I. CALL TO ORDER: Vice-Chairman Arterberry

➢ Pledge of Allegiance: Commissioner Siva

➢ Roll Call: Vice-Chairman Arterberry; Commissioner Barsh; Commissioner Hawkins; Commissioner Siva

II. PUBLIC COMMENTS:

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

III. CONSENT CALENDAR ITEMS:

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

No items at this time.
IV. PUBLIC HEARINGS

1. Conditional Use Permit (CUP) #11-801: A request by Gerald A. Blake, MD to use the building located at 947 W. Ramsey Street in the Highway Serving Commercial (HSC) zone for a medical office. (APN 540-125-035).
   Staff Report .................................................................Page 1
   Recommendation:
   That the Planning Commission take the following actions:
   1. Adopt a Class I Categorical Exemption in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and,
   2. Adopt PC Resolution No. 2011-03 approving Conditional Use Permit #11-801 subject to conditions of approval.

2. Design Review (DR) #11-702 / Variance (VAR) #11-301: A request by Miller Architectural Corporation of Redlands, California to construct a Subway Sandwich Shop with drive through on a 0.26 acre site in the Highway Serving Commercial (HSC) zone located at 933 W. Ramsey Street (APN 540-125-033, -034).
   Staff Report ........................................................................Page 32
   Recommendation:
   That the Planning Commission take the following actions:
   1. Adopt a Class 32 Categorical Exemption in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development); and
   2. Adopt PC Resolution No. 2011-04 approving Design Review (DR) #11-702 and Variance (VAR) #11-301 subject to conditions of approval.

3. Design Review (DR) #10-702 / Tentative Parcel Map (TPM) 36285: A request by JMA Village, LLC-the Frost Company of Laguna Niguel, California to construct a mixed use commercial development on a 5.25 acre parcel in the Downtown Commercial (DC) zone located south of Ramsey Street, east of San Gorgonio Avenue (APN 541-181-009, 010, 011, 012, 014, 023-028; 541-183-004)
   Staff Report .........................................................................Page 86
   Recommendation:
   That the Planning Commission take the following actions:
   1. Adopt a Mitigated Negative Declaration in compliance with CEQA Guidelines and file a Notice of Determination with the Riverside County Clerk; and
   2. Adopt PC Resolution No. 2011-02 recommending approval to City Council of Design Review (DR) #10-702 and Tentative Parcel Map (TPM) #36285 subject to conditions; and, findings of consistency with the General Plan regarding the acquisition of property at 220 E. Ramsey Street.
V. PLANNING COMMISSIONER COMMENTS

VI. COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

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

VII. TENTATIVE PROJECTS SCHEDULED FOR JUNE 1, 2011

VIII. ADJOURNMENT

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of June 1, 2011 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]
CITY OF BANNING
PLANNING COMMISSION REPORT

DATE: May 4, 2011

TO: Chairman and Members of the Planning Commission

FROM: Zai Abu Bakar, Community Development Director

SUBJECT: CONDITIONAL USE PERMIT (CUP) #11-801: A REQUEST BY GERALD A. BLAKE, MD TO USE THE BUILDING LOCATED AT 947 W. RAMSEY STREET IN THE HIGHWAY SERVING COMMERCIAL (HSC) ZONE FOR A MEDICAL OFFICE.

STAFF RECOMMENDATION:

That the Planning Commission take the following actions:

1. Adopt a Class I Categorical Exemption in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and,

2. Adopt PC Resolution No. 2011-03 approving Conditional Use Permit #11-801 subject to conditions of approval.

PROJECT/APPLICANT INFORMATION:

Project Location: 947 W. Ramsey Street
APN Information: 540-125-035
Project Applicant: Gerald A. Blake, MD
Property Owner: same as applicant
Redevelopment Area: Yes
Specific Plan: No
PROJECT BACKGROUND AND DESCRIPTION:

Project Description

The applicant is requesting approval to use an existing 3,503 square foot building located at 947 W. Ramsey Street in the Highway Serving Commercial (HSC) zone as a medical office. Section 17.12.020 Permitted, conditional, and prohibited uses of the “Zoning Ordinance” allows medical services subject to approval of a Conditional Use Permit by the Planning Commission.

Site Description

The project area consists of a 0.36 acre parcel, Assessor’s Parcel Number (APN) 540-125-035 (15,625 square feet, plus or minus). The parcel was created as lots 8, 9, and a portion of lot 10 in the Bonita Heights No. 1 subdivision in April of 1913. The applicant will be required to merge the lots prior to occupancy if properties have not been merged as one parcel.

The site is presently developed with a 3,503 square foot building along with an asphalt concrete paved parking lot (see Attachment 2). The parcel is rectangular being approximately 125 feet wide by 105 feet in depth; the ground is relatively flat-lying with a southeasterly slope. The building has not been occupied for some time and the property as a whole has not been maintained. The asphalt concrete pavement is cracked and in need of repair. The landscaping consists of a lawn in the front, bushes along the westerly boundary, and a few trees, all of which need to be replaced/revived.

The site fronts on Ramsey Street, which is classified as an arterial highway 110 feet in width. A 10 foot wide alley borders the northern property boundary. The alley is not improved. The frontage along Ramsey Street is fully improved with curb, gutter, and sidewalk.

Surrounding Land Use

Located north of the site and across the alley are residences fronting Hays Street located in the Highway Serving Commercial (HSC) zoning district that are considered legal non-conforming. West of the site is a commercial building with a few small commercial suites (offices), included on the property is a single family dwelling that is considered legal non-conforming. East of the site is vacant land. South of the site and across Ramsey Street are legal non-conforming residential apartments, and vacant land in the Highway Serving Commercial zone.

The nature of the surrounding uses, Zoning and General Plan land use designations are delineated for Planning Commission consideration in the following table.
**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>Residential</td>
<td>Highway Serving Commercial</td>
<td>Highway Serving Commercial</td>
</tr>
<tr>
<td>South</td>
<td>Residential/vacant lot¹</td>
<td>Highway Serving Commercial</td>
<td>Highway Serving Commercial</td>
</tr>
<tr>
<td>East</td>
<td>Vacant lot¹</td>
<td>Highway Serving Commercial</td>
<td>Highway Serving Commercial</td>
</tr>
<tr>
<td>West</td>
<td>Commercial building/residential</td>
<td>Highway Serving Commercial</td>
<td>Highway Serving Commercial</td>
</tr>
</tbody>
</table>

¹ A vacant lot is one described as improved by a subdivision map where public improvements are present, or will be present, such as public streets, lighting, water mains and sewer mains.

² Unimproved land is land that does not have public improvements.

**PROJECT ANALYSIS:**

**Zoning**

The project is located in the Highway Serving Commercial (HSC) zone. This district allows land uses geared toward the Interstate 10 traveler, including restaurants (fast food and sit down), hotels and motels, auto related retail, repair and services, including gas stations, convenience stores and similar uses. Medical services such as the proposed medical office are permitted subject to approval of a conditional use permit by Planning Commission.

Planning Commission consideration of the proposed CUP shall include whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use against any negative or undesirable impacts which it may cause. Limits which the Planning Commission might want to impose could include conditions that help make the use more compatible with the existing neighborhood.

**Compliance with HSC Development Standards**

The site is accessed by the single driveway fronting Ramsey Street. The applicant will be required to submit building plans for review and approval of the Building and Safety Division and Planning Division to assure compliance with development regulations if any additions or modifications are proposed for the existing building.

The table below shows how the proposed project meets those standards.
Commercial and Industrial Development Standards

<table>
<thead>
<tr>
<th>Development Standards*</th>
<th>Required</th>
<th>Provided</th>
<th>Complies With Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>6,000 sf</td>
<td>15,625 sf</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>60 feet</td>
<td>125 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>100 feet</td>
<td>105 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td>10 feet</td>
<td>17 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>0 feet</td>
<td>3 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>0 feet</td>
<td>5 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>35 %</td>
<td>8 %</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>2 stories/35 feet</td>
<td>1 story/16 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Fence/Wall Height</td>
<td>6 feet</td>
<td>6 feet</td>
<td>Yes</td>
</tr>
</tbody>
</table>

* per Table 17.12.030 of the Banning Municipal Code.

Parking Requirements

Table 17.28.040.B of the “Zoning Ordinance” requires that for medical/dental office use 10 parking spaces be provided for the first 2,000 square feet, plus one space for each additional 175 square feet of floor area. Subtracting the rooms in the building that are used for storage only, the total medical office area is 1,223 square feet. Using the formula in the “Zoning Ordinance”, requires the project provide a minimum 10 parking spaces. The site provides 14 parking spaces, which includes one handicap parking place as required by the California Building Code, and one loading space. The loading space is provided towards the rear of the existing building.

The asphalt concrete pavement is cracked and in need of repair. Therefore, staff recommends that a condition of approval be placed on the project to repair the asphalt concrete pavement surface and repaint the parking stalls in accordance with City design standards.

Architectural Design

The architecture of the existing structure is simple Ranch style stucco and wood siding with a combination of low pitch gable and flat roofs (see Attachment 3-site photographs). It appears that the rear portion of the building was a later addition due to the different architectural styles. The building siding, windows, and other features are in need of repair. The Building and Safety Code will require repairs to the damaged or missing parts of the building structure. Staff recommends that in addition to the code requirements, that a condition of approval be placed on
the project to paint and repair the aesthetic elements of the building (siding, stucco, roof, etc). Roof mounted equipment shall be screened from view.

**Landscaping and Lighting Design**

The landscaping consists of a lawn in the front, bushes along the westerly boundary, and a few trees, all of which need to be replaced/revived. The Zoning Ordinance requires that at least 15% of the parking area be landscaped. The parking area as proposed in the plans is approximately 5,200 square feet. Therefore, the minimum landscape area is 780 square feet. The planter along the westerly boundary of the site in approximately 300 square feet; and, the planter along the northerly property boundary is approximately 300 square feet. Therefore, staff recommends that a condition of approval be placed on the project to replace/revive these two planter areas and add additional landscaping to the parking area. This could be accomplished by removing a section of paving and adding two additional planters. The planters should include two trees to add shade to the parking area.

Due to the proximity of the existing single-family dwellings to the north and west of the site, an enhanced landscaping buffer is required along those property boundaries to provide additional separation between the uses. This requirement is listed in the conditions of approval and is in addition to all other landscaping requirements.

A landscaping plan that includes a water conservation statement shall be required before issuance of permits for approval of the final landscape design plans.

Future exterior lighting for the building or parking area requires that it be shielded or recessed so that light is contained within the boundaries of the parcel on which the lighting is located. All lighting shall be directed downward and away from adjoining properties and public rights-of-way. Additionally, 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 (see Exhibit 5).

**Projects Near Airports**

The project is located within Compatibility Zone E of the Riverside County Airport Land Use Compatibility Plan Policy Document adopted in October 2004. The plan identifies Zone E as a low risk level area. Staff recommends that a condition of approval be placed on the proposed project to dedicate an avigation easement prior to issuing an occupancy permit. The purpose of the avigation easement is to transfer certain property rights from the owner of the underlying property to the owner of the airport (City) since the property is subject to low noise levels from the airport in general. A copy of a typical avigation easement is included as Attachment 5.

**Conclusion**

Staff recommends approval of the subject conditional use permit as the proposed project is consistent with the requirements of the Zoning Code, while not significantly effecting the environment. Additionally, the use of the existing commercial building as a medical office
would not significantly impact the character of the existing neighborhood, as the commercial building is existing, and commercial uses surround the site.

ENVIRONMENTAL RESOURCES:

The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines, the recommendation of the Planning Division as provided in this Staff Report dated May 4, 2011 and documents incorporated herein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. CEQA

(a) The project is Categorically Exempt from CEQA in accordance with Section 15301 (Existing Facilities-Class 1) in that the staff report submitted by the Planning Division and other findings made in this Resolution demonstrate that Conditional Use Permit #11-801 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of original construction in the early 1960's. Examples include the exterior alterations involving such things as electrical conveyances; existing facilities of both investor and publicly-owned utilities used to provide public utility services; and, additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.

(b) None of the exceptions to the Categorical Exemptions contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15301 from exempting the project for the following reasons:

i. The project is not a Class 3 (new construction or conversion of small structures), Class 4 (minor alterations to land), Class 5 (Minor Alterations in Land Use Limitations), Class 6 (Information Collection), or Class 11 (Accessory Structures) project; and, therefore is not subject to the exception pertaining to projects located in particularly sensitive environments.

ii. The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. The Highway Serving Commercial (HSC) zoning standards regulates the land use around the site. Located north of the site and across the alley are homes fronting Hays Street in the Medium Density Residential (MDR) zoning district (0-10 du/acre). West of the site is a commercial building with a few small commercial suites (offices); included on the property is a single family dwelling that is considered legal non-conforming. East of the site is vacant land. South of the site and across Ramsey Street are legal non-conforming residential apartments, and vacant land in the Highway Serving Commercial...
zone. Interstate 10 is located approximately 350 feet to the south. This is a long-established, freeway-adjacent, commercial area along Ramsey Street, one of the City’s major commercial corridors.

iii. There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment because the existing commercial building used as a medical office is not in itself a hazardous use; the City’s utilities and roads are adequate to serve the project and the surrounding properties are not environmentally sensitive properties.

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

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

vi. The project will not cause a substantial adverse change to the significance of a historical resource. The site is developed as a commercial building and there is no historical resource or in its immediate surroundings will be demolished, destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.

2. Multiple Species Habitat Conservation Plan (MSHCP).

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

REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT NO. 11-801:

Section 17.52.050 requires that each Conditional Use Permit application meet certain findings in order to be approved by the Planning Commission. The following findings are made for the CUP:

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

Findings of Fact: The project is consistent with the General Plan because the project site is zoned HSC and designated Highway Serving Commercial on the General Plan Land Use Map. The HSC zone allows medical office use to locate within an existing commercial building. Furthermore, the project is consistent with the General Plan Land Use Goal of “a balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents”. A medical office provides services that contribute to the increased health and improved quality of life for all by endeavoring to improve the health of the all residents.

Additionally, any improvements proposed for the existing commercial building will be in conformance with the “Zoning Ordinance” in particular Division III Development Standards
for the Highway Serving Commercial zone. The project is in keeping with the spirit and intent of the General Plan and therefore is consistent with the General Plan.

Finding No. 2: The proposed use is conditionally permitted within the subject land use district and complies with the applicable provisions of the Zoning Code.

Findings of Fact: The use of an existing commercial building as a medical office is allowed in accordance with Section 17.12.020 Permitted, conditional and prohibited uses of the "Zoning Ordinance" subject to approval of a Conditional Use Permit by Planning Commission. Additionally, the existing building meets the front, rear, and side setback requirements of the HSC development standards. The proposed project is conditioned to meet all local standards pertaining to the medical office use and any proposed improvements.

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

Facts of Fact: The proposed use will not impair the integrity and character of the Highway Serving Commercial land use district in which it is to be located because the project is occupying an existing building constructed for commercial use and it is surrounded by a mix of existing commercial uses along a well established commercial corridor of the City (Ramsey Street).

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

Findings of Fact: The subject site is currently developed with a 3,503 square foot commercial building with a parking lot. The 0.36 acre land area is of adequate size to accommodate the proposed use including building setbacks, parking, and landscaping with conditions.

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

Finding of Fact: The site is served by the public and private utilities, including the City’s water, sewer, and electrical utilities. The existing commercial building is currently accessed and served from Ramsey Street, an existing fully developed public arterial highway.

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

Finding of Fact: There is no evidence that the proposed project will have the potential for any adverse effect on environmental quality, wildlife resources, or the habitat upon which wildlife depends. The site is already developed with an existing commercial building. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence that vernal pool complex, similar bodies of water, or conditions
suitable for forming such bodies of water exist on the site. The site and surrounding neighborhood is currently developed. The parcel is flat (unable to support bodies of water).

Finding No. 7: The proposed location, size, design and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Finding of Fact: A medical office is a conditionally permitted use in the Highway Serving Commercial (HSC) zone. The use of an existing commercial building at 947 W. Ramsey Street as a medical office will not be detrimental to the City's health, safety, and welfare in that it complies with the development standards of the "Zoning Ordinance" with the conditions of approval referenced herein. The project will not generate excessive noise or traffic. Furthermore, CEQA Guidelines Section 15301 exempts the project because it is an existing facility.

PUBLIC COMMUNICATION:

The proposed project was advertised in the Record Gazette newspaper, and notices were mailed to all property owners within a 300-foot radius of the site on April 22, 2011. As of the date of this report, staff has not received any verbal or written comments for or against the proposed project.

PREPARED BY:

Brian Guillot
Assistant Planner

APPROVED BY:

Zai Abu Baker
Community Development Director

PC Attachments:

1. PC Resolution No. 2011-03 (with Conditions of Approval)
2. Vicinity Map and Aerial Photo
3. Site Photographs
4. Plans
5. Sample Avigation Easement
Attachment 1

(PC Resolution No. 2011-03)
RESOLUTION NO. 2011-03


WHEREAS, an application for a medical office has been duly filed by:

Project Applicant: Gerald A. Blake, MD
Property Owner: same as applicant
Project Location: 947 W. Ramsey Street
APN Number: 540-125-035
Lot Size: 0.36 acres

WHEREAS, the Planning Commission has the authority per Chapters 17.52 and 17.88 of the Banning Municipal Code to take action on Conditional Use Permit No. 11-801: A request to use the existing building located at 947 W. Ramsey Street in the Highway Serving Commercial (HSC) zone for a medical office; and

WHEREAS, on April 22, 2011, the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered; and

WHEREAS, on May 4, 2011, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or in opposition to Conditional Use Permit No. 11-801; and, at which the Planning Commission considered the Conditional Use Permit; and

WHEREAS, the project's potential effects on the environment and has recommended that the project is categorically exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15301 “Existing Facilities” and the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 are not applicable to the project because the project involves approving a medical office use in an existing commercial building;

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

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines, the recommendation of the Planning Division as provided in this Staff Report dated May 4, 2011 and documents incorporated herein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. CEQA

(a) The project is Categorically Exempt from CEQA in accordance with Section 153301 (Existing Facilities-Class 1) in that the staff report submitted by the Planning Division and other findings made in this Resolution demonstrate that Conditional Use Permit #11-801 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of original construction in the early 1960’s. Examples include the exterior alterations involving such things as electrical conveyances; existing facilities of both investor and publicly-owned utilities used to provide public utility services; and, additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.

(b) None of the exceptions to the Categorical Exemptions contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15301 from exempting the project for the following reasons:

i. The project is not a Class 3 (new construction or conversion of small structures), Class 4 (minor alterations to land), Class 5 (Minor Alterations in Land Use Limitations), Class 6 (Information Collection), or Class 11 (Accessory Structures) project; and, therefore is not subject to the exception pertaining to projects located in particularly sensitive environments.

ii. The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. The Highway Serving Commercial (HSC) zoning standards regulates the land use around the site. Located north of the site and across the alley are homes fronting Hays Street in the Medium Density Residential (MDR) zoning district (0-10 du/acre). West of the site is a commercial building with a few small commercial suites (offices); included on the property is a single family dwelling that is considered legal non-conforming. East of the site is vacant land. South of the site and across Ramsey Street are legal non-conforming residential apartments, and vacant land in the Highway Serving Commercial zone. Interstate 10 is located approximately 350 feet to the south. This is a long-established, freeway-adjacent, commercial area along Ramsey Street, one of the City’s major commercial corridors.
iii. There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment because the existing commercial building used as a medical office is not in itself a hazardous use; the City's utilities and roads are adequate to serve the project and the surrounding properties are not environmentally sensitive properties.

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

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

vi. The project will not cause a substantial adverse change to the significance of a historical resource. The site is developed as a commercial building and there is no historical resource or in its immediate surroundings will be demolished, destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.

2. Multiple Species Habitat Conservation Plan (MSHCP).

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

SECTION 2 REQUIRED FINDINGS.

Section 17.52.050 requires that each Conditional Use Permit application meet certain findings in order to be approved by the Planning Commission. The following findings are made for the CUP:

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

Findings of Fact: The project is consistent with the General Plan because the project site is zoned HSC and designated Highway Serving Commercial on the General Plan Land Use Map. The HSC zone allows medical office use to locate within an existing commercial building. Furthermore, the project is consistent with the General Plan Land Use Goal of "a balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents". A medical office provides services that contribute to the increased health and improved quality of life for all by endeavoring to improve the health of the all residents.

Additionally, any improvements proposed for the existing commercial building will be in conformance with the "Zoning Ordinance" in particular Division III Development Standards
for the Highway Serving Commercial zone. The project is in keeping with the spirit and intent of the General Plan and therefore is consistent with the General Plan.

Finding No. 2: The proposed use is conditionally permitted within the subject land use district and complies with the applicable provisions of the Zoning Code.

Findings of Fact: The use of an existing commercial building as a medical office is allowed in accordance with Section 17.12.020 Permitted, conditional and prohibited uses of the "Zoning Ordinance" subject to approval of a Conditional Use Permit by Planning Commission. Additionally, the existing building meets the front, rear, and side setback requirements of the HSC development standards. The proposed project is conditioned to meet all local standards pertaining to the medical office use and any proposed improvements.

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

Facts of Fact: The proposed use will not impair the integrity and character of the Highway Serving Commercial land use district in which it is to be located because the project is occupying an existing building constructed for commercial use and it is surrounded by a mix of existing commercial uses along a well established commercial corridor of the City (Ramsey Street).

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

Findings of Fact: The subject site is currently developed with a 3,503 square foot commercial building with a parking lot. The 0.36 acre land area is of adequate size to accommodate the proposed use including building setbacks, parking, and landscaping with conditions.

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

Finding of Fact: The site is served by the public and private utilities, including the City’s water, sewer, and electrical utilities. The existing commercial building is currently accessed and served from Ramsey Street, an existing fully developed public arterial highway.

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

Finding of Fact: There is no evidence that the proposed project will have the potential for any adverse effect on environmental quality, wildlife resources, or the habitat upon which wildlife depends. The site is already developed with an existing commercial building. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence that vernal pool complex, similar bodies of water, or conditions
suitable for forming such bodies of water exist on the site. The site and surrounding neighborhood is currently developed. The parcel is flat (unable to support bodies of water).

Finding No. 7: The proposed location, size, design and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Finding of Fact: A medical office is a conditionally permitted use in the Highway Serving Commercial (HSC) zone. The use of an existing commercial building at 947 W. Ramsey Street as a medical office will not be detrimental to the City’s health, safety, and welfare in that it complies with the development standards of the “Zoning Ordinance” with the conditions of approval referenced herein. The project will not generate excessive noise or traffic. Furthermore, CEQA Guidelines Section 15301 exempts the project because it is an existing facility.

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. In accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062 the Planning Commission hereby approves a categorical exemption under CEQA Guidelines Section 15301 and directs the Planning Director to prepare and file with the Clerk for the County of Riverside a notice of exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

2. Conditional Use Permit (CUP) #11-801 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Attachment "A".
PASSED, APPROVED AND ADOPTED this 4th day of May, 2011.

Dennis Arterberry, Vice Chairman
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

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

ATTEST:

Virginia Sorenson, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2011-03, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of May, 2011, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
EXHIBIT "B"

PROJECT #: Conditional Use Permit #11-801
SUBJECT: Conditions of Approval
APPLICANT: Gerald A. Blake, MD
LOCATION: 947 W. Ramsey Street

* All fair share agreements, covenant agreements and agreements subject to recordation will be subject to review and approval by the City Attorney and will include appropriate enforcement provisions by the City and be properly securitized.

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. If during the term of the permit the City determines based upon substantial evidence that the permit activity is exercised so as to be detrimental to the public health, safety or welfare, or, so as to be a nuisance to other property owners in the general area which by any means shall interfere with the comfortable peaceful use, possession and enjoyment of property by any person, the Conditional Use Permit shall be subject to revocation as outlined in section 17.52.100 “Revocation” of the Banning Zoning Code.

3. Construction shall commence within two (2) years from the date of Planning Commission approval, or the conditional use permit shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year, the conditional use permit shall become null and void. The Community Development Director may upon an application being filed 30 days prior to expiration and for good cause, grant a one time extension not to exceed 12 months.

4. Approval of this entitlement shall not waive compliance with all sections of the Municipal Code and all other applicable City Ordinances in effect at the time of building permit issuance.

5. A copy of the signed resolution of approval and all conditions of approval shall be reproduced in legible form on any grading plans, site plan, and building and construction plans submitted for review and approval as required by the reviewing department.

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

7. All graffiti shall be removed immediately or within 24 hours of notice from the City.

8. 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.

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

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

11. 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.

12. The site shall be developed and maintained in accordance with the stamped approved plans which include site plans, architectural elevations, exterior materials and colors and any grading plan on file in the Planning Division; the conditions contained herein; and, Municipal Code regulations.
II. Prior to Issuance of a Certificate of Occupancy.

13. The applicant shall cause to be recorded for the site an avigation easement in accordance with the Airport Compatibility Plan for Banning Municipal Airport.

14. If the building is modified, plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project number (i.e., CUP #11-801). The applicant shall comply with 2007 California Model Codes, and all other applicable codes, ordinances, and regulations in effect at the time of permit application.

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

16. 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. Landscape design plan.
   iii. Irrigation design plan.

17. Repair existing landscaping along the westerly and northerly property boundaries including the front lawn/ground cover; enhance these areas with additional landscaping materials to provide a buffer to the residential uses. Add two additional planters in the parking area that includes two trees to provide additional shade; the minimum size of each planter area shall be 6 feet by 14 feet.

18. Provide for the following design features for the existing commercial building, to the satisfaction of the Community Development Director:

   • The windows, siding, and other exterior building materials shall be repaired. The entire building shall be repainted/refinished.
   • The asphalt concrete parking area shall be repaired/resurfaced and the parking spaces painted in accordance with the design standards of the “Zoning Ordinance”.
   • All roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties. Such screening shall be architecturally integrated with the building design.
Attachment 2

(Vicinity map and aerial photo)
Attachment 3

(Site photograph)
Looking northeasterly from Ramsey Street.
Attachment 4

(Plans)
Attachment 5

(Typical Avigation Easement)
Typical Avigation Easement

This indenture made this ____ day of ___________ 20____ between ________________________________, hereinafter referred to as Grantor, and the [Insert County or City name], a political subdivision in the State of California, hereinafter referred to as Grantee.

The Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual and assignable easement over the following described parcel of land in which the Grantor holds a fee simple estate. [For military airport: Grantee shall hold said easement on behalf of the United States Government.] The property which is subject to this easement is depicted as ______________________ on "Exhibit A" attached and is more particularly described as follows:

[Insert legal description of real property]

The easement applies to the Airspace above an imaginary plane over the real property. The plane is described as follows:

The imaginary plane above the hereinbefore described real property, as such plane is defined by Part 77 of the Federal Aviation Regulations, and consists of a plane [describe approach, transition, or horizontal surface]; the elevation of said plane being based upon the ___________ Airport official runway end elevation of ______ feet Above Mean Sea Level (AMSL), as determined by [Insert Name and Date of Survey or Airport Layout Plan that determines the elevation] the approximate dimensions of which said plane are described and shown on Exhibit A attached hereto and incorporated herein by reference.

The aforesaid easement and right-of-way includes, but is not limited to:

(1) For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, or any aircraft, of any and all kinds now or hereafter known, in, through, across, or about any portion of the Airspace hereinabove described; and

(2) The easement and right to cause or create, or permit or allow to be caused and created within all space above the existing surface of the hereinabove described real property and any and all Airspace laterally adjacent to said real property, such noise, vibration, currents and other effects of air illumination and fuel consumption as may be inherent in, or may arise or occur from or during the operation of aircraft of any and all kinds, now or hereafter known or used, for navigation of or flight in air; and

(3) A continuing right to clear and keep clear from the Airspace any portions of buildings, structures or improvements of any kinds, and of trees or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees, or other things which extend into or above said Airspace, and the right to cut to the ground level and remove, any trees which extend into or above the Airspace; and

(4) The right to mark and light, or cause or require to be marked and lighted, as obstructions to air navigation, any and all buildings, structures or other improvements, and trees or other objects, which extend into or above the Airspace; and

(5) The right of ingress to, passage within, and egress from the hereinabove described real property, for the purposes described in subparagraphs (3) and (4) above at reasonable times and after reasonable notice.
For and on behalf of itself, its successors and assigns, the Grantor hereby covenants with the [Insert County or City name], for the direct benefit of the real property constituting the ________ Airport hereinafter described, that neither the Grantor, nor its successors in interest or assigns will construct, install, erect, place or grow, in or upon the hereinabove described real property, nor will they permit or allow any building structure, improvement, tree, or other object to extend into or above the Airspace so as to constitute an obstruction to air navigation or to obstruct or interfere with the use of the easement and rights-of-way herein granted.

The easements and rights-of-way herein granted shall be deemed both appurtenant to and for the direct benefit of that real property which constitutes the ________ Airport, in the [Insert County or City name], State of California; and shall further be deemed in gross, being conveyed to the Grantee for the benefit of [for public-use airports: the Grantee and any and all members of the general public] [for military airports: the United States Government] who may use said easement or right-of-way, in landing at, taking off from or operating such aircraft in or about the ________ Airport, or in otherwise flying through said Airspace.

Grantor, together with its successors in interest and assigns, hereby waives its right to legal action against Grantee, its successors or assigns for monetary damages or other redress due to impacts, as described in paragraph (2) of the granted rights of easement, associated with aircraft operations in the air or on the ground at the airport, including future increases in the volume or changes in location of said operations. Furthermore, Grantee, its successors, and assigns shall have no duty to avoid or mitigate such damages through physical modification of airport facilities or establishment or modification of aircraft operational procedures or restrictions. However, this waiver shall not apply if the airport role or character of its usage (as identified in an adopted airport master plan, for example) changes in a fundamental manner which could not reasonably have been anticipated at the time of the granting of this easement and which results in a substantial increase in the in the impacts associated with aircraft operations. Also, this grant of easement shall not operate to deprive the Grantor, its successors or assigns of any rights which may from time to time have against any air carrier or private operator for negligent or unlawful operation of aircraft.

These covenants and agreements run with the land and are binding upon the heirs, administrators, executors, successors and assigns of the Grantor, and, for the purpose of this instrument, the real property firstly hereinabove described is the servient tenement and said ________ Airport is the dominant tenement.

DATED: ________________________________

STATE OF }                                      ss

COUNTY OF } ________________________________

On _________________, before me, the undersigned, a Notary Public in and for said County and State personally appeared ____________________, and ____________________ known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

______________________________
Notary Public
DATE: May 4, 2011

TO: Mr. Chairman and Members of the Planning Commission

FROM: Zai Abu Bakar, Community Development Director

SUBJECT: DESIGN REVIEW (DR) #11-702/VARIANCE (VAR) #11-301. A REQUEST BY MILLER ARCHITECTURAL CORPORATION OF REDLANDS, CALIFORNIA TO CONSTRUCT A SUBWAY SANDWICH SHOP WITH DRIVE THROUGH ON A 0.26 ACRE SITE IN THE HIGHWAY SERVING COMMERCIAL (HSC) ZONE LOCATED AT 933 W. RAMSEY STREET (APN 540-125-033, -034).

STAFF RECOMMENDATION:

That the Planning Commission take the following actions:

1. Adopt a Class 32 Categorical Exemption in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development); and

2. Adopt PC Resolution No. 2011-04 approving Design Review (DR) #11-702 and Variance (VAR) #11-301 subject to conditions of approval.

PROJECT/APPLICANT INFORMATION:

Project Location: 933 W. Ramsey Street
APN Information: 540-125-033, -034
Project Applicant: Miller Architectural Corporation, Agent
Property Owner: Sterling I. G. II., Inc., a California Corporation
Project Architect: Miller Architectural Corporation
Redevelopment Area: Yes
Specific Plan: No
PROJECT BACKGROUND AND DESCRIPTION:

Project Description

The applicant is requesting approval to construct a 1,434 square foot sandwich shop with a drive through on a 0.26 acre (11,300 square foot) site. The site consists of two very small lots that will be merged. The applicant is seeking a variance to permit the drive through aisle to exit onto Ramsey Street since the Zoning Ordinance does not permit drive through aisles to exit directly onto the public right-of-way. The applicant is also seeking a parking adjustment to allow a reduction in one parking space for the project.

Surrounding Land Use

Located north of the site and across the alley are homes fronting Hays Street in the Medium Density Residential (MDR) zoning district (0-10 du/acre). West of the site is a commercial building with a few small commercial suites (offices). East of the site is vacant land. South of the site and across Ramsey Street are legal non-conforming residential apartments, and vacant land in the Highway Serving Commercial zone.

The nature of the surrounding uses, Zoning and General Plan land use designations are delineated for Planning Commission consideration in the following table.

### 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></td>
<td>Vacant lot¹</td>
<td>Highway Serving Commercial</td>
<td>Highway Serving Commercial</td>
</tr>
<tr>
<td>North</td>
<td>Residential</td>
<td>Highway Serving Commercial</td>
<td>Highway Serving Commercial</td>
</tr>
<tr>
<td>South</td>
<td>Residential/vacant lot¹</td>
<td>Highway Serving Commercial</td>
<td>Highway Serving Commercial</td>
</tr>
<tr>
<td>East</td>
<td>Commercial building</td>
<td>Highway Serving Commercial</td>
<td>Highway Serving Commercial</td>
</tr>
<tr>
<td>West</td>
<td>Commercial building</td>
<td>Highway Serving Commercial</td>
<td>Highway Serving Commercial</td>
</tr>
</tbody>
</table>

¹ A vacant lot is one described as improved by a subdivision map where public improvements are present, or will be present, such as public streets, lighting, water mains and sewer mains.

² Unimproved land is land that does not have public improvements.
PROJECT ANALYSIS:

Zoning

The project is located in the Highway Serving Commercial (HSC) zone. This district allows land uses geared toward the Interstate 10 traveler, including restaurants (fast food and sit down), hotels and motels, auto related retail, repair and services, including gas stations, convenience stores and similar uses. Restaurants that include drive-in, take-out fast food retail uses are permitted. Drive through services is also permitted in the HSC zone. Although, the proposed use is permitted, design review is required to assure that the proposed project conforms to the development standards and design guidelines of the "Zoning Ordinance".

Compliance with HSC Development Standards

The project area consists of two parcels, Assessor's Parcel Numbers (APN) 540-125-033 and 540-125-034 totaling approximately 0.259 acres (see Attachment 2-Location Map). The parcels consist of Lots 6 and 7 of Bonita Heights No. 1 subdivision recorded in April of 1913. Pursuant to the conditions of approval, the applicant is required to merge the two parcels into one single parcel prior to issuance of building permits.

Below is a chart showing the minimum development standards for the Highway Serving Commercial (HSC) zone as stated in Table 17.12.030; and, how the proposed project meets those standards.

<table>
<thead>
<tr>
<th>Development Standards</th>
<th>Required</th>
<th>Provided</th>
<th>Complies With Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>6,000 square feet</td>
<td>11,300 square feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>60 feet</td>
<td>100 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>100 feet</td>
<td>113 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td>10 feet</td>
<td>16 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>0 feet</td>
<td>17 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>0 feet</td>
<td>14 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>35%</td>
<td>13%</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Height (stories/feet)</td>
<td>2/35 feet</td>
<td>1 story/24 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Fence/Wall Height</td>
<td>6 feet</td>
<td>6 feet</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Site Design/Grading

The site is presently vacant land and was observed to consist of relatively flat-lying ground with a southeasterly slope (see Attachment 4-Site Photographs). The surface appears to be soil with seasonal grasses due to the recent rains. Previously, a single family dwelling occupied the site; however, it was demolished in March of 1993. The remains of the building foundation may be seen along the northwest quadrant of the site.

The existing ground surface slopes to the southeast. A precise grading plan shall be required and a minor amount of grading will need to be done to complete the building pad and parking area improvements. This will require that engineered grading plans be submitted to the City Engineer for review and approval in accordance with the City’s Grading Ordinance and a grading permit be issued prior to any construction activities taking place. The City’s Grading Ordinance makes provision for dust prevention and control during construction, erosion and sediment control, protection of adjoining properties, water quality, and other regulations for grading.

The site fronts Ramsey Street along the southern property boundary, a fully improved arterial highway; an unpaved alley fronts the northern property boundary. Also, overhead electric utility lines are located along the northern alley way. The site is accessed by the main driveway fronting Ramsey Street at the southeast corner of the property. Parking is set back from the street to allow at least one vehicle to enter and exit the parking lot without being blocked by vehicles pulling out from, or into the parking spaces. This design feature helps reduce vehicle congestion along Ramsey Street by allowing vehicles to enter the site unobstructed. The onsite driveway provides for vehicle circulation in both directions. The design of the parking spaces and driveway comply with the requirements of the Parking Lot Design Standards.

The drive through aisle is 11 feet in width as proposed. The development standards require a 12 foot minimum width; however, the narrower width for the drive through aisle is requested as part of the variance approval. This request is deemed reasonable as traffic lanes on public streets are permitted to be 11 feet in width. Additionally, the site proposed for development is not wide enough to accommodate a 12 foot wide drive through lane and the 24 foot wide parking lot driveway. It is preferred that the parking lot drive aisle maintain the 24 foot width. The drive through aisle, as proposed, exits onto Ramsey Street as requested in the variance approval. This design feature is necessary because there is not adequate space to exit into the parking lot. The majority of the drive aisle will be shielded from view by the building.

Parking Requirements

Table 17.28.040.B of the “Zoning Ordinance” requires that for a drive up or drive through restaurant use that one space for each 100 square feet of gross floor area be provided. The building is 1,434 square feet; therefore, 15 parking spaces are required. The project proposes to provide 14 parking spaces, which includes two handicap parking places as required by the California Building Code. The applicant is seeking a parking adjustment through approval of a variance for the reduced number of parking spaces. Section 17.28.060(N) of the “Zoning Ordinance” permits a 10% reduction in spaces required.
Architectural Design

The proposed building is designed in a Southwest style in color, texture and feature. The exterior finish will be stucco with an elastomeric finish with a cornice along the top of the parapet walls. Significant texture of the building surfaces is provided through the use of alternating shades of stucco from the cornice on top of the parapet, to the walls, and at the window trim features. Vertical sections of glazing (at the windows and doors) break the stucco finish where appropriate. It is recognized that the building is long and narrow as a consequence of placing a commercial development on the available land (small lot). Other desirable design elements of the proposed building include a multi-planed roof, a walkway, and integrated hardscape and landscaping features (see Exhibit 4-Project Plans).

A small outdoor patio area is provided at the southern end of the building closest to Ramsey Street and is proposed to be surfaced with pavers.

Landscaping and Lighting Design

The landscaping design and construction emphasizes drought tolerant features as required by State and Zoning Code regulations for the purpose of conserving water. No turf is proposed for this project. A landscape documentation package that includes a water conservation statement shall be required at time of construction for approval of the final landscape design plans.

The Parking Lot Design Standards of the Zoning Code require that at least 15% of the parking area be landscaped. The parking area as proposed in the design plans is approximately 7,612 square feet. Therefore, the minimum landscape area is 1,142 square feet. The applicant is proposing 1,954 square feet of landscaping in the parking area, which is more than the minimum square footage required.

Exterior lighting is conditioned to be shielded or recessed so that light is contained within the boundaries of the parcel on which the lighting is located. All lighting shall be directed downward and away from adjoining properties and public rights-of-way. Along the east exterior of the proposed building wall mounted fixtures are utilized.

Projects Near Airports

The project is located within Compatibility Zone E of the Riverside County Airport Land Use Compatibility Plan Policy Document adopted in October 2004. The plan identifies Zone E as a low risk level area. Staff recommends that a condition of approval be placed on the proposed project to dedicate an avigation easement prior to issuing an occupancy permit. The purpose of the avigation easement is to transfer certain property rights from the owner of the underlying property to the owner of the airport (City) since the property is subject to low noise levels from the airport in general. A copy of a typical avigation easement is included as Attachment 5.
Conclusion

Staff recommends approval of the subject Design Review and Variance as the proposed project is consistent with the requirements of the General Plan and Zoning Code, while not significantly effecting the environment. The project adequately meets the performance standards and design guidelines as discussed in the staff report; or, will meet those requirements as stated in the conditions of approval and upon review and approval of the construction plans and specifications.

ENVIRONMENTAL RESOURCES:

1. CEQA

Section 21065 of the California Environmental Quality Act (CEQA) 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. CEQA Guidelines also provide for statutory exemptions of projects that meet certain thresholds.

Section 15332 of CEQA exempts from preparation of an environmental document since a fast-food restaurant with a drive-through and is considered an in-fill development that meets the following four criteria under CEQA:

a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designations and regulations.

The General Plan Land Use and Zoning Map designates the project site as Highway Serving Commercial (HSC), which allows commercial uses. A fast-food restaurant with a drive-through is permitted commercial use in the HSC zoning district. Additionally, 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”. The Subway fast food with a drive-through will provide an additional restaurant for the community on a site that is zoned commercial, was used as a commercial site, and is compatible with the surrounding uses.

b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The proposed Subway restaurant with a drive-through will be constructed within the city limits on a 0.26-acre property, which is less than five acres and is surrounded by existing commercial developments.

c. The project site has no value as habitat or endangered, rare or threatened species.
The site was formerly occupied by a single-family dwelling which was torn down in March 1993. The site is currently vacant and no value as habitat or endangered, rare or threatened species.

d. The site can be adequately served by all required utilities and public services.

Since the project site is located along a well-established commercial corridor and is surrounded by existing developments, all of the required utilities, including sewer, water, electricity, gas, and cable are readily available and can serve the development.

2. **Multiple Species Habitat Conservation Plan (MSHCP).**

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

**REQUIRED FINDINGS FOR DESIGN REVIEW #11-702:**

The Zoning Ordinance requires that each Design Review (BMC §17.56.050) application meet certain findings in order to be approved by the Planning Commission. The following findings are made for Design Review:

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

**Findings of Fact:** The project site is designated Highway Serving Commercial on the General Plan Land Use Map and is zoned Highway Serving Commercial (HSC). A Subway fast-food restaurant with a drive-through is permitted in the HSC. Additionally, 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”. A Subway fast-food restaurant will provide an additional restaurant for the community on a site that is zoned commercial, was used as a commercial site, and is compatible with the surrounding uses.

**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 proposed project is consistent with the Zoning Ordinance and the development standards of the HSC zone, including setbacks, building height, building coverage on the lot. The applicant is requesting a variance to reduce one parking space to accommodate a loading area for a delivery truck and also to permit the drive-through to outlet directly onto a major street – Ramsey Street. Section 17.28.060(N) of the Zoning Ordinance permits a 10% reduction of parking spaces required with approval of a variance. Section 17.112 of the Zoning Ordinance allows for a variance from the Zoning Ordinance when there is a special circumstance applicable to the property, including size, shape,
topography, unusual geological or geographical feature which deprives the property of
privileges enjoyed by other property in the vicinity and under identical land use districts.
The project is proposed on property that was previously subdivided into two small lots that
are substandard lots for commercial development. The developer proposes to combine the
lots to make the project work with regard to building siting, parking, circulation, landscaping,
trash enclosure and utility vaults. Furthermore, the project site is surrounded by existing
developments, which limits alternatives for siting driveways and alternatives for site
circulation for the project.

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.

Findings of Fact: The proposed project has provided design and site and circulation layout
in such a way that the project will not interfere with the use and enjoyment of existing and
future development. The project has been reviewed by the City Engineer and Fire
Department with regard to site circulation for pedestrian and motor vehicles and emergency
access, which will not result in vehicular and/or pedestrian hazards. Furthermore, having the
drive-through lane exiting directly onto Ramsey Street will reduce the number of vehicles
that would have to go in and out of the main driveway.

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

Finding of Fact: The proposed use will not impair the integrity and character of the HSC
land use district in which it is to be located because it is surrounded by existing developments
and on Ramsey Street corridor which is a long-established commercial corridor. The
building architecture and site circulation and landscaping has been designed in a way that the
project is compatible with the character of the surrounding neighborhood.

REQUIRED FINDINGS FOR VARIANCE #11-301:

The Zoning Code requires that each Variance (BMC §17.112.050) application meet certain
findings in order to be approved by the Planning Commission. Variances from this Zoning
Ordinance shall be granted only when, because of special circumstances applicable to the
property, including size, shape, topography, unusual geological or geographical feature, the strict
application of this Zoning Ordinance deprives such property of privileges enjoyed by other
property in the vicinity and under identical land use districts; that the Variance shall not
constitute a grant of special privileges inconsistent with the limitations upon other properties in
the vicinity and land use district in which such property is situated; and, the power to grant
Variances does not extend to use regulations. The following findings are made for a Variance:
Drive Through

Finding No. 1: That there are special circumstances applicable to the property, including size, shape, topography, geological or geographic conditions, in which the strict application of this Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical land use district classification.

Findings of Fact: The property consists of Lots 6 and 7 of Bonita Heights No. 1 subdivision recorded in April of 1913. The design standards of that time permitted lots with 50 feet of frontage, very small lots. There is no additional available land to join with the existing available vacant property in order to develop it for a commercial use. The Zoning Ordinance requires that a commercial use provide parking, landscaping, and other design elements. Additionally, an area of the property must be utilized for meeting water quality, access, and grading design standards, which did not exist when the property was originally subdivided in 1913. The narrow width of the existing property does not allow for the drive through to exit onto the parking lot. Also, the width of the drive needs to be reduced to 11 feet instead of 12 feet to accommodate the improvements required in the design standards. This request is deemed reasonable as traffic lanes on public streets are permitted to be 11 feet in width.

Finding No. 2: That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and land use district and denied to the property for which the Variance is sought.

Findings of Fact: The property to the east of the subject parcels and to the west is developed for commercial use. Failure to grant the Variance for the drive through lane would substantially impact the number of parking spaces and/or the width of parking lot drive lane that provides access for customers, emergency vehicles, and utility access to the alley north of the site. This would then result in the property not being suitable for development as the width of the subject property is not suitable for a commercial development that meets current design standards. Additionally, there are properties in the vicinity and the same land use district that have similar circumstances where the drive-through lane exits directly onto Ramsey Street, a major roadway. These properties include Wells Fargo Bank, Starbucks, Kentucky Fried Chicken, McDonald’s, Carls’ Jr., and Fisherman’s Market & Grill.

Policy 6 of the Economic Development Element of the General Plan states that the City “Encourage and facilitate highway serving commercial development at appropriate Interstate 10 interchanges within the City limits”. The proposed project is located adjacent to 8th Street/I-10 interchange. A fast food restaurant is a commercial development that specifically relies on the drive through lane for business as a convenience for the community and the traveling public, and the inability to provide a drive-through lane would result in loss of customers and revenue to the business and the City.

Finding No. 3: That granting the Variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.
Findings of Fact: Allowing the drive through lane to exit onto Ramsey Street with an 11 foot width would not be detrimental to the public health, safety, or welfare, or injurious to the property as several drive through restaurants, including Starbucks, Kentucky Fried Chicken, McDonald's, Carls' Jr., and Fisherman’s Market & Grill operate drive through lanes that exit directly onto Ramsey Street with no detrimental effects to the public.

Finding No. 4: That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties (not including non-conforming properties) in the vicinity and land use district in which such property is located;

Findings of Fact: The property consists of Lots 6 and 7 of Bonita Heights No. 1 subdivision recorded in April of 1913. The design standards of that time permitted lots with 50 feet of frontage, very small lots. There is no additional available land to join with the existing vacant property in order to develop it for a commercial use. The Zoning Ordinance requires that a commercial use provide parking, landscaping, and other design elements. Additionally, an area of the property must be utilized for meeting water quality, access, and grading design standards, which did not exist when the property was originally subdivided in 1913. The narrow width of the existing property does not allow for the drive through to exit onto the parking lot. Also, the width of the drive needs to be reduced to 11 feet instead of 12 feet to accommodate the improvements required in the design standards. This request is deemed reasonable as traffic lanes on public streets are permitted to be 11 feet in width.

Finding No. 5: That granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

Findings of Fact: The property is zoned HSC. The proposed use as a fast food restaurant is a permitted commercial use in the HSC. No additional use is proposed through approval of this Variance.

Finding No. 6: That granting the Variance will not be inconsistent with the General Plan.

Findings of Fact: 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”. The proposed project provides a commercial use, a fast food restaurant that provides a service to the community. The fast food restaurant use is a permitted use in the HSC zone, which zoning is consistent with the General Plan Land Use Map of the City’s General Plan.

Parking Adjustment

Finding No. 1: That there are special circumstances applicable to the property, including size, shape, topography, geological or geographic conditions, in which the
strict application of this Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical land use district classification.

Findings of Fact: The property consists of Lots 6 and 7 of Bonita Heights No. 1 subdivision recorded in April of 1913. The design standards of that time permitted lots with 50 feet of frontage, very small lots. There is no additional available land to join with the existing vacant property in order to develop it for a commercial use. The Zoning Ordinance requires that a commercial use provide parking, landscaping, and other design elements. Additionally, an area of the property must be utilized for meeting water quality, access, and grading design standards, which did not exist when the property was originally subdivided in 1913. Strict application of the parking requirements would result in inadequate room for other elements required by the design standards and Section 17.28.060(N) allows a 10% reduction in spaces required to address these circumstances.

The property is zoned HSC. The proposed use as a fast food restaurant is a permitted commercial use as stipulated in the Zoning Ordinance.

Finding No. 2: That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and land use district and denied to the property for which the Variance is sought.

Findings of Fact: The property to the east of the subject parcels and to the west is developed for commercial use. Failure to grant the Variance for the parking adjustment would substantially impact the placement of the electric transformer and underground vault required to serve the property; the width of parking lot drive lane that provides access for customers, emergency vehicles, and utility access to the alley north of the site; and the requirement for a loading space. This would then result in the property not being suitable for development as the width of the subject property is not suitable for a commercial development that meets current design standards.

Finding No. 3: That granting the Variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

Findings of Fact: A 10% parking adjustment as allowed in Section 17.28.060(N) of the Zoning Ordinance will result in requiring 14 parking spaces as opposed to the strict application of the parking requirements that would require 15 parking spaces. One less parking space in a fast food restaurant does not result in a material detriment to the public’s health, safety, or welfare, or to the property or improvements in the vicinity and land use district where the property is located since customers have the options using the drive-through as opposed to parking and going inside the restaurant to eat.

Finding No. 4: That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties (not including non-conforming properties) in the vicinity and land use district in which such property is located;
**Findings of Fact:** Strict application of the parking requirements would result in inadequate room for other elements required by the design standards and Section 17.28.060(N) of the Zoning Ordinance which allows a 10% reduction in spaces required to address these circumstances. This parking adjustment is available to all projects constructed under the current code.

**Finding No. 5:** That granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

**Findings of Fact:** The property is zoned Highway Serving Commercial. The proposed use as a fast food restaurant is a permitted commercial use as stipulated in the Zoning Ordinance. No additional use is proposed through approval of this Variance for a parking adjustment.

**Finding No. 6:** That granting the Variance will not be inconsistent with the General Plan.

**Findings of Fact:** 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”. The proposed project provides a commercial use, a fast food restaurant that provides a service to the community. The fast food restaurant use is a permitted use in the Highway Serving Commercial (HSC) zone, which zoning is consistent with the General Plan Land Use Map of the City’s General Plan.

**PUBLIC COMMUNICATION:**

The proposed project was advertised in the Record Gazette newspaper, and notices were mailed to all property owners within a 300-foot radius of the site on April 22, 2011. As of the date of this report, staff has not received any verbal or written comments for or against the proposed project.

**PREPARED BY:**

[Signature]

Brian Guillot
Assistant Planner

**APPROVED BY:**

[Signature]

Zai Abu Bakar
Community Development Director

**PC Attachments:**

1. Resolution No. 2011-04 with Conditions of Approval
2. Location Map and Aerial Photograph
3. Site Photographs
4. Project Plans
5. Typical Avigation Easement.
Attachment 1

(PC Resolution No. 2011-04 with Conditions of Approval)
RESOLUTION NO. 2011-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING DESIGN REVIEW #11-702 AND VARIANCE #11-301 TO CONSTRUCT A SUBWAY SANDWICH SHOP WITH DRIVE THROUGH ON A 0.26-ACRE SITE IN THE HIGHWAY SERVING COMMERCIAL (HSC) ZONE LOCATED AT 933 W. RAMSEY STREET.

WHEREAS, an application for a Design Review and Variance to construct a fast food restaurant has been duly filed by:

Applicant/Owner: Miller Architectural Corporation/Ling Family Living Trust dated February 3, 2007
Authorized Agent: Miller Architectural Corporation
Project Location: 933 W. Ramsey Street
APN Number: APN 540-125-033, -034
Lot Area: 0.26 Acres

WHEREAS, the Planning Commission has the authority per Chapter 17.56 to take action on Design Review #11-702 and Chapter 17.112 to grant a Variance to construct a fast food restaurant on a 0.26 acre parcel in the Highway Serving Commercial zone located at 993 W. Ramsey Street; and,

WHEREAS, on April 22, 2011, the City gave public notice by advertisement in the Record Gazette newspaper and mailed notice to property owners' within 300 feet of the site of the holding of a public hearing at which the project would be considered; and,

WHEREAS, on May 4, 2011, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Design Review and Variance and at which the Planning Commission considered the Design Review and Variance; and,

WHEREAS, the project's potential effects on the environment has been evaluated as required under the California Environmental Quality Act (CEQA) and has recommended that the project is categorically exempt under CEQA Guidelines Section 15332 "In-Fill Development Projects".

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

SECTION 1. ENVIRONMENTAL FINDINGS.

1. CEQA
Section 21065 of the California Environmental Quality Act (CEQA) 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. CEQA Guidelines also provide for statutory exemptions of projects that meet certain thresholds.

Section 15332 of CEQA exempts from preparation of an environmental document since a fast-food restaurant with a drive-through and is considered an in-fill development that meets the following four criteria under CEQA:

a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designations and regulations.

The General Plan Land Use and Zoning Map designates the project site as Highway Serving Commercial (HSC), which allows commercial uses. A fast-food restaurant with a drive-through is a permitted commercial use in the HSC zoning district. Additionally, 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”. The Subway fast food with a drive-through will provide an additional restaurant for the community on a site that is zoned commercial, was used as a commercial site, and is compatible with the surrounding uses.

b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The proposed Subway restaurant with a drive-through will be constructed within the city limits on a 0.26-acre property, which is less than five acres and is surrounded by existing commercial developments.

c. The project site has no value as habitat or endangered, rare or threatened species.

The site was formerly occupied by a single-family dwelling which was torn down in March 1993. The site is currently vacant and no value as habitat or endangered, rare or threatened species.

d. The site can be adequately served by all required utilities and public services.

Since the project site is located along a well-established commercial corridor and is surrounded by existing developments, all of the required utilities, including sewer, water, electricity, gas, and cable are readily available and can serve the development.

2. **Multiple Species Habitat Conservation Plan (MSHCP).**

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.
SECTION 2. REQUIRED FINDINGS FOR DESIGN REVIEW #11-702:

The Zoning Code requires that each Design Review (BMC §17.56.050) application meet certain findings in order to be approved by the Planning Commission. The following findings are made for Design Review:

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

Findings of Fact: The project site is designated Highway Serving Commercial on the General Plan Land Use Map and is zoned Highway Serving Commercial (HSC). A Subway fast-food restaurant with a drive-through is permitted in the HSC. Additionally, 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". A subway fast-food restaurant will provide an additional restaurant for the community on a site that is zoned commercial, was used as a commercial site, and is compatible with the surrounding uses.

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 proposed project is consistent with the Zoning Ordinance and the development standards of the HSC zone, including setbacks, building height, building coverage on the lot. The applicant is requesting a variance to reduce one parking space to accommodate a loading area for a delivery truck and also to permit the drive-through to outlet directly onto major street – Ramsey Street. Section 17.28.060(N) of the Zoning Ordinance permits a 10% reduction of parking spaces required with approval of a variance. Section 17.112 of the Zoning Ordinance allows for a variance from the Zoning Ordinance when there is a special circumstance applicable to the property, including size, shape, topography, unusual geological or geographical feature which deprives the property of privileges enjoyed by other property in the vicinity and under identical land use districts. The project is proposed on property that is previously subdivided into two small lots that are substandard lots for commercial development, in which the developer proposes to combine the lots to make the project works with regard to building sitting, parking, circulation, landscaping, trash enclosure and utility vaults. Furthermore, the project site is surrounded by existing developments, which limits alternatives for siting driveways and alternatives for site circulation for the project.

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.

Findings of Fact: The proposed project has provided design and site and circulation layout in such a way that the project will not interfere with the use and enjoyment of existing and future development. The project has been reviewed by the City Engineer and Fire Department with regard to site circulation for pedestrian and motor vehicles and emergency
access, which will not result in vehicular and/or pedestrian hazards. Furthermore, having the drive-through lane exiting directly onto Ramsey Street will reduce the number of vehicles that would have to go in and out of the main driveway.

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

Finding of Fact: The proposed use will not impair the integrity and character of the HSC land use district in which it is to be located because it is surrounded by existing developments and on Ramsey Street corridor which is a long-established commercial corridor. The building architecture and site circulation and landscaping has been designed in a way that the project is compatible with the character of the surrounding neighborhood.

SECTION 3 REQUIRED FINDINGS FOR VARIANCE #11-301:

The Zoning Code requires that each Variance (BMC §17.112.050) application meet certain findings in order to be approved by the Planning Commission. Variances from this Zoning Ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, unusual geological or geographical feature, the strict application of this Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical land use districts; that the Variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is situated; and, the power to grant Variances does not extend to use regulations. The following findings are made for a Variance:

Drive Through

Finding No. 1: That there are special circumstances applicable to the property, including size, shape, topography, geological or geographic conditions, in which the strict application of this Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical land use district classifications.

Findings of Fact: The property consists of Lots 6 and 7 of Bonita Heights No. 1 subdivision recorded in April of 1913. The design standards of that time permitted lots with 50 feet of frontage, very small lots. There is no additional available land to join with the existing available vacant property in order to develop it for a commercial use. The Zoning Ordinance requires that a commercial use provide parking, landscaping, and other design elements. Additionally, an area of the property must be utilized for meeting water quality, access, and grading design standards, which did not exist when the property was originally subdivided in 1913. The narrow width of the existing property does not allow for the drive through to exit onto the parking lot. Also, the width of the drive needs to be reduced to 11 feet instead of 12 feet to accommodate the improvements required in the design standards. This request is deemed reasonable as traffic lanes on public streets are permitted to be 11 feet in width.

Finding No. 2: That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same
vicinity and land use district and denied to the property for which the Variance is sought.

Findings of Fact: The property to the east of the subject parcels and to the west is developed for commercial use. Failure to grant the Variance for the drive through lane would substantially impact the number of parking spaces and/or the width of parking lot drive lane that provides access for customers, emergency vehicles, and utility access to the alley north of the site. This would then result in the property not being suitable for development as the width of the subject property is not suitable for a commercial development that meets current design standards. Additionally, there are properties in the vicinity and the same land use district that have similar circumstances where the drive-through lane exits directly onto Ramsey Street, a major roadway. These properties include Wells Fargo Bank, Starbucks, Kentucky Fried Chicken, McDonald’s, Carls’ Jr., and Fisherman’s Market & Grill.

Policy 6 of the Economic Development Element of the General Plan states that the City “Encourage and facilitate highway serving commercial development at appropriate Interstate 10 interchanges within the City limits”. The proposed project is located adjacent to 8th Street/I-10 interchange. A fast food restaurant is a commercial development that specifically relies on the drive through lane for business as a convenience for the community and the traveling public, and the inability to provide a drive-through lane would result in loss of customers and revenue to the business and the City.

Finding No. 3: That granting the Variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

Findings of Fact: Allowing the drive through lane to exit onto Ramsey Street with an 11 foot width would not be detrimental to the public health, safety, or welfare, or injurious to the property as several drive through restaurants, including Starbucks, Kentucky Fried Chicken, McDonald, Carls’ Jr., and Fisherman’s Market & Grill operate drive through lanes that exit directly onto Ramsey Street with no detrimental effects to the public.

Finding No. 4: That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties (not including non-conforming properties) in the vicinity and land use district in which such property is located;

Findings of Fact: The property consists of Lots 6 and 7 of Bonita Heights No. 1 subdivision recorded in April of 1913. The design standards of that time permitted lots with 50 feet of frontage, very small lots. There is no additional available land to join with the existing available vacant property in order to develop it for a commercial use. The Zoning Ordinance requires that a commercial use provide parking, landscaping, and other design elements. Additionally, an area of the property must be utilized for meeting water quality, access, and grading design standards, which did not exist when the property was originally subdivided in 1913. The narrow width of the existing property does not allow for the drive through to exit onto the parking lot. Also, the width of the drive needs to be reduced to 11 feet instead of 12.
feet to accommodate the improvements required in the design standards. This request is deemed reasonable as traffic lanes on public streets are permitted to be 11 feet in width.

Finding No. 5: That granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

Findings of Fact: The property is zoned HSC. The proposed use as a fast food restaurant is a permitted commercial use in the HSC. No additional use is proposed through approval of this Variance.

Finding No. 6: That granting the Variance will not be inconsistent with the General Plan.

Findings of Fact: 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". The proposed project provides a commercial use, a fast food restaurant that provides a service to the community. The fast food restaurant use is a permitted use in the HSC zone, which zoning is consistent with the General Plan Land Use Map of the City’s General Plan.

Parking Adjustment

Finding No. 1: That there are special circumstances applicable to the property, including size, shape, topography, geological or geographic conditions, in which the strict application of this Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical land use district classification.

Findings of Fact: The property consists of Lots 6 and 7 of Bonita Heights No. 1 subdivision recorded in April of 1913. The design standards of that time permitted lots with 50 feet of frontage, very small lots. There is no additional available land to join with the existing available vacant property in order to develop it for a commercial use. The Zoning Ordinance requires that a commercial use provide parking, landscaping, and other design elements. Additionally, an area of the property must be utilized for meeting water quality, access, and grading design standards, which did not exist when the property was originally subdivided in 1913. Strict application of the parking requirements would result in inadequate room for other elements required by the design standards and Section 17.28.060(N) allows a 10% reduction in spaces required to address these circumstances. The property is zoned HSC. The proposed use as a fast food restaurant is a permitted commercial use as stipulated in the Zoning Ordinance.

Finding No. 2: That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and land use district and denied to the property for which the Variance is sought.
Findings of Fact: The property to the east of the subject parcels and to the west is developed for commercial use. Failure to grant the Variance for the parking adjustment would substantially impact the placement of the electric transformer and underground vault required to serve the property; the width of parking lot drive lane that provides access for customers, emergency vehicles, and utility access to the alley north of the site; and the requirement for a loading space. This would then result in the property not being suitable for development as the width of the subject property is not suitable for a commercial development that meets current design standards.

Finding No. 3: That granting the Variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

Findings of Fact: A 10% parking adjustment as allowed in Section 17.28.060(N) of the Zoning Ordinance will result in requiring 14 parking spaces as opposed to the strict application of the parking requirements that would require 15 parking spaces. One less parking space in a fast food restaurant does not result in a material detriment to the public’s health, safety, or welfare, or to the property or improvements in the vicinity and land use district where the property is located since customers have the options using the drive-through as opposed to park and going inside the restaurant to eat.

Finding No. 4: That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties (not including non-conforming properties) in the vicinity and land use district in which such property is located;

Findings of Fact: Strict application of the parking requirements would result in inadequate room for other elements required by the design standards and Section 17.28.060(N) of the Zoning Ordinance allows a 10% reduction in spaces required to address these circumstances. This parking adjustment is available to all projects constructed under the current code.

Finding No. 5: That granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

Findings of Fact: The property is zoned Highway Serving Commercial. The proposed use as a fast food restaurant is a permitted commercial use as stipulated in the Zoning Ordinance. No additional use is proposed through approval of this Variance for a parking adjustment.

Finding No. 6: That granting the Variance will not be inconsistent with the General Plan.

Findings of Fact: 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". The proposed project provides a commercial use, a fast food restaurant that provides a service to the community. The fast food restaurant use is a
permitted use in the Highway Serving Commercial (HSC) zone, which zoning is consistent with the General Plan Land Use Map of the City's General Plan.

SECTION 4. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. In accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062 the Planning Commission hereby approves a categorical exemption for the project under CEQA Guidelines Section 15332 and directs the Planning Director to prepare and file with the Clerk for the County of Riverside a notice of exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

2. Design Review (DR) #11-702 and Variance (VAR) #11-301 are hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.
PASSED, APPROVED AND ADOPTED this 4th day of May, 2011.

Dennis Arterberry, Vice-Chairman
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

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

ATTEST:

Virginia Sorenson, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2011-04, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of May, 2011, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
EXHIBIT A

PROJECT #: Design Review (DR) #11-702 and Variance (VAR) #11-301

SUBJECT: Conditions of Approval

APPLICANT: Miller Architectural Corporation

LOCATION: 933 W. Ramsey Street

I. General/On-Going.

* All fair share agreements, covenant agreements and agreements subject to recordation will be subject to review and approval by the City Attorney and will include appropriate enforcement provisions by the City and be properly securitized.

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 onetime 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. 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.

5. The site shall be developed and maintained in accordance with the stamped approved plans dated May 4, 2011 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.

6. 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.

7. 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.

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

9. All graffiti shall be removed immediately or within 24 hours of notice from the City.

10. 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.

11. The property owner shall permanently maintain all parking lot signs and markings in a clear and visible manner.
12. 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.

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

14. 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.

15. Exterior wall mounted lighting shall be decorative 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.

16. 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.

17. 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.

18. 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.

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

20. 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

21. 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.

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

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

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

25. 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).

   Rough Grading Plans
   Precise Grading Plans
   (All conditions of approval shall be reproduced on last sheet of set)
   Erosion Control & Storm Water
   Pollution Prevention Plan (SWPPP)
   (Note: a, b, c & d shall be reviewed and approved concurrently)
   Construction Traffic Control Plan
   (Major or arterial highways only)
   Landscaping Plans-Streets
   On-site Utility Plans

26. 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.

27. 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.

28. 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 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 easement to the City Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the City Engineer prior to the issuance of any certificate of use and/or occupancy.
29. All street improvement design shall provide pavement and lane transitions per Caltrans standards for transition to existing street sections.

30. 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.

31. 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 in accordance with the approved landscape and irrigation plan. This includes providing irrigation and the clearing of debris and weed removal.

32. The drive through lane shall be 11 feet wide minimum.

33. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City's franchised solid waste hauler, Waste Management of the Inland Valley at 1-800-423-9986, for disposal of construction debris.

34. 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.

**Electric Utility Department**

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

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

**Community Development Department**

36. 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.

37. 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.

38. 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

39. 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.

40. 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.

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

42. 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.

43. 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)

44. 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.

45. 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.

46. 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.
47. 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.

48. 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.

49. 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 west.

50. 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.

51. 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.

52. 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.

53. 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.

54. 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.

55. 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.

56. 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**

57. 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 the Issuance of Building Permit.**

**Community Development Department**

58. 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.

59. Public Works Inspection fees shall be paid in accordance with the fee schedule in effect at time of 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.

60. The applicant shall cause the two lots to be merged.

61. Obtain clearance and/or permits from the Banning Unified School District

62. 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 compliment 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.

63. 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.

64. 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.

65. 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.

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

67. Building and Safety plans shall be submitted for plan check and approval. All plans shall be marked with the project number (i.e., DR #11-802). 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.

68. 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.

69. 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

70. 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.

71. The developer shall provide for the relocation of any sewer or water mains that interfere with the proposed project.

72. 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.

73. 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.

74. 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.

75. 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.

76. Fire hydrants shall be installed within and on the project boundaries as per the approval plans, at a 250' maximum spacing.

77. Provide fire flow calculations for the project and construct the necessary facilities to meet those flows for the project.

78. 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.

Electric Utility Department

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

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

IV. Prior to the Issuance of Certificate of Occupancy.

Community Development Department

81. 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.

82. 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.

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

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

   1. Architecturally integrated into the design of the project.
   2. Separate pedestrian access that does not require the opening of the main doors and to include self-closing pedestrian doors.
3. Large enough to accommodate two trash bins (see Public Works Dept for details).
4. Trash bins with counter-weighted lids.
5. Architecturally treated overhead shade trellis, or cover.
6. Chain link screen on top to prevent trash from blowing out of the enclosure and designed to be hidden from view.

85. The buildings shall be constructed in substantial compliance with the design elements as depicted in plans approved by the Planning Commission at their regularly scheduled meeting held on May 4, 2011; and, in accordance with Zoning Code regulations.

86. 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.

87. 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.

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

89. 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).

90. 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.

91. 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.

92. 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.

93. 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.

94. All parking areas shall provide at least 30% permanent shading for parked vehicles within two years of occupancy.
95. 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.

96. 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**

97. 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.

98. 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.

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

100. An automatic sprinkler system and landscaping shall be installed, prior to occupancy of the development, within the parkway fronting Ramsey Street and any interior public spaces. 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.

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

102. All required public improvements for the project shall be completed, tested, and approved by the Engineering Division.

103. 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.

104. 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.
105. Monuments and center line ties shall be certified and submitted to the City Engineer for review and approval.

**Electric Utility Department**

106. The developer shall provide all conduits, vaults, and other materials associated with electric facility installations (except cables and their terminations).

107. The developer shall install Streetlight poles and conduits.

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

109. Pay required fees.

110. Grant required easements for electric facilities.

**FIRE DEPARTMENT**

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.

10. General Conditions

10. FIRE

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

10. FIRE 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 forgoing 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.

10. FIRE 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).

10. FIRE 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.

10. FIRE 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).

10. FIRE ROOFING MATERIAL

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

10. FIRE BLUE DOT REFLECTOR

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

10. FIRE 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.

10. FIRE 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 an 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)

10. FIRE 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. FIRE 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 classified using UFC Chapters 24 and 34, 2007 Edition, and NFPA 13, 2007 Edition guidelines by a licensed Fire protection Engineer (or other consultant to approve by this jurisdiction.)

10. FIRE 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.
10. FIRE  ADDRESS AT CONSTRUCTION

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.

10. FIRE  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.

60. PRIOR TO GRADING PERMIT ISSUANCE

60. FIRE  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."

80. PRIOR TO BUILDING PERMIT ISSUANCE

80. FIRE  ACCESS ROADS

All fire department access roads shall be as Banning Engineering standards, item #21 of the Building 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 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 radii may exist when detailed building drawings are submitted. [CFC Appendix D]

80. FIRE  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.

80. FIRE 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.”

80. FIRE DESIGNATED AREAS

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

80. FIRE 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)

80. FIRE 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.

90 FIRE SPRINKLER SYSTEM

Install a complete fire sprinkler system per NFPA 13 2010 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.

90. FIRE

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. Standard for this project will be NFPA 72, 2010 edition.

90. FIRE

HOOD DUCT EXTINGUISH SYSTEM

A U.L. 300 hood duct fire extinguishing system must be installed over cooking Equipment. Wet chemical extinguishing system must provide automatic Shutdown of all electrical components and outlets under the hood upon activation System must be installed by a licensed c-16 contractor. Plans must be submitted With current fee to the Fire Department for review and approval prior to installation

Note: A dedicated alarm system is not required to be installed for the exclusive Purpose of monitoring this suppression system. However, a new or pre-existing Alarm system must be connected to the extinguishing system. (*separate fire Alarm plans must be submitted for connection)
Attachment 2

(Location Map and Aerial Photograph)
Attachment 3

(Site Photographs)
Attachment 4

(Project Plans)
Attachment 5
(Typical Avigation Easement)
Typical Aviation Easement

This indenture made this _________ day of ________, 20__, between ______________________ hereinafter referred to as Grantor, and the [Insert County or City name], a political subdivision in the State of California, hereinafter referred to as Grantee.

The Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual and assignable easement over the following described parcel of land in which the Grantor holds a fee simple estate. [For military airports: Grantee shall hold said easement on behalf of the United States Government.] The property which is subject to this easement is depicted as ______________________ on “Exhibit A” attached and is more particularly described as follows:

[Insert legal description of real property]

The easement applies to the Airspace above an imaginary plane over the real property. The plane is described as follows:

The imaginary plane above the hereinbefore described real property, as such plane is defined by Part 77 of the Federal Aviation Regulations, and consists of a plane [describe approach, transition, or horizontal surface]; the elevation of said plane being based upon the ________ Airport official runway end elevation of ________ feet Above Mean Sea Level (AMSL), as determined by [Insert Name and Date of Survey or Airport Layout Plan that determines the elevation] the approximate dimensions of which said plane are described and shown on Exhibit A attached hereto and incorporated herein by reference.

The aforesaid easement and right-of-way includes, but is not limited to:

1. For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, or any aircraft, of any and all kinds now or hereafter known, in, through, across, or about any portion of the Airspace hereinabove described, and

2. The easement and right to cause or create, or permit or allow to be caused and created within all space above the existing surface of the hereinabove described real property and any and all Airspace laterally adjacent to said real property, such noise, vibration, currents and other effects of air illumination and fuel consumption as may be inherent in, or may arise or occur from or during the operation of aircraft of any and all kinds, now or hereafter known or used, for navigation of or flight in air, and

3. A continuing right to clear and keep clear from the Airspace any portions of buildings, structures or improvements of any kinds, and of trees or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees, or other things which extend into or above said Airspace, and the right to cut to the ground level and remove, any trees which extend into or above the Airspace; and

4. The right to mark and light, or cause or require to be marked and lighted, as obstructions to air navigation, any and all buildings, structures or other improvements, and trees or other objects, which extend into or above the Airspace; and

5. The right of ingress to, passage within, and egress from the hereinabove described real property, for the purposes described in subparagraphs (3) and (4) above at reasonable times and after reasonable notice.
For and on behalf of itself, its successors and assigns, the Grantor hereby covenants with the [Insert County or City name], for the direct benefit of the real property constituting the _________ Airport hereinafter described, that neither the Grantor, nor its successors in interest or assigns will construct, install, erect, place or grow, in or upon the hereinafore described real property, nor will they permit or allow any building structure, improvement, tree, or other object to extend into or above the Airspace so as to constitute an obstruction to air navigation or to obstruct or interfere with the use of the easement and rights-of-way herein granted.

The easements and rights-of-way herein granted shall be deemed both appurtenant to and for the direct benefit of that real property which constitutes the _________ Airport, in the [Insert County or City name], State of California; and shall further be deemed in gross, being conveyed to the Grantee for the benefit of [for public-use airports: the Grantee and any and all members of the general public] [for military airports: the United States Government] who may use said easement or right-of-way, in landing at, taking off from or operating such aircraft in or about the _________ Airport, or in otherwise flying through said Airspace.

Grantor, together with its successors in interest and assigns, hereby waives its right to legal action against Grantee, its successors or assigns for monetary damages or other redress due to impacts, as described in paragraph (2) of the granted rights of easement, associated with aircraft operations in the air or on the ground at the airport, including future increases in the volume or changes in location of said operations. Furthermore, Grantee, its successors, and assigns shall have no duty to avoid or mitigate such damages through physical modification of airport facilities or establishment or modification of aircraft operational procedures or restrictions. However, this waiver shall not apply if the airport role or character of its usage (as identified in an adopted airport master plan, for example) changes in a fundamental manner which could not reasonably have been anticipated at the time of the granting of this easement and which results in a substantial increase in the in the impacts associated with aircraft operations. Also, this grant of easement shall not operate to deprive the Grantor, its successors or assigns of any rights which may from time to time have against any air carrier or private operator for negligent or unlawful operation of aircraft.

These covenants and agreements run with the land and are binding upon the heirs, administrators, executors, successors and assigns of the Grantor, and, for the purpose of this instrument, the real property firstly hereinafore described is the servient tenement and said _________ Airport is the dominant tenement.

DATED: ________________

STATE OF ___

COUNTY OF ___

On ________________, before me, the undersigned, a Notary Public in and for said County and State personally appeared _______ and _______ known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

___________________________________________________________

Notary Public
CITY OF BANNING
PLANNING COMMISSION REPORT

DATE: May 4, 2011

TO: Mr. Chairman and Members of the Planning Commission

FROM: Zai Abu Bakar, Community Development Director

SUBJECT: DESIGN REVIEW (DR) #10-702/TENTATIVE PARCEL MAP (TPM) #36285; A REQUEST BY JMA VILLAGE, LLC-THE FROST COMPANY OF LAGUNA NIGUEL, CALIFORNIA TO CONSTRUCT A MIXED USE COMMERCIAL DEVELOPMENT ON A 5.25 ACRE PARCEL IN THE DOWNTOWN COMMERCIAL (DC) ZONE LOCATED SOUTH OF RAMSEY STREET EAST OF SAN GORGONIO AVENUE (APN 541-181-009, 010, 011, 012, 014, 023-028; 541-183-001, 002-004)

STAFF RECOMMENDATION:

The Planning Division recommends the Planning Commission take the following actions:

1. Adopt a Mitigated Negative Declaration in compliance with CEQA Guidelines and file a Notice of Determination with the Riverside County Clerk; and

2. Adopt PC Resolution No. 2011-02 recommending approval to City Council of Design Review (DR) #10-702 and Tentative Parcel Map (TPM) #36285 subject to conditions; and, findings of consistency with the General Plan regarding the acquisition of property at 220 E. Ramsey Street.

PROJECT/APPLICANT INFORMATION:

Project Location: South of Ramsey Street; east of San Gorgonio Avenue
APN Information: 541-181-009, 010, 011, 012, 014, 023-028; 541-183-001, 002-004
Project Applicant: JMA Village, LLC – The Frost Company
Property Owner(s): APN’s 541-181-009, 010, 011, 012, 014, 023-028, 541-183-004 – City of Banning Community Redevelopment Agency
APN 541-183-001 – Frederick H.L. & Audie P.H. Huang
APN’s 541-183-002, 003 – City of Banning
Project Architect: Mark Giles - DLR Group WWCOT
Redevelopment Area: yes
Specific Plan: no

PROJECT BACKGROUND AND DESCRIPTION:

Project Description

The applicant is requesting approval to construct a 68,955 square foot mixed use commercial development on a 5.25 acre parcel. Specifically, the project proposes the construction of approximately 13,500 square feet of office space; 29,955 square feet of hotel/office space; 13,500 square feet of retail space; and, 12,000 square feet of restaurant space (see Attachment 4 - Plans). Improvements to the site include a parking lot for approximately 360 vehicles, landscaping, utilities, and public improvements along Ramsey Street. The project includes approval of a Tentative Parcel Map and Design Review application.

Site Description

The project is located south of Ramsey Street and east of San Gorgonio Avenue (see Attachment 2-Location Map). The project area consists of fifteen parcels, Assessor’s Parcel Numbers (APN) 541-181-009, 010, 011, 012, 014, 023-028; 541-183-001, 002-004 totaling approximately 5.25 acres. The land is made up of portions of lots and blocks of the Amended Map of the Banning Land Company dated March 11, 1890.

The site is fully paved with little or no vacant ground sloping to the southeast and contains several buildings that will require demolition in order to proceed with the project (see Attachment 2 - Aerial Map). Additionally, property acquisition is required for 220 E. Ramsey Street, which is a separate item required to be considered by the Board of the Community Redevelopment Agency and the City Council. The Coplin House (12 S. San Gorgonio) and the Reid Building (54 S. San Gorgonio) are not a part of the project. Also, the building located at 60 E. Ramsey that contains the Chamber of Commerce and Gas Company is not a part of the project.

Ramsey Street, a paved arterial highway, is located immediately north of the site. Livingston Street is located immediately to the south of the site and the right-of-way is included in the proposed parking area for the project. Interstate 10 borders the southern boundary of the site.

Surrounding Land Use

The project is located in an urban environment in the Downtown Commercial (DC) zone that has been developed since the early part of the 20th century. Government offices are located to the north and across Ramsey Street that includes City Hall and the recently constructed Police Station. To the west are located the historic era buildings known as the Coplin House (12 S. San Gorgonio Avenue) and the Reid Building (54 S. San Gorgonio Avenue); across San Gorgonio Avenue is the Odd Fellows Building (25 S. San Gorgonio Avenue). East of the Project site is a self-storage facility and a small retail store. Livingston Street along with Interstate 10 serves as the southern border for the Project (see Attachment 2-Aerial Photo).
The nature of the surrounding uses, Zoning and General Plan land use designations are indicated in the following table.

### 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>Government office (City Hall &amp; Police Dept.)</td>
<td>Public Facilities-Government</td>
<td>Public Facilities</td>
</tr>
<tr>
<td>South</td>
<td>Interstate 10 freeway</td>
<td>Industrial (south of freeway)</td>
<td>Industrial (south of freeway)</td>
</tr>
<tr>
<td>East</td>
<td>Self storage, retail (Logan’s Liquor)</td>
<td>Downtown Commercial</td>
<td>Downtown Commercial</td>
</tr>
<tr>
<td>West</td>
<td>Commercial (Chamber of Commerce, Coplin House, Reid Building)</td>
<td>Downtown Commercial</td>
<td>Downtown Commercial</td>
</tr>
</tbody>
</table>

### PROJECT ANALYSIS:

#### Zoning

The proposed project is located in the Downtown Commercial (DC) zone. This area is the City’s traditional commercial core, and has special significance to the community because small scale commercial retail and office uses, services, restaurants, and entertainment retail are the primary uses in this district. Large single users in excess of 25,000 square feet are not appropriate in this district. Mixed Use, residential land uses in combination with commercial businesses, are also encouraged. Bed & breakfasts, hotels and motels are also appropriate in this district. Although, the proposed use is permitted, design review is required to assure that the proposed project conforms to development standards and design guidelines of the Zoning Ordinance.

#### Compliance with DC Development Standards

Below is a chart showing the minimum development standards for the Downtown Commercial (DC) zone as stated in Table 17.12.030; and, how the proposed project meets those standards.
<table>
<thead>
<tr>
<th>Development Standards</th>
<th>Required</th>
<th>Provided</th>
<th>Complies With Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>--</td>
<td>0.77 acres</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>--</td>
<td>137 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>--</td>
<td>128 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td>0 feet</td>
<td>10 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>0 feet</td>
<td>65 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>0 feet</td>
<td>30 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>75 %</td>
<td>30%</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>4/60 feet</td>
<td>3 story/36 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Fence/Wall Height</td>
<td>6 feet</td>
<td>0</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Site Design/Grading

The site will be accessed by 3 driveways; 1) the main driveway fronting Ramsey Street at the northeast corner of the site; 2) a driveway fronting San Gorgonio Avenue at the southwest corner of the project; 3) and, at the driveway located along Martin Street. The driveway around the proposed 3-story office/hotel is 28 feet wide to allow the fire department adequate access for protecting the taller building. Parking is set back from all access points along the street to allow at least one vehicle to enter and exit the parking lot without being blocked by vehicles pulling out from or into the parking spaces. This design feature helps reduce vehicle congestion along Ramsey Street and San Gorgonio Avenue by allowing vehicles to enter the site unobstructed. The onsite driveways provide for vehicle circulation in both directions. The design of the parking spaces and driveway comply with the requirements of the Parking Lot Design Standards of the Zoning Code.

The existing ground surface slopes to the southeast. The site was previously developed so any subsequent change in grading is considered minor. A precise grading plan will be submitted to the City Engineer for review and approval in accordance with the City's Grading Ordinance and a grading permit shall be issued prior to any construction activities taking place. The City's Grading Ordinance makes provision for dust prevention and control during construction, erosion and sediment control, protection of adjoining properties, water quality, and other regulations for grading.

Parking Requirements

Portions of Table 17.28.040.B “Commercial and Industrial Parking Requirements” of the Zoning Code are reproduced below. Based upon the uses proposed for the project (restaurant, hotel, retail, and office) the Zoning Ordinance for the City of Banning requires 341 total parking spaces.
for the Hotel Alternative and 378 total parking spaces for the office alternative. The off-street parking area proposed for the project will provide a total of 360 parking spaces. The Zoning Ordinance permits sharing of parking in order to efficiently utilize available parking. Generally, office parking is utilized from 8 a.m. to 5 p.m. during the work week. Peak parking demand for the restaurant use is generally after 5 p.m. Therefore, about one-half of the required office parking may be utilized for the restaurant uses that generally peak in the evenings. Additionally, the Zoning Ordinance allows available street parking to also be utilized. A parking summary is provided as follows. Additionally, one loading space is provided for each building.

Table 17.28.040B
Commercial and Industrial Parking Requirements

<table>
<thead>
<tr>
<th>Hotels/motels</th>
<th>1 space for each bedroom, plus requirements for related commercial uses, plus two spaces for manager's unit if any. For facilities visible from any freeway, on-site parking for &quot;big rigs&quot; shall be generous, and shall be determined by the Director as a result of the development review process.</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Offices</td>
<td>For up to 2000 square feet of gross floor area, one space for each 200 sq. ft. For 2001 to 7500 square feet of gross floor area, one space for each 250 sq ft. For over 7500 square feet of gross floor area, one space for each 300 sq ft.</td>
</tr>
<tr>
<td>Restaurants, cafes, bars and other eating and drinking facilities (gross floor area includes any outdoor seating, drinking and eating areas)</td>
<td>One space for each 35 sq feet of public seating area, plus one space for each 200 sq. ft. of all other gross floor area, with a minimum of ten spaces.</td>
</tr>
<tr>
<td>Retail commercial</td>
<td>One space for each 250 square feet of gross floor area</td>
</tr>
</tbody>
</table>

Parking Summary – Office Alternative

<table>
<thead>
<tr>
<th>Use</th>
<th>Building Area</th>
<th>Parking Required</th>
<th>Parking Provided Off Street</th>
<th>Shared Parking</th>
<th>Parking Provided Street</th>
<th>Total Parking Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building 1 (P4)</strong></td>
<td></td>
<td>106</td>
<td>134</td>
<td>(28)</td>
<td></td>
<td>106</td>
</tr>
<tr>
<td>Office</td>
<td>13,500 sf</td>
<td>52</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td>13,500 sf</td>
<td>54</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Building 2 (P3)</strong></td>
<td></td>
<td>64</td>
<td>46</td>
<td>18</td>
<td></td>
<td>64</td>
</tr>
<tr>
<td>*Restaurant</td>
<td>3,000 sf</td>
<td>52</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td>3,000 sf</td>
<td>12</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Building 3 (P1)</strong></td>
<td></td>
<td>101</td>
<td>35</td>
<td>48</td>
<td>18</td>
<td>101</td>
</tr>
<tr>
<td>*Restaurant</td>
<td>6,000 sf</td>
<td>101</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Building 4 (P2)</strong></td>
<td></td>
<td>107</td>
<td>145</td>
<td>(38)</td>
<td></td>
<td>107</td>
</tr>
<tr>
<td>Office</td>
<td>29,955 sf</td>
<td>107</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>68,955</td>
<td>378</td>
<td>360</td>
<td>66</td>
<td>18</td>
<td>378</td>
</tr>
</tbody>
</table>

*Assume public seating area at 50% of total building area.
### Parking Summary – Hotel Alternative

<table>
<thead>
<tr>
<th>Use</th>
<th>Building Area</th>
<th>Parking Required</th>
<th>Parking Provided Off Street</th>
<th>Shared Parking</th>
<th>Parking Provided Street</th>
<th>Total Parking Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building 1 (P4)</td>
<td>13,500 sf</td>
<td>106</td>
<td>134</td>
<td>(28)</td>
<td></td>
<td>106</td>
</tr>
<tr>
<td>Office</td>
<td></td>
<td>52</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td></td>
<td>54</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building 2 (P3)</td>
<td>64</td>
<td>64</td>
<td>46</td>
<td>18</td>
<td></td>
<td>64</td>
</tr>
<tr>
<td>*Restaurant</td>
<td>3,000 sf</td>
<td>52</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td>3,000 sf</td>
<td>12</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building 3 (P1)</td>
<td>101</td>
<td>101</td>
<td>35</td>
<td>66</td>
<td></td>
<td>101</td>
</tr>
<tr>
<td>*Restaurant</td>
<td>6,000 sf</td>
<td>101</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building 4 (P2)</td>
<td>70</td>
<td>70</td>
<td>145</td>
<td>(56)</td>
<td></td>
<td>89</td>
</tr>
<tr>
<td>Hotel</td>
<td>29,955 sf</td>
<td>70</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>68,955</strong></td>
<td><strong>341</strong></td>
<td><strong>360</strong></td>
<td><strong>84</strong></td>
<td></td>
<td><strong>360</strong></td>
</tr>
</tbody>
</table>

*Assume public seating area at 50% of total building area.

### Vehicle Trip Reduction

Vehicle trip reduction principles are required to be incorporated into projects that employ 100 persons or more as required in Chapter 8.60 of the Banning Municipal Code. The purpose of these requirements is to reduce the number of vehicle trips and thus improve traffic congestion and air quality. Using the methodology in the code, it is calculated that the proposed project will generate 145 employees for the office alternative, and 126 employees for the hotel alternative. A reduction of 12% of vehicle trips is the goal of the City program.

The project itself is a mixed use development that provides office, retail, hotel, and restaurant use all within the development. A key characteristic of a multi-use development is that trips among the various land uses can be made on site. These internal trips can be made either by walking or by vehicle entirely on internal pathways or internal roadways without using streets external to the site. Therefore, the traffic study utilized a 10 percent internal capture rate for all project land uses.

Table 4-4 reproduced below from the traffic study presents the internal trip discount assumed for the proposed project and calculates the driveway volume as the total project trip generation minus the internal trip-ends. The driveway volume is the volume that enters or exits the site at the project driveways.
Table 4-4 – Internal Trips

<table>
<thead>
<tr>
<th>Trips</th>
<th>AM Peak Hour</th>
<th></th>
<th>PM Peak Hour</th>
<th></th>
<th>Daily</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>In</td>
<td>Out</td>
<td>Total</td>
<td>In</td>
</tr>
<tr>
<td>Project Trip Generation</td>
<td>284</td>
<td>171</td>
<td>113</td>
<td>460</td>
<td>211</td>
</tr>
<tr>
<td>Internal Trips¹ (10%)</td>
<td>(28)</td>
<td>(14)</td>
<td>(14)</td>
<td>(46)</td>
<td>(23)</td>
</tr>
<tr>
<td><strong>= DRIVEWAY VOLUME</strong></td>
<td><strong>256</strong></td>
<td><strong>157</strong></td>
<td><strong>99</strong></td>
<td><strong>414</strong></td>
<td><strong>168</strong></td>
</tr>
</tbody>
</table>

¹ Internal trips between General Office Building, Shopping Center, High-Turnover (Sit-Down) Restaurant, and Hotel.

Additionally, the code allows the developer to incorporate facilities into the project to attain the trip reduction goals. The following facilities are incorporated into the project and are stipulated in the conditions of approval:

1. Preferential parking for carpool vehicles
2. Bicycle parking
3. Information center for transportation alternatives
4. Bus stop (Ramsey Street)
5. Road improvements (Ramsey Street)
6. Facilities to encourage telecommuting (office buildings)
7. On-site amenities such as restaurants.

The internal trips calculated above along with the facilities incorporated into the project for the purpose of reducing traffic congestion and improving air quality represent a good faith effort in meeting the twelve percent trip reduction goal.

Architectural Design

The design and architecture of new development and redevelopment in the Downtown Commercial district shall be consistent with the Ramsey Street Corridor Charette (Design Guidelines). The guidelines contain Mission, Craftsman, and Adobe Ranch architectural themes. The proposed buildings reflect the Mission style architectural theme with some adaptations. The project architect has incorporated elements (the window design) from the proposed Riverside Mid-County Courthouse architectural design (located across Ramsey Street and to the east) into the proposed project.

Significant wall articulation adds to the desirable elements of the building’s architectural design that includes stucco walls with stone facing, decorative wall sconce lighting fixtures, and cornice. Other desirable design elements of the proposed building include a multi-planed tiled roof, a covered walkway, awnings, trellis, and integrated hardscape (landscape boulders, decomposed granite, etc.) along with other architectural decoration. Landscaping features include iron tree grates, terra cotta potted plants with outdoor pedestrian seating areas (see Exhibit 4-Project Plans). Pedestrian walks around the buildings will be surfaced with paving stones.

Pedestrian walks connecting buildings and at the driveways will be finished with decorative paving.
Landscaping and Lighting Design

The landscaping design and construction emphasizes drought tolerant features as required by State and Zoning Code regulations for the purpose of conserving water. Specified tree types include Thornless Palo Verde and Australian Willow; shrub types include Mexican Evening Primrose and New Mexico Feather Grass. All plant types require little to moderate watering with some types requiring no additional watering at all. No turf is proposed for this project. A landscape documentation package that includes a water conservation statement shall be required at time of construction for approval of the final landscape design plans.

The Parking Lot Design Standards of the Zoning Code require that at least 15% of the parking area be landscaped. The parking area as proposed in the design plans is approximately 168,300 square feet. Therefore, the minimum landscape area is 25,245 square feet. The applicant is proposing 25,258 square feet of landscaping in the parking area, along with 29,000 square feet of hardscape, which is more than the minimum square footage required.

Exterior lighting is conditioned to be shielded or recessed so that light is contained within the boundaries of the parcel on which the lighting is located. All lighting shall be directed downward and away from adjoining properties and public rights-of-way. Additionally, 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 (see Attachment 5).

Property Acquisition 220 E. Ramsey Street

The project site includes a parcel located at 220 E. Ramsey Street (southeast corner of Ramsey and Alessandro Road; APN 541-183-001) that is privately-owned. This parcel is approximately 0.35 acres (15,372 square feet). Acquisition of the parcel is necessary to accommodate the widening of Ramsey Street as required by the proposed project. Widening Ramsey Street will provide additional room for vehicles using the roadway, as well as provide room to place a sidewalk that provides pedestrian access that includes ADA (Americans with Disability Act) access to and from the project site.

The Redevelopment Agency is in the process of acquiring the property. Property acquisition is a subject matter that is to be considered by the Redevelopment Agency. The Planning Commission's responsibility for this matter is to make findings that the acquisition of the property is consistent with the General Plan.

The project is consistent with the General Plan Land Use Element Commercial Goal of providing "complementary commercial uses which meet the needs of the City's residents, increase the City's revenues, and provide a range of employment opportunities". Additionally, the project is consistent with the General Plan Land Use Element Policy 2.B, which states: "The Redevelopment Agency shall consider land purchases which allow for the consolidation of smaller, under-utilized commercial sites into larger more useable parcels, to be marketed to the development community".

The project is also consistent with the General Plan Circulation Element Policy 13.A which states: "All development and redevelopment proposals for the Downtown area shall include..."
enhanced sidewalk, pedestrian walkway, lighting and landscape designs and assure connections to existing and planned sidewalks”.

To implement these goals and policies of the General Plan, the acquisition of 220 E. Ramsey is necessary.

Additionally, on June 12, 1978, the City Council adopted Ordinance No. 709, which approved the Redevelopment Plan (the “Plan”) for the Downtown Redevelopment Project (the “Downtown Project Area”) and has amended the Plan for the Downtown Project Area on several occasions. On June 10, 1986, the City Council adopted Ordinance No. 906, which approved the Plan for the Midway Redevelopment Project (the “Midway Project Area”) and has amended the Plan for the Midway Project Area on several occasions. On February 26, 2002, the City Council adopted Ordinance No. 1280, which merged the Downtown Project Area and the Midway Project Area (the “Merged Project Area”) and has amended the Plan for the Merged Project Area on several occasions.

The intent of the Redevelopment Plan is, in part, to provide for the development and redevelopment of blighted areas in the community; to provide the general welfare of the people within the community by improving physical and economic conditions through employment of all appropriate means; to perform specific actions necessary to promote the redevelopment and the economic revitalization of the Project Area; to provide for the construction and installation of necessary public infrastructure and facilities and facilitate the repair, restoration, and/or replacement of existing public facilities; to increase, improve and preserve the community’s supply of low and moderate income housing, some of which may be located or implemented outside the Project Area; and to take all other necessary actions to implement the Redevelopment Plan for the Project Area and to expend tax increment to accomplish the goals and objectives of the Redevelopment Plan. The implementation of the Village at Paseo San Gorgonio is to eliminate blight, including physical and environmental blight consistent with the Redevelopment Plan.

The Agency also adopted its Five-Year Implementation Plan on November 9, 2010 for the Project Area (the “Implementation Plan”) with established goals to eliminate blight and support the development of affordable housing, economic development, community revitalization, commercial revitalization, and institutional revitalization, and to implement the programs and activities associated with these goals. One of the projects that is included in the Five-Year Implementation Plan states the following:

“Facilitate the development of Agency-owned, controlled or recently sold property within the Redevelopment Area inclusive of, but not limited to, the Village at Paseo San Gorgonio project site, the Justice Center site, industrial property near the airport, 2301 W. Ramsey Street and other sites that have been or may be acquired by the Agency.”

The implementation of the Village at Paseo San Gorgonio Project is consistent with the adopted Five-Year Implementation Plan for Year 2010-2014.

Projects Near Airports

The site is located in Zone “D” airport compatibility zone as identified in the Riverside County Airport Land Use Compatibility Plan dated October 14, 2008 for Banning Municipal Airport.
This zone is described as the extended approach/departure zone and as such is subject to 55-60
db-CNEL (Community Noise Equivalent Level) noise contour and aircraft flying below 1,000
feet altitude. Object heights in this zone are restricted to as little as 100 feet above ground
elevation. On April 14, 2011 the proposed project was considered by the Riverside County
Airport Land Use Commission (ALUC) and it was found that the project, as proposed, was
conditionally consistent with Airport Land Use Compatibility Plan. The conditions imposed by
the ALUC review are included in Attachment 5.

**Tentative Parcel Map**

The project site consists of 15 parcels under various ownerships. The applicant is proposing
consolidating the various pieces of property into 4 parcels corresponding to the 4 buildings that
are proposed for the project. The parking, access, and maintenance including landscaping of the
overall site will be established through agreements that will be finalized by the developer prior to
building permit application. There is no minimum lot size as a development standard in the DC
zone. The table below summarizes Tentative Parcel Map #36285.

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Area in Acres</th>
<th>Corresponding Building</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel 1</td>
<td>0.77 acres</td>
<td>Building 3 (Restaurant)</td>
</tr>
<tr>
<td>Parcel 2</td>
<td>1.85 acres</td>
<td>Building 4 (Hotel/office)</td>
</tr>
<tr>
<td>Parcel 3</td>
<td>0.78 acres</td>
<td>Building 2 (Restaurant/retail)</td>
</tr>
<tr>
<td>Parcel 4</td>
<td>1.85 acres</td>
<td>Building 1 (Office/retail)</td>
</tr>
</tbody>
</table>

**Conclusion**

Staff recommends approval of the subject Design Review and Tentative Parcel Map as the
proposed project is consistent with the requirements of the General Plan and Zoning Code. The
project adequately meets the performance standards and design guidelines as discussed in the
staff report; or, will meet those requirements as stated in the conditions of approval and upon
review and approval of the construction plans and specifications.

**ENVIRONMENTAL RESOURCES:**

**Biological Resources**

Biological resources represent the plants and wildlife species and ecosystems and habitats that
contribute to an area's natural setting. The project site is located within an urbanized area of the
City of Banning. The site contains buildings and pavement. Vegetation on the site is limited to
planted landscape trees. The site is developed and disturbed regularly by activities related to the
existing businesses and events using the paved parking area. There are no areas of the site where
the land is depressed and water is retained to support wetlands. A landscaping plan will be prepared
for the project that provides for the replacement of the planted trees in accordance with the Zoning Ordinance for the City of Banning.

The project will be required to pay a local development mitigation fee for funding the preservation of natural ecosystems in accordance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The purpose of the plan is to protect the existing character of the city and the region through the implementation of a system of reserves which will provide for permanent open space, community edges, and habitat conservation for species covered by the MSHCP.

Cultural Resources

Cultural resources provide residents with a meaningful sense of history and heritage. The site is not listed in the National Register of Historic Places (NRHP). Review of the California State Historic Register of Historic Resources, California Historical Landmarks, and California Points of Interest indicates that the site is not registered or designated as a historic place.

The General Plan identifies the downtown area of the City as concentrated with early 20th century buildings. Table IV-11 reproduced from the General Plan in Exhibit B identifies one Historic Era Building the San Gorgonio Inn/Bryant House located at 150 E. Ramsey Street; property number 33-8356. On July 27, 2010, the Community Redevelopment Agency for the City of Banning certified the Environmental Impact Report (EIR) for the San Gorgonio Inn Demolition (SCH No. 200911103). Along with the EIR, a Mitigation Monitoring and Reporting Program was approved and is reproduced in Exhibit D of the Initial Study. Mitigation Measure CR-1 is incorporated into this project as a condition of approval that a monument be included in any future plans for the development of the site. The monument memorializes the spot where the Bryant House/Banning Hotel once stood.

Additionally, Table IV-11 from the General Plan identifies the downtown block bounded by Ramsey Street, Livingston Street, San Gorgonio Avenue and Murray Street as Historic Downtown Banning (property number 33-12425). The building located at 280 E. Ramsey Street is located within that block. A Records Research dated January 20, 2011, was performed for that building by CRM TECH of Colton, California. The results of the records search recommended that the project area be further surveyed for cultural resources. The subsequent survey performed by CRM TECH of Colton, California determined that no part of the site or building at that location was found to have any historical or cultural value.

Geotechnical Hazards

A geotechnical investigation was prepared for the project by Southern California Geotechnical of Yorba Linda, California dated May 5, 2010. Section 6 of the report concluded that based on the results of their review, field exploration, laboratory testing, and geotechnical analysis the proposed development is considered feasible from a geotechnical standpoint provided that the recommendations of the report are addressed.

The project is not located in Alquist-Priolo Zone, therefore the possibility of significant fault rupture is considered to be low. Additionally, the proposed development must be designed in accordance with the requirements of the California Building Code (CBC) Seismic Design Parameters. The CBC provides procedures for earthquake resistant structural design that include
considerations for on-site soils conditions, occupancy, and the configuration of the structure including structural system and height.

The City of Banning General Plan Exhibit V-4 indicates that the site is located within a zone of moderate liquefaction susceptibility. Therefore, a site specific liquefaction evaluation was performed by Southern California Geotechnical. As part of the evaluation, a ground boring was extended to a depth of 50 feet. This boring did not encounter any free water within the depth explored. Free water is required for liquefaction to occur. Additionally, research of several wells in the vicinity of the project indicated that historic groundwater was located at least a 100 feet below grade. Based upon the lack of any water present within the area explored by the test borings, and the historic groundwater data reviewed in the report, liquefaction is not considered to be a design concern for the project.

The geotechnical investigation did not identify any soil conditions of concern other than those standard conditions that will be addressed during the grading operation. The recommendations of the report will be made part of the grading plans through the project conditions of approval and in accordance with the “Grading Ordinance” for the City of Banning.

Additionally, a grading plan shall be required in connection with the preparation of the construction documents.

Hydrology

A review of the hydrology addresses potential drainage and flooding hazards for the project. Exhibit V-5 of the General Plan (GP) identifies that the site is located within an area of shallow flooding. Specifically, the GP explains as follows:

"Areas between limits of the 100-year and 500-year flood; or certain areas subject to 100-year flooding with average depths less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from base flood".

A Hydrology Report was prepared by Albert A. Webb Associates concluded that the hydrologic conditions proposed by the project would basically mimic the existing site and that no change in drainage patterns would occur. Additionally, a grading plan is required in connection with the site development. The buildings as proposed in the project will be designed in accordance with the “Grading Ordinance” for the City of Banning that includes design of building floor elevations to protect the structures from potential flood damage.

Construction of the project would require demolition and grading activities that could result in a temporary increase in erosion affecting the quality of storm water runoff. This increase in erosion is expected to be minimal, due to the flatness of the site. Also, Section 18.06.140 of the “Grading Ordinance” will require an Erosion and Sediment Control Plan to be implemented during construction of the project.

For post construction activities, a Preliminary Water Quality Management Plan recommends that the project’s runoff flow rate, volume, velocity and duration for the post development condition mimic the pre-development conditions and incorporate site design considerations to improve water quality. A Final Water Quality Management Plan (WQMP) is required to be approved
before construction of the project. The recommendations of the WQMP will be incorporated into the project design and practices.

Noise

A review of the potential noise levels for a project is intended to coordinate the land use with the existing and future noise environment. Noise levels impact the quality of life, and therefore a consideration of this subject allows the opportunity to minimize those impacts through land use and project design.

The Noise Element of the City of Banning General Plan coordinates land use with existing and future noise environment. Noise is measured in decibels (dB). The A-weighted decibel (dBA) approximates the subjective response of the ear to noise source by discriminating against the very low and very high frequencies in the spectrum. Table V-3 of the GP identifies that the existing noise contour of 70 dBA extends approximately 84 from Interstate 10 east of San Gorgonio, while the 65 dBA contour extends to approximately 805 feet. Table V-4 of the GP identifies that office buildings, business, and commercial uses are compatible with noise environments up to 65 dBA. However, any building placed within 84 feet of Interstate 10 (70 dBA noise contour) will require that a noise study be performed and that noise insulation features be incorporated into the design to reduce the noise impact to acceptable levels.

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

Noise impacts upon persons associated with aircraft operations are less than the existing Interstate 10 noise contours identified in the City’s General Plan; and, therefore noise impacts from aircraft operations are considered less than significant.

Traffic

A traffic impact analysis was prepared by Albert A. Webb Associates dated March 2011. The proposed project is anticipated to generate approximately 3,035 net new daily trip-ends, including 188 trip-ends during the AM peak hour and 316 trip-ends during the PM peak hour. The report analyzed roadway capacity, and level of service and determined that the traffic generated from the proposed project will not significantly impact any of the study intersections and roadway segments.

Roadways

Construction of the following roadways shall conform to City of Banning Standards:

- Construct half width improvements on the southerly side of Ramsey Street at its ultimate cross section as an arterial highway, a major highway or equivalent (two lanes in each direction with left-turn pockets) adjacent to project boundary line. (Ramsey Street is included in the TUMF secondary network as an ultimate 4 lane facility)

- Construct half width improvements (driveway improvements) on the easterly side of San Gorgonio Avenue at its ultimate cross-section as a secondary highway or
equivalent (two lanes in each direction without left-turn pockets) adjacent to project boundary line.

**Intersections**

- Construct the intersection (Project Driveway) of San Gorgonio Avenue and Livingston Street with the following minimum geometrics:
  
  Northbound: One shared left-turn, through and right-turn lane.
  Southbound: One shared left-turn, through and right-turn lane.
  Eastbound: One shared left-turn, through and right-turn lane. Stop controlled.
  Westbound: One shared left-turn, through and right-turn lane. Stop controlled.

- Construct the intersection of Alessandro Road and Ramsey Street (Project Driveway) with the following minimum geometrics:
  
  Northbound: One shared left-turn, through and right-turn lane. Stop controlled.

Additionally, the project will participate in the cost of off-site improvements through payment of the following “fair share” mitigation fees:

- Transportation Uniform Mitigation Fee (TUMF) prior to construction (regional)
- Traffic Signal Mitigation Fee prior to construction (local).

**Air Quality**

Traffic has an effect on the physical, social and economic environment of the City. The efficient movement of vehicular and non-vehicular traffic is critical to the normal day-to-day functioning of the community. Vehicle trip generation is less than significant according to the traffic analysis.

The project is located within the South Coast Air Quality Management District (SCAQMD). An Air Quality Impact Analysis (AQIA) was prepared by Albert A. Webb Associates dated January 14, 2010, evaluating whether the expected criteria air pollutant emissions generated as a result of construction and operation of the proposed project would cause exceedances of SCAQMD’s thresholds for air resources in the project area. The report concluded that the projects construction and operations emissions will not exceed any established thresholds or standards for criteria pollutants and no mitigation is required.

A Technical Memorandum prepared by Albert A. Webb Associates dated March 3, 2011, supplements the AQIA previously referenced regarding Greenhouse Gas emissions. In September 2006, Governor Arnold Schwarzenegger signed Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006. AB 32 directs the California Air Resources Board (CARB) to implement regulations for a cap on sources or categories of sources of GHG emissions. The bill requires that CARB develop regulations to reduce emissions with an enforcement mechanism to ensure that the reductions are achieved, and to disclose how it arrives at the cap. Other regulations both federal and state apply to the control of greenhouse gases and may be reviewed in detail in the reference AQIA and supplement. The results of the analysis
indicate that the proposed project will be consistent with AB 32 by reducing GHG emissions by 35 percent. Therefore, the project’s new operational emissions do not constitute a substantial increase in emissions and will not result in a significant increase to impacts on the environment. Mitigation Measures as listed in the project Mitigated Negative Declaration are proposed to lessen the less than significant impacts related to greenhouse gas emissions.

ENVIRONMENTAL FINDINGS:

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

1. California Environmental Quality Act (CEQA):

   a) **Review Period:** That the City has provided the public review period for the Mitigated Negative Declaration for the duration required under CEQA Guidelines Sections 15073 and 15105. The public review period was from March 25, 2011 to April 25, 2011.

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

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

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

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

2. **Wildlife Resources.**

   Pursuant to Title 14, California Code of Regulations § 753.5(c), the Planning Commission has determined, based on consideration of the whole record before it, that there is no
evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. Furthermore, on the basis of substantial evidence, the Planning Commission hereby finds that any presumption of adverse impact has adequately been rebutted. Therefore, pursuant to Fish and Game Code § 711.4(c)(2)(B) and Title 14, California Code of Regulations, § 753.5(a)(3), the project is not required to pay Fish and Game Department filing fees.

3. Multiple Species Habitat Conservation Plan (MSHCP).

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

REQUIRED FINDINGS FOR DESIGN REVIEW:

The Zoning Code requires that each Design Review (BMC §17.56.050) and tentative parcel map application meet certain findings in order to be approved by the Planning Commission. The following findings are provided for Commission consideration:

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

Findings of Fact: 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”. The land-use designation of Downtown Commercial (DC) allows a mixed use commercial development as a permitted use. The proposed project will provide 13,500 square feet of office space; 29,955 square feet of hotel/office space; 13,500 square feet of retail space; and, 12,000 square feet of restaurant space for the community.

Further, the project is consistent with General Plan Economic Development Policy which states: “The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues”. The proposed project will generate an estimated 145 jobs for the office alternative and 126 jobs for the hotel alternative, and generate sales tax from retail sales.

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 proposed project is consistent with the Zoning Ordinance and the development standards of the DC zone, including setbacks, building height, building coverage on the lot. The project is proposed on property that was previously developed consisting of several parcels. The Tentative Parcel Map proposes to combine the existing parcels and make four commercial parcels suitable for the proposed development and in compliance with the Zoning Ordinance. The proposed parcels are in compliance with the commercial development standards for the DC zone as it pertains to lot size, width, and depth.
The Zoning Ordinance requires 341 total parking spaces for the hotel alternative and 378 total parking spaces for the office alternative. The proposed project provides 360 parking spaces for the hotel alternative and 378 parking spaces for the office alternative utilizing shared parking and limited street parking as allowed by the Zoning Ordinance. The project provides 25,258 square feet (or 15%) of landscaping in the parking area as required by the Zoning Ordinance.

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.

Findings of Fact: The proposed project has provided site and circulation layout design in such a way that the project will not interfere with the use and enjoyment of existing and future development. The developer shall coordinate/design pedestrian and vehicle access with the existing adjacent buildings located immediately west of the project. The proposed project provides three vehicle access driveways, one fronting San Gorgonio Avenue, one fronting Ramsey Street, and the third via Martin Street providing sufficient and secondary vehicle access for the commercial development. The proposed project provides pedestrian walks around the individual buildings. Additionally, the project has been reviewed by the City Engineer and Fire Department with regard to site circulation for pedestrian and motor vehicles and emergency access, which will not result in vehicular and/or pedestrian hazards.

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

Finding of Fact: The proposed use will not impair the integrity and character of the DC land use district in which it is to be located because it is surrounded by existing developments and on Ramsey Street corridor which is a long-established commercial corridor. Government offices are located to the north and across Ramsey Street that includes City Hall and the recently constructed Police Station. To the west are located the historic era buildings known as the Coplin House (12 S. San Gorgonio Avenue) and the Reid Building (54 S. San Gorgonio Avenue); across San Gorgonio Avenue is the Odd Fellows Building (25 S. San Gorgonio Avenue). East of the Project site is a self-storage facility and a small retail store. The building architecture and site circulation and landscaping has been designed in a way that the project is compatible with the character of the surrounding neighborhood.

REQUIRED FINDINGS FOR TENTATIVE PARCEL MAP:

In accordance with Banning Municipal Code Chapter 16.08 and §17.44.010 and Government Code §66463, §66473.1, §66473.5 and §66474, the Planning Commission, in light of the whole record before it, including but not limited to the Community Development Department’s staff report and all documents incorporated by reference therein, the City’s General Plan, Subdivision Ordinance, Zoning Ordinance, standards for public streets and facilities, and the City’s commercial design guidelines and any other evidence within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

Finding No. 1: Tentative Parcel Map #36285 is consistent and compatible with the objectives, policies, general land uses, and programs specified the City’s General Plan.
Finding of Fact: The General Plan land use designation for the site is Downtown Commercial (DC), which allows commercial development. The Tentative Parcel Map proposes to combine the existing parcels and make four commercial parcels suitable for the proposed development and in compliance with the Zoning Ordinance. The proposed parcels are in compliance with the commercial development standards for the DC zone as it pertains to lot size, width, and depth. Considering all of these aspects, the proposed Map furthers the objectives and policies of the General Plan and is compatible with the general land uses as specified in the General Plan.

Finding No. 2: The design and improvement of the subdivision proposed under Tentative Parcel Map #36285 is consistent with the City’s General Plan.

Finding of Fact: The proposed subdivision has been designed to meet City standards which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities have been designed and are conditioned to be constructed in conformance with City standards.

Finding No. 3: The site is physically suitable for the type of development proposed under Tentative Parcel Map #36285.

Finding of Fact: The site is generally rectangular and sloping to the southeast and consists of 5.25 acres. The site is located within a shallow flood plane; however, this condition is mitigated through the requirements of the Grading Ordinance and preparation of a grading plan in connection with the site development. No major geologic hazards have been reported on the site or other limited conditions that would render it unsuitable for commercial development.

Finding No. 4: The design of the subdivision and improvements proposed under Tentative Parcel Map #36285, is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Finding of Fact: The project site is located within an urbanized area of the City of Banning. The site contains buildings and pavement. Vegetation on the site is limited to planted landscape trees. The site is developed and disturbed regularly by activities related to the existing businesses and events using the paved parking area. There are no areas of the site where the land is depressed and water is retained to support wetlands. There is no evidence that any endangered, threatened or listed species of plant or animal, or its habitat, is located on the site. In addition, this project has been conditioned to comply with the environmental policies and regulations of the City of Banning and those of all local and regional governmental agencies having jurisdiction over the site.

Finding No. 5: The design of the subdivision and improvements proposed under Tentative Parcel Map #36285, is not likely to cause serious public health problems.

Finding of Fact: The design of the subdivision is in conformance with the City's General Plan, Zoning Ordinance, and Subdivision Ordinance, the construction of all buildings on the site has been conditioned to comply with all applicable City of Banning ordinances, codes, and standards including, but not limited to, the California Building Code, the City’s
Ordinances relating to Stormwater runoff management and controls. In addition, the design and construction of all improvements for the subdivision has been conditioned to be in conformance with adopted 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 fronting the subdivision will provide emergency vehicular access to the development.

Finding No. 6: The design of the subdivision and improvements proposed under Tentative Parcel Map #36285, 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: An easement for public access across the site (Livingston Street) has been disclosed in a search of the title records for the property. The subdivision has been designed to replace the previously existing easements (Livingston Street) with alternative access easements that provide reasonable access to the public across the site in a manner substantially equivalent to the previously existing easements. Additionally, public utility easements shall be reserved for all utilities.

Finding No. 7: The design of the subdivision proposed Tentative Parcel Map #36285, adequately provides for future passive or natural heating and cooling opportunities in the subdivision.

Finding of Fact: Taking into consideration local climate and the existing contour and configuration of the site and its surroundings, the size and configuration of lots within the proposed subdivision have been arranged, to the greatest extent feasible, to permit orientation of structures in an east-west alignment for southern exposure, or to take advantage of natural shade, or to take advantage of prevailing breezes.

REQUIRED FINDINGS FOR ACQUISITION OF 220 E. RAMSEY STREET:

Finding No. 1: The acquisition of the property commonly known as 220 E. Ramsey Street is consistent with the City's General Plan.

Finding of Fact: The project is consistent with the General Plan Land Use Element Commercial Goal of providing "complementary commercial uses which meet the needs of the City's residents, increase the City's revenues, and provide a range of employment opportunities". Additionally, the project is consistent with the General Plan Land Use Element Policy 2.B, which states: "The Redevelopment Agency shall consider land purchases which allow for the consolidation of smaller, under-utilized commercial sites into larger more useable parcels, to be marketed to the development community". The proposed project will generate an estimated 145 jobs for the office alternative and 126 jobs for the hotel alternative, and generate sales tax from retail sales. The developer has submitted an application for Tentative Parcel Map #36285 that proposes consolidating 15 existing parcels into 4 commercial parcels for retail, restaurant, office and/or hotel use.

The project is also consistent with the General Plan Circulation Element Policy 13.A which states: "All development and redevelopment proposals for the Downtown area shall include enhanced sidewalk, pedestrian walkway, lighting and landscape designs and assure
connections to existing and planned sidewalks”. The developer is proposing constructing sidewalks connecting the different buildings located within the development as well as along the street frontage using paving stones. Landscaping and lighting consistent with the downtown area are also proposed.

PUBLIC COMMUNICATION:

The proposed project was advertised in the Record Gazette newspaper, and notices were mailed to all property owners within a 300-foot radius of the site on March 25, 2011 and April 22, 2011. As of the date of this report, staff has not received any verbal or written comments for or against the proposed project.

The initial study and proposed mitigation and monitoring program was submitted to the State Clearinghouse. The review period was March 25, 2011, to April 25, 2011, 30 days. Comment letters were received from the Public Utilities Commission (PUC), Caltrans District 8, and Morongo Band of Mission Indians. The comments received were addressed during project review.

Additionally the project developer held at least four public meetings at different times from January 20, 2011, through March 8, 2011, to discuss the project.

PREPARED BY:

[Signature]
Brian Guillot
Assistant Planner

APPROVED BY:

[Signature]
Zai Abu Bakar
Community Development Director

PC Attachments:

1. PC Resolution No. 2011-02 with Conditions of Approval
2. Location Map, Assessor’s Parcel Map (APN), and Aerial Photograph
3. Site Photographs
4. Project Plans
6. Initial Study and Mitigation and Monitoring Program.
Attachment 1

(PC Resolution No. 2011-02 with Conditions of Approval)
RESOLUTION NO. 2011-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA ADOPTING INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PLAN, RECOMMENDING APPROVAL TO CITY COUNCIL OF DESIGN REVIEW (DR) #10-702 AND TENTATIVE PARCEL MAP #36285 TO CONSTRUCT A MIXED USE COMMERCIAL DEVELOPMENT ON A 5.25 ACRE PARCEL IN THE DOWNTOWN COMMERCIAL (DC) ZONE LOCATED SOUTH OF RAMSEY STREET EAST OF SAN GORGONIO AVENUE.

WHEREAS, an application for a Design Review and Tentative Parcel Map to construct a mixed use commercial development has been duly filed by:

Applicant/Owner: JMA Village, LLC/various
Authorized Agent: Mark Frost – The Frost Company
Project Location: South of Ramsey Street, east of San Gorgonio Avenue
APN Number: 541-181-009, 010, 011, 012, 014, 023-028; 541-183-001, 002-004
Lot Area: 5.25 Acres

WHEREAS, the Planning Commission has the authority per Chapter 17.56 of the Banning Municipal Code to take action on Design Review #10-702 to construct a mixed use commercial development on a 5.25 acre parcel in the Downtown Commercial (DC) zone located South of Ramsey Street, east of San Gorgonio Avenue; and

WHEREAS, the Planning Commission recommends approval to City Council of the acquisition of the property commonly known as 220 E. Ramsey Street, and approval of Tentative Parcel Map #36285 per Chapter 17.44 of the Banning Municipal Code in connection with the subject Design Review; and

WHEREAS, Section 17.44.020 of the Banning Municipal Code provides that the highest level of review authority approve multiple applications, which would make Planning Commissions action a recommendation to City Council; 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 25, 2011, through April 25, 2011; and

WHEREAS, on March 25, 2011 and April 22, 2011, the City gave public notice by advertisement in the Record Gazette newspaper and mailed notice to property owners within 300 feet of the site of the holding of a public hearing at which the project would be considered; and,

WHEREAS, on May 4, 2011, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the
Design Review and Tentative Parcel Map #36285 and at which the Planning Commission considered the Design Review and Tentative Parcel Map; and

WHEREAS, at this public hearing on May 4, 2011, the Planning Commission considered, heard public comments on and adopted a Mitigated Negative Declaration and Mitigation Monitoring Program for the project;

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

SECTION 1 ENVIRONMENTAL FINDINGS.

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

1. California Environmental Quality Act (CEQA):

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

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

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

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

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

Pursuant to Title 14, California Code of Regulations § 753.5(c), the Planning Commission has determined, based on consideration of the whole record before it, that there is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. Furthermore, on the basis of substantial evidence, the Planning Commission hereby finds that any presumption of adverse impact has adequately been rebutted. Therefore, pursuant to Fish and Game Code § 711.4(c)(2)(B) and Title 14, California Code of Regulations, § 753.5(a)(3), the project is not required to pay Fish and Game Department filing fees.

3. **Multiple Species Habitat Conservation Plan (MSHCP).**

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

**SECTION 2. REQUIRED FINDINGS FOR DESIGN REVIEW.**

The Zoning Code requires that each Design Review (BMC §17.56.050) application meet certain findings in order to be approved by the Planning Commission. The following findings are findings for Design Review:

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

**Findings of Fact:** 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". The land-use designation of Downtown Commercial (DC) allows a mixed use commercial development as a permitted use. The proposed project will provide 13,500 square feet of office space; 29,955 square feet of hotel/office space; 13,500 square feet of retail space; and, 12,000 square feet of restaurant space for the community.

Further, the project is consistent with General Plan Economic Development Policy which states: "The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues". The proposed project will generate an estimated 145 jobs for the office alternative and 126 jobs for the hotel alternative, and generate sales tax from retail sales.

**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 proposed project is consistent with the Zoning Ordinance and the development standards of the DC zone, including setbacks, building height, building coverage on the lot. The project is proposed on property that was previously developed
consisting of several parcels. The Tentative Parcel Map proposes to combine the existing parcels and make four commercial parcels suitable for the proposed development and in compliance with the Zoning Ordinance. The proposed parcels are in compliance with the commercial development standards for the DC zone as it pertains to lot size, width, and depth.

The Zoning Ordinance requires 341 total parking spaces for the hotel alternative and 378 total parking spaces for the office alternative. The proposed project provides 360 parking spaces for the hotel alternative and 378 parking spaces for the office alternative utilizing shared parking and limited street parking as allowed by the Zoning Ordinance. The project provides 25,258 square feet (or 15%) of landscaping in the parking area as required by the Zoning Ordinance.

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.

Findings of Fact: The proposed project has provided site and circulation layout design in such a way that the project will not interfere with the use and enjoyment of existing and future development. The developer shall coordinate/design pedestrian and vehicle access with the existing adjacent buildings located immediately west of the project. The proposed project provides three vehicle access driveways, one fronting San Gorgonio Avenue, one fronting Ramsey Street, and the third via Martin Street providing sufficient and secondary vehicle access for the commercial development. The proposed project provides pedestrian walks around the individual buildings. Additionally, the project has been reviewed by the City Engineer and Fire Department with regard to site circulation for pedestrian and motor vehicles and emergency access, which will not result in vehicular and/or pedestrian hazards.

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

Finding of Fact: The proposed use will not impair the integrity and character of the DC land use district in which it is to be located because it is surrounded by existing developments and on Ramsey Street corridor which is a long-established commercial corridor. Government offices are located to the north and across Ramsey Street that includes City Hall and the recently constructed Police Station. To the west are located the historic era buildings known as the Coplin House (12 S. San Gorgonio Avenue) and the Reid Building (54 S. San Gorgonio Avenue); across San Gorgonio Avenue is the Odd Fellows Building (25 S. San Gorgonio Avenue). East of the Project site is a self-storage facility and a small retail store. The building architecture and site circulation and landscaping has been designed in a way that the project is compatible with the character of the surrounding neighborhood.

SECTION 3 REQUIRED FINDINGS FOR TENTATIVE PARCEL MAP.

In accordance with Banning Municipal Code Chapter 16.08 and §17.44.010 and Government Code §66463, §66473.1, §66473.5 and §66474, the Planning Commission, in light of the whole
Finding No. 1: Tentative Parcel Map #36285 is consistent and compatible with the objectives, policies, general land uses, and programs specified the City's General Plan.

Finding of Fact: The General Plan land use designation for the site is Downtown Commercial (DC), which allows commercial development. The Tentative Parcel Map proposes to combine the existing parcels and make four commercial parcels suitable for the proposed development and in compliance with the Zoning Ordinance. The proposed parcels are in compliance with the commercial development standards for the DC zone as it pertains to lot size, width, and depth. Considering all of these aspects, the proposed Map furthers the objectives and policies of the General Plan and is compatible with the general land uses specific in the General Plan.

Finding No. 2: The design and improvement of the subdivision proposed under Tentative Parcel Map #36285 is consistent with the City's General Plan.

Finding of Fact: The proposed subdivision has been designed to meet City standards which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities have been designed and are conditioned to be constructed in conformance with City standards.

Finding No. 3: The site is physically suitable for the type of development proposed under Tentative Parcel Map #36285.

Finding of Fact: The site is generally rectangular and sloping to the southeast and consists of 5.25 acres. The site is located within a shallow flood plane; however, this condition is mitigated through the requirements of the Grading Ordinance and preparation of a grading plan in connection with the site development. No major geologic hazards have been reported on the site or other limited conditions that would render it unsuitable for commercial development.

Finding No. 4: The design of the subdivision and improvements proposed under Tentative Parcel Map #36285, is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Finding of Fact: The project site is located within an urbanized area of the City of Banning. The site contains buildings and pavement. Vegetation on the site is limited to planted landscape trees. The site is developed and disturbed regularly by activities related to the existing businesses and events using the paved parking area. There are no areas of the site where the land is depressed and water is retained to support wetlands. There is no evidence that any endangered, threatened or listed species of plant or animal, or its habitat, is located on the
site. In addition, this project has been conditioned to comply with the environmental policies and regulations of the City of Banning and those of all local and regional governmental agencies having jurisdiction over the site.

Finding No. 5: The design of the subdivision and improvements proposed under Tentative Parcel Map #36285, is not likely to cause serious public health problems.

Finding of Fact: The design of the subdivision is in conformance with the City’s General Plan, Zoning Ordinance, and Subdivision Ordinance, the construction of all buildings on the site has been conditioned to comply with all applicable City of Banning ordinances, codes, and standards including, but not limited to, the California Uniform Building Code, the City’s Ordinances relating to Stormwater runoff management and controls. In addition, the design and construction of all improvements for the subdivision has been conditioned to be in conformance with adopted 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 fronting the subdivision will provide emergency vehicular access to the development.

Finding No. 6: The design of the subdivision and improvements proposed under Tentative Parcel Map #36285, 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: An easement for public access across the site (Livingston Street) has been disclosed in a search of the title records for the property. The subdivision has been designed to replace the previously existing easements (Livingston Street) with alternative access easements that provide reasonable access to the public across the site in a manner substantially equivalent to the previously existing easements. Additionally, public utility easements shall be reserved for all utilities.

Finding No. 7: The design of the subdivision proposed Tentative Parcel Map #36285, adequately provides for future passive or natural heating and cooling opportunities in the subdivision.

Finding of Fact: Taking into consideration local climate and the existing contour and configuration of the site and its surroundings, the size and configuration of lots within the proposed subdivision have been arranged, to the greatest extent feasible, to permit orientation of structures in an east-west alignment for southern exposure, or to take advantage of natural shade, or to take advantage of prevailing breezes.

SECTION 4 REQUIRED FINDINGS FOR ACQUISITION OF 220 E. RAMSEY STREET.

Finding No. 1: The acquisition of the property commonly known as 220 E. Ramsey Street is consistent with the City’s General Plan.

Finding of Fact: The project is consistent with the General Plan Land Use Element Commercial Goal of providing “complementary commercial uses which meet the needs of
the City’s residents, increase the City’s revenues, and provide a range of employment opportunities”. Additionally, the project is consistent with the General Plan Land Use Element Policy 2.B, which states: “The Redevelopment Agency shall consider land purchases which allow for the consolidation of smaller, under-utilized commercial sites into larger more useable parcels, to be marketed to the development community”. The proposed project will generate an estimated 145 jobs for the office alternative and 126 jobs for the hotel alternative, and generate sales tax from retail sales. The developer has submitted an application for Tentative Parcel Map #36285 that proposes consolidating 15 existing parcels into 4 commercial parcels for retail, restaurant, office and/or hotel use.

The project is also consistent with the General Plan Circulation Element Policy 13.A which states: “All development and redevelopment proposals for the Downtown area shall include enhanced sidewalk, pedestrian walkway, lighting and landscape designs and assure connections to existing and planned sidewalks”. The developer is proposing constructing sidewalks connecting the different buildings located within the development as well as along the street frontage using paving stones. Landscaping and lighting consistent with the downtown area are also proposed.

SECTION 5. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. 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. Adopt Planning Commission Resolution No. 2011-02 recommending approval to City Council of Design Review (DR) #10-702 and Tentative Parcel Map (TPM) #36285 subject to Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.
PASSED, APPROVED AND ADOPTED this 4th day of May, 2011.

Dennis Arterberry, Vice-Chairman
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

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

ATTEST:

Virginia Sorenson, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2011-02, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of May, 2011, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
EXHIBIT A

PROJECT #: Design Review (DR) #10-702 / Tentative Parcel Map #36285

SUBJECT: Conditions of Approval*

APPLICANT: JMA Village, LLC - The Frost Company

LOCATION: Ramsey Street east of San Gorgonio Avenue

I. General/On-Going.

* All fair share agreements, covenant agreements and agreements subject to recordation
will be subject to review and approval by the City Attorney and will include appropriate
enforcement provisions by the City and be properly securitized.

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. These conditions of approval are subject to and may be revised, added to, or amended by the Disposition and Development Agreement to be approved by City Council.

3. 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.

4. 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 onetime 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.

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 as stipulated by the Airport Land Use Commission (ALUC) project review held on April 14, 2011, and any amendments; including any requirements stipulated by the Federal Aviation Administration (FAA) Aeronautical Study.

7. The site shall be developed and maintained in accordance with the plans stamped approved by the City dated May 4, 2011, 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 24 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. Exterior wall mounted lighting shall be decorative 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.

16. The buildings used in the development for office use shall designate one preferred parking space for carpool vehicles.

17. The developer shall provide a bicycle parking spot including a rack to secure bicycles.

18. The office buildings shall be designed to accommodate telecommuting facilities.

19. If the 29,955 square foot building is developed as an office, the developer shall prepare a trip reduction program for the office building. This will include an information center for transportation alternatives.

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. Comply with all environmental mitigation measures, as detailed in the Environmental Impact Report (EIR) San Gorgonio Inn Demolition and the Mitigation Monitoring and Reporting Plan, as adopted by the City of Banning Community Redevelopment Agency.

25. 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 May 4, 2011.

26. 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

27. 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.

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

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

30. The developer shall make provision for a pull-out bus bay fronting Ramsey Street.

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

32. 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).

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<tr>
<th>Plan Type</th>
<th>Scale</th>
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<tbody>
<tr>
<td>Rough Grading Plans</td>
<td>1&quot; = 40' horizontal</td>
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<tr>
<td>Precise Grading Plans</td>
<td>1&quot; = 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&quot; = 40' horizontal</td>
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<tr>
<td>Clearing Plans</td>
<td>1&quot; = 50' horizontal</td>
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(Include fuel modifications zones)
(Include construction fencing plan)
Erosion Control & Storm Water
Pollution Prevention Plan (SWPPP) \(1" = 40'\) horizontal
(Note: a, b, c & d shall be reviewed and approved concurrently)
Storm Drain Plans \(1" = 40'\) horizontal
Street Improvement Plans \(1" = 40'\) horizontal
\(1" = 4'\) vertical
Traffic Signal Plans (Caltrans Standard) \(1" = 20'\) horizontal
Signing & Striping Plans \(1" = 40'\) Horizontal
Construction Traffic Control Plan \(1" = 40'\) Horizontal
(Major or arterial highways only)
Landscaping Plans-Streets \(1"=20'\) Horizontal
Water and Sewer Improvement Plans \(1" = 40'\) horizontal
\(1" = 4'\) vertical

33. 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.

34. 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.

35. 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.

36. 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.

37. 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 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 easement to the City Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the City Engineer prior to the issuance of any certificate of use and/or occupancy.

38. The project shall provide two separate and approved access points to the public right-of-way (secondary access).

39. All street improvement design shall provide pavement and lane transitions per Caltrans standards for transition to existing street sections.
40. 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.

41. 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 in accordance with the approved landscape and irrigation plan. This includes providing irrigation and the clearing of debris and weed removal.

42. The onsite driveway accessing Parcel 1 and Parcel 2 that serves the 3-story building shall be 28 feet wide minimum.

43. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City's franchised solid waste hauler, Waste Management of the Inland Valley at 1-800-423-9986, for disposal of construction debris.

44. 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.

45. 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. 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.

**Electric Utility Department**

46. The Electric Utility shall be notified of any changes to the site plans, & load calculations.

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

**Community Development Department**

47. 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.

48. The developer shall coordinate/design pedestrian and vehicle access with the existing adjacent buildings located immediately west of the project. This may include removing and/or replacing portions of the pedestrian walks and vehicle drives in order to comply with current design standards.
49. A tree removal and replacement plan shall be required for the removal and replacement of all trees in excess of 50 years of age, unless their removal is required to protect the public health and safety.

50. 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.

51. 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

52. 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.

53. 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.

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

55. 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.

56. 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)
57. 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.

58. 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.

59. 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.

60. 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.

61. 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.

62. 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 west.

63. 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.

64. 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.

65. 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.

66. 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.

67. 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.

68. 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.

69. 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**

70. Protect in place any existing electric utility infrastructure vaults, power poles etc.
III. Prior to Filing of Final Map.

Public Works Department

71. The City and Developer are to enter into a Development Agreement (DA) to guarantee the construction of the public improvements as listed in the Conditions of Approval and as shown on the approved plans. 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.

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

73. Offer to dedicate to the City of Banning for public purposes the right-of-way for Ramsey Street fronting the site as an Arterial Highway; 46 feet one-half width. Offers of dedication shall include the corner cut-off at intersections.

74. Offer to dedicate to the City of Banning for public purposes the access and utility easements along the vacated Livingston Street.

75. 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.

76. Prepare plans for full half street improvements in accordance with City standards along Ramsey Street from San Gorgonio Avenue to a point easterly of Martin 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.

77. Design and construct the following water lines;

   i. There is an existing 12" D.I.P. Water line on Ramsey Street, a 10" CML&W (Steel) line on Alessandro Road and a 10" CML&W (Steel) on Livingston Street. Buildings will not be allowed to be constructed over these water lines. Currently the existing lines are within existing streets, if said streets are to be vacated a 20' easement shall be reserved.
ii. Design and construct an 8" D.I.P. water line on Martin Street from Ramsey Street to Livingston Street. Submit Water Improvement Plans to the Public Works Department, Engineering Division for review and approval.

iii. A backflow device must be installed on all commercial buildings and at each irrigation water connection. The backflow device must be in compliance with the State Department of Health Regulations.

iv. Construct an 8" D.I.P. on Martin Street from Ramsey Street to Livingston Street.

v. Fire Services will require a Double Detector Check or RPP Device.

vi. Install necessary blowoff and airvac assemblies at the low and high points, respectfully.

vii. Pay all applicable water connection and frontage fees per Chapter 13.08 “Water, Sewer and Electricity Rates” of the Banning Municipal Code prior to the issuance of a building permit.

78. Design and construct the following sewer lines and facilities:

i. There are two existing 8” VCP sewer lines that run parallel with San Gorgonio Avenue approximately 150’ and 347’ east of the centerline of San Gorgonio Avenue, a 15” VCP sewer line on Livingston Street and an 8” VCP sewer line on Alessandro Road. Buildings will not be allowed to be constructed over these sewer lines without the construction of new sewer mains. The existing easements shall remain for these facilities unless relocated.

ii. Submit Sewer Improvement Plans to the Public Works Department, Engineering Division for review and approval.

iii. Properly sized grease interceptors shall be required of restaurant facilities.

iv. Pay all applicable sewer connection and frontage fees per Chapter 13.08 “Water, Sewer and Electricity Rates” of the Banning Municipal Code prior to the issuance of a building permit.

79. 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.

80. Public Works Inspection fees shall be paid in accordance with the fee schedule in effect at time of 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.

81. 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.

82. 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.

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

84. 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.

85. 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.

**Electric Utility Department**

86. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. These plans are required in electronic format. We currently use AutoCad2010. 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. An area(s) is will be required for on site electric distribution equipment, pad mounted transformer(s), vault(s) & service equipment etc. The area must be sufficient for safe operation and maintenance.

**IV. Prior to the Issuance of Building Permit.**

**Community Development Department**

87. The project shall implement, at a minimum, and require an increase in building energy efficiency of 15 percent beyond Title 24, and reduce indoor water use by 25 percent. All requirements will be documented through a checklist to be submitted prior to issuance of any building permits with building plans and calculations.
Any building placed within 84 feet of Interstate 10 (70 dBA noise contour) will require that a noise study be performed and that noise insulation features be incorporated into the design to reduce the noise impact to acceptable levels.

Construct the Roadway Improvements and place the traffic striping improvements in accordance with the traffic impact analysis prepared by Albert A. Webb Associates dated March 1, 2011.

The applicant shall cause the final map to be recorded.

Provide a reciprocal parking plan/agreement for the proposed parcels based on the required parking for the project.

The developer shall obtain Design Review approval from the Planning Commission regarding the requirement for Art in Public Places (see BMC §17.12.020.H.3).

The developer shall obtain Design Review approval from the Planning Commission regarding the requirement for a sign program for the overall development.

Obtain clearance and/or permits from the Banning Unified School District.

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 compliment 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.

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.

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.
98. 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.

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

100. Building and Safety plans shall be submitted for plan check and approval. All plans shall be marked with the project number (i.e., DR #10-702). The applicant shall comply with 2010 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.

101. 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.

102. 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

103. The developer shall provide for the relocation of any sewer or water mains that interfere with the proposed project.

104. 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.

105. 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.

106. 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. Conferron 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.

107. 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.

108. Fire hydrants shall be installed within and on the project boundaries as per the approval
plans, and/or as approved by the Fire Department.

109. Provide fire flow calculations for the project and construct the necessary facilities to meet
those flows for the project.

110. The site is located within an airport safety zone as designated in the Riverside County
Airport Land Use Compatibility Plan. The project shall be submitted to the Riverside
Airport Land Use Commission for a consistency determination.

111. 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.

Electric Utility Department

112. Pay required fees- Engineering, Planning, Inspection and the cost of electric apparatus for
completing the primary electric service lateral and Street lighting. The City of Banning
Electric Utility commercial service costs are not fixed, but are based on actual cost to
install the new service. The cost of each service varies based on project location, service
size, and electrical distribution equipment and material needed to service the project.

V. Prior to the Issuance of Certificate of Occupancy.

Community Development Department

113. In order to reduce energy consumption from the proposed project development,
applicable plans (e.g., electrical plans, improvement maps, etc.) submitted to the City
shall include the installation of energy efficient street lighting throughout the project site.
These plans shall be reviewed and approved by the Electric Utility, Public Works Department and Building and Safety Division.

114. Place a small monument plaque dedicated to several of the town founders at or near the spot where the Bryant House/Banning Hotel once stood. The monument shall be at least 5 feet tall with a metal plaque set in stone and exhibit etched pictures of the San Gorgonio Inn, the Bryant House/Banning Hotel, and a short discussion of the City of Banning founders and the significance of the Hotel Block. The monument shall be protected in place from any future development.

115. The developer shall install the Art in Public Places as required by the Zoning Ordinance prior to the occupancy of any unit within the development. Any proposed art shall be approved by the Planning Commission through the Design Review process.

116. 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.

117. 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.

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

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

1. Architecturally integrated into the design of the project.
2. Separate pedestrian access that does not require the opening of the main doors and to include self-closing pedestrian doors.
3. Large enough to accommodate two trash bins (see Public Works Dept for details).
4. Trash bins with counter-weighted lids.
5. Architecturally treated overhead shade trellis, or cover.
6. Chain link screen on top to prevent trash from blowing out of the enclosure and designed to be hidden from view.

120. 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 May 4, 2010; and, in accordance with Zoning Code regulations.

121. 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.

122. 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.

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

124. 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).

125. 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.

126. 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.

127. 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.

128. 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 compliment the architecture of the existing buildings.

129. All parking areas shall provide at least 30% permanent landscape shading for parked vehicles within two years of occupancy.

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

131. 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

132. 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.

133. 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.

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

135. Construct full street improvements in accordance with City standards fronting Martin Street including street lighting, curb and gutter, commercial style drive approaches, sidewalk, and asphalt concrete paving, traffic signs and striping, and any transitions. Street lights shall be installed offset of the existing street lights. Applicant’s geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

136. Construct necessary street improvements to obtain 38 feet minimum pavement width in accordance with City standards along Ramsey Street fronting the property including street lighting, curb and gutter, sidewalk, asphalt concrete paving, traffic signs and striping, and any transitions. Applicant’s geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.

137. An automatic sprinkler system and landscaping shall be installed, prior to occupancy of the first unit of the development, within the parkway fronting Ramsey Street, Martin Street and San Gorgonio Avenue, and any interior public spaces. 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.

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

139. 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.

140. 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.

141. Monuments and center line ties shall be certified and submitted to the City Engineer for review and approval.
Electric Utility Department

142. Grant easements for electric facilities installation / maintenance, etc. Building & Safety will need to sign a release before any new service is energized. Power cannot be released until the service conductor is pulled in and terminated at the new service panel. The customer must apply for a new electric service account with the C.O.B. Utility Billing Department located at City Hall (99 E. Ramsey St.) Utility Billing will fax a Meter Release Form to the Electric Utility. The Electric Utility will coordinate the meter set with the customer.

143. Provide for the undergrounding of the overhead utility facilities located along Alessandro Road along with the overhead utility facilities located along the frontage of Livingston Street.

144. The developer shall provide all conduits, vaults, and other materials associated with electric facility installations (except cables and their terminations).

145. The developer shall install streetlight poles, fixtures, pullbox, and conduits along the project frontage, and as directed by the City Engineer.

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

POLICE DEPARTMENT

147. Prior to occupancy of the first unit the developer shall provide for a Police Department radio repeater to be placed on the roof of the development. The developer shall submit specifications for review and approval of the Police Department prior to installation.

148. The developer shall install a video surveillance system to view the public areas of the development that may be viewed by police dispatchers. The developer shall submit specifications for review and approval of the Police Department prior to installation.

FIRE DEPARTMENT

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.

10. General Conditions

10. FIRE

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

10. FIRE 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).

10. FIRE 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.

10. FIRE 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).
10. FIRE ROOFING MATERIAL

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

10. FIRE 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.

10. FIRE 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.

10. FIRE 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 an 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)

10. FIRE 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. FIRE 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 classified using UFC Chapters 24 and 34, 2007 Edition, and NFPA 13, 2007 Edition guidelines by a licensed Fire protection Engineer (or other consultant to approve by this jurisdiction.)

10. FIRE

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 without 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.

10. FIRE

ADDRESS AT CONSTRUCTION

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.

10. FIRE

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.

60. PRIOR TO GRADING PERMIT ISSUANCE

60. FIRE

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.”

80. PRIOR TO BUILDING PERMIT ISSUANCE

80. FIRE

ACCESS ROADS

All fire department access roads shall be as Banning Engineering standards, item #21 of the Building 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 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 radiiuses may exist when detailed building drawings are submitted. [CFC Appendix D]

80. FIRE 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.

80. FIRE 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.”

90. FIRE DESIGNATED AREAS

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

90. FIRE 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)
90. FIRE  
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.

90 FIRE  
SPRINKLER SYSTEM

Install a complete fire sprinkler system per NFPA 13 2010 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.

90. FIRE  
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. Standard for this project will be NFPA 72, 2010 edition.

90. FIRE  
HOOD DUCT EXTIG SYSTEM

A U.L. 300 hood duct fire extinguishing system must be installed over cooking Equipment. Wet chemical extinguishing system must provide automatic Shutdown of all electrical components and outlets under the hood upon activation System must be installed by a licensed c-16 contractor. Plans must be submitted With current fee to the Fire Department for review and approval prior to installation

Note: A dedicated alarm system is not required to be installed for the exclusive Purpose of monitoring this suppression system. However, a new or pre existing Alarm system must be connected to the extinguishing system. (*separate fire Alarm plans must be submitted for connection)
Attachment 2

(Location Map and Aerial Photograph)
Attachment 3

(Site Photographs)
Looking westerly along Ramsey Street

Looking southeasterly from Ramsey Street
Exhibit "4"

(Project Plans)
TANKS, CHAIRS, BENCHES - LANDSCAPED FORMS
TYPE: WELSH 923
UMBRELLA BY SUNDRELLA

RECOMPOSTED GRANITE - YPC ROCK
TYPE: BAJA BROWN W/ STAB

LANDSCAPE Boulders - YPC ROCK
TYPE: ANGULAR BAJA LA CRESTA GREY 4'

DOUBLE RIM

ROCKS - TERRACOTTA
TYPE: TERRA COTTA

PLAIN ELECTRIC FOR

TREE CRATES - IRON W/ WIRE
TYPE: CONCRETE 1/2" SLOTS

WALKING STONES - ANGULAR
TYPE: 24X12X12 COLOUR: TUSCAN

LANDSCAPE/HARDSCAPE
NO SCALE

THE FROST COMPANY

VILLAGE AT PASEO SAN GORCIONG
SEC OF SAN GORCIONG AVENUE & RAMSEY STREET, BANNING, CA

APRIL 22, 2011
PRELIMINARY DESIGN

310.855.6000 Ext. 1080
310.855.6000 Ext. 1074
T. 310.855.6000 Ext. 1080
F. 310.855.6000 Ext. 1073
L. 310.855.6000 Ext. 1080

310.855.6000 Ext. 1080
310.855.6000 Ext. 1074
T. 310.855.6000 Ext. 1080
F. 310.855.6000 Ext. 1073
L. 310.855.6000 Ext. 1080
Attachment 5

(ALUC Staff Report)
AGENDA ITEM: 3.3

HEARING DATE: April 14, 2011

CASE NUMBER: ZAP1008BA11 - JMA Village, LLC/The Frost Company/City of Banning Community Redevelopment Agency (Engineer: Albert A. Webb and Associates)

APPROVING JURISDICTION: City of Banning

JURISDICTION CASE NO.: Design Review: DR #10-702
Tentative Parcel Map: TPM 36285

MAJOR ISSUES: Use of the Building Code Method with concentrations of people determined in accordance with Appendix C indicates an average intensity of 138 persons per gross acre and single-acre intensities of up to 350 persons per acre in the acre that includes Buildings 3 and 4. However, the single-acre intensity can be reduced to 300 or less if it is assumed that the serving area does not exceed 90% of restaurant area in Building 2 and 70% of restaurant area in Building 3. Additionally, the average intensity of the project may be found consistent if the Commission chooses to use the Parking Space Method. The applicant has proposed an alternative approach which allows the average intensity to be found consistent using the Building Code Method with certain additional assumptions and limitations. The project is located at a considerably higher elevation than the airport; consequently, FAA notice is required. There are no issues with the parcel map.

RECOMMENDATION: Staff recommends a finding of CONSISTENCY for the parcel map. Provided that Form 7460-1 is submitted to the Federal Aviation Administration and is recognized as a “Work in Progress” prior to the hearing, staff recommends a finding of CONDITIONAL CONSISTENCY with the 2004 Banning Municipal Airport Land Use Compatibility Plan for the Design Review.

PROJECT DESCRIPTION: Design Review No. 10-702 is a proposal to develop a 68,955 square foot mixed use commercial development (including retail, office, hotel, and restaurant uses) with four buildings on 5.25 net acres. Tentative Parcel Map No. 36285 is a proposal to divide the property into four lots, so that each building would be located on its individual lot.

PROJECT LOCATION: The site is located southerly of Ramsey Street, westerly of Martin Street, easterly of San Gorgonio Avenue, and northerly of Interstate 10 in the City of Banning, approximately 4,400 feet north/northwesterly of Runway 8-26 at Banning Municipal Airport.
LAND USE PLAN: 2004 Banning Municipal Airport Land Use Compatibility Plan

Adjacent Airport:

a. Airport Influence Area: Banning Municipal Airport
b. Land Use Policy: Airport Compatibility Zone D
c. Noise Levels: 55-60 CNEL

BACKGROUND:

Nonresidential Average Intensity: The site is located in Airport Compatibility Zone D. Nonresidential intensity in Airport Zone D is restricted to an average of 100 persons per acre. The “Building Code Method” for calculating intensity utilizes “minimum floor area per occupant” criteria from the Building Code as a factor in projecting intensity. Pursuant to Appendix C, Table C-1, of the Riverside County Airport Land Use Compatibility Plan, the intensity of retail sales areas has been determined to be one person per 30 square feet, the intensity of restaurant serving area has been determined to be one person per 15 square feet, the intensity of office areas has been determined to be one person per 100 square feet, and the intensity of hotels and commercial kitchens has been determined to be one person per 200 square feet. Based on the Building Area Summary specified on the site plan dated March 9, 2011, if the most intense land uses are selected for Buildings 2 and 4, the project would include 43,455 square feet of office area, 13,500 square feet of retail area, and 12,000 square feet of restaurant area, for a total occupancy of 1,685 people. However, Appendix C recommends that Building Code occupancy levels be reduced by 50 percent, at least for retail and office uses. This would reduce total occupancy to 1,242 people. (Use of the 50 percent reduction for the restaurant area as well would reduce the total occupancy projection to 843 persons.)

To determine the average intensity, we divide by the gross acreage, which equals the property area, plus the area included in the half-widths of adjoining streets. The associated parcel map indicates that the four proposed parcels have a total area of 5.25 acres. An additional 0.24 acre is the “Lot A” area being dedicated for the Ramsey Street right-of-way. The site has 930.26 feet of frontage on Ramsey Street and Martin Street, each of which has a 30-foot half-width, which adds an additional 0.64 acre to the gross area, bringing the total area to 6.13 acres. The average intensity, then, based on this method, is not less than (843 divided by 6.13), or 138 persons per acre. This exceeds allowable average intensity levels by 38 percent.

A second method for determining total occupancy involves multiplying the number of parking spaces provided or required (whichever is greater) by average vehicle occupancy (assumed to be 1.5 persons per vehicle in the absence of more precise data). As with other projects involving retail uses, there is a real dichotomy in results if one compares the Building Code Method with the Parking Space Method of determining total intensity. Based on the number of parking spaces provided (379 spaces,
one above the City minimum standards), the total occupancy would be estimated at 569 persons.

The Airport Land Use Commission has previously been willing to utilize the Parking Space Method to determine consistency of commercial retail projects (primarily in the Bermuda Dunes area), in situations where the vast majority of customers would arrive and depart by private automobile.

It should be noted that the Banning Municipal Airport Land Use Compatibility Plan was adopted in 2004. Since that time, Mead & Hunt has continued to refine methods for determining concentration of population intensities for nonresidential development. In the Draft Airport Land Use Compatibility Plan for Ontario International Airport (Table 2-2), the following occupancy load factors are suggested: one person per 60 square feet for restaurants, one person per 110 to 170 square feet for retail uses, one person per 200 square feet for hotels and lodging, and one person per 215 square feet for offices. If these load factors are applied to this project using the hotel option, the total occupancy would be \((13500 \text{ divided by } 215) + (29955 \text{ divided by } 200) + (13500 \text{ divided by } 110) + (12000 \text{ divided by } 60)\) = \([63 + 150 + 123 + 200] = 536\), for an average intensity of 87 persons per acre. This would be consistent with the Airport Compatibility Zone D average intensity limit of 100 persons per acre.

**Nonresidential Single-Acre Intensity:** Nonresidential single-acre intensity is restricted to 300 persons in any given acre within Airport Compatibility Zone D. This level may be increased up to 390 with use of risk-reduction design features, including, but not limited to, the following possible mitigation measures: limiting buildings to a single story; enhancing the fire sprinkler system; increasing the number of emergency exits; upgrading the strength of the building roof; avoiding skylights; limiting the number and size of windows; and using concrete walls. The portions of this project including the three-story hotel building would not be eligible for the full risk-reduction bonus.

Staff review indicates that, using the Building Code Method for evaluation, including the 50 percent reduction for all uses, the acre centered on Building 1 would meet the single-acre intensity limit of 300 persons, with an occupancy of 293 persons, provided that retail use is confined to the ground floor, with offices above. The acre including all of Building 2, plus those portions of Building 1 located less than 210 feet from the easterly wall of Building 2, would have a single-acre intensity of 312 persons if the entire 6,000 square foot restaurant were serving area. However, if we assume that 10 percent of the restaurant is kitchen area, the single-acre intensity is reduced to 293 persons. If Building 2 were half retail and half restaurant serving area, the single-acre intensity would be further reduced to 262 persons.

The single-acre area including Buildings 3 and 4 is more problematic. Approximately 150 persons may be expected to occupy a 30,000 square foot building, using either offices with a 50 percent reduction or the Building Code standard for hotels (one person per 200 square feet). This acre would have an intensity of 350 persons if the entire 6,000 square foot restaurant (Building 3) were serving area. However, if we assume that 30 percent of this restaurant is kitchen area, the single-acre intensity is reduced to 299 persons. Thus, with reasonable assumptions about kitchen area in the
Staff Report
Page 4 of 6

restaurants, we can find that the project would comply with single-acre intensity limitations.

This approach would still result in a total intensity of 775 persons and an average intensity of 126 persons per acre.

City of Banning Request: The City of Banning has made a formal request to the Airport Land Use Commission that nonresidential intensity levels in Airport Compatibility Zone D be increased to an average of 150 persons per acre and a single-acre intensity of 450 persons, in accordance with the levels adopted for French Valley, Chino, and downtown Perris. ALUC has established this proposed Compatibility Plan amendment as a high priority for action in the future, but this project is unable to wait for such an amendment to take effect, as the City plans to consider this project at a Planning Commission meeting on May 4, 2011, with City Council action later that month. This project would be consistent with such criteria without additional intensity restrictions.

Applicant’s Proposal to Address Average Intensity: In the event that the Commission is not willing to utilize the Parking Space Method to find the average intensity of this project consistent, the applicant has proposed an additional approach to finding the project’s average intensity consistent using the Building Code Method. The applicant’s approach differs from staff’s approach as follows: (a) it applies the 50 percent reduction to restaurant kitchen areas as well as restaurant seating areas, retail space, and offices; (b) for the office buildings, it uses only the net area, excluding corridor, elevator, restrooms, etc.; (c) for the hotel, it assumes 72 percent of maximum occupancy, based on industry averages; (d) Building 2 is assumed to be 50 percent retail, 50 percent restaurant kitchen, and 20 percent restaurant serving area; and (e) Building 3 is assumed to be 50 percent restaurant serving area and 50 percent restaurant kitchen. This approach results in an average intensity of 97 persons per acre using the hotel option and 100 persons per acre using the office option.

Noise: The site is located within an area that is projected in the 2004 Banning Municipal Airport Land Use Compatibility Plan to ultimately be subject to average aircraft noise levels greater than 55 CNEL; therefore, noise mitigation measures will be required to reduce interior noise levels from aircraft operations to below 45 CNEL in the hotel and offices.

PART 77: Finished floor elevations for the proposed buildings range from 2,326.6 to 2,336.7 feet above mean sea level (AMSL). The elevation at the westerly end of the runway at Banning Municipal Airport is 2,219 feet AMSL. At a distance of 4,400 feet from the runway, any building with an elevation at top of roof exceeding 2,263 feet AMSL would require FAA notice and review through the Form 7460-1 process. Therefore, review pursuant to the Federal Aviation Administration Obstruction Evaluation Service Form 7460-1 process is required for each building.

CONDITIONS:

1. Prior to issuance of building permits, the applicant shall submit a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) for each building and shall have received a determination of “Not a Hazard to Air Navigation”
from the FAA. Copies of the FAA determination shall be provided to the City of Banning Community Development Department and the Riverside County Airport Land Use Commission.

2. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.

3. 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, visual approach slope indicator, or such red light obstruction marking as may be permitted by the Federal Aviation Administration.

   (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, including landscaping utilizing water features, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, and incinerators.

   (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

4. This finding of conditional consistency is based upon the site plan “A1-1” dated March 9, 2011. Any changes in the locations or heights of buildings shall be subject to further review by the Airport Land Use Commission as an amended project.

5. The City of Banning shall either prohibit the following uses, or shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following uses in any of the structures proposed through this design review:

   Auction rooms, auditoriums, churches and chapels, dance floors, lodge rooms, reviewing stands, gaming, bowling alleys, and other uses that would be considered to have an occupancy level greater than one person per 15 square feet (minimum square feet per occupant less than 15) pursuant to California Building Code (1998) Table 10-A.

6. The following uses shall be prohibited except within Buildings B and C. Furthermore,
these uses shall occupy not more than 3,000 square feet in Building B and 4,200 square feet in Building C.

Conference rooms, restaurant serving area (dining areas and areas open to public use, other than corridors and restrooms), drinking establishments, exhibit rooms, gymnasiums, lounges, stages, classrooms, skating rinks, swimming pools, and other uses that would be considered to have an occupancy level greater than one person per 30 square feet, but not greater than one person per 15 square feet.

7. Noise attenuation measures shall be incorporated into the design of Building D and the second story office areas of Building A, as necessary to ensure that interior noise levels from aircraft operations are at or below 45 CNEQL. (Such noise attenuation will also assist in reducing noise from railroad operations and traffic on Interstate 10.)

8. The attached notice shall be provided to all potential purchasers of the property and all potential tenants of the buildings, and shall be recorded as a deed notice.

9. Any new retention basins on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
Attachment 6

(Initiai Study and Mitigation and Monitoring Program)
THE VILLAGE AT PASEO SAN GORGONIO

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

March 2011

Zai Abu Bakar
Community Development Director
(951) 922-3131
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EXECUTIVE SUMMARY

This Initial Study assesses the potential environmental impacts of the proposed project. The purpose of the project is to develop approximately 5 1/4 acres along Ramsey Street east of San Gorgonio Avenue in the City of Banning as a mixed use commercial development; office, retail, hotel, and restaurant space (see Project Location - Figure 1). The proposed project consists of approximately 68,955 square feet of proposed building area along with parking for 355 vehicles.

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

The project area is bounded by San Gorgonio Avenue to the west, Ramsey Street to the north, Interstate 10 to the south, and Martin Street (Potter Street) to the east.

Figure 1 – Project Location
Figure 2 – Site Plan

Figure 3 – Conceptual Street View
1. INTRODUCTION

Purpose and Scope

This Initial Study serves as the environmental review of the proposed Project, as required by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., the State CEQA Guidelines, and the City of Banning Local Guidelines for Implementing CEQA.

In accordance with Section 15063 of the State CEQA Guidelines, the City is required to prepare an Initial Study to determine if the Project may have a significant effect on the environment. This Initial Study is intended to be an informational document providing the Planning Commission, City Council, other public agencies, and the general public with an objective assessment of the potential environmental impacts that could result from the implementation of the Project.

Incorporation by Reference

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

2. EVALUATION OF ENVIRONMENTAL IMPACTS

An Environmental Checklist Form (Form) has been used to evaluate the potential environmental impacts associated with the proposed Project. The Form has been prepared by the Resources Agency of California to assist local governmental agencies, such as the City of Banning, in complying with the requirements of the Statutes and Guidelines for implementing the California Environmental Quality Act.

This Form has been used by the City of Banning to review the effects of the proposed Project with respect to the following environmental factors. The environmental factors checked below would be potentially affected by this project, involving at least one impact that is “Potentially Significant Impact”. Based on the analysis contained in this Initial Study, the following environmental factors are affected by the proposed project.

☐ Aesthetics
☐ Agriculture Resources
☐ Air Quality
☐ Biological Resources
☐ Cultural Resources
☐ Geology/Soils
☐ Greenhouse Gas Emissions

☐ Hydrology/Water Quality
☐ Hazards & Hazardous Materials
☐ Land Use and Planning
☐ Mineral Resources
☐ Noise
☐ Population/Housing

☐ Public Services
☐ Recreation
☐ Transportation/Traffic
☐ Utilities/Service Systems
☐ Mandatory Findings of Significance
In the Form, a series of questions is asked about the Project for each of the above-listed environmental factors. A brief explanation is then provided for each question on the Form.

There are four possible responses to each question:

A. **Potentially Significant Impact.**

   This response is used when the Project has the potential to have an effect on the environment that is considered to be significant and adverse.

B. **Potentially Significant Unless Mitigation Incorporated.**

   This response is used when the Project has the potential to have a significant impact, which is not expected to occur because:

   • Mitigation measures have been incorporated into the Project design in order to reduce the impact to a less than significant level; or,

   • Adherence to existing policies, regulations, and/or design standards would reduce the impact of the Project to a less than significant level.

C. **Less Than Significant Impact.**

   This response is used when the potential environmental impact of the Project is determined to be below known or measurable thresholds of significance and thus would not require mitigation.

D. **No Impact.**

   This response is used when the proposed Project does not have any measurable impact.
3. ENVIRONMENTAL DETERMINATION

On the basis of this initial evaluation, I find that:

☐ The proposed Project could not have a significant effect on the environment, and a Negative Declaration will be prepared.

☐ Although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures, described in Exhibit C (attached), have been added to the Project. A Mitigated Negative Declaration will be prepared.

☐ The proposed Project may have a significant effect on the environment, and an Environmental Impact Report is required.

☐ The proposed Project may have a potentially significant impact unless mitigation is incorporated, but at least one of the impacts has been: 1) adequately analyzed in an earlier document pursuant to applicable legal standards and 2) addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An Environmental Impact Report is required, but it is to analyze only those impacts that have not already been addressed.

☐ Although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier Environmental Impact Report (EIR) or in a Negative Declaration pursuant to applicable legal standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Approved for distribution by:

Signature: Zai Abu Bakar, Community Development Director

Prepared by: Brian Guillot, Assistant Planner

Date: March 15, 2011

Public Review: March 25, 2011 to April 25, 2011
4. PROJECT DESCRIPTION

Project Title: The Village at Paseo San Gorgonio

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

Applicant: The Frost Company
30001 Golden Lantern
Laguna Niguel, CA 92677

General plan designation: Downtown Commercial

Zoning: Downtown Commercial (DC)

Project Description: The project consists of a Tentative Parcel Map and Design Review application to allow the construction of a mixed use commercial development on a 5.25 acre site. The site is fully paved with little or no vacant ground and contains several buildings that will require demolition in order to proceed with the project. The Coplin House (12 S. San Gorgonio) and the Reid Building (54 S. San Gorgonio) are not a part of the project. Also, the building located at 60 E. Ramsey that contains the Chamber of Commerce and Gas Company is not a part of the project.

Specifically, the project proposes the construction of approximately 13,500 square feet of office space; 29,955 square feet of hotel/office space; 13,500 square feet of retail space; and, 12,000 square feet of restaurant space (see Site Plan – Figure 2). Improvements to the site include a parking lot for approximately 355 vehicles, landscaping, utilities, and public improvements along Ramsey Street.

Surrounding land uses and setting: The Project is located in an urban environment that has been developed since the early part of the 20th century. Government offices are located to the north and across Ramsey Street that include City Hall and the recently constructed Police Station. To the west are located the historic era buildings known as the Coplin House (12 S. San Gorgonio Avenue) and the Reid Building (54 S. San Gorgonio Avenue); across San Gorgonio Avenue is the Odd Fellows Building (25 S. San Gorgonio Avenue). East of the Project site is a self-storage facility and a small retail store. Livingston Street along with Interstate 10 serves as the southern border for the Project.
Approvals Required:

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

- Approval of a Mitigated Negative Declaration;
- Approval of Tentative Parcel Map and Design Review by Planning Commission;
- Approval of Parcel Map by City Council;
- Approval of a Disposition and Development Agreement by City Council;
- Grading approvals;
- Issuance of Building and Safety permits.
### 5. ENVIRONMENTAL ANALYSIS CHECKLIST

<table>
<thead>
<tr>
<th>I. AESTHETICS. Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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<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>
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<tr>
<th>II. AGRICULTURAL RESOURCES. Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>d)</td>
<td>Result in the loss of forest land or conversion of forest land to non-forest use?</td>
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<tr>
<td>e)</td>
<td>Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?</td>
<td>☐</td>
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<tr>
<td><strong>I. AIR QUALITY. Would the Project:</strong></td>
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<tr>
<td>a)</td>
<td>Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>b)</td>
<td>Violate any air quality standard or contribute to an existing or projected air quality violation?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c)</td>
<td>Result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions with exceeded quantitative thresholds for ozone precursors)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>d)</td>
<td>Expose sensitive receptors to substantial pollutant concentrations?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>e)</td>
<td>Create objectionable odors affecting a substantial number of people?</td>
<td>☐</td>
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<tr>
<td><strong>IV. BIOLOGICAL RESOURCES. Would the Project:</strong></td>
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<td></td>
<td></td>
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<tr>
<td>a)</td>
<td>Have a substantial adverse effect, either directly or through habitat modification, on any species identified as candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife?</td>
<td>☐</td>
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<tr>
<td>b)</td>
<td>Have a substantial adverse effect on</td>
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<tr>
<td>any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservancy Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
<td>☐</td>
<td>☐</td>
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V. CULTURAL RESOURCES. Would the Project:

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<tr>
<th>Impact</th>
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<th>Potentially Significant Impact</th>
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<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
<td>☐</td>
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</tr>
<tr>
<td>c) Directly or indirectly destroy a</td>
<td>☐</td>
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<tr>
<td><strong>VI. GEOLOGY AND SOILS. Would the Project:</strong></td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Impact</td>
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<tr>
<td>d) Disturb any human remains including those interred outside of formal cemeteries?</td>
<td>□</td>
<td>□</td>
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</tr>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Impact</td>
<td>Less Than Significant Impact</td>
<td>No Impact</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? Refer to Division of Mines and Geology Special Publication 42.</td>
<td>□</td>
<td>□</td>
<td>□</td>
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<tr>
<td>ii) Strong seismic ground shaking?</td>
<td>□</td>
<td>□</td>
<td>□</td>
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<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>iv) Landslides?</td>
<td>□</td>
<td>□</td>
<td>□</td>
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</tr>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td>□</td>
<td>□</td>
<td>□</td>
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</tr>
<tr>
<td>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td>□</td>
<td>□</td>
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<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating</td>
<td>□</td>
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<tr>
<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems if sewers are not available?</td>
<td>☐</td>
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<tr>
<td><strong>VII. GREENHOUSE GAS EMISSIONS. Would the Project:</strong></td>
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<tr>
<td>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td><strong>VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the Project:</strong></td>
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<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>
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<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>
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<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>
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<tr>
<td>d) Be located on a site included on the list of hazardous materials sites compiled per Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within</td>
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<tr>
<td>two miles of a public airport or public use airport, would it result in a safety hazard for people residing or working in the project area?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>f) For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the area?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
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<tr>
<td>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td><strong>IX. HYDROLOGY AND WATER QUALITY. Would the Project:</strong></td>
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<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing or planned (and uses for which permits have been granted)?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?</td>
<td>☐</td>
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<tr>
<td>d) Substantially alter the existing</td>
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<td>Potential Impact</td>
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<tr>
<td>drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in such a way as to result in flooding either on-site or off-site?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>e) Create or contribute runoff water exceeding the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>☐</td>
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<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td>☐</td>
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<tr>
<td>h) Place, within a 100-year flood hazard area, structures that would impede or redirect flood flows?</td>
<td>☐</td>
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</tr>
<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
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**X. LAND USE AND PLANNING.**

**Would the Project:**

a) Physically divide an established community? | ☐ | ☐ | ☐ | ☑ |

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☐ | ☐ | ☑ |

c) Conflict with any applicable habitat | ☐ | ☐ | ☐ | ☑ |
<table>
<thead>
<tr>
<th>XI. MINERAL RESOURCES. Would the Project:</th>
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<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>
</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>
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<thead>
<tr>
<th>XII. NOISE. Would the Project:</th>
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<tbody>
<tr>
<td>a) Expose persons to a generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
</tr>
<tr>
<td>b) Expose persons to a generation of excessive groundborne vibration or groundborne noise levels?</td>
</tr>
<tr>
<td>c) Create a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?</td>
</tr>
<tr>
<td>d) Create a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?</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>
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<tr>
<td>f) For a Project within the vicinity of a private airstrip, would the Project expose people residing or working</td>
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<td>in the Project area to excessive noise levels?</td>
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**XIII. POPULATION AND HOUSING. Would the Project:**

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<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>
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<tr>
<td>b) Displace a substantial number of existing housing, necessitating the construction of replacement housing elsewhere?</td>
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<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
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</table>

**XIV. PUBLIC FACILITIES. Would the Project:**

Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant Environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services . . .

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<tbody>
<tr>
<td>a) Fire protection?</td>
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<tr>
<td>b) Police protection?</td>
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<tr>
<td>c) Schools?</td>
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<tr>
<td>d) Parks?</td>
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<tr>
<td>e) Other public facilities?</td>
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**XV. RECREATION:**

a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial
<table>
<thead>
<tr>
<th>Physical Deterioration of the Facility Would Occur or Be Accelerated?</th>
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<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
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<tbody>
<tr>
<td>b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?</td>
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</table>

**XVI. TRANSPORTATION/TRAFFIC.** Would the Project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
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<tr>
<td>e) Result in inadequate emergency access?</td>
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<tr>
<td>f) Result in inadequate parking capacity?</td>
<td>☐</td>
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</tr>
<tr>
<td>g) Conflict with adopted policies, plans, or regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</td>
<td>☐</td>
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**XVII. UTILITIES AND SERVICE SYSTEMS. Would the Project:**

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<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>☐</td>
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</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
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<td>☒</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or new or expanded entitlements needed?</td>
<td>☐</td>
<td>☐</td>
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<td>☒</td>
</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it has adequate capacity to serve the Project’s projected demand in addition to the provider’s existing commitments?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>g) Comply with federal, state and local statutes and regulations related to solid waste?</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>---</td>
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<td></td>
<td>□</td>
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<td>□</td>
</tr>
</tbody>
</table>

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

<table>
<thead>
<tr>
<th>a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or an endangered threatened species, or eliminate important examples of the major periods of California history or prehistory?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>b) Does the Project have impacts that are individually limited, but cumulatively considerable? (Are the incremental effects of the Project considerable when viewed in connection with those of past Projects, those of other current Projects, and those of probable future Projects?)</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>c) Does the Project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>
6. EXPLANATION OF THE ITEMS MARKED ON THE ENVIRONMENTAL CHECKLIST FORM

Checklist Item I  Aesthetics.

a-d No Impact (Scenic Vista, Scenic Resources-State Scenic Highway, Visual Character, Light/Glare).  The site is located within an urbanized area (downtown) of the City of Banning.  The 5.25 acre site is bounded by San Gorgonio Avenue to the west, Ramsey Street to the north, Martin Street to the east and Interstate 10 to the south.  North of the site is the government center that includes City Hall and Police Station.  A small retail store and self-storage facility is located east of the site and across Martin Street.

Photographs of the site are presented in Exhibit A, and an aerial photograph is provided in Figure 1.  As shown in the photographs, the site contains buildings, pavement, and planted landscape trees.  The site does not contain any notable scenic features.  The site is not located within or adjacent to a scenic highway.  The design of the proposed buildings is compatible with the existing buildings in the downtown as shown in the Conceptual Street View, Figure 3.  The project will be required to comply with the Architectural Design Guidelines as set forth in the “Zoning Ordinance” for the City of Banning.

Exterior lighting is proposed, where needed, for safety and security reasons.  All proposed outdoor lighting would conform to the City’s outdoor lighting requirements.  The project does not propose any major sources of glare that would result in any lighting/glare impacts.

The “Zoning Ordinance” limits the height of the buildings to a maximum of 4 stories or 60 feet.  The tallest building as proposed in the project is 3 stories.  The project as proposed is not anticipated to significantly increase the amount of shade in public or private open spaces.

Checklist Item II  Agricultural and Forestry Resources.

a-c No Impact (Farmland Conversion, Zoning, Land Use).  The project site is located within an urbanized area of the City of Banning (downtown).  The site contains buildings and pavement except for planted landscape trees.  No farmland will be converted and no conversion from agricultural or forestry use or forestry zoning will take place as a result of the Project.

Checklist Item III  Air Quality.

a-e Less Than Significant Impact (Air Quality Plan, Air Quality Standards, Cumulative Considerable Net Increase/Criteria, Sensitive Receptors, Pollutant Concentrations, Odors).  The project is located within the South Coast Air Quality Management District (SCAQMD).  An Air Quality Impact Analysis (AQIA) was prepared by Albert A. Webb Associates dated January 14, 2010, evaluating whether the expected criteria air pollutant emissions generated as a result of construction and operation of the proposed project would cause exceedances of SCAQMD’s thresholds for air resources in the project area.  The
report concluded that the project's construction and operations emissions will not exceed any established thresholds or standards for criteria pollutants and no mitigation is required. Details of the report are related as follows.

### Table 2, SCAQMD CEQA Regional Significance Thresholds

<table>
<thead>
<tr>
<th>Emission Threshold</th>
<th>Units</th>
<th>VOC</th>
<th>NOx</th>
<th>CO</th>
<th>SOx</th>
<th>PM-10</th>
<th>PM-2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td>lbs/day</td>
<td>75</td>
<td>100</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Operations</td>
<td>lbs/day</td>
<td>55</td>
<td>55</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
</tbody>
</table>

### Construction Impacts

#### Table 3, Estimated Daily Construction Emissions

<table>
<thead>
<tr>
<th>Activity/Year</th>
<th>Peak Daily Emissions (lb/day)</th>
<th>VOC</th>
<th>NOx</th>
<th>CO</th>
<th>SOx</th>
<th>PM-10</th>
<th>PM-2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCAQMD Daily Construction Thresholds</td>
<td></td>
<td>75</td>
<td>100</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Construction 2010</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Demolition</td>
<td>5.13</td>
<td>63.08</td>
<td>25.48</td>
<td>0.07</td>
<td>58.44</td>
<td>14.14</td>
<td></td>
</tr>
<tr>
<td>Site Grading</td>
<td>4.20</td>
<td>32.74</td>
<td>18.79</td>
<td>0.00</td>
<td>63.04</td>
<td>14.45</td>
<td></td>
</tr>
<tr>
<td>Asphalt</td>
<td>3.20</td>
<td>17.69</td>
<td>11.84</td>
<td>0.00</td>
<td>1.47</td>
<td>1.35</td>
<td></td>
</tr>
<tr>
<td>Building Construction</td>
<td>3.92</td>
<td>17.88</td>
<td>18.21</td>
<td>0.01</td>
<td>1.30</td>
<td>1.17</td>
<td></td>
</tr>
<tr>
<td>Maximum¹</td>
<td>7.40</td>
<td>63.08</td>
<td>30.63</td>
<td>0.03</td>
<td>64.51</td>
<td>15.80</td>
<td></td>
</tr>
<tr>
<td>Exceeds Threshold?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Construction 2011</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Construction</td>
<td>3.63</td>
<td>16.87</td>
<td>17.33</td>
<td>0.01</td>
<td>1.24</td>
<td>1.11</td>
<td></td>
</tr>
<tr>
<td>Architectural Coating</td>
<td>47.45</td>
<td>0.03</td>
<td>0.53</td>
<td>0.00</td>
<td>0.01</td>
<td>0.00</td>
<td></td>
</tr>
<tr>
<td>Maximum</td>
<td>51.08</td>
<td>16.90</td>
<td>17.86</td>
<td>0.01</td>
<td>1.25</td>
<td>1.11</td>
<td></td>
</tr>
<tr>
<td>Exceeds Threshold?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Notes: See Appendix A for model output report
¹ Maximum emissions are the greater of either demolition or building construction alone or the sum of site grading and paving activities since these activities could be occurring concurrently.

Evaluation of the above table indicates that criteria pollutant emissions from construction of this project will not exceed the SCAQMD regional daily thresholds for any criteria pollutants in 2010 or 2011.
Table 6, LST Results for Construction Emissions

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>NOx (lbs/day)</th>
<th>CO (lbs/day)</th>
<th>PM-10 (lbs/day)</th>
<th>PM-2.5 (lbs/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LST Threshold</td>
<td>333</td>
<td>5,534</td>
<td>104</td>
<td>25</td>
</tr>
<tr>
<td>Demolition</td>
<td>16.5</td>
<td>9.6</td>
<td>2.1</td>
<td>1.3</td>
</tr>
<tr>
<td>Site Grading</td>
<td>46.9</td>
<td>22.5</td>
<td>6.5</td>
<td>3.1</td>
</tr>
<tr>
<td>Building Construction</td>
<td>27.1</td>
<td>12.3</td>
<td>1.5</td>
<td>1.4</td>
</tr>
<tr>
<td>Paving</td>
<td>27.3</td>
<td>14.8</td>
<td>1.9</td>
<td>1.8</td>
</tr>
<tr>
<td>Maximum(^1)</td>
<td>74.2</td>
<td>37.3</td>
<td>8.4</td>
<td>4.9</td>
</tr>
<tr>
<td>Exceeds Threshold?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Notes: \(^1\) Maximum emissions are the greater of either demolition or building construction alone or the sum of site grading and paving activities since these activities could be occurring concurrently.

Short-term construction emissions do not exceed the SCAQMD established localized thresholds of significance.
Operational Impacts

Table 4, Estimated Daily Project Operation Emissions (Summer)

<table>
<thead>
<tr>
<th>Activity/Year</th>
<th>Peak Daily Emissions (lb/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>VOC</td>
</tr>
<tr>
<td>SCAQMD Daily Thresholds</td>
<td>55</td>
</tr>
<tr>
<td>Natural Gas</td>
<td>0.04</td>
</tr>
<tr>
<td>Landscaping</td>
<td>0.37</td>
</tr>
<tr>
<td>Architectural Coatings</td>
<td>0.47</td>
</tr>
<tr>
<td>Vehicles</td>
<td>18.52</td>
</tr>
<tr>
<td>Total</td>
<td>19.40</td>
</tr>
<tr>
<td>Exceeds Threshold?</td>
<td>No</td>
</tr>
</tbody>
</table>

Table 5, Estimated Daily Project Operation Emissions (Winter)

<table>
<thead>
<tr>
<th>Activity/Year</th>
<th>Peak Daily Emissions (lb/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>VOC</td>
</tr>
<tr>
<td>SCAQMD Daily Thresholds</td>
<td>55</td>
</tr>
<tr>
<td>Natural Gas</td>
<td>0.04</td>
</tr>
<tr>
<td>Landscaping</td>
<td>0.37</td>
</tr>
<tr>
<td>Architectural Coatings</td>
<td>0.47</td>
</tr>
<tr>
<td>Vehicles</td>
<td>21.54</td>
</tr>
<tr>
<td>Total</td>
<td>22.42</td>
</tr>
<tr>
<td>Exceeds Threshold?</td>
<td>No</td>
</tr>
</tbody>
</table>

Evaluation of the above table's indicates that all criteria pollutant emissions from operation of this project will not exceed the SCAQMD regional daily thresholds during summer or winter.

Odors

The projects uses are typical of those in suburban and urban areas, and would not be expected to result in odor complaints. During construction the various diesel powered vehicles and equipment in use would create localized odors. The odors would be temporary and not likely to be noticeable for extended periods of time or beyond the project construction boundary. Therefore, the potential for diesel odor impacts is considered less than significant.
Checklist Item IV Biological Resources.

a-f No Impact (Listed Species, Riparian Habitat, Natural Communities, Wetlands, Wildlife Movement, Local Policies – Tree Preservation, Conservation Plans). The project site is located within an urbanized area of the City of Banning. The site contains buildings and pavement. Vegetation on the site is limited to planted landscape trees. The site is developed and disturbed regularly by activities related to the existing businesses and events using the paved parking area. There are no areas of the site where the land is depressed and water is retained to support wetlands. A landscaping plan will be prepared for the project that provides for the replacement of the planted trees in accordance with the “Zoning Ordinance” for the City of Banning.

The project will be required to pay a local development mitigation fee for funding the preservation of natural ecosystems in accordance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The purpose of the plan is to protect the existing character of the city and the region through the implementation of a system of reserves which will provide for permanent open space, community edges, and habitat conservation for species covered by the MSHCP.

Checklist Item V Cultural Resources.

a-d No Impact (Historic Resource, Archeological Resources, Paleontological Resources, Disturbance of Human Remains). The project site is located within an urbanized area of the City of Banning. The existing property contains buildings and pavement. The General Plan identifies the downtown area of the City as concentrated with early 20th century buildings. Table IV-11 reproduced from the General Plan in Exhibit B identifies one Historic Era Building the San Gorgonio Inn/Bryant House located at 150 E. Ramsey Street; property number 33-8356. On July 27, 2010, the Community Redevelopment Agency for the City of Banning certified the Environmental Impact Report (EIR) for the San Gorgonio Inn Demolition (SCH No. 2009111103). Along with the EIR, a Mitigation Monitoring and Reporting Program was approved and is reproduced in Exhibit D of this report. Mitigation Measure CR-1 is incorporated into this project as a condition of approval that a monument be included in any future plans for the development of the site. The monument memorializes the spot where the Bryant House/Banning Hotel once stood. Demolition of the San Gorgonio Inn is not a part of this project.

Additionally, Table IV-11 from the General Plan identifies the downtown block bounded by Ramsey Street, Livingston Street, San Gorgonio Avenue and Murray Street as Historic Downtown Banning (property number 33-12425). The building located at 280 E. Ramsey Street is located within that block. A Records Research dated January 20, 2011, was performed for that building by CRM TECH of Colton, California. The results of the records search recommended that the project area be further surveyed for cultural resources. The subsequent survey performed by CRM TECH of Colton, California determined that no part of the site or building at that location was found to have any historical or cultural value.
Checklist Item VI Geology and Soils.

a-e No Impact (Alquist-Priolo Zone, Seismic Ground Shaking, Seismic Ground Failure, Liquefaction, Landslide, Soil Erosion, Loss of Topsoil, Unstable Geologic Unit, Expansive Soil, Septic Tank Suitability). A geotechnical investigation was prepared for the project by Southern California Geotechnical of Yorba Linda, California dated May 5, 2010. Section 6 of the report concluded that based on the results of their review, field exploration, laboratory testing, and geotechnical analysis the proposed development is considered feasible from a geotechnical standpoint provided that the recommendations of the report are addressed.

The project is not located in Alquist-Priolo Zone, therefore the possibility of significant fault rupture is considered to be low. Additionally, the proposed development must be designed in accordance with the requirements of the California Building Code (CBC) Seismic Design Parameters. The CBC provides procedures for earthquake resistant structural design that include considerations for on-site soils conditions, occupancy, and the configuration of the structure including structural system and height.

The City of Banning General Plan Exhibit V-4 indicates that the site is located within a zone of moderate liquefaction susceptibility. Therefore, a site specific liquefaction evaluation was performed by Southern California Geotechnical. As part of the evaluation, a ground boring was extended to a depth of 50 feet. This boring did not encounter any free water within the depth explored. Free water is required for liquefaction to occur. Additionally, research of several wells in the vicinity of the project indicated that historic groundwater was located at least a 100 feet below grade. Based upon the lack of any water present within the area explored by the test borings, and the historic groundwater data reviewed in the report, liquefaction is not considered to be a design concern for the project.

The geotechnical investigation did not identify any soil conditions of concern other than those standard conditions that will be addressed during the grading operation. The recommendations of the report will be made part of the grading plans through the project conditions of approval and in accordance with the "Grading Ordinance" for the City of Banning.


a-b Less Than Significant Impact (Global Climate Change). At Technical Memorandum prepared by Albert A. Webb Associates dated March 3, 2011, supplements the AQIA previously referenced. In September 2006, Governor Arnold Schwarzenegger signed Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006. AB 32 directs the California Air Resources Board (CARB) to implement regulations for a cap on sources or categories of sources of GHG emissions. The bill requires that CARB develop regulations to reduce emissions with an enforcement mechanism to ensure that the reductions are achieved, and to disclose how it arrives at the cap. Other regulations both federal and state apply to the control of greenhouse gases and may be reviewed in detail in the reference AQIA and supplement. The results of the analysis indicate that the proposed
project will be consistent with AB 32 by reducing GHG emissions by 35 percent. Therefore, the projects new operational emissions do not constitute a substantial increase in emissions and will not result in a significant increase impacts on the environment. The Mitigation Measures listed below are proposed to lessen the less than significant impacts related to greenhouse gas emissions.

Table 3, GHG Emissions Reductions From Project-Specific Design Features and Mitigation

<table>
<thead>
<tr>
<th>Measure</th>
<th>Sector</th>
<th>Percent Reduction from BAU (Sector Specific)</th>
<th>BAU Sector MT CO2-E/Year²</th>
<th>Reduced MT CO2-E/Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>MM Air 1: In order to reduce energy consumption from the proposed project development, applicable plans (e.g., electrical plans, improvement maps, etc.) submitted to the City shall include the installation of energy-efficient street lighting throughout the project site. These plans shall be reviewed and approved by the applicable Department (e.g., Department of Building and Safety or Department of Transportation) prior to conveyance of applicable streets.</td>
<td>Energy Use</td>
<td>0.5*</td>
<td>461.60</td>
<td>2.31</td>
</tr>
<tr>
<td>MM Air 2: The project shall implement, at a minimum, require an increase in building energy efficiency of 15 percent beyond Title 24, and reduce indoor water use by 25 percent. All requirements will be documented through a checklist to be submitted prior to issuance of any building permits with building plans and calculations.</td>
<td>Energy Use/Natural Gas</td>
<td>15.0</td>
<td>734.37</td>
<td>110.25</td>
</tr>
<tr>
<td>CAPCOA Measure LUT-2 – Increase Location Efficiency</td>
<td>Transportation</td>
<td>10.0</td>
<td>4,227.58</td>
<td>422.76</td>
</tr>
<tr>
<td>Sub-total of MT CO2-E Reduced</td>
<td></td>
<td></td>
<td></td>
<td>535.32</td>
</tr>
</tbody>
</table>

Note: *Conservative estimate of 0.5 percent used. Energy efficient reduce street lighting can reduce electricity demand by 16.

The resultant energy savings is calculated from the annual energy costs found on page 4 of NYSERDA's 2002 How-to Guide to Effective Energy-Efficient Street Lighting.

Checklist Item VIII Hazards and Hazardous Materials.

a-h Less Than Significant Impact (Transport, Use, Disposal of Hazardous Materials, Upset and Accident Conditions Involving Hazardous Materials, Emit if Handle Hazardous Materials within 1/4 mile from a School, Identified Hazardous Site, Within Airport
Plan Area, Safety Hazard from Private Airstrip, Impair Emergency Evacuation Plan, Wildland Fire Hazard). Environmental Site Assessments were performed on a portion of the project area that includes the property for the San Gorgonio Inn and 280 E. Ramsey Street. No hazardous materials or underground storage tanks were identified. It was recommended that prior to the demolition of the buildings located on the site that a lead paint survey be conducted. Demolition of the buildings located on the project site is not a part of this project.

The project is located within Compatibility Zone D of the Riverside County Airport Land Use Compatibility Plan Policy Document adopted in October 2004. The plan identifies Zone D as a low risk level area. The plan recommends average densities of less than 100 persons per acre and airspace review for objects taller than 70 feet. The project will be reviewed by the Riverside County Airport Land Use Commission (ALUC) and any conditions recommended by ALUC shall be incorporated into the project.

The proposed project is located within the urban core (downtown) area of the City and therefore is not considered subject to wildland fire hazard. Further, Exhibit V-9 of the General Plan illustrates the project area is outside the Very High Fire Hazard Severity Zones. The project as proposed will not interfere with an emergency evacuation plan.

Checklist Item IX Hydrology and Water Quality.

a-j Less Than Significant Impact (Water Quality, Waste Discharge, Groundwater, Drainage Patterns Flooding, Storm Drains, Water Quality, Housing in 100-Year Flood Hazard Area, Flood Levee or Dam, Seiche, Tsunami, or Mudflow). Exhibit V-5 of the General Plan (GP) identifies that the site is located within an area of shallow flooding. Specifically, the GP explains as follows:

"Areas between limits of the 100-year and 500-year flood; or certain areas subject to 100-year flooding with average depths less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from base flood".

A Hydrology Report was prepared by Albert A. Webb Associates concluded that the hydrologic conditions proposed by the project would basically mimic the existing site and that no change in drainage patterns would occur. Additionally, a grading plan is required in connection with the site development. The buildings as proposed in the project will be designed in accordance with the “Grading Ordinance” for the City of Banning that includes design of building floor elevations to protect the structures from potential flood damage. No housing is proposed.

Construction of the project would require demolition and grading activities that could result in a temporary increase in erosion affecting the quality of storm water runoff. This increase in erosion is expected to be minimal, due to the flatness of the site. Also, Section 18.06.140 of the “Grading Ordinance” will require an Erosion and Sediment Control Plan to be implemented during construction of the project.
For post construction activities, a Preliminary Water Quality Management Plan recommends that the project's runoff flow rate, volume, velocity and duration for the post development condition mimic the pre-development conditions and incorporate site design considerations to improve water quality. A Final Water Quality Management Plan (WQMP) is required to be approved before construction of the project. The recommendations of the WQMP will be incorporated into the project design and practices.

Checklist Item X  Land Use and Planning.

a-c No Impact (Physical Division, Land Use Plans, Conservation Plans). The Project is located in an urban environment that has been developed since the early part of the 20th century. Government offices are located to the north and across Ramsey Street that include City Hall and the recently constructed Police Station. To the west are located the historic era buildings known as the Coplin House (12 S. San Gorgonio Avenue) and the Reid Building (54 S. San Gorgonio Avenue); across San Gorgonio Avenue is the Odd Fellows Building (25 S. San Gorgonio Avenue). East of the Project site is a self-storage facility and a small retail store. Livingston Street along with Interstate 10 serves as the southern border for the Project. The project is consistent with the existing uses of office, historic era building used for offices, and retail uses located in the downtown. No physical division of an established community will result from the project.

Exhibit III-2 General Plan Land Use Map along with the Zoning Overlay designates the site as Downtown Commercial (DC). The proposed uses (Retail, office, restaurant, or hotel) are permitted in accordance with the adopted “Zoning Ordinance” and consistent with GP Land Use descriptions stated as follows:

Small scale commercial retail and office uses, services, restaurants, entertainment retail are the primary uses in this designation. Auto related uses proposed after adoption of this General Plan will be prohibited. All existing auto uses in existence as of the adoption of this General Plan will be permitted until such time as the use in a particular location ceases operation for a period of six months. Mixed Use, residential land uses in combination with commercial businesses, are also encouraged. Guesthouses, bed & breakfasts, hotels and motels are also appropriate in this designation.

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

a-b  No Impact (Loss of Mineral Resources, Site Delineated as Mineral Resource Site). Under the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board designated on a map Sector G, two parcels covering parts of the San Gorgonia River alluvial fan, east of the City of Banning as a Significant Construction Aggregate Resource. Sector G extends from the mouth of Banning Canyon, southeastward to the community of Cabazon. No other area in the vicinity of the City of Banning is designated a Significant Construction Aggregate Resource. The site is not located in this area; and, therefore no significant mineral resource is affected by the project.

Checklist Item XII. Noise.

a-f. Potentially Significant Unless Mitigation Incorporated (Exceed Noise Standard, Groundborne Vibration, Ambient Noise Levels, Temporary Noise Levels, Airport Noise, Private Airstrip). The Noise Element of the City of Banning General Plan coordinates land use with existing and future noise environment. Noise is measured in decibels (db). The A-weighted decibel (dBA) approximates the subjective response of the ear to noise source by discriminating against the very low and very high frequencies in the spectrum. Table V-3 of the GP identifies that the existing noise contour of 70 dBA extends approximately 84 from Interstate 10 east of San Gorgonio, while the 65 dBA contour extends to approximately 805 feet. Table V-4 of the GP identifies that office buildings, business, and commercial uses are compatible with noise environments up to 65 dBA. However, any building placed within 84 feet of Interstate 10 (70 dBA noise contour) will require that a noise study be performed and that noise insulation features be incorporated into the design to reduce the noise impact to acceptable levels.

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

Noise impacts upon persons associated with aircraft operations are less than the existing Interstate 10 noise contours identified in the City’s General Plan; and, therefore noise impacts from aircraft operations are considered less than significant.

Checklist Item XIII  Population and Housing.

a-c  No Impact (Population Growth, Displace Housing). The project does not propose the construction of residential units. The project would not displace existing housing or people, necessitating the construction of replacement housing. Therefore, implementation of the proposed project will have no impact on population and housing in the City of Banning.

Checklist Item XIV  Public Facilities.

a-c  Less Than Significant Impact (Fire Services, Police Services, Schools, Parks, Other Public Facilities). The project does not propose the construction of residential units that
add additional load on schools, parks, and other public facilities. Police services are provided by the City of Banning Police Department. The proposed project will be required to pay Police Facilities fees. Additionally, a condition of approval will require that a video surveillance security system be installed on the project for use by the Police Department. Fire services are provided by a contract with Cal Fire. The proposed project will be required to pay Fire Facilities fees. The impacts associated with public services are considered to be less than significant.

Checklist Item XV  Recreation.

a-b  No Impact (Existing Facilities, New or Altered Facilities). The project does not propose the construction of residential units that add additional load on recreational facilities. No new or altered recreational facilities are required in connection with the proposed project.

Checklist Item XVI  Transportation/Traffic.

a-g  Less Than Significant Impact (Roadway Capacity and Level of Service, Congestion Management Program (CMP), Air Traffic Patterns, Roadway Design Hazards, Emergency Access, Parking, Alternative Transportation). A traffic impact analysis was prepared by Albert A. Webb Associates dated March 2011. The proposed project is anticipated to generate approximately 3,035 net new daily trip-ends, including 188 trip-ends during the AM peak hour and 316 trip-ends during the PM peak hour. The report analyzed roadway capacity, and level of service and determined that the traffic generated from the proposed project will not significantly impact any of the study intersections and roadway segments.

Required Level of Service

According to the City of Banning General Plan, Circulation Element, Policy 6:

The city shall maintain peak hour Level of Service C or better on all local intersections, except those on Ramsey Street and at I-10 interchanges, where Level of Service D or better shall be maintained.

Levels of Service — Existing Conditions

The existing levels of service for the study area intersections vary from LOS A to C. The existing levels of service for the study roadway segments are at LOS C or better. None of the study intersections or roadway segments operate at an unacceptable LOS.

Levels of Service — Existing Plus Ambient Growth Plus Project Conditions

For existing plus ambient growth plus project traffic conditions, the study intersections are expected to operate at levels of service that vary from LOS A to C. The study roadway segments in existing plus ambient growth plus project traffic conditions are expected to
operate at LOS C or better. None of the study intersections or roadway segments are expected to operate at an unacceptable LOS.

Levels of Service – Existing Plus Ambient Growth Plus Cumulative Plus Project Conditions

For existing plus ambient growth plus cumulative plus project traffic conditions, the study intersections are expected to operate at levels of service that vary from LOS A to D. The study roadway segments in existing plus ambient growth plus cumulative plus project traffic conditions are expected to operate at LOS C or better. None of the study intersections or roadway segments are expected to operate at an unacceptable LOS.

Traffic Signal Warrants

The California MUTCD states that the satisfaction of a traffic signal warrant or warrants shall not in itself require the installation of a traffic control signal. Peak hour traffic signal warrant analysis should only be considered as an “indicator” of the likelihood of an unsignalized intersection warranting a traffic signal. Intersections that exceed the peak hour warrant are more likely to meet one or more of the other volume based signal warrants. The MUTCD also advises that a traffic control signal should not be installed unless:

- One or more of the traffic signal warrants is satisfied;
- An engineering study indicates that installing a traffic control signal will improve the overall
- safety and/or operation of the intersection; and
- It will not seriously disrupt progressive traffic flow.

For existing traffic conditions, the peak hour traffic control signal warrant is not satisfied for any of the unsignalized study intersections (see Appendix C for technical calculations). For existing plus ambient growth plus project traffic conditions, none of the unsignalized study intersections are expected to meet the peak hour warrant (see Appendix C for technical calculations). For existing plus ambient growth plus cumulative plus project traffic conditions, none of the unsignalized study intersections are expected to meet the peak hour warrant (see Appendix C for technical calculations).

The project will not significantly impact traffic with the following circulation improvements recommendations:

Roadways

Construction of the following roadways shall conform to City of Banning Standards:

- Construct half width improvements on the southerly side of Ramsey Street at its ultimate cross section as an arterial highway, a major highway or equivalent (two lanes in each direction with left-turn pockets) adjacent to project boundary line. (Ramsey Street is included in the TUMP secondary network as an ultimate 4 lane facility)
• Construct half width improvements (driveway improvements) on the easterly side of San Gorgonio Avenue at its ultimate cross-section as a secondary highway or equivalent (two lanes in each direction without left-turn pockets) adjacent to project boundary line.

**Intersections**

• Construct the intersection (Project Driveway) of San Gorgonio Avenue and Livingston Street with the following minimum geometrics:

  Northbound: One shared left-turn, through and right-turn lane.
  Southbound: One shared left-turn, through and right-turn lane.
  Eastbound: One shared left-turn, through and right-turn lane. Stop controlled.
  Westbound: One shared left-turn, through and right-turn lane. Stop controlled.

• Construct the intersection of Alessandro Street and Ramsey Street (Project Driveway) with the following minimum geometrics:

  Northbound: One shared left-turn, through and right-turn lane. Stop controlled.

**Table 5-1 – Intersection Levels of Service – Existing Plus Ambient Growth Plus Project Conditions**

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Traffic Control</th>
<th>Peak Hour</th>
<th>Existing Delay (Sec)</th>
<th>LOS</th>
<th>EAP Delay (Sec)</th>
<th>LOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 8th Street / Ramsey Street</td>
<td>Signal</td>
<td>AM</td>
<td>29.6</td>
<td>C</td>
<td>31.1</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>33.5</td>
<td>C</td>
<td>34.6</td>
<td>C</td>
</tr>
<tr>
<td>2. 4th Street / Ramsey Street</td>
<td>Signal</td>
<td>AM</td>
<td>7.3</td>
<td>A</td>
<td>7.3</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>8.1</td>
<td>A</td>
<td>7.8</td>
<td>A</td>
</tr>
<tr>
<td>3. San Gorgonio Avenue / Williams Street</td>
<td>AWSC</td>
<td>AM</td>
<td>9.9</td>
<td>A</td>
<td>10.8</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>8.6</td>
<td>A</td>
<td>9.2</td>
<td>A</td>
</tr>
<tr>
<td>4. San Gorgonio Avenue / Ramsey Street</td>
<td>Signal</td>
<td>AM</td>
<td>21.6</td>
<td>C</td>
<td>23.0</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>23.5</td>
<td>C</td>
<td>23.6</td>
<td>C</td>
</tr>
<tr>
<td>5. San Gorgonio Avenue / Livingston Street</td>
<td>TWSC</td>
<td>AM</td>
<td>15.1</td>
<td>C</td>
<td>15.7</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>9.7</td>
<td>A</td>
<td>10.2</td>
<td>B</td>
</tr>
<tr>
<td>6. Alessandro Street / Ramsey Street</td>
<td>TWSC</td>
<td>AM</td>
<td>10.5</td>
<td>B</td>
<td>12.2</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>11.4</td>
<td>B</td>
<td>15.0</td>
<td>C</td>
</tr>
<tr>
<td>7. Martin Street / Ramsey Street</td>
<td>TWSC</td>
<td>AM</td>
<td>10.8</td>
<td>B</td>
<td>11.5</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>11.0</td>
<td>B</td>
<td>12.6</td>
<td>B</td>
</tr>
<tr>
<td>8. Hargrave Street / Ramsey Street</td>
<td>Signal</td>
<td>AM</td>
<td>20.4</td>
<td>C</td>
<td>20.7</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>23.5</td>
<td>C</td>
<td>24.2</td>
<td>C</td>
</tr>
</tbody>
</table>

EAP = Existing + Ambient Growth + Project
AWSC = All Way Stop Controlled
TWSC = Two Way Stop Controlled


<table>
<thead>
<tr>
<th>Intersection</th>
<th>Scenario</th>
<th>Northbound</th>
<th>Southbound</th>
<th>Eastbound</th>
<th>Westbound</th>
<th>Traffic Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 8th Street / Ramsey Street</td>
<td>Existing</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1 2 S Signal</td>
</tr>
<tr>
<td></td>
<td>EAP+imp</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>Signal</td>
</tr>
<tr>
<td>2. 4th Street / Ramsey Street</td>
<td>Existing</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1 1 S Signal</td>
</tr>
<tr>
<td></td>
<td>EAP+imp</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>Signal</td>
</tr>
<tr>
<td>3. San Gorgonio Avenue / Williams St</td>
<td>Existing</td>
<td>S</td>
<td>1</td>
<td>S</td>
<td>1</td>
<td>S 1 S AWSC</td>
</tr>
<tr>
<td></td>
<td>EAP+imp</td>
<td>S</td>
<td>1</td>
<td>S</td>
<td>1</td>
<td>S 1 S AWSC</td>
</tr>
<tr>
<td>4. San Gorgonio Avenue / Ramsey St</td>
<td>Existing</td>
<td>S</td>
<td>1</td>
<td>S</td>
<td>1</td>
<td>1 1 1 Signal</td>
</tr>
<tr>
<td></td>
<td>EAP+imp</td>
<td>S</td>
<td>1</td>
<td>S</td>
<td>1</td>
<td>1 1 1 Signal</td>
</tr>
<tr>
<td>5. San Gorgonio Avenue / Livingston St</td>
<td>Existing</td>
<td>S</td>
<td>1</td>
<td>S</td>
<td>1</td>
<td>S 1 S TWSC</td>
</tr>
<tr>
<td></td>
<td>EAP+imp</td>
<td>S</td>
<td>1</td>
<td>S</td>
<td>1</td>
<td>S 1 S TWSC</td>
</tr>
<tr>
<td>6. Alessandro Street / Ramsey St</td>
<td>Existing</td>
<td>S</td>
<td>1</td>
<td>S</td>
<td>1</td>
<td>S 1 S TWSC</td>
</tr>
<tr>
<td></td>
<td>EAP+imp</td>
<td>S</td>
<td>1</td>
<td>S</td>
<td>1</td>
<td>S 1 S TWSC</td>
</tr>
<tr>
<td>7. Martin Street / Ramsey St</td>
<td>Existing</td>
<td>S</td>
<td>1</td>
<td>S</td>
<td>1</td>
<td>S 1 S TWSC</td>
</tr>
<tr>
<td></td>
<td>EAP+imp</td>
<td>S</td>
<td>1</td>
<td>S</td>
<td>1</td>
<td>S 1 S TWSC</td>
</tr>
<tr>
<td>8. Hargrave Street / Ramsey Street</td>
<td>Existing</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1 1 1 Signal</td>
</tr>
<tr>
<td></td>
<td>EAP+imp</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1 1 1 Signal</td>
</tr>
</tbody>
</table>

**EAP+imp** = Existing + Ambient Growth + Project + Improvements  
**AWSC** = All Way Stop Controlled  
**TWSC** = Two Way Stop Controlled  
**S** = Lane is shared with through movement

Additionally, the project will participate in the cost of off-site improvements through payment of the following “fair share” mitigation fees:

- Transportation Uniform Mitigation Fee (TUMF) prior to construction (regional)
- Traffic Signal Mitigation Fee prior to construction (local).
Based upon the uses proposed for the project (restaurant, hotel, retail, and office) the "Zoning Ordinance" for the City of Banning requires 383 total parking spaces for the Hotel Alternative and 378 total parking spaces for the office alternative. The off-street parking area proposed for the project will provide a total of 355 parking spaces. The "Zoning Ordinance" permits sharing of parking in order to efficiently utilize available parking. Generally, office parking is utilized from 8 a.m. to 5 p.m. during the work week. Peak parking demand for the restaurant use is generally after 5 p.m. Therefore, one-half of the required office parking may be utilized for the restaurant uses that generally peak in the evenings. Additionally, the "Zoning Ordinance" allows available street parking to also be utilized. A parking summary is provided as follows.

### Parking Summary – Hotel Alternative

<table>
<thead>
<tr>
<th>Use</th>
<th>Building Area</th>
<th>Parking Required</th>
<th>Parking Provided Off Street</th>
<th>Shared Parking</th>
<th>Parking Provided Street</th>
<th>Total Parking Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building 1</td>
<td>6,000 sf</td>
<td>101</td>
<td>36</td>
<td>26</td>
<td>62</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td>101</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building 2</td>
<td>29,955 sf</td>
<td>112</td>
<td>143</td>
<td>4</td>
<td>147</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>112</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building 3</td>
<td>3,000 sf</td>
<td>64</td>
<td>45</td>
<td>4</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td>52</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td>3,000 sf</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building 4</td>
<td>13,500 sf</td>
<td>106</td>
<td>131</td>
<td>(26)</td>
<td>131</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>52</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td>54</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>383</td>
<td></td>
<td>355</td>
<td>26</td>
<td>4</td>
<td>385</td>
</tr>
</tbody>
</table>

*Assume public seating area at 50% of total building area.

### Parking Summary – Office Alternative

<table>
<thead>
<tr>
<th>Use</th>
<th>Building Area</th>
<th>Parking Required</th>
<th>Parking Provided Off Street</th>
<th>Shared Parking</th>
<th>Parking Provided Street</th>
<th>Total Parking Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building 1</td>
<td>6,000 sf</td>
<td>101</td>
<td>36</td>
<td>53</td>
<td>89</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td>101</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building 2</td>
<td>29,955 sf</td>
<td>107</td>
<td>143</td>
<td>(53)</td>
<td>143</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>107</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building 3</td>
<td>3,000 sf</td>
<td>64</td>
<td>45</td>
<td>4</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td>52</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td>3,000 sf</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building 4</td>
<td>13,500 sf</td>
<td>106</td>
<td>131</td>
<td>4</td>
<td>135</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>52</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td>54</td>
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<tr>
<td>Total</td>
<td>378</td>
<td></td>
<td>355</td>
<td>53</td>
<td>4</td>
<td>412</td>
</tr>
</tbody>
</table>

*Assume public seating area at 50% of total building area.
Checklist Item XVII Utilities and Service Systems.

a-g No Impact (RWQCB Wastewater Treatment, New Water and Wastewater Facilities, New Storm-water Drainage Facilities, Water Supplies, Wastewater, Landfill, Solid Waste). The project redevelops the existing commercial site. Water, wastewater, stormdrain and solid waste handling infrastructure is in place from the previous development of the site. There is an existing 8 inch steel waterline in Ramsey Street and an existing 10 inch steel waterline in Livingston Street. Two 8 inch clay sewer mains cross the site from north to south; and, a 15 inch clay sewer main is located in Livingston Street. It may be necessary to relocate some of the underground utilities due to the proposed building locations for the project. The project will require the construction of a trash enclosure that includes provisions for recycling in order to comply with the City’s recycling program.

Checklist Item XVIII Mandatory Findings of Significance.

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

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

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

7. INCORPORATION BY REFERENCE

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

A. City of Banning General Plan

This document provides a vision for the future development of the community. It is the official policy statement of the City Council intended to guide the private and public development of the City. The General Plan was adopted March 2006.
B. Environmental Impact Report (EIR) for the City of Banning General Plan and Zoning Ordinance

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

C. City of Banning Municipal Code

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

D. City of Banning Local Procedures for Complying with CEQA

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

E. Environmental Impact Report (EIR) San Gorgonio Inn Demolition

This document was prepared to identify potentially significant effects on the environment and mitigation measures that shall be incorporated with the project to reduce the impact to less than significant.

F. Historical/Archaeological Resources Records Search

Prepared by CRM TECH of Colton, California dated January 20, 2011, for the building located at 280 E. Ramsey Street.

G. Geotechnical Investigation The Village at Paseo San Gorgonio

A geotechnical investigation and report prepared by Southern California Geotechnical of Yorba Linda, California dated May 5, 2010, for the proposed Retail and Office Development located at the southeast corner of San Gorgonio Avenue and Ramsey Street, Banning, California.

H. Air Quality Study The Village at Paseo San Gorgonio

An air quality assessment prepared Albert A. Webb Associates of Riverside, California dated January 14, 2011, for the proposed Retail and Office Development located at the southeast corner of San Gorgonio Avenue and Ramsey Street, Banning, California.

I. Supplemental Air Quality Study The Village at Paseo San Gorgonio

A supplemental report to the air quality assessment prepared Albert A. Webb Associates of Riverside, California dated March 3, 2011, for the proposed Retail and Office Development located at the southeast corner of San Gorgonio Avenue and Ramsey Street, Banning, California.

J. Phase I Environmental Site Assessment (San Gorgonio Inn)

This study was prepared by Terra Nova Planning & Research, Incorporated of Palm Springs, California dated August 2008. The purpose of the study was to assess the whether hazardous material contamination has impacted the soil and/or groundwater underlying the property.
K. Limited Phase II Environmental Site Assessment (San Gorgonio Inn)

This study was prepared by GeoTek, Incorporated of Riverside, California dated September 26, 2008. The purpose of the study was to report on a subsurface survey and laboratory test results of a reported former fuel station.

L. Phase I Environmental Site Assessment (280 E. Ramsey Street)

This study was prepared by GeoTek, Incorporated of Riverside, California dated March 26, 2010. The purpose of the study was to assess the whether hazardous material contamination has impacted the soil and/or groundwater underlying the property.

M. Limited Phase II Environmental Site Assessment (280 E. Ramsey Street)

This study was prepared by GeoTek, Incorporated of Riverside, California dated July 7, 2010. The purpose of the study was to report on a subsurface survey and laboratory test results of possible underground storage tanks.

N. Historic Building Evaluation (280 E. Ramsey Street)

The report was prepared by CRM TECH of Colton, California dated March 11, 2011, for the building located at 280 E. Ramsey Street.

O. Hydrology Report for JMA Village, LLC

This study was prepared by Albert A. Webb Associates of Riverside, California to present the backup hydrology that will be used for the final design for the project.

P. Preliminary Water Quality Management Plan

This study was prepared by Albert A. Webb Associates of Riverside, California dated February 2011 to provide preliminary recommendations regarding the preparation of a Water Quality Management Plan as required through the Whitewater River Regional Water Quality Control Board.

Q. Revised Traffic Impact Study Report

This study was prepared by Albert A. Webb Associates of Riverside, California dated March 1, 2011. The report analyzed roadway capacity, and level of service to determine traffic impacts generated from the proposed project.

8. LIST OF PREPARERS

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

Project Manager: Brian Guillot, Assistant Planner

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

(Site photographs)
Looking southwesterly from 280 E. Ramsey Street (San Gorgonio Inn in foreground)

Looking southeasterly from 99 E. Ramsey Street (Chamber bldg. to the right)
EXHIBIT B

(reproduced General Plan information)
### Table IV-11

**Recorded Historic-Era Buildings and Other Features in the Planning Area**

<table>
<thead>
<tr>
<th>Property Number</th>
<th>Property Name</th>
<th>Location</th>
<th>Property Type</th>
<th>Year Built</th>
</tr>
</thead>
<tbody>
<tr>
<td>33-3870</td>
<td>Pedley-type dam</td>
<td>San Gorgonio Ave. and Bluff St.</td>
<td>Water reclaimer/erosion control</td>
<td>1910s</td>
</tr>
<tr>
<td>33-3879</td>
<td>Henderson Building (1880s)</td>
<td>54 S. San Gorgonio Ave.</td>
<td>Commercial building</td>
<td>1884</td>
</tr>
<tr>
<td>33-3880</td>
<td>Coplin House/Spokane Hotel</td>
<td>12 S. San Gorgonio Ave.</td>
<td>Hotel</td>
<td>1900</td>
</tr>
<tr>
<td>33-3832</td>
<td>None</td>
<td>70 E. Barbour St.</td>
<td>Single-family dwelling</td>
<td>1890s</td>
</tr>
<tr>
<td>33-3833</td>
<td>None</td>
<td>225 E. Barbour St.</td>
<td>Single-family dwelling</td>
<td>1892</td>
</tr>
<tr>
<td>33-3834</td>
<td>Russell Jones House</td>
<td>391 E. Barbour St.</td>
<td>Single-family dwelling</td>
<td>1900s</td>
</tr>
<tr>
<td>33-3835</td>
<td>None</td>
<td>434 E. Barbour St.</td>
<td>Single-family dwelling</td>
<td>1920s</td>
</tr>
<tr>
<td>33-3836</td>
<td>None</td>
<td>451 E. Barbour St.</td>
<td>Single-family dwelling</td>
<td>1890s</td>
</tr>
<tr>
<td>33-3837</td>
<td>Davis Home</td>
<td>933 E. Barbour St.</td>
<td>Single-family dwelling</td>
<td>1892</td>
</tr>
<tr>
<td>33-3838</td>
<td>D. Frank Southworth House</td>
<td>1487 E. Barbour St.</td>
<td>Single-family dwelling</td>
<td>1900s</td>
</tr>
<tr>
<td>33-3839</td>
<td>Canyon/Steuse House</td>
<td>8720 Bluff St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-3840</td>
<td>John Minney Packing Shed</td>
<td>9615 Bluff St.</td>
<td>Packing house</td>
<td>1910s</td>
</tr>
<tr>
<td>33-3841</td>
<td>Ellis Ranch</td>
<td>9835 Bluff St.</td>
<td>Single-family dwelling</td>
<td>1940</td>
</tr>
<tr>
<td>33-3842</td>
<td>Rutherford Orchards/Barker</td>
<td>10181 Bluff St.</td>
<td>Packing house</td>
<td>1930s</td>
</tr>
<tr>
<td>33-3843</td>
<td>Tom Moroney House</td>
<td>10220 Bluff St.</td>
<td>Single-family dwelling</td>
<td>1910s</td>
</tr>
<tr>
<td>33-3844</td>
<td>Rutherford Moore Orchard Barn</td>
<td>4335 Dunlap St.</td>
<td>Barn/single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-3845</td>
<td>None</td>
<td>215 E. George St.</td>
<td>Single-family dwelling</td>
<td>1923</td>
</tr>
<tr>
<td>33-3846</td>
<td>Karl Brown Home</td>
<td>272 E. George St.</td>
<td>Single-family dwelling</td>
<td>1900s</td>
</tr>
<tr>
<td>33-3847</td>
<td>Rose House</td>
<td>779 E. George St.</td>
<td>Single-family dwelling</td>
<td>1910s</td>
</tr>
<tr>
<td>33-3848</td>
<td>None</td>
<td>Gilman St. north of Mesa St.</td>
<td>Pump house</td>
<td>1910s</td>
</tr>
<tr>
<td>33-3849</td>
<td>None</td>
<td>43210 Gurner Rd.</td>
<td>Single-family dwelling and packing house</td>
<td>1930s</td>
</tr>
<tr>
<td>33-3850</td>
<td>George Parker House</td>
<td>1228 S. Hargrove St.</td>
<td>Single-family dwelling</td>
<td>1888</td>
</tr>
<tr>
<td>33-3851</td>
<td>Banning Woman's Club</td>
<td>175 W. Hayes St.</td>
<td>Social club</td>
<td>1910s</td>
</tr>
<tr>
<td>33-3852</td>
<td>None</td>
<td>322 E. John St.</td>
<td>Single-family dwelling</td>
<td>1900s</td>
</tr>
<tr>
<td>33-3853</td>
<td>Mary Isella House</td>
<td>43601 Mesa St.</td>
<td>Single-family dwelling</td>
<td>1920</td>
</tr>
<tr>
<td>33-3855</td>
<td>None</td>
<td>334 N. Murray St.</td>
<td>Single-family dwelling</td>
<td>1910</td>
</tr>
<tr>
<td>33-3856</td>
<td>The San Gorgonio Inn/Bryant House</td>
<td>150 E. Ramsey St.</td>
<td>Hotel</td>
<td>1884</td>
</tr>
<tr>
<td>33-3857</td>
<td>Fox Theater/Curry Building</td>
<td>84 W. Ramsey St.</td>
<td>Theater</td>
<td>1928</td>
</tr>
<tr>
<td>33-3858</td>
<td>Hotel Bannicks</td>
<td>225 W. Ramsey St.</td>
<td>Hotel</td>
<td>1920s</td>
</tr>
<tr>
<td>33-3859</td>
<td>Purcell House</td>
<td>11639 N. San Gorgonio Ave.</td>
<td>Single-family dwelling</td>
<td>1932</td>
</tr>
<tr>
<td>33-3860</td>
<td>Banning High School</td>
<td>NE corner of San Gorgonio Ave. and Nicol St.</td>
<td>Educational building</td>
<td>1935</td>
</tr>
<tr>
<td>33-3862</td>
<td>Halcomb Building</td>
<td>40 S. San Gorgonio Ave.</td>
<td>Commercial building</td>
<td>1900s</td>
</tr>
<tr>
<td>33-3863</td>
<td>Conrad Graf House</td>
<td>717 S. San Gorgonio Ave.</td>
<td>Single-family dwelling</td>
<td>1910</td>
</tr>
<tr>
<td>33-3899</td>
<td>None</td>
<td>132 E. Wesley St.</td>
<td>Single-family dwelling</td>
<td>1920s</td>
</tr>
<tr>
<td>33-3840</td>
<td>Vollaro House/J.R. Fountain House</td>
<td>270 E. Wesley St.</td>
<td>Single-family dwelling</td>
<td>1888</td>
</tr>
<tr>
<td>33-3906</td>
<td>Mary Ellis Home</td>
<td>170 W. Williams St.</td>
<td>Single-family dwelling</td>
<td>1910s</td>
</tr>
<tr>
<td>33-3907</td>
<td>Banning Unified School District Offices</td>
<td>161 W. Williams St.</td>
<td>Government building</td>
<td>1908</td>
</tr>
<tr>
<td>33-3908</td>
<td>Charlie Morris House</td>
<td>466 W. Williams St.</td>
<td>Single-family dwelling</td>
<td>1897</td>
</tr>
<tr>
<td>33-3909</td>
<td>None</td>
<td>530 W. Williams St.</td>
<td>Single-family dwelling</td>
<td>1902</td>
</tr>
</tbody>
</table>

Environmental Resources IV-62
<table>
<thead>
<tr>
<th>Code</th>
<th>Building Name</th>
<th>Address</th>
<th>Type</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>33-9104</td>
<td>McAllister Home</td>
<td>111 N. 1st St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
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<tr>
<td>33-9105</td>
<td>None</td>
<td>125 N. 1st St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9106</td>
<td>None</td>
<td>144 N. 1st St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
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<td>33-9107</td>
<td>None</td>
<td>157 N. 1st St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9108</td>
<td>None</td>
<td>160 N. 1st St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9109</td>
<td>Saint Agnes Church/Grace Lutheran Church</td>
<td>111 N. 2nd St.</td>
<td>Religious building</td>
<td>1928</td>
</tr>
<tr>
<td>33-9110</td>
<td>C.D. Hamilton Home</td>
<td>181 N. 2nd St.</td>
<td>Single-family dwelling</td>
<td>1890</td>
</tr>
<tr>
<td>33-9111</td>
<td>United Methodist Church</td>
<td>235 N. 2nd St.</td>
<td>Religious building</td>
<td>1928</td>
</tr>
<tr>
<td>33-9112</td>
<td>Dr. Ryan Home</td>
<td>115 N. 3rd St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
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<tr>
<td>33-9113</td>
<td>Methodist Parsonage</td>
<td>200 N. 3rd St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9115</td>
<td>Samuel Home</td>
<td>354 N. 3rd St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9116</td>
<td>None</td>
<td>524 N. 3rd St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9117</td>
<td>F.F. Lemmon Home</td>
<td>151 N. 4th St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9118</td>
<td>Osborn House</td>
<td>416 N. 4th St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
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<tr>
<td>33-9119</td>
<td>Rutherford House</td>
<td>385 N. 5th St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
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<td>33-9120</td>
<td>None</td>
<td>955 W. Hayes St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
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<tr>
<td>33-9121</td>
<td>None</td>
<td>1015 W. Hayes St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9122</td>
<td>None</td>
<td>1067 W. Hayes St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
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<tr>
<td>33-9123</td>
<td>None</td>
<td>81 King St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9124</td>
<td>None</td>
<td>94 King St.</td>
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<tr>
<td>33-9125</td>
<td>None</td>
<td>58 W. King St.</td>
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<td>1928</td>
</tr>
<tr>
<td>33-9126</td>
<td>None</td>
<td>942 Linda Vista Dr.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9127</td>
<td>None</td>
<td>946 Linda Vista Dr.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9128</td>
<td>None</td>
<td>110 Linda Vista Dr.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9129</td>
<td>None</td>
<td>160 W. Ramsey St.</td>
<td>Commercial building</td>
<td>1930</td>
</tr>
<tr>
<td>33-9130</td>
<td>None</td>
<td>170 W. Ramsey St.</td>
<td>Commercial building</td>
<td>1930</td>
</tr>
<tr>
<td>33-9131</td>
<td>Mason Moore Building</td>
<td>185 W. Ramsey St.</td>
<td>Commercial building</td>
<td>1928</td>
</tr>
<tr>
<td>33-9132</td>
<td>Hendrick's Market</td>
<td>141 N. San Gorgonio Ave.</td>
<td>Commercial building</td>
<td>1928</td>
</tr>
<tr>
<td>33-9133</td>
<td>American Legion Hall</td>
<td>375 N. San Gorgonio Ave.</td>
<td>Social club</td>
<td>1928</td>
</tr>
<tr>
<td>33-9134</td>
<td>Odd Fellows Building</td>
<td>25 South San Gorgonio Ave.</td>
<td>Social club</td>
<td>1928</td>
</tr>
<tr>
<td>33-9135</td>
<td>None</td>
<td>873 N. 1st St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9136</td>
<td>None</td>
<td>889 N. 1st St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
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<tr>
<td>33-9137</td>
<td>None</td>
<td>901 N. 1st St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9138</td>
<td>None</td>
<td>933 N. 1st St.</td>
<td>Single-family dwelling</td>
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</tr>
<tr>
<td>33-9139</td>
<td>None</td>
<td>961 N. 1st St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9140</td>
<td>None</td>
<td>978 N. 1st St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9141</td>
<td>None</td>
<td>1051 N. 1st St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9142</td>
<td>None</td>
<td>1119 N. 1st St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9143</td>
<td>None</td>
<td>1139 N. 1st St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9144</td>
<td>None</td>
<td>65 Ensign St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
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<tr>
<td>33-9145</td>
<td>None</td>
<td>91 Ensign St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9147</td>
<td>Mixter House</td>
<td>1626 W. George St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9149</td>
<td>None</td>
<td>59 Lancaster Rd.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9150</td>
<td>None</td>
<td>1221 W. Lincoln St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
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<tr>
<td>33-9151</td>
<td>None</td>
<td>76 W. Pendleton Rd.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9152</td>
<td>None</td>
<td>145 W. Pendleton Rd.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9153</td>
<td>Constantino's/Tucker Cafe</td>
<td>140 W. Ramsey St.</td>
<td>Single-family dwelling</td>
<td>1928</td>
</tr>
<tr>
<td>33-9154</td>
<td>Banning City Hall</td>
<td>169 W. Ramsey St.</td>
<td>Government building</td>
<td>Unknown</td>
</tr>
<tr>
<td>33-9155</td>
<td>None</td>
<td>260 W. Ramsey St.</td>
<td>Commercial building</td>
<td>1928</td>
</tr>
<tr>
<td>33-9156</td>
<td>Banning Medical Clinic</td>
<td>336 W. Ramsey St.</td>
<td>Commercial building</td>
<td>1928</td>
</tr>
</tbody>
</table>

Environmental Resources

IV-63
### Table IV-11
Recorded Historic-Era Buildings and Other Features in the Planning Area

<table>
<thead>
<tr>
<th>Block</th>
<th>Name</th>
<th>Address</th>
<th>Type</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>33-9157</td>
<td>None</td>
<td>385 W. Ramsey St.</td>
<td>Single-family dwelling</td>
<td>1920s</td>
</tr>
<tr>
<td>33-9159</td>
<td>Bird Insurance Agency</td>
<td>1075 W. Ramsey St.</td>
<td>Single-family dwelling</td>
<td>1910s</td>
</tr>
<tr>
<td>33-9160</td>
<td>None</td>
<td>1211 W. Ramsey St.</td>
<td>Single-family dwelling</td>
<td>1910s</td>
</tr>
<tr>
<td>33-9161</td>
<td>None</td>
<td>1231 W. Ramsey St.</td>
<td>Single-family dwelling</td>
<td>1920s</td>
</tr>
<tr>
<td>33-9163</td>
<td>Berlin Building</td>
<td>65 N. San Gorgonio Ave.</td>
<td>Commercial building</td>
<td>1920s</td>
</tr>
<tr>
<td>33-9164</td>
<td>Hazel's Thrift Shop/U.S. Post Office</td>
<td>125 N. San Gorgonio Ave.</td>
<td>Commercial building</td>
<td>1930s</td>
</tr>
<tr>
<td>33-9166</td>
<td>John Moore House</td>
<td>1023 N. San Gorgonio Ave.</td>
<td>Single-family dwelling</td>
<td>1910s</td>
</tr>
<tr>
<td>33-9167</td>
<td>None</td>
<td>1111 N. San Gorgonio Ave.</td>
<td>Single-family dwelling</td>
<td>1920s</td>
</tr>
<tr>
<td>33-9168</td>
<td>None</td>
<td>1419 N. San Gorgonio Ave.</td>
<td>Single-family dwelling</td>
<td>1910s</td>
</tr>
<tr>
<td>33-9169</td>
<td>None</td>
<td>1455 N. San Gorgonio Ave.</td>
<td>Single-family dwelling</td>
<td>1920s</td>
</tr>
<tr>
<td>33-9170</td>
<td>None</td>
<td>1555 N. San Gorgonio Ave.</td>
<td>Single-family dwelling</td>
<td>1920s</td>
</tr>
<tr>
<td>33-9171</td>
<td>None</td>
<td>1380 N. San Gorgonio Ave.</td>
<td>Single-family dwelling</td>
<td>1920s</td>
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<tr>
<td>33-9172</td>
<td>None</td>
<td>1617 N. San Gorgonio Ave.</td>
<td>Single-family dwelling</td>
<td>1920s</td>
</tr>
<tr>
<td>33-9173</td>
<td>None</td>
<td>1661 N. San Gorgonia Ave.</td>
<td>Single-family dwelling</td>
<td></td>
</tr>
<tr>
<td>33-9174</td>
<td>None</td>
<td>1725 N. San Gorgonia Ave.</td>
<td>Single-family dwelling</td>
<td>1930s</td>
</tr>
<tr>
<td>33-9175</td>
<td>None</td>
<td>290 E. Santa Rita Pl.</td>
<td>Single-family dwelling</td>
<td>1920s</td>
</tr>
<tr>
<td>33-9177</td>
<td>None</td>
<td>185 W. Westward Ave.</td>
<td>Single-family dwelling</td>
<td>1930s</td>
</tr>
<tr>
<td>33-9178</td>
<td>None</td>
<td>116 N. 4th St.</td>
<td>Single-family dwelling</td>
<td>1920s</td>
</tr>
<tr>
<td>33-9179</td>
<td>None</td>
<td>141 N. 4th St.</td>
<td>Single-family dwelling</td>
<td>1920s</td>
</tr>
<tr>
<td>33-12423</td>
<td>Historic Downtown Banning</td>
<td>Ramsey/Livingston/San Gorgoni/Murray</td>
<td>Commercial district</td>
<td>1880s-1920s</td>
</tr>
</tbody>
</table>
EXHIBIT C

(Mitigation Monitoring and Reporting Program)
### The Village at Paseo San Gorgonio
Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Timing</th>
<th>Verification</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Department</td>
</tr>
<tr>
<td><strong>Greenhouse gases</strong></td>
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<tr>
<td>GH-1 In order to reduce energy consumption from the proposed project development, applicable plans (e.g., electrical plans, improvement maps, etc.) submitted to the City shall include the installation of energy efficient street lighting throughout the project site. These plans shall be reviewed and approved by the applicable Department (e.g., Department of Building and Safety or Department of Transportation) prior to conveyance of applicable streets.</td>
<td>Prior to occupancy of the first building.</td>
<td>Community Development Public Works Electric</td>
</tr>
<tr>
<td>GH-2 The project shall implement, at a minimum, and require an increase in building energy efficiency of 15 percent beyond Title 24, and reduce indoor water use by 25 percent. All requirements will be documented through a checklist to be submitted prior to issuance of any building permits with building plans and calculations.</td>
<td>Prior to issuance of the first building permit.</td>
<td>Building &amp; Safety</td>
</tr>
<tr>
<td><strong>Noise</strong></td>
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<tr>
<td>NO-1 Any building placed within 84 feet of Interstate 10 (70 dBA noise contour) will require that a noise study be performed and that noise insulation features be incorporated into the design to reduce the noise impact to acceptable levels.</td>
<td>Prior to issuance of the building permit.</td>
<td>Community Development Building &amp; Safety</td>
</tr>
<tr>
<td><strong>Transportation</strong></td>
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</tr>
<tr>
<td>TR-1 Construct the Roadway improvements and place the traffic striping improvements in accordance with the traffic impact analysis.</td>
<td>Prior to occupancy of the first building.</td>
<td>Community Development Public Works</td>
</tr>
</tbody>
</table>
EXHIBIT D

(Mitigation Monitoring and Reporting Program San Gorgonio Inn Demolition)
MITIGATION MONITORING and REPORTING PROGRAM
for the
SAN GORGONIO INN DEMOLITION PROJECT

Prepared for:

City of Banning Community Redevelopment Agency
99 E. Ramsey Street
Banning, CA 92220

Prepared by:

RPG
Romo Planning Group, Inc.
2560 North Lomitas Way
Covina, CA 91724

June 14, 2010
MITIGATION MONITORING and REPORTING PROGRAM

Pursuant to Section 21081.6 of the Public Resources Code and the CEQA Guidelines Section 15097, a lead agency is required to adopt a monitoring and reporting program for assessing and ensuring compliance with the required mitigation measures applied to a proposed project for which an EIR has been prepared.

As stated in the Public Resources Code:

"...the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects."

Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during Project implementation, shall be defined prior to final certification of the EIR. The lead agency may delegate reporting or monitoring responsibilities to another public agency or a private entity, which accept delegations. The lead agency, however, remains responsible for ensuring that implementation of the mitigation measures occur in accordance with the program.

The mitigation monitoring table below lists mitigation measures that are required to reduce the significant effects of the Project. These measures may also be included as conditions of approval for the Project.

These measures correspond to those outlined in the Executive Summary, and discussed in Sections 3.2 and 3.3 of the Draft EIR. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsible entity for monitoring each measure.

The Project applicant will have the responsibility for implementing the measures, and the City of Banning will have the primary responsibility for enforcing, monitoring, and reporting the implementation of the mitigation measures.

This Mitigation Monitoring and Reporting Program is set up as a Compliance Report, with space for confirming the correct mitigation measures have been implemented for the Project. In order to sufficiently track and document the status of mitigation measures, the matrix below has been prepared with the following components:

- Mitigation measures;
- Timing;
- Responsible Department; and
- Verification by signature and date.
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Timing</th>
<th>Verification</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Historic Resources</strong></td>
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<tr>
<td>CR-1. Direct impacts to the significant place that was the Bryant House/Banning Hotel as a result of demolition can be mitigated for by constructing a small Monument plaque dedicated to several of the town founders preferably at the spot where the Bryant House/Banning Hotel once stood and secondarily at the corner of either Ramsey and Alessandro Streets or Ramsey and Murray Streets. It is recommended that the Monument be roughly five feet tall with a metal plaque set in stone and exhibit etched pictures of the San Gorgonio Inn, the Bryant House/Banning Hotel, and a short discussion of the City of Banning founders and the significance of the Hotel Block. The Monument should be protected from future impacts that result from any future development.</td>
<td>Prior to demolition activities, the location of the monument shall be identified. The monument shall be included in any future plans for development of the site.</td>
<td>Community Development Department.</td>
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<tr>
<td><strong>Hazardous Materials</strong></td>
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<tr>
<td>HAZ-1 Prior to the issuance of a demolition permit or any activities that may disturb any asbestos-containing materials an Asbestos Removal Program shall be submitted to and approved by the City of Banning Building Official. The program shall include the following provisions:</td>
<td>Prior to the issuance of a demolition permit.</td>
<td>Building &amp; Safety Department.</td>
</tr>
<tr>
<td>a) Notification to the SCAQMD;</td>
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<tr>
<td>b) Removal Techniques for Asbestos Containing Materials;</td>
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<tr>
<td>c) Clean up Procedures;</td>
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<tr>
<td>d) Waste Storage and Disposal Requirements.</td>
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</tr>
<tr>
<td>Mitigation Measure</td>
<td>Timing</td>
<td>Department</td>
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<td>HAZ-2: Prior to the issuance of a demolition permit for any structures on the site, lead based paint assessments shall be completed. The assessments shall be performed by qualified personnel based on the requirements of the California Department of Safety and Health. Results of the assessments shall be provided to the City of Banning Building Official for implementation of appropriate abatement measures if required. Should lead-based paint be detected, a lead-based paint abatement plan shall be prepared and implemented. Elements of the plan shall include the following:</td>
<td>Prior to the issuance of a demolition permit.</td>
<td>Building &amp; Safety Department.</td>
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<tr>
<td>a) Containment of all work areas to prohibit off-site migration of paint chip debris.</td>
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<tr>
<td>b) Removal of all peeling and stratified lead-based paint on building surfaces and on non-building surfaces to the degree necessary to safely and properly complete demolition activities per the recommendations of the survey. The demolition contractor shall be identified as responsible for properly containing and disposing of intact lead-based paint on all equipment to be cut and/or removed during the demolition.</td>
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<tr>
<td>c) Providing on-site air monitoring during all abatement activities and perimeter monitoring to ensure no contamination of work or adjacent areas.</td>
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<tr>
<td>d) Cleanup and/or HEPA vacuum paint chips.</td>
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<td>e) Collection, segregation, and profiling waste for disposal determination.</td>
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<td>f) Post-demolition testing of soil to assure that soil at the site is not contaminated by lead based paint.</td>
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<td>g) Providing for appropriate disposal of all waste.</td>
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