</tr>
</tbody>
</table>

### PROJECT ANALYSIS:

#### Zoning
The proposed project is located in the Business Park (BP) zone. Per Section 17.12.010.B.7 of the Banning Zoning Ordinance, light industrial and office/warehouse buildings are appropriate in this district. Table 17.12.020 of the Zoning Code stipulates that light manufacturing and warehousing are permitted uses in the Business Park zone.

#### Entitlement Required
The project requires two entitlement approvals:

1. Tentative Parcel Map
2. Design Review

Each entitlement approval requires that it be evaluated against the development standards in the Zoning Ordinance. In addition, the Tentative Parcel Map must comply with the Subdivision Map Act and the City’s Subdivision regulations. The following provides information and analysis with regard to compliance with these regulations.

1. **TENTATIVE PARCEL MAP #36056**

Tentative Parcel Map #36056 is a request to consolidate the four (4) existing parcels totaling approximately 64 acres and subdivide it into nine (9) parcels and five (5) lettered lots for the development of 12 office/warehouse buildings with associated parking and site improvements. Parcels 1, 2, 3, 4, 8, and 9 will be developed with a free-standing building on each parcel. Parcels 5, 6, and 7 will be developed with two buildings on each parcel. The Tentative Parcel
Map review includes consideration of whether the proposed subdivision complies with the State Subdivision Map Act and the City’s subdivision regulations, including design and improvements of the subdivision. In order to approve the Tentative Parcel Map, the Planning Commission is required to make findings, which are detailed on pages 21 through 24 of this staff report.

Table 17.12.030 of the Zoning Ordinance requires that a land division within a Business Park Zoning district comply with the following development standards for lot size, lot width, and lot depth:

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Development Standards</th>
<th>Required</th>
<th>Provided</th>
<th>Complies With Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Minimum Lot Size</td>
<td>1 acre</td>
<td>1.9 acres</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Lot Width</td>
<td>100 feet</td>
<td>295 feet</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Lot Depth</td>
<td>150 feet</td>
<td>277 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>2</td>
<td>Minimum Lot Size</td>
<td>1 acre</td>
<td>1.98 acres</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Lot Width</td>
<td>100 feet</td>
<td>314 feet</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Lot Depth</td>
<td>150 feet</td>
<td>274 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>3</td>
<td>Minimum Lot Size</td>
<td>1 acre</td>
<td>2.10 acres</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Lot Width</td>
<td>100 feet</td>
<td>341 feet</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Lot Depth</td>
<td>150 feet</td>
<td>269 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>4</td>
<td>Minimum Lot Size</td>
<td>1 acre</td>
<td>1.91 acres</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Lot Width</td>
<td>100 feet</td>
<td>316 feet</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Lot Depth</td>
<td>150 feet</td>
<td>263 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>5</td>
<td>Minimum Lot Size</td>
<td>1 acre</td>
<td>1.43 acres</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Lot Width</td>
<td>100 feet</td>
<td>394 feet</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Lot Depth</td>
<td>150 feet</td>
<td>158 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>6</td>
<td>Minimum Lot Size</td>
<td>1 acre</td>
<td>1.72 acres</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Lot Width</td>
<td>100 feet</td>
<td>454 feet</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Lot Depth</td>
<td>150 feet</td>
<td>165 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>7</td>
<td>Minimum Lot Size</td>
<td>1 acre</td>
<td>1.65 acres</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Lot Width</td>
<td>100 feet</td>
<td>416 feet</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Lot Depth</td>
<td>150 feet</td>
<td>169 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>8</td>
<td>Minimum Lot Size</td>
<td>1 acre</td>
<td>7.72 acres</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Lot Width</td>
<td>100 feet</td>
<td>1261 feet</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Lot Depth</td>
<td>150 feet</td>
<td>1225 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>9</td>
<td>Minimum Lot Size</td>
<td>1 acre</td>
<td>35.89 acres</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Lot Width</td>
<td>100 feet</td>
<td>764 feet</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Lot Depth</td>
<td>150 feet</td>
<td>438 feet</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The Subdivision Map Act and the City’s Subdivision Ordinance require that the proposed subdivision provide the necessary private and public improvements to serve the project. Such improvements include grading, streets, sidewalks, curbs, gutters, storm drains, sanitary sewers, and other improvements required to serve the subdivision.

**Grading**

The project is required to comply with the City’s Grading Ordinance No. 1388 that was adopted by the City Council on July 14, 2009. A conceptual grading plan was submitted by the developer as part of the entitlement review. The developer is required to submit rough and precise grading plans to the City for review and approval prior to the issuance of the grading permits (Conditions #38 and #55) for the project.
**Streets**
The developer is required to construct street improvements or pay the fair share for the improvements in accordance with the Traffic Impact Analysis that was prepared for the project for compliance with the California Environmental Quality Act (CEQA). A summary of the Traffic Impact Analysis is provided on pages 19 through of this report.

Information below provides details regarding street improvements that the developer is required to construct, improvements that the developer is required to pay only their fair share, and/or improvements where the developer is required to provide design (or plans only) because the project does not trigger the need for the improvement.

1. **Developer Constructs Street Improvements**

   a. Nicolet Street – Construct the easterly extension of Nicolet Street; 44 feet curb to curb full width in accordance with City standards including street lighting, curb and gutter, sidewalk, parkway landscaping, asphalt concrete paving, traffic signs and striping; in its present alignment from Hathaway Street to the North-South Collector ("B" Street) at the easterly project boundary.

   b. "B" Street – Construct a portion of a full width north-south collector street at right angles with the Nicolet Street extension, at the easterly project boundary. The constructed portion shall be the westerly half street including street lighting, curb and gutter, sidewalk, parkway landscaping, traffic signs and striping. The pavement width shall be 22 feet on the west side and an additional 12 feet east of the centerline, for a total width of 34 feet curb to edge of easterly pavement.

   c. Wilson Street – Wilson Street is required to provide emergency access road for the project. The width of the Wilson Street will vary because the developer does not own the land in front of Orco Block (from Hathaway Street to the westerly project boundary). The developer is in the process of obtaining a 40’ wide easement in front of Orco Block and will construct a 26’ wide all weather access road to satisfy the City fire services requirement. Since the developer owns the land within the project site where future Wilson Street is proposed, the developer has agreed to dedicate land and construct a 55’ half section of Wilson Street as an arterial highway fronting the project site, including street lighting, curb and gutter, sidewalk, parkway landscaping, traffic signs and striping. Please refer to Conditions #75 and #76.

   The following provides an in-depth explanation regarding Wilson Street.

   Wilson Street is included in the current General Plan as a Major Highway, which includes a 110-foot right-of-way, with a 76-foot street section from curb-to-curb. This right-of-way width represents four travel lanes, with parking lanes on each side, a center median, and a parkway on each side. It is desirable that the ultimate right-of-way be constructed per the General Plan; however, the land for the right-of-way is controlled by private property owners, including Muth Holdings, LLC (Orco Block), the developer, and the Morongo Band of Mission Indians. The traffic study for the project does not
require that a secondary access road be constructed; however, to ensure that there is emergency access for fire prevention for the project, the California Department of Forestry (operating as the City’s Fire Services) is requiring that an emergency access road be provided. The developer has agreed to construct the improvement for Wilson Street. Currently, the developer is in negotiations with Muth Holdings, LLC to acquire an easement for Wilson Street and an easement for a water line (See letter dated April 12, 2010 from the O’Donnell Group, Inc to Mr. Rick Muth and Muth Holdings, LLC). According to the developer, Muth Holdings is agreeable to provide a 40' wide easement for the construction of Wilson Street for fire prevention and an easement for construction and maintenance of the water line in front of Muth Holdings, LLC property. The law provides that cities may impose conditions of development so long as the conditions are reasonable, and there exists a sufficient nexus between the conditions imposed and the projected burden of the proposed development. Therefore, the City is requiring that the developer provide a 40-foot easement and construct a 26’ wide all weather surface access roadway, which is a lesser width than required by the General Plan since the traffic study findings conclude that the project does not trigger the need for the right-of-way except that a 26-foot wide all weather access road is required for emergency access for fire prevention.

d. Hathaway Street – Construct the widening of Hathaway Street fronting the project site as a 50’ half street arterial highway; 43 feet of pavement and an easterly parkway width of 7 feet, including traffic signalization, street lighting, curb and gutter, sidewalk, parkway landscaping, traffic signs and striping. Street width transitions to existing pavement shall be in accordance with Caltrans standards.

2. Developer Pays their Fair Share of Costs for the Improvements

Fair share payment for the following improvements is required as part of the project. The fair share amount of each item shall be determined based on engineering estimates prepared by the developer’s consultant; subject to the review and approval of the City Engineer:

a. Intersection improvements including traffic signals at Interstate 10 Westbound Ramp and Hargrave Street and Interstate 10 Eastbound Ramp and Hargrave Street; including a traffic signal interconnection system for coordinated operation.

b. Intersection improvements including traffic signals at Hathaway Street and Ramsey Street.

c. The widening of Hathaway Street, as an Arterial Highway; 50 feet one-half width (an easterly half street pavement width of 43 feet and an easterly parkway width of 7 feet), from Ramsey Street to the southerly project limits.

d. Improvements along Ramsey Street from Hathaway Street to a point easterly of Hathaway Street in order to provide a dedicated right turn only lane onto Hathaway Street.
3. **Developer to Prepare Improvement Plans Only**

Additional engineering plans and specifications are required to be prepared by the developer as follows. The developer is not required to construct these improvements, but will be required to pay a fair share of the estimated cost of each as provided in paragraph 2 above:

a. Prepare improvement plans for the widening of Hathaway Street, as an Arterial Highway; 50 feet one-half width (an easterly half street pavement width of 43 feet and an easterly parkway width of 7 feet), from Ramsey Street to the southerly project limits. Plans shall include street lighting, curb and gutter, commercial style drive approaches, sidewalk, asphalt concrete paving, traffic signage, striping and any transitions. There shall be a dedicated southbound right turn only lane onto Ramsey Street.

b. Prepare plans for intersection improvements including traffic signals at Hathaway Street and Ramsey Street. The design shall include a dedicated left turn pocket on Ramsey Street for northbound Hathaway Street.

c. Prepare plans for full half street improvements in accordance with City standards along Ramsey Street from Hathaway Street to a point easterly of Hathaway Street in order to provide a dedicated right-turn only lane onto Hathaway Street. The improvement plans shall also include street lighting, curb and gutter, sidewalk, asphalt concrete paving, traffic signs and striping, and any transitions.

**Water Improvements**

The project is required to provide water connection for on-site uses and for firefighting purposes. The California Department of Forestry (operating as the City’s Fire Services) requires a loop water system to be in place for firefighting purposes prior to construction of the buildings. There is an existing 8” domestic water line in Hathaway Street, which connects to an existing 14” domestic water line in Ramsey Street.

The developer will construct the water lines to serve the site as follows:

1. A 16” Ductile Iron Pipe (DIP) water line in Hathaway Street from Ramsey Street to Nicolet Street and on Nicolet Street from Hathaway Street to the westerly boundary of Caltrans parcel.

2. An 8” DIP water line on the proposed Nicolet Street from Hathaway Street, which loops the project and ties into the new 16” waterline per item #1 above. The developer is responsible for obtaining a 20’ wide easement for said line from the related properties or utilizing the existing utility easement located on the west side of APN 532-110-011.

3. A new 16” water line in Hathaway Street up to the terminus of Nicolet Street, which connects to the existing water line in Ramsey Street. A new 8” domestic water line that connects to this 16” line will be constructed in the proposed Nicolet Street to the east and north and in future Wilson Street, where it would join the existing 8” water line in Hathaway at Wilson Street.
See attached aerial, Attachment 9, showing existing and required water improvement for the project.

**Other Utilities**
Other utilities that will be required include sewer (Attachment 10), power/electric or cable to serve the project site. The proposed sewer improvement alignment that is required for the project is shown in the attached aerial. Additionally, a sewer lift station is required to be constructed and the project is required to provide land dedication to the City for the lift station and its appurtenances.

2. **DESIGN REVIEW No. 07-708**

This is a request to review the design of the project and site development to ensure conformity with the City’s development standards and design guidelines.

**Compliance with Development Standards for the Business Park Zone**
Below is a chart showing the minimum development standards for the Business Park (BP) zone per Table 17.12.030 of the Zoning Ordinance; and how the proposed project meets those standards, including setbacks, building heights, maximum building coverage, and parking.

<table>
<thead>
<tr>
<th>Building</th>
<th>Development Standards</th>
<th>Required</th>
<th>Provided</th>
<th>Complies With Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Minimum Front Setback (feet)</td>
<td>10</td>
<td>10</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Rear Setback (feet)</td>
<td>0</td>
<td>78</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Side Yard Setback (feet)</td>
<td>0</td>
<td>67</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Street Side (feet)</td>
<td>10</td>
<td>26</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Max. Building Coverage (%)</td>
<td>60</td>
<td>43</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Maximum Height (stories/feet)</td>
<td>2/50</td>
<td>2/38</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Parking (number of auto and trailer spaces)</td>
<td>69 auto &amp; 1 trailer spaces</td>
<td>75 auto &amp; 1 trailer spaces</td>
<td>Yes</td>
</tr>
<tr>
<td>2</td>
<td>Minimum Front Setback (feet)</td>
<td>10</td>
<td>10</td>
<td>Yes</td>
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<td></td>
<td>Minimum Rear Setback (feet)</td>
<td>0</td>
<td>78</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Side Yard Setback (feet)</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Street Side (feet)</td>
<td>10</td>
<td>10</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Max. Building Coverage (%)</td>
<td>60</td>
<td>49</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Maximum Height (stories/feet)</td>
<td>2/50</td>
<td>2/38</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Parking (number of spaces)</td>
<td>80 auto &amp; 1 trailer spaces</td>
<td>80 auto &amp; 1 trailer spaces</td>
<td>Yes</td>
</tr>
</tbody>
</table>

*Table 17.28.040.B “Commercial and Industrial Parking Requirements” of the Zoning Code stipulates the following requirements for Industrial warehousing and Manufacturing uses:

<table>
<thead>
<tr>
<th>Industrial Warehousing</th>
<th>For each structure:</th>
<th>Manufacturing uses</th>
<th>For each structure:</th>
<th>Manufacturing uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-20,000 sq. ft.</td>
<td>Minimum of two spaces plus one space per 1,000 sq. ft. of gross floor area</td>
<td>Minimum of two spaces plus one space per 600 sq. ft. of gross floor area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Over 20,000 sq. ft.</td>
<td>22 spaces plus one space per 2,000 sq ft for portion over 20,000 sq ft.</td>
<td>One Tractor trailer space per 4 high dock doors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trucks</td>
<td>One Tractor trailer space per 4 high dock doors</td>
<td>Point of sales truck space per 3 high dock doors</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

9
<table>
<thead>
<tr>
<th>Building</th>
<th>Development Standards</th>
<th>Required</th>
<th>Provided</th>
<th>Complies With Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Minimum Front Setback (feet)</td>
<td>10</td>
<td>10</td>
<td>Yes</td>
</tr>
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<td></td>
<td>Minimum Rear Setback (feet)</td>
<td>0</td>
<td>78</td>
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<tr>
<td></td>
<td>Minimum Side Yard Setback (feet)</td>
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<td>Minimum Street Side (feet)</td>
<td>10</td>
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<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Max. Building Coverage (%)</td>
<td>60</td>
<td>49</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Maximum Height (stories/feet)</td>
<td>2/50</td>
<td>2/38</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Parking (number of spaces)</td>
<td>85 auto &amp; 1 trailer spaces</td>
<td>85 auto &amp; 1 trailer spaces</td>
<td>Yes</td>
</tr>
<tr>
<td>4</td>
<td>Minimum Front Setback (feet)</td>
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<td>10</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Rear Setback (feet)</td>
<td>0</td>
<td>78</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Side Yard Setback (feet)</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
</tr>
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<td></td>
<td>Minimum Street Side (feet)</td>
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<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Max. Building Coverage (%)</td>
<td>60</td>
<td>48</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Maximum Height (stories/feet)</td>
<td>2/50</td>
<td>2/38</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Parking (number of spaces)</td>
<td>77 auto &amp; 1 trailer spaces required</td>
<td>81 auto &amp; 1 trailer spaces</td>
<td>Yes</td>
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<tr>
<td>5</td>
<td>Minimum Front Setback (feet)</td>
<td>10</td>
<td>10</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Rear Setback (feet)</td>
<td>0</td>
<td>14</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Side Yard Setback (feet)</td>
<td>0</td>
<td>67</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Minimum Street Side (feet)</td>
<td>10</td>
<td>26</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Max. Building Coverage (%)</td>
<td>60</td>
<td>44</td>
<td>Yes</td>
</tr>
<tr>
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<td>Maximum Height (stories/feet)</td>
<td>2/50</td>
<td>2/32</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Parking (number of spaces)</td>
<td>22 auto &amp; no trailer spaces required</td>
<td>22 auto &amp; no trailer space</td>
<td>Yes</td>
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<tr>
<td>6</td>
<td>Minimum Front Setback (feet)</td>
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<td>10</td>
<td>Yes</td>
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<td>Minimum Rear Setback (feet)</td>
<td>0</td>
<td>14</td>
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<td>Minimum Side Yard Setback (feet)</td>
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<td>0</td>
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<td>Minimum Street Side (feet)</td>
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<td></td>
<td>Max. Building Coverage (%)</td>
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<td>45</td>
<td>Yes</td>
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<td>Maximum Height (stories/feet)</td>
<td>2/50</td>
<td>2/32</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Parking (number of spaces)</td>
<td>25 auto and no trailer spaces required</td>
<td>24 auto &amp; no trailer space</td>
<td>Yes (The developer agreed to provide the additional space when the plan is drawn for construction)</td>
</tr>
<tr>
<td>7</td>
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<td>Yes</td>
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<tr>
<td></td>
<td>Minimum Rear Setback (feet)</td>
<td>0</td>
<td>14</td>
<td>Yes</td>
</tr>
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<td>Minimum Side Yard Setback (feet)</td>
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<td>0</td>
<td>Yes</td>
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<td>47</td>
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<td>2/32</td>
<td>Yes</td>
</tr>
<tr>
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<td>Parking (number of spaces)</td>
<td>27 auto and no trailer spaces required</td>
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<td>Yes</td>
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<tr>
<td>Building</td>
<td>Development Standards</td>
<td>Required</td>
<td>Provided</td>
<td>Complies With Code</td>
</tr>
<tr>
<td>----------</td>
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<td>---------------------------</td>
<td>---------------------------</td>
<td>--------------------</td>
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</tr>
<tr>
<td></td>
<td>Minimum Rear Setback (feet)</td>
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<td>14</td>
<td>Yes</td>
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</tr>
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<td>10</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Max. Building Coverage (%)</td>
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<td>44</td>
<td>Yes</td>
</tr>
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<td>Maximum Height (stories/feet)</td>
<td>2/50</td>
<td>2/32</td>
<td>Yes</td>
</tr>
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<td>Parking (number of spaces)</td>
<td>25 auto &amp; no trailer spaces required</td>
<td>25 auto &amp; no trailer space</td>
<td>Yes</td>
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<td>9</td>
<td>Minimum Front Setback (feet)</td>
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<td>Yes</td>
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<td>14</td>
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<td>0</td>
<td>Yes</td>
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<td>Minimum Street Side (feet)</td>
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<td>10</td>
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</tr>
<tr>
<td></td>
<td>Max. Building Coverage (%)</td>
<td>60</td>
<td>43</td>
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<td>Maximum Height (stories/feet)</td>
<td>2/50</td>
<td>2/32</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Parking (number of spaces)</td>
<td>24 auto &amp; no trailer spaces required</td>
<td>24 auto &amp; 0 trailer space</td>
<td>Yes</td>
</tr>
<tr>
<td>10</td>
<td>Minimum Front Setback (feet)</td>
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<td>10</td>
<td>Yes</td>
</tr>
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<td>14</td>
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<td>Minimum Side Yard Setback (feet)</td>
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<td>Minimum Street Side (feet)</td>
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</tr>
<tr>
<td></td>
<td>Max. Building Coverage (%)</td>
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<td>41</td>
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</tr>
<tr>
<td></td>
<td>Maximum Height (stories/feet)</td>
<td>2/50</td>
<td>2/32</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Parking (number of spaces)</td>
<td>32 auto &amp; no trailer spaces required</td>
<td>32 auto &amp; 0 trailer space</td>
<td>Yes</td>
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<tr>
<td>11</td>
<td>Minimum Front Setback (feet)</td>
<td>10</td>
<td>190</td>
<td>Yes</td>
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<td>220</td>
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<td>80</td>
<td>Yes</td>
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<td>Max. Building Coverage (%)</td>
<td>60</td>
<td>50</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Maximum Height (stories/feet)</td>
<td>2/50</td>
<td>2/40</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Parking (number of spaces)</td>
<td>593 auto &amp; 29 trailer spaces required</td>
<td>596 auto &amp; 29 trailer space</td>
<td>Yes</td>
</tr>
<tr>
<td>12</td>
<td>Minimum Front Setback (feet)</td>
<td>10</td>
<td>45</td>
<td>Yes</td>
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<td></td>
<td>Minimum Rear Setback (feet)</td>
<td>0</td>
<td>80</td>
<td>Yes</td>
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<td>Minimum Side Yard Setback (feet)</td>
<td>0</td>
<td>95</td>
<td>Yes</td>
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<td>Minimum Street Side (feet)</td>
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<td>45</td>
<td>Yes</td>
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<td></td>
<td>Max. Building Coverage (%)</td>
<td>60</td>
<td>45</td>
<td>Yes</td>
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<tr>
<td></td>
<td>Maximum Height (stories/feet)</td>
<td>2/50</td>
<td>2/40</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Parking (number of spaces)</td>
<td>161 auto &amp; 5 trailer space required</td>
<td>164 &amp; 5 trailer space</td>
<td>Yes.</td>
</tr>
</tbody>
</table>

Note: The total number of parking spaces required is 1,218. The project provides 1,244 parking spaces.

As indicated in the above table, the project meets the development standards of the Business Park zone.
Compliance with Design Guidelines
The following sections of the Zoning Ordinance provide general design principals for the development of industrial buildings.

- Sections 17.12.090 and 17.12.150 of the Zoning Ordinance provide general architectural design principals for industrial buildings to ensure quality design and their compatibility with adjacent and existing development.

- Section 17.12.100 of the Zoning Ordinance provides general design guidelines with regard to site planning and how the building is to be located within the lot.

- Section 17.12.110 provides general design guidelines with regard to parking and on-site circulation to ensure that these elements are coordinated.

- Section 17.12.120 provides general guidelines with regard to landscaping for the project.

Architectural Design
The proposed buildings are concrete tilt-up buildings. Varying sizes of glazing, horizontal reveals, varying roof height, use of varying paint colors within the same tone and contrasting paint colors will help break down the scale of each of the wall panels. The office at each corner of the building creates a unique and distinct identity for each building.

Site Planning, Circulation, and Landscaping
The buildings will be constructed facing Nicolet Street extension. Access to each of the buildings will be via driveways on Nicolet Street. There are no parking lot or drive aisles along Hathaway Street. These areas will be landscaped to complement the architecture of the buildings.

Parking spaces for each building are provided either in between the buildings, on the side and/or at the rear of the buildings. For specific locations of parking areas, please see Site Plan for the project. The final landscaping design and construction will be required to emphasize drought tolerant features as required by State and Zoning Code regulations to conserve water. Trees and walled gardens will also be part of the overall architectural image of the business park. Accent trees will provide color and interest to each building.

Walls and Fences
Due to the topography of the project site, retaining walls will be required in some areas of the project. The precise locations of where the retaining walls are required will be determined once the developer prepares the rough grading plans. For site security, the developer may have to install fences such as wrought iron or block walls. Condition of Approval #18 requires that the developer submit the wall/fencing plan for review and approval by the Community Development Director to ensure that walls and fencing complement the project architecture.

Exterior Lighting
Exterior lighting for the buildings is required to be decorative box type fixtures in a pre-finish color to complement/match the building. Exterior lighting is also required to be consistent with
any pole mounted fixtures for the parking lot (Condition of Approval #19). Additionally, any exterior lighting, including security lighting shall have no spillover onto adjacent properties (Condition of Approval #20). Any lighting that would interfere with the nearby airport operations shall be prohibited in accordance with Federal Aviation Administration (FAA) regulations and the conditions imposed by the Riverside County Airport Land Use Commission (Attachment 11).

**Screening**
Sections 17.12.140 and 17.12.160 require screening of outdoor storage and roof-mounted equipment. Roof-mounted equipment on the buildings will be screened using the parapet wall. Condition of Approval #22 requires that all roof-mounted equipment or utility equipment on the side of the structure or on the ground shall not be visible from public right-of-way or the parking lot.

**Sign Program**
The developer is required to submit a sign program for review and approval by the Community Development Director to ensure that there is a coordinated and comprehensive sign program for the project (Condition of Approval #17).

**PROJECTS NEAR AIRPORTS AND AIRPORT LAND USE COMPATIBILITY**

The Airport Land Use Commission Law (commencing with Section 21675 of the Public Utilities Code) requires that any projects that are located within an airport influence area be reviewed by a local Airport Land Use Commission. The proposed project is located within Compatibility Zone D of the Banning Municipal Airport. This zone is described as the primary traffic patterns zone where aircrafts fly below 1,000 feet altitude and is subject to 55 db-CNEL (Community Noise Equivalent Level) noise contour. The object or building height limit within this zone is restricted to 100 feet above ground elevation.

The Riverside County Airport Land Use Commission conducted a public hearing and reviewed the project on March 11, 2010. A copy of the approval letter from the Commission dated April 28, 2010, making findings that the proposed project is conditionally consistent with the Banning Airport Land Use Compatibility Plan. The letter also incorporates Federal Aviation Administration Conditions of Approval (Attachment 11).

**ENVIRONMENTAL ANALYSIS FOR COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

**Background**
Section 21065 of the California Environmental Quality Act Guidelines requires that all projects that have the potential to affect the environment must be evaluated to determine the extent of the project impacts and mitigation measures that must be incorporated into the projects to lessen or alleviate the impacts. The developer was required to provide technical reports, which were reviewed and approved by City staff and its environmental consultant, as part of the environmental review process. To comply with CEQA, each project is evaluated against 16 environmental issue areas. These issue areas include:
- Aesthetics
- Agriculture resources
- Air quality
- Biological resources
- Cultural resources
- Geology/soils
- Hazard & hazardous materials
- Hydrology/water quality
- Land use/planning
- Mineral resources
- Noise
- Population and housing
- Public services
- Recreation
- Transportation and traffic
- Utility/services system.

There was an Initial Study previously completed for this project (previously Banning Gateway Project) that was submitted in 2008 and was circulated for public review in March 2009. In response to the earlier initial study, the City received significant comments from the South Coast Air Quality Management District (SCAQMD). The project site plan and scope also changed subsequent to the circulation of that environmental document. An updated Initial Study/Mitigated Negative Declaration was prepared and re-circulated for a 30-day public review. The comment period started on March 26, 2010 and ended on April 26, 2010. The City received a letter dated April 27, 2010, which is that date after the close of the comment period, from the Governor’s Office of Planning and Research (OPR) that no state agencies submitted comments by the due date. However, subsequent to close of the public review period and prior to receipt of the OPR letter the City received two responses to the environmental document from the SCAQMD and Caltrans District 8 (see Attachments 13 and 14). Per Government Code Section 21091(d)(1) and Section 15088 of CEQA, the City is not required to respond to these comments. However, Staff believes that it is in the best interest of the City to respond to other agencies’ comments in the spirit of cooperation as these agencies are also responsible for approving permits that would be required for the project. The Air Quality Report was updated by the developer and reviewed by the City’s environmental consultant and staff and was submitted to the SCAQMD.

On May 26, 2010 the South Coast Air Quality Management District’s representative, Mr. Ian McMillan indicated that the SCAQMD has no further comments on the air quality report provided that the City include, as Conditions of Approval the Western Riverside Council of Governments “Good Neighbor Guidelines for Siting New and/or Modified Warehouse/Distribution facilities”, which includes the following:

1. Minimize exposure to diesel emission to neighbors that are situated in close proximity to the warehouse/distribution center.
2. Eliminate diesel trucks from unnecessarily traversing through residential neighborhoods.
3. Eliminate trucks from using residential areas and repairing vehicles on the streets.
4. Reduce and/or eliminate diesel idling within the warehouse/distribution center.
5. Establish a diesel minimization plan for on- and off-road diesel mobile sources to be implemented with new projects.
6. Establish an education program to inform truck drivers of the health effects of diesel particulate and importance of reducing their idling time.
7. Establish a public outreach program and conduct periodic community meetings to address issue from neighbors.

The developer agreed to all these conditions. Items 5, 6, and 7 will be included as required policies in all tenant agreement documents. All of these items are included as Conditions of Approval #s 24 through 32.

As part of the 30-day public review on the Initial Study/Mitigated Negative Declaration, the City Engineer has requested minor corrections to the document for technical correctness (See errata sheet (Attachment 2). These corrections did not impact or require additional mitigation measures.

Caltrans requested additional technical data as part of the traffic study. The technical data was provided to Caltrans. On May 27, 2010, Caltrans representative indicated that Caltrans has no further comments on the project.

The Morongo Band of Mission Indians also sent a comment letter dated April 14, 2010 requesting that standard conditions be placed on the project regarding cultural and/or archeological resources and buried cultural materials and consultation with the tribe should there be a discovery of human remains during grading and excavation (Condition of Approval #10).

**Comments from Property Owners**
Two property owners within the 300’ radius of the project called and inquired about the project. One property owner inquired about the availability of the environmental document and staff indicated that the environmental document is posted on the City’s website.

The other property owner was Ms. Maggie Scott who called in response to the public hearing notice that was mailed by the Riverside County Airport Land Use Commission (ALUC). Staff spoke to Ms. Scott and referred her to the ALUC staff and the developer’s representative, Patrick Osborne. Mr. Osborne verbally indicated that he spoke to Ms. Scott about the project and invited her to attend the Planning Commission meeting. Staff also invited Ms. Scott to view the project plans in advance of the Planning Commission meeting. Prior to May 4, 2010 Planning Commission meeting, Ms. Scott did not call or visit the counter to view the plans. Ms. Scott attended the Planning Commission meeting on May 4, 2010 and addressed the Planning Commission on the following matter:

1. Property Value - Mrs. Scott wanted to know how this project will affect her property value. There is no fiscal impact analysis done to confirm or refute if the project affects Mrs. Scott property values positively or negatively. However, the project is estimated to create 430 jobs.

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2. Radius for Public Hearing Notification - Mrs. Scott wanted to know how many feet the radius circle for property owner notification was around the subject property as some of her neighbors did not receive a notice. Staff responded that property owners within 300 feet of the exterior project boundaries were sent notices. Staff also reviewed the property owner mailing labels for the project public hearing notices and determined that one of her neighbors is a renter and the other neighbor is located outside of the 300' radius of notification; therefore, they did not receive the public hearing notice. The City's Zoning Ordinance requires that the property owners received the public hearing notice and not the renters.

3. Definition of a High Cube Warehouse - Mrs. Scott wanted to know the definition of a "high cube warehouse". The high cube warehouse is a warehouse that uses machinery and computer technology to keep track of merchandise or inventory, which uses less manpower to actually retrieve or stock the merchandise.

4. Prospective Tenants - Mrs. Scott asked if the applicant has any tenants for the industrial park yet. Currently, the developer is negotiating with prospective tenants. The developer will announce who the tenants are once they sign the lease.

5. Uses Permitted Within the Building - Mrs. Scott inquired about what uses would be permitted in the buildings. The Zoning for the project site is Business Park. The City's Zoning Code allows light manufacturing, warehousing, and office (as an ancillary use) in the Business Park Zoning district.

6. Entrances to the Project Site - Mrs. Scott asks about the entrances to the property. The main access is off of Hathaway Street via the new Nicolet Street extension. The secondary access, which is an emergency access only, is located off of Hathaway at Wilson Street.

Subsequent to the Planning Commission hearing on May 4, 2010, staff called Mrs. Scott in an effort to follow-up on the questions that she raised at the Planning Commission hearing; however, staff did not receive any return calls.

At the June 1, 2010 Planning Commission hearing, Mike Santa Cruz of 1471 E. Nicolet Street, Banning came forward to state that he felt it would be nice to have a project on the vacant field. But said that he hoped the developer would wait until he is certain that he can really build as this economy is not good. Mr. Santa Cruz felt in another year things might get better. He said he was concerned that a project would get started and then fall into bankruptcy like the one on Lincoln Street (Banning Business Center).

The developer's representative Greg Chila came forward and answered questions/concerns raised by Mr. Santa Cruz. Mr. Chila stated that if they were approved tonight or in two weeks, they would not have a building up for about two years. In order to attract the tenants, the jobs or anyone to come to the site, they have to have an approved plan. They cannot market the site until they have the approvals because tenants will not negotiate and the developer cannot sign leases with them. The entitlements have to be in place first. They are waiting for a better economy to get a lease to kick off the project. They do not intend to build empty buildings until
they have at least a lead tenant. Commissioner Arterberry said he felt that addressed the
gentleman’s concerns and it also gave him some comfort.

**CONCLUSION OF THE INITIAL STUDY**
Based on the Initial Study, there are six environmental issue areas that require that the project
provides mitigation measures to reduce the project impacts to less than significant. These issue
areas are:

1. **Biological Resources**
Biological resources represent the plants and wildlife species and ecosystems and habitats that
contribute to an area’s natural setting. Results of a database review and survey of the site
indicate that the site has the potential for the occurrence of the Los Angeles pocket mouse and
Northwestern San Diego pocket mouse. Additionally, the project site is within the Multi-Species
Habitat Conservation Plan (MHSCP) habitat assessment area for the Western Burrowing Owl.
The project site contains a suitable foraging habitat and burrows for Western Burrowing Owl and
different bird species. Mitigation measures are recommended to be implemented to reduce the
potential significant impact to these wild life species and their habitat in addition to paying the
established MHSCP impact fees as follows:

**MM BR-1a** A live-trapping study shall be conducted by a qualified biologist to determine
presence/absence of Los Angeles pocket mouse and Northwestern San Diego pocket mouse. The surveys shall be conducted between April and September and shall follow California Department of Fish and Game (CDFG) protocol. If individuals are found during the survey, the biologist shall determine if the population represents a significant impact to the total population. If the impact is
determined to be less than significant, no further action is required. If the impact is
determined to be potentially significant, the onsite population shall be preserved in accordance with CDFG protocol until it can be relocated to an appropriate
offsite location.

**MM BR-1b** A 30-day preconstruction survey for burrowing owl shall be done prior to any
ground disturbance activities according to CDFG protocol. Any individuals found during that survey shall be relocated to an appropriate offsite location according to CDFG protocol and in consultation with CDFG.

**MM BR-1c** All grubbing or other vegetation removal associated with the Project site
preparation shall avoid nesting season of February 15, through July 30. If such
avoidance is not feasible, a qualified biologist shall conduct a focused nesting bird
survey. Any active nests identified shall have highly visible construction fencing
installed within a 100-feet radius of any active nest. The fencing shall remain in
place until the biologist determines that the young have fledged, or that the nest is
otherwise no longer active.

2. **Cultural Resources**
Cultural resources provide residents with a meaningful sense of history and heritage. Review of
Table IV-11 “Recorded Historic Era Buildings and Other Features in the Planning Area” of the
City's General Plan reveals that the site is not listed as a resource. However, the Phase I Cultural Resource Assessments indicates that there are two areas that have general scatter and some clusters of historic artifacts in the area immediately south of the Orco Block Company boundary. In addition, three previously unrecorded historic-period structural foundations were found adjacent to the south-west corner of the Orco Block Company. LSA Associates conducted a Phase II archeological\(^4\) testing to determine whether the resources on this site meet the eligibility criteria for the California Register of Historic Places. LSA confirmed that the resources did not meet the eligibility criteria for the California Register of Historic Places. Although no evidence of significant or unique archeological resources were identified, the site is an indication of historic activity. Therefore, archeological monitoring shall be present during all ground-disturbing activities within 200' of the two locations of where the historic artifacts were found on site. The following are mitigation measures that are required to be implemented for cultural resources:

**MM CR4a** The California State Health and Safety Code § 7050.5 states that no further construction or disturbance within 100 feet of human remains shall occur until the County Coroner has made the necessary findings as to the origin and disposition according to CEQA regulations and Public Resources Code (PCR) § 5097.98. If the Coroner determines the remains are Native American in origin, the Native American Heritage Commission (NAHC) will be notified and, in turn, the person determined to be the Most Likely Descendant (MLD). The MLD will provide recommendations for treatment of the remains in accordance with the following: CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98.

3. **Soils and Geology**
The project site is not located within an Alquist-Priolo Earthquake Fault Zone, although it is located in a region that is subject to active ground shaking. The two closest major faults to the proposed project site are the San Andreas Fault and San Jacinto Fault, which are 5.59 and 11.2 miles away, respectively. To mitigate the effects of the ground movement, the project is required to implement the design standards that are established in the latest adopted Building Code, and all other applicable codes, ordinances, and regulations in effect at the time of permit application.

The project site contains soils that are alluvial in nature, consisting mainly of sand and gravels, with some cobbles and/or boulders\(^4\). To mitigate this impact the project must abide by the recommendations in the geotechnical report and compliance with standards in the California Building Code. Mitigation measures are recommended to be implemented to reduce the impact as follows:

**MM GEO-3a** The Proposed Project shall submit a Storm Water Pollution Prevention Plan (SWPPP) for construction-related activities, and will mitigate any potentially significant erosion impacts.

**MM GEO-3b** The initial site clearing and grubbing shall include removal of any surficial vegetation, including the grass and weed growth, shrubs, and brush, as well as the

\(^4\) LSA Associates, Inc. Phase II, March 2009
surficial layer of topsoil and root mat material. The surficial topsoil and mat material may be blended with the underlying native soils within the over excavation areas based on the extent of remedial grading required onsite. The final soil mixture shall not contain more than two percent of organic materials by weight; the organic content of the mixture should be determined in the field by the geotechnical engineer, paid by the developer. Based on the organic content and stability of the soil observed, the actual extent of the site stripping should be determined in the field by the geotechnical engineer.

MM GEO-3c Loose or softened soils shall be removed from the two washes that transverse the site in northwest to southeast directions. These washes are expected to be underlain by 3 to 5-feet plus of loose or softened soils; however, the amount of soil removed from these areas shall be determined by the geotechnical engineer at the time of site grading.

MM GEO-3d Low strength soils shall be removed from the proposed building pad areas. Based on conditions observed during trenching, the existing soils shall be excavated to a depth of at least 4 feet below the proposed building pad subgrade elevation and to a depth of 4 feet below existing grade, whichever is greater. Soils not directly underlying the general building pad but within the influence zones of the new foundations shall be over excavated to a depth of 3 feet below the proposed bearing grade. Other over excavation guidelines, which are found within the Project’s geotechnical report, must be complied with to mitigate potential impacts.

MM GEO-3e After all over excavation of the site has been completed per the proposed project’s geotechnical study, the project soil shall be scarified to depth specified within the study, and the over excavated soil flooded. The soils shall be processed according to the conditions presented within the project’s geotechnical report. As soon as the processed over excavated soils abide to the report’s guidelines, they may then be replaced as compacted structural fill.

4. Greenhouse Gas
The greenhouse gas emission associated with the project includes sources from vehicle exhausts/tail pipes, building heating and air conditioning systems, building materials, appliances, and lighting. LSA and Associates, Inc. ran a greenhouse gas emissions model to determine the project contribution to greenhouse gas emission. The model shows that emissions from vehicles contribute to 23 percent of the project greenhouse gas emissions. AB 32 and other State and Federal regulations have not provided localized thresholds in which the various sources of emissions (mobile or stationary) must meet. Currently, the Governor’s Executive Order and AB 32 are requesting voluntary actions of businesses, local governments, and community groups, including State incentive and regulatory process. In order for the proposed project to comply and not conflict or impede the implementation of the greenhouse gas reduction goals, mitigation measures are proposed for the project.

To the extent feasible and to the satisfaction of the City, the following measures shall be incorporated into the design and construction of the project (including specific building projects):
Construction and Building Materials.

- Use locally produced and/or manufactured building materials for at least 10 percent of the construction materials used for the project;
- Recycle/reuse at least 50 percent of the demolished construction material (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard); and
- Use “Green Building Materials,” such as those materials that are resource efficient, and recycled and manufactured in an environmentally friendly way for at least 10 percent of the project.

Energy Efficiency Measures.

- Design all project buildings to exceed California Building Code’s Title 24 energy standard, including, but not limited to any combination of the following:
  - Increase insulation such that heat transfer and thermal bridging is minimized; Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;
  - Incorporate ENERGY STAR or better rated windows, space heating and cooling equipment, light fixtures, appliances or other applicable electrical equipment;
  - Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and landscaping;
  - Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings;
  - Install light colored “cool” roofs and cool pavements;
  - Install energy efficient heating and cooling systems, appliances and equipment, and control systems; and
  - Install solar or light-emitting diodes (LEDs) for outdoor lighting.

Water Conservation and Efficiency Measures.

- Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include the following, plus other innovative measures that might be appropriate:
  - Create water-efficient landscapes within the development;
  - Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls;
  - Use reclaimed water for landscape irrigation within the project. Install the infrastructure to deliver and use reclaimed water;
• Design buildings to be water-efficient. Install water-efficient fixtures and appliances, including low-flow faucets, dual-flush toilets and waterless urinals; and
• Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.

Solid Waste Measures.
• Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas; and
• Provide employee education about reducing waste and available recycling services.

5. Hazard and Hazardous Materials
The project site is not listed within the databases that were used as part of the research for Phase I environmental assessment. Premier Environmental Services conducted and prepared a Phase I environmental site assessment report for the project. It was determined that the no evidence of recognized environmental conditions (RECs) was found in connection with the project site. As part of the construction and operation project, there will be routine use and transport of hazardous materials that is not expected to be beyond the normal use. There are a variety of Federal, State, County, and City regulations regarding use of hazardous materials. The project is expected to comply with these regulations. Furthermore, since the project is located within the airport land use compatibility zone, the project is required to comply with the Riverside Airport Land Use Commissions regulations and the Federal Aviation Administration. Mitigation measures are recommended to be implemented to reduce the impact as follows:

MM HAZ-1 The following shall be prohibited from the project site:

• Any use which would direct a steady light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at the Banning Airport, other than an FAA-approved navigational signal light or visual approach slope indicator;
• Any use which would cause sunlight to be reflected toward an aircraft engaged in initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at the Banning Airport;
• Any use which would generate a significant source of smoke or vapor or which could attract large concentrations of birds, or which may otherwise affect safe air navigation within the area shall be prohibited; and
• Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

MM HAZ-2 Refuse and recycling containers at the project site shall be covered to prohibit attracting any wildlife to the project site.

MM HAZ-3 Federal Aviation Administration Form 7460, Notice of Proposed Construction or Alteration, shall be completed prior to final approval of the project’s final

\(^5\) November 7, 2006
improvement plans. Refer to http://forms.faa.gov/forms/faa7460-1.pdf for more information.

MM HAZ-4 Review by the Riverside County Airport Land Use Commission shall be conducted prior to final approval of the Project’s facility improvement plans.

6. Transportation/Traffic
A Traffic Impact Study was prepared for the project and was reviewed by staff\(^6\).

The Traffic study analyzed 11 intersections including the project entrances as follows:

- Morongo Road/Wilson Street at Hathaway Street
- George Street at Hathaway Street
- Williams Street at Hathaway Street
- Ramsey Street at Hathaway Street
- Nicolet Street at Hathaway Street
- Williams Street at Hargrave Street
- Nicolet Street at Hargrave Street
- Ramsey Street at Hargrave Street
- Hargrave Street at I-10 Eastbound Ramps
- Hargrave Street at I-10 Westbound Ramps
- Ramsey Street at 8th Street

The traffic report provides the traffic data of the existing condition as well as the potential traffic impacts of the proposed Banning Gateway project on the near term and at the build-out year of the project following the guide line of the City’s general plan circulation element.

While the traffic report indicates some traffic impacts of the proposed project, said impacts are able to be mitigated and staff supports the mitigation measures listed on the traffic report and the mitigated negative declaration documents as follows:

MM T-1a Near-term (Year 2011) – Phase 1 Improvements. Prior to the issuance of building permits, the developer shall construct/pay fair share of the following improvements.

Hargrave Street at I-10 Westbound Ramp
- Install a signal

Hargrave Street at I-10 Eastbound Ramp
- Install a signal

MM T-1b Buildout (Year 2015) Improvements. Prior to the issuance of building permits, the developer shall construct/provide fair share of the following improvements.

Ramsey Street at Hathaway Street

\(^6\) Traffic Study for the Proposed Banning Gateway Project in the City of Banning, December 2, 2009, KOA Corporation
- Southbound Approach: Widen to provide one left-turn lane, one all way lane, and one right-turn lane.
- Eastbound Approach: Widen to provide two left-turn lanes and two through lanes.

**Hargrave Street at I-10 Westbound Ramp**
- Southbound Approach: Widen to provide two through lanes and one free right-turn lane.
- Westbound Approach: Widen to provide one left-turn lane, one shared left/through lane, and one free right-turn lane.

**Hargrave Street at I-10 Eastbound Ramp**
- Eastbound Approach: Widen to provide one left-turn lane, one shared left/through lane, and one right-turn lane with a signal overlap.

This intersection would require capacity enhancements greater than those specified in the General Plan to provide acceptable levels of service during peak hours with the addition of forecast traffic growth, including the project. Northbound and westbound dual left-turn lanes would be required as well as an additional through capacity on the northbound and southbound intersection approaches. These types of improvements do not seem feasible at this time due to the extensive right-of-way acquisition that would be required and the spacing between Ramsey Street and the westbound freeway ramps.

It is recommended that this intersection be improved according to the General Plan and that traffic improvements be implemented above and beyond those improvements to be determined by extensive future traffic monitoring and engineering studies. The proposed project proponent as well as future cumulative projects would have a fair share responsibility toward future improvements as they will contribute traffic volumes to this location. Accordingly, the conditions of approval #83 require that the developer pay the fair share of estimated cost of the improvement as stated above.

At present, Hathaway Street is used as a traffic route and is a designated traffic route in the City’s General Plan. However, prior to occupancy, Hathaway Street shall be signed as “Truck Route” by the applicant. Accordingly, proper signage is required by the Mitigation Monitoring and Reporting Plan MM T-1b (see Exhibit “A”)

Attached in Exhibit “A” is the Mitigation Monitoring Program that is required to be prepared and adopted as part of the project for compliance with CEQA.

**REQUIRED FINDINGS FOR TENTATIVE PARCEL MAP AND DESIGN REVIEW:**

The Subdivision Map Act requires that each Tentative Parcel Map and Design Review (BMC §17.56.050) application meet certain findings in order to be approved by the Planning
Commission. The following findings for each of the entitlement approvals are provided for Commission consideration:

**Findings for Tentative Parcel Map No. 36056**

**Finding No. 1: That the proposed Tentative Map is consistent with the applicable general and specific plans.**

**Findings of Fact: **The General Plan land use and zoning designations for the site is Business Park (BP), which allows manufacturing and warehousing and accessory office uses as proposed by the project. The site planning, architecture, and on- and off-site circulation has considered the adjacent land uses. The parking lot and locations of the loading docks were designed in such a way that there is no exposure towards the single-family homes that are located on the west side of Hathaway Street.

The project is consistent with the General Plan Land Use Element policy which states, “The land use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands.” In addition to the project consistency with the General Plan Land Use, the project is also consistent with the General Plan Economic Development Policy which states, “The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues”. The proposed project will generate additional employment opportunity of approximately 430 jobs, including sales tax and property tax, which contribute to the overall well-being of the City’s fiscal health.

**Finding No. 2: That the design of the improvement of the proposed subdivision is consistent with the applicable general plan and specific plans.**

**Findings of Fact: **The design of the improvements, including lot size, lot width, and lot depth for the subdivision complies with the development standards of the Business Park (BP) zone. Each of the proposed parcels provides more than the minimum requirements for lot size of 1 acre, lot width or 100’ and lot depth of 100’. Additionally, the subdivision is required to provide public improvements for street, sewer, water, and drainage to serve the development which are consistent with Policy 9 of the General Plan, which states that, “All development interests, including residential, commercial, and industrial project proponents, shall be responsible for their fair share of on-site and off-site improvements required to support their development proposals. Such improvements may include, but are not limited to, street construction and signalization, grade separation, utility extension, drainage facilities, and parks.”

**Finding No. 3: That the site is physically suitable for the type of development.**

**Findings of Fact: **The 64-acre site, which is zoned Business Park (BP), has adequate land area to accommodate the subdivision and the development of 12 buildings for manufacturing and warehousing, including on-site circulation, parking, and landscaping for the development.
Finding No. 4: That the site is suitable for the proposed density of development.

Findings of Fact: The 64-acre site, which is zoned Business Park (BP), has adequate land area to accommodate the density of the development of 12 buildings for manufacturing and warehousing, including on-site circulation, parking, and landscaping for the development. The building coverage for each of the parcels is less than the maximum permissible building coverage of less than 60%.

Finding No. 5: That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

Findings of Fact: The site is currently vacant and undeveloped. An environmental document, Initial Study/Mitigated Negative Declaration, has been prepared for the project. The findings of the environmental document concluded that there are six environmental issue areas where the project is required to incorporate mitigation measures, which included biological resources, cultural resources, geology and soils, greenhouse gas, hazards and hazardous materials, and transportation and circulation. These mitigation measures are made a part of the Mitigation Monitoring program for the project. With regard to injury to fish or wildlife or their habitat, a professional biologist conducted a biological-database review and surveyed the project site to evaluate the potential presence of listed or proposed threatened or endangered species or designated critical habitat on or in proximity to the site. Results of the database review and survey of the site indicate that the site has the potential for the occurrence of the Los Angeles pocket mouse and Northwestern San Diego pocket mouse. Additionally, the project site is within the Multi-Species Habitat Conservation Plan (MHSCP) habitat assessment area for the Western Burrowing Owl. The project site contains a suitable foraging habitat and burrows for Western Burrowing Owl and different bird species. Mitigation measures are recommended to be implemented to reduce the potential significant impact to these wildlife species and their habitat in addition to paying the established MHSCP impact fees as follows. With these mitigation measures the project impacts are reduced to less than significant.

MM BR-1a A live-trapping study shall be conducted by a qualified biologist to determine presence/absence of Los Angeles pocket mouse and Northwestern San Diego pocket mouse. The surveys shall be conducted between April and September and shall follow CDFG protocol. If individuals are found during the survey, the biologist shall determine if the population represents a significant impact to the total population. If the impact is determined to be less than significant, no further action is required. If the impact is determined to be potentially significant, the onsite population shall be preserved until it can be relocated to an appropriate offsite location in consultation with CDFG.

MM BR-1b A 30-day preconstruction survey for BUOW shall be done prior to any ground disturbance activities according to CDFG protocol. Any individuals found during that survey shall be relocated to an appropriate offsite location according to CDFG protocol and in consultation with CDFG.
All grubbing or other vegetation removal associated with the Project site preparation shall avoid nesting season of February 15, through July 30. If such avoidance is not feasible, a qualified biologist shall conduct a focused nesting bird survey. Any active nests identified shall have highly visible construction fencing installed within a 100-foot radius of any active nest. The fencing shall remain in place until the biologist determines that the young have fledged, or that the nest is otherwise no longer active.

Finding No. 6: That the design of the subdivision or type of improvements is not likely to cause serious public health problems.

Findings of Fact: The design of the subdivision is in conformance with the City's General Plan, the Zoning Ordinance, and Subdivision Ordinance. The construction of the buildings on the site is required to comply with the California Building Code, the City's Grading Ordinance, Water Quality Management Plan with regard to storm water and runoff management and controls. In addition, the design and construction of all improvements for the subdivision is required to comply with the City Street and Public Works standards. The City's ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety, and welfare. Finally, the street system and improvements proposed for the project, including on- and off-sites will improve the circulation system and emergency vehicular access for the project.

In addition, there was a Mitigated Negative Declaration (MND) completed in conjunction with the proposed project. The MND addresses the potential impacts that may result in serious public health problems. The MND concludes that there will be a less than a significant impact on air quality, less then significant impact as a result of hazardous materials, less than significant impact on hydrology and water quality. Further, there are mitigation measures to address the impacts that result from greenhouse gas emissions, as will be implemented in accordance with the Mitigation Monitoring and Reporting Plan (MMRP). Accordingly, the project is not likely to cause serious public health problems. To the extent there will be any impact to public health, the MMRP will protect the health and safety of the residents.

Finding No. 7: That the design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Finding of Fact: The subdivision has been designed in such a manner to provide reasonable access to the public across the site, which include streets and utility easements.

Finding No. 8: The design of the subdivision adequately provides for future passive or natural heating and cooling opportunities in the subdivision.

Finding of Fact: Taking into consideration the local climate and existing contour and configuration of the site and its surroundings, the size and configuration of parcels within the proposed subdivision have been arranged, to the greatest extent feasible, to permit orientation of
buildings in a manner that take advantage of the natural shade or take advantage of the prevailing breezes.

While it is recognized that greenhouse gas emission will be associated with the project, to meet the City’s greenhouse gas reduction goals, the project incorporates several mitigation measures as further referenced herein including requirements for recycling or reusing construction material, use of “green building materials,” as well as energy efficiency measures and water conservation and efficiency measures.

**Findings for Design Review #07-708**

Prior to making a determination on Design Review 07-708, the following findings must be made:

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

**Findings of Fact:** The General Plan land use and zoning designations for the site is Business Park (BP), which allows manufacturing and warehousing and accessory office uses as permitted uses. The project is consistent with the General Plan Land Use Element policy which states, “The land use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands.

In addition to the project consistency with the General Plan Land Use, the project is also consistent with General Plan Economic Development Policy which states, “The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues”. The proposed project will generate additional employment opportunity of approximately 430 jobs, including sales tax and property tax, which contribute to the overall well-being of the City’s fiscal health.

**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 project is proposed on site that is zoned Business Park (BP), which allows manufacturing and warehousing and accessory office uses as permitted uses. The project as proposed meets all the development standards and guidelines of the Business Park district, which includes building setbacks, building heights, lot coverage, parking, and design guidelines. Additionally, the project is conditioned to ensure that future on-going operations of the project do not impact the surrounding land uses.

**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 proposed project includes the development if 12 buildings for manufacturing and warehousing, including office areas as an accessory use. The site design and on-site improvements to provide parking and circulation and landscaping have been designed to address the adjacent land uses. Parking spaces for each building are provided either in between the

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buildings, on the side and/or at the rear of the buildings so that there is no direct exposure of parking lot activities to adjacent properties thereby minimizing noise impacts to the single-family homes that are located on the west side of Hathaway Street. The conditions prohibit any lighting that may spill over onto adjacent properties or interfere with the airport operations. In addition, on-site and off-site circulation has been considered to ensure that there is no conflict between vehicles/pedestrians. As part of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan, the project is required construct intersection improvements, including traffic signals, or pay their fair share of cost toward the improvement as referenced herein. Further said Plan requires that proper signage be installed to designate Hathaway Street was a "Truck Route."

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

**Finding of Fact:** The proposed project is in the Business Park zone and is surrounded by undeveloped land and the Orco block and is adjacent to the low-density residential zone with residential homes. The architectural design for the development is attractive, consistent with the architecture that is found for a quality business park development and meets the City's current standards. Varying sizes of glazing, horizontal reveals, varying roof height, use of varying paint colors within the same tone and contrasting paint colors will help break down the scale of each of the wall panels. The office at each corner of the building creates a unique and distinct identity for each building. Trees and walled gardens will also be part of the overall architectural image of the business park. Accent trees will provide color and interest to each building. The building setback area along Hathaway Street will be landscaped to complement the architecture of the buildings and to provide a buffer to the nearby residential uses. Additionally, landscaping is proposed along the project perimeter to break-up the building mass and provide natural cooling and shade.

**PUBLIC COMMUNICATION:**

The availability of the Initial Study/Mitigated Negative Declaration and the proposed project were advertised in the Record Gazette newspaper on March 26, 2010, and notices were mailed to all property owners within a 300-foot radius of the site on March 29, 2010. The Initial Study/Mitigated Negative Declaration was made available for public review at the City of Banning Community Development counter at 99 E. Ramsey Street, Banning, CA, the Banning Public Library at 21 W. Nicolet Street, Banning, CA, and on the City of Banning website at www.banning.ca.us.

An additional public hearing notice was published in Record Gazette on April 23, 2010, and notices were mailed to all property owners within a 300-foot radius of the site on April 22, 2010 as a reminder to the residents and interested members of the public.

**Prepared by:**

[Signature]

Zai Abu Bakar
Community Development Director
PC Attachments:

1. Planning Commission Resolution No. 2010-04
2. Initial Study/Mitigated Negative Declaration and Errata Sheet
3. Exhibit “A” – Mitigation Monitoring and Reporting Plan
4. Exhibit “B” Conditions of Approval for TPM #36056 and Design Review #07-708
5. Location Map
6. Aerial Photograph
7. Site Photographs
8. Project Plans
9. Aerial Photo showing existing and proposed water line improvement
10. Aerial Photo showing sewer line alignments
11. Riverside County Airport Land Use Commission Letter dated April 28, 2010
12. Governor’s Office of Planning and Research Letter dated April 27, 2010
13. South Coast Air Quality Management District Letter dated April 27, 2010
14. Caltrans District 8 Letter dated April 28, 2010
16. Public Hearing Notices
17. Mailing Labels
ATTACHMENT 1

Planning Commission
Resolution No. 2010-04
RESOLUTION NO. 2010-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PLAN, APPROVING TENTATIVE PARCEL MAP #36056 AND DESIGN REVIEW #07-708 TO DEVELOP A BUSINESS PARK FOR MANUFACTURING AND WAREHOUSING RELATED USES ON A 64-ACRE SITE IN THE BUSINESS PARK (BP) ZONE LOCATED AT THE EASTERLY TERMINUS OF HATHAWAY STREET AND NICOLET STREET.

WHEREAS, an application for a Tentative Parcel Map #36056 and Design Review #07-708 to construct a business park for manufacturing and warehousing related uses has been duly filed by:

Property Owner: OSI Partnership I, LLC
Applicant/Authorized Agent: The O'Donnell Group, Inc. (Representative: Stantec Consulting Services/Patrick Osborne)
Project Location: The easterly terminus of Hathaway Street and Nicolet Street
APN Number: 532-110-003, 008, 009; and 010
Lot Area: Approximately 64 acres

WHEREAS, the Planning Commission has the authority per Chapter 16.12 of the Banning Municipal Code to take action on Tentative Parcel Map No. 36056 and authority per Chapter 17.56 to take action on Design Review #07-708 for the proposed construction of a 1,194,045 square feet of business park for manufacturing and warehousing related uses on a 64-acre parcel in the Business Park Zone located at the easterly terminus of Hathaway Street and Nicolet Street; and,

WHEREAS, an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Plan was prepared in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the City of Banning Environmental Review Guidelines. The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Plan was made available for a 30-day public review from March 26, 2010, through April 26, 2010.

WHEREAS, on March 26, 2010, the City gave public notice by advertisement in the Record Gazette newspaper and on March 29, 2010 mailed notice to property owners’ within 300 feet of the site of the availability of the Initial Study/Mitigated Negative Declaration for a 30-day public review and the holding of a public hearing at which the project would be considered on May 4, 2010; and,
WHEREAS, on April 23, 2010, the City gave another public notice by advertisement in the Record Gazette newspaper and on April 22, 2010 mailed notice to property owners’ within 300 feet of the site regarding the holding of a public hearing at which the project would be considered on May 4, 2010; and,

WHEREAS, on May 4, 2010, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Tentative Parcel Map #36056 and Design Review #07-708 and at which the Planning Commission considered said Tentative Parcel Map and Design Review. The Planning Commission continued the public hearing to June 1, 2010 to address the comments received from the South Coast Air Quality Management District and Caltrans District 8; and,

WHEREAS, on June 1, 2010, the Planning Commission held the public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Tentative Parcel Map #36056 and Design Review #07-708 and at which the Planning Commission continued said Tentative Parcel Map and Design Review to its meeting on June 15, 2010; and,

WHEREAS, on June 15, 2010, the Planning Commission held the public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Tentative Parcel Map #36056 and Design Review #07-708 and at which the Planning Commission considered said Tentative Parcel Map and Design Review; and,

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

SECTION 1. ENVIRONMENTAL FINDINGS.

Based upon oral and written testimony and other evidence received at the public hearing held for the project, and upon studies and investigations made by the Planning Commission and on its behalf, the Planning Commission does hereby determine that the Initial Study and Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder. The Commission exercises its independent judgment find and determine as follows:

Finding No. 1: That Sections 15063 and 15064(f)(2) of the CEQA Guidelines relating to Initial Studies and significance of environmental impacts, respectively, permits a lead agency to prepare an Initial Study/Mitigated Negative Declaration on any proposed project to analyze whether the Project may cause any significant effect on the environment. CEQA Guidelines Section 15070 further permits the adoption of Mitigated Negative Declarations when the Project has been revised, so that potential significant adverse impacts can be avoided or mitigated to a less than significant level. The Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Plan
Finding No. 2: That the attached Mitigated Negative Declaration was prepared, published, circulated and reviewed in accordance with the requirements of CEQA and the City’s CEQA Guidelines, and constitutes an adequate, accurate, objective and complete analysis addressing all issues relevant to the approval of the Project. A 30-day public review period for the proposed Project began on March 26, 2010 and ended on April 26, 2010. The City did not receive any public comments on the draft Initial Study/Mitigated Negative Declaration during the comment period. However, subsequent to close of the public review period and prior to receipt of the OPR letter the City received two responses on the environmental document from the SCAQMD and Caltrans District 8 (see Attachments 13 and 14). Per Government Code Section 21091(d)(1) and Section 15088 of CEQA, the City is not required to respond to these comments. However, Staff believes that it is in the best interest of the City to respond to other agencies’ comments in the spirit of cooperation as these agencies are also responsible for approving permits that would be required for the project. The Air Quality Report was updated by the developer and reviewed by the City’s environmental consultant and staff and was submitted to the SCAQMD.

Technical revisions to be made to the air quality study to address truck traffic and diesel emissions; however, the result of the revision did not exceed the threshold estimated by SCAQMD. Standard conditions of approval were recommended by the SCAQMD and were incorporated into the conditions of approval which are hereby incorporated by reference.

Finding No. 3: That it has reviewed and considered the information contained within the Mitigated Negative Declaration prior to acting on the proposed Project, and that the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

Finding No. 4: That the Mitigated Negative Declaration identifies all potentially significant adverse environmental impacts and feasible mitigation measures or standard conditions of approval that would reduce these impacts to a less-than-significant level. All of the mitigation measures identified in the Mitigated Negative Declaration, including those in the Mitigation Monitoring and Reporting Plan, will be adopted and implemented as Conditions of Approval for the Project. The Commission finds that on the basis of the whole record before it, there is no substantial evidence that the Project, as mitigated in the Mitigated Negative Declaration, will have a significant impact on the environment.

Finding No. 5: That the monitoring and reporting of CEQA mitigation measures in connection with the Project will be conducted in accordance with the attached Mitigation Monitoring and Reporting Plan (Attachment 3), incorporated into the Conditions of Approval for the Project. Adoption of the Mitigation Monitoring and Reporting Plan will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. All proposed mitigation measures are
capable of being fully implemented by the efforts of the City of Banning, the Project applicant, or other identified public agencies of responsibility, and will reduce the environmental impacts to a less-than-significant level.

Finding No. 6: That during the preparation of the Initial Study Checklist, it was determined that the Project would have no impact or have less-than-significant impact on the following environment factors: Aesthetics, Agricultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, and Utilities/Services System. It was determined that the Project would have a potentially significant impact on one or more of the following environmental factors: Air Quality, Biological Resources, Cultural Resources, Geology and Soils, and Transportation/Traffic. However, mitigation measures will be implemented as part of the project which reduced the impacts to less than significant levels. Consistent with CEQA Statutes and CEQA Guidelines, the Mitigated Negative Declaration contains a full and complete explanation as to how the potentially significant impact on these environmental factors are reduced to less-than-significant impact level by the incorporation of the required mitigation measures set forth in the Mitigation Monitoring and Reporting Program attached hereto as Exhibit A and incorporated herein.

Finding No. 7: That based on the foregoing, there is no substantial evidence in light of the whole record before the Commission that the proposed Project, as revised, may have a significant effect on the environment. (CEQA Section 21064.5 (2).) Based on the Initial Study/Mitigated Negative Declaration and the fact that feasible mitigation measures were incorporated to revise the proposed Project in order to avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment will occur, the Initial Study/Mitigated Negative Declaration should be adopted for the proposed Project. The Initial Study/Mitigated Negative Declaration provides the substantial evidence to support findings 1 through 6, above.

Finding No. 8: The Commission finds that the Project is consistent with the City of Banning General Plan, its goals and policies, and all applicable provisions of the Zoning Ordinance.

Finding No. 9: A notice of determination ("NOD") shall be filed with the County Clerk immediately upon approval of the Project.

SECTION 2. REQUIRED FINDINGS.

Pursuant to Banning Municipal Code Chapter 16.12 and Chapter 17.56, and in light of the record before it including the staff report dated June 15, 2010, and all evidence and testimony heard at the public hearing for this item, the Planning Commission hereby finds as follows:

Findings for Tentative Parcel Map #36056
Finding No. 1: That the proposed Tentative Map is consistent with the applicable general and specific plans.

Findings of Fact: The General Plan land use and zoning designations for the site is Business Park (BP), which allows manufacturing and warehousing and accessory office uses as proposed by the project. The site planning, architecture, and on- and off-site circulation has considered the adjacent land uses. The parking lot and locations of the loading docks were designed in such a way that there is no exposure towards the single-family homes that are located on the west side of Hathaway Street.

The project is consistent with the General Plan Land Use Element policy which states, “The land use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands.”

In addition to the project consistency with the General Plan Land Use, the project is also consistent with the General Plan Economic Development Policy which states, “The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues”. The proposed project will generate additional employment opportunity of approximately 430 jobs, including sales tax and property tax, which contribute to the overall well-being of the City’s fiscal health.

Finding No. 2: That the design of the improvement of the proposed subdivision is consistent with the applicable general plan and specific plans.

Findings of Fact: The design of the improvements, including lot size, lot width, and lot depth for the subdivision complies with the development standards of the Business Park (BP) zone. Each of the proposed parcels provides more than the minimum requirements for lot size of 1 acre, lot width or 100’ and lot depth of 100’. Additionally, the subdivision is required to provide public improvements for street, sewer, water, and drainage to serve the development which are consistent with Policy 9 of the General Plan, which states that, “All development interests, including residential, commercial, and industrial project proponents, shall be responsible for their fair share of on-site and off-site improvements required to support their development proposals. Such improvements may include, but are not limited to, street construction and signalization, grade separation, utility extension, drainage facilities, and parks.”

Finding No. 3: That the site is physically suitable for the type of development.

Findings of Fact: The 64-acre site, which is zoned Business Park (BP), has adequate land area to accommodate the subdivision and the development of 12 buildings for manufacturing and warehousing, including on-site circulation, parking, and landscaping for the development.

Finding No. 4: That the site is suitable for the proposed density of development.
**Findings of Fact:** The 64-acre site, which is zoned Business Park (BP), has adequate land area to accommodate the density of the development of 12 buildings for manufacturing and warehousing, including on-site circulation, parking, and landscaping for the development. The building coverage for each of the parcels is less than the maximum permissible building coverage of less than 60%.

**Finding No. 5:** That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

**Findings of Fact:** The site is currently vacant and undeveloped. An environmental document, Initial Study/Mitigated Negative Declaration, has been prepared for the project. The findings of the environmental document concluded that there are six environmental issue areas where the project is required to incorporate mitigation measures, which included biological resources, cultural resources, geology and soils, greenhouse gas, hazards and hazardous materials, and transportation and circulation. These mitigation measures are made a part of the Mitigation Monitoring Plan for the project. With regard to injury to fish or wildlife or their habitat, a professional biologist conducted a biological-database review and surveyed the project site to evaluate the potential presence of listed or proposed threatened or endangered species or designated critical habitat on or in proximity to the site. Results of the database review and survey of the site indicate that the site has the potential for the occurrence of the Los Angeles pocket mouse and Northwestern San Diego pocket mouse. Additionally, the project site is within the Multi-Species Habitat Conservation Plan (MHSCP) habitat assessment area for the Western Burrowing Owl. The project site contains a suitable foraging habitat and burrows for Western Burrowing Owl and different bird species. Mitigation measures are recommended to be implemented to reduce the potential significant impact to these wildlife species and their habitat in addition to paying the established MHSCP impact fees as follows. With these mitigation measures the project impacts are reduced to less than significant.

**MM BR-1a** A live-trapping study shall be conducted by a qualified biologist to determine presence/absence of Los Angeles pocket mouse and Northwestern San Diego pocket mouse. The surveys shall be conducted between April and September and shall follow CDFG protocol. If individuals are found during the survey, the biologist shall determine if the population represents a significant impact to the total population. If the impact is determined to be less than significant, no further action is required. If the impact is determined to be potentially significant, the onsite population shall be preserved until it can be relocated to an appropriate offsite location in consultation with CDFG.

**MM BR-1b** A 30-day preconstruction survey for BUOW shall be done prior to any ground disturbance activities according to CDFG protocol. Any individuals found during that survey shall be relocated to an appropriate offsite location according to CDFG protocol and in consultation with CDFG.
All grubbing or other vegetation removal associated with the Project site preparation shall avoid nesting season of February 15, through July 30. If such avoidance is not feasible, a qualified biologist shall conduct a focused nesting bird survey. Any active nests identified shall have highly visible construction fencing installed within a 100-foot radius of any active nest. The fencing shall remain in place until the biologist determines that the young have fledged, or that the nest is otherwise no longer active.

Finding No. 6: That the design of the subdivision or type of improvements is not likely to cause serious public health problems.

Findings of Fact: The design of the subdivision is in conformance with the City's General Plan, the Zoning Ordinance, and Subdivision Ordinance. The construction of the buildings on the site is required to comply with the California Building Code, the City's Grading Ordinance, Water Quality Management Plan with regard to storm water and runoff management and controls. In addition, the design and construction of all improvements for the subdivision is required to comply with the City Street and Public Works standards. The City's ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety, and welfare. Finally, the street system and improvements proposed for the project, including on- and off-sites, will improve the circulation system and emergency vehicular access for the project.

In addition, there was a Mitigated Negative Declaration (MND) completed in conjunction with the proposed project. The MND addresses the potential impacts that may result in serious public health problems. The MND concludes that there will be a less than a significant impact on air quality, less than significant impact as a result of hazardous materials, less than significant impact on hydrology and water quality. Further, there are mitigation measures to address the impacts that result from greenhouse gas emissions, as will be implemented in accordance with the Mitigation Monitoring and Reporting Plan (MMRP). Accordingly, the project is not likely to cause serious public health problems. To the extent there will be any impact to public health, the MMRP will protect the health and safety of the residents.

Finding No. 7: That the design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Finding of Fact: The subdivision has been designed in such a manner to provide reasonable access to the public across the site, which include streets and utility easements.

Finding No. 8: The design of the subdivision adequately provides for future passive or natural heating and cooling opportunities in the subdivision.
Finding of Fact: Taking into consideration the local climate and existing contour and configuration of the site and its surroundings, the size and configuration of parcels within the proposed subdivision have been arranged, to the greatest extent feasible, to permit orientation of buildings in a manner that take advantage of the natural shade or take advantage of the prevailing breezes.

While it is recognized that greenhouse gas emission will be associated with the project, to meet the City's greenhouse gas reduction goals, the project incorporates several mitigation measures as further referenced herein including requirements for recycling or reusing construction material, use of "green building materials," as well as energy efficiency measures and water conservation and efficiency measures.

Findings for Design Review #07-708

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

Findings of Fact: The General Plan land use and zoning designations for the site is Business Park (BP), which allows manufacturing and warehousing and accessory office uses as permitted uses. The project is consistent with the General Plan Land Use Element policy which states, "The land use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands.

In addition to the project consistency with the General Plan Land Use, the project is also consistent with General Plan Economic Development Policy which states, "The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues". The proposed project will generate additional employment opportunity of approximately 430 jobs, including sales tax and property tax, which contribute to the overall well-being of the City's fiscal health.

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 project is proposed on site that is zoned Business Park (BP), which allows manufacturing and warehousing and accessory office uses as permitted uses. The project as proposed meets all the development standards and guidelines of the Business Park district, which includes building setbacks, building heights, lot coverage, parking, and design guidelines. Additionally, the project is conditioned to ensure that future on-going operations of the project do not impact the surrounding land uses.

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 proposed project includes the development of 12 buildings for manufacturing and warehousing, including office areas as an accessory use. The site design and on-site improvements to provide parking and circulation and landscaping have been designed to address the adjacent land uses. Parking spaces for each building are provided either in between the buildings, on the side and/or at the rear of the buildings so that there is no direct exposure of parking lot activities to adjacent properties thereby minimizing noise impacts to the single-family homes that are located on the west side of Hathaway Street. The conditions prohibit any lighting that may spill over onto adjacent properties or interfere with the airport operations. In addition, on-site and off-site circulation has been considered to ensure that there is no conflict between vehicles/pedestrians. As part of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan, the project is required construct intersection improvements, including traffic signals, or pay their fair share of cost toward the improvement as referenced herein. Further said Plan requires that proper signage be installed to designate Hathaway Street was a "Truck Route."

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

Finding of Fact: The proposed project is in the Business Park zone and is surrounded by undeveloped land and the Orco block and is adjacent to the low-density residential zone with residential homes. The architectural design for the development is attractive, consistent with the architecture that is found for a quality business park development and meets the City's current standards. Varying sizes of glazing, horizontal reveals, varying roof height, use of varying paint colors within the same tone and contrasting paint colors will help break down the scale of each of the wall panels. The office at each corner of the building creates a unique and distinct identity for each building. Trees and walled gardens will also be part of the overall architectural image of the business park. Accent trees will provide color and interest to each building. The building setback area along Hathaway Street will be landscaped to complement the architecture of the buildings and to provide a buffer to the nearby residential uses. Additionally, landscaping is proposed along the project perimeter to break-up the building mass and provide natural cooling and shade.

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby recommends that the City Council take the following actions:

1. **Adopt Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Program** (Exhibit "A"). In accordance with Public Resources Code Section 21152(a) and CEQA Guidelines Section 15063(b) (2) the Planning Commission hereby adopt Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Plan and directs the Community Development Director to prepare and file with the Clerk for the County of Riverside a notice of
determination as provided under Public Resources Code Section 21152(a) and CEQA Guidelines Section 15094.

2. **Approve Tentative Parcel Map #36056 and Design Review #07-708.** Tentative Parcel Map #36056 and Design Review #07-708 are hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Exhibit “B”.

**PASSED, APPROVED AND ADOPTED** this 15th day of June, 2010, by the following vote:

Buddy Hawkins, Chairman
Banning Planning Commission

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

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

**ATTEST:**

Marie Calderon
Recording Secretary
CERTIFICATION:

I, Marie Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2010-04, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 15th day of June 2010, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie Calderon, Recording Secretary
City of Banning, California
ATTACHMENT 2

Initial Study / Mitigated Negative Declaration and Errata Sheet
RE-CIRCULATED DRAFT
Initial Study/Mitigated Negative Declaration
Banning Business Park
(Previously Banning Gateway Project)
City of Banning, California
(SCH No. 2009031073)

Prepared for:

City of Banning
99 East Ramsey
Banning, CA 92220
951.922.3125
Contact: Zai Abu Bakar, Community Development Director

Prepared by:

Michael Brandman Associates
621 E. Carnegie Drive, Suite 100
San Bernardino, California 92408
909.884.2255
Contact: Frank Coyle, Branch Manager

March 25, 2010
# Environmental Checklist Form

1. **Project title:** Banning Business Park  
   (Previously Banning Gateway Project - State Clearing House No. 2009031073)

2. **Lead agency name and address:**  
   City of Banning  
   99 East Ramsey  
   Banning, CA 92220

3. **Contact person and phone number:**  
   Zai Abu Bakar, Community Development Director.  
   (951) 922-3125

4. **Project location:** Northeast corner of Hathaway Street and Ramsey Street off the Interstate 10 Freeway, in the City of Banning. Assessor’s Parcel No(s): 532-110-003-1; 532-110-008-6; 532-110-009-7; and 532-110-010-7

5. **Project sponsor’s name and address:**  
   Greg Chila  
   The O’Donnell Group, Inc.  
   3 San Joaquin Plaza, Suite 160  
   Newport Beach, CA 92660

6. **General Plan designation:** Business Park (BP)  
   **Zoning:** Business Park (BP)

7. **Description of project:** The Banning Business Park (Proposed Project) will consist of 12 office/warehouse buildings and associated parking on approximately 63.98 acres located approximately 1,100 feet north of the intersection of Ramsay Street and Hathaway Street, in the eastern portion of the City of Banning. The Project proposes office and warehouse buildings that will vary from 11,719 to 786,984 square feet with total buildout area of approximately 1,194,045 square feet. Buildings 1, 2, 3, 4 and 10 are designated for Manufacture uses, buildings 5, 6, 7, 8, 9, are designated for Warehouse uses, and buildings 11 and 12 are designated for High Cube Warehouse uses. The Proposed Project will provide the parking at a ratio of 1.02 totaling 1,244 spaces, which will exceed the city requirement of 1,218 spaces by 26 spaces. In addition, the Project will provide two (2) access points to the Project site, located on the east and west portions of Nicolet Street. Exhibit 4 Conceptual Site Plan (dated October 1, 2009), illustrates the Proposed Project buildout summary and the Table 1 summarizes the land use distribution for the Proposed Project.
The Project is proposed to be built in the following phases:
Phase 1 (Year 2011): Include building 11;
Phase 2 (Year 2012): Include building 12; and
Phase 3 (Year 2015): Include buildings (1, 2, 3, 4, 5, 6, 7, 8, 9, and 10).

Rock Hauling/Crushing
The Project site contains small to medium boulders generally scattered all over the site. In addition, onsite soils underlying the Project site contain gravel, cobbles and boulders (SCG 2006). It is uncertain at this time to know exactly how much rock material is present on the site. However, the existing rock will need to be removed in one of the two ways prior to grading activities.
- Removal to an offsite rock crushing facility; and
- Onsite crushing

Removing rocks from the site would require transportation to an existing rock-crushing site. This would increase the truck trips and could result in temporary traffic impacts. Additional information on the impacts of offsite hauling is analyzed in Section XV, Transportation.

As an alternative, rocks could also be crushed onsite and potentially used during site leveling and grading. This could result in air quality and noise impacts. Therefore, additional discussions on the impacts of onsite rock crushing are included in Section III, Air Quality and Section XI, Noise.

Entitlements
Design Review DR #07-708 and Tentative Parcel Map No. 36056

Design Review DR #07-708 is a request to review the design of the project, which included 12 buildings and site development to ensure conformity with the City's development standards and design guidelines.

Tentative Parcel Map No. 36056 is a request to subdivide approximately 64-acre site into 9 lots for the development of a business park, which include office, manufacturing, and warehouse uses.

9. Surrounding land uses and setting: The surrounding area abutting the Project site is mostly undeveloped. Orco Block is located at southeast corner of Wilson Street and Hathaway Street.
   North: Undeveloped land under the authority of the Morongo Indian Reservation
   South: Caltrans yard and undeveloped land fronting Ramsey Street, Interstate-10
   West: Residential properties across Hathaway Street
   East: Undeveloped land owned by Lloyd Fields.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
None
Table 1: Land Use Distribution Summary

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<th>Maximum Yield Per Development Area</th>
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<tr>
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<td>7,719 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Building Area - 5</td>
<td>0.62</td>
<td>11,719 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building 6</td>
<td>0.82</td>
<td></td>
<td>25</td>
<td>24</td>
</tr>
<tr>
<td>Mezzanine Area</td>
<td>-</td>
<td>1,500 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office Area</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing</td>
<td>-</td>
<td>14,390 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Building Area - 6</td>
<td>0.82</td>
<td>15,890 sq ft</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Table 1 (cont.): Land Use Distribution Summary

<table>
<thead>
<tr>
<th>Development Area</th>
<th>Net Acres</th>
<th>Maximum Yield Per Development Area</th>
<th>Parking Space Required</th>
<th>Parking Space Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building 7</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mezzanine Area</td>
<td>-</td>
<td>-</td>
<td>27</td>
<td>27</td>
</tr>
<tr>
<td>Office Area</td>
<td>-</td>
<td>1,500 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>-</td>
<td>16,227 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Building Area - 7</td>
<td>0.87</td>
<td>17,727 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building 8</td>
<td></td>
<td></td>
<td>25</td>
<td>29</td>
</tr>
<tr>
<td>Mezzanine Area</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office Area</td>
<td>-</td>
<td>1,500 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>-</td>
<td>14,996 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Building Area - 8</td>
<td>0.85</td>
<td>16,496 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building 9</td>
<td></td>
<td></td>
<td>24</td>
<td>29</td>
</tr>
<tr>
<td>Mezzanine Area</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office Area</td>
<td>-</td>
<td>1,500 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>-</td>
<td>13,948 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Building Area - 9</td>
<td>0.82</td>
<td>15,448 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building 10</td>
<td></td>
<td></td>
<td>32</td>
<td>32</td>
</tr>
<tr>
<td>Mezzanine Area</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office Area</td>
<td>-</td>
<td>1,500 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing</td>
<td>-</td>
<td>13,177 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehousing</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Building Area - 10</td>
<td>0.83</td>
<td>14,677 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building 11</td>
<td></td>
<td></td>
<td>593</td>
<td>596</td>
</tr>
<tr>
<td>Mezzanine Area</td>
<td>-</td>
<td>5,000 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office Area</td>
<td>-</td>
<td>10,000 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing</td>
<td>-</td>
<td>126,657 sq ft</td>
<td></td>
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</tr>
<tr>
<td>Warehousing</td>
<td>-</td>
<td>645,327 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Building Area - 11</td>
<td>35.89</td>
<td>786,984 sq ft</td>
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<td></td>
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<tr>
<td>Building 12</td>
<td></td>
<td></td>
<td>161</td>
<td>164</td>
</tr>
<tr>
<td>Mezzanine Area</td>
<td>-</td>
<td>3,000 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office Area</td>
<td>-</td>
<td>6,000 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing</td>
<td>-</td>
<td>39,806 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehousing</td>
<td>-</td>
<td>103,714 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Building Area - 12</td>
<td>7.72</td>
<td>152,520 sq ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>56.29</td>
<td>1,194,045 sq ft</td>
<td>1,218</td>
<td>1,244</td>
</tr>
</tbody>
</table>

Source: HPA, October 1, 2009
Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<table>
<thead>
<tr>
<th></th>
<th>Agriculture Resources</th>
<th>Air Quality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biological Resources</td>
<td>Cultural Resources</td>
<td>Geology /Soils</td>
</tr>
<tr>
<td>Green House Gas</td>
<td>Hazards &amp; Hazardous Materials</td>
<td>Hydrology / Water Quality</td>
</tr>
<tr>
<td>Land Use / Planning</td>
<td>Mineral Resources</td>
<td>Noise</td>
</tr>
<tr>
<td>Population / Housing</td>
<td>Public Services</td>
<td>Recreation</td>
</tr>
<tr>
<td>Transportation / Traffic</td>
<td>Utilities / Service Systems</td>
<td>Mandatory Findings of Significance</td>
</tr>
</tbody>
</table>
**DETERMINATION:** (To be completed by the Lead Agency)

Based on this initial evaluation:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.</td>
<td></td>
</tr>
<tr>
<td>✗</td>
<td>I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.</td>
</tr>
<tr>
<td></td>
<td>I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.</td>
</tr>
<tr>
<td></td>
<td>I find that the Proposed Project MAY have a &quot;potentially significant impact&quot; or &quot;potentially significant unless mitigated&quot; impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.</td>
</tr>
<tr>
<td></td>
<td>I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.</td>
</tr>
</tbody>
</table>

Prepared By:       Date:       
Reviewed By:       Date:
Evaluation of Environmental Impacts:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, and then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an Environmental Impact Report (EIR) is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVIII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other California Environmental Quality Act (CEQA) process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   
a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

a) The significance criteria or threshold, if any, used to evaluate each question; and

b) The mitigation measure identified, if any, to reduce the impact to less than significance
Environmental Checklist

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. AESTHETICS -- Would the Proposed Project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

I. a) **Less than Significant Impact.** The City’s General Plan does not designate the Project site as a scenic vista corridor (CBGP 1987). The primary scenic vistas visible from the Project site and surrounding land uses are San Jacinto Mountains to the north and San Bernardino Mountains to the south. However, the Proposed Project is consistent with surrounding development and the overall views of San Jacinto and San Bernardino Mountain from the surrounding area would not be significantly impacted. In addition, the proposed development is required to comply with the City’s development standards that regulate the building heights, setback distance, etc. for new development. Therefore, the Proposed Project would not result in substantial adverse effect on a scenic vista.

I. b) **Less than Significant Impact.** The Proposed Project will convert existing, vacant land to commercial uses. Accordingly, development of the Project will change the current landscape and natural vistas of the site. The Project site is located next to Interstate 10, which is designated as an “Eligible State Scenic Highway” (DOT 2009).

Notwithstanding the permanence of these impacts, the changes are not considered to be substantial in the context of creating significant injury or damage to the prevailing and surrounding landscape, or degrading views from the nearby Interstate 10 Freeway (I-10). Specifically, the Project site does not contain unique features or landmarks that will be affected by development of the Proposed Project. Moreover, development of the Project will not block, obstruct or impede visual access to any scenic vistas, features or views located in proximity to the Project site, or views of the mountains from the nearby I-10 Freeway. The
design, layout and elements of the Project comply with the City’s design guidelines and will be aesthetically appropriate for the site and the surrounding area, including building heights. Therefore, development of the Project is not expected to create significant aesthetic impacts that are detrimental to the site or to resources within a state scenic highway.

1. c) **Less than Significant Impact.** The Proposed Project will induce short-term and long-term impacts both on-site and off-site. The Project construction will cause short-term visual impacts. Views of the site will include heavy construction equipment and machinery preparing the land (i.e., grading). Dust may temporarily diminish views of the area during grading and construction activities as well.

The Project would develop vacant land into a commercial development containing 12 buildings and associated parking spaces. The Proposed Project is consistent with the adjacent uses, zoning, and the General Plan vision for this portion of the City. Development standards for setbacks, building heights and landscaping would be consistent with the surrounding development and the City zoning ordinance. Therefore, even though the Proposed Project would alter the existing visual character, it would not degrade the visual character or quality of the site and its surroundings.

1. d) **Less than Significant Impact.** Development of the Proposed Project will include the installation and operation of new lighting features (e.g., parking area lamps) that will increase light levels upon and in proximity to the Project site. However, these new sources of light are not expected to generate excessive light spillover or glare that could adversely affect daytime and/or nighttime views in the area. Moreover, the Proposed Project will be required to comply with the City’s lighting standards for commercial development, which will further mitigate potential light impacts. Therefore, development of the Project is not expected to produce significant lighting impacts that would adversely affect views.

The Proposed Project has the potential to impact the existing residential neighborhood to the west, by introducing light incursion and glare from the Proposed Project’s building and street/parking lights. As mentioned above, the Proposed Project will be required to comply with the City’s lighting standards for commercial development, which will orient potential light and glare away from existing residences. Therefore, development of the Proposed Project is not expected to expose residential property to unacceptable light levels.
II. **AGRICULTURE RESOURCES: Would the Proposed Project:**

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMMP) of the California Resources Agency, to non-agricultural use?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

II. a) **Less than Significant Impact.** The review of historical aerial photographs does not show any evidence of the agricultural uses on the Project site. The Farmland Map prepared in pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency indicates that the site has not been designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (SCDC 2007). In addition, the site’s soil type, precipitation, and hydrologic conditions are not suitable for agricultural activities (SCG 2006). Thus, impacts are less than significant.

II. b) **Less than Significant Impact.** The Project is currently undeveloped and vacant and has a General Plan land use designation of Business Park. Additionally, the Project site is not within or the subject of, a Williamson Act contract. Therefore, implementation of the Proposed Project will not conflict with any agricultural use or violate any existing agricultural preservation agreement. Thus, impacts will be less than significant.

II. c) **Less than Significant Impact.** As discussed above, the Project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. In addition, the Project site and surrounding areas are not zoned for agricultural use. There exists a residential development on the west, Orco block to the northwest and Caltrans yard to the south. The remaining surrounding land is vacant and is not currently used for agriculture. Therefore, the Proposed Project will not result in a change in use of existing agricultural lands onsite or in the adjacent areas zoned and the impact will be less than significant.
<table>
<thead>
<tr>
<th>III. AIR QUALITY: Would the Proposed Project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (SCAQMD CEQA Handbook)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Refer to the Air Quality Analysis Report prepared by LSA Associates, Inc. on February 2010 within Appendix A for further information, recommendations, and conclusions.

III. a) **Less than Significant Impact.** The Air Quality Management Plan (AQMP) for the South Coast Air Quality Management District (SCAQMD) sets forth a comprehensive program that will lead the SoCAB into compliance with all federal and State ambient air quality standards. According to the SCAQMD, the most widely used significance thresholds in their CEQA Air Quality Handbook are the mass daily emission significance thresholds for short-term construction and long-term operation, which indicate whether a project has significant adverse
regional effects on air quality, and thus may conflict with or obstruct implementation of the AQMP.

To assess the regional significance of the Proposed Project's emissions, the Proposed Project's short-term construction and long-term operational emissions were estimated using information from the project description and traffic impact analysis. The Proposed Project is planned for development in three phases with differing land uses developed in each phase as described below:

1. **Phase 1 (Year 2011) Conditions.** Include industrial building 11 and will begin operations as early as 2011.

2. **Phase 2 (Year 2012) Conditions.** Include industrial building 12 and will begin operations as early as 2012.

3. **Phase 3 (Year 2015) Conditions.** Include all buildings and will begin operations as early as 2015.

Table 2 below lists a representative set of emissions sources that represent a peak day during the most intense of the planned non-overlapping construction phases. Table 2 lists total construction emissions (fugitive dust emissions and construction equipment exhausts). As seen in Table 2 above, during all construction phases, daily total construction emissions would not exceed daily thresholds established by the SCAQMD for carbon monoxide (CO), ROC, nitrogen oxides (NOx), sulphur oxide (SOx), particulate matter (PM10 and PM2.5).

<table>
<thead>
<tr>
<th>Emission Source</th>
<th>CO</th>
<th>ROC</th>
<th>NOx</th>
<th>SOx</th>
<th>PM10</th>
<th>PM2.5</th>
<th>CO2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mass Grading</td>
<td>19</td>
<td>4.2</td>
<td>34</td>
<td>0.0016</td>
<td>11</td>
<td>3.6</td>
<td>3,200</td>
</tr>
<tr>
<td>Fine Grading</td>
<td>19</td>
<td>4.2</td>
<td>34</td>
<td>0.0016</td>
<td>11</td>
<td>3.6</td>
<td>3,200</td>
</tr>
<tr>
<td>Trenching</td>
<td>9.3</td>
<td>2.1</td>
<td>18</td>
<td>0.0013</td>
<td>0.89</td>
<td>0.81</td>
<td>1,800</td>
</tr>
<tr>
<td>Paving</td>
<td>22</td>
<td>7.6</td>
<td>48</td>
<td>0.044</td>
<td>2.8</td>
<td>2.5</td>
<td>5,800</td>
</tr>
<tr>
<td>Building</td>
<td>84</td>
<td>7.5</td>
<td>45</td>
<td>0.11</td>
<td>2.9</td>
<td>2.4</td>
<td>13,000</td>
</tr>
<tr>
<td>Regional</td>
<td>550</td>
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<td>100</td>
<td>150</td>
<td>150</td>
<td>55</td>
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<td>No</td>
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<tr>
<td>Significant</td>
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<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td></td>
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<tr>
<td>Emissions</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 2: Short-term Regional Construction Emissions

Source: LSA 2010, Table F
Tables 3, 4 and 5 below lists a representative set of operational emissions sources that represent a peak day during the most intense of the planned non-overlapping operation phases for the Year 2011, 2012 and 2015 respectively.

### Table 3: Phase 1 Operation Emissions

<table>
<thead>
<tr>
<th>Emission Source</th>
<th>CO</th>
<th>ROC</th>
<th>NOx</th>
<th>SOx</th>
<th>PM$_{10}$</th>
<th>PM$_{2.5}$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stationary Sources</td>
<td>5.1</td>
<td>5.0</td>
<td>4.2</td>
<td>0</td>
<td>0.02</td>
<td>0.02</td>
</tr>
<tr>
<td>Mobile Sources</td>
<td>190</td>
<td>20</td>
<td>45</td>
<td>0.28</td>
<td>46</td>
<td>9.1</td>
</tr>
<tr>
<td>Total Project Emissions</td>
<td>200</td>
<td>25</td>
<td>49</td>
<td>0.28</td>
<td>46</td>
<td>9.1</td>
</tr>
<tr>
<td>SCAQMD Thresholds</td>
<td>550</td>
<td>55</td>
<td>55</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Significant Emissions</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Source: LSA 2010, Table II

### Table 4: Phase 2 Operation Emissions

<table>
<thead>
<tr>
<th>Emission Source</th>
<th>CO</th>
<th>ROC</th>
<th>NOx</th>
<th>SOx</th>
<th>PM$_{10}$</th>
<th>PM$_{2.5}$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stationary Sources</td>
<td>5.8</td>
<td>6.0</td>
<td>5.0</td>
<td>0</td>
<td>0.02</td>
<td>0.02</td>
</tr>
<tr>
<td>Mobile Sources</td>
<td>220</td>
<td>22</td>
<td>49</td>
<td>0.33</td>
<td>54</td>
<td>11</td>
</tr>
<tr>
<td>Total Project Emissions</td>
<td>230</td>
<td>28</td>
<td>54</td>
<td>0.33</td>
<td>54</td>
<td>11</td>
</tr>
<tr>
<td>SCAQMD Thresholds</td>
<td>550</td>
<td>55</td>
<td>55</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Significant Emissions</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Source: LSA 2010, Table I

### Table 5: Phase 3 Operation Emissions

<table>
<thead>
<tr>
<th>Emission Source</th>
<th>CO</th>
<th>ROC</th>
<th>NOx</th>
<th>SOx</th>
<th>PM$_{10}$</th>
<th>PM$_{2.5}$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stationary Sources</td>
<td>8.4</td>
<td>7.7</td>
<td>4.5</td>
<td>0</td>
<td>0.03</td>
<td>0.03</td>
</tr>
<tr>
<td>Mobile Sources</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hi-Cube Warehouse</td>
<td>47</td>
<td>4.8</td>
<td>11</td>
<td>0.08</td>
<td>14</td>
<td>2.7</td>
</tr>
<tr>
<td>Warehouse</td>
<td>42</td>
<td>3.7</td>
<td>11</td>
<td>0.07</td>
<td>14</td>
<td>2.7</td>
</tr>
<tr>
<td>Business Park</td>
<td>100</td>
<td>12</td>
<td>27</td>
<td>0.17</td>
<td>34</td>
<td>6.5</td>
</tr>
<tr>
<td>Total Mobile Emissions</td>
<td>190</td>
<td>21</td>
<td>49</td>
<td>0.32</td>
<td>62</td>
<td>12</td>
</tr>
<tr>
<td>Total Project Emissions</td>
<td>200</td>
<td>29</td>
<td>54</td>
<td>0.32</td>
<td>62</td>
<td>12</td>
</tr>
<tr>
<td>SCAQMD Thresholds</td>
<td>550</td>
<td>55</td>
<td>55</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Significant Emissions</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Source: LSA 2010, Table I
Results from Tables 3, 4 and 5 above indicate that the emissions from the long-term operation of the proposed project would not exceed the SCAQMD’s regional emission significance thresholds for CO, ROC, NOx, SOx, PM\textsubscript{10}, and PM\textsubscript{2.5}.

Therefore, the proposed project would not conflict with or obstruct implementation of the applicable SCAQMD air quality plan.

III. b) **Less than Significant Impact.** The CEQA Guidelines indicate that a significant impact would occur if the Proposed Project would violate any air quality standard or contribute substantially to an existing or projected air quality violation.

The South Coast Air Basin, the geographical area in which the Proposed Project is located, is a nonattainment for PM\textsubscript{10}, PM\textsubscript{2.5}, and ozone. Levels of PM\textsubscript{10} and PM\textsubscript{2.5} are locally high enough that contributions from new sources may add to the concentrations of those pollutants and contribute to a projected air quality violation. Although background levels of ozone are high in the SoCAB, the Proposed Project alone (without other cumulative sources) would not contribute substantially to a projected air quality violation of ozone. Proposed Project emissions of volatile organic compound (VOC) and NOx (ozone precursors) and their cumulative contribution to ozone and particulate matter concentrations are discussed in Cumulative Impacts below.

As opposed to the discussion of Impact “III a” which focuses on regional scale impacts, the discussion of Impact “III b” focuses on Proposed Project impacts at the local scale, adjacent and near to the Proposed Project site. The potential for violation of ambient air quality standards was determined based on two criteria: 1) the localized significance threshold analysis for the Proposed Project’s construction and operational emissions; and 2) the CO hot spot assessment for operational emissions.

**Criterion 1: Localized Significance Thresholds (LST)**

The localized construction and operational analysis uses thresholds that represent the maximum emissions or pollutant concentrations from the Proposed Project that would not cause or contribute to an exceedance of the most stringent applicable federal or State ambient air quality standard (SAAQS). If the Proposed Project results in emissions or air quality concentrations below those thresholds, it follows that the Proposed Project would not cause or contribute to an exceedance of the standard.

Table 6 lists the applicable ambient air quality standards, background ambient air quality, construction-related LSTs for the project area, and the maximum air quality impact from the construction of the Proposed Project as calculated using Industrial Source Complex air dispersion model. As shown therein, the project’s construction emissions would not exceed the SCAQMD’s LSTs for CO, NOx, PM\textsubscript{10}, and PM\textsubscript{2.5}.
Table 6: Localized Significance Threshold Analysis - Construction

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>AAQS</th>
<th>Ambient Concentration</th>
<th>Local Significance Threshold</th>
<th>Maximum Concentration Increase</th>
<th>Exceed LST?</th>
</tr>
</thead>
<tbody>
<tr>
<td>CO (1-hour)</td>
<td>20 ppm</td>
<td>3.8 ppm</td>
<td>16.2 ppm</td>
<td>0.73 ppm</td>
<td>No</td>
</tr>
<tr>
<td>CO (8-hour)</td>
<td>9.0 ppm</td>
<td>2.9 ppm</td>
<td>6.1 ppm</td>
<td>0.20 ppm</td>
<td>No</td>
</tr>
<tr>
<td>(\text{NO}_2) (1-hour)</td>
<td>0.18 ppm</td>
<td>0.107 ppm</td>
<td>0.073 ppm</td>
<td>0.015 ppm</td>
<td>No</td>
</tr>
<tr>
<td>PM10 (24-hour)\a</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM2.5 (24-hour)\a</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: LSA 2010, Table G
AAQS = Ambient Air Quality Standards.
\a Since both PM10 and PM2.5 are in nonattainment, the thresholds are not based on AASQ exceedances, but rather a violation of SCAQMD Rule 403.

Long-term operational emissions occur over the life of the Proposed Project once the project commences normal operations. Table 7 summarizes the calculated emissions for the proposed operational activities compared with the appropriate LSTs. As shown therein, the project's operational emissions would not exceed the SCAQMD's LSTs for CO, \(\text{NO}_2\), PM10, and PM2.5.

Table 7: Localized Significance Threshold Analysis - Operational

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>AAQS</th>
<th>Ambient Concentration</th>
<th>Local Significance Threshold</th>
<th>Maximum Concentration Increase</th>
<th>Exceed LST?</th>
</tr>
</thead>
<tbody>
<tr>
<td>CO (1-hour)</td>
<td>20 ppm</td>
<td>3.8 ppm</td>
<td>16.2 ppm</td>
<td>0.029 ppm</td>
<td>No</td>
</tr>
<tr>
<td>CO (8-hour)</td>
<td>9 ppm</td>
<td>2.9 ppm</td>
<td>6.1 ppm</td>
<td>0.0065 ppm</td>
<td>No</td>
</tr>
<tr>
<td>(\text{NO}_2) (1-hour)</td>
<td>0.18 ppm</td>
<td>0.092 ppm</td>
<td>0.088 ppm</td>
<td>0.0015 ppm</td>
<td>No</td>
</tr>
<tr>
<td>PM10 (24-hour)\a</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>PM2.5 (24-hour)\a</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>No</td>
</tr>
</tbody>
</table>

Source: LSA 2010, Table K
AAQS = Ambient Air Quality Standards.
\a Since both PM10 and PM2.5 are in nonattainment, the thresholds are not based on AASQ exceedances, but rather a violation of SCAQMD Rule 403.
The results provided in Tables 6 and 7 indicate that the emissions from the construction and
the operation of the Proposed Project would not exceed the SCAQMD’s localized significance
thresholds. The project meets Criterion 1, Localized Significance Thresholds.

Criterion 2: CO Hot Spot Thresholds
Within an urban setting, vehicle exhaust is the primary source of CO emissions.
Consequently, the highest ambient CO concentrations are generally found within close
proximity to the most congested intersection locations. During typical meteorological
conditions, CO concentrations tend to decrease as the distance from the emission source
(congested intersection) increases. For purposes of providing a worst-case impact analysis,
CO concentrations are typically analyzed at the most congested intersection locations, because
if impacts are less than significant in close proximity to the most congested intersections,
impacts would also be less than significant at more distant sensitive receptor locations and less
congested intersections.

Currently neither the federal nor State ambient air quality standards are exceeded for CO
within the area where the Proposed Project is located. Therefore, the Proposed Project is
considered to have a significant impact if emissions from the Proposed Project when added to
the existing background results in an exceedance of the CO standards at the intersections
impacted by such project (CO hot spot significance thresholds).

Localized CO concentrations were projected using the CALINE4 traffic pollutant dispersion
model (CDOT 1989). The analysis of CO impacts followed the protocol recommended by the
California Department of Transportation and published in a document titled “Transportation
Project-Level Carbon Monoxide Protocol (UCD 1997). As stated in the protocol, receptor
locations for the 1-hour analysis were located 3 meters from each intersection corner.

The Project Air Quality Impact Study (LSA 2010) analyzed the CO concentrations at the
seven (7) existing signalized intersection analyzed in the Traffic Impact Analysis Study (KOA
2009) for the existing and existing-plus ambient growth-plus cumulative-plus project
scenarios. The Air Quality Impact Report indicated that, the emissions from traffic generated
by the Proposed Project in combination with emissions from background traffic and traffic
from other development projects would not result in a CO hot spot and, therefore, not exceed
federal or State CO air quality standards (LSA 2010). Therefore, the Proposed Project meets
Criterion 2, CO Hot Spot Significance Thresholds.

Since the Proposed Project meets both of the criteria, the Project would not violate any air
quality standard or contribute substantially to an existing or projected air quality violation.

Rock crushing onsite can contribute to emissions of dust particles during the construction phase.
Depending upon the amount of rock materials processed, the rock-crushing activity could continue for
several days. However, the rock crushing would be conducted during clearing and grubbing activities (i.e. before grading), so it will not generate additional dust during grading. One of the major concerns regarding rock crushing is the emissions of dust and potential impact to existing residents. However, if rock crushing would occur on site, the crushing activity would be concentrated on the northwest portion of the Project site, which is at the greatest distance from existing residential neighborhood located west of Hathaway Street. In addition, the rock crushing would only last for few days and the potential impacts would be temporary. Therefore, rock-crushing onsite would not result in a significant air quality impact.

The Air Quality Impact Report identified a number of “standard conditions” that the Proposed Project would be required to implement which would ensure that the construction and operational air quality emissions associated with the Proposed Project would not exceed the thresholds and violate air quality standards. These standard conditions are listed below:

**Standard Conditions - Construction**

1. The Project shall comply with SCAQMD Rule 403 and 402. SCAQMD Rule 403 requires that fugitive dust be controlled with best available control measures so that presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. SCAQMD 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off site. The following specific actions shall be taken during construction:
   - Apply nontoxic chemical soil stabilizers according to manufacturer’s specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
   - Water active sites at least twice daily (locations where grading is to occur will be thoroughly watered prior to earthmoving).
   - All trucks hauling dirt, sand, soil or other loose materials are to be covered, or should maintain at least 2 feet of freeboard (vertical space between the top of the load and top of the trailer) in accordance with the requirements of California Vehicle Code (CVC) section 23114.
   - Pave construction access roads at least 100 feet onto the site from the main road.
   - Traffic speeds on all unpaved roads shall be reduced to 15 miles per hour or less.
2. The following additional dust suppressions measures in the SCAQMD CEQA Air Quality Handbook shall be implemented to reduce the project's construction emissions:

- Re-vegetate disturbed areas as quickly as possible.
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
- Sweep all streets once per day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water).
- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash trucks any equipment leaving site.
- Pave, water, or chemically stabilize all on-site roads as soon as feasible.
- Minimize at all time the area disturbed by clearing, grading, earthmoving, or excavation operations.
- To the extent practicable use required coatings and solvents with a VOC content lower than required under SCAQMD Rule 1113 or no-VOC paints and architectural coatings should be employed.

3. The construction contractor shall select the construction equipment used onsite based on low-emission factors and high-energy efficiency. The construction contractor shall ensure that construction-grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.

4. The construction contractor shall utilize electric or diesel-powered equipment in lieu of gasoline-powered engines where feasible.

5. The construction contractor shall ensure that construction grading plans include a statement that work crew will shut off equipment not in use. During smog season (May through December), the overall length of the construction period will be extended, thereby decreasing the size of the area prepared each day, to minimize vehicles and equipment vehicles and equipment operating at the same time. The construction contractor shall utilize electric or diesel-powered equipment in lieu of gasoline-powered engines where feasible.
6. The construction contractor shall time the construction activities so as to interfere with peak-hour traffic and minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flag person shall be retained to maintain safety adjacent to the existing roadways.

7. The construction contractor shall support and encourage ride sharing and transit incentives for the construction crew.

Standard Conditions – Operation

8. The Project shall comply with Title 24 of the California Code of Regulations established by the Energy Commission regarding energy conservation standards. The Project applicant shall incorporate the following in building plans:
   - Low-emission water heaters shall be used. Solar water heaters are encouraged.
   - Exterior windows shall utilize window treatments for efficient energy conservation.

III. c) Less than Significant Impact. The CEQA Guidelines indicate that Proposed Project would create a significant impact if it would “result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).”

Project impacts on a regional scale may occur many miles away from the project. Project emissions when added to the overall emission burden of the SoCAB could result in a cumulatively significant impact. Currently, the Basin is in non-attainment for PM$_{10}$, PM$_{2.5}$ and Ozone as discussed in impact “III. a”, the Proposed Project would not exceed the SCAQMD’s regional emission significance threshold for CO, ROC, NOx, SO$_2$, PM$_{10}$ and PM$_{2.5}$ during construction an operation phases. Additionally, the Air Quality Analysis Report prepared for the Proposed Project recommends the standard conditions and implementation of those measures would reduce the impacts in this regard to less than significant level.

III. d) Less than Significant Impact. The CEQA Guidelines indicate that a significant impact would occur if the Proposed Project would expose sensitive receptors to substantial pollutant concentrations. To address this impact, three criteria were assessed: the localized significance thresholds, the health risk significance thresholds, and CO hotspot significance thresholds.

Criterion 1: Localized Thresholds

The localized construction and operational analyses demonstrated that the Proposed Project would not exceed the SCAQMD localized construction and operation significance thresholds
(Refer to impact “III. b”). Therefore, the Proposed Project meets Criterion 1 and would not expose sensitive receptors to substantial pollutant concentrations.

**Criterion 2: Health Risk Significance Thresholds**
The toxic air contaminant of concern regarding this health risk assessment is diesel particulate matter (DPM) that would be emitted during the construction and operation of the Proposed Project. The California Air Resources Board (CARB) has determined that DPM is a carcinogen; therefore, this assessment quantified the impact of DPM emissions from the Proposed Project on both cancer and non-cancer risks.

The construction equipment would emit diesel particulate matter from the operation of various pieces of construction equipment. However, the diesel particulate matter emissions during construction are short term in nature. Determination of risk from diesel particulate matter is considered over a 70-year exposure time for residential and 40 years for worker receptor locations. Therefore, considering the dispersion of the emissions and the short construction time frame, exposure to diesel particulate matter is anticipated to be less than significant during construction.

During operations of the Proposed Project, diesel particulate matter would be emitted by mobile sources accessing the project site. Such emissions would come from the diesel-powered delivery vehicles and employee and customer vehicles, which would operate onsite each day and would include diesel exhaust emissions as the vehicles travel onsite and diesel emissions from vehicles that idle at the respective project buildings. DPM emissions were estimated for diesel vehicles while traveling and idling on the project site. An idling time of 10 minutes per truck per day was assumed. Trucks are assumed to operate 24 hours per day and 7 days a week. The Banning Business Park Project Traffic Impact Study (KO: 2009) shows a daily trip rate of 109 2-axle trucks, 116 3-axle trucks and 480 4+ axle trucks.

Emissions factors for the health risk assessment were developed using the CARB EMFAC2007 emission factor model for the SoCAB. Because this HRA is examining long-term, 70-year carcinogenic and chronic effects, and because the HARP model only allows for a single emission rate for the entire period, a median set of emission factors for the 70-year period was developed. EMFAC2007 was used to produce emissions factors for vehicle fleets for the years 2009, 2020, 2030, and 2040 (EMFAC2007 does not model emissions past 2040). In the EMFAC2007 model, the normal mode is where emissions factors for any one year actually comprise emissions factors for a fleet of vehicles ranging from new that year to 25 years old. In an effort to extend the EMFAC2007 emissions factors out to the upper end of the 70-year period, a special EMFAC2007 scenario was included that only incorporates vehicles produced in 2040. This limitation in the model forces the assumption that vehicle emission factors will stay at the 2040 rate until 2079. This is a conservative assumption, as it is...
expected that the vehicle emission factors will continue to be reduced over time as they have for the last 50 years or more.

The estimation of health risks made use of the AERMOD air dispersion model and the HARP health risk model, meteorological data, and receptor network as used to perform the LST threshold assessment described above. The air dispersion model provides estimates of the annual average DPM concentration at the receptors located within the receptor network. To estimate cancer and non-cancer risks from the DPM concentrations, use was made of the methods and guidance published by the California Office of Environmental Health Hazard Assessment (OEHHHA) Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments (OEHHHA 2003) and the SCAQMD (SCAQMD 2005) for inhalation exposures to toxic air contaminants.

The results of the cancer risk assessment are summarized in Table 8.

Table 8: Summary of Carcinogenic and Chronic Project-Related Emissions

<table>
<thead>
<tr>
<th>MICR – 30-year exposure</th>
<th>Cancer Risk per million</th>
<th>Chronic Hazard index</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.35</td>
<td>0.00058</td>
<td></td>
</tr>
<tr>
<td>MICR – 70-year exposure</td>
<td>0.92</td>
<td>0.00058</td>
</tr>
<tr>
<td>Child – 9-year exposure</td>
<td>0.18</td>
<td>0.00058</td>
</tr>
<tr>
<td>Worker – 40-year exposure</td>
<td>2.0</td>
<td>0.0064</td>
</tr>
<tr>
<td>Threshold</td>
<td>10.0</td>
<td>1.0</td>
</tr>
</tbody>
</table>

Source: LSA 2010, Table N
MICR = Maximum Individual Cancer Risk

Based on Table 8, the Proposed Project would not exceed the SCAQMD’s cancer risk significance threshold. Further, the emissions from the Proposed Project would also not exceed the chronic hazard index. Therefore, the Proposed Project meets Criterion 2, Health Risk Thresholds.

Criterion 3: CO Hotspot Assessment

A CO hotspot analysis is the appropriate tool to determine if project emissions of CO during operation would exceed the CO ambient air quality standards. The main source of air pollutant emissions during operation are from offsite motor vehicles traveling on the roads surrounding the project site. The CO hotspot analysis (see Impact “III b”) demonstrated that the emissions from traffic generated by the Proposed Project in combination with emissions from background traffic and traffic from other development projects would not result in a CO hot spot and, therefore, not exceed federal or State CO air quality standards (LSA 2010). Therefore, the Proposed Project meets Criterion 3, CO Hotspot Assessment.
Based on the above discussion, the Project would not expose sensitive receptors to substantial pollutant concentrations and therefore, the impacts in this regard would be less than significant.

III. e) **Less than Significant Impact.** The proposed commercial uses are not anticipated to emit any kind of objectionable odors. Heavy-duty and diesel powered equipments in the project area will emit odors during construction phase. However, the construction activity will be short-term and would cease to occur after construction is completed. Therefore, objectionable odors posing a health risk to potential on-site and existing off-site users will not occur as a result of the Proposed Project.
## IV. BIOLOGICAL RESOURCE: Would the Proposed Project:

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (CDFG) or U.S. Fish and Wildlife Service (USFWS)?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFG or USFWS?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (CWA) (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state HCP?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Refer to the following resources within Appendix C for further information, recommendations, and conclusions:


IV. a) **Less than Significant Impact with Mitigation.** The biological resource assessment was prepared for the Project site on October 30, 2006 and was updated by Michael Brandman Associates (MBA) on February 20, 2009.
Special-Status Plant Species

The Project site is designated as a rare survey area for many-stemmed dudleya (Dudleya multicaulis) and Marvin's onion (Allium marvinii). However, neither of the species was found during the 2006 and 2009 surveys. There is a low potential for either species to occur on site due to the lack of clay soils within the Project site, as both of these species are found in areas of clay soils.

In addition, occurrence of other rare plants on the Project site is low and the Project site does not provide suitable habitat for other Cell Criteria Species as well as Narrow Endemic Plant Species (NEPS) (CBC 2006 & MBA 2009a).

Special-Status Wildlife Species

During the biological assessment, one special-status wildlife species, black-tailed jackrabbit was observed onsite with the possibility of occurrence of four more individuals of the same species. However, the biology report suggests that the subspecies of black-tailed jackrabbit occurring in the Project site is not the special-status subspecies (CB 2006). Some of the western Riverside County area does include the distributional area for the special-status subspecies of black-tailed jackrabbit. However, since Banning is in the eastern-most portion of the MSHCP area, the animals detected may not be of the special-status subspecies of the black-tailed jackrabbit (Lepus californicus). Notwithstanding, since only two individual jackrabbits were observed, the impact will not be expected to substantially affect any local or regional population of the subspecies.

Two additional special-status wildlife species are also considered to have a high or moderate to high potential for occurring on site; loggerhead shrike and California horned lark (Eremophila alpestris). However, neither of these species was observed on site. In addition, ideal nesting habitat is not present on the Project site for neither of these species. However, both of these species are highly mobile species and therefore if present during the grading should be avoided any on-site disturbances.

The Project site has potential for the occurrence of Los Angeles pocket mouse (Perognathus longimembris) (LAPM) and Northwestern San Diego pocket mouse (Chaetodipus fallax). However, the existing data could not provide sufficient information to determine the absence/presence of these species. Therefore, a potential significant impact would occur without mitigation. In addition to paying the established Multiple Species Habitat Conservation Plan (MSHCP) impact fee, mitigation measure MM BR-1a will reduce the potentially significant impact to less than significant level.

The project site is within the MSHCP habitat assessment area for Western Burrowing Owl (Athene cunicularia) (BUOW). One record of BUOW occurred in the general vicinity
(7-miles) of the Project site. The closest BUOW was reported 5.5 miles southwest of the Project site (CNDBB 2009). The survey done in February 2009 by MBA confirmed that no BUOW were observed within the Project site. Even though BUOW were not observed during survey, the Project site contains suitable foraging habitat and burrows for BUOW (MBA 2009). Therefore, a potential significant impact would occur without mitigation. In addition to paying the established MSHCP impact fee, mitigation measure MM BR-1b will reduce the potentially significant impact to less than significant level.

The Project site provides suitable foraging and nesting habitat for the different bird species. Proposed grubbing of vegetation and/or grading during the active nesting season would occur result in a potentially significant impact without mitigation. In addition to paying the established MSHCP impact fee, the following mitigation measure MM BR-1c will reduce the potentially significant impact to less than significant level (CB 2006).

**Mitigation Measures**

**MM BR-1a**
A live-trapping study shall be conducted by a qualified biologist to determine presence/absence of Los Angeles pocket mouse and Northwestern San Diego pocket mouse. The surveys shall be conducted between April and September and shall follow CDFG protocol. If individuals are found during the survey, the biologist shall determine if the population represents a significant impact to the total population. If the impact is determined to be less than significant, no further action is required. If the impact is determined to be potentially significant, the onsite population shall be preserved until it can be relocated to an appropriate offsite location in consultation with CDFG.

**MM BR-1b**
A 30-day preconstruction survey for BUOW shall be done prior to any ground disturbance activities according to CDFG protocol. Any individuals found during that survey shall be relocated to an appropriate offsite location according to CDFG protocol and in consultation with CDFG.

**MM BR-1c**
All grubbing or other vegetation removal associated with the Project site preparation shall avoid nesting season of February 15, through July 30. If such avoidance is not feasible, a qualified biologist shall conduct a focused nesting bird survey. Any active nests identified shall have highly visible construction fencing installed within a 100-feet radius of any active nest. The fencing shall remain in place until the biologist determines that the young have fledged, or that the nest is otherwise no longer active.

IV. b) **Less than Significant Impact.** The biological resources assessment determined that the Project site does not contain any riparian/riverine habitat. In addition, no vernal pools, vernal pool habitat, or fairy shrimp habitat occur on the Project site; therefore, impacts are less than significant and no mitigation is required (CB 2006).
IV. c) **Less than Significant Impact.** The Investigation of Jurisdictional Wetlands and Waters of the United States (U.S.) indicated that the Project site does not contain the drainage feature that qualifies to be jurisdictional (PE 2006b). Therefore, impacts in this regard will be less than significant.

IV. d) **Less than Significant Impact.** The Project site does not contain flowing water or standing pools, nor does the site support any vegetation or resources that serves as a habitat for the migratory fish or wildlife. The site does not lie within any known wildlife corridors. In addition, the site does not contain any nursery areas or resources (CB 2006 & MBA 2009). Therefore, implementation of the Proposed Project will not have a significant impact on wildlife corridors.

IV. e-f) **Less than Significant Impact with Mitigation.** The Project site is located within the Riverside County MSHCP area; however, it is not within a MSHCP Criteria Area Cell. In addition, the Project site is not located within the conservation plan area as designated under the City of Banning General Plan. However, the Project site provides potential habitat for the Northwestern San Diego pocket mouse and Los Angeles pocket mouse, which are species of special concern under Riverside County MSCHP. In addition, the Project site is within the MSHCP habitat assessment area for BUOW. Therefore as previously stated, a potential significant impact would occur to those species without mitigation. Mitigation measure MM BR-1a and MM BR-1b (Refer to Impact "IV.a") will reduce the potentially significant impact to those species to less than significant level.
### V. CULTURAL RESOURCE: Would the Proposed Project:

<table>
<thead>
<tr>
<th>Question</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5'?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5'?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Refer to the following resources within Appendix C for further information, recommendations, and conclusions:

LSA Associates, Inc. February 2009. *Phase I Cultural Resources Assessment*


#### V. a) Less than Significant Impact.

The Phase I Cultural Resources Assessment indicated a general scatter and some clusters of historic artifacts in the area immediately south of the Orco Block Company boundary. This area was designated as site LSA-OSI0801-H1. In addition, three previously unrecorded historic-period structural foundations were found adjacent to the southwest corner of the Orco Block company boundary. Because of their spatial proximity, they were designated as a single site, LSA-OSI0801-H2.

Sites LSA-OSI0801-H1 and LSA-OSI0801-H2 appear to have buried deposits that may contain important historical information (LSA 2009b). Therefore, these sites are considered potentially historical resources and destruction of these sites will have a significant impact unless additional survey and recovery work is performed. A Phase II Archaeological Testing was conducted by LSA Associates in March 2009 and determined that the resources on this site did not meet the eligibility criteria for the California Register, and are not considered significant resources under CEQA (LSA 2009c). As part of this work, California Department of Parks and Recreation Site Forms (DPR 523 series) be filled out for sites LSA –OSI0801-H1 and LSA-OSI0801-H2.
Although no evidence of a significant or unique archaeological resources was identified at the sites are an indication of historic activity. Therefore, an archaeological monitor shall be present during all ground-disturbing activities within 200 feet of the size boundaries of Sites LSA-OSI0801-H1 and LSA-OSI0801-H2. If any significant archaeological resources are identified, work shall temporarily be halted or diverted to allow the archaeologist to assess the significance of the site. This may include additional archaeological excavation and laboratory analysis (LSA 2009c)

V. b) **Less than Significant Impact.** As discussed earlier, sites LSA-OSI0801-H1 and LSA-OSI0801-H2 had the potential to contain buried deposits that could be important archaeological resources. Thus, additional investigation (i.e., Phase II Archaeological Testing) was conducted and determined that these resources did not constitute significant archaeological or historical resources. Therefore, potential impacts to archeological resources will be less than significant.

V. c) **Less than Significant Impact.** The paleontological literature search indicated that there are young quaternary sediments on the Project site with low potential to contain significant, nonrenewable paleontological resources. The Paleontological Resource Sensitivity Map of Riverside County indicated that the paleontological sensitivity for sediments on the Project is very low (LSA, 2009d). Therefore, based on the low sensitivity for paleontological resources in sediments observed on the Project site and the lack of fossils located during the field survey, the impacts associated with paleontological resources will be less than significant.

V. d) **Less than Significant Impact with Mitigation.** Neither the Phase I Cultural Resources Assessment (LSA 2009b) nor the Phase II Archaeological Testing (LSA 2009c) discovered any human remains on the Project site. However, the ground-disturbing activities during construction may unearth previously unknown buried human remains. If this event does happen, federal laws and regulations, including Native American Graves Protection and Repatriation Act (NAGPRA) and its regulations found in the Code of Federal Regulations at 43 CFR 10 will come into effect.

**Mitigation Measures**

**MM CR-4a** The California State Health and Safety Code § 7050.5 states that no further construction or disturbance within 100 feet shall occur until the County Coroner has made the necessary findings as to the origin and disposition according to CEQA regulations and Public Resources Code (PCR) § 5097.98. If the Coroner determines the remains are Native American in origin, the Native American Heritage Commission (NAHC) will be notified and, in turn, the person determined to be the Most Likely Descendant (MLD). The MLD will provide recommendations for treatment of the remains in accordance with
the following: CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98.

With the adherence to the preceding following policies and regulations, the impacts related to the disturbance of human remains will be less than significant.
<table>
<thead>
<tr>
<th>VI. GEOLOGY AND SOILS: Would the Proposed Project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>ii) Strong seismic ground shaking?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>iv) Landslides?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslde, lateral spreading, subsidence, liquefaction or collapse?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Refer to the following resources within Appendix D for further information, recommendations, and conclusions:


VI. a)  

i) **Less than Significant Impact.** According to the Geotechnical Report (SCG 2006), the Proposed Project site is not located with an Alquist-Priolo Earthquake Fault Zone. Therefore, the potential for significant fault rupture onsite is considered to be low. Thus, impacts will be less than significant.

ii) **Less than Significant Impact.** The Proposed Project is located in a region subject to strong seismic ground shaking. The two closest major faults to the Proposed Project site are the San Andreas Fault and the San Jacinto Fault, which are 5.59 and 11.2 miles away, respectively. In order to mitigate the effects of ground movement from earthquakes, the Proposed Project will be required to implement the design procedures within the Uniform Building Code (UBC) and/or the California Building Code (CBC). By implementing these design features, impacts relating to seismic ground shaking will be reduced to less than significant levels.

iii) **Less than Significant Impact.** Liquefaction may occur when loose, unconsolidated, saturated, sandy soils are subject to ground vibrations during a seismic event. It is caused by the strong vibrations of an earthquake, especially in certain types of soils and low depth groundwater tables. Soils that increase the chance of liquefaction at the ground surface include loose to medium density granular soils that are saturated near the ground surface.

According to the Geotechnical Report (SCG 2006), the Proposed Project site is not located in an area known to have potentially liquefiable soils. Additionally, the soil subsurface conditions excavated onsite were not considered to be conducive to liquefaction. For instance, a static groundwater table was not observed within the upper 15 feet of the soil, and the soils observed generally consisted of well graded medium dense to dense granular soils. Furthermore, the Project site is not located within a designated liquefaction hazard zone as depicted on Riverside County Geologic Hazards Map does not contain the site within. For the preceding reasons, impacts relating to liquefaction will be less than significant.

iv) **Less than Significant Impact.** The Proposed Project site is relatively flat which slopes southeasterly. The soils located onsite contain a 3 to 8 inch topsoil/root mat layer, which helps prevent the occurrence of landslides onsite. Approval of the Project grading and building plans will ensure that compliance with building codes and other federal, State and local regulations will reduce any landslide impacts to less than significant levels.
VI. b) **Less than Significant Impact with Mitigation.** Strong winds, particularly during grading activities, may erode exposed soils. Additionally, the flow of water during storm events onsite may lead to soil erosion. However, the Proposed Project will provide the appropriate soil erosion control techniques per the City of Banning requirements. In addition, mitigation measures are recommended to reduce impacts from soil erosion and loss of topsoil. Compliance with the City guidelines and recommended mitigation measures within the Project’s geotechnical study will reduce the impacts to less than significant level.

**Mitigation Measures**

**MM GEO-2a** The Proposed Project shall submit a Storm Water Pollution Prevention Plan (SWPPP) for construction-related activities, and will mitigate any potentially significant erosion impacts.

VI. c) **Less than Significant Impact with Mitigation.** The soils underlying the Proposed Project are alluvial in nature, consisting mainly of sand and gravels, with some cobbles and/or boulders (SCG 2006). Soil consolidation and collapse testing was performed on soil samples from the property adjacent to the proposed property. These tests identified potentially collapsible and compressible soils within the approximately five upper feet. It is assumed that the Proposed Project has soils similar in nature to the adjacent property’s collapsible and compressible soils. Therefore, impacts relating to these soils will be potentially significant. As discussed before, the Project will be required to abide by the most current standards set forth in the Uniform Building Code UBC/ California Building Code.

With the implementation of the mitigation measures found below, as well as the compliance with recommendations within the geotechnical report, the Project’s potential geotechnical impacts will be reduced to less than significant levels.

**Mitigation Measures**

**MM GEO-3a** The initial site clearing and grubbing shall include removal of any surficial vegetation, including the grass and weed growth, shrubs, and brush, as well as the surficial layer of topsoil and root mat material. The surficial topsoil and mate material may be blended with the underlying native soils within the over excavation areas based on the extent of remedial grading required onsite. The final soil mixture shall not contain more than two percent of organic materials by weight; the organic content of the mixture should be determined in the field by the geotechnical engineer, paid by the developer. Based on the organic content and stability of the soil observed, the actual extent of the site stripping should be determined in the field by the geotechnical engineer.
Loose or softened soils shall be removed from the two washes that transverse the site in northwest to southeast directions. These washes are expected to be underlain by 3 to 5-feet plus of loose or softened soils; however, the amount of soil removed from these areas shall be determined by the geotechnical engineer at the time of site grading.

Low strength soils shall be removed from the proposed building pad areas. Based on conditions observed at the trench conditions, the existing soils shall be excavated to a depth of at least 4 feet below the proposed building pad subgrade elevation and to a depth of 4 feet below existing grade, whichever is greater. Soils not directly underlying the general building pad but within the influence zones of the new foundations shall be overexcavated to a depth of 3 feet below the proposed bearing grade. Other overexcavation guidelines, which are found within the Project's geotechnical report, must be complied with to mitigate potential impacts.

After all overexcavation of the site has been completed per the Proposed Project's geotechnical study, the Project soil shall be scarified to depth specified within the study, and the overexcavated soil flooded. The soils shall be processed according to the conditions presented within the Project's geotechnical report. As soon as the processed overexcavated soils abide to the report's guidelines, they may then be replaced as compacted structural fill.

VI. d) **Less than Significant Impact.** According to the geotechnical study (SCG 2006), onsite soils include silts, sands, and gravels, which have been visually classified as very low expansion to non-expansion. Thus, impacts related to expansive soils will be less than significant.

VI. e) **Less than Significant Impact.** The City of Banning has a piped sewer system, which transports the wastewater to the treatment plant in the area. The Proposed Project will require the installation of wastewater infrastructure onsite, which will be connected to City's sewer system located offsite. Since the Project will not utilize septic systems, impacts will be less that significant.
<table>
<thead>
<tr>
<th>VII. GREEN HOUSE GAS: Would the Proposed Project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Refer to the Air Quality Impact Report prepared for the Proposed Project by LSA Associates on February 2010 (LSA 2010) within Appendix A for further information, recommendations, and conclusions.

**VII. a, b) Less than Significant Impact with Mitigation.** Greenhouse Gas (GHG) emissions associated with the Project would occur in both construction and operational phases of the Proposed Project.

Construction activities produce combustion emissions from various sources such as site grading, utility engines, on-site heavy-duty construction vehicles, and equipment hauling materials to and from the site, asphalt paving, and motor vehicles transporting the construction crew. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change.

Long-term operation of the Proposed Project would generate GHG emissions from area and mobile sources and indirect emissions from stationary sources associated with energy consumption. Mobile source emissions of GHGs would include project-generated vehicle trips associated with on-site facilities and visitors/deliveries to the Project site. Area-sources emissions would be associated with activities such as landscaping and maintenance of proposed land uses, natural gas for heating, and other sources. Increases in stationary source emissions would also occur at off-site utility providers as a result of demand for electricity, natural, gas, and waste by the proposed uses.
The estimated Project GHG emissions are presented below in Table 9.

### Table 9: Project Greenhouse Gas Emissions

<table>
<thead>
<tr>
<th>Emission Sources</th>
<th>CO₂</th>
<th>CH₄</th>
<th>NOₓ</th>
<th>CO₂e</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicles</td>
<td>5,700</td>
<td>0.23</td>
<td>0.7</td>
<td>5,900</td>
</tr>
<tr>
<td>Electricity Production</td>
<td>2,200</td>
<td>0.024</td>
<td>0.013</td>
<td>2,200</td>
</tr>
<tr>
<td>Natural Gas Combustion</td>
<td>1,000</td>
<td>0.029</td>
<td>0.028</td>
<td>1,000</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>17,000</td>
</tr>
<tr>
<td>Other Area Sources</td>
<td>1.4</td>
<td>--</td>
<td>--</td>
<td>1.4</td>
</tr>
<tr>
<td><strong>Total Annual Emissions</strong></td>
<td><strong>8,900</strong></td>
<td><strong>0.28</strong></td>
<td><strong>0.74</strong></td>
<td><strong>26,000</strong></td>
</tr>
</tbody>
</table>

Source: LSA 2010, Table 0.

As shown in Table 9 above, the Project will produce 26,000 metric tons per year of CO₂e. In addition, the emissions from solid waste disposal would comprise approximately 65 percent of the project's total CO₂e emissions. The emissions from vehicle exhaust would comprise approximately 23 percent of the project's total CO₂e emissions.

The emissions from vehicle exhaust are controlled by the State and federal governments and are outside the control of the County. The remaining CO₂e emissions are primarily associated with building heating systems and increased regional power plant electricity generation due to the project's electrical demands. Specific development projects proposed under the project would comply with existing State and federal regulations regarding the energy efficiency of buildings, appliances, and lighting, which would reduce the project's electricity demand. The new buildings constructed in accordance with current energy efficiency standards would be more energy efficient than older buildings.

In addition, at present, there is a federal ban on CFCs; therefore, it is assumed the project would not generate emissions of CFCs. The project may emit a small amount of hydrofluorocarbon (HFC) emissions from leakage and service of refrigeration and air conditioning equipment and from disposal at the end of the life of the equipment. However, the details regarding refrigerants to be used in the project site are unknown at this time. Perfluorinated carbons (PFCs) and sulfur hexafluoride are typically used in industrial applications, none of which would be used on the project site. Therefore, it is not anticipated that the project would contribute significant emissions of these additional GHGs.

While implementation of the project is not expected to result in GHG emission levels that would substantially conflict with implementation of the GHG reduction goals under AB 32 or
other State regulations, the California Environmental Protection Agency (EPA), CAT and ARB have developed several reports to achieve the Governor’s GHG targets that rely on voluntary actions of California businesses, local government and community groups, and State incentive and regulatory programs. These include the CAT’s 2006 "Report to Governor Schwarzenegger and the Legislature," ARB’s 2007 “Expanded List of Early Action Measures to Reduce Greenhouse Gas Emissions in California,” and ARB’s “Climate Change Proposed Scoping Plan: a Framework for Change.” The reports identify strategies to reduce California’s emissions to the levels proposed in Executive Order S-3-05 and AB 32 that are applicable to proposed project. The Proposed Scoping Plan is the most recent document, and the strategies included in the Scoping Plan that apply to the project are contained in Table 10, below, which also summarizes the extent to which the project would comply with the strategies to help California reach the emission reduction targets. According to the Air Analysis (LSA 2010), the project is expected to produce approximately 26,000 metric tons of CO2e per year, or 0.0026 MMTCO2E per year; thus, none of Measure 11 applies to this project.

In order to ensure that the proposed project complies with and would not conflict with or impede the implementation of reduction goals identified in AB 32, the Governor’s Executive Order S-3-05, and other strategies to help reduce GHGs to the level proposed by the Governor, Mitigation Measure GCC-1 shall be implemented. Many of the individual elements of this measure are already included as part of the proposed project or are required as part of project-specific mitigation measures.

Table 10: Project Compliance with Greenhouse Gas Emission Reduction Strategies

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Energy Efficiency Measures</th>
<th>Project Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy Efficiency</td>
<td>Maximize energy efficiency building and appliance standards, and pursue additional efficiency efforts including new technologies, and new policy and implementation mechanisms. Pursue comparable investment in energy efficiency from all retail providers of electricity in California (including both investor-owned and publicly owned utilities).</td>
<td>Compliant with Mitigation Incorporated. The proposed project would be required to comply with the updated Title 24 standards for building construction. In addition, the project would be required to comply with the requirements of Mitigation Measure GCC-1, identified below, including measures to incorporate energy efficient building design features.</td>
</tr>
<tr>
<td>Renewables Portfolio Standard</td>
<td>Achieve a 33 percent renewable energy mix statewide.</td>
<td></td>
</tr>
<tr>
<td>Green Building Strategy</td>
<td>Expand the use of green building practices to reduce the carbon footprint of California’s new and existing inventory of buildings.</td>
<td></td>
</tr>
</tbody>
</table>
Table 10 (cont.): Project Compliance with Greenhouse Gas Emission Reduction Strategies

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Project Compliance</th>
</tr>
</thead>
</table>
| **Water Use Efficiency.**  
Continue efficiency programs and use cleaner energy sources to move and treat water. Approximately 19 percent of all electricity, 30 percent of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce GHG emissions. | **Compliant with Mitigation Incorporated.**  
The project would be required to comply with the requirements of Mitigation Measure GCC-1, identified below, including measures to increase water use efficiency. |
| **Increase Waste Diversion, Composting, and Commercial Recycling, and Move Toward Zero-Waste.**  
Increase waste diversion from landfills beyond the 50 percent mandate to provide for additional recovery of recyclable materials. Composting and commercial recycling could have substantial GHG reduction benefits. In the long term, zero-waste policies that would require manufacturers to design products to be fully recyclable may be necessary. | **Compliant with Mitigation Incorporated.**  
Data available from the California Integrated Waste Management Board (CIWMB) indicates that City of Banning has not achieved the 50 percent diversion rate. The proposed project would be required to comply with Mitigation Measure GCC-1, identified below, including measures to increase solid waste diversion, composting, and recycling. |

**Transportation and Motor Vehicle Measures**

| **Vehicle Climate Change Standards.**  
AB 1493 (Pevley) required the State to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of GHG emissions from passenger vehicles and light duty trucks. Regulations were adopted by ARB in September 2004. | **Compliant.**  
The project does not involve the manufacture, sale, or purchase of vehicles. However, vehicles that operate within and access the project site would comply with any vehicle and fuel standards that ARB adopts. |
| **Light-Duty Vehicle Efficiency Measures.**  
Implement additional measures that could reduce light-duty GHG emissions. For example, measures to ensure that tires are properly inflated can both reduce GHG emissions and improve fuel efficiency. | |
| **Adopt Heavy- and Medium-Duty Fuel and Engine Efficiency Measures.**  
Regulations to require retrofits to improve the fuel efficiency of heavy-duty trucks that could include devices that reduce aerodynamic drag and rolling resistance. This measure could also include hybridization of and increased engine efficiency of vehicles. | |
| **Low Carbon Fuel Standard.**  
ARB identified this measure as a Discrete Early Action Measure. This measure would reduce the carbon intensity of California’s transportation fuels by at least 10 percent by 2020. | |
Table 10 (cont.): Project Compliance with Greenhouse Gas Emission Reduction Strategies

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Project Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Regional Transportation-Related Greenhouse Gas Targets.</strong></td>
<td>Compliant. Specific regional emission targets for transportation emissions do not directly apply to this project; regional GHG reduction target development is outside the scope of this project. The project will comply with any plans developed by the City.</td>
</tr>
<tr>
<td>Develop regional GHG emissions reduction targets for passenger vehicles. Local governments will play a significant role in the regional planning process to reach passenger vehicle GHG emissions reduction targets. Local governments have the ability to directly influence both the siting and design of new residential and commercial developments in a way that reduces GHGs associated with vehicle travel.</td>
<td></td>
</tr>
<tr>
<td><strong>Measures to Reduce High Global Warming Potential (GWP) Gases.</strong></td>
<td>Compliant. New products used or serviced on the project site (after implementation of the reduction of GHG gases) would comply with future ARB rules and regulations.</td>
</tr>
<tr>
<td>ARB has identified Discrete Early Action measures to reduce GHG emissions from the refrigerants used in car air conditioners, semiconductor manufacturing, and consumer products. ARB has also identified potential reduction opportunities for future commercial and industrial refrigeration, changing the refrigerants used in auto air conditioning systems, and ensuring that existing car air conditioning systems do not leak.</td>
<td></td>
</tr>
</tbody>
</table>

Source: LSA 2010, Table P.

As can be see in Table 10, the project would be consistent with all applicable regulatory requirements, which would reduce GHG emissions of the project. After implementation of application of regulatory requirements, the project would implement appropriate GHG reduction strategies and would not conflict with or impede implementation of reduction goals identified in AB 32, the Governor’s Executive Order S-3-05, and other strategies to help reduce GHGs to the level proposed by the Governor. The control measures listed in Measure GCC-1 would further reduce the project’s greenhouse gas emissions and the project’s contribution to cumulative GHG emissions to a less than significant level.

Mitigation Measure

**GCC-1.**

To the extent feasible and to the satisfaction of the County, the following measures shall be incorporated into the design and construction of the project (including specific building projects):

**Construction and Building Materials.**

- Use locally produced and/or manufactured building materials for at least 10 percent of the construction materials used for the project;
• Recycle/reuse at least 50 percent of the demolished construction material (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard); and

• Use "Green Building Materials," such as those materials that are resource efficient, and recycled and manufactured in an environmentally friendly way for at least 10 percent of the project.

Energy Efficiency Measures.

• Design all project buildings to exceed California Building Code's Title 24 energy standard, including, but not limited to any combination of the following:
  o Increase insulation such that heat transfer and thermal bridging is minimized; o Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption; and
  o Incorporate ENERGY STAR or better rated windows, space heating and cooling equipment, light fixtures, appliances or other applicable electrical equipment.

• Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and landscaping;

• Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings;

• Install light colored "cool" roofs and cool pavements;

• Install energy efficient heating and cooling systems, appliances and equipment, and control systems; and

• Install solar or light-emitting diodes (LEDs) for outdoor lighting.

Water Conservation and Efficiency Measures.

• Devise a comprehensive water conservation strategy appropriate for the project and location.
The strategy may include the following, plus other innovative measures that might be appropriate: Create water-efficient landscapes within the development;

- Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls;

- Use reclaimed water for landscape irrigation within the project. Install the infrastructure to deliver and use reclaimed water;

- Design buildings to be water-efficient. Install water-efficient fixtures and appliances, including low-flow faucets, dual-flush toilets and waterless urinals; and

- Restrict watering methods (e.g., prohibit systems that apply water to nonvegetated surfaces) and control runoff.

Solid Waste Measures:

- Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas; and

- Provide employee education about reducing waste and available recycling services.
### VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the Proposed Project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Refer to the Phase I Environmental Site Assessment Report prepared for the Proposed Project by Premier Environmental Services, Inc. (PES) on November 7, 2006 within Appendix E for further information, recommendations, and conclusions.

**VIII. a) Less than Significant Impact.** The Proposed Project’s planned uses include those permitted under the Business Park land use designation. The exact types of uses are currently unknown, but some may potentially routinely transport, use, or dispose of hazardous materials. The City of Banning Development Code, the Riverside County Fire Department, and State's...
Occupational Safety Codes regulate hazardous material activities within the City. During construction-related activities, the Project may involve the use and transport of hazardous materials. These materials may include fuels, oil, mechanical fluids, and other chemicals. Compliance with all applicable federal, State, and local statute regulations will be required in order to transport, store, use, and dispose of hazardous materials during construction and operational activities. By abiding by all applicable regulations, the impacts related to routine hazardous material activities will be less than significant. In addition, prior to the commencement of construction, the construction manager must submit a Spill Prevention and Control Plan (SPCP) as described in the BMP for Stormwater Pollution Prevention Plan Requirements, which will explain how to manage any spill that may occur while work is in progress. No Underground Storage Tanks (UST) are proposed on the project site and hazardous waste storage would be limited to landscaping products, maintenance products and household chemicals.

VIII. b) Less than Significant Impact. As discussed previously, the Proposed Project land uses are currently unknown, certain types of development may potentially conduct hazardous material activities. The construction of the Project will involve the use and transport of hazardous materials. The City of Banning Development Code, the Riverside County Fire Department, and State’s Occupational Safety Codes regulate hazardous material activities within the City. Compliance with all applicable federal, State, and local statute regulations will be required in order to transport, store, use, and dispose of hazardous materials during construction and operational activities. By abiding by all applicable regulations, the impacts relating to the release of hazardous materials into the environment will be less than significant. In addition, prior to the commencement of construction, the construction manager must submit a Spill Prevention and Control Plan (SPCP) as described in the BMP for Stormwater Pollution Prevention Plan Requirements, which will explain how to manage any spill that may occur while work is in progress. No USTs are proposed on the project site and hazardous waste storage would be limited to landscaping products, maintenance products and household chemicals.

VIII. c) Less than Significant Impact. The Project site is approximately 0.3 mile from Hoffer Elementary School, located at 1115 East Hoffer Street in Banning. Transportation of hazardous materials is anticipated to exit the site southerly off Hathaway Street away from the existing school. Thus, the impact of hazardous materials or emissions on this school will be less than significant.

VIII. d) Less than Significant Impact. A Phase I Environmental Site Assessment (ESA) was conducted for the Proposed Project on November 7, 2006. The Project site is not listed within the databases researched for the Phase I. It was determined that no evidence of recognized environmental conditions (RECs) was found in connection to the Project site based on the
site's historical and environmental review, site reconnaissance, and personal interviews (PES 2006a). Thus, impacts in this regard will be less than significant.

VIII. e) **Less than Significant Impact.** The Proposed Project site is located within one mile of the Banning Municipal Airport. The Riverside County Air Port Land Use Compatibility Plan Policy Document (October 2004) provides land use compatibility guidelines for municipal airports in Riverside County, including the Banning Municipal Airport Land Use Plan. The following is a compatibility analysis for the project's land uses in comparison to the Riverside County Air Port Land Use Compatibility Plan Policy Document (October 2004) for Compatibility Zone D:

**Zone D Compatibility**

According to the Riverside County Air Port Land Use Compatibility Plan Policy Document, Zone D is designated as being within the Primary Traffic Patterns and Runway Buffer Area. Compatibility criteria for projects under Zone D include the Maximum Densities/Intensities for people per acre as 100 average people per acre, a concentration of 300 people per single acre and a requirement of 10 percent of open land.

The intensity for nonresidential uses within Zone D can be estimated using three methods: actual parking spaces as in Site Plan; parking spaces as required by local ordinance; and/or maximum occupancy levels set in accordance with the California Building Code. The intensity for the project was estimated using the actual parking spaces as in the Site Plan. The project proposes to construct 1,244 parking spaces within the project site. See Table 11 below for consistency analysis:

### Table 11: Calculation Based on Actual Parking Spaces

<table>
<thead>
<tr>
<th>Quality</th>
<th>Project Intensity</th>
<th>Threshold: Zone D</th>
<th>Consistent with Threshold?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average number of people per acre</td>
<td>29.2</td>
<td>100</td>
<td>Consistent</td>
</tr>
<tr>
<td>Number of people per single acre</td>
<td>69.1</td>
<td>300</td>
<td>Consistent</td>
</tr>
</tbody>
</table>

**Sources:**
1) The range is based on based on the California Airport Land Use Planning Handbook, 2002 calculation method: Actual parking spaces (1,244) multiplied by 1.5 people per parking space, which totals 1,866 people.
2) Average people per acre is calculated by dividing people (1,866) by total acreage (64 acres), which totals 29.2.
3) People on a single acre is calculated by dividing people (1,866) by building footprint (27 acres), which totals 69.1.
4) Riverside County Air Port Land Use Compatibility Plan Policy Document (October 2004).

As shown in Table 11, the project is consistent with the average and maximum number of people per acre thresholds. Additionally, the project proposes to implement 16 percent of landscaping, which is well over the 10 percent requirement of open space for project within Zone D.
Criterion for Projects within Zone D

Highly noise-sensitive outdoor nonresidential uses: Examples of highly noise-sensitive outdoor nonresidential uses within Zone D that should be prohibited include amphitheaters and drive-in theaters. Because the potential of airport noise to increase the sound from these surroundings, caution should be exercised with respect to uses such as poultry farms and nature preserves. The project is proposed as a Business Park, which is not a highly noise-sensitive outdoor nonresidential use (See Section XII for additional noise analysis). Therefore, the project is consistent with this criterion.

Hazards to flight: Hazards to flight within Zone D include physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations. Land use development that may cause the attraction of birds to increase are also incompatible.

The maximum height of the structures for the proposed Business Park facilities will be 50 feet in height, consistent with Banning Municipal Code Section 17.12.030 (Commercial and Industrial Development Standards), and will not include visual or electronic forms of interference. Lighting plans for the project are also subject to plan check review to ensure that lighting of the facilities and parking does not adversely affect surrounding land uses.

Additionally, the landscape proposed for the project will be consistent with Section 17.32, Landscaping Standards, of the City of Banning Municipal Code. Consistency with the City’s landscaping regulations and standards will not create a significant impact in regards to the attraction of birds. However, to ensure that the uses associated with the project do not create a hazard to flight, mitigation measures HAZ-1 and HAZ-2 are recommended. Therefore, the project is consistent with this criterion.

Airspace review requirements: Airspace review is required for objects over 70 feet tall within Zone D. The maximum height of the structures for the proposed Business Park facilities will be 50 feet in height, consistent with Banning Municipal Code Section 17.12.030 (Commercial and Industrial Development Standards). Therefore, the project is below the 70-foot regulation and is consistent with this criterion.

Children’s schools, hospitals, nursing homes are discouraged: The project is proposed as a Business Park, which will not include schools, hospitals or nursing homes. Therefore, the project is consistent with this criterion.

Project Criterion

Noise Compatibility Contours (Map BN-3) within the Airport Land Use Plan indicates that the project site is located beyond the 55dB CNEL contour and therefore there will not be a significant noise impact to the people working in the Project site. Compatibility Map (Map BN-1) indicated that the Project site is located within Zone D (RCALUCP 2004).
Residential projects: Residential projects are required to record a Deed Notice for each parcel associated with any discretionary land use action affecting property within an airport influence area. The project does not propose to develop residential uses on the project site. Therefore, the filing of a Deed Notice is not a requirement for the project and the project is consistent with this criterion.

FAA Notification: According to the California Public Utilities Code (PUC), Section 21659 prohibits structural hazards on or near airports. The project is located within the Banning Airport Influence Area boundaries. Depending on structural heights and in accordance with Federal Aviation Regulation, Part 77 “Objects Affecting Navigable Airspace” a Notice of Proposed Construction or Alteration (Form 7460-1) may be required by the Federal Aviation Administration (FAA). Therefore, with mitigation, the project will comply with PUC Section 21659 by filing Form 7460-1 with the FAA (See mitigation measure HAZ-3). Therefore, the project is consistent with this criterion.

ALUC Review: The Riverside County Airport Land Use Commission (ALUC) is tasked under the Public Utilities Code Section 21676 et seq with reviewing proposed development that falls within Airport Influence Areas. The project falls within Zone D of the Banning Airport Influence Area boundaries. Mitigation measure HAZ-4 calls for ALUC to review the project’s final improvement plans in conformance with ALUCP compatibility criteria, including land use intensity, noise, and height. Therefore, the project is consistent with this criterion.

Mitigation Measures:

HAZ 1: The following shall be prohibited from the project site:

- Any use which would direct a steady light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at the Banning Airport, other than an FAA-approved navigational signal light or visual approach slope indicator;

- Any use which would cause sunlight to be reflected toward an aircraft engaged in initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at the Banning Airport;

- Any use which would generate a significant sources of smoke or vapor or which could attract large concentrations of birds, or which may otherwise affect safe air navigation within the area shall be prohibited; and

- Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
HAZ 2: Refuse and recycling containers at the project site shall be covered to prohibit attracting any wildlife to the project site.

HAZ 3: Federal Aviation Administration Form 7460, Notice of Proposed Construction or Alteration, shall be completed prior to final approval of the project’s final improvement plans. Refer to http://forms.faa.gov/forms/faa7460-1.pdf for more information.

HAZ 4: Review by the Riverside County Airport Land Use Commission shall be conducted prior to final approval of the Project’s facility improvement plans.

VIII. f) No Impact. There are no private airstrips in the vicinity of the Proposed Project site. Thus, there are no impacts relating to hazards from private airstrips.

VIII. g) Less than Significant Impact. The Proposed Project would introduce employees to the site that would be subject to emergency evacuation or response in the event of a major disaster. Traffic associated with the proposed development could impact evacuation routes in the vicinity of the Project site. These potential traffic impacts were analyzed in a traffic study prepared for the proposed development and are evaluated in Section XV, Transportation and Traffic. The Proposed Project would not result in the impairment or interference with the implementation of the City of Banning emergency evacuation and support services procedures in the event of a natural disaster or war emergency. The Project site is adjacent to Hathaway Street and Interstate 10, and the proposed street network provides adequate emergency vehicular access to and through out the Project site. Therefore, the Project related impacts regarding an adopted emergency response plan or emergency evacuation plan would be less than significant.

VIII. h) Less than Significant Impact. According to the City of Banning General Plan, the Proposed Project is located within a Very High Threat Zone. According to Fire Resource and Prevention Program (FRAP) of the California Department of Forestry and Fire Prevention, the site is designated as Local Responsibility Area, Very High Threat Zone; Consequently, the site is not located within a State Responsibility Zone (CDFPP 2009). Areas that are susceptible to wildfire, such as the project site, are governed by special State, County, and local fire codes. Often, property owners are required to follow maintenance guidelines aimed at reducing the amount and continuity of the fuel (vegetation) available. Potential damage from fire can be significantly reduced by vegetation management practices in such areas. Additionally, the site has been designated for Business Park, which the Proposed Project is conforming to by planning to implement commercial uses. Thus, as long as the Project abides by all applicable federal, state, and local regulations, City of Banning General Plan Goals, and Policies, impacts will be less than significant.
<table>
<thead>
<tr>
<th>IX. HYDROLOGY AND WATER QUALITY: Would the Proposed Project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>g) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Refer to the following resources within Appendix F for further information, recommendations, and conclusions:


IX. a) **Less than Significant Impact.** The Proposed Project will result in potential short-term and long-term impacts to the effluent stormwater and wastewater. Short-term impacts will occur...
from construction and grading activities onsite, which will disturb surface soils as well as remove vegetative cover. This will expose the soil to possible erosion and sedimentation in local waterways. The long-term operations and development of the Proposed Project will potentially increase the pollutant burden of the stormwater flows. The Proposed Project will increase the amount of impervious surfaces onsite, resulting in an increase in stormwater flows. Furthermore, the Project’s potential commercial activities may result in runoff containing the following contaminants: oil, grease surfactants, heavy metals, solvents, pesticides or nutrients. To minimize potential pollutant burden, by virtue of the size of the Proposed Project, the Project applicant prepared a Preliminary Water Quality Management Plan (WQMP) through the Municipal Separate Storm Sewer System (MS4), National Pollutant Discharge Elimination System (NPDES). The Best Management Practices (BMPs) of the Preliminary WQMP required that the Project proponent implement site design concepts to minimize urban runoff, minimize impervious footprint, conserve natural areas and minimize directly connected impervious areas (SCI 2009b). Implementation of the BMPs, as outlined in Preliminary Project Specific WQMP, will reduce runoff and the potential for impacts associated with violation of water quality standards or water discharge requirements to less than significant levels.

IX. b) **Less than Significant Impact.** The City of Banning draws water from four main sources: groundwater, surface water, recycled water, and imported water. The groundwater basins serving the City are naturally recharged through the percolation of runoff, direct precipitation, subsurface inflow, and artificial recharge. Implementation of the Proposed Project will increase the amount of impervious surfaces onsite, which could conceptually affect groundwater recharge due to the loss of soil infiltration. However, as discussed in “VIII a”, the Proposed Project is required to implement BMPs that will help in the soil infiltration and groundwater recharge.

IX. c-e) **Less than Significant Impact.** The Project site does not contain any watercourses on site. The natural watercourses originating offsite northwesterly of the Project boundary traverse the Project boundary at the north and west boundaries and drains towards the south and east boundaries. The Project storm drainage system would collect the major offsite flows at the site boundary and conveyed through a channel to discharge points at the easterly and southwesterly project boundaries. The onsite storm flow will be collected through catch basins and/or grated inlets and would be treated prior to entering the main storm drain systems. The system will control the quality and quantity of storm water before leaving the site through a storm drain outlet system (SCI 2009a). Therefore, even though the proposed development will alter the natural flow of the site, the project design features and implementation of BMPs will reduce the associated impacts to less than significant levels.
According to the Preliminary Drainage Study for the Project (SCI, 2009a), the drainage areas in the before development and after development condition are same and no diversion of storm flows are required. In addition, the drainage study indicated that the proposed storm drainage system will be sufficient to provide 100-year storm flow protection for the Project site. Therefore, the Project’s runoff water will not exceed the capacity of existing or planned stormwater drainages systems and thus would not result in flooding on- or off-site.

IX. f) No Impact. The Proposed Project does not include the construction of residential uses on or within the Project site. In addition, according to the flood map prepared by Federal Emergency Management Agency (FEMA), the Project site is not located within a 100-year flood plain or other flood hazard delineation area. Accordingly, implementation of the Proposed Project will not generate any risks associated with the placement of housing any residential structures within a flood hazard area.

IX. g) No Impact. According to the flood map prepared by FEMA, the Project site is not located within a 100-year flood plain. Therefore, implementation of the Proposed Project will not result in the construction of improvements within the ascribed flood hazard area that would impede or redirect flood flows, and the impact will be less than significant.
X. LAND USE AND PLANNING: Would the Proposed Project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Physically divide an established community?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

X. a) **Less than Significant Impact.** The Proposed Project will be constructed on vacant, undeveloped land. The Project site does not consist of any established communities. There exists a residential development on the west, Orco block to the northwest and Caltrans yard to the south, however, as depicted in Exhibit 2 Local Vicinity Aerial Map, the remaining areas adjacent to the Project site are undeveloped and vacant and there is not any established community. Therefore, the Proposed Project would not divide an established community so the impact in this regard will be less than significant.

X. b) **Less than Significant Impact.** The site is within the City of Banning and is therefore subject to the City's land use plans, policies and regulations. The Project site is designated in the City of Banning General Plan as Business Park. As per the General Plan, light industrial manufacturing and office/warehouse buildings are appropriate in this designation. The development proposed includes warehousing/office buildings and thus the proposed development concurs with the City's designated uses for the Project site. In addition, the construction and design of the buildings will abide with the development standards set forth by the City for Business Park designation. Therefore, there will not be a potentially significant impact in this regard. (For the discussion on Airport Land Use Plan compatibility, refer to Hazard and Hazardous Material Section VII Impact "e").

If the Project proposes any other than “high cube” commercial uses in the building 11 or 12, the applicant shall submit additional CEQA documents to demonstrate the environmental impacts would not exceed as indicated on the Proposed Project.

X. c) **Less than Significant Impact.** As discussed in the Biological Resources section under impact “e”, the Proposed Project will not require additional mitigation measure except for MM BR-1a and 1b. Thus, the implementation of proposed mitigation measure will reduce the impact in this regard to less than significant.
<table>
<thead>
<tr>
<th>XI. MINERAL RESOURCES: Would the Proposed Project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**XI. a) Less than Significant Impact.** The California Department of Conservation Division of Mines and Geology has conducted a Mineral Land Classification Map survey for the Project site, and the Project site falls under MRZ-2 zone (CDC 1987). MRZ-2 zone refers to the areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists. In addition, the site reconnaissance shows that there is existing mining activities being undertaking on the areas that are located south from the Project site. However, the proposed site is currently undeveloped and unutilized for mineral resource extraction. In addition, mineral extraction will result in incompatible uses with the business park zoning and uses on-site and in the immediate surroundings. Therefore, the impacts associated with the loss of availability of a mineral resource of statewide importance will be less than significant.

**XI. b) Less than Significant Impact.** The City of Banning General Plan designates the Project site as MRZ-2 zone for mineral resources zone. However, as discussed earlier, mineral extraction will result in incompatible uses with the business park zoning and uses on-site and in the immediate surroundings. Therefore, the impacts resulting in the loss of availability of a locally important mineral resource will be less than significant.
<table>
<thead>
<tr>
<th>XII. NOISE: Would the Proposed Project result in:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

XII. a-d) Less than Significant Impact. Within the Project study area and where Project trucks and autos are most likely to travel, there are sensitive receptors (i.e., residential units) located: 1) on the west side of Hathaway Street north of Williams Street; 2) along the north side of Williams Street between Hathaway Street and Hargrave Street; and 3) along Hargrave Street north of Williams Street. The residences on the west side of Hathaway Street north of Williams Street represent the "most" sensitive receptors in this case since they would be exposed to the highest amount of traffic from the Proposed Project. Based on area traffic volumes and project-related traffic, if noise impacts to the residences along the west side of Hathaway Street are not significant, then noise impacts from project traffic in other areas are not expected to exceed significance thresholds.

The project traffic study (KOA 2009) indicates the existing peak hour traffic volumes on Hathaway Street north of Williams Street are 626 (AM) and 439 (PM) or a total peak hour volume of 1,065 vehicles. Assuming peak hour volumes represent 10 percent of the total average daily trips (ADT), the current daily traffic volume on Hathaway Street north of Williams Street is approximately 10,650 ADT. Assuming 6 percent growth, this would increase to 11,290 ADT by 2010 which is expected to be the buildout year for the Proposed
Project. The traffic study indicated the project would generate 3,565 total truck and auto trips at buildout, and that approximately 90 percent of those trips will travel south on Hathaway Street toward the I-10 Freeway. This represents a project contribution of 3,210 vehicles per day to Hathaway Street in 2010 (90% of 3,565 total project trips). Table 11 summarizes the project traffic and noise data based on an assumed mix of 25 percent trucks and 75 percent autos. Table 2 indicates that project traffic will increase ambient noise levels along Hathaway Street by 1.6 dB. Since the threshold for human perception of change is 3 dB, this noise increase will be incremental and is not considered significant. In addition, the closest house to the street is approximately 80 feet from the centerline, so ambient (outdoor) noise levels in this residential neighborhood will be equal or less than 65 dB on the Community Noise Equivalent Level (CNEL) scale, which is also considered to be less than significant. Therefore, the Proposed Project is not expected to create significant noise impacts from traffic along local streets.

Table 12: Local Noise Impacts – Hathaway Street north of Williams Street

<table>
<thead>
<tr>
<th>Traffic Characteristics *</th>
<th>Traffic Volumes</th>
<th>Noise Levels (dB Ldn) from Centerline of Hathaway Street</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>24-Hour</td>
<td>Equivalent 1-Hour</td>
</tr>
<tr>
<td>Existing</td>
<td>10,065</td>
<td>986</td>
</tr>
<tr>
<td>Future No Project</td>
<td>11,296</td>
<td>1,185</td>
</tr>
<tr>
<td>Future with Project</td>
<td>14,500</td>
<td>1,420</td>
</tr>
<tr>
<td>Change from Existing</td>
<td>4,435</td>
<td>434</td>
</tr>
<tr>
<td>Change from Future No Project</td>
<td>3,210</td>
<td>314</td>
</tr>
</tbody>
</table>


* includes trucks (5%) and autos (95%)

Rock Hauling and Crushing

The Project site contains a large amount of small to medium boulders spread throughout the site. These rocks either can be removed to an onsite crushing facility, or can be crushed onsite. If the rocks are transported to an offsite crushing facility, the trucks carrying rocks will create elevated noise levels for short periods of time for loading and traveling to and from the site. Conversely, rocks could be crushed on site, the crushing equipments and activity will also generate high noise levels for short periods of time. It is not possible at this time to know exactly how much rock material is present and what kind of equipments will be used for crushing and the number of truck trips required to export the rock material to an offsite crushing site. In addition the level of impact will also depend upon the distance of rock
hauling and crushing activity from the nearest residential neighborhood. However, the rock hauling and crushing will not have significant noise impact as it will last for short periods of time and given that the activity would take place at the greatest distance possible from the existing residents near the Project site.

XII. c) **Less than Significant Impact.** The Proposed Project site is located within one mile of the Banning Municipal Airport. The Riverside County Airport Land Use Commission Comprehensive Land Use Plan (Airport Land Use Plan) provides land use compatibility guidelines for municipal airports in Riverside County, including the Banning Municipal Airport Land Use Plan. Noise Compatibility Contours (Map BN-3) within the Airport Land Use Plan indicated that the Project site is located beyond the 55dB CNEL contour and therefore there will not be a significant noise impact to the people working in the Project site (RCALUCP 2004).

XII. f) **No impact.** There is no private airstrip within the vicinity of the Project site. Therefore, the Project will not expose people residing or working in the project area to excessive noise levels.
<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>XIII. POPULATION AND HOUSING: Would the Proposed Project:</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

XIII. a) Less than Significant Impact. The Proposed Project consists of 12 office and warehouse buildings, which will total approximately 1,194,045 square feet upon buildout. The development does not propose any new housing on- or off site; thus population will not be directly increased by the development of the project. Based on SCAG and NAIOP studies, job creation numbers for commercial developments are estimated to be between 1 per 1000 square feet and 1 per 3000 square feet. The ratio for larger buildings tends to be approximately 1 per 2200 square feet. As a conservative estimate, a ratio of 1:2200 was applied to buildings 1-10 and a ratio of 1:3000 was applied to buildings 11-12. The total estimated job creation based on these ratios is approximately 430 employees. The Project will likely draw employees directly from the City of Banning as well as from other nearby communities in Riverside or San Bernardino County. More affordable housing and shorter commute times would potentially encourage employees to live within the City itself, thus increasing its population.

Assuming a worst-case scenario where the construction of the Proposed Project takes only a year, the buildout date of the development would be 2010. According to the 2008 Regional Transportation Plan (RTP) from the Southern California Association of Governments (SCAG), the City of Banning employment amount is expected to increase to 10,018 in 2010 from the 2005 estimate of 7,475. The 430 estimated employment positions generated by the Project represent approximately 17% of the increase from 2005 to 2010 (SCAG 2008). Thus, it is assumed that most of the Project’s positions will be filled within the City of Banning with the rest of the balance coming from nearby communities in the Riverside or San Bernardino Counties. Furthermore, the global economic crisis is currently affecting Riverside County; according to the Riverside County Economic Development Agency, the unemployment level has increased from a low of 5.1 percent in 2006 to 9.6 percent in September 2008, the highest level in almost a decade. For this reason, the project will result in a benefit in regards to employment.
According to SCAG forecasts, the housing inventory for the City of Banning will increase from 10,456 in 2005 to 12,536 in 2010 (CDF 2008 & SCAG 2008). As a worse case scenario, it can be assumed that each new employee working at the Proposed Project would require housing for the employee and his or her family. Thus, under that assumption, approximately 165 units (based upon SCAG forecast of average household 2.62) of housing would be required to house the Project’s workforce. Per the 2000 U.S. Census, the City of Banning had an unoccupied household inventory of 838 units, or approximately 8.59 percent of the total housing inventory. As a worst-case scenario, assuming that the unoccupied housing inventory, 838 units, maintains its 2000 level and all employees take residence in Banning, the current household inventory will be able to house all the employees of the Project without the required construction of housing outside of the SCAG housing forecasts. Thus, impacts to housing will be less than significant.

XIII. b) Less than Significant Impact. Since the Proposed Project is currently vacant and undeveloped, the Project will not displace housing. Therefore, the impacts will be less than significant.

XIII. c) Less than Significant Impact. The Proposed Project site is currently vacant, undeveloped, and will not displace an existing population. Therefore, the impacts will be less than significant.
<table>
<thead>
<tr>
<th>XIV. PUBLIC SERVICES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire protection?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Police protection?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Schools?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Parks?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Other public facilities?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

XIV. a) **Less than Significant Impact. (Fire Protection):** Fire protection for the City of Banning is provided via contract by the Riverside County Fire Department. The County Fire Department provides other services as well, including paramedic response, hazardous materials response, search and rescue, swift water rescue, full fire prevention support, and disaster preparedness. The station serving the City of Banning and the Proposed Project site is Station 89, located at 172 N. Murray Road, approximately one mile from the Project site (BFD 2009).

The Proposed Project would incrementally increase the demand for fire prevention services, potentially resulting in the need for additional personnel and facilities. The 64.5-acre and 12 building development will increase fire ignition potential during both its construction and operational phases. Furthermore, the Project may induce both direct and indirect population growth to the City via the addition of employment opportunities. Additionally, the Project site is located in an area designated as a Very High Threat Zone per the City of Banning General Plan. According to Fire Resource and Prevention Program (FRAP) of the California Department of Forestry and Fire Prevention, the Project site is designated as Local Responsibility Area, Very High Threat Zone; Consequently, the site is not located within a State Responsibility Zone.

Since the site is located in a Very High Fire Threat Zone, the Project will be required to comply with all applicable federal, State, and local codes and regulations. The applicable local regulations include the City's ordinance adopting the 2007 California Fire Code (Ordinance No. 1380), standard conditions for commercial development, Riverside County Fire Department standard requirements for development adjacent to wildland areas, etc.
Additionally, the Proposed Project will be required to pay development impact fees to the City of Banning to mitigate the project’s impacts on fire prevention services. By complying with all applicable federal, State, and local codes and regulations, including the payment of development impact fees, the Proposed Project will have less than significant impacts on fire protection services.

The Proposed Project will be served by the County Fire Department under City contract. Build out of the Proposed Project will generate sales and property tax, which will offset the costs of added police and fire services, as well as the costs of general government. The Project will be required to pay the mandated school fees, development impact fees and park in lieu fees in place at the time of issuance of building permits. Payment of these fees and the generation of sales and property tax will lower potential impacts associated with additional services to less than significant levels.

XIV. b) Less than Significant Impact. (Police Protection): Police protection services are provided by the Banning Police Department. The Banning Police Station is located at 321 W. Ramsay St., approximately 1.25 miles from the Project site. The Banning Police Department consists of 41 sworn personnel and 20 classified personnel (BPD 2009).

The Proposed Project will result in an increased demand for police protection services. During construction, there exists the potential for service calls concerning theft as well as other crimes. Project operation will result in an increase in the amount of traffic, and an ensuing need for traffic enforcement. Additionally, the Project and its employees will necessitate the need for protection onsite.

The increased Banning Police Department operational budget will be partially funded through existing sources, in addition to the tax revenue from this Project. Development impact fees will mitigate the impacts of the Proposed Project on existing police protection services. As long as development impact fees are paid, impacts to the Banning Police Department will be less than significant.

XIV. c) Less than Significant Impact. (Schools): The City of Banning and the Proposed Project Area are located within the Banning Unified School District (BUSD). The District has four elementary schools, an intermediate school, a middle school, a comprehensive high school, and an independent high school (BUSD 2009).

The Proposed Project consists of only commercial uses with no residential uses. Thus, no direct population growth will stem from the implementation of the development. However, the Project may result in indirect impacts (e.g., increase of residents to the area based on the addition of employment and infrastructure). It is expected that many of these employment
positions will be taken by existing residents in the City, minimizing any potential influx of students to local schools.

The Proposed Project will be required to pay development impact fees to reduce indirect impacts on the BUSD. Additionally, the potential population influx resulting from the implementation of the Project was deemed to insignificant to the BUSD. Thus, as long as required development impact fees are paid, impacts to the BUSD will be less than significant.

XIV. d) **Less than Significant Impact. (Parks):** The City of Banning currently has eight developed parks, totaling approximately 200 acres in area. In addition to these facilities, more than 150 acres have been dedicated by the City for future park development (BED 2009).

The Proposed Project will incrementally increase the demands on park and recreational facilities in the City. The development consists of commercial uses; no residential uses are proposed. Thus, as discussed previously, population growth will not stem directly from the Project; however, the Project may result in an increase of residents to the area based on the addition of employment and infrastructure to the area. It is expected that many of these employment positions will be filled by existing residents in the City, minimizing potential population influx to the City. As long as required development impact fees are paid impacts to park and recreational facilities will be less than significant.

XIV. e) **Less than Significant Impact. (Other Public Facilities):** The Banning Library District provides library materials and services to the City of Banning. There are currently two libraries in the district: one located at 21 West Nicolet Street, Banning and the other at 50171 Ramona Avenue, Cabazon (BLD 2009).

The Proposed Project will result in an increased demand for library services, potentially resulting in the need for additionally library services and personnel to cover this impact. However, the development is not expected to result in substantial population growth, reducing potential impacts on library services. Additionally, the Project may be required to pay development impact fees to reduce impacts on the library district. As long as required development impact fees are paid, impacts to the Banning Library District will be less than significant.
XV. RECREATION:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

XV. a) **Less than Significant Impact.** The City of Banning currently has eight developed parks, totaling approximately 200 acres in area. In addition to these facilities, more than 150 acres have been dedicated by the City for future park development (BED 2009). The Proposed Project consists of only commercial uses. Commercial uses do not usually result in significant levels of park usage. The Project will not directly increase population growth, but may indirectly result to the population influx based on the project’s employment opportunities and extension of the existing infrastructure. However, it is expected that many of these employment positions will be filled by existing residents in the City, reducing the potential of the population influx.

The Proposed Project will be required to pay development impact fees to reduce impacts on City parks and recreational facilities. As long as required development impact fees are paid, impacts to park and recreational facilities will be less than significant.

XV. b) **Less than Significant Impact.** As discussed previously, the Proposed Project consists of commercial uses, which do not usually result in significant amounts of park usage. Although the project may result in an increase in population in the area due to the additional employment opportunities and infrastructure, this influx was deemed to be insignificant since many employees are expected to be current residents of Banning.

For the preceding reasons, the Proposed Project is not expected to require the construction or expansion of recreational facilities. In order to mitigate potential impacts, the project may be required to pay development fees. Thus, as long as required development impact fees are paid, impacts to park and recreational facilities will be less than significant.
### XVI. TRANSPORTATION/TRAFFIC: Would the Proposed Project:

<table>
<thead>
<tr>
<th>Description</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Result in inadequate emergency access?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Refer to the Traffic Study for the Proposed Banning Business Park prepared by KOA Corporation on December 2, 2009 within Appendix G for further information, recommendations, and conclusions.

### XVI. a) Less than Significant Impact With Mitigation.

The project related traffic impacts were analyzed in the Traffic Impact Analysis (TIA) prepared by KOA Corporation on December 2, 2009 (KOA 2009). To assess existing and ambient growth, the traffic study examined existing traffic conditions along with other approved development and projected area wide growth, with and without the Proposed Project. In addition, per the requirements of the CMP, the analysis includes a.m. and p.m. peak hour traffic conditions in the vicinity of the Proposed Project.

The TIA examined the following scenarios during the morning and evening peak hours:

- Near-term (Year 2011) conditions (Phase 1 - Building 11);
• Near Term (Year 2012) conditions (Phase 2 - Buildings 11 and 12);
• Near-term (Year 2015) conditions (Phase 3 - Buildings 1 through 12); and
• Build-out (Year 2030) conditions.

Table 12 summarizes the projected traffic generated from the proposed project. The Project is estimated to generate a total of 3,502 daily trips which include 312 AM and 321 PM peak hour trips.

### Table 13: Project Traffic Generation

<table>
<thead>
<tr>
<th>Land Use</th>
<th>A.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
<th>Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In</td>
<td>Out</td>
<td>Total</td>
</tr>
<tr>
<td>Business Park buildings 1&amp;5 - Autos</td>
<td>30</td>
<td>6</td>
<td>36</td>
</tr>
<tr>
<td>Business Park buildings 1&amp;5 - Trucks</td>
<td>74</td>
<td>14</td>
<td>88</td>
</tr>
<tr>
<td>Business Park Subtotal</td>
<td>104</td>
<td>20</td>
<td>124</td>
</tr>
<tr>
<td>Warehouse buildings 2-4 &amp; 6-10 - Autos</td>
<td>40</td>
<td>10</td>
<td>50</td>
</tr>
<tr>
<td>Business Park buildings 2-4 &amp; 6-10 - Trucks</td>
<td>23</td>
<td>7</td>
<td>30</td>
</tr>
<tr>
<td>Warehouse Subtotal</td>
<td>63</td>
<td>17</td>
<td>80</td>
</tr>
<tr>
<td>High Cube Warehouse buildings 11&amp;12 - Autos</td>
<td>47</td>
<td>19</td>
<td>66</td>
</tr>
<tr>
<td>High Cube Warehouse buildings 11&amp;12 - Autos</td>
<td>31</td>
<td>11</td>
<td>42</td>
</tr>
<tr>
<td>High Cube Warehouse Subtotal</td>
<td>78</td>
<td>30</td>
<td>108</td>
</tr>
<tr>
<td>Total</td>
<td>245</td>
<td>67</td>
<td>312</td>
</tr>
</tbody>
</table>

Source: KOA 2009, Table 24

The project is designed and intended to utilize buildings 11 and 12 as a High-Cube Distribution Centers. If, at any time, the use of these buildings is changed to a Warehouse use or a more intensive use, the property owner shall be required to address all impacts associated with that use prior to certificate of occupancy.

LOS models quantitatively measure traffic conditions and how drivers and passengers perceive these conditions. The City of Banning follows the County of Riverside policies for the determination of Level-of-Service (LOS) definitions for intersections. The County of Riverside has identified LOS D as the minimum allowable service during peak hours at signalized intersections. In addition, for freeway facilities, Caltrans has identified the
minimum level of Service as E for freeway ramp terminals. For the purpose of this analysis, LOS D was used as the minimum level of standard for intersection operations and LOS E was used as minimum level of standard for freeway ramp terminals.

Near-term (Year 2011) conditions (Phase 1 - Building 11). Table 13 summarizes a comparison of near-term study scenarios for year 2011 – Phase 1 (Building 11). Traffic impacts created by the Project can be evaluated by comparing the “Near-Term (Year 2011) Without Project” conditions to the “Near-Term (Year 2011) With Project” conditions for Phase 1.

Table 14: Near-term Year 2011 Conditions (Phase 1-Building 11)

<table>
<thead>
<tr>
<th>Int. #</th>
<th>Intersections</th>
<th>Without Project</th>
<th></th>
<th></th>
<th>With Project</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>AM Peak Hour</td>
<td>PM Peak Hour</td>
<td></td>
<td>AM Peak Hour</td>
<td>PM Peak Hour</td>
<td>Significance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Max. Delay</td>
<td>LOS</td>
<td>Max. Delay</td>
<td>LOS</td>
<td>Max. Delay</td>
<td>LOS</td>
</tr>
<tr>
<td>1</td>
<td>Nicolet St. at Hathaway St. (Project Driveway)</td>
<td>9.9</td>
<td>A</td>
<td>9.9</td>
<td>A</td>
<td>11.0</td>
<td>B</td>
</tr>
<tr>
<td>2</td>
<td>Morongo Rd/Wilson St. at Hathaway St.</td>
<td>10.8</td>
<td>B</td>
<td>16.8</td>
<td>C</td>
<td>10.8</td>
<td>B</td>
</tr>
<tr>
<td>3</td>
<td>George St. at Hathaway St.</td>
<td>10.8</td>
<td>B</td>
<td>11.7</td>
<td>B</td>
<td>10.8</td>
<td>B</td>
</tr>
<tr>
<td>4</td>
<td>Williams St. at Hathaway St.</td>
<td>9.7</td>
<td>A</td>
<td>10.1</td>
<td>B</td>
<td>10.2</td>
<td>B</td>
</tr>
<tr>
<td>5</td>
<td>Ramsey St. at Heathway St.</td>
<td>10.9</td>
<td>B</td>
<td>10.5</td>
<td>B</td>
<td>11.9</td>
<td>B</td>
</tr>
<tr>
<td>6</td>
<td>Nicolet St. at Hargrave St.</td>
<td>14.2</td>
<td>B</td>
<td>11.9</td>
<td>B</td>
<td>14.3</td>
<td>B</td>
</tr>
<tr>
<td>7</td>
<td>Williams St. at Hargrave St.</td>
<td>22.7</td>
<td>C</td>
<td>16.8</td>
<td>C</td>
<td>22.9</td>
<td>A</td>
</tr>
<tr>
<td>8</td>
<td>Hargrave St. at I-10 WB Ramps</td>
<td>62.5</td>
<td>F</td>
<td>42.2</td>
<td>E</td>
<td>74.4</td>
<td>F</td>
</tr>
<tr>
<td>9</td>
<td>Hargrave St. at I-10 EB Ramps</td>
<td>&gt;120</td>
<td>F</td>
<td>31.9</td>
<td>D</td>
<td>&gt;120</td>
<td>F</td>
</tr>
<tr>
<td>10</td>
<td>Ramsey St. at Hargrave St.</td>
<td>30.4</td>
<td>C</td>
<td>33.1</td>
<td>C</td>
<td>30.7</td>
<td>C</td>
</tr>
<tr>
<td>11</td>
<td>Ramsey St. at 8th St.</td>
<td>37.7</td>
<td>D</td>
<td>36.2</td>
<td>D</td>
<td>37.7</td>
<td>D</td>
</tr>
</tbody>
</table>

Source: KOA 2009, Tables 29 & 30
As shown in Table 13, the Project will contribute to significant impact at two intersection in the near term year 2011-Phase 1-condition:

- Hargrave Street at I-10 Westbound Ramps (AM peak hour); and
- Hargrave Street at I-10 Eastbound Ramps (AM hour)

Near-term (Year 2012) conditions (Phase 2 - Buildings 11 and 12); Table 14 summarizes a comparison of near-term study scenarios for year 2012 – Phase 2 (Buildings 11 and 12). Traffic impacts created by the Project can be evaluated by comparing the "Near-Term (Year 2012) Without Project" conditions to the "Near-Term (Year 2012) With Project" conditions for Phase 2.

Table 15: Near-term Year 2012 Conditions (Phase 2-Buildings 11 and 12)

<table>
<thead>
<tr>
<th>Int. #</th>
<th>Intersections</th>
<th>Without Project</th>
<th>With Project</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>AM Peak Hour</td>
<td>PM Peak Hour</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Max. Delay LOS</td>
<td>Max. Delay LOS</td>
</tr>
<tr>
<td>1</td>
<td>Nicolet St. at Hathaway St. (Project Driveway)</td>
<td>9.9 A 10.0 A</td>
<td>11.2 B 13.5 B</td>
</tr>
<tr>
<td>2</td>
<td>Morongo Rd/Wilson St. at Hathaway St.</td>
<td>10.9 B 17.3 C</td>
<td>10.9 B 17.3 C</td>
</tr>
<tr>
<td>3</td>
<td>George St. at Hathaway St.</td>
<td>10.8 B 11.7 B</td>
<td>10.8 B 11.8 B</td>
</tr>
<tr>
<td>4</td>
<td>Williams St. at Hathaway St.</td>
<td>9.7 A 10.2 B</td>
<td>10.4 B 11.3 B</td>
</tr>
<tr>
<td>5</td>
<td>Ramsey St. at Heathway St.</td>
<td>11.0 B 10.5 B</td>
<td>12.3 B 12.2 B</td>
</tr>
<tr>
<td>6</td>
<td>Nicolet St. at Hargrave St.</td>
<td>14.6 B 12.1 B</td>
<td>14.7 B 12.2 B</td>
</tr>
<tr>
<td>7</td>
<td>Williams St. at Hargrave St.</td>
<td>23.4 C 17.1 B</td>
<td>23.6 C 17.3 C</td>
</tr>
<tr>
<td>8</td>
<td>Hargrave St. at I-10 WB Ramps</td>
<td>&gt;120 F 45.7 E</td>
<td>&gt;120 F 54.5 F</td>
</tr>
<tr>
<td>9</td>
<td>Hargrave St. at I-10 EB Ramps</td>
<td>&gt;120 F 34.0 D</td>
<td>&gt;120 F 39.6 E</td>
</tr>
<tr>
<td>10</td>
<td>Ramsey St. at Hargrave St.</td>
<td>30.5 C 33.1 C</td>
<td>30.9 C 33.67 C</td>
</tr>
<tr>
<td>11</td>
<td>Ramsey St. at 8th St.</td>
<td>38.1 D 36.5 D</td>
<td>38.2 D 36.5 D</td>
</tr>
</tbody>
</table>

Source: KOA 2009, Tables 31 & 32
As shown in Table 14, the Project will contribute to significant impact at two intersection in the near term year 2012-Phase 2-condition:

- Hargrave Street at I-10 Westbound Ramps (AM and PM peak hours); and
- Hargrave Street at I-10 Eastbound Ramps (AM and PM peak hours)

Near-term (Year 2015) conditions (Phase 3 - Building 1 through 12): Table 15 summarizes a comparison of near-term study scenarios for year 2015 – Phase 3 (Buildings 1 through 12). Traffic impacts created by the Project can be evaluated by comparing the “Near-Term (Year 2015) Without Project” conditions to the “Near-Term (Year 2015) With Project” conditions for Phase 3.

Table 16: Near-term Year 2015 Conditions (Phase 3-Buildings 1 through 12)

<table>
<thead>
<tr>
<th>Int. #</th>
<th>Intersections</th>
<th>Without Project</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
<th>Significant Impact?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Max. Delay</td>
<td>LOS</td>
<td>Max. Delay</td>
<td>LOS</td>
<td>With Project</td>
</tr>
<tr>
<td>1</td>
<td>Nicolet St. at Hathaway St. (Project Driveway)</td>
<td>10.0</td>
<td>A</td>
<td>10.1</td>
<td>B</td>
<td>13.3</td>
<td>B</td>
</tr>
<tr>
<td>2</td>
<td>Morongo Rd/Wilson St. at Hathaway St.</td>
<td>11.0</td>
<td>B</td>
<td>18.7</td>
<td>C</td>
<td>11.1</td>
<td>B</td>
</tr>
<tr>
<td>3</td>
<td>George St. at Hathaway St.</td>
<td>11.0</td>
<td>B</td>
<td>12.0</td>
<td>B</td>
<td>11.1</td>
<td>B</td>
</tr>
<tr>
<td>4</td>
<td>Williams St. at Hathaway St.</td>
<td>9.8</td>
<td>A</td>
<td>10.3</td>
<td>B</td>
<td>12.2</td>
<td>B</td>
</tr>
<tr>
<td>5</td>
<td>Ramsey St. at Heathway St.</td>
<td>11.2</td>
<td>B</td>
<td>10.7</td>
<td>B</td>
<td>18.1</td>
<td>C</td>
</tr>
<tr>
<td>6</td>
<td>Nicolet St. at Hargrave St.</td>
<td>15.8</td>
<td>C</td>
<td>12.6</td>
<td>B</td>
<td>16.0</td>
<td>C</td>
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<tr>
<td>7</td>
<td>Williams St. at Hargrave St.</td>
<td>25.7</td>
<td>D</td>
<td>18.02</td>
<td>C</td>
<td>26.3</td>
<td>D</td>
</tr>
<tr>
<td>8</td>
<td>Hargrave St. at I-10 WB Ramps</td>
<td>87.4</td>
<td>F</td>
<td>59.1</td>
<td>F</td>
<td>&gt;120</td>
<td>F</td>
</tr>
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</table>
Table 16 (cont.): Near-term Year 2015 Conditions (Phase 3-Buildings 1 through 12)

<table>
<thead>
<tr>
<th>Int. #</th>
<th>Intersections</th>
<th>Without Project</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
<th>With Project</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
<th>Significant Impact?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Max. Delay</td>
<td>LOS</td>
<td>Max. Delay</td>
<td>LOS</td>
<td>Max. Delay</td>
<td>LOS</td>
</tr>
<tr>
<td>9</td>
<td>Hargrave St. at I-10 EB Ramps</td>
<td>&gt;120</td>
<td>F</td>
<td>41.9</td>
<td>E</td>
<td>&gt;120</td>
<td>F</td>
<td>62.8</td>
</tr>
<tr>
<td>10</td>
<td>Ramsey St. at Hargrave St.</td>
<td>30.7</td>
<td>C</td>
<td>33.3</td>
<td>C</td>
<td>31.0</td>
<td>C</td>
<td>34.8</td>
</tr>
<tr>
<td>11</td>
<td>Ramsey St. at 8th St.</td>
<td>39.6</td>
<td>D</td>
<td>37.4</td>
<td>D</td>
<td>39.8</td>
<td>D</td>
<td>37.4</td>
</tr>
</tbody>
</table>

Source: KOA 2009, Tables 33 & 34

As shown in Table 15, the Project will contribute to significant impact at two intersections in the near term year 2015-Phase 3-condition:

- Hargrave Street at I-10 Westbound Ramps (AM and PM peak hours); and
- Hargrave Street at I-10 Eastbound Ramps (AM and PM peak hours)

Build-out (Year 2030) conditions; Table 16 summarizes a comparison of build-out study scenarios for year 2030. Traffic impacts created by the Project can be evaluated by comparing the “Build-out (Year 2030) Without Project” conditions to the “Build-out (Year 2030) With Project” conditions.

Table 17: Build-out Year 2015 Condition

<table>
<thead>
<tr>
<th>Int. #</th>
<th>Intersections</th>
<th>Without Project</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
<th>With Project</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
<th>Significant Impact?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Max. Delay</td>
<td>LOS</td>
<td>Max. Delay</td>
<td>LOS</td>
<td>Max. Delay</td>
<td>LOS</td>
</tr>
<tr>
<td>1</td>
<td>Nicolet St. at Hathaway St. (Project Driveway)</td>
<td>13.1</td>
<td>B</td>
<td>12.3</td>
<td>B</td>
<td>20.4</td>
<td>C</td>
<td>31.5</td>
</tr>
<tr>
<td>2</td>
<td>Morongo Rd/Wilson St. at Hathaway St.</td>
<td>21.7</td>
<td>C</td>
<td>32.6</td>
<td>C</td>
<td>21.7</td>
<td>C</td>
<td>32.6</td>
</tr>
</tbody>
</table>
### Table 17 (cont.): Build-out Year 2015 Condition

<table>
<thead>
<tr>
<th>Int. #</th>
<th>Intersections</th>
<th>Without Project</th>
<th>With Project</th>
<th>Significant Impact?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>AM Peak Hour</td>
<td>PM Peak Hour</td>
<td>AM Peak Hour</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Max. Delay LOS</td>
<td>Max. Delay LOS</td>
<td>Max. Delay LOS</td>
</tr>
<tr>
<td>3</td>
<td>George St. at Hathaway St.</td>
<td>10.3 B</td>
<td>10.7 B</td>
<td>10.7 B</td>
</tr>
<tr>
<td>4</td>
<td>Williams St. at Hathaway St.</td>
<td>12.6 B</td>
<td>12.3 B</td>
<td>11.7 B</td>
</tr>
<tr>
<td>5</td>
<td>Ramsey St. at Hathaway St.</td>
<td>36.6 D</td>
<td>40.9 D</td>
<td>56.0 E</td>
</tr>
<tr>
<td>6</td>
<td>Nicolet St. at Hargrave St.</td>
<td>33.9 C</td>
<td>39.0 D</td>
<td>34.2 C</td>
</tr>
<tr>
<td>7</td>
<td>Williams St. at Hargrave St.</td>
<td>34.4 C</td>
<td>38.5 D</td>
<td>34.5 C</td>
</tr>
<tr>
<td>8</td>
<td>Hargrave St. at I-10 WB Ramps</td>
<td>29.8 C</td>
<td>&gt;120 F</td>
<td>31.3 C</td>
</tr>
<tr>
<td>9</td>
<td>Hargrave St. at I-10 EB Ramps</td>
<td>93.4 F</td>
<td>110.5 F</td>
<td>100.6 F</td>
</tr>
<tr>
<td>10</td>
<td>Ramsey St. at Hargrave St.</td>
<td>38.1 D</td>
<td>&gt;120.0 F</td>
<td>58.2 E</td>
</tr>
<tr>
<td>11</td>
<td>Ramsey St. at 8th St.</td>
<td>32.0 C</td>
<td>33.1 C</td>
<td>32.0 C</td>
</tr>
</tbody>
</table>

Source: KOA 2009, Tables 35 & 36.

As shown in Table 16, the Project will contribute to significant impact at the following intersections in the Build-out (Year 2030):

- Ramsey Street at Hathaway Street (AM and PM peak hours);
- Hargrave Street at I-10 Westbound Ramps (AM and PM peak hours);
- Hargrave Street at I-10 Eastbound Ramps (AM and PM peak hours); and
- Ramsey Street at Hargrave Street (AM and PM peak hours).

As identified above, the Proposed Project will result in unacceptable traffic conditions at the above intersections without implementation of the appropriate mitigation measures.
Rock crushing and hauling

The rock crushing and hauling activity could result in short term impacts to the local traffic by generating additional truck trips. However, the crushing and hauling activity should only last for a few days and the transportation of rock material from the site to an offsite crushing site will be avoided during the peak hours. In addition, the trucks carrying rock materials will exit the site southerly off of Hathaway Street away from the existing school and residential neighborhood, which will minimize the safety concern during transportation of rock materials. Therefore, rock crushing and hauling activity will not represent a significant traffic impact or safety concern to existing traffic.

Mitigation Measures

The following measures are recommended to mitigate for project impacts associated with traffic increases and levels of service (KOA 2009).

**MM T-1a**  
**Near-term (Year 2011) – Phase 1 Improvements.** Prior to the issuance of building permits, the developer shall construct/provide fair share the following improvements.

*Hargrave Street at I-10 Westbound Ramp*
- Install a signal

*Hargrave Street at I-10 Eastbound Ramp*
- Install a signal

**MM T-1b**  
**Buildout (Year 2020) Improvements.** Prior to the issuance of building permits, the developer shall construct/provide fair share the following improvements.

*Ramsay Street at Hathaway Street*
- Southbound Approach: Widen to provide one left-turn lane, one all way lane, and one right-turn lane.
- Eastbound Approach: Widen to provide two left-turn lanes and two through lanes.

*Hargrave Street at I-10 Westbound Ramp*
- Southbound Approach: Widen to provide two through lanes and one free right-turn lane.
- Westbound Approach: Widen to provide one left-turn lane, one shared left/through lane, and one free right-turn lane.

*Hargrave Street at I-10 Eastbound Ramp*
- Eastbound Approach: Widen to provide one left-turn lane, one shared left/through lane, and one right-turn lane with a signal overlap.
This intersection would require capacity enhancements greater than those specified in the General Plan to provide acceptable levels of service during peak hours with the addition of forecast traffic growth, including the project. Northbound and westbound dual left-turn lanes would be required as well an additional through capacity on the northbound and southbound intersection approaches. These types of improvements do not seem feasible due to the extensive right-of-way acquisition that would be required and the spacing between Ramsey Street and the westbound freeway ramps.

It is recommended that this intersection be improved according to the General Plan and that traffic improvements be implemented above and beyond those improvements to be determined by extensive future traffic monitoring and engineering studies. The proposed project proponent as well as future cumulative projects would have a fair share responsibility toward future improvements as they will contribute traffic volumes to this location.

At present, Hathaway Street is used as traffic route and is a designated traffic route in the City’s General Plan. However, prior to occupancy, Hathaway Street shall be signed as “Truck Route” by the applicant.

XVI. c) **Less than Significant Impact.** The Proposed commercial development does not anticipate impacts to air traffic. However, the Proposed Project site is located within one mile of the Banning Municipal Airport. As per discussion in Hazards and Hazardous Materials Section VII, impact “e”, the Proposed Project is consistent with the Riverside County Airport Land Use Commission Comprehensive Land Use Plan and will not result in any kind of safety hazards associated with Banning Municipal Airport. Therefore, impacts to air traffic patterns and associated safety risks will be less than significant.

XVI. d) **Less than Significant Impact.** The Proposed Project has the potential to change local traffic patterns and to increase traffic levels that could result in substantial safety risks. The traffic study prepared by KOA Associates (KOA 2009) determined that the Project will not create significant impacts as long as necessary improvements are made, including contributions to area-wide traffic improvements. The Project is a compatible use with the City’s policies and does not allow or contemplate uses that are incompatible with uses/activities conducted in the surrounding area. Additionally, roadways and intersections in the Proposed Project will be required to meet the City of Banning roadway design criteria requirements, which will ensure that roadway hazards are not created. Therefore, traffic hazard impacts associated with the Proposed Project will be less than significant.

XVI. e) **Less than Significant Impact.** The I-10 Freeway provides regional access to the project area while Hathaway Street, Ramsay Street and Wilson Street near the project site provide local access and primarily serve the existing area. As part of Project development, roadways and signals will be improved in the project area and the Project will provide adequate emergency
access in all phases of development. In addition, the Project applicant will comply with applicable Fire Department and Development of Building and Safety regulations relating to emergency access. Therefore, impacts with regard to emergency access will be less than significant.

XV. f) **Less than Significant Impact.** The Proposed Project will provide the parking at a ratio of 1.02 totaling 1,244 spaces, which will exceed the city requirement of 1,218 spaces by 26 spaces. Therefore, the Project will provide adequate parking capacity and the impact in this regard will be less than significant.

XVI. g) **Less than Significant Impact.** Pass Transit provides bus service within the surrounding area of the Project. Route 6 Southern provides service from the Kmart Garden Center on Sunlakes Boulevard within the city limits to Sunset Avenue and West Ramsey Street. Service is provided on one-hour headways on weekdays from 6:00 AM to 7:00 PM. There are no existing bicycle facilities located within the Project area. The development of the Proposed Project will not interfere with the existing transit facilities and there is no planned transit service, which would extend across the site. In addition, the proposed development will be consistent with design policies, plans, or programs within the General Plan supporting alternative transportation. Therefore, conflicts with alternative transportation policies, plans, and programs will be less than significant.
<table>
<thead>
<tr>
<th>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? |   |   | X |   |
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? |   |   | X |   |
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? |   |   | X |   |
g) Comply with federal, state, and local statutes and regulations related to solid waste? |   |   | X |   |

Refer to the following resources within Appendix F for further information, recommendations, and conclusions:


XVII. a) **Less than Significant Impact.** The Project site is within the jurisdiction of the Colorado River RWQCB. The RWQCB maintains a Basin Plan that establishes water quality objectives and management policy for the Basin. The Project will be required to comply with the
objectives and policies within this plan. Furthermore, a Preliminary WQMP has been prepared for the proposed development, which identified and required the implementation of BMPs to control pollutant runoff. As standard practice, construction and operation plans will be reviewed by the City for compliance with water quality standards and waste discharge requirements. Thus, as long as the project abides by the policies and objectives within the RWQCB’s Water Quality Control Plan, the recommendations within the Preliminary WQMP, and approved by the City prior to construction; the proposed development will not impact wastewater treatment requirements.

XVII. b) Less than Significant Impact. The City of Banning Wastewater Utility collects wastewater from generators and then treats the sewage at the City’s Wastewater Reclamation Plant. The reclamation plant has a secondary treatment capacity of 3.6 million gallons per day, but a designed capacity of 7.8 million gallons per day (MGD). The average throughput of the plant is 2.5 MGD according to the City of Banning Water/Wastewater Utilities Monthly Report dated May 2008. Thus, the plant runs at approximately 69.4% of capacity (2.5 MGD current / 3.6 MGD capacity). The Proposed Project will be required to install wastewater infrastructure onsite and connect it to the existing system adjacent to the site. According to the City of Banning Water Department, general commercial uses on average generate approximately 1,500 gallons per acre per day of wastewater. Since the project consists of general commercial uses and is approximately 64 acres in area, the total wastewater generation will be roughly 96,000 gallons per day (GPD). The plant will have an approximate influent rate of 2.42 MGD of wastewater, or approximately 72.1 percent of capacity (2.6 MGD / 3.6 MGD).

Additionally, there currently is a wastewater treatment plant expansion project that received CEQA approval on May 27, 2008. Since the Proposed Project will not place a significant burden on the City of Banning Wastewater Reclamation Plant and with the approved expansion of that facility is in the midst, impacts will be less than significant.

XVII. c) Less than Significant Impact. According to the Preliminary Drainage Study for the Project (SCI, 2009a), the drainage areas in the before development and after development condition remain the same and no diversion of storm flows is required. In addition, the drainage study indicated that the proposed storm drainage system will be sufficient to provide 100-year storm flow protection for the Project site. Therefore, the Project’s runoff water will not exceed the capacity of existing or planned stormwater drainages systems and thus will result in flooding on- or off-site. The Project applicant also prepared a Preliminary Water Quality Management Plan (WQMP) with Best Management Practices (BMPs) that will minimize urban runoff that flows offsite. Implementation of the Project design according to the project hydrology report, and the BMPs outlined in the WQMP will reduce the significant impact associated with stormwater discharge to less than significant levels.
XVII. d) Less than Significant Impact. Based upon the analysis presented in the water supply assessment (IW 2009) and within City’s Urban Water Management Plan, the City has sufficient water supplies to meet its current and projected water demands including those of the Proposed Project, over the next 20 years. The Project’s estimated annual demand of 87.1 acre-feet falls within the available and projected water supplies available for normal, single-dry and multiple-dry years through the year 2030 (UWMP 2005). Therefore, no capital improvements on the existing water supply infrastructure are required and thus the Project-related impacts to water supply will be less than significant.

XVII. e) Less than Significant Impact. As discussed in Impact “b”, the Proposed Project’s wastewater effluent will be collected by the City of Banning sewer system and transported to the City’s Wastewater Reclamation Plant. This plant has a secondary treatment capacity of 3.6 million gallons per day, and a designed capacity of 7.8 MGD. The average throughput of the plant is 2.5 MGD per the City of Banning Water/Wastewater Utilities Monthly Report May 2008. The predicted wastewater generation rate of the project is 96,000 GPD. The total throughput of the plant increases to roughly 2.6 MGD, approximately 72.1 percent (2.6 MGD / 3.6 MGD) of the capacity of the Proposed Project with the additional of the wastewater of the Project. Furthermore, a 1.5 MGD expansion to the treatment plant is expected to be finished in July 2011. Since the Proposed Project will not result in a substantial impact on the wastewater facility and an expansion will eventually be constructed, impacts will be less than significant.

XVII. f) Less than Significant Impact. The solid waste generated from the Proposed Project will be transported to the Badlands Sanitary Landfill. Riverside County Waste Management Department owns and operates this landfill. According to the Solid Waste Information System (SWIS) of the California Integrated Waste Management Board (CIWMB), this landfill has a maximum permitted capacity of 30,386,332 cubic yards and a remaining capacity of 21,866,092 cubic yards as of May 21, 2005. The maximum permitted throughput for this landfill is 4,000 tons per day, while the expected closure date for the landfill is January 1st, 2016. Therefore, according to the CIWMB, the current landfill has sufficient permitted capacity to accommodate the project’s solid waste disposal needs.

XVII. g) Less than Significant Impact. As part of standard procedure, the Propose Project will be required to abide by all applicable local, State, and federal solid waste disposal regulations. Therefore, impacts related to solid waste regulation compliance will be less than significant.
**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
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<tbody>
<tr>
<td>a)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>b)</td>
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<td></td>
</tr>
<tr>
<td>c)</td>
<td></td>
<td>X</td>
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</tr>
<tr>
<td>d)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**XVIII. a) Less than Significant Impact with Mitigation.** The biological resource assessment for the Proposed Project indicated that the Project site provides potential habitat for the Northwestern San Diego pocket mouse and Los Angeles pocket mouse, which are species of special concern under Riverside County MSHCP. In addition, the Project site is within the MSHCP habitat assessment area for BUOW. However, with the implementation of the proposed mitigation measure (Refer to MM BR-1a through 1c in Biological Resources Section), impacts to biological resources are expected to be less than significant.

The Phase I cultural resource assessment for the Proposed Project indicated that sites LSA-OS10801-H1 and LSA-OS10801-H2 might have buried deposits that might contain important archaeological and historical resources. Phase II testing was conducted on the site to determine if any cultural resources were significant. The Phase II testing indicated that none of the sites was considered potentially significant in regards to cultural resources. Similarly, paleontological analysis determined that the Project site have low potential to contain significant nonrenewable paleontological resources. Therefore, impacts to cultural resources due to the Proposed Project are expected to be less than significant.
XVIII. b) **Less than Significant Impact.** The Proposed Project supports the long-term goals of the General Plan by providing employment opportunities in the area. In addition, the proposed development is in concurrent with the development vision as depicted in the General Plan for that part of the City. As discussed earlier, with the implementation of appropriate mitigation measures all of the Project's impacts on the environment are mitigated to less than significant level. Therefore, the Proposed Project meets the long-term land use and associated goals of the City and is consistent with the City’s vision of sustainable development.

XVIII. c-d) **Less than Significant Impact with Mitigation.** Several of the potential impacts identified in this Re-circulated Initial Study have potential to degrade the quality of the environment if they were not avoided or sufficiently mitigated. The Proposed Project has potential to result in considerable cumulative impacts in regards to air quality and climate change. In addition, through air quality and climate change impacts, the Proposed Project has potential to adversely affect humans. However, appropriate mitigation measures have been recommended for each of the significant impact and with the implementation of those mitigation measures, considerable cumulative and health impacts are expected to be mitigated to a less than significant level. There are no major development projects in the immediate project area that would contribute at the present time to cumulative impacts, although eventual growth according to the General Plan will have cumulative impacts in the future that have been anticipated in the City’s General Plan EIR.
XVIV. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a discussion should identify the following on attached sheets:

a) Earlier analyses used. Identify earlier analyses and state where they are available for review.

Not applicable.

b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

Not applicable.

c) Mitigation measures. For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Not applicable.
List of Preparers

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San Bernardino, CA 92408
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Assistant Project Manager.................................................................Charles Holcombe
Environmental Planner ....................................................................Paras Acharya
GIS/Graphics ......................................................................................George Checkal
Word Processing................................................................................Nancy Van Westbroek
Administrative Assistant...................................................................Dawn Myers

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(951) 781-9310
3190 C Shelby Street
References

Text Reference Citation


Websites


BPD 2009  City of Banning Police Department  http://www.banningpolice.org/
## Text Reference Citation

<table>
<thead>
<tr>
<th>Reference</th>
<th>Title / Source</th>
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<tr>
<td>CNDDB 2009</td>
<td>California Department of Fish and Game, Natural Diversity Data Base. Sacramento, California. February 2009</td>
</tr>
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<td>CDFFP 2009</td>
<td>California Department of Forestry and Fire Prevention, Fire Resource and Prevention Program <a href="http://www.fire.ca.gov/php">www.fire.ca.gov/php</a></td>
</tr>
<tr>
<td>DOT 2009</td>
<td>California Department of Transportation (DOT), The California Scenic Highway Program. <a href="http://www.dot.ca.gov/hq/LandArch/scenic_highways/scenic_hwy.htm">http://www.dot.ca.gov/hq/LandArch/scenic_highways/scenic_hwy.htm</a></td>
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</table>
SECTION 1: ERRATA

The following are revisions to the Draft Initial Study Mitigated Negative Declaration (IS MND). These revisions are minor modifications and clarifications and do not change the significance of any of the environmental issue conclusions within the IS MND. The revisions are listed by page number. Draft IS MND text that is shown is indented underneath explanatory information. All additions to the text are underlined (underlined) and all deletions from the text are stricken (stricken).

1.1 - Revisions or Additions to the Text of the Draft IS MND

The following clarifications are intended to apply to the entire Draft IS MND document, including the Introduction, Project Description, Project Impacts, etc.:

Section VI, Geology and Soils
Page 37, Impact Analysis VI c):
The following information has been added to further clarify soil consolidation and collapse testing for the Project. See below for errata:

The soils underlying the Proposed Project are alluvial in nature, consisting mainly of sand and gravels, with some cobbles and/or boulders (SCG 2006). These materials possess loose to medium dense relative densities within the approximately upper eight (8) feet. The very low moisture contents of the encountered soils and loose relative densities precluded the Geotechnical Investigation from obtaining any relatively undisturbed ring samples of these materials (SCG 2006). However, consolidation and collapse testing performed on soil samples from the immediately adjacent site identified potentially collapsible and compressible soils within the approximately upper five (5) feet. In addition, the assumed grading will create cut/fill transitions within all of the proposed building areas. Soil consolidation and collapse testing was performed on soil samples from the property adjacent to the proposed property. These tests identified potentially collapsible and compressible soils within the approximately five upper feet. It is assumed that the Proposed Project has soils similar in nature to the adjacent property's collapsible and compressible soils. Therefore, impacts relating to these soils will be potentially significant. As discussed before, the Project will be required to abide by the most current standards set forth in the Uniform Building Code UBC/ California Building Code.

Section VIII, Hazards and Hazardous Materials:
Page 46, Impact Analysis VIII a):
A typographical error has occurred in Impact Analysis VIII (a), which has been revised to replace the Riverside County Fire Department with the California Department of Forestry and Fire Prevention, which assist in regulating hazardous material activities within the City. See below for errata:

The City of Banning Development Code, the Riverside County Fire Department California Department of Forestry and Fire Prevention (operating as the City’s fire services), and State’s Occupational Safety Codes regulate hazardous material activities within the City.
Page 47, Impact Analysis VIII b):
A typographical error has occurred in Impact Analysis VIII (b), which has been revised to replace the Riverside County Fire Department with the California Department of Forestry and Fire Prevention, which assist in regulating hazardous material activities within the City. See below for errata:

The City of Banning Development Code, the Riverside County Fire Department California Department of Forestry and Fire Prevention (operating as the City's fire services), and State's Occupational Safety Codes regulate hazardous material activities within the City.

Section IX, Hydrology and Water Quality:

Page 53, Impact Analysis IX b):
A typographical error has occurred in Impact Analysis IX (b), which has been revised to state that the City of Banning draws water from groundwater and surface water. See below for errata:

The City of Banning draws water from four main sources: groundwater and surface water; recycled water; and imported water.

Section XIV, Public Services:

Page 82-83, Impact Analysis XIV a):
A typographical error has occurred in Impact Analysis XIV (a), which has been revised to replace the Riverside County Fire Department with the California Department of Forestry and Fire Prevention. See below for errata:

Fire protection for the City of Banning is provided via contract by the Riverside County Fire Department California Department of Forestry and Fire Prevention (operating as the City's fire services). The County Fire Department provides other services as well, including paramedic response, hazardous materials response, search and rescue, swift water rescue, full fire prevention support, and disaster preparedness. The station serving the City of Banning and the Proposed Project site is Station 89, located at 172 N. Murray Road, approximately one mile from the Project site (BFD 2009).

Since the site is located in a Very High Fire Threat Zone, the Project will be required to comply with all applicable federal, State, and local codes and regulations. The applicable local regulations include the City's ordinance adopting the 2007 California Fire Code (Ordinance No. 1380), standard conditions for commercial development, Riverside County Fire Department California Department of Forestry and Fire Prevention (operating as the City's fire services) standard requirements for development adjacent to wildland areas, etc. Additionally, the Proposed Project will be required to pay development impact fees to the City of Banning to mitigate the project's impacts on fire prevention services. By complying with all applicable federal, State, and local codes and regulations, including the payment of development impact fees, the Proposed Project will have less than significant impacts on fire protection services.
Page 83, Impact Analysis XIV b):

A typographical error has occurred in Impact Analysis XIV (b), which has been revised to reflect the Banning Police Department’s current address. See below for errata:

Police protection services are provided by the Banning Police Department. The Banning Police Station is located at 125 W. Ramsey St., approximately 1.25 miles from the Project site. The Banning Police Department consists of 41 sworn personnel and 20 classified personnel (BPD 2009).

Section XVI, Transportation/Traffic:

Page 67, Impact Analysis XVI a-b):

A typographical error has occurred in Impact Analysis XVI (a-b), which has been revised to reflect the City of Banning’s LOS standards. See below for errata:

The County of Riverside City of Banning has identified LOS D as the minimum allowable service during peak hours at signalized intersections.

Page 71, Impact Analysis XVI a-b):

A typographical error regarding Table 15 has been corrected to reference Table 16. See below for errata:

As shown in Table 16, the Project will contribute to significant impact at two intersections in the near term year 2015-Phase 3-condition:

Page 71-72, Impact Analysis XVI a-b):

A typographical error regarding the Project’s horizon year has been revised to replace the year 2015 with cumulative 2030, as outlined and analyzed within the Traffic Study. See below for errata:

Cumulative Build-out (Year 2015 2030 conditions); Table 16 17 summarizes a comparison of cumulative build-out study scenarios for year 2015 2030. Traffic impacts created by the Project can be evaluated by comparing the cumulative “Build-out (Year 2015 2030) Without Project” conditions to the cumulative “Build-out (Year 2015 2030) With Project” conditions.

<table>
<thead>
<tr>
<th>Int. #</th>
<th>Intersections</th>
<th>Without Project</th>
<th>With Project</th>
<th>Significant Impact?</th>
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<tr>
<td></td>
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<td>AM Peak Hour</td>
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<td>PM Peak Hour</td>
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<td>Max. Delay</td>
<td>Max. Delay</td>
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<tr>
<td>1</td>
<td>Nicolet St. at Hathaway St. (Project Driveway)</td>
<td>13.1</td>
<td>B</td>
<td>12.3</td>
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<tr>
<td>2</td>
<td>Morongo Rd/Wilson St. at Hathaway St.</td>
<td>21.7</td>
<td>C</td>
<td>32.6</td>
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</table>
As shown in Table 16, the Project will contribute to significant impact at the following intersections in the Cumulative Build-out (Year 2045 2030):

- Ramsey Street at Hathaway Street (AM and PM peak hours);
- Hargrave Street at I-10 Westbound Ramps (AM and PM peak hours);
- Hargrave Street at I-10 Eastbound Ramps (AM and PM peak hours); and
- Ramsey Street at Hargrave Street (AM and PM peak hours).

As identified above, the Proposed Project will result in unacceptable traffic conditions at the above intersections without implementation of the appropriate mitigation measures.

**Page 73, Impact Analysis XVI a-b):**

A typographical error regarding the Project's horizon year has been revised within Mitigation Measure MM T-1b, to replace the year 2015 with cumulative 2030, as outlined and analyzed within the Traffic Study. See below for errata:

**Cumulative Buildout (Year 2015 2030) Improvements.** Prior to the issuance of building permits, the developer shall construct/provide fair share the following improvements.

**Page 74, Impact Analysis XVI e):**

A typographical error regarding the spelling of Ramsey Street has been corrected. See below for errata:

The I-10 Freeway provides regional access to the project area while Hathaway Street, Ramsey Street and Wilson Street near the project site provide local access and primarily serve the existing area.
Section XVII, Utilities and Service Systems

Page 77, Impact Analysis XVII b):

The Project’s average generation of wastewater for the proposed Office/warehouse and high cube uses has been updated to reflect comments made by the City of Banning Water and Wastewater Department. See below for errata:

The City of Banning Wastewater Utility collects wastewater from generators and then treats the sewage at the City’s Wastewater Reclamation Plant. The reclamation plant has a secondary treatment capacity of 3.6 million gallons per day (MGD), but a designed capacity of 7.8 million gallons per day (MGD). The average throughput of the plant is approximately 2.5 MGD according to the City of Banning Water/Wastewater Utilities Monthly Report dated May 2008. Thus, the plant runs at approximately 69.4% of capacity (2.5 MGD current / 3.6 MGD capacity). The Proposed Project will be required to install wastewater infrastructure onsite and connect it to the existing system adjacent to the site. According to the City of Banning Water and Wastewater Department, general commercial and office/warehouse and high cube uses on average will generate approximately 4,500 gallons per acre per day of wastewater. Since the project consists of general commercial uses and is approximately 64 acres in area, the total wastewater generation will be roughly 96,000 800-1,000 gallons per day (GPD) of wastewater. The plant will have an approximate influent rate of 2.42 2.6 MGD of wastewater, or approximately 52.7+ 72.2 percent of capacity (2.6 MGD / 3.6 MGD).

Page 77, Impact Analysis XVII d):

The Project’s storm drainage system for the proposed Office/warehouse and high cube uses has been updated to reflect comments made by the City of Banning Water and Wastewater Department. See below for errata:

According to the Preliminary Drainage Study for the Project (SCI, 2009a), the drainage areas in the before development and after development condition remain the same and no diversion of storm flows is required. In addition, the drainage study indicated that the proposed storm drainage system will be sufficient to provide 100-year storm flow protection for the Project site. The Project storm drainage system would collect the major offsite flows at the northern site boundary and conveyed through a channel to discharge points at the easterly and southwesterly project boundaries. The onsite storm flow will be collected through catch basins and/or grated inlets and would be treated prior to entering the main storm drain systems. The system will control the quality and quantity of storm water before leaving the site through a storm drain outlet system (SCI 2009a). Therefore, the Project’s runoff water will not exceed the capacity of existing or planned stormwater drainages systems and thus will result in flooding on- or off-site. The Project applicant also prepared a Preliminary Water Quality Management Plan (WQMP) with Best Management Practices (BMPs) that will minimize urban runoff that flows offsite. Implementation of the Project design according to the project hydrology report, and the BMPs outlined in the WQMP will reduce the significant impact associated with stormwater discharge to less than significant levels.
Page 78, Impact Analysis XVII e):
The Project’s average generation of wastewater for the proposed Office/warehouse and high cube uses has been updated to reflect comments made by the City of Banning Water and Wastewater Department. See below for errata:

As discussed in Impact “b”, the Proposed Project’s wastewater effluent will be collected by the City of Banning sewer system and transported to the City’s Wastewater Reclamation Plant. This plant has a secondary treatment capacity of 3.6 million gallons per day, and a designed capacity of 7.8 MGD. The average throughput of the plant is 2.5 MGD per the City of Banning Water/Wastewater Utilities Monthly Report May 2008. The predicted wastewater generation rate of the project is 96,000 800-1,000 GPD. Consequently, implementation of the Project has the potential to increase the average total wastewater throughout of the plant in excess to roughly 2.6 MGD, approximately 72.1 percent (2.6 MGD / 3.6 MGD) of the capacity of the Proposed Project with the addition of the wastewater of the Project. Furthermore, a 1.5 MGD expansion to the treatment plant was expected to be finished in July 2011; however, according to the City Public Works Department, since plans have not yet been prepared, the expansion will not be completed in 2011. Since the Proposed Project will not result in a substantial impact on the wastewater facility and an expansion will eventually be constructed, impacts will be less than significant.

List of Preparers

Page 84, The reference has been updated to reflect the hydrology and water quality consultant used within the IS MND. See below for errata:

Hydrology and Water Quality Consultant

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Glenn-Budd, P.E. Pat Osborne, Senior Project Manager.
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Redlands-Irvine, CA 92374 92618
(949) 335-6116  (909) 923-6275

References

Page 84
The following references have been updated to reflect citations used within the IS MND. See below for errata:

Text Reference Citation

Text Reference Citation

BUSD-2009  Banning Unified School District
http://www.banning.k12.ca.us/
ATTACHMENT 3

Exhibit “A” – Mitigation Monitoring And Reporting Program
## Mitigation Monitoring and Reporting Plan

<table>
<thead>
<tr>
<th>#</th>
<th>Mitigation Measure</th>
<th>Method of Verification</th>
<th>Timing of Verification</th>
<th>Responsible for Verification</th>
<th>Verification Record</th>
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<tbody>
<tr>
<td></td>
<td><strong>BIOLOGICAL RESOURCES</strong></td>
<td></td>
<td></td>
<td>Where activity will be conducted and in consultation with</td>
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<td></td>
<td><strong>MM BR-1a</strong> A live-trapping study shall be conducted by a qualified biologist</td>
<td>Direct observations, live-trapping by</td>
<td>Between April and September and shall</td>
<td>Community Development Director or Designee</td>
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<td></td>
<td>to determine presence/absence of Los Angeles pocket mouse and Northwestern San</td>
<td>a qualified wildlife biologist</td>
<td>follow CDFG protocol</td>
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<td>Diego pocket mouse. The surveys shall be conducted between April and September</td>
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<td>and shall follow CDFG protocol. If individuals are found during the survey, the</td>
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<td>biologist shall determine if the population represents a significant impact to</td>
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<td>the total population. If the impact is determined to be less than significant, no</td>
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<td>further action is required. If the impact is determined to be potentially</td>
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<td>significant, the onsite population shall be preserved until it can be relocated to</td>
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<td>an appropriate offsite location in consultation with CDFG.</td>
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<td><strong>MM BR-1b</strong> A 30-day preconstruction survey for BUOW shall be done prior to any</td>
<td>Direct observations, site inspections</td>
<td>30 days prior to ground breaking</td>
<td>Community Development Director or Designee</td>
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<td></td>
<td>ground disturbance activities according to CDFG protocol. Any individuals found</td>
<td>by a qualified biologist</td>
<td>disturbances</td>
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<td>during that survey shall be relocated to an appropriate offsite location according</td>
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<td>to CDFG protocol and in consultation with CDFG.</td>
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<td><strong>MM BR-1c</strong> All grubbing or other vegetation removal associated with the Project</td>
<td>Direct observations, site inspections</td>
<td>During the nesting season (February</td>
<td>Community Development Director or Designee</td>
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<tr>
<td></td>
<td>site preparation shall avoid nesting season of February 15, through July 30. If</td>
<td>by a qualified biologist</td>
<td>15 through July 30)</td>
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<td>such avoidance is not feasible, a qualified biologist shall conduct a focused</td>
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<td>nesting bird survey. Any active nests identified shall have highly visible</td>
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<td>construction fencing installed within a 100-foot radius of any active nest. The</td>
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<td>fencing shall remain in place until the biologist determines that the young have</td>
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<td>fledged, or that the nest is otherwise no longer active.</td>
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</tbody>
</table>

**Michael Brandman Associates**

City of Banning - Banning Gateway
Initial Study and Mitigated Negative Declaration

Mitigation Monitoring and Reporting Plan

Verification Record

Date | Comments | Initials
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<thead>
<tr>
<th>#</th>
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<th>Method of Verification</th>
<th>Timing of Verification</th>
<th>Responsible for Verification</th>
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<td><strong>CULTURAL RESOURCES</strong></td>
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<tr>
<td>MM CR-4a</td>
<td>The California State Health and Safety Code § 7050.5 states that no further construction or disturbance within 100 feet shall occur until the County Coroner has made the necessary findings as to the origin and disposition according to CEQA regulations and Public Resources Code (PCR) § 5097.98. If the Coroner determines the remains are Native American in origin, the Native American Heritage Commission (NAHC) will be notified and, in turn, the person determined to be the Most Likely Descendant (MLD). The MLD will provide recommendations for treatment of the remains in accordance with the following: CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98.</td>
<td>Direct observations, site inspections by a qualified paleontologist</td>
<td>During grading and excavation</td>
<td>Community Development Director or Designee</td>
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<tr>
<td></td>
<td><strong>GEOLOGY AND SOILS</strong></td>
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<tr>
<td>MM GEO-2a</td>
<td>The Proposed Project shall submit a Storm Water Pollution Prevention Plan (SWPPP) for construction-related activities, and will mitigate any potentially significant erosion impacts.</td>
<td>construction-related activities, review and approval of SWPPP</td>
<td>Prior to issuance of building permits</td>
<td>Public Works Director/City Engineer.</td>
<td></td>
</tr>
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</table>

EXHIBIT “A”
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<th>Timing of Verification</th>
<th>Responsible for Verification</th>
<th>Verification Record</th>
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</thead>
<tbody>
<tr>
<td>MM GEO-3a</td>
<td>The initial site clearing and grubbing shall include removal of any surficial vegetation, including the grass and weed growth, shrubs, and brush, as well as the surficial layer of topsoil and root mat material. The surficial topsoil and mate material may be blended with the underlying native soils within the over excavation areas based on the extent of remedial grading required onsite. The final soil mixture shall not contain more than two percent of organic materials by weight; the organic content of the mixture should be determined in the field by the geotechnical engineer, paid by the developer. Based on the organic content and stability of the soil observed, the actual extent of the site stripping should be determined in the field by the geotechnical engineer.</td>
<td>Direct observation and site inspection</td>
<td>Prior to the issuance of a building permit</td>
<td>Public Works Director/City Engineer.</td>
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<tr>
<td>MM GEO-3b</td>
<td>Loose or softened soils shall be removed from the two washes that transverse the site in northwest to southeast directions. These washes are expected to be underlain by 3 to 5-feet plus of loose or softened soils; however, the amount of soil removed from these areas shall be determined by the geotechnical engineer at the time of site grading.</td>
<td>Direct observation and site inspection by geotechnical engineer</td>
<td>Prior to the issuance of a building permit</td>
<td>Public Works Director/City Engineer.</td>
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<tr>
<td>MM GEO-3c</td>
<td>Low strength soils shall be removed from the proposed building pad areas. Based on conditions observed at the trench conditions, the existing soils shall be excavated to a depth of at least 4 feet below the proposed building pad subgrade elevation and to a depth of 4 feet below existing grade, whichever is greater. Soils not directly underlying the general building pad but within the influence zones of the new foundations shall be</td>
<td>Direct observation and site inspection</td>
<td>Prior to the issuance of a building permit</td>
<td>Public Works Director/City Engineer.</td>
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<td>overexcavated to a depth of 3 feet below the proposed bearing grade. Other overexcavation guidelines, which are found within the Project's geotechnical report, must be complied with to mitigate potential impacts.</td>
<td>Direct observation and site inspection</td>
<td>Prior to the issuance of a building permit</td>
<td>Public Works Director/City Engineer.</td>
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<tr>
<td>MM GEO-3d</td>
<td>After all overexcavation of the site has been completed per the Proposed Project's geotechnical study, the Project soil shall be scarified to depth specified within the study, and the overexcavated soil flooded. The soils shall be processed according to the conditions presented within the Project's geotechnical report. As soon as the processed overexcavated soils abide to the report's guidelines, they may then be replaced as compacted structural fill.</td>
<td>Building and improvement plan, direct observation and onsite inspection</td>
<td>Prior to the issuance of a building permit</td>
<td>Community Development Director or designee</td>
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<td></td>
<td>GREEN HOUSE GAS</td>
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<td>MM GCC-1</td>
<td>To the extent feasible and to the satisfaction of the City, the following measures shall be incorporated into the design and construction of the project (including specific building projects): Construction and Building Materials, • Use locally produced and/or manufactured building materials for at least 10 percent of the construction materials used for the project; • Recycle/reuse at least 50 percent of the demolished construction material (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard); and • Use “Green Building Materials,” such as those materials that are resource efficient, and recycled and manufactured in an environmentally friendly way for at least 10 percent of the project.</td>
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<td>Mitigation Measure</td>
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<td>MM GCC-1 Cont.</td>
<td><strong>Energy Efficiency Measures.</strong> • Design all project buildings to exceed California Building Code's Title 24 energy standard, including, but not limited to any combination of the following:   • Increase insulation such that heat transfer and thermal bridging is minimized; or • Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption; and • Incorporate ENERGY STAR or better rated windows, space heating and cooling equipment, light fixtures, appliances or other applicable electrical equipment. • Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and landscaping; • Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings; • Install light colored &quot;cool&quot; roofs and cool pavements; • Install energy efficient heating and cooling systems, appliances and equipment, and control systems; and • Install solar or light-emitting diodes (LEDs) for outdoor lighting.</td>
<td>Building and improvement plan, direct observation and onsite inspection</td>
<td>Prior to the issuance of a building permit</td>
<td>Community Development Director or designee</td>
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<td><strong>MM GCC-1 Cont.</strong> Water Conservation and Efficiency Measures.</td>
<td>Building and improvement plan, direct observation and onsite inspection</td>
<td>Prior to the issuance of a building permit</td>
<td>Community Development Director or designee</td>
<td>Date</td>
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</tbody>
</table>
|    | • Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include the following, plus other innovative measures that might be appropriate: Create water-efficient landscapes within the development;  
  • Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls;  
  • Use reclaimed water for landscape irrigation within the project. Install the infrastructure to deliver and use reclaimed water;  
  • Design buildings to be water-efficient. Install water-efficient fixtures and appliances, including low-flow faucets, dual-flush toilets and waterless urinals; and  
  • Restrict watering methods (e.g., prohibit systems that apply water to nonvegetated surfaces) and control runoff. | | | | | | |
|    | **MM GCC-1 Cont.** Solid Waste Measures.                                            | Building and improvement plan, direct observation and onsite inspection | Prior to the issuance of a building permit                 | Community Development Director or designee            | Date | Comments | Initials |
|    | • Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas; and  
  • Provide employee education about reducing waste and available recycling services. | | | | | | |
### Mitigation Monitoring and Reporting Plan (Cont.)

<table>
<thead>
<tr>
<th>#</th>
<th>Mitigation Measure</th>
<th>Method of Verification</th>
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<tr>
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<td><strong>HAZARDS AND HAZARDOUS MATERIAL</strong></td>
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<td>MM HAZ-1</td>
<td>The following shall be prohibited from the project site:</td>
<td>Direct observation and onsite inspection</td>
<td>Prior to the issuance of a building permit</td>
<td>Public Works Director</td>
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<td>• Any use which would direct a steady light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at the Banning Airport, other than an FAA-approved navigational signal light or visual approach slope indicator;</td>
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<td>• Any use which would cause sunlight to be reflected toward an aircraft engaged in initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at the Banning Airport;</td>
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<td>• Any use which would generate a significant sources of smoke or vapor or which could attract large concentrations of birds, or which may otherwise affect safe air navigation within the area shall be prohibited; and</td>
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<td>• Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.</td>
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<tr>
<td>MM HAZ-2</td>
<td>Refuse and recycling containers at the project site shall be covered to prohibit attracting any wildlife to the project site.</td>
<td>Direct observation and onsite inspection</td>
<td>Prior to the issuance of a building permit</td>
<td>Public Works Director</td>
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<td>MM HAZ-3</td>
<td>Federal Aviation Administration Form 7460, Notice of Proposed Construction or Alteration, shall be completed prior to final approval of the project’s final improvement plans. Refer to <a href="http://forms.faa.gov/forms/faa7460-1.pdf">http://forms.faa.gov/forms/faa7460-1.pdf</a> for more information.</td>
<td>Federal Aviation Administration Form 7460, Notice of Proposed Construction or Alteration Direct observation and onsite inspection</td>
<td>Prior to final approval of the project’s final improvement plan</td>
<td>Public Works Director</td>
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<tr>
<td>MM HAZ-4</td>
<td>Review by the Riverside County Airport Land Use Commission shall be conducted prior to final approval of the Project’s facility improvement plans.</td>
<td>Review by the Riverside County Airport Land Use Commission</td>
<td>Prior to final approval of the Project’s facility improvement plans</td>
<td>Public Works Director</td>
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</table>

TRANSPORTATION AND CIRCULATION

| MM T-1a | Near-term (Year 2011) – Phase 1 Improvements. Prior to the issuance of building permits, the developer shall construct/provide fair share the following improvements. Hargrave Street at I-10 Westbound Ramp • Install a signal Hargrave Street at I-10 Eastbound Ramp • Install a signal | Direct observation and inspection of improvements | Prior to the issuance of occupancy permit | Public Works Director/City Engineer |                      |

<p>| MM T-1b | Buildout (Year 2020) Improvements. Prior to the issuance of building permits, the developer shall construct/provide fair share the following improvements. Ramsay Street at Hathaway Street • Southbound Approach: Widen to provide one left-turn lane, one all way lane, and one right-turn lane. • Eastbound Approach: Widen to provide two left- | Direct observation and inspection of improvements | Prior to the issuance of occupancy permit | Public Works Director/City Engineer |                      |</p>
<table>
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|   | turn lanes and two through lanes.  
Hargrave Street at I-10 Westbound Ramp  
• Southbound Approach: Widen to provide two through lanes and one free right-turn lane.  
• Westbound Approach: Widen to provide one left-turn lane, one shared left/through lane, and one free right-turn lane.  
Hargrave Street at I-10 Eastbound Ramp  
• Eastbound Approach: Widen to provide one left-turn lane, one shared left/through lane, and one right-turn lane with a signal overlap. | Direct observation and inspection of improvements | Prior to the issuance of occupancy permit | Public Works Director/City Engineer |
| MM T-1b Cont. | This intersection would require capacity enhancements greater than those specified in the General Plan to provide acceptable levels of service during peak hours with the addition of forecast traffic growth, including the project. Northbound and westbound dual left-turn lanes would be required as well an additional through capacity on the northbound and southbound intersection approaches. These types of improvements do not seem feasible due to the extensive right-of-way acquisition that would be required and the spacing between Ramsey Street and the westbound freeway ramps. | Direct observation and inspection of improvements | Prior to the issuance of occupancy permit | Public Works Director/City Engineer |
| MM T-1b Cont. | It is recommended that this intersection be improved according to the General Plan and that traffic improvements be implemented above and beyond those improvements to be determined by extensive future traffic monitoring and engineering studies. The proposed project proponent as well as future cumulative projects would have a fair share responsibility toward future improvements as they will contribute traffic | Direct observation and inspection of improvements | Prior to the issuance of occupancy permit | Public Works Director/City Engineer |

EXHIBIT “A”
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<th>Mitigation Measure</th>
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<tr>
<td>MM T-1b Cont.</td>
<td>At present, Hathaway Street is used as traffic route and is a designated traffic route in the City's General Plan. However, prior to occupancy, Hathaway Street shall be signed as “Truck Route” by the applicant.</td>
<td>Direct observation and inspection of improvements</td>
<td>Prior to the issuance of occupancy permit</td>
<td>Public Works Director/City Engineer</td>
<td>Date</td>
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</tbody>
</table>

EXHIBIT “A”
ATTACHMENT 4

Exhibit “B” Conditions of Approval
For TPM #36056 & DR #07-708
EXHIBIT "B"
June 1, 2010

<table>
<thead>
<tr>
<th>PROJECT #:</th>
<th>Design Review (DR) #07-708/Tentative Parcel Map #36056</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUBJECT:</td>
<td>Conditions of Approval</td>
</tr>
<tr>
<td>APPLICANT:</td>
<td>The O’Donnell Group, Inc.</td>
</tr>
<tr>
<td>LOCATION:</td>
<td>Nicolet Street east of Hathaway Street (APN 532-110-003, -008, -009, -010)</td>
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</tbody>
</table>

I. General/On-Going.

Community Development Department

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. Construction shall commence within two (2) years from the date of project approval, or the Design Review shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year the Design Review shall become null and void. Projects may be built in phases if pre-approved by the review authority. The Community Development Director may, upon a written application being filed 30 days prior to expiration and for good cause, grant a 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.

4. The use of Parcel 11 and Parcel 12 for Tentative Parcel Map (TPM) 36056 shall be restricted to High Cube Warehousing; otherwise, a revised traffic impact analysis and parking study shall be required using the appropriate trip generation rate. Any additional mitigation measures identified by the study shall be implemented in accordance with the City standards at the time of change of use. If the use is so intensified, the developer shall be responsible for placing and constructing the necessary improvements to the onsite development and public facilities.

5. A copy of the signed resolution of approval or Community Development Director's letter of approval and all conditions of approval (with conditions from Banning Fire Services attached) and any applicable mitigation measures shall be reproduced in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for review and approval as required by the reviewing department.

6. The applicant shall comply with all conditions of approval stipulated by the Airport Land Use Commission (ALUC) project review including any requirements stipulated by the Federal Aviation Administration (FAA) Aeronautical Study.

7. The site shall be developed and maintained in accordance with the stamped approved plans dated June 1, 2010, 2010 which include site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division; the conditions contained herein; and, municipal code regulations.

8. Approval of this entitlement shall not waive compliance with any sections of the Development Code, other applicable City Ordinances, in effect at the time of building permit issuance.
9. If human remains are encountered during grading and other construction excavation, the developer/owner shall stop/cease work in the immediate vicinity and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5.

10. In the event that Native American cultural resources are discovered during project development/construction, all work in the immediate vicinity of the find shall cease and a qualified archeologist meeting the Secretary of Interior Standards shall be hired to access the find. Work on the overall project may continue during this assessment period. If significant Native American cultural resources are discovered, for which a Treatment Plan must be prepared, the developer or his archeologist shall contact the Morongo Band of Mission Indians ("Tribe"). If requested by the Tribe, the developer of the project archeologist shall, in good faith, consult on the discovery and its disposition.

11. Trash collection shall occur between the hours of 8:00 a.m. and 6:00 p.m. only.

12. All graffiti shall be removed immediately or within 72 hours of notice from the City.

13. 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.

14. The property owner shall permanently maintain all parking lot signs and markings in a clear and visible manner.

15. Maintenance/Cleaning of the parking lot shall not occur between 10 p.m. and 6 a.m. daily.

16. The property owner shall continually maintain all landscaped areas on-site, as well as contiguous planted areas within the parkway in accordance with the approved landscape and irrigation plan. 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 of notice from the City.

17. Sign program for the project shall be submitted to the Community Development Director for review and approval.

18. Any future walls (block, wrought iron, or retaining) to be constructed for the project shall be subject to review and approval by the Community Development Director through Design Review.
19. Exterior wall mounted lighting shall be decorative box type fixtures in a prefinished color to match the building. Wall fixtures shall be consistent with any pole mounted fixtures required to maintain minimum lighting levels.

20. There shall be no light spillover onto the adjacent properties from the parking lot lighting and/or exterior building lighting, including outdoor security lighting. All lighting fixtures shall not have a visible light source, must be shielded and directed downward and away from adjoining properties and public rights-of-way.

21. Trash enclosure shall be provided with three, decorative walls with enhanced wall cap and a gate, in a style compatible with the structure's architecture. The gate shall be maintained in working order and shall remain closed except when in use.

22. All roof-mounted equipment or utility equipment on the side of the structure, or on the ground, shall not be visible from adjacent properties, the public rights-of-way or the parking lot. Any architectural screening that is proposed to shield the roof-mounted equipment shall be compatible in terms of colors and materials of the building. Landscape screening for ground mounted equipment shall be of sufficient size and quantity to fully screen the equipment.

23. There shall be no visible storage of any items including garbage, building, or manufacturing materials or junk, in any portion of the project.

24. There shall be no truck parking on Hathaway Street, of any trucks that serves the project site, to minimize exposure to diesel emission to neighbors that are situated on the west side of Hathaway Street.

25. There shall be no trucks serving the project site from unnecessarily traversing through residential neighborhoods.

26. There shall be no trucks serving the project site from using residential areas and repairing vehicles on any streets.

27. The developer/owner of the project shall reduce truck idling time to a maximum of five (5) minutes within the warehouse/distribution center.

28. Buildings 1 through 10 shall be limited to a maximum of 42, five (5)-axle trucks per day. The developer shall enforce this condition by keeping a daily log in accordance with Conditions #29 and 30 below.

29. The developer/owner of the project shall establish a diesel minimization plan for on- and off-road diesel mobile sources to 2010 model year or newer and shall established a daily log of the trucks that enter the site, which include license plate, model year, and certification number and which shall be kept on the premises for inspection by the City during business hours. The developer/owner shall submit a certified copy of the quarterly report of the inspection logs for diesel mobile sources to the City.
30. The developer/owner of the project shall be responsible for having site enforcement staff trained/certified in accordance with the California Air Resources Board guidelines on how diesel technology works in order to implement the diesel minimization plan for the project.

31. The developer/owner shall include in the tenant lease an education program to inform truck drivers of the health effects of diesel particulate and importance of reducing their idling time. A copy of the tenant lease shall be provided to the City prior to issuance of a business license and occupancy of the lease space.

32. The developer/owner shall establish a public outreach program and conduct periodic community meetings to address issue from neighbors. This information shall be included in the tenant lease and shall be provided to the City prior to issuance of a business license and occupancy of the lease space.

33. Comply with all environmental mitigation measures, as detailed in the Mitigated Negative Declaration or the Mitigation Monitoring and Reporting Plan, as approved by the Planning Commission at their regularly scheduled meeting held on June 1, 2010 and attached in Exhibit “A” to this Conditions of Approval.

34. The developer shall comply with the Fire Department Conditions of Approval dated March 11, 2010.

35. The project shall at all times comply with all Federal, State, County and City laws, codes, regulations and standards including those that relate to hazardous materials.

Public Works Department

36. 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.

37. The extension of Wilson Street shall be protected from debris flow from drainage areas to the north and west. This protection may require the construction of debris basins in combination with storm drain pipes in accordance with Riverside County Flood Control and Water Conservation District design standards.

38. The following improvement plans shall be prepared by a Civil Engineer licensed by the State of California; 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 in writing by the City Engineer, the plans...
shall utilize the minimum scale specified and shall be drawn on 24” x 36” Mylar film. 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).

<table>
<thead>
<tr>
<th>Plan Type</th>
<th>Scale</th>
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<tbody>
<tr>
<td>Rough Grading Plans</td>
<td>1” = 40’ horizontal</td>
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<td>(All conditions of approval shall be reproduced on last sheet of set)</td>
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<tr>
<td>Haul Route Plans</td>
<td>1” = 40’ horizontal</td>
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<tr>
<td>Clearing Plans</td>
<td>1” = 50’ horizontal</td>
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<td>(Include fuel modifications zones)</td>
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<td>(Include construction fencing plan)</td>
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<td>Erosion Control &amp; Storm Water</td>
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<tr>
<td>Pollution Prevention Plan (SWPPP)</td>
<td>1” = 40’ horizontal</td>
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<td>(Note: a, b, c &amp; d shall be reviewed and approved concurrently)</td>
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<tr>
<td>Storm Drain Plans</td>
<td>1” = 40’ horizontal</td>
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<td>Street Improvement Plans</td>
<td>1” = 40’ horizontal</td>
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<td>1” = 4’ vertical</td>
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<tr>
<td>Traffic Signal Plans (Caltrans Standard)</td>
<td>1” = 20’ horizontal</td>
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<tr>
<td>Signing &amp; Striping Plans</td>
<td>1” = 40’ Horizontal</td>
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<tr>
<td>Construction Traffic Control Plan</td>
<td>1” = 40’ Horizontal</td>
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<td>(Major or arterial highways only)</td>
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<tr>
<td>Precise Grading Plans</td>
<td>1” = 40’ Horizontal</td>
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<tr>
<td>Landscaping Plans- Streets</td>
<td>1”=20’ Horizontal</td>
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39. 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.

40. 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.

41. 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.

42. 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.

43. The applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer of dedication to the City of Banning or the Riverside County Flood Control (RCFCD) and Water Conservation District unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFCD. Prior to
granting any of said easements, the applicant shall furnish a copy of the proposed easements to the City Engineer for review and approval.

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

45. In accordance with the approved landscape and irrigation plan, the applicant shall plant and perpetually maintain trees, shrubs, and ground cover placed in the parkway, slopes adjacent to public right-of-ways, and median islands constructed in connection with the project. This includes providing irrigation and the clearing of debris and weed removal.

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

47. Parking areas shall be designed and improved with grades not to exceed five percent slope.

48. 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.

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

50. In addition, the developer will be assessed a maintenance fee in order for the City to maintain the proposed sewer lift station. The fee will be established at the time of the issuance of permits to construct the lift station and will be listed in the project’s Conditions, Covenants & Restrictions (CC & R’s) as approved by the City Engineer.

**Electric Utility Department**

51. The developer shall be responsible for all trenching, backfill, and compaction of electric installations.

**II. Prior to Issuance of Grading Permits.**

**Community Development Department**

52. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency such as grading, tree removal, encroachments, building location, etc. or prior to final map approval in the case of a subdivision, or approved use has commenced, whichever comes first.
53. The developer shall submit a construction access plan and schedule for the development of the project 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.

54. The following notation shall be placed on the grading plan: “No more than three days prior to removing trees, shrubs or tall herbaceous vegetation during the breeding season for migratory birds (February 15 to August 31) a qualified biologist shall conduct a nesting bird survey.”

**Public Works Department**

55. Grading of the subject property shall be in accordance with the City of Banning grading standards, and accepted grading practices as reviewed and approved by the City Engineer. The final grading plan shall be in substantial conformance with the approved conceptual grading plan.

56. A preconstruction meeting shall be held for all participating field personnel, including all appropriate City staff, prior to the commencement of construction activities.

57. A soils report and geological report shall be prepared by a qualified engineer and geologist, respectively, licensed by the State of California to perform such work. Said report shall be reviewed and approved by the City Engineer. The applicant or developer shall be required to comply with all recommendations of said report.

58. 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
- California Regional Water Quality Control Board Colorado River Basin (RWQCB)
- South Coast Air Quality Management District (SCAQMD)
- Riverside County Flood Control District (RCFCD)

59. 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.
60. All utility systems including gas, electric, telephone, water, sewer, storm drain, and cable TV shall be provided underground, with easements provided as required, designed and submitted for review and approval. Said items shall be constructed in accordance with City codes and the utility provider. Telephone, cable TV, and/or security systems shall be pre-wired.

61. In accordance with the approved plans, the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed project/development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.

62. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division for review and approval of the City Engineer prior to grading plan approval.

63. 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 (RCFCD), RCFCD 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.

64. If the site is located in a Flood Area as identified in the current Flood Insurance Rate Map the developer is responsible for providing a certification by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

65. 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 property to the north and west.

66. The applicant shall comply with Chapter 13.24 “Stormwater Management and Discharge Controls” of the Banning Municipal Code (BMC); California Building Code related to excavation and grading; and, the State Water Resources Control Board’s orders, rules and regulations.
67. 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.

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

- Temporary Soil Stabilization (erosion control).
- Temporary Sediment Control.
- Wind Erosion Control.
- Tracking Control.
- Non-Storm Water Management.
- Waste Management and Materials Pollution Control.

69. 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. 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. 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.

70. 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. A grading permit shall be obtained prior to commencement of any grading activity. Prior to issuance of any grading or building permit a Project-Specific Water Quality Management Plan (WQMP) shall be reviewed and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2008-0001.

71. The applicant shall submit and obtain approval in writing from the Fire Marshall for the plans for all public or private access roads, drives, streets, and alleys. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end access exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable covenant, conditions or restrictions or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Marshall is granted.

Electric Utility Department
72. Submit detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. These plans are required in electronic format. We currently use AutoCad2009. Plans should consist of a plot plan, site plan, one line diagram of proposed electrical main service panel and a sheet showing load calculations by an Electrical Engineer. Additional sheets may be required upon request.

III. Prior to Filing of Final Map.

Public Works Department

73. All public improvement plans shall be reviewed and approved by the City Engineer.

74. Dedicate a well site consisting of 180 feet by 100 feet at the northeasterly corner of the project.

75. Applicant shall obtain a 40’ wide easement for access purposes from the adjacent owner (Orco Block) for the construction and maintenance of the emergency access road. Construct a 26’ wide all weather surface for Wilson Street as an emergency access road from Hathaway Street to the westerly project boundary, using the alignment of the existing access road within the future alignment of Wilson Street on the adjacent property. All-weather surface treatment shall comply with the City and the California Department of Forestry (operating as the City’s Fire Services) requirements.

76. Offer to dedicate to the City of Banning for public purposes the right-of-way for Wilson Street fronting the project site as an Arterial Highway; 55 feet one-half width. Offers of dedication shall include the corner cut-off at intersections. Construct full half street improvements in accordance with City standards fronting the project site along Wilson Street, including street lighting, curb and gutter, sidewalk, parkway landscaping, asphalt concrete paving, traffic signs and striping, and any transitions. Applicants’ geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

77. Offer to dedicate to the City of Banning for public purposes the right-of-way for the Nicolet Street easterly extension; 66 feet full width. The Nicolet Street extension shall align with the prolongation of existing Nicolet Street. Offers of dedication shall include the corner cut-off at intersections. Construct the easterly Nicolet Street extension; 44 feet curb to curb full width in accordance with City standards including street lighting, curb and gutter, sidewalk, parkway landscaping, asphalt concrete paving, traffic signs and striping, and any transitions.

78. Offer to dedicate to the City of Banning for public purposes the right-of-way for the North-South Collector Street; 33 feet one-half width (45 feet will be required
if the additional 12 feet cannot be obtained from the adjoining property owner. The North-South Collector Street shall intersect at right angles with the Nicolet Street extension at the easterly limits of the extension of Nicolet Street and connecting to Wilson Street dedication. Offers of dedication shall include the corner cut-off at intersections. Construct the North-South Collector Street; 34 feet curb to edge of pavement one-half width in accordance with City standards. The west side half street shall include street lighting, curb and gutter, sidewalk, parkway landscaping, asphalt concrete paving, traffic signs and striping, and any transitions.

79. Offer to dedicate to the City of Banning for public purposes the additional right-of-way for Hathaway Street fronting the site as an Arterial Highway; 50 feet one-half (an easterly half street pavement width of 43 feet and an easterly parkway width of 7 feet). Offers of dedication shall include the corner cut-off at intersections. Construct full half street improvements for the widening of Hathaway Street fronting the project site in accordance with City standards including street lighting, curb and gutter, commercial style drive approaches, sidewalk, asphalt concrete paving, traffic signs and striping. Street width transitions to existing pavement shall be in accordance with Caltrans standards. 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.

80. Offer to dedicate to the City of Banning easements to maintain any slopes supporting public right-of-ways. Maintenance easements shall extend 10 feet beyond the toe of slope.

81. Prepare plans for full half street improvements in accordance with City standards along Ramsey Street from Hathaway Street to a point easterly of Hathaway Street in order to provide a dedicated right turn only lane onto Hathaway Street. The improvements plans shall also include street lighting, curb and gutter, sidewalk, asphalt concrete paving, traffic signs and striping, and any transitions. Applicants geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method. Applicant shall pay fair share of said improvements based on the approved plans.

82. Construct median islands in accordance with City standards along Wilson Street frontage and Hathaway Street frontage. In lieu of construction, the property owner shall agree to participate in a future assessment district to construct median islands, or other surety may be offered in accordance with Banning Municipal Code.

83. Pay fair share of estimated cost to construct intersection improvements including traffic signals at Interstate 10 Westbound Ramp and Hargrave Street and Interstate 10 Eastbound Ramp and Hargrave Street. The fair share amount shall
be determined based on engineering estimates prepared by the applicant subject to the review and approval of the City Engineer.

84. Pay fair share of estimated cost to remove and replace pavement markings and traffic signs along Hathaway Street from Wilson Street to Ramsey Street to establish a collector roadway in connection with existing conditions at the time of construction. The fair share amount shall be determined based on engineering estimates prepared by the applicant subject to the review and approval of the City Engineer.

85. Pay fair share of estimated cost to remove and replace pavement markings and traffic signs along Hargrave Street from Ramsey Street to Lincoln Street in connection with the construction of the traffic signals at the freeway ramps. The fair share amount shall be determined based on engineering estimates prepared by the applicant subject to review and approval by the City Engineer.

86. 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.

87. Pay fair share of estimated cost to remove and replace pavement markings and traffic signs along Ramsey Street from 500 feet east of Hathaway Street to Hargrave Street in connection with existing conditions at the time of construction. Pay fair share of estimated cost to construct a dedicated right turn pocket shall be provided for the turning movement to northbound Hathaway Street. The fair share amount shall be determined based on engineering estimates prepared by the applicant subject to review and approval by the City Engineer.

88. Design and construct the following water lines;

i. 16” DIP water line on Hathaway Street from Ramsey Street to Nicolet Street and on Nicolet Street from Hathaway Street to the westerly boundary of the Caltrans parcel.

ii. 8” DIP water line on the proposed Nicolet Street from Hathaway Street, which loops the project and ties into the new 16” waterline per item i. The developer is responsible for obtaining a 20’ wide easement for said line from the related property owner.

iii. 8” DIP on proposed Street “B” from Nicolet Street to the north, then west on Wilson Street to its terminus on Hathaway Street.

iv. 16” DIP water line from the proposed well site at the northeasterly corner of the project to Hathaway Street via Street “B” and Nicolet Street (Design only, except as noted per item i.).

v. Install necessary blowoff and airvac assemblies at the low and high points, respectfully.
89. Design and construct the following sewer lines and facilities:
   
   i. Lift station with minimum 6” force main to connect to sewer main located at
      Nicolet Street and Hathaway Street. Developer is to dedicate necessary land
      for lift station including appurtenances (emergency generator, SCADA
      system, etc.) to the City of Banning.

   All gravity sewer lines shall be a minimum of 8” extra strength Vitrified Clay
   Pipe and the sewer laterals shall be a minimum of 6” diameter.

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

91. A property owners' association shall be established promptly following grading
    permit issuance and the applicable Conditions, Covenants & Restrictions (CC &
    R's), shall be prepared for review and approval of the City Engineer providing for
    maintenance of the parkway, slopes adjacent to public right-of-ways, any debris
    basins and median island landscaping. The developer shall appoint the members
    of the Board of Directors of the property owners' association, or take such other
    steps as may be reasonably necessary to assure that members have been appointed
    or elected to such Board of Directors, until under the terms of the applicable CC
    & R's individual lot owners have the power to elect the members of the Board of
    Directors in accordance with the CC & R's.

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

93. The CC & R's shall be subject to prior review and approval of the City Attorney.
    The applicant or developer shall bear the cost of the review.

94. Access drives to the public right-of-way shall be restricted to those approved by
    the City Engineer as shown on the approved plans.

95. Public Works Inspection fees shall be paid in accordance with the fee schedule in
    effect at time of scheduling; 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; a plan storage fee shall be paid for any engineering plans that
    may be required in accordance with the fee schedule in effect at the time the fee is
    paid; a Traffic Control mitigation fee shall be paid; a fee shall be paid to
    Riverside County Flood Control and Water Conservation District in the amount
specified by them to perform plan checking for drainage purposes if necessary for the proposed project.

96. Security for the construction of public improvements including grading may be submitted in accordance with Government Code Section 66499 and shall be as follows:

   Faithful Performance Bond - 100% of estimated cost
   Labor and Material Bond - 100% of estimated cost
   Monumentation Bond - $7,500.00

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

97. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division for review and approval of the City Engineer prior to final map approval.

98. A map of the proposed subdivision drawn at 1"=200' scale showing the outline of the streets including street names shall be submitted to the City to update the city atlas map.

99. An original Mylar of the final map (after recordation) shall be provided to the City for the record files.

100. A record of all street centerline monument ties shall be submitted to the Engineering Division upon completion of improvements or prior to release of Monumentation Bond.

101. Right of way or easement acquisitions necessary to implement any portion of this map, including public improvements, shall be obtained by the developer at its sole expense prior to the City's consideration of the final map which encompasses the particular improvement. The developer shall notify the City in writing no more than 120 days and no less than 60 days in advance of filing the final map related to the acquisition if City assistance is needed to complete the acquisition pursuant to Government Code Section 66462.5. Funds in an amount of 100% of the estimated acquisition costs shall be deposited with the City to cover appraisal, right of way agent, and legal fees and costs incurred to secure the necessary property.

IV. Prior to the Issuance of Building Permit.

Community Development Department

102. The applicant shall cause the final map to be recorded.
103. Obtain clearance and/or permits from the Banning Unified School District

104. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director and Police Department. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties in accordance with the Zoning Code. Lighting fixtures shall be shielded or recessed to prevent spillage to the adjacent properties. The lighting fixture design shall complement the architecture of the site. Additionally, all lighting plans and installations shall conform to the requirements of the conditions stipulated by the Airport Land Use Commission (ALUC) and Federal Aviation Administration (FAA) review.

105. Plans for any security gates to secure the building premises shall be submitted for the Community Development Director, City Engineer, and City of Banning Fire Marshal review and approval. Security gates will not be allowed to block any public street.

106. A complete landscape/irrigation package prepared by a landscape architect licensed by the State of California shall be reviewed and approved by the Planning Division prior to issuance of building permit. The plans shall include the following elements:

   i. Water conservation concept statement.
   ii. Calculation of maximum applied water allowance.
   iii. Calculation of estimated total water use.
   iv. Landscape design plan.
   v. Irrigation design plan.
   vi. Grading design plan.
   vii. Soil analysis.
   viii. Certificate of substantial completion.

107. 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.

108. All landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape in accordance with Zoning Code requirements.

109. Building and Safety plans shall be submitted for plan check and approval. All plans shall be marked with the project number (i.e., DR #07-708). The applicant shall comply with 2007 California Building Codes, and all other applicable codes,
ordinances, and regulations in effect at the time of permit application including but not limited to those regulations that relate to ground movement.

110. The applicant shall pay development impact fees at the established rate. In accordance with City Council Resolution No. 2008-58, payment of development impact fees may be deferred to certificate of occupancy. 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.

111. Projects subject to flood hazards shall implement standards for flood hazard reduction in accordance with Banning Municipal Code Section 15.64 including, but not limited to, anchoring, construction materials and methods, elevation and floodproofing, and utilities.

Public Works Department

112. 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.

113. A precise grading plan shall be submitted to the City Engineer for review and approval. Precise 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.

114. 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.

115. The developer shall prepare a water conservation plan to reduce water consumption in the landscape environment using xeriscape principles. "Xeriscape" shall mean a combination of landscape features and techniques that in the aggregate reduce the demand for and consumption of water, including appropriate low water using plants, non-living ground-cover, a low percentage of turf coverage (limited to 25% of the planted area), permeable paving and water conserving irrigation techniques and systems. A low water-using drought tolerant plant includes species suited to our climate, requiring less water in order to grow well.

116. Fire hydrants shall be installed within and on the project boundaries as per the approval plans, at a 250' maximum spacing.
117. Provide fire flow calculations for the project and construct the necessary facilities to meet those flows for the project.

118. Water Connection Fees shall be paid per EDU (EDU is based upon meter size), Sewer Connection Fees shall be paid per EDU (EDU is based upon the estimated quality and quantity of discharge), and payment of Water Meter Installation Charges for each building in accordance with the fee schedule in effect at the time the fees are paid. Also, pay all water and sewer frontage fees and recycled/irrigation water fees, if applicable, and in accordance with the fee schedule in effect at the time the fees are submitted, prior to plan checking proceedings.

119. The developer shall participate in the City’s recycling program by providing two trash receptacles, one for regular trash and one for recycling, within the trash enclosure. The trash enclosure shall be designed and constructed in such a manner to accommodate a recycling bin as well as the necessary solid waste containers.

Electric Utility Department

120. Pay required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension.

121. Grant easement for electric facilities installation/maintenance, etc.

V. Prior to the Issuance of Certificate of Occupancy.

Community Development Department

122. 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.

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

124. All building numbers and individual units shall be identified in a clear and concise manner, including proper illumination.

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

   i. Architecturally integrated into the design of the project.
ii. Separate pedestrian access that does not require the opening of the main doors and to include self-closing pedestrian doors.

iii. Large enough to accommodate two trash bins (see Public Works Dept for details).

iv. Trash bins with counter-weighted lids.

v. Architecturally treated overhead shade trellis, or cover.

vi. Chain link screen on top to prevent trash from blowing out of the enclosure and designed to be hidden from view.

126. The buildings shall be constructed in substantial compliance with the design elements as depicted in Attachment 8 approved by the Planning Commission at their regularly scheduled meeting held on June 1, 2010; and, in accordance with Zoning Code regulations.

127. 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 construction plans.

128. All parking spaces shall be 9 feet wide by 19 feet long minimum. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide.

129. A 25 foot parking setback from the curb face shall be maintained at the driveway fronting all public streets.

130. All parking lot landscape islands shall have a minimum interior dimension of 6 feet in width and shall contain a 12-inch walk adjacent to any parking stall (including curb width).

131. Decorative paving shall be required at all driveway entrances in accordance with the requirements of the Zoning Code and City Engineer and Community Development Director.

132. All parking spaces shall be striped per City standards and all loading zones, driveway aisles, entrances, and exits shall be striped per City standards. Each exit from a parking area shall be clearly marked with a "Stop" sign.

133. A minimum of 20% of trees planted shall be 36 inch box or larger specimens; and, a minimum of 50% trees planted shall be 24 inch box or larger specimens.

134. Within parking lots, trees shall be planted at a rate of at least one 24 inch box tree for every four parking spaces. The maximum spacing between trees in parking areas shall be 30 feet.
135. All parking areas shall provide at least 30% permanent shading for parked vehicles within two years of occupancy.

136. Trees shall be planted in areas of public view adjacent to and along structures, including all 12 buildings, at a rate of at least one tree per 30 linear feet of building.

137. The slopes within any detention basin shall be irrigated and landscaped with appropriate ground cover for erosion control. Slope planting shall include a permanent irrigation system.

Public Works Department

138. 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.

139. Offer to dedicate to the City of Banning an aviation easement for the airspace related to the operation of Banning Municipal Airport.

140. Traffic Signals along Hargrave Street at I-10 ramps and Ramsey Street shall operate interconnected (coordinated operation). Pay fair share for interconnection improvements based on engineering estimates prepared by the applicant subject to review and approval of the City Engineer.

141. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee.

142. All required public improvements for the project shall be completed, tested, and approved by the Engineering Division. A labor and materials, and faithful performance bond will be executed for the traffic signal construction (required herein), agreeing to complete the same within one year of approval.

143. The applicant shall execute a Stormwater Management Facilities Agreement guaranteeing the maintenance of stormwater pollution controls. Said agreement shall be subject to prior review and approval by the City Attorney. The applicant of developer shall bear the cost of the review. Said approved agreement shall be recorded with the Riverside County Recorder and run with the land.

144. An automatic sprinkler system and landscaping shall be installed within the parkway fronting Hathaway Street and Wilson Street and the interior collector streets. The system shall include a landscape controller, a separate water meter
and electric meter, and plantings as approved by the Community Development Director. Landscaping plans and specifications shall be reviewed and approved by the City Engineer and shall be incorporated in the plans required at conditions # 106 and 107.

145. 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.

146. 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.

147. Construct intersection improvements including traffic signals at Hathaway Street and Nicolet Street. The developer may request a Reimbursement Agreement for the design and construction of the improvements in this condition. The Reimbursement Agreement is subject to prior review and approval by the City Attorney. The applicant or developer shall bear the cost of the review.

148. Prepare plans for intersection improvements including traffic signals at Hathaway Street and Ramsey Street. The design shall include a dedicated left turn pocket on Ramsey Street for northbound Hathaway Street. Pay fair share amount of construction cost based on engineering estimates prepared by the applicant subject to review and approval of the City Engineer.

149. Prepare improvement plans for the widening of Hathaway Street, as an Arterial Highway; 50 feet one-half (an easterly half street pavement width of 43 feet and an easterly parkway width of 7 feet), from Ramsey Street to the southerly project limits. Plans shall include street lighting, curb and gutter, commercial style drive approaches, sidewalk, asphalt concrete paving, traffic signage, striping and any transitions. Where the traverse slope of the existing pavement exceeds 3% the plans shall show removal and replacement of pavement. Applicant’s geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method. There shall be a dedicated southbound right turn only lane onto Ramsey Street. Pay fair share amount of construction costs based on engineering estimates prepared by the applicant subject to review and approval of the City Engineer.

150. Monuments and center line ties shall be certified and submitted to the City Engineer for review and approval.

**Electric Utility Department**

151. The developer shall provide all conduits, vaults, and other materials associated with electric facility installations (except cables and their terminations).
152. The developer shall install Streetlight poles and conduits.

153. Secondary service entrance conductors to be provided and installed by the developer.

FIRE DEPARTMENT CONDITIONS:

The following codes and standards quoted in this review response are selected from the various regulations that apply to this development. Other regulations that are not included on this review response may also apply after additional information is provided.

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**General Conditions**

**FIRE DEPARTMENT**

With respect to the conditions of approval for the referenced project, the Fire Department recommends the following fire protection measures be provided accordance with Riverside County Ordinances and/or recognize fire protection standards:

1. **SHELL BUILDINGS**

   **THESE CONDITIONS ARE FOR A SHELL BUILDING ONLY.**
   Shell building will receive a shell final only. No certificate of Occupancy (human occupant and/or materials) will be issued until the building occupants have been identified with their occupancy classification and have been Conditioned by Riverside County Fire Department. Occupant or tenant Identification is imperative for orderly and prompt processing.

   Upon identification of the occupant or tenant a Fire Protection Analysis report may be required prior to establishing the requirements for the occupancy permit. Failure to provide comprehensive data analysis and/or technical information Acceptable to the Fire Department may result in project delays. A complete commodity listing disclosing type, quantity, level of hazard and potential For “Reactivity” must be provided within 15 days. The foregoing is necessary to properly occupancy classify the building(s). Failure to provide comprehensive Data and/or highly technical information will result in project delay and Requirement for a complete Fire Protection Study for review.

2. **RESPONSIBILITY**

   It is the responsibility of the recipient of these Fire Department conditions to Forward them to all interested parties. The building permit number is required on all correspondence: (i.e. general contractor, superintendent, owner, subcontractors, etc).
3. APPROVED SYSTEM

All of the following conditions titled “Prior to Final Inspection”, and/or any type of fire suppression systems, must be approved, inspected and finalized by the Riverside County Fire Department, prior to Building and Safety’s Final inspection. the Fire Department letter of conditions, job card and approved plans must be at the job site for all inspections.

4. HIGH PILE/RACK STORAGE

A separate permit may be required for high-pile storage and/or racks. Sprinkler Plans and/or sprinkler review must be submitted by a licensed sprinkler contractor with storage and/or rack plans to Riverside County Fire Department for review and approval of the 2007 CFC Chapters 24 and 34 compliance. Complete Chapters 24 and 34 information re: all commodities stored, rack dimensions, placement in building, sprinkler densities, etc. must be provided with suppression system for racks and/or high-pile storage review. A complete listing of commodities, Classified using CFC Article 81, 2007 Edition and NFPA 13, 2007 Edition guidelines by a licensed Fire Protection Engineer (or other consultant approved by this jurisdiction).

5. ROOFING MATERIAL

All buildings shall be constructed with Class B roofing materials as per the California Building Code.

6. BLUE DOT REFLECTOR

Blue retro reflective pavement markers shall be mounted on private street, public streets and driveways to indicate location of fire hydrants. Prior to installation, placement of markers must be approved by Riverside County Fire Department.

7. SUPER FIRE HYDRANT

Super fire hydrant (s) (6” x 4” x 2 ½”) shall be located not less than 25 feet or more than 165 feet from any portion of the building as measured along approved vehicular travel ways.

8. ABOVE/UNDERGROUND TANK PERMITS

Applicant/developer shall be responsible for obtaining under/aboveground fuel, Propane, chemical and mixing liquid storage tank permits from the Riverside County Fire Department. Underground and chemical tank plans must be approved by the Environmental Health Department prior to submitting plans to the Fire
Department. (Fire Department needs to review the Environmental Health Approved Set) Plans must be in triplicate and submitted with the current fee for review and Approval prior to installation. Aboveground fuel/mixed liquid tank(s) shall meet the following standard:
Tank must be tested and labeled to UL 2085 Protection Tank
Standard or SwRI 93-01. The test must include the Projectile Penetration
Test and the Heavy Vehicle Impact Test. A sample copy of the tank’s label
from and independent test laboratory must be included with your Plans. (TANK
PLANS CANNOT BE SUBMITTED TO THE FIRE DEPARTMENT UNTIL A
BUILDING PERMIT HAS BEEN ISSUED, CONTACT FIRE DEPARTMENT
FOR GUIDELINE HANDOUT)

9. RAPID HAZMAT BOX

Rapid entry Hazardous Material data and key storage cabinet shall be installed
on outside of the building. Plans shall be submitted to the Riverside County
Fire Department for approval prior to installation

10. HIGH PILE/RACK STORAGE

A separate permit is required for high pile storage and/or racks. Sprinkler
Plans and/or sprinkler review must be submitted by a licensed sprinkler
Contractor with storage and/or rack plans to Riverside County Fire Department
for review and approval of the 2007 CFC Chapters 24 and 34 compliance.
Complete Chapters 24 and 34 information re: all commodities stored, rack
dimensions, placement in building, etc. must be provided with suppression system
for racks and/or high-pile storage review. A complete listing of commodities
Edition guidelines by a licensed Fire protection Engineer (or other consultant to
approve by this jurisdiction.)

11. GATE ENTRANCES

Gate entrances shall be at least two feet wider than the width of the traffic lane (s)
serving that gate. Any gate providing access from a road to a driveway shall be
located at least 35 feet from the roadway and shall open to allow vehicle to stop
with out obstructing traffic on the road. Where a one-way road with a single
traffic lane provides access to a gate entrance, 40 foot turning radius shall be used.

12. ADDRESS AT CONSTRUCT

During the construction of this project, the site address shall be clearly posted at
the job site entrance. This will enable incoming emergency equipment and the
inspectors to locate the job-site from the assigned street location. Number shall
be a minimum of 24 inches in height.
13. PROHIBITED H MATERIALS

It is prohibited to use/process or store any material in this occupancy that
Would classify it as "H" occupancy per the 2007 Uniform Building Code.

PRIOR TO GRADING PERMIT ISSUANCE:

14. WATER PLANS

The applicant or developer shall separately submit two copies of the water system
plans to the Fire Department for review. Plans shall conform to the fire hydrant
types, location and spacing, and the system shall meet the fire flow requirements.
Plans shall be signed/approved by a registered civil engineer and the local water
company with the following certification: "I certify that the design of the water
system is in accordance with the requirements prescribed by the Riverside County
Fire Department."

PRIOR TO BUILDING PERMIT ISSUANCE:

15. ACCESS ROADS

All fire department access roads shall be as Banning Engineering standards, items
#75, 76, and 77 of the Public Works Department street conditions.

Fire apparatus access roads and water supplies for fire protection are required to
be in service prior to and during the time of construction. (C.F.C., sec. 501.4)

Fire hydrant required on Hathaway Street with a spacing not exceeding 250'.

Fire vehicle access shall be provided by either temporary or permanent roads,
capable of supporting vehicle loading under all weather conditions. Temporary
vehicle access shall be maintained until permanent fire apparatus access roads are
available. (C.F.C., sec. 1410.1)

CFC D102.1, shall be able to support at least 75,000 pounds.

All fire department access roads shall have a 28' radius minimum, larger
radiuses may exist when detailed building drawings are submitted. [CFC
Appendix D]

16. WATER CERTIFICATION

The applicant or developer shall be responsible to submit written certification
from the water company noting the location of the existing fire hydrant and that
the existing water system is capable of delivering 2,750 GPM fire flow for a 2
hours duration at 20 PSI residual operating pressure. If a water system currently
does not exist, the applicant or developer shall be responsible to provide written
certification that financial arrangements have been made to provide them.

17. WATER PLANS

The applicants or developer shall separately submit two copies of the water
system plans to the Fire Department for review and approval. Calculated
velocities
shall not exceed 100 feet per second. Plans shall conform to the fire hydrant
types, location and spacing, and the system shall meet the fire flow requirements.
Plans shall be signed and approved by a registered civil engineer and the local
Water Company with the following certification: "I certify that the design of the
water system is in accordance with the requirements prescribed by the Riverside
County Fire Department."

18. DESIGNATED AREAS

Existing fire lanes shall be maintained, additional fire lanes may be required.
Contact Fire Department for guideline handout.

19. EXTINGUISHERS

Install portable fire extinguishers with a minimum rating of 2A-10BC one per
3000 sq. ft. or 75 feet of travel distance. Fire extinguishers located in the public
Areas shall be in recess cabinets mounted 48 inches to the center above floor
level with maximum 4 inch projection from the wall. (extinguishers must have
current CSFM service tag affixed)

20. SUPER FH/FLOW

Approved super fire hydrants (6" x 4" x 2 ½") with a fire flow of 2,750 GPM,
shall be installed within 165 feet of all public use type buildings and any
recreational vehicle type storage area.

21. SPRINKLER SYSTEM

Install a complete fire sprinkler system per NFPA 13 2007 edition (13D and 13R
system are not allowed) in all buildings requiring a fire flow of 1500 GPM or
greater sprinkler system (s) with pipe size in excess of 4" inch diameter will
require the project structural engineer to certify (wet signature) the stability of the
building system for seismic and gravity loads to support the sprinkler system. All
fire sprinkler risers shall be protected from any physical damage. The post
indicator valve and fire department connection shall be located to the front, within
50 feet of a hydrant, and the minimum of 25 feet from the building (s). A
statement that the building (s) will be automatically fire sprinkled must be
included on the title page of the building plans.
Applicant or developer shall be responsible to install a Central Station Monitored Fire Alarm System. Monitoring System shall monitor the fire Sprinkler system (s) water flow, P.I.V.'s and all control valves. Plans must be submitted to the Fire Department for approval prior to installation. Contact Fire Department for guideline handout.

21. AUTO/MAN FIRE ALARM

Applicant or developer shall be responsible to install a manual and automatic Fire Alarm System. Plans must be submitted to the Fire Department for approval prior to installation.

22. TITLE 19

Comply with Title 19 of the California Administrative Code.

Doug Clarke
Asst. Fire Marshal
Banning Fire Services
(951) 922-3211
dclarke@ci.banning.ca.us
ATTACHMENT 5

Location Map
ATTACHMENT 6

Aerial Map
ATTACHMENT 7

Site Photographs
Looking north along Hathaway Street from the intersection with Morongo.

Looking northeasterly along Hathaway Street at the Morongo Road gate.
Looking east along Hathaway Street at the intersection with Morongo Road towards the future Wilson Street right-of-way.

Looking southwesterly along Hathaway Street at the Summit Ridge Apartments.
Looking southeasterly along Hathaway Street at the Orco Block yard.

Looking south along Hathaway Street at the intersection with George Street.
Looking west along Hathaway Street at the intersection with George Street.

Looking north along Hathaway Street at the intersection with George Street.
Looking south along Hathaway Street at the intersection with George Street.

Looking northwesterly along Hathaway Street at the intersection with Nicolet Street.
Looking south along Hathaway Street at the intersection with Nicolet Street.

Looking north along Hathaway Street at the intersection with Nicolet Street.
Looking southwesterly along Hathaway Street at the intersection with Nicolet Street.

Looking west along Nicolet Street at the future project entry.
Looking southwesterly along Hathaway Street the intersection of Williams Street.

Looking west along Hathaway Street at the intersection of Williams Street.
Looking south along Hathaway Street at the intersection of Williams Street.

Looking east along Hathaway Street at the intersection of Williams Street.
Looking east along Ramsey Street at the intersection of Hathaway Street.

Looking north along Hathaway Street at the intersection of Ramsey Street.
Looking north from the vicinity of Ramsey Street adjacent to the Caltrans yard.

Looking east along I-10 ramps (Ramsey Street) at the Caltrans yard.
ATTACHMENT 8

Project Plans
ATTACHMENT 9

Aerial Photo showing existing and proposed water line improvement
ATTACHMENT 10

Aerial Photo showing sewer Line alignments
ATTACHMENT 11

Riverside County Airport Land Use
Commission letter dated 4/28/10
April 28, 2010

Zai Abu Bakar
Planning Division
City of Banning Community Development Department
99 E. Ramsey Street
Banning, CA 92220

RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW – REVISED LETTER INCORPORATING FAA CONDITIONS

File No.: ZAP1006BA10
Related File No.: Design Review Case Nos. 07-708 and 08-401; Tentative Parcel Map No. 36056
APN: 532-110-003, 008, 009, 010

Dear Ms. Bakar:

On March 11, 2010, the Riverside County Airport Land Use Commission (ALUC) found the above-referenced project CONDITIONALLY CONSISTENT with the 2004 Banning Municipal Airport Land Use Compatibility Plan, pending Federal Aviation Administration (FAA) review (which has since occurred), subject to the following conditions:

CONDITIONS:

1. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.

2. The following uses shall be prohibited:

(a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.

(b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.

(c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, livestock operations, production of cereal grains, sunflower, and row crops, artificial marshes, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, incinerators, and landfills.)
(d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

(e) Children's schools, hospitals, nursing homes, and highly noise-sensitive outdoor nonresidential uses.

3. The City of Banning shall require additional review by the Airport Land Use Commission prior to the establishment of any use other than offices, manufacturing, storage, and warehousing within the proposed buildings. Examples of uses that would require further review include, but are not limited to:

Retail sales, auction rooms, auditoriums, churches and chapels, dance floors, day care or child care centers, libraries, lodge rooms, reviewing stands, conference rooms with capacities of 25 or more persons, dining rooms, exhibit rooms, restaurants, drinking establishments, gymnasiums, lounges, stages, gaming, bowling alleys, classrooms, courtrooms, dormitories, swimming pools, skating rinks, locker rooms, and other uses that would be considered to have an occupancy level greater than one person per 100 square feet (minimum square feet per occupant less than 100) pursuant to the edition of the Building Code in effect at the time of land use or building permit application, as applicable.

These uses have greater intensity than the uses indicated on the plot plan, such that compliance with single-acre intensity limits would need to be re-evaluated.

4. Any changes in the locations of buildings from those shown on the exhibit prepared by HPA, Inc. dated October 1, 2009 shall be subject to further review by the Airport Land Use Commission as an amended project.

5. The attached notice shall be provided to all potential purchasers and tenants, and shall be recorded as a deed notice.

6. Any ground-level or aboveground water retention or detention basin or facilities shall be designed so as to provide for a detention period for the design storm that does not exceed 48 hours (may be less, but not more) and to remain totally dry between rainfalls. Vegetation in and around such facilities that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Landscaping shall utilize plant species that do not produce seeds, fruits, or berries. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature.

7. Prior to issuance of building permits, the permittee shall provide evidence that the Federal Aviation Administration has issued a "Determination of No Hazard to Air Navigation" for the proposed buildings. Once such a determination has been issued, the latitude, longitude, coordinates, and height of such buildings shall not be changed, and the site elevation of the structure at top point shall not be increased without further notice to, and review by, the Federal Aviation Administration through the Form 7460-1 process. (This condition is considered met, as the FAA has already made such a determination for each of the buildings. Copies are attached.)

8. The open areas indicated on the exhibit prepared by Stantec Consulting Inc. dated February 23, 2010 shall be kept free of most structures and other major obstacles such as walls, large trees or poles (greater than 4 inches in diameter, measured 4 feet above the ground), and overhead wires pursuant to Countywide Policy 4.2.4.
The following conditions have been added pursuant to the terms of the FAA determination letters issued on April 27, 2010:

9. The Federal Aviation Administration has conducted aeronautical studies of each proposed building location (Aeronautical Study Nos. 2010-AWP-1955-OE through 2010-AWP-1966-OE) and has determined that neither marking nor lighting of the proposed structures is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting shall be installed and maintained in accordance with FAA Advisory Circular 70/7460-1 K Change 2.

10. The maximum height of Buildings 11 and 12, including all roof-mounted appurtenances and obstruction lighting (if any) shall not exceed 40 feet above ground level. The maximum elevation at the top of Building 11 shall not exceed 2,299 feet above mean sea level. The maximum elevation at the top of Building 12 shall not exceed 2,276 feet above mean sea level.

11. The maximum height of Buildings 1, 2, 3, and 4, including all roof-mounted appurtenances and obstruction lighting (if any) shall not exceed 38 feet above ground level. The maximum elevation at the top of Building 1 shall not exceed 2,328 feet above mean sea level. The maximum elevation at the top of Building 2 shall not exceed 2,325 feet above mean sea level. The maximum elevation at the top of Building 3 shall not exceed 2,315 feet above mean sea level. The maximum elevation at the top of Building 4 shall not exceed 2,305 feet above mean sea level.

12. The maximum height of Buildings 5, 6, 7, 8, 9, and 10, including all roof-mounted appurtenances and obstruction lighting (if any) shall not exceed 32 feet above ground level. The maximum elevation at the top of Building 5 shall not exceed 2,325 feet above mean sea level. The maximum elevation at the top of Building 6 shall not exceed 2,322 feet above mean sea level. The maximum elevation at the top of Building 7 shall not exceed 2,315 feet above mean sea level. The maximum elevation at the top of Building 8 shall not exceed 2,308 feet above mean sea level. The maximum elevation at the top of Building 9 shall not exceed 2,301 feet above mean sea level. The maximum elevation at the top of Building 10 shall not exceed 2,299 feet above mean sea level.

13. The specific coordinates, heights, and top point elevations of the proposed buildings shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in building height or elevation shall not require further review by the Airport Land Use Commission.

14. Temporary construction equipment used during actual construction of the buildings shall not exceed the height of the proposed buildings, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.

15. Within five (5) days after construction reaches its greatest height, the permittee shall complete FAA Form 7460-2, Notice of Actual Construction or Alteration, and submit said form to the Federal Aviation Administration Air Traffic Airspace Branch Obstruction Evaluation Service or online at www.oceaaa.faa.gov. This requirement is also applicable in the event the project is abandoned.
Airport Land Use Commission
Page 4 of 4

If you have any questions, please contact John Guerin, Airport Land Use Commission staff planner, at (951) 955-0982 or Russell Brady at (951) 955-0549.

Sincerely,
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

Edward C. Cooper, Director

Attachments: Notice of Airport in Vicinity

c: ALUC Staff
OSI Partnership 1, LLC
Stantec Consulting Services -- Patrick Osborne
Banning Airport -- Carl Szymka, Public Works Superintendent

Y:\ALUC\Banning\ZAP1006BA09.LTRRevised.doc
NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b) (13)(A)
Issued Date: 04/27/2010

Douglas O'Donnell  
OSI Partnership 1, LLC  
3 San Joaquin Plaza, Suite 160  
Newport Beach, CA 92660

** DETERMINATION OF NO HAZARD TO AIR NAVIGATION **

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Building 12  
Location: Banning, CA  
Latitude: 33-55-42.00N NAD 83  
Longitude: 116-51-07.00W  
Heights: 40 feet above ground level (AGL)  
                     2276 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part I)  
_____ X ______ Within 5 days after the construction reaches its greatest height (7460-2, Part II)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/27/2011 unless:

(a) extended, revised or terminated by the issuing office.  
(b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.
NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-AWP-1955-OE.

Signature Control No: 688959-125222967  (DNE)
Karen McDonald
Specialist

Attachment(s)
Case Description
Map(s)
ONE OF TWELVE MULTI-PURPOSE INDUSTRIAL BUILDINGS RANGING IN SIZE FROM 14,677 SF TO 786,984 SF; COMPRISING THE PROPOSED BUSINESS PARK KNOWN AS TENTATIVE PARCEL MAP 36056. ALL BUILDINGS ARE CONSTRUCTION TYPE III-B; OCCUPANCY TYPE S-1, B-1, AND F-1.
** DETERMINATION OF NO HAZARD TO AIR NAVIGATION **

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Building 11
Location: Banning, CA
Latitude: 33-55-50.00N NAD 83
Longitude: 116-51-10.00W
Heights: 40 feet above ground level (AGL)
2299 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

__ At least 10 days prior to start of construction (7460-2, Part I)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part II)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/27/2011 unless:

(a) extended, revised or terminated by the issuing office.
(b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

Page 1 of 5
NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-AWP-1956-OE.

Signature Control No: 688960-125222971
Karen McDonald
Specialist

Attachment(s)
Case Description
Map(s)
ONE OF TWELVE MULTI-PURPOSE INDUSTRIAL BUILDINGS RANGING IN SIZE FROM 14,677 SF TO 786,984 SF; COMPRISING THE PROPOSED BUSINESS PARK KNOWN AS TENTATIVE PARCEL MAP 36056. ALL BUILDINGS ARE CONSTRUCTION TYPE III-B; OCCUPANCY TYPE S-1, B-1, AND F-1.
Issued Date: 04/27/2010

Douglas O'Donnell
OSI Partnership 1, LLC
3 San Joaquin Plaza, Suite 160
Newport Beach, CA 92660

** DETERMINATION OF NO HAZARD TO AIR NAVIGATION **

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

<table>
<thead>
<tr>
<th>Structure:</th>
<th>Building Building 10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>Banning, CA</td>
</tr>
<tr>
<td>Latitude:</td>
<td>33-55-43.00N NAD 83</td>
</tr>
<tr>
<td>Longitude:</td>
<td>116-51-18.00W</td>
</tr>
<tr>
<td>Heights:</td>
<td>32 feet above ground level (AGL)</td>
</tr>
<tr>
<td></td>
<td>2295 feet above mean sea level (AMSL)</td>
</tr>
</tbody>
</table>

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- [X] Within 5 days after the construction reaches its greatest height (7460-2, Part II)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/27/2011 unless:

(a) extended, revised or terminated by the issuing office.
(b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.
NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-AWP-1957-OE.

Signature Control No: 688961-125222961
Karen McDonald
Specialist
Attachment(s)
Case Description
Map(s)
ONE OF TWELVE MULTI-PURPOSE INDUSTRIAL BUILDINGS RANGING IN SIZE FROM 14,677 SF TO 786,984 SF; COMPRISING THE PROPOSED BUSINESS PARK KNOWN AS TENTATIVE PARCEL MAP 36056. ALL BUILDINGS ARE CONSTRUCTION TYPE III-B; OCCUPANCY TYPE S-1, B-1, AND F-1.
**DETERMINATION OF NO HAZARD TO AIR NAVIGATION**

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

- **Structure:** Building Building 9  
- **Location:** Banning, CA  
- **Latitude:** 33-55-43.00N NAD 83  
- **Longitude:** 116-51-21.00W  
- **Heights:** 32 feet above ground level (AGL)  

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

- At least 10 days prior to start of construction (7460-2, Part I)  
- X Within 5 days after the construction reaches its greatest height (7460-2, Part II)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/27/2011 unless:

(a) extended, revised or terminated by the issuing office.  
(b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.
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This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-AWP-1958-OE.

Signature Control No: 688962-125222963
Karen McDonald
Specialist

Attachment(s)
Case Description
Map(s)
ONE OF TWELVE MULTI-PURPOSE INDUSTRIAL BUILDINGS RANGING IN SIZE FROM 14,677 SF TO 786,984 SF; COMPRISING THE PROPOSED BUSINESS PARK KNOWN AS TENTATIVE PARCEL MAP 36056. ALL BUILDINGS ARE CONSTRUCTION TYPE III-B; OCCUPANCY TYPE S-1, B-1, AND F-1.
** DETERMINATION OF NO HAZARD TO AIR NAVIGATION **

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

| Structure: | Building Building 8 |
| Location: | Banning, CA |
| Latitude: | 33-55-43.00N NAD 83 |
| Longitude: | 116-51-23.00W |
| Heights: | 32 feet above ground level (AGL) |
|           | 2308 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- [ ] At least 10 days prior to start of construction (7460-2, Part I)
- X ___ Within 5 days after the construction reaches its greatest height (7460-2, Part II)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/27/2011 unless:

(a) extended, revised or terminated by the issuing office.
(b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.
NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-AWP-1959-0E.

Signature Control No: 688963-125222966
Karen McDonald
Specialist

Attachment(s)
Case Description
Map(s)
ONE OF TWELVE MULTI-PURPOSE INDUSTRIAL BUILDINGS RANGING IN SIZE FROM 14,677 SF TO 786,984 SF; COMPRISING THE PROPOSED BUSINESS PARK KNOWN AS TENTATIVE PARCEL MAP 36056. ALL BUILDINGS ARE CONSTRUCTION TYPE III-B; OCCUPANCY TYPE S-1, B-1, AND F-1.
**DETERMINATION OF NO HAZARD TO AIR NAVIGATION**

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

- **Structure:** Building 1
- **Location:** Banning, CA
- **Latitude:** 33-55-45.00N NAD 83
- **Longitude:** 116-51-31.00W
- **Heights:**
  - 38 feet above ground level (AGL)
  - 2328 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- [ ] At least 10 days prior to start of construction (7460-2, Part I)
- [x] Within 5 days after the construction reaches its greatest height (7460-2, Part II)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/27/2011 unless:

(a) extended, revised or terminated by the issuing office.
(b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.
NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-AWP-1960-OE.

Signature Control No: 688964-125222968
Karen McDonald
Specialist

Attachment(s)
Case Description
Map(s)
ONE OF TWELVE MULTI-PURPOSE INDUSTRIAL BUILDINGS RANGING IN SIZE FROM 14,677 SF TO 786,984 SF; COMPRISING THE PROPOSED BUSINESS PARK KNOWN AS TENTATIVE PARCEL MAP 36056. ALL BUILDINGS ARE CONSTRUCTION TYPE III-B; OCCUPANCY TYPE S-1, B-1, AND F-1.
** DETERMINATION OF NO HAZARD TO AIR NAVIGATION **

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

- Structure: Building 6
- Location: Banning, CA
- Latitude: 33-55-43.00N NAD 83
- Longitude: 116-51-28.00W
- Heights: 32 feet above ground level (AGL)
- 2322 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part I)
- X Within 5 days after the construction reaches its greatest height (7460-2, Part II)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/27/2011 unless:

(a) extended, revised or terminated by the issuing office.
(b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.
NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-AWP-1961-OE.

Signature Control No: 688965-125222960
Karen McDonald
Specialist

Attachment(s)
Case Description
Map(s)
ONE OF TWELVE MULTI-PURPOSE INDUSTRIAL BUILDINGS RANGING IN SIZE FROM 14,677 SF TO 786,984 SF; COMPRISING THE PROPOSED BUSINESS PARK KNOWN AS TENTATIVE PARCEL MAP 36056. ALL BUILDINGS ARE CONSTRUCTION TYPE III-B; OCCUPANCY TYPE S-1, B-1, AND F-1.
**DETERMINATION OF NO HAZARD TO AIR NAVIGATION**

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

**Structure:** Building Building 5  
**Location:** Banning, CA  
**Latitude:** 33-55-43.00N NAD 83  
**Longitude:** 116-51-32.00W  
**Heights:** 32 feet above ground level (AGL)  
2325 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

- At least 10 days prior to start of construction (7460-2, Part I)  
- X Within 5 days after the construction reaches its greatest height (7460-2, Part II)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/27/2011 unless:

(a) extended, revised or terminated by the issuing office.  
(b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.
NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-AWP-1962-OE.

Signature Control No: 688966-125222962
Karen McDonald
Specialist

Attachment(s)
Case Description
Map(s)
ONE OF TWELVE MULTI-PURPOSE INDUSTRIAL BUILDINGS RANGING IN SIZE FROM 14,677 SF TO 786,984 SF; COMPRISING THE PROPOSED BUSINESS PARK KNOWN AS TENTATIVE PARCEL MAP 36056. ALL BUILDINGS ARE CONSTRUCTION TYPE III-B; OCCUPANCY TYPE S-1, B-1, AND F-1.
**DETERMINATION OF NO HAZARD TO AIR NAVIGATION**

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

- **Structure:** Building
- **Location:** Building 4
- **Location:** Banning, CA
- **Latitude:** 33-55-45.00N NAD 83
- **Longitude:** 116-51-19.00W
- **Heights:** 38 feet above ground level (AGL)
  - 2305 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

- [ ] At least 10 days prior to start of construction (7460-2, Part I)
- [x] Within 5 days after the construction reaches its greatest height (7460-2, Part II)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/27/2011 unless:

(a) extended, revised or terminated by the issuing office,
(b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.
NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-AWP-1963-OE.

Signature Control No: 688967-125222964
Karen McDonald
Specialist

Attachment(s)
Case Description
Map(s)
ONE OF TWELVE MULTI-PURPOSE INDUSTRIAL BUILDINGS RANGING IN SIZE FROM 14,677 SF TO 786,984 SF; COMPRISING THE PROPOSED BUSINESS PARK KNOWN AS TENTATIVE PARCEL MAP 36056. ALL BUILDINGS ARE CONSTRUCTION TYPE III-B; OCCUPANCY TYPE S-1, B-1, AND F-1.
** DETERMINATION OF NO HAZARD TO AIR NAVIGATION **

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

<table>
<thead>
<tr>
<th>Structure</th>
<th>Building Building 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Banning, CA</td>
</tr>
<tr>
<td>Latitude</td>
<td>33-55-45.00N NAD 83</td>
</tr>
<tr>
<td>Longitude</td>
<td>116-51-23.00W</td>
</tr>
<tr>
<td>Heights</td>
<td>38 feet above ground level (AGL)</td>
</tr>
<tr>
<td></td>
<td>2315 feet above mean sea level (AMSL)</td>
</tr>
</tbody>
</table>

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part I)
- X Within 5 days after the construction reaches its greatest height (7460-2, Part II)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/27/2011 unless:

(a) extended, revised or terminated by the issuing office.
(b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.
NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-AWP-1964-OE.

Signature Control No: 688968-125222970 (DNE)
Karen McDonald
Specialist

Attachment(s)
Case Description
Map(s)
ONE OF TWELVE MULTI-PURPOSE INDUSTRIAL BUILDINGS RANGING IN SIZE FROM 14,677 SF TO 786,984 SF; COMPRISING THE PROPOSED BUSINESS PARK KNOWN AS TENTATIVE PARCEL MAP 36056. ALL BUILDINGS ARE CONSTRUCTION TYPE III-B; OCCUPANCY TYPE S-1, B-1, AND F-1.
**DETERMINATION OF NO HAZARD TO AIR NAVIGATION**

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

| Structure: | Building Building 2 |
| Location: | Banning, CA |
| Latitude: | 33-55-45.00N NAD 83 |
| Longitude: | 116-51-26.00W |
| Heights: | 38 feet above ground level (AGL) |
| | 2325 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part I)
- X Within 5 days after the construction reaches its greatest height (7460-2, Part II)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/27/2011 unless:

(a) extended, revised or terminated by the issuing office.
(b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.
NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-AWP-1965-OE.

Signature Control No: 688969-125222965
Karen McDonald
Specialist

Attachment(s)
Case Description
Map(s)
ONE OF TWELVE MULTI-PURPOSE INDUSTRIAL BUILDINGS RANGING IN SIZE FROM 14,677 SF TO 786,984 SF; COMPRISING THE PROPOSED BUSINESS PARK KNOWN AS TENTATIVE PARCEL MAP 36056. ALL BUILDINGS ARE CONSTRUCTION TYPE III-B; OCCUPANCY TYPE S-1, B-1, AND F-1.
** DETERMINATION OF NO HAZARD TO AIR NAVIGATION **

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Building 7
Location: Banning, CA
Latitude: 33-55-43.00N NAD 83
Longitude: 116-51-26.00W
Heights: 32 feet above ground level (AGL)
2315 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part I)

-X- Within 5 days after the construction reaches its greatest height (7460-2, Part II)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/27/2011 unless:

(a) extended, revised or terminated by the issuing office.
(b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.
NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-AWP-1966-OE.

Signature Control No: 688970-125222969
Karen McDonald
Specialist

Attachment(s)
Case Description
Map(s)
ONE OF TWELVE MULTI-PURPOSE INDUSTRIAL BUILDINGS RANGING IN SIZE FROM 14,677 SF TO 786,984 SF; COMPRISING THE PROPOSED BUSINESS PARK KNOWN AS TENTATIVE PARCEL MAP 36056. ALL BUILDINGS ARE CONSTRUCTION TYPE III-B; OCCUPANCY TYPE S-1, B-1, AND F-1.
Selected parcel(s):
532-110-003 532-110-008 532-110-009 532-110-010

AIRPORTS

SELECTED Parcel
✓ AIRPORT RUNWAYS
✓ INTERSTATES
✓ HIGHWAYS

*IMPORTANT*
Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON.. Tue Feb 23 10:51:28 2010

http://www3.tlma.co.riverside.ca.us/pa/rclis/print.htm

2/23/2010
Selected parcel(s):
532-110-003  532-110-008  532-110-009  532-110-010

LEGEND

SELECTED PARCEL  INTERSTATES  HIGHWAYS  PARCELS

CITY

*IMPORTANT*
Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Tue Feb 23 10:52:29 2010

http://www3.tlma.co.riverside.ca.us/pa/rclis/print.htm
Selected parcel(s):
532-110-003 532-110-008 532-110-009 532-110-010

LEGEND

SELECTED PARCEL
INTERSTATES
HIGHWAYS
PARCELS
CITY

*IMPORTANT*
Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Tue Feb 16 11:02:11 2010
Selected parcel(s):
532-110-003  532-110-006  532-110-009  532-110-010

LEGEND

□ SELECTED PARCEL  ✔ INTERSTATES  ✔ HIGHWAYS  □ PARCELS

"IMPORTANT"
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