

**AGENDA  
REGULAR MEETING  
CITY OF BANNING  
BANNING, CALIFORNIA**

June 9, 2015  
5:00 p.m.

Banning Civic Center  
Council Chambers  
99 E. Ramsey St.

*The following information comprises the agenda for a regular meeting of the City Council and a Joint Meeting of the City Council and the Banning Utility Authority and the Banning Financing Authority.*

*Per City Council Resolution No. 2010-38 matters taken up by the Council before 9:00 p.m. may be concluded, but no new matters shall be taken up after 9:00 p.m. except upon a unanimous vote of the council members present and voting, but such extension shall only be valid for one hour and each hour thereafter shall require a renewed action for the meeting to continue.*

**I. CALL TO ORDER**

- Invocation – Pastor Tate Crenshaw, Lifepoint Church
- Pledge of Allegiance
- Roll Call – Councilmembers Miller, Moyer, Peterson, Welch, Mayor Franklin

**II. REPORT ON CLOSED SESSION**

**III. PUBLIC COMMENTS/CORRESPONDENCE**

PUBLIC COMMENTS – *On Items Not on the Agenda*

*A five-minute limitation shall apply to each member of the public who wishes to address the Mayor and Council on a matter not on the agenda. A thirty-minute time limit is placed on this section. No member of the public shall be permitted to "share" his/her five minutes with any other member of the public. (Usually, any items received under this heading are referred to staff or future study, research, completion and/or future Council Action.) (See last page. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.*

CORRESPONDENCE: Items received under this category may be received and filed or referred to staff for future research or a future agenda.

*The City of Banning promotes and supports a high quality of life that ensures a safe and friendly environment, fosters new opportunities and provides responsive, fair treatment to all and is the pride of its citizens.*

#### IV. CONSENT ITEMS

*(The following items have been recommended for approval and will be acted upon simultaneously, unless a member of the City Council wishes to remove an item for separate consideration.)*

**Motion: That the City Council approve Consent Item 1 through 4**

**Items to be pulled \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ for discussion.**

*(Resolutions require a recorded majority vote of the total membership of the City Council)*

1. Approval of Minutes – Special Meeting – 05/26/15 *(Closed Session)* . . . . . **1**
2. Approval of Minutes – Regular Meeting – 05/26/15 . . . . . **2**
3. Ordinance No. 1488- 2<sup>nd</sup> Reading: An Ordinance of the City Council of the City of Banning, California, Approving a Categorical Exemption and Zone Text Amendment No. 15-97502 to Amend Table 17.12.020 (Permitted, Conditional and Prohibited Commercial and Industrial Uses) and Zone Text Corrections within Section 17.08.050 (Accessory Structures) and Section 17.64.060 (Council Action on Amendments) of Title 17 (Zonin Ordinance) of the City of Banning Municipal Code . . . . . **30**
4. Ordinance No. 1489-2<sup>nd</sup> Reading: An Ordinance of the City Council of the City of Banning, California, Relating to Water Conservation During California’s State of Emergency due to Drought Conditions . . . . . **37**

- **Open for Public Comments**
- **Make Motion**

#### V. PUBLIC HEARINGS

*(The Mayor will ask for the staff report from the appropriate staff member. The City Council will comment, if necessary on the item. The Mayor will open the public hearing for comments from the public. The Mayor will close the public hearing. The matter will then be discussed by members of the City Council prior to taking action on the item.)*

1. Resolution No. 2015-51, Approval of the 2015 Edward Byrne Memorial Justice Assistance Grant in the Amount of \$10,742.00.  
Staff Report . . . . . **41**  
Recommendations: **That the City Council adopt Resolution No. 2015-51, Authorizing the Acceptance of the 2015 U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) in the Amount of \$10,742.00 To Purchase Seven (7) X2 Tasers.**

**RECESS REGULAR CITY COUNCIL MEETING AND CALL TO ORDER A JOINT MEETING OF THE BANNING CITY COUNCIL AND THE BANNING UTILITY AUTHORITY AND THE BANNING FINANCING AUTHORITY**

## VI. CONSENT ITEMS

1. Resolution No. 2015-08 UA, Establishing a Regular Meeting Schedule and Providing for Matters Related Thereto . . . . . 50
2. Resolution No. 2015-01 FA, Establishing A Regular Meeting Schedule and Providing for Matters Related Thereto . . . . . 53

RECESS joint meeting and reconvene the regular City Council Meeting.

## VII. REPORTS OF OFFICERS

1. Planning Commission Appointments  
Staff Report. . . . . 57  
Recommendations: That the City Council:
  - I.) **Provide direction to staff with regard to filling the vacancy on the Planning Commission for the remainder of the term of Planning Commissioner Kevin; and**
  - II.) **Acknowledge the term of Planning Commissioner David Ellis until May 2017.**
2. Resolution No. 2015-54, Authorizing the Submittal of the FY 2015/16 Local Transportation Fund (LTF) Claim and Approving the FY 2015/16 – 2016/17 Short Range Transit Plan (SRTP)  
Staff Report. . . . . 61  
Recommendations: **(1) That the City Council adopt Resolution No. 2015-54, Authorizing the submittal of the FY 2015/16 Local Transportation Fund (LTF) in the amount of \$1,469,748.00 and approving the FY 2015/2016 – 2016/17 Short Range Transit Plan (SRTP).**
3. Resolution No. 2015-47, Time Extension for Design Review No. 10-702 for the Village at Paseo San Gorgonio Project.  
Staff Report. . . . . 103  
Recommendations: **That the City Council adopt Resolution No. 2015-47: Approving a Six (6) Month (180 Days) Time Extension for Design Review No. 10-702 for the Village at Paseo San Gorgonio Project to November 24, 2015.**

## VIII. ANNOUNCEMENTS/REPORTS *(Upcoming Events/Other Items if any)*

- City Council
- City Committee Reports
- Report by City Attorney
- Report by City Manager

## **IX. ITEMS FOR FUTURE AGENDAS**

### New Items –

### Pending Items – City Council

1. Discussion regarding City's ordinance dealing with sex offenders and child offenders. (6/2015)
2. Discussion regarding Animal Control Services (7/2015)
3. Discussion regarding change in time for Council Meetings (4/28/15 – Part 2 – Goals)
4. Fee Study
5. Discussion on how to handle/address upcoming Assembly Bills
6. Discussion of whether or not to reduce City Manager authority to give a contract of \$25,000.
7. Look at Consent Calendar policy.

*(Note: Dates attached to pending items are the dates anticipated when it will be on an agenda. The item(s) will be removed when completed.)*

## **X. ADJOURNMENT**

*Pursuant to amended Government Code Section 54957.5(b) staff reports and other public records related to open session agenda items are available at City Hall, 99 E. Ramsey St., at the office of the City Clerk during regular business hours, Monday through Thursday, 7 a.m. to 5 p.m.*

**NOTICE:** Any member of the public may address this meeting of the Mayor and Council on any item appearing on the agenda by approaching the microphone in the Council Chambers and asking to be recognized, either before the item about which the member desires to speak is called, or at any time during consideration of the item. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public.

Any member of the public may address this meeting of the Mayor and Council on any item which does not appear on the agenda, but is of interest to the general public and is an item upon which the Mayor and Council may act. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public. The Mayor and Council will in most instances refer items of discussion which do not appear on the agenda to staff for appropriate action or direct that the item be placed on a future agenda of the Mayor and Council. However, no other action shall be taken, nor discussion held by the Mayor and Council on any item which does not appear on the agenda, unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of Section 54954.2 of the Government Code.

**In compliance with the Americans with Disabilities Act**, if you need special assistance to participate in this meeting, please contact the City Clerk's Office (951) 922-3102. **Notification 48 hours prior to the meeting** will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.02-35.104 ADA Title II]



MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

05/26/15  
SPECIAL MEETING

A special meeting of the Banning City Council was called to order by Mayor Franklin on May 26, 2015 at 4:05 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Councilmember Miller  
Councilmember Moyer  
Councilmember Peterson  
Councilmember Welch  
Mayor Franklin

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Dean Martin, Interim City Manager/Interim Administrative Services Dir.  
David J. Aleshire, City Attorney  
Arturo Vela, Acting Public Works Director  
Rita Chapparosa, Deputy Human Resources Director  
Sonja De La Fuente, Office Specialist  
Marie A. Calderon, City Clerk

CLOSED SESSION

City Attorney Aleshire said the closed session are two cases of significant exposure to litigation pursuant to Government Code § 54956.9 (d)(2); existing litigation matter pursuant Government Code § 54956.9 (d)(1) – a) Robertson’s Ready Mix, Lt., v. City of Banning; labor negotiations pursuant to the provisions of Government Code § 54957.6 - City is represented by the City Attorney and negotiations are with International Brotherhood of Electrical Workers (IBEW) – Utility Unit and General Unit, Banning Police Officers Association (BPOA), and; personnel matters pursuant to Government Code §54957: a) Recruitment of City Manager and Interim City Manager pursuant to Government Code §54957; and b) to authorize the Interim City Manager to negotiate employment contracts for the positions of Community Development Director and Public Works Director/City Engineer; and c) with regards to the City Attorney’s contract.

Mayor Franklin opened the closed session items for public comments; there were none.

Meeting went into closed session at 4:05 p.m. and reconvened at 5:00 p.m.

ADJOURNMENT

By common consent the meeting adjourned at 5:00 p.m.

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Marie A. Calderon, City Clerk

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

05/26/15  
REGULAR MEETING

A regular meeting of the Banning City Council and a joint meeting of the Banning City Council and the Banning Utility Authority was called to order by Mayor Franklin on May 26, 2015, at 5:12 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Councilmember Miller  
Councilmember Moyer  
Councilmember Peterson  
Councilmember Welch  
Mayor Franklin

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Dean Martin, Interim City Manager/Interim Administrative Services Dir.  
David J. Aleshire, City Attorney  
Fred Mason, Electric Utility Dir.  
Arturo Vela, Acting Public Works Director  
Alex Diaz, Interim Chief of Police  
Brian Guillot, Acting Community Development Director  
Heidi Meraz, Community Services Director  
Rita Chapparosa, Deputy Human Resources Director  
Michelle Green, Deputy Finance Director  
Tim Chavez, Battalion Chief  
Oliver Mujica, Contract Planner  
Sonja De La Fuente, Office Specialist  
Marie A. Calderon, City Clerk

The invocation was given by Merle Malland, Banning Police Chaplain. Talitha Brown and La'Chelle Taylor, students from Hoffer Elementary School, led the audience in the Pledge of Allegiance to the Flag.

PRESENTATIONS

1. Recognition - Happy Healthy Hoffer Mile Club  
- Talitha Brown and La'Chelle Taylor

Mayor Franklin said that Talitha Brown is a third grader at Hoffer Elementary School and she is the top runner in the Healthy Happy Hoffer Mile Club with 76 miles. At the school they have a program to run 100 miles during the school year and this is only before school, during lunch or after school three days a week. La'Chelle Taylor was at 72 miles and she is a first grader. Mayor

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Franklin and the City Council Members recognized and congratulated these two young ladies for a job well done and presented them with Certificates of Recognition. Mayor Franklin said that both Talitha and La'Chelle were both recognized at their school this morning.

#### REPORT ON CLOSED SESSION

City Attorney reported that the Council met in closed session and they did not discuss the Robertson's litigation matter. They discussed labor negotiations and direction was given for further negotiations. The recruitment of the City Manager and Interim City Manager positions were discussed. The Council did authorize the Interim City Manager to negotiate employment contracts for the positions of Community Development Director and Public Works Director and those items will come back to a Council agenda. The City Attorney's contract was not discussed. There were two issues of exposure to litigation and one of those matters was discussed and on the second matter the Council voted with a motion by Councilmember Moyer and seconded by Councilmember Welch approved 5/0 to authorize \$35,000 and some change to Mr. McDonald to perform some studies in connection with the Flume matter and the FERC application and go forward to finalize that contract.

#### PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS

##### PUBLIC COMMENTS – *On Items Not on the Agenda*

Clarence Taylor, 190 E. Gilman Street, Banning addressed the Council stating that he was one of the Commissioners at the Banning Library and he is bringing forth library information. He was also one of the original Banning Library Trustees. He said he is not representing the library nor is he their spokesperson however, the reason he is approaching the City Council is to bring awareness to the citizens of Banning regarding the Library District. He said that two of the last three appointments the Riverside County Board of Supervisors has made they chose to ignore the recommendations of the Library Director and the current Board Members. In the last appointment which was May 3<sup>rd</sup> the County Board of Supervisors were not entitled to do being the largest portion was not in the county area but within the city of Banning and that is Government Code 1780 § F. In essence the City Council should have made the appointments and not the Riverside County Board of Supervisors. After the County Board of Supervisors had taken over Cabazon he believes that their intent is to take over the Banning Library District cut the staff, their benefits and hours and contracting with a company called LSI. They would keep approximately \$1 million dollars of city of Banning taxpayer's money annually and future development fees because they would then own the library. His recommendation is that if the County makes this attempt, the City Council should make it clear to start annexing the Desert Hills area into the city of Banning. He is also asking that the City Council make this a future Board item so that this will not fall between the cracks.

Frank Burgess, P. O. Box 54, Banning addressed the Council stating that he did email each of the Council Members A, B, C, and D of a book that he has and we can stand here and go over it all evening but what he is asking is that he attempted to get this placed on the agenda and the City Clerk advised him to see the Acting City Manager and the Acting City Manager advised him that in order to put it on the agenda for discussion it must be okayed by a City Council Member or asked for by a City Council Member. This must be something new and the City Attorney can

correct it but he never knew that a citizen couldn't put an item on the agenda without getting permission from one Council Member and maybe that is an ordinance or a resolution but he is desperately asking the Council to put this on an agenda. If you all read your packet of information he sent and by the gentleman that just spoke, under Code 1780 it covers who is responsible for appointing a vacancy. There were already three people on the Board when they appointed the last one which should have never been done by the County. Ms. Estelle Lewis, Mrs. Wells and Victoria Hatch were already on the Board and yet the Board of Supervisors chose to make an appointment, which if you read that packet thoroughly and looked at Item F, Section 1 it states, "either/or, subject to who has the largest portion of the district." He said that the city of Banning has 12,282 registered voters and in the county section there is around 527 so no question the County acted out of place and he is asking the City Council to advised them of such and but at the same time the Council represents 27,000 people here in Banning; not one Supervisor. He hopes the Council read that packet and if the Council has any misunderstanding or if you need any information, just read it and go to Section H.2 where it says, "They can only appoint one person to make a quorum if they didn't have a quorum." He is asking the Council to please place this on the agenda; either have a special meeting for it or at the next regular Council meeting because action needs to be taken by this Board on behalf of the 27,000 people and the 12,000 registered voters of the city of Banning. He also asked the City Attorney what a person has to do to get an item on the agenda without one of the five Councilmember's permission. Is this a requirement, a resolution or an ordinance? He said the citizens need your attention to this soon and not later.

Clara Wooten-Thomas, Banning resident and retired Banning Unified School District employee addressed the Council stating that the city library seems to be encased in a political framework of some kind and she does not have very much understanding about it. All she knows is that for 50 years she and her family have had use of a very professional city library with its professional services meeting so many of her library needs and those of her family and her community friends and services administered by community personnel who are very cohesive with each other providing state-of-the-art library service with the best interest of the community at hand. So whatever the problems are or whatever they might seem to be code, county or whatever, please get it straightened out because any functional and administrative change in our library would be totally unwelcomed.

Inge Schuler resident of Banning addressed the Council stating that she wanted to address something that Councilmember Miller brought up in discussing the next City Manager's contract, Interim Manager, etc. There seems to have been some kind of a problem with the liberties that were granted to previous city managers in that they could authorize spending City funds up to \$25,000 each item and that seems to be an open-ended invitation. We should probably examine that amount again and probably put a cap on it so when a certain cumulative amount is reached this has to been examined by the City Council or the finance manager or somebody but this has been a problem and it is really a temptation for someone to go ahead and charge on and really at times not in the best interest of the city residents. The second item is something that she brought up as long ago as when Sue Palmer was on the City Council even before she became a Mayor and that is the Consent Item Calendar. She is so upset about this that these things keep to proliferate. There seems to be more items on the Consent Calendar and nowhere on the Consent Calendar Item is any mentioning of the total costs that might be

involved. Last meeting you had Item No. 9 which dealt with the ADA compliance of Lions Park. It came before the Parks and Recreation Commission last week and there was really no way that they could judge whether the amounts that are required for the budget which are \$400,000, half a million dollars out of City funds, to make Lions Park ADA compliant. We are taking away monies from Repplier Park, from other parks to fund this particular problem/solution of that park and they were really stymied in making a decision and the Council was also because when it was discussed at the last City Council meeting it was difficult to decide what exactly we are paying for; ADA compliance, there was no detailed plan, there was no mentioning of the demands or the agreement of the settlement. The Parks and Recreation Commission doesn't want to know who issued the complaint and it doesn't matter but what exactly are we paying for. She feels that on the Consent Calendar we need to know what the cost is going to be down the line. She said her last item is probably a little bit dicey, Paseo San Geronio. Last year we had a big brouhaha about the probation department and the change of the terms of the contract, etc. but she had a chance to look at the contract we have with that particular LLC and she seems to remember that there are some payments that are supposed to be made to the City with certain deadlines and the deadlines have passed. Have we gotten our money back?

Linda Page, 943 Linda Vista Drive, addressed the Council regarding the library and she has addressed part of this at the County Board of Supervisors meeting. She finds it interesting that Ms. Paparian has stated that the library is operating under the Government Code as the District Attorney states that the current dispute centers on the Education Code 19426 versus the Government Code 1780 to fill a vacancy. She respectfully contends that it is not the only dispute. First he stated that the Library Board failed to make any appointment or call an election within the 60 day period allowed by law and now the time had lapsed. She contends that was by design as the item of the vacancy was on the February 11, 2015 docket, agenda item 4.3 and was to be discussed by the library board but in the County's zeal and haste to appoint Ms. Harrington for whatever reason, appointed Ms. Harrington on Feb. 10<sup>th</sup> causing the train wreck that they have been dealing with and she doesn't know what the rush was to get Ms. Harrington appointed to the Banning Library Board Special District before the Feb. 11<sup>th</sup> Board Meeting. Second, Mr. Ashley's recommendation letter from Ms. Harrington dated the same day of the appointment on Feb. 10<sup>th</sup> he called her Donna McElroy. Third, he is just as inconsistent in his recommendation letter for Gail Paparian. He quotes Education Code 18434 C specifies to having five members on the Board. Unfortunately, there is no such Code as 18434 C and the correct code from Senate Bill 405 in Section 1 is Section 1834 C and it is Section 1834 C relating to the five members on the board and not 18434 C; so he is in a rush to try to get these people on the Board. Fourth, Ms. Paparian was brought in under Education Code 19426 and not Government Code 1780 as she proposes. The library is a Special District and was separated from the school district in 2005 and for this reason she doesn't believe Ms. Paparian is legitimate either as she should have been brought in under the Government Code 1780 as well. Fifth, Mr. Heiss is erroneous in his reporting when he stated that Ms. Harrington came in second in the election; in actuality she was fourth of the five candidates. Finally, in the past when the County made appointments to our library board it was at the behest of the library. If there was no election, applicants could request and receive applications and the Library Board of Trustees would thoroughly and critically review them and then submit the desired applicants to the County Board of Supervisors for appointment. It appears the County has subverted this system for the past three appointees. We have three unelected officials representing the County; not the voters or the community. As the

District Attorney states they have been "selected" by the County and not "elected" by the people. This process is not our represented form of government of the people, by the people and for the people. It is a dictatorial form of government in which bureaucracy rules. The County has over-ruled the Banning Library Board's decision by the selection of Ms. Harrington, Ms. Paparian and Ms. Freeman to represent our Special District Library. She requested that the City Council look into this injustice that has been placed upon the library and the community regarding this action.

Don Smith thanked Debbie Franklin for emceeding their Memorial Day Ceremony in which she did an excellent job and Art Welch for giving a proclamation to a building. It was a very nice ceremony honoring the 46 men from Banning who died in war to protect our freedoms. He encouraged each of the Council to come to future ceremonies and felt it is important to honor these men every year and that we don't forget their service. He also reminded the Council that on June 27, 2015 the Banning Community Fund is having an event to raise money for their endowment to support non-profits. It will be held at the Museum of Pinball on Hathaway and Westward. It is a wonderful facility with 1500 pinball machines and there will be three hours of free play on the pinball machines on June 27<sup>th</sup> so if you would like to attend this event to raise money for the endowment, you can go to [www.thebanningcommunityfund.org](http://www.thebanningcommunityfund.org) and buy tickets or you can get tickets from him. The time is from 5 to 8 p.m. and includes a hot dog meal. In regards to the library he knows a solution to the problem and what the Council and do to help and anything you can do to help would be helpful.

Charlene Sakurai, Banning resident addressed the Council seconding what Don Smith said about the Memorial Day event and said it was a very special day to commemorate Memorial Day and she thought the whole group who participated did a wonderful job. She said on her way downtown yesterday there is a warehouse that has done their entire roof as the American Flag and it was so appropriate for Memorial Day to see that but it is a really nice thing to have in our city and they did a great service.

Fred Sakurai addressed the Council stating that two months ago James Smith conducted a City forum at the Hampton Inn which he thought was his coming out and he conducted the whole meeting although there were chairs up front for the Council Members and no one was up there other than James Smith. He assembled a lot of people and one person got up and expounded the features of his work and how good he was at setting up a website and then another person came up and said there is no drought and that the farmers are taking up all the water. Then James Smith came up and with the help of the City employees that were there and the City Council Members and a few private citizens that were there came up with a long, long list of things that were positive with the city and an equally long list of things that were negative. They were all on the board and when pressed, he finally said that by July 1st they would start implementing some of these suggestions. He doesn't know what has been going on since he has been on vacation but it seems that James Smith was hired and then fired and he doesn't know if his firing went with the assurance that some of these points were going to be implemented come July 1st. He hopes that the City Council will follow through with this list. Also with regard to what goes on in these secret meetings and how the City Council spends our taxpayer money he understands that the police union is in negotiation and he would like to find out what percentage of the police officer's in the City of Banning Police Department actually live in the city of Banning; he just wants a percentage. Also, he was told that the police officer's that live within the city of

Banning receive a premium of \$150 per month because they live in the city of Banning and if that be the case, he thinks the employees of the City that live within the city of Banning and within the sphere of influence should get a little bit of gravy also and have a premium attached to their salary so that they could have a nice bonus each month maybe only \$50 or \$75 dollars but some sort of added benefit for living and working in the city of Banning. He said the Brown Act is a secret wall that the Council all hides behind and with his vision he can't tell if the Council is listening to him or taking a nap. It turns out that the Record Gazette is also building up their own wall and they say that you can only write one letter a month but then they also say they retain the privilege or the right to censure the letters. Then they also say they can edit them and they are building up their own Brown Act. Is not the local paper supposed to provide a service to the community? He guesses that the only people they will listen to are only the publisher and the editor but not the subscribers to the Record Gazette. So he would encourage the public through the actions of the TV camera to let the Record Gazette know what your feelings are. If you agree with it fine, if not please let them know.

CORRESPONDENCE - None

CONSENT ITEMS

1. Approval of Minutes – Special Meeting – 04/28/15

Recommendation: That the minutes of the Special Meeting of April 28, 2015 be approved.

2. Approval of Minutes – Special Meeting – 05/12/15

Recommendation: That the minutes of the Special Meeting of May 12, 2015 be approved.

3. Approval of Minutes – Special Meeting (*Closed Session*) – 05/12/15

Recommendation: That the minutes of the Special Meeting of May 12, 2015 be approved.

4. Approval of Minutes – Regular Meeting – 05/12/15

Recommendation: That the minutes of the Regular Meeting of May 12, 2015 be approved.

5. Report of Investments for April 2015

Recommendation: The City Council receive and file the monthly Report of Investments.

6. Adopt Resolution Nos. 2015-36 and 2015-37, the Memorandum of Understanding between the City of Banning and the International Brotherhood of Electrical Works Local 47 – General Employees Unit and Utility Employees Unit, respectively.

Recommendation: Adopt Resolution Nos. 2015-36 and 2015-37 approving the Memorandum of Understanding between the City of Banning and the International Brotherhood of Electrical

Workers Local 47, General Employees & the Utility employees setting forth the complete negotiated terms and conditions of employment for the IBEW represented employees.

7. Adopt Resolution No. 2015-38, the Memorandum of Understanding between the City of Banning and the San Bernardino Public Utility Employees Association, Teamsters Local 1932.

Recommendation: Adopt Resolution No. 2015-38 approving the Memorandum of Understanding between the City of Banning and the San Bernardino Public Employees Association, Teamsters Local 1932 representing the mid-management and professional unit, which sets forth the complete negotiated terms and conditions of employment for the represented employees for the period May 26, 2015 through June 30, 2016.

8. Resolution No. 2015-50, Approving an amendment to Resolution No. 2015-18, for the First Amendment to the Contract Services Agreement with Innovative Federal Strategies, LLC to Provide Federal Legislative Advocacy (Lobbying) and Governmental Affairs Services.

Recommendation: That the City Council: 1) Adopt Resolution No. 2015-50, approving an Amendment to Resolution No. 2015-18, for the First Amendment to the Contract Services Agreement with Innovative Federal Strategies, LLC for Federal Legislative Advocacy "Lobbying" and Governmental Affairs Services; 2) Authorize the Interim City Manager to execute the Contract Services Agreement with Innovative Federal Strategies, LLC in the form that is approved by the City Attorney; 3) Authorize the appropriation of \$42,000.00 to Account No. 001-1000-411.33-11; and 4) Authorize the Interim Administrative Services Director to make the necessary budget adjustments, appropriations and transfers related to this matter.

Mayor Franklin opened the item for public comments.

John Baca, representative for IBEW (International Brotherhood of Electrical Workers) addressed the Council thanking them for finally getting this item up for adoption; it has been a long nine months. He also mentioned that in regards to the question of the premium that the police officers get that live in the city there is also one under the MOU (Memorandum of Understanding) for the General and Utility employees that live in the City and he thanked the Council for that also.

Don Smith said that when he read the MOU's he wanted to congratulate the employees. The one-time lump sum payment and the three-year raise is probably less than a CPI so he thinks that our employees are to be congratulated in realizing our financial situation and helping Banning by taking such a reasonable offer.

**Motion Peterson/Moyer to approve Consent Items 1 through 8.** Mayor Franklin opened the item for public comments; there were none. **Motion carried, all in favor.**

Mayor Franklin moved up Item No. 1 under Reports of Officers at this time.



## REPORTS OF OFFICERS

### 1. Fire Report - Tim Chavez, Battalion Chief

Chief Chavez addressed the Council stating that he is the fire liaison for the Riverside County Fire Department for the City of Banning. One of his Captains, Mike Arizaga is also here tonight to give a brief report. There are a couple of things coming up in regards to the renewal of the agreement that will be on the June 23<sup>rd</sup> agenda. The Riverside County Fire Department and Cal Fire is an Integrated Regional Cooperative Fire Protection System and Banning is a really important part of that system. The Banning two stations are part of a 97-station system serving 21 cities in Riverside County. They provide municipal fire protection, wildland fire protection, emergency medical services, technical rescue, and hazardous materials responses for most of Riverside County. Their five core values are: leadership, competence, integrity, safety and customer service and for the last three years they have answered the call to the citizens of Banning over 4000 times a year. He said that Captain Arizaga is a recent re-addition to the Banning Fire Department. He worked here for the original Banning Fire Department.

Captain Mike Arizaga addressed the Council stating that he used to work for Banning City prior to Cal Fire and so forth and he is glad to be back. He works at Station 20 located in Beaumont as one of the two Banning Fire Engines that they have. He stated that he wanted to give the Council an idea of the incidents that they have run in the City and the Council was given two reports dated 5/25/15 and 5/26/15 and said that this is a yearly reports of the incidents that they have ran for the year 2014. He wanted to give an idea of what type of emergencies that Banning Fire does and stated that they did run a total of 4,328 calls in the year 2014 and January 1, 2015 through May 25, 2015 they ran a total of 1,776 calls. He explained each of the reports going over the type of incidents they responded to in Banning City. He said to give you an idea just like Chief Chavez stated there are 97 stations within Riverside County and Station 89 is ranked 22<sup>nd</sup> as far as the highest volume stations within the Council and that station is located on Williams. He said that Station 20 is ranked 7<sup>th</sup> highest and is the busiest station within the County. So if they are on track for the call volume as listed in last year's report, they would run an average of 11.85 calls per day. He just wanted to give the Council an idea of what Banning Fire is doing out there for our public. He also went over the structure fire that happened last month that was fairly significant and gave details in regards to that incident and introduced the firefighters that, in his opinion, went above and beyond the call of duty that day and this was also a coordinated effort along with the Banning Police Department personnel that responded.

There was some Council and staff dialogue in regards to the report statistics.

## PUBLIC HEARINGS

At this time Councilmember Peterson left the dais because of a conflict of interest with Item No. 1. He owns property in the subject area.

1. Resolution No. 2015-42, Confirming the Levy and Collection of Assessments within the City of Banning's Landscape Maintenance District No. 1 for Fiscal Year 2015/2016.  
(Staff Report - Arturo Vela, Acting Public Works Director)

Acting Director Vela gave the staff report as contained in the agenda packet.

There were a few Council questions in regards to who will be doing the work, and being able to monitor the work being done.

Mayor Franklin opened the item for public comments.

Max Levy addressed the Council regarding the fixing of sidewalks because he uses a walker and most of the time he ends up walking in the street.

Mayor Franklin closed public comments.

**Motion Miller/Welch that the City Council: 1) adopt Resolution No. 2015-42, Confirming the Levy and Collection of Assessments within the City of Banning's Landscape Maintenance District No. 1 for Fiscal year 2015/2016, pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code; and 2) Authorizing and directing the City Clerk to file the diagram and assessment with the Riverside County Assessor/County Clerk-Recorder's Office. Motion carried, all in favor.**

Councilmember Peterson returned to the dais at this time.

2. Consideration of Ordinance No. 1488, Approving the Categorical Exemption and Zone Text Amendment No. 15-97502 to Amend Table 17.12.020 (Permitted, Conditional and Prohibited Commercial and Industrial Uses) and Zone Text Corrections within Section 17.08.050 (Accessory Structures) and Section 17.64.060 (Council Action on Amendments) of Title 17 (Zoning Ordinance) of the City of Banning Municipal Code. Staff Report – Brian Guillot, Acting Community Development Director)

Acting Director Guillot addressed the Council stating that originally our zoning ordinance was adopted in 2006 and each year, not every year, they try to do what is called a "code cleanup" and this is where during the process of bringing applications forward or being noticed by the Attorney's office or other individuals will let them know there are conflicts within the code and that is not unusual. In this code cleanup they are addressing assembly uses and said they are looking for consistency and he gave the staff report as contained in the agenda packet going the proposed amendments in regards to assembly uses, restaurants, accessory structures, and Council action on amendments.

There were some Council questions and staff responses in regards to costs for CUP's (conditional use permits), airport industrial uses, industrial uses, why the approval of zoning changes by ordinance, what other components make up the CUP fee, and is the CUP fee consistent with our neighbors.

Mayor Franklin opened the item for public comments.

Don Smith addressed the Council giving some history. He said a few Council's ago the issue became whether or not we should be having churches open in our retail establishments because

store front churches were starting to open and there was a fear that we were trying to market these areas to sale-tax generating businesses and they were being swallowed by churches instead. That is why the current zoning discourages churches in those areas; whether that was a good decision or a bad decision he doesn't know but that was the reason they did it.

Mayor Franklin closed public comments.

Mayor Franklin asked the City Clerk to read the title of Ordinance No. 1488. City Clerk read: "An Ordinance of the City Council of the City of Banning, California, Approving a Categorical Exemption and Zone Text Amendment No. 15-97502 to Amend Table 17.12.020 (Permitted, Conditional and Prohibited Commercial and Industrial Uses) and Zone Text Corrections within Section 17.08.050 (Accessory Structures) and Section 17.64.060 (Council Action on Amendments) of Title 17 (Zoning Ordinance) of the City of Banning Municipal Code."

**Motion Moyer/Welch to waive further reading of Ordinance No. 1488. Motion carried, all in favor.**

**Motion Welch/Moyer that Ordinance No. 1488 pass its first reading. Motion carried, all in favor.**

3. Request for Waiver of Fees in Accordance of Section 17.72.050 of the Banning Ordinance Submitted by LDG Holdings of La Jolla, California (649 W. Lincoln Street) (APN's 540-220-008; 540-220-009; and 540-220-017)  
(Staff Report – Brian Guillot, Acting Community Development Director)

Acting Director Guillot addressed the Council stating that the request before Council came from the developer LDG Holdings and that is why it is before the Council. At this time he gave some background on this project and went over his power-point presentation. He also went over the fees and the findings that are required. He said if the Council desires to consider waiving the listed fees, or other fees, staff recommends preparing the necessary data and bringing the information back to Council. He said the applicant has not identified a proposed use for the site, provided the consent of the property owners, or provided a pro-forma or other information useful in considering their request. Additionally, the applicant should demonstrate some history with successful similar projects as assurance and this may include submitting concept plans as to the final use. He said that Matt DiNofia representing the developer is in attendance to answer questions

There were some Council concerns in regards to not having enough information about the project to be able to waive fees. Councilmember Miller expressed concern regarding administrative action and can a project be approved by administrative action.

Acting Director Guillot said this project application was made prior to the City amending its zoning ordinance and at that time it was approved administratively per the provisions of the code at that time. So presently to answer the question, this would need to go to the Planning Commission and then City Council because it has a map involved with it; but at that time it did not.

Matt DiNofia, La Jolla Development addressed the Council stating that with him today is Rog with Concord Consulting who is the original architect on the project. As you know the project has been sitting there for 8 or so years and it is about 80% or so complete. The project has had electrical sign-off, plumbing sign-off and not too far from occupancy. He said making this over-complex is going to do nothing but delay it and create unnecessary costs and essentially end up with a building that is never complete. He said that they think the building ruins the image of the city in general so what they are trying to do is to jump-start this project. He said it is virtually, as they see it, ready for occupancy. They are talking in great detail with Parcel No. 3, furthest parcel east; buildings 1 and 2 west and center are under their control. They are looking to begin this project as soon as possible instead of getting caught up in all this administration to go ahead and do so. The project back in 2007 was projected to bring in rent of about \$2.00 a foot. Currently they are looking at about 70 to 80 cents a foot. So as you can see the economy has changed and it is just a completely different project. They do have a way that they think the City could help recoup or that they would be recouped with some of the fee relief and that is by having retail uses across the front of the project. Having these retail uses brings in revenue from sales tax, etc. and also provides for a better street elevation presence. He said that sewer and water are essentially the fees that they are looking to have waived. They are very confused as to how the project was approved and signed off to this point without having sewer and water paid because the sewer and water is there and everything is already completed and they have not heard of a project before where you could do something and complete it and then pay for fees afterwards and apparently there is no backup anywhere to say what was paid and what wasn't. They are asking to expedite this project and relief of the sewer and water fees.

Mayor Franklin asked Mr. DiNofia to specify what the project actually is.

Mr. DiNofia said the project is at 649 W. Lincoln and it is a flex industrial retail office/mixed use project; 150,000 feet.

Mayor Franklin asked what was planned to put there once the building is completed.

Mr. DiNofia said that they have been talking to different franchises, etc. everything from small restaurant type uses, Domino's type uses, urgent care, along with possible custom auto part uses. The center will be an open parking lot landscaped. Again, they are looking to expedite this and do not want to be here a year from now and be in the same spot. He said all these studies and reports have been done and it is 80% finished.

Mayor Franklin said that they are still talking about the building and not the project and the amount of fees that they have in the report is \$778,328.00 and you mentioned that the plumbing and electrical inspections have been done but in the time since those inspections have been done there has been quite a bit of vandalism to the property. So for the Council to do their due diligence in what they need to do, the Council would have to make sure that staff is very comfortable to be able to sign-off on that because that would be liability on the City's part. What she is hearing from the Council is that we would like more information and there is some interest.

City Attorney said the staff report does talk about \$700,000 in fees and what he just heard the developer state is that the concern is the sewer and water fee and the sewer and water fee is \$450,000.

There were Council questions to the developer and architect in regards to the three building structures, code changes, vandalism, the multiple ownership of the property, acquiring the other parcels, the waiver of sewer and water fees, and actual connection of the water and sewer.

There was further Council and staff dialogue in regards to code changes since original plans submitted, recapitulation of the fees, are the water and sewer connections sufficient for project, fees that have been paid or not paid, and possible impact fee deferrals.

Mayor Franklin opened the item for public comments.

The following people spoke in favor or against or had some questions or concerns or general comments in regards to this item *(any written comments handed to the City Clerk will be attached as an exhibit to the minutes)*.

- Frank Burgess said that he has a list of the approved permits that were paid and gave the Council a copy of this list. He said the Council should check their Council actions to see about any waivers or see if staff waived the fees. The Council may also want to check with the State of California in regards to building codes during that time and permits with the State to come across the State highway. He is tired of looking at this eye-sore and urged the Council to waive the fees.
- Don Smith addressed the inconsistencies in what has and has not been paid.
- Max Levya addressed the Council with his concerns and said that these people are ready to do business and urged the Council to be business-friendly.
- Rick Pippenger, resident said that he had a list of inspections that have been done with dates they were signed off and provided a copy to the Council. He feels that things have already been paid. He said he is also tired of looking at this eye-sore and recommended that the City do everything possible to help these people do this development.
- Tim Clark representing Pro Line stated that they are the neighbors east of the property and own 6 acres of vacant land plus the business at the corner of San Geronio and Lincoln and they have been dealing with this for 7 to 8 years and he would like to see the property developed but said the Council should be very cautious going forward and that it been done right and be sure there is a plan.

Acting Director Guillot said that the only item he did catch an error was in regards to the Fire Facilities Fee of \$64,000 is listed under paid and it is actually due.

Mayor Franklin closed the item for public comments.

There was much further Council and staff discussion in regards to the Council wanting this building to be improved and completed and wanting to work with the developer to waive the fees but the plan presented has too many questions in regards to ownership and exactly what will be done.

**Motion Miller/Moyer to reconsider the request for waiver of fees when the developer gives us evidence of plans for a completed project which includes the entire area showing what the final project will look like. Motion carried, all in favor.**

4. Proposed Ordinance No. 1489, Drought Water Conservation  
(Staff Report – Arturo Vela, Acting Public Works Director)

Acting Director Vela addressed the Council stating that they prepared this ordinance in direct response to California's water drought and as related to the Executive Order from the Governor and more recently the State Water Resources Control Board regulations in regards to water conservation. At this time he started is power-point presentation to highlight some of the main points in the staff report (attached Exhibit "A").

There was Council and staff dialogue in regards to meeting the reduction goal, mandatory prohibitions, educating customers about these restrictions and penalties, possible rate increases, how do we let people know if they have complied with the mandate or not, exceptions for public health and safety issues, how do we deal with fire hazards, and what is being done about agriculture restrictions.

Councilmember Welch said one thing he would recommend on page 312, Item 4 at the top of the page talks about lawn watering and there is nothing in here that talks about the length of a cycle of watering. He is watering two days a week now and on two-minute cycles twice a day and he is using half of the water he did and his grass is greener and the sidewalk is dry.

Acting Director Vela said that is something that they could add to the recommendation section. He said we also we need to add to Item No. 4 a time frame of when you can water and it should be between sunset to sunrise perhaps.

Councilmember Miller said he talked about the 12 month being excessive for the second violation because you could see somebody with a broken sprinkler shooting water up for 12 months before it could get fixed and he would suggest a shorter time of about 6 weeks or 2 months.

Acting Director Vela said that Item No. B. 5 actually addresses broken sprinklers and says that broken sprinklers shall be repaired within 24 hours of notification, and leaks shall be repaired as soon as practicable. But they can change the 12 months if that is the desire of the Council.

Mayor Franklin said that she had talked with Interim City Manager today about having a number that we can publish so that people can be able to report when they see broken sprinklers whether it is on public or private property. Also, in regards to Section IV., No. 6 about drinking water being served she would like to see that included to any kind of beverage because she was at a meeting and several tables were empty but at every place was a glass of ice tea which is water so maybe to expand on that "...that any kind of drinking beverage is only provided upon request."

Acting Director Vela said in regards to the "hot line" they are working on the water waste hotline and Information Services is working on an app also that you can download and you can also upload pictures directly to our website and it will help us to keep track of all the reporting.

Mayor Franklin opened the item for public comments.

Susan Savolainen resident of Banning and sole employee of Drought Solutions and Outdoor Water Conservation Consulting Company addressed the Council. She wanted to make a couple of points and Art Vela referred to the Urban Water Management Plan (UWMP) which was drafted in 2010 and on page 87 of that plan it talks about the rationing stages and reduction goals. The State has given us our reduction goals of 32% which would put us right in Stage 3 of this action plan and there are several items being required and most of them are addressed in tonight's ordinance but there are a few things that are not and would like to mention them for consideration.

- Construction metered water shall not be used for earth work or for road construction projects.
- It gives the hours that irrigation shall not occur and that is 10 a.m. to 5 p.m. (Page 88 of the 2010 UWMP)
- This ordinance should concentrate on indoor water conservation also and have a toilet replacement program.

Mayor Franklin closed public comments.

Mayor Franklin asked the City Clerk to read the title of Ordinance No. 1489. City Clerk read: "An Ordinance of the City Council of the City of Banning, California, Related to Water Conservation During California's State of Emergency Due to Drought Conditions."

**Motion Welch/Peterson to waive further reading of Ordinance No. 1489. Motion carried, all in favor.**

**Motion Moyer/Welch that Ordinance No. 1489 pass its first reading. Motion carried, all in favor.**

#### JOINT MEETING

Mayor Franklin recessed the regular City Council Meeting and called to order a joint meeting of the Banning City Council and the Banning Utility Authority.

#### REPORTS OF OFFICERS

1. Resolution No. 2015-07 UA, Awarding the Construction Contract for Project No. 2015-01 WW, Mechanical Repairs to Primary Clarifier and Rejecting All Other Bids.  
(Staff Report – Arturo Vela, Acting Public Works Director)

Acting Director Vela gave the staff report on this item as contained in the agenda packet.

Mayor Franklin opened the item for public comments; there were none.

**Motion Moyer/Miller that the City Council adopt Resolution No. 2015-17 UA: (1) Approving the Construction Contract for Project No. 2015-01 WW, Mechanical Repairs to Primary Clarifier to Tharsos, Inc. of La Mesa, CA, in the amount not to exceed \$98,100.00 including taxes and allowing a 10% contingency of \$9,800.00, and rejecting all other bids; (2) Authorizing the Administrative Services Director to make necessary budget adjustments and appropriations and transfers related to the project and to approve change orders within the 10% contingency; and (3) authorizing the City Manager to execute the Construction Contract related to Project No. 2015-01 WW, Mechanical Repairs to Primary Clarifier. Motion carried, all in favor.**

Mayor Franklin recessed the joint meeting and reconvened the regular City Council Meeting.

#### REPORTS OF OFFICERS

2. Resolution No. 2015-44, Approving the Agreement for Legal Services between the City of Banning and Thompson Coburn, LLP  
(Staff Report – Fred Mason, Electric Utility Director)

Director Mason gave the staff report on this item as contained in the agenda packet. He said that the City Attorney's office did review the contract but he forgot to add one thing to the resolution and will get with the City Clerk to make the change to add the language in Section 1 as follows: "...in a form approved by the City Attorney."

There were some Council and staff dialogue regarding the going rate for FERC attorney services.

City Attorney said that this firm is specialized and the by comparison his rates is what their paralegal rate would be but the difference is, as he understands it, is that you will be splitting these costs so if you are only paying 2%, that is a much better deal. The contract doesn't actually say that we are splitting it. It is set up as if there are hourly charges so he would assume that we would add language.

Director Mason said that he did actually discuss this with Thompson Coburn and they actually have documentation from the six cities back in 2005 when Pasadena came on that basically spelled this out.

City Attorney said he thinks that part of the Council's concern is that the concept is that you are only paying a percentage and that is not in the contract and that is one of the reasons Mr. Mason was indicating that we do need to work a little bit on the final form of the agreement.

Mayor Franklin said in our resolution the third "Whereas" says, "...and the cities agreed to allocate costs for this contract based on each utility's relative retail load" means that is our 2.38% but the contact would spell it out.



City Attorney said he thinks the contract needs to include that and he would like to see what the language is and if the Council approves this resolution you need to do it with the understanding that staff will fix those provisions in the contract.

Mayor Franklin opened the item for public comments; there were none.

**Motion Peterson/Welch to adopt Resolution No. 2015-44, approving the Agreement for Legal Services between the City of Banning and Thompson Coburn, LLP with the changes in the contract as noted by staff and the Council. Motion carried, all in favor**

3. Selection of the Underwriting Team  
Staff Report – Dean Martin, Interim City Manager and Administrative Services Director)

Interim City Manager Martin said as previously discussed we are moving forward with the refunding of our water and electric utility bonds because there are substantial savings that are involved and possibly wastewater bonds. We have already selected two of the main members of the team being our bond counsel and financial advisor. This item is to select the underwriter and it is actually the underwriter who is the one who sells and markets the bonds so they play a key role in the whole process. A request for proposals (RFP) was sent out to four firms and three of the four responded and staff's recommendation is essentially that all three firms be approved to serve as an underwriter for the City's bond issues to be rotated based on a recommendation of staff to the Council.

The Council asked that in regards to the RFP that all information be included in the agenda packet along with the evaluation form and there were Council questions and staff response in regards to costs to issue the bonds not exceeding 3%, and the firms working together.

Mayor Franklin opened the item for public comments.

Don Smith said he was appointed by the County of Riverside to be the public member to protect the public's interest in the dissolution of the Redevelopment Agency. He applauds the fact that at this time, based on current interest rates, going forward with looking to see whether we can save significant dollars in current value by getting the bonds that are currently still outstanding to the water, wastewater and electric fund re-issued. But as the public's representative of the best use of the Redevelopment Agency monies that are still coming in he has to ask once again when are we going to get this report and go forward with doing the same thing on the Redevelopment Agency bonds so that the public gets the best benefits of the tax increment money that is still coming in.

Mayor Franklin closed public comments.

Interim City Manager Martin said that there are still some legal issues that they are looking at and staff has actually met with bond counsel and those issues are being reviewed and discussed.

**Motion Miller/Peterson to approve: 1) Approve Stifel, Nicholas & Company (Stifel), Raymond James, and Williams Capital Group as approved underwriters for the City of**

**Banning; and (2) Approve the selection of Stifel and Williams Capital Group as senior and co-senior, respectively for the refunding of the 2005 Water and Wastewater Revenue Bonds and the 2007 Electric Utility Bonds. Motion carried, all in favor.**

4. Resolution No. 2015-46, Termination of the Second Amendment to the Contract Services Agreement between the City of Banning and the Romo Planning Group, Inc.; and an Update on the Contract Services Provided by the Romo Planning Group, Inc. (Staff Report – Brian Guillot, Acting Community Development Director)

Acting Director Guillot gave the staff report on this item as contained in the agenda packet.

Councilmember Miller said that on page 350, the third paragraph says, "However, the existing Contract Services Agreement is due to expire at the end of this fiscal year. Therefore, staff will be presenting a request to extend the term of the Contract Services Agreement through the end of Fiscal Year 2016." He asked are we terminating the contract or are we going to renew it.

Acting Director Guillot said staff is recommending terminating just Amendment No. 2. This item was requested to be put before Council. Staff will be bringing back all of their consultant contracts to the Council at the June 26<sup>th</sup> meeting to extend all of those contracts that are going into the next Fiscal Year so the Council will be able to examine this contract one more time.

Mayor Franklin said you are talking about extending the contract. Are you looking at the option also of hiring for that position or a position in the Planning Department because maybe that should be one of the options that we are planning to do either continue a contract or hire a position?

Acting Director Guillot said yes and as soon as the director position is confirmed then they would go out and hire the planning position.

Councilmember Peterson wanted to make sure that we are terminating the City Manager Assistant Position which is the second amendment and it is not affecting the original contract for the assistant for the Rancho San Geronio Project.

Acting Director Guillot said that was correct and the Council is not familiar with that individual because more of the work takes place at their site and do not come to city hall very often.

Mayor Franklin opened the item for public comments; there were none.

**Motion Peterson/Moyer) that the City Council: 1) adopt Resolution No. 2015-46, approving the termination of the Second Amendment to the Contract Services Agreement with the Romo Planning Group, Inc. for the Senior Management Analyst services; and (2) Authorize the Interim City Manager to execute the Termination of the Second Amendment to the Contract Services Agreement with the Romo Planning Group, Inc. in the form that is approved by the City Attorney. Motion carried, all in favor.**

5. Request for a Will-Service Letter to High Valley Water District for the Cameron Ranch Development Project.  
(Staff Report – Arturo Vela, Acting Public Works Director)

Acting Director Vela gave the staff report on this item as contained in the agenda packet.

Councilmember Miller said let's just assume the worst condition happens and the drought is over and we do lose the flume would we still have enough water to supply them.

Acting Director Vela said yes we would have enough supply to provide them water.

Mayor Franklin asked should the Governor's regulations be extended then that would be extended for this project also. Acting Director Vela said that was correct.

Mayor Franklin opened the item for public comments.

Ben Wright, High Valley Water District addressed the Council stating that he is here along with Stan Houghton, General Manager and as Mr. Vela mentioned Banning serves High Valley Water District and High Valley Water district will serve any development that occurs within their service area. There has been a long-standing relationship with the City of Banning and it has been a good relationship and they believe that the High Valley Water District is a source of income and not a burden. The Board of High Valley Water District has authorized the Board President and the General Manager to prepare and issue a will-serve letter for this project. He said that they are here basically because they are concerned about this issue and would be able to provide any information that is needed.

Mayor Franklin closed public comments.

**Motion Moyer/Welch that the City Council provide direction to staff regarding the processing of a Will-Service letter to High Valley Water District for the Cameron Ranch Development project. Motion carried, all in favor.**

6. Resolution No. 2015-45, Approving a Professional Services Agreement with Cozad and Fox, Inc. for the Design of Improvements at the intersection of Ramsey Street and Hargrave Street and Rejecting All Other Bids.  
(Staff Report – Arturo Vela, Acting Public Works Director)

Acting Director Vela gave the staff report on this item as contained in the agenda packet.

Councilmember Peterson said the last time they discussed this intersection it was Land Engineering and at that time they supposedly had control of the software or something like that and we had to continue to contact with them. He asked if this company is doing the exact same work that Land Engineering was doing.

Acting Director Vela said it wasn't software. They had done a topographical survey for the development that was on the northwest corner of Ramsey and Hargrave and that was paid by a

private developer. The City of Banning doesn't own that and the only thing the City owns is what was completed with that first contact between the City and Land Engineering. The software that they used to design the project is typical design software. If he remembers right, it was more the work that was done for the private party. This firm will be picking up where Land Engineering left off and all the work that Land Engineering completed is owned by the City.

Councilmember Miller asked why was this project was chosen and was it for the La Quinta project.

Acting Director Vela said that is a good question and the short answer would be that that project was identified as a Community Redevelopment Project and it has always been the direction to move forward with that project. In regards to the La Quinta project that might have been how the project was originally identified and some of the discussions that had occurred with the La Quinta was that it was going to be a very expensive project and it could have been a project killer if we would have conditioned the project to be responsible for all of the improvements. Some of the improvements that are part of this scope of work go beyond what that project would be responsible for and it is now basically a full intersection improvement and not the work fronting the La Quinta project.

Mayor Franklin asked if there would be any cost-sharing with the project on that corner or are we just going to pick up the whole tab on that project.

Acting Director Vela said as of right now there has not been discussion with the developer about cost sharing but that is something that can be done. From his experience we have normally paid for it when it was fully funded through redevelopment funds and we haven't done a redevelopment project in long time and he probably shouldn't call it a redevelopment project. It is a project funded by tax allocation.

Mayor Franklin said it was under the old redevelopment but there were funds that were set aside for this project. Acting Director Vela said that was correct.

Mayor Franklin opened the item for public comments.

Don Smith said his recollection was that when the bonds were issued they came up with their list of projects and almost from the beginning 8<sup>th</sup> Street and this one with improvements at the freeway were on the list because the Council thought it was important to get people off the freeway into our city to buy stuff and it was an important part of redevelopment. He feels this is a good use of redevelopment funds and certainly might help bring that one project to fruition which would not only get us some sales tax but some TOT taxes. At this time Mr. Smith also explained the problems at Ramsey and 8<sup>th</sup> Street in regards to large trucks making turns to get onto the freeway at that intersection so somehow the turn radius was not big enough. He wanted to make sure that when we design this intersection that the turn radius is big enough so that trucks can turn right to get onto the freeway.

Mayor Franklin closed public comments.

**Motion Welch/Miller that the City Council adopt Resolution No. 2015-45: 1) Approving a Professional Services Agreement with Cozad and Fox, Inc. of Hemet, CA in the amount of \$79,920.00; and (2) Authorize the Administrative Services Director to make the necessary budget adjustments and appropriations and transfers related to the project; and (3) Authorize the City Manager to execute the Professional Services Agreement with Cozad and Fox, Inc. Motion carried, all in favor.**

7. Resolution No. 2015-40, approving a Professional Services Agreement with ECORP Consulting, Inc. for the Preparation of the San Gorgonio Project Simulation Model.
8. Resolution No. 2015-49, approving a Professional Services Agreement with the U.S. Geological Survey for the Implementation of a Stream Flow Monitoring Program.  
(Staff Report – Arturo Vela, Acting Public Works Director)

Acting Director Vela gave the staff report on both items 7 and 8 as contained in the agenda packet.

Councilmember Moyer said that we are talking about \$186,000 to \$187,000 total and just for the community's understanding this money is already budgeted in a fund and available and there is a possibility that some of our partners in this effort will be sharing the costs with the City.

Mayor Franklin opened the items for public comments; there were none.

**Motion Welch/Miller to approve Item No. 7 adopting Resolution No. 2015-40: 1) Approving a Professional Services Agreement with ECORP Consulting, Inc. ("ECORP") for the preparation of the San Gorgonio Project Simulation Model for an amount "not to exceed" \$35,850.00; and (2) Authorize the City Manager to execute the Professional Services Agreement with ECORP of Redlands, CA; and approving Item No. 8 adopting Resolution No. 2015-49:1) Approving a Professional Services Agreement with U.S. Geological Survey ("USGS") for the Implementation of a Stream Flow Monitoring Program "not to exceed" \$150,900.00; and (2) Authorize the City Manager to execute the Professional Services Agreement with USGS of San Diego, CA. Motion carried, all in favor.**

ANNOUNCEMENTS/REPORTS (Upcoming Events/Other Items if any)

City Council

Councilmember Miller –

- He said that for the last several meetings he has been putting into the newspaper a summary of the results of our meetings because he feels many people cannot attend the meetings and don't have time to spend watching the meeting on television and felt it was a valuable public service. The newspaper said that they will no longer publish those because they consider it political and why he doesn't know. The website, [www.banninginformer.com](http://www.banninginformer.com) has agreed to publish them on their website so if you are interested you can look at these things and he will continue to have a summary of the Council discussion on that website.

Councilmember Peterson –

- He said that he knows there were several speakers tonight regarding the Banning Library and he may ignorant when it comes to what is the City's role in this fiasco that is going on at this point in time. He would like the City attorney to at least research it and find out if the City has any responsibility. Do we have any legal obligation for appointments? He doesn't think any of the Council wants to render an opinion or wants to get involved in something that certainly does not pertain to us if it doesn't but if we have an obligation, then he thinks we should be involved.

Councilmember Moyer –

- He said that no entity can address the vast challenges that Banning faces alone. However, the power of collaboration among public, private and non-profit sectors we can connect the community with the tools it needs to thrive. Last Saturday he attended a meeting at the New Creation Church made up of people wanting to make a difference and help Banning be better. He heard about what they were doing at the last Council Meeting when their pastor came and told the Council about a program they were doing for training welding to people and were looking into expanding it into other areas. They are really trying to fill a big gap by helping our young people develop skills that will make them employable and get decent paying jobs. These people have a dream of helping our youth and our out-of-work adults find good paying and meaningful jobs and they have him excited about what is going on with them. He would like anybody if there are other programs out there similar to this that are trying to do the same things, to get a hold of him and get him their contact information so he can talk with them. He feels that through the power and spirit of collaboration we can work together to help Banning be a better place to live.

Mayor Franklin –

- She extended a thank you to one of the electric crews. She happened to be out at Sun Lakes a couple of weeks ago very early in the morning and a resident stopped her to let her know how appreciative he was because he had had power out at his house and the crew responded in less than 30 minutes and came in and told him what needed to be done and showed him what part he could replace on his own so that he would have power restored. We often hear the negative things about our staff but this was one time this customer had come out of his house to let her know how appreciative he was of the quick response that staff gave and how professional and friendly they were in dealing with his concerns.
- She said that she sits on a Board of library districts as part of our oversight so she did send the information that we received from the people in the community to him and asked that they let us know because this is their specialty that they deal with and whenever she gets a response she will let the Council know.

City Attorney asked that any information that anyone has he would like to receive it because he hasn't followed this issue.

City Committee Reports - None

City Attorney Report – Nothing at this time to report.

Reports by Interim City Manager – There were none.

## ITEMS FOR FUTURE AGENDAS

New Items - None

### Pending Items – City Council

1. Discussion regarding City's ordinance dealing with sex offenders and child offenders. (6/2015)
2. Discussion regarding Animal Control Services (7/2015)
3. Discussion regarding change in time for Council Meetings (4/28/15 – Part 2 – Goals)
4. Fee Study
5. Discussion on how to handle/address upcoming Assembly Bills
6. Revisit the Romo Contract that was recently approved. (5/26/15)
7. Discussion of whether or not to reduce City Manager authority to give a contract of \$25,000.
8. Look at Consent Calendar policy.
9. Provision to allow Election Debates

Mayor Franklin said in regards to the Pending Items she thinks that we can remove Item No. 6 and Item No. 9. **There was consensus of the Council to remove these items.**

## ADJOURNMENT

By common consent the meeting adjourned at 8:49 p.m.

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Marie A. Calderon, City Clerk

**THE ACTION MINUTES REFLECT ACTIONS TAKEN BY THE CITY COUNCIL. A COPY OF THE MEETING IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN WRITING TO THE CITY CLERK'S OFFICE.**

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ORDINANCE NO. 1489  
"DROUGHT WATER CONSERVATION"

MAY 26, 2015

TIMELINE

- January 17, 2014 – Governor Jerry Brown issued a proclamation of a state of emergency due to drought.
- April 25, 2014 – Governor Brown extended proclamation.
- April 1, 2015 – Governor signed Executive Board B-29-15 requiring for the first time in state history mandatory conservation to achieve a statewide 25% reduction in potable urban water use.

## DROUGHT REGULATION

- On May 5, 2015 the State Water Resource Control Board ("SWRCB") adopted Article 22.5, Drought Emergency Water Conservation ("Drought Regulation").
- The Drought Regulation placed water agencies in "reduction tiers" based on their residential gallons per capita per day ("R-GPCD") use.
- The City of Banning with a R-GPCD of 179.4 is required to reduce its total production by **32%** between June and February as compared to 2013 data.

## DROUGHT REGULATION FINES

- The Drought Regulation allows local agencies to fine property owners up to \$500.00 per day for failure to implement water use prohibitions/restrictions.
- SWRCB can fine water agencies up to \$10,000.00 per day for non-compliance with the Drought Regulation.

## ORDINANCE NO. 1489

### DROUGHT REGULATION RESTRICTIONS:

- The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
- The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
- The application of potable water to driveways and sidewalks.
- The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

## ORDINANCE NO. 1489

### DROUGHT REGULATION RESTRICTIONS:

- The application of potable water to outdoor landscapes during and within 48 hours after "measurable rainfall".
- The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.
- The irrigation with potable water of ornamental turf on public street medians.
- The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.

## ORDINANCE NO. 1489

### ADDITIONAL ORDINANCE RESTRICTIONS:

- Commercial, industrial and institutional properties, such as campuses, golf courses and cemeteries shall implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction target.
- No person shall empty and refill a swimming pool except to prevent or repair structural damage or to comply with health regulations.
- Parks and schools shall be watered on alternate days during the hours between sunset to sunrise.

## ORDINANCE NO. 1489

### ADDITIONAL ORDINANCE RESTRICTIONS:

- Lawn watering and landscape irrigating, including construction water use, are restricted as follows: customers with even numbered street addresses shall water only on Monday, Wednesday, and Friday and customers with odd numbered street addresses shall water only Tuesday, Thursday and Sunday.
- Broken sprinklers shall be repaired within 24 hours of notification, and leaks shall be repaired as soon as practicable.

### RECOMMENDED PRACTICES

## ORDINANCE NO. 1489

### CIVIL PENALTIES:

- First Violation. For a first violation, the City shall issue a **written notice** of violation to the water user.
- Second Violation. For a second violation, within a twelve month period, a one month surcharge of **25 percent** of the previous month's water bill will be imposed.
- Third Violation. For a third violation, within a twelve month period, a one month surcharge of **50 percent** of the previous month's water bill will be imposed.
- At the discretion of the City Manager, subsequent violations will continue with a penalty as described in **Civil Penalties No. 3** or a **penalty of up to \$500 per day** for which the violation occurs.

THANK YOU

QUESTIONS?

*2nd Read.*

**ORDINANCE NO. 1488**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA APPROVING A CATEGORICAL EXEMPTION AND ZONE TEXT AMENDMENT NO. 15-97502 TO AMEND TABLE 17.12.020 (PERMITTED, CONDITIONAL AND PROHIBITED COMMERCIAL AND INDUSTRIAL USES) AND ZONE TEXT CORRECTIONS WITHIN SECTION 17.08.050 (ACCESSORY STRUCTURES) AND SECTION 17.64.060 (COUNCIL ACTION ON AMENDMENTS) OF TITLE 17 (ZONING ORDINANCE) OF THE CITY OF BANNING MUNICIPAL CODE**

**WHEREAS**, a review of the City's Zoning Ordinance has been conducted to identify existing inconsistencies and recommendations have been presented with respect to amendments to reflect policy directions in order to address regulated land use; and

**WHEREAS**, the need has been identified to clarify the zoning districts in which churches and other assembly uses are conditionally permitted within Chapter 17.12 (Commercial and Industrial Districts) of the City of Banning Municipal Code; and

**WHEREAS**, the need has also been identified to clarify the zoning districts in which restaurants not serving beer, wine or liquor and restaurants, serving beer, wine or liquor are permitted or conditionally permitted within Chapter 17.12 (Commercial and Industrial Districts) of the City of Banning Municipal Code; and

**WHEREAS**, the need has also been identified to correct the inconsistency between Section 17.08.050 (Accessory Structures) and Section 17.24.120 (Projections into Setbacks), regarding setback requirements for accessory structures, of the City of Banning Municipal Code; and

**WHEREAS**, the need has also been identified to correct the action by which General Plan Amendments under Section 17.64.060 (Council Action on Amendments) of the City of Banning Municipal Code is taken; and

**WHEREAS**, the City Council has authority per Chapter 17.116 (Zoning Ordinance Amendments) of the City of Banning Municipal Code to approve, approve with modifications, or disapprove amendments to the Zoning Ordinance; and

**WHEREAS**, on May 6, 2015, during a duly advertised public hearing, the Planning Commission adopted Resolution No. 2015-03 recommending to the City Council the adoption of Ordinance No. 1488 approving the Categorical Exemption and Zone Text Amendment No. 15-97502; and

**WHEREAS**, on the 15<sup>th</sup> day of May, 2015, the City gave public notice as required under Chapter 17.68 (Hearings and Appeals) of the City of Banning Municipal Code by advertising in the Record Gazette newspaper of the holding of a public hearing at which the Categorical Exemption and Zone Text Amendment would be considered; and

**WHEREAS**, on the 26<sup>th</sup> day of May, 2015, the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the proposed amendments, and at which time the City Council considered the Categorical Exemption and Zone Text Amendment No. 15-97502; and

**WHEREAS**, at this public hearing on the 26<sup>th</sup> day of May, 2015, the City Council considered and heard public comments on the proposed Categorical Exemption and Zone Text Amendment; and

**WHEREAS**, the City Council has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the 26<sup>th</sup> day of May, 2015.

**NOW THEREFORE, BE IT HEREBY ORDAINED** by the City Council of the City of Banning as follows:

#### **SECTION 1. ENVIRONMENTAL.**

##### **California Environmental Quality Act (CEQA)**

In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zone Text Amendment No. 15-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. *Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA.* The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment No. 15-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

##### **Multiple Species Habitat Conservation Plan (MSHCP)**

The amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP. Further, projects that may be subject to this Ordinance will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

## **SECTION 2. REQUIRED FINDINGS.**

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zone Text Amendments meet certain findings prior to the approval by the City Council. The following findings are provided in support of the approval of the Zone Text Amendment No. 15-97502.

**Finding No. 1:** Proposed Zone Text Amendment No. 15-97502 is consistent with the goals and policies of the General Plan.

**Findings of Fact:** Proposed Zone Text Amendment No. 15-97502 is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations within the City will not change, and the text amendments will result in clarifying the implementation of the goals, policies and programs of the General Plan. The primary General Plan Land Use Goals state *"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"* and *"Preserve and enhance the City's Neighborhoods."* The proposed amendments to Table 17.12.020 (Permitted, Conditional and Prohibited Commercial and Industrial Use) are intended to establish a consistency whereby churches and other similar assembly uses are regulated within the City. The proposed amendments to Table 17.12.020 (Permitted, Conditional and Prohibited Commercial and Industrial Use) is also intended to permit restaurants not serving beer, wine or liquor within the Professional Office (PO) zoning district of the City, and conditionally permit restaurants serving or not serving beer, wine or liquor within the Industrial (I), Airport Industrial (AI) and Industrial-Mineral Resources (I-MR) zoning districts of the City. The proposed amendment to Section 17.08.050 (Accessory Structures) is to establish a consistency with 17.24.120 (Projections into Setbacks) of the setback requirement for accessory structures. The proposed amendment to Section 17.64.060 (Council Action on Amendments) is to correct the action by which General Plan Amendments may be taken by the City Council. Therefore, the proposed zone text amendments will foster methods to provide functional land use patterns and preserving the City's neighborhoods, thereby enhancing the quality of life within the City.

**Finding No. 2:** Proposed Zone Text Amendment No. 15-97502 is internally consistent with the Zoning Ordinance.

**Findings of Fact:** Proposed Zone Text Amendment No. 15-97502 is consistent with the existing provisions of the Zoning Ordinance. The proposed amendments to Table 17.12.020 (Permitted, Conditional and Prohibited Commercial and Industrial Use) are intended to establish a consistency whereby churches and other similar assembly uses are regulated within the City.



The proposed amendment to Table 17.12.020 (Permitted, Conditional and Prohibited Commercial and Industrial Use) is also intended to permit restaurants not serving beer, wine or liquor within the Professional Office (PO) zoning district of the City, and conditionally permit restaurants serving or not serving beer, wine or liquor within the Industrial (I), Airport Industrial (AI) and Industrial-Mineral Resources (I-MR) zoning districts of the City. The proposed amendment to Section 17.08.050 (Accessory Structures) is to establish a consistency with 17.24.120 (Projections into Setbacks) of the setback requirement for accessory structures. The proposed amendment to Section 17.64.060 (Council Action on Amendments) is to correct the action by which General Plan Amendments may be taken by the City Council. Therefore, the proposed zone text amendments will eliminate inconsistencies within the Zoning Ordinance.

**Finding No. 3:** The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

**Findings of Fact:** In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zone Text Amendment No. 15-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. *Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA.* The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment No. 15-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

### **SECTION 3. CITY COUNCIL ACTION.**

The City Council hereby takes the following actions:

1. **Adoption of Categorical Exemption.** In accordance with Public Resources Code Section 21006 and CEQA Guidelines Section 15061 the City Council hereby adopts the Categorical Exemption prepared pursuant to CEQA Guidelines Section 15061(b)(3) for Zone Text Amendment No. 15-97502.

2. **Approve Zone Text Amendment No. 15-97502.**

a. Banning Municipal Code Table 17.12.020 is hereby amended, as follows:

| Zone  | DC     | GC     | HSC    | PO     | I      | AI     | BP     | IMR    |
|---|--------|--------|--------|--------|--------|--------|--------|--------|
| Churches                                    | X<br>C | X<br>C | X<br>C | C      | C      | X      | C      | X<br>C |
| Theaters and Meeting Halls                  | P<br>C | P<br>C | X<br>C | C      | X<br>C | C<br>X | X<br>C | X<br>C |
| Restaurants, not beer, wine or liquor sales | P      | P      | P      | C<br>P | X<br>C | P<br>C | P      | X<br>C |
| Restaurants, serving beer, wine or liquor   | P      | P      | P      | P      | X<br>C | P<br>C | P      | X<br>C |

b. Banning Municipal Code §17.08.050 is hereby amended, as follows:

“Accessory structures in residential zoning districts shall be compatible with the materials and architecture of the primary dwelling of the property. Accessory structures may only be constructed on a lot containing a main dwelling unit. Accessory structures may be built to within 5 feet of the interior side and rear property lines as long as these structures are not closer than 10 feet to any other structure.”

c. Banning Municipal Code §17.64.060 is hereby amended, as follows:

“Upon receipt of the Commission's recommendation, the Council may approve, approve with modifications, or disapprove the proposed amendment based upon the findings. Amendments to the General Plan Land Use/Zoning District map shall be adopted by ~~resolution~~ ordinance. Amendments to the text of the General Plan shall be adopted by ~~resolution~~ ordinance.”

**SECTION 4. SEVERABILITY.**

If any section, subsection, sentence, clause, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council of the City of Banning hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

**SECTION 5. PUBLICATION; EFFECTIVE DATE.**

The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the City Clerk shall cause it to be published in a newspaper of general circulation and shall post the same at City Hall, 99 E. Ramsey Street, Banning, California.

**PASSED, APPROVED, AND ADOPTED** this 9<sup>th</sup> day of June, 2015.

---

Deborah Franklin, Mayor  
City of Banning

**ATTEST:**

---

Marie A. Calderon, City Clerk  
City of Banning, California

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

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David J. Aleshire, City Attorney  
Aleshire & Wynder, LLP

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1488 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 26<sup>th</sup> day of May, 2015, and was duly adopted at a regular meeting of said City Council on the 9<sup>th</sup> day of June, 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Marie A. Calderon, City Clerk  
City of Banning, California

*2nd Read.*

**ORDINANCE NO. 1489**

**AN ORDINANCE OF THE CITY OF BANNING, CALIFORNIA, RELATED TO WATER CONSERVATION DURING CALIFORNIA'S STATE OF EMERGENCY DUE TO DROUGHT CONDITIONS**

**WHEREAS**, on January 17, 2014 Governor Jerry Brown ("Governor") issued a proclamation of a state of emergency under the California Emergency Services Act based on California's drought conditions and continued the state of emergency by issuing a proclamation on April 25, 2014; and

**WHEREAS**, on April 1, 2015, the Governor issued Executive Order No. B-29-15 imposing mandatory water use reductions which also provides direction to the State Water Resources Control Board ("SWRCB") to impose restrictions on water use to achieve a statewide 25 percent reduction in potable urban water use; and

**WHEREAS**, California's water supplies continue to be severely depleted, severe drought conditions continue to present urgent challenges, and new expedited actions are needed to reduce the harmful impacts of the drought; and

**WHEREAS**, on April 7, 2015, the SWRCB proposed a mandatory Regulatory Framework that apportions water reductions according to consumption. The SWRCB revised the apportionment of water reductions on April 18 and April 28th. The conservation savings for all urban water suppliers are now allocated across nine tiers of increasing levels of residential water use ("R-GPCD") to reach the statewide 25 percent reduction mandate. Agencies in Tier 8, including the City of Banning, having residential water use of 179.4 R-GPCD, must reduce water use by 32 percent between June 2015 to February 2016, as compared to the same periods in 2013; and

**WHEREAS**, on May 5, 2015 the SWRCB adopted Article 22.5, Drought Emergency Water Conservation ("Drought Regulation") which includes a prohibition against certain irrigation practices and an order that all urban water suppliers reduce their total potable water production by a defined percentage which has been applied to each urban water supplier; and

**WHEREAS**, the intention of the proposed ordinance is to facilitate the implementation of the requirements of the SWRCB Drought Regulation as well as to provide additional tools to achieve the City's required reduction of 32 percent.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANNING AS FOLLOWS:**

**Section I.** Incorporation of Recitals. All of the foregoing Recitals are true and correct and are incorporated herein and made an operative part of this Ordinance.

**Section II.** Public Hearing. A Public Hearing was conducted on May 26, 2015 at 5:00 p.m., or soon thereafter as practicable, in the Council Chamber located at 99 E. Ramsey Street, Banning, CA 92220.

**Section III.** The City Council hereby adopts Ordinance No. 1489, Drought Water Conservation in order to preserve the public health and safety by conserving water during the ongoing drought and to comply with Governor Jerry Brown's Executive Order and the State Water Resource Control Board Drought Regulation.

**Section IV.** Ordinance No. 1489 requires the following:

A. Mandatory Prohibitions as Required by the State Water Resource Control Board Drought Regulation including:

1. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
2. The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
3. The application of potable water to driveways and sidewalks.
4. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.
5. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall.
6. The serving of ~~drinking water~~ beverages other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.
7. The irrigation with potable water of ornamental turf on public street medians.
8. The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.
9. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

B. Additional Water Restrictions as follows:

1. Commercial, industrial and institutional properties, such as campuses, golf courses and cemeteries shall implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction target.
2. No person shall empty and refill a swimming pool except to prevent or repair structural damage or to comply with health regulations.
3. Parks and schools shall be watered on alternate days during the hours between sunset to sunrise.

4. Lawn watering and landscape irrigating, including construction water use, are restricted as follows: customers with even numbered street addresses shall water only on Monday, Wednesday, and Friday and customers with odd numbered street addresses shall water only Tuesday, Thursday and Sunday. Watering and irrigating shall occur between sunset and sunrise.
5. Broken sprinklers shall be repaired within 24 hours of notification, and leaks shall be repaired as soon as practicable.

C. Recommended Practices

1. The City of Banning strongly encourages Home Owner Associations ("HOA") and other enforcement agencies to suspend code enforcement and fines for brown turf areas and encourage the replacement of turf areas with drought tolerant landscaping.
2. Planting of spray irrigated annual flower beds is strongly discouraged.
3. Irrigation of non-functional ornamental turf, such as parkways is strongly discouraged.
4. Installation of irrigation smart controllers is strongly encouraged.
5. Use of pool covers when not in use, especially during summer months is strongly encouraged.
6. Over-seeding is strongly discouraged.

D. Civil Penalties

1. First Violation. For a first violation, the City shall issue a written notice of violation to the water user.
2. Second Violation. For a second violation, within a twelve month period, a one month surcharge of 25 percent of the previous month's water bill will be imposed.
3. Third Violation. For a third violation, within a twelve month period, a one month surcharge of 50 percent of the previous month's water bill will be imposed.
4. At the discretion of the City Manager, subsequent violations will continue with a penalty as described in Civil Penalties No. 3 or a penalty of up to \$500 per day for which the violation occurs.

**Section V.** CEQA. The Board finds that adopting and enforcing mandatory restrictions on water use in order to comply with SWRCB requirements is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15268 and Public Resources Code Section 21080(b)(1) as a ministerial action.

**Section VI.** Mayor shall sign this ordinance and the City Clerk shall attest thereto and shall publish it or a summary of it in a newspaper printed and published within the City, and thereafter this ordinance shall be in force and effect according to law.

**PASSED, APPROVED AND ADOPTED** this 26<sup>th</sup> day of May, 2015.

\_\_\_\_\_  
Deborah Franklin, Mayor

**ATTEST:**

\_\_\_\_\_  
Marie A. Calderon,  
City Clerk of the City of Banning

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

\_\_\_\_\_  
David J. Aleshire, City Attorney  
Aleshire & Wynder, LLP

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Ordinance No. 1489 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 26<sup>th</sup> day of May, 2015.

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Marie A. Calderon, City Clerk  
City of Banning  
Banning, California



**CITY COUNCIL AGENDA  
PUBLIC HEARING**

**Date:** June 9, 2015

**TO:** City Council

**FROM:** Alejandro Diaz, Chief of Police

**SUBJECT:** Resolution 2015-51. Approval of the 2015 Edward Byrne Memorial Justice Assistance Grant in the amount of \$10,742.

**RECOMMENDATION:** "The City Council conduct a Public Hearing and accept grant funds provided by the Office of Justice Programs in the amount of \$10,742 to purchase needed Tasers for police officers."

**JUSTIFICATION:** In 2012, the Banning Police Department purchased and equipped police officers with seven (7) new X2 Taser electronic control devices (ECD). Since 2012, the X2 Tasers have been shared by officers assigned to patrol and special assignments, which can on occasion require officers to deploy without a Taser.

The grant funding will allow for the purchase of seven (7) additional X2 Taser systems, which will ensure each officer deployed in the field has access to a Taser regardless of their assignment. Additionally, it will provide enough Tasers for officers to carry them during special events such as Stagecoach Days, Concerts in the Park, High School Football Games, and the Coachella Valley Music Festivals. It will also ensure an adequate number of Tasers are available if any of them need to be sent back to the manufacture for repair or warranty work.

**BACKGROUND:** On May 12, 2015 the Banning Police Department received notification from the U.S. Bureau of Justice Assistance that it was eligible to apply for the 2015 Local Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$10,742. Per U.S. Department of Justice regulations, a public hearing must be conducted to allow citizens to make comments on the intended use of the noted grant funds before funding can be approved.

For the FY15 JAG, the U.S. Bureau of Justice Assistance is requiring all fourteen eligible agencies in Riverside County to submit a consolidated application with one Fiscal Agent (FA) as the grant administrator. The Riverside Sheriff's Department has agreed to take on the role as the FA for 2015. As in years past, the FA agency will receive 10% of each agencies grant award (\$1,074 for Banning) to help offset the costs associated with administering the grant for the agencies involved. Subsequently, the Banning Police Department shall receive, through reimbursement, \$9,668 to pay for the requested Tasers. See Addendum A for the proposed Interlocal Agreement amongst all the eligible agencies in Riverside County for grant management purposes.

The estimated cost of the seven (7) Tasers with batteries and a 5 year warranty is \$10,461.51. The additional \$793.51 in costs will be paid for through the department's approved FY15-16 ordinance account. Therefore, no additional general funds are required for this purchase.

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**ACTION PLAN:** Conduct a public hearing and receive Banning City Council approval to accept the 2015 Edward Byrne Memorial Justice Assistance Grant in the amount of \$10,742 to fund the purchase of seven (7) new X2 Tasers.

**STRATEGIC PLAN INTEGRATION:** Approval of this recommendation will help facilitate the Police Department's goal of improving its equipment related to officer safety and technology.

**FISCAL DATA:** Accepted Byrne Grant funds will be appropriated to the Police Department's Ordinance Account (001-2200-421-36.01) in the amount of \$9,668 to purchase the X2 Tasers. After the Tasers have been paid, the Banning Police Department will submit a reimbursement request to the Riverside County Sheriff's Department.

**RECOMMENDED BY:**



Alejandro Diaz  
Chief of Police

**APPROVED BY:**



Dean Martin  
Interim City Manager

**RESOLUTION NO. 2015-51**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BANNING AUTHORIZING THE ACCEPTANCE OF THE 2015 U.S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) IN THE AMOUNT OF \$10,742.00 TO PURCHASE SEVEN (7) X2 TASERS.**

**WHEREAS**, having completed a public hearing on the proposed use of the 2015 U.S. Department of Justice Byrne Grant; and

**WHEREAS**, the City of Banning Police Department is responsible for the security and safety of the Citizens of the City; and

**WHEREAS**, state-of-the-art technology is necessary for the daily operations of the Police Department; and

**WHEREAS**, there is a need to purchase additional X2 Tasers; and

**WHEREAS**, the City's procedures requires the City Council to adopt a resolution authorizing the expenditure of funds procured through grants.

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Banning approves the proposed use of the 2015 U.S. Department of Justice Edward Byrne Memorial Assistance Grant in the amount of \$10,742 and upon award of the grant appropriates those funds to the Banning Police Department Ordinance Account (001-2200-421-36.01), minus the 10% (\$1074) administration fee to be held by the Riverside County Sheriff's Department for administering the grant as the Fiscal Agent. The Finance Department is authorized to make necessary budget adjustments related to these accepted funds. Furthermore, City Staff is authorized to enter into an Interlocal Agreement with the other thirteen (13) eligible agencies in the County of Riverside for grant management purposes.

**PASSED, APPROVED, AND ADOPTED** this 9th day of June, 2015.

\_\_\_\_\_  
Deborah Franklin, Mayor  
City of Banning

**ATTEST:**

\_\_\_\_\_  
Marie A. Calderon, City Clerk  
City of Banning

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

\_\_\_\_\_  
David J. Aleshire, City Attorney  
Aleshire & Wynder, LLP

**CERTIFICATION:**

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2015-51 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of June 2015, by the following to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Marie A. Calderon, City Clerk  
City of Banning, California

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INTERLOCAL AGREEMENT  
BETWEEN THE CITIES OF BANNING, CATHEDRAL CITY, COACHELLA, CORONA, DESERT  
HOT SPRINGS, HEMET, INDIO, JURUPA, LA QUINTA, MORENO VALLEY, PALM SPRINGS,  
PERRIS, THE CITY OF RIVERSIDE AND  
THE COUNTY OF RIVERSIDE, CA

CONCERNING DISTRIBUTION OF THE  
2015 JUSTICE ASSISTANCE GRANT AWARD

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between THE COUNTY OF RIVERSIDE, acting by and through its governing body, the Riverside County Board of Supervisors (hereinafter referred to as "COUNTY"), and named CITIES (hereinafter referred to as "CITIES"), acting by and through their respective governing bodies, the City Councils, all of whom are situated within the County of Riverside, State of California, as follows:

**WHEREAS**, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

**WHEREAS**, each governing body finds that the performance of this Agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this Agreement; and

**WHEREAS**, the COUNTY agrees to release to CITIES their respective grant allocation from the JAG Award, less ten percent (10%) re-allocated to COUNTY, as reflected on Appendix 1 here attached and hereby incorporated by reference as part of this agreement, on a reimbursement basis; and COUNTY agrees to provide the administration of COUNTY's and CITIES' programs during the entire permissible duration of said programs; and additionally the COUNTY and CITIES each agree that it is their responsibility to ensure these funds are expended in accordance with JAG guidelines; and

**WHEREAS**, the COUNTY and CITIES believe it to be in their best interests to reallocate the JAG funds,

**NOW THEREFORE**, the COUNTY and CITIES agree as follows:

**Section 1.**

COUNTY agrees to release to CITIES up to their respective grant allocation from the JAG Award, less ten percent (10%) re-allocated to COUNTY, as reflected in Appendix 1 here attached and hereby incorporated by reference as part of this Agreement, on a reimbursement basis, from the JAG Award within (45) days upon receipt of fully documented reimbursement request, and; COUNTY agrees to provide the administration of COUNTY's and CITIES' programs during the entire permissible duration of said programs.

**Section 2.**

COUNTY and CITIES each agree that it is their responsibility to ensure these funds are expended in accordance with JAG guidelines.

**Section 3.**

CITIES agree to provide COUNTY with sufficient timely information as necessary within five business days after receiving written request from COUNTY to meet JAG requirements for quarterly and annual financial and performance reports.

**Section 4.**

Nothing arising from this Agreement shall impose any liability for claims or actions against COUNTY other than what is authorized by law.

**Section 5.**

Nothing arising from this Agreement shall impose any liability for claims or actions against CITIES other than what is authorized by law.

**Section 6.**

Each party to this Agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable to any other party to this Agreement for any claim or action arising from the services provided under this Agreement.

**Section 7.**

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

**Section 8.**

By entering into this Agreement, the parties do not intend to create any obligations, either express or implied, other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

WHEREFORE, all parties freely and voluntarily agree to all of the above terms.

COUNTY OF RIVERSIDE, CA

\_\_\_\_\_  
Marion Ashley  
Board Chair

ATTEST:

\_\_\_\_\_  
County Clerk

APPROVED AS TO FORM:

Gregory P. Priamos  
County Counsel

By: \_\_\_\_\_  
Neal Kipnis  
Deputy County Counsel

WHEREFORE, all parties freely and voluntarily agree to all of the above terms.

CITY OF BANNING, CA

\_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



| Appendix 1                                     |             |  |                |         |
|--|-------------|--|----------------|---------|
| Eligible Agencies in FY2015 JAG Disparate Area |             |  |                |         |
| Riverside County (Sheriff's Department) FA     | BJA Formula | To Fiscal Agent (Sheriff's Department) | New Allocation | % to FA |
|  |             |  |                |         |
| Riverside County                               | 59,771      | 35,636                                 | 95,407         |         |
| Banning  | 10,742      | 1,074                                  | 9,668          | 10.00%  |
| Cathedral City                                 | 14,265      | 1,427                                  | 12,839         | 10.00%  |
| Coachella                                      | 16,236      | 1,624                                  | 14,612         | 10.00%  |
| Corona   | 14,093      | 1,409                                  | 12,684         | 10.00%  |
| Desert Hot Springs                             | 23,529      | 2,353                                  | 21,176         | 10.00%  |
| Hemet  | 29,910      | 2,991                                  | 26,919         | 10.00%  |
| Indio  | 33,212      | 3,321                                  | 29,891         | 10.00%  |
| Jurupa   | 17,961      | 1,796                                  | 16,165         | 10.00%  |
| La Quinta                                      | 10,003      | 1,000                                  | 9,003          | 10.00%  |
| Moreno Valley                                  | 51,148      | 5,115                                  | 46,033         | 10.00%  |
| Palm Springs                                   | 20,031      | 2,003                                  | 18,028         | 10.00%  |
| Perris   | 15,965      | 1,597                                  | 14,369         | 10.00%  |
| Riverside City                                 | 99,266      | 9,927                                  | 89,339         | 10.00%  |
|  |             |  |                |         |
|  | 416,132     | -                                      | 416,132        |         |
| % To Fiscal Agent                              | 8.56%       |  |                |         |
| \$ To FA                                       | 35,636      |  |                |         |

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**CITY OF BANNING UTILITY AUTHORITY  
CONSENT ITEM**

**DATE:** June 9, 2015

**TO:** City Council

**FROM:** Dean Martin, Interim City Manager/Interim Administrative Services Dir.

**SUBJECT:** Resolution No. 2015-08 UA, Establishing a Regular Meeting Schedule and Providing for Matters Related Thereto.

**RECOMMENDATION:** It is recommended that the Banning Utility Authority adopt the attached Resolution No. 2015-08 UA, Establishing a Regular Meeting Schedule and Providing for Matters Related Thereto.

**BACKGROUND:** The City of Banning, California (the "City") and the Community Redevelopment Agency of the City have heretofore entered into that certain Joint Exercise of Powers Agreement, dated as of July 12, 2005, establishing the Banning Utility Authority (the "Authority"). The Authority was established for the purpose of, among other things, issuing bonds to be used to provide financing and refinancing for public capital improvements of the City's utility system.

To date the Authority has not established a regular public meeting schedule, due in large part to a lack of regular business items for the Authority to attend to. Changes in State law, however, require that any resolution of the Authority authorizing bonds, the issuance of bonds, or accepting the benefit or proceeds of any bonds, be adopted at a regular meeting of the Authority. (Gov't Code § 6592.1.)

**JUSTIFICATION:** In light of this, it is necessary and advisable for the Authority to adopt the attached Resolution establishing a regular meeting schedule in anticipation of future financial transactions. The proposed meeting schedule is contemporaneous with regular meetings of the City Council. Notably, the Resolution states that if there is no business for the Authority to attend to at its regularly scheduled meeting, no agenda will be posted and the meeting will automatically be canceled.

**RECOMMENDED AND  
APPROVED BY:**

  
Dean Martin, Interim City Manager/  
Interim Administrative Services Dir.

Attachments:

1. Resolution No. 2015-08 UA

**RESOLUTION NO. 2015-08 UA**

**RESOLUTION OF THE BANNING UTILITY AUTHORITY  
ESTABLISHING A REGULAR MEETING SCHEDULE AND  
PROVIDING FOR MATTERS RELATED THERETO**

**WHEREAS**, the City of Banning, California (the "City") and the Community Redevelopment Agency of the City have heretofore entered into that certain Joint Exercise of Powers Agreement, dated as of July 12, 2005, establishing the Banning Utility Authority (the "Authority") for the purpose, among other things, of issuing its bonds to be used to provide financing and refinancing for public capital improvements of the City's utility system; and

**WHEREAS**, in light of changes in State law applicable to the conduct of business by the Authority, it is necessary and advisable for the Authority to establish a more frequent regular meeting schedule.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE BANNING UTILITY AUTHORITY HEREBY DETERMINES, FINDS, AND RESOLVES AS FOLLOWS:**

SECTION 1. The Board of Directors of the Banning Utility Authority ("Board") hereby finds and declares that the above recitals are true and correct, and incorporates them herein this Resolution.

SECTION 2. The Board hereby establishes a regular meeting schedule of the Authority consisting of the second (2nd) and fourth (4th) Tuesday of every month, for which an agenda is posted at least 72 hours in advance of such meeting (each, a "Regular Meeting"), beginning on June 23, 2015. Each such regular meeting shall be held at 5:00 p.m. at Banning Civic Center Council Chambers, 99 E. Ramsey Street, California.

SECTION 3. If there is no scheduled business to conduct, no agenda for the Authority shall be posted and such Regular Meeting shall be automatically canceled thereby.

SECTION 4. The Regular Meeting schedule established herein may be amended by the adoption of a supplemental resolution by the Board.

SECTION 5. The Chairperson, the Executive Director and any one of their respective designees, are, and each of them is, hereby authorized and directed to do any and all things, and to execute and deliver any and all documents which said officers may deem necessary or advisable to carry out, give effect to and comply with the terms and intent of this Resolution.

SECTION 6. This Resolution shall take effect immediately upon its adoption.

SECTION 7. The Secretary shall certify to the adoption of this Resolution, and thenceforth and thereafter the same shall be in full force and effect. Notwithstanding the foregoing, such certification and any of the other duties and responsibilities assigned to the Secretary pursuant to this Resolution may be performed by an Assistant Secretary with the same force and effect as if performed by the Secretary hereunder.

**PASSED, APPROVED AND ADOPTED** by the Board of Directors of the Banning Utility Authority, at a meeting held on the 9<sup>th</sup> day of June, 2015.

\_\_\_\_\_  
Deborah Franklin, Chairman  
Banning Utility Authority

**ATTEST:**

\_\_\_\_\_  
Marie A. Calderon, Secretary

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

\_\_\_\_\_  
David J. Aleshire, Authority Counsel  
Aleshire & Wynder, LLP

**CERTIFICATION:**

I, Marie A. Calderon, Secretary to the Utility Authority of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2015-08 UA was duly adopted by the Banning Utility Authority of the City of Banning at its Joint Meeting held on the 9<sup>th</sup> day of June, 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Marie A. Calderon, Secretary  
Banning Utility Authority  
City of Banning, California

**CITY OF BANNING FINANCING AUTHORITY  
CONSENT ITEM**

**DATE:** June 9, 2015

**TO:** City Council

**FROM:** Dean Martin, Interim City Manager/Interim Administrative Services Dir.

**SUBJECT:** Resolution No. 2015-01 FA, Establishing a Regular Meeting Schedule and Providing for Matters Related Thereto.

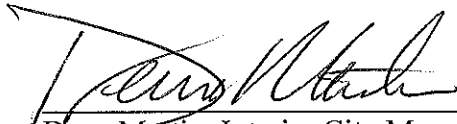
**RECOMMENDATION:** It is recommended that the City of Banning Financing Authority adopt the attached Resolution No. 2015-01 FA, Establishing a Regular Meeting Schedule and Providing for Matters Related Thereto.

**BACKGROUND:** The City of Banning, California (the "City") and the Community Redevelopment Agency of the City have heretofore entered into that certain Joint Exercise of Powers Agreement, dated as of November 12, 2003, establishing the City of Banning Financing Authority (the "Authority"). The Authority was established for the purpose of, among other things, issuing bonds to be used to provide financing and refinancing for any purposes which are authorized by law.

To date the Authority has not established a regular public meeting schedule, due in large part to a lack of regular business items for the Authority to attend to. Changes in State law, however, require that any resolution of the Authority authorizing bonds, the issuance of bonds, or accepting the benefit or proceeds of any bonds, be adopted at a regular meeting of the Authority. (Gov't Code § 6592.1.)

**JUSTIFICATION:** It is necessary and advisable for the Authority to adopt the attached Resolution establishing a regular meeting schedule in anticipation of future financial transactions. The proposed meeting schedule is contemporaneous with regular meetings of the City Council. Notably, the Resolution states that if there is no business for the Authority to attend to at its regularly scheduled meeting, no agenda will be posted and the meeting will automatically be canceled.

**RECOMMENDED AND  
APPROVED BY:**

  
\_\_\_\_\_  
Dean Martin, Interim City Manager/  
Interim Administrative Services Dir.

Attachments:

1. Resolution No. 2015-01 FA

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Intentionally

**RESOLUTION NO. 2015-01 FA**

**A RESOLUTION OF THE CITY OF BANNING FINANCING  
AUTHORITY ESTABLISHING A REGULAR MEETING  
SCHEDULE AND PROVIDING FOR MATTERS RELATED  
THERE TO**

**WHEREAS**, the City of Banning, California (the "City") and the Community Redevelopment Agency of the City have heretofore entered into that certain Joint Exercise of Powers Agreement, dated as of November 12, 2003, establishing the City of Banning Financing Authority (the "Authority") for the purpose, among other things, of issuing its bonds to be used to provide financing and refinancing for any purposes which are authorized by law; and

**WHEREAS**, in light of changes in State law applicable to the conduct of business by the Authority, it is necessary and advisable for the Authority to establish a more frequent regular meeting schedule.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE CITY OF BANNING FINANCING AUTHORITY HEREBY DETERMINES, FINDS, AND RESOLVES AS FOLLOWS:**

SECTION 1. The Board of Directors of the City of Banning Financing Authority ("Board") hereby finds and declares that the above recitals are true and correct, and incorporates them herein this Resolution.

SECTION 2. The Board hereby establishes a regular meeting schedule of the Authority consisting of the second (2nd) and fourth (4th) Tuesday of every month, for which an agenda is posted at least 72 hours in advance of such meeting (each, a "Regular Meeting"), beginning on June 23, 2015. Each such regular meeting shall be held at 5:00 p.m. at Banning Civic Center Council Chambers, 99 E. Ramsey Street, California.

SECTION 3. If there is no scheduled business to conduct, no agenda for the Authority shall be posted and such Regular Meeting shall be automatically canceled thereby.

SECTION 4. The Regular Meeting schedule established herein may be amended by the adoption of a supplemental resolution by the Board.

SECTION 5. The Chairman, the Executive Director and any one of their respective designees, are, and each of them is, hereby authorized and directed to do any and all things, and to execute and deliver any and all documents which said officers may deem necessary or advisable to carry out, give effect to and comply with the terms and intent of this Resolution.

SECTION 6. This Resolution shall take effect immediately upon its adoption.

SECTION 7. The Secretary shall certify to the adoption of this Resolution, and thenceforth and thereafter the same shall be in full force and effect. Notwithstanding the foregoing, such certification and any of the other duties and responsibilities assigned to the Secretary pursuant to this Resolution may be performed by an Assistant Secretary with the same force and effect as if performed by the Secretary hereunder.

**PASSED, APPROVED AND ADOPTED** by the Board of Directors of the City of Banning Financing Authority, at a meeting held on the 9<sup>th</sup> day of June 2015.

---

Deborah Franklin, Chair person  
City of Banning Financing Authority

**ATTEST:**

---

Marie A. Calderon, Secretary  
Banning Financing Authority

**CERTIFICATION:**

I, Marie A. Calderon, Secretary of the City of Banning Financing Authority do hereby certify that the foregoing Resolution No. 2015-01 FA was duly adopted by the City of Banning Financing Authority at a joint meeting thereof held on the 9<sup>th</sup> day of June, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Marie A. Calderon, Secretary  
City of Banning Financing Authority  
City of Banning, California



**CITY COUNCIL AGENDA  
REPORT OF OFFICERS**

**DATE:** June 9, 2015

**TO:** City Council

**FROM:** Brian Guillot, Acting Community Development Director

**SUBJECT:** Planning Commission Appointments

**RECOMMENDATION:** That the City Council:

- I. Provide direction to staff with regard to filling the vacancy on the Planning Commission for the remainder of the term of Planning Commissioner Kevin Siva; and
- II. Acknowledge the term of Planning Commissioner David Ellis until May 2017.

**JUSTIFICATION:**

Chapter 2.28.020 (Term and Vacancies) of the Banning Municipal Code states the following:

- 1) The Planning Commission shall consist of five (5) members.
- 2) Planning Commissioners shall serve four-year terms, which shall be staggered every two (2) years concurrent with the City elections. Appointments shall be made by the City Council. Applications shall be made available and the closing date announced at least two (2) months prior to the expiration of the Planning Commissioner's term to be filled.
- 3) Planning Commissioners shall serve at the pleasure of the City Council and may be removed at any time by a majority vote of the entire City Council.
- 4) Any Planning Commissioner who is unexcused for two (2) consecutive regular meetings of the Planning Commission or six (6) meetings within a twelve-month period, **whether the six (6) meetings are excused or not**, will be deemed to have resigned their office and the City Council may appoint a new Planning Commissioner to serve in the resigned Planning Commissioner's place for the remainder of their term.
- 5) To be excused from any such meeting, a Planning Commissioner shall notify the Community Development Department, at least forty-eight hours prior to any such meeting. If a Planning Commissioner is unable to attend due to illness, injury or family matters, a statement by the Planning Commissioner at the next regular meeting of the Planning Commission shall constitute an excused absence.

## **DISCUSSION:**

Planning Commissioner Kevin Siva was originally appointed by the City Council in March 2008 and was re-appointed for an additional four-year term in February 2012. Planning Commissioner Siva's term is due to expire in February 2016. Unfortunately, Planning Commissioner Siva has been experiencing personal issues over the course of the past year which has caused him to unavoidably miss several Planning Commission meetings. On March 31, 2015, a letter was sent to Planning Commissioner Siva advising him of the attendance requirement and that any further absences will be deemed as his resignation (Attachment 1). Since that date, Planning Commissioner Siva has missed (excused) the Planning Commission meetings on May 6, 2015 and June 3, 2015, and is therefore considered to be resigned from the Planning Commission.

Mr. Siva will be corresponding with staff this week to inform us of his desire to be reappointed, or to no longer serve due to his personal issues. This communication will be presented at the City Council meeting if it is received in time.

At this time, staff is requesting direction from the City Council on filling the vacancy on the Planning Commission for the remaining eight (8) months of Planning Commissioner Siva's term. On April 7, 2015, a notice was published on the City's website to solicit applications from residents who are interested in serving on the Planning Commission. As of the date of the application submittal deadline, on May 28, 2015, no applications were received. Therefore, if it is the desire of the City Council to fill the vacant position, staff requests that the City Clerk re-advertise the opening on the Planning Commission.

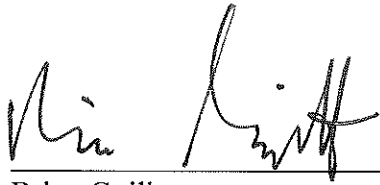
On another matter, Planning Commissioner David Ellis was appointed by the City Council in April 2013. At that time, Planning Commissioner Ellis was informed that his term expired in May 2015 instead of what should have been four-year term until May 2017. To correct this matter, staff is requesting that the City Council acknowledge the term of his appointment.

## **CONCLUSION:**

Staff recommends that the City Council:

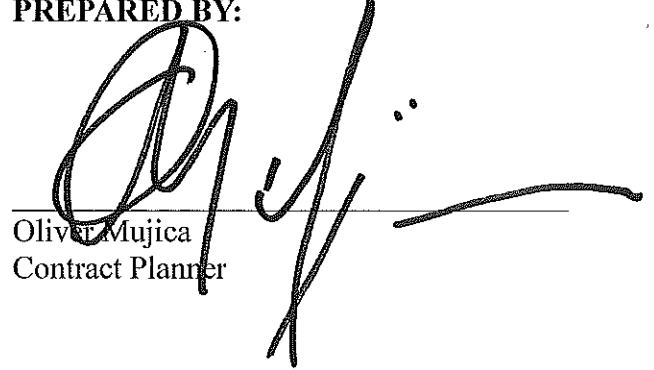
1. Provide direction to staff with regard to filling the vacancy on the Planning Commission for the remainder of the term of Planning Commissioner Kevin Siva; and
2. Acknowledge the term of Planning Commissioner David Ellis until May 2017.

**RECOMMENDED BY:**



Brian Guillot  
Acting Community Development Director

**PREPARED BY:**



Oliver Mujica  
Contract Planner

**APPROVED BY:**



Dean Martin  
Interim City Manager/Interim  
Administrative Services Director

**ATTACHMENT:**

1. Letter to Planning Commissioner Kevin Siva, dated March 31, 2015.



City of Banning  
Office of the City Clerk

March 31, 2015

Kevin Siva  
4990 W. Hoffer St.  
Banning, CA 92220

SUBJECT: Planning Commission Attendance

Dear Mr. Siva,

Per the Banning Municipal Code, Chapter 2.28 – Planning Commission, Subsection 2.28.020(D): “Any member who is unexcused for two consecutive regular meetings of the commission or six meetings within a twelve-month period, whether the six meetings are excused or not, will be deemed to have resigned their office and the City Council may appoint new members to serve in the resigned commissioner’s place for the remainder of their term.” You have missed five (5) meetings within the prescribed period and in danger of resignation.

This is to inform you that if you miss any further scheduled Planning Commission meetings, you will have resigned your place on the Commission and the City Council may appoint a new member to fill the remainder of your term.

Sincerely,

  
Marie A. Calderon, City Clerk

copy: Community Development Director  
City Manager

**CITY COUNCIL AGENDA  
REPORT OF OFFICERS**

**DATE:** June 9, 2015

**TO:** City Council

**FROM:** Heidi Meraz, Community Services Director

**SUBJECT:** Resolution 2015-54, Authorizing the Submittal of the FY 2015/16 Local Transportation Fund (LTF) Claim and approving the FY 2015/16 – 2016/17 Short Range Transit Plan (SRTP)

**RECOMMENDATION:** “The City Council adopt Resolution No. 2015-54, authorizing the submittal of the FY 2015/16 Local Transportation Fund (LTF) in the amount of \$1,469,748.00 and approving the FY 2015/16 – 2016/17 Short Range Transit Plan (SRTP)”.

**BACKGROUND:** LTF dollars are needed to fund the operation of the City’s fixed route and dial-a-ride services system. The SRTP, Exhibit “A”, is prepared annually and justifies the amount of funding being requested from the Riverside County Transportation Commission (RCTC). The plan, as well as the required funding sources, has already been approved by RCTC. The Riverside County Transportation Commission (RCTC) requires transit operators to file an annual SRTP in compliance with the Transportation Development Act.

Included in the 2015/16-16/17 SRTP are changes to routes which will increase service within the City of Banning and discontinue travel into Beaumont beyond Xenia and Sixth Streets. The new route structure will provide increased frequency to the residential areas of Banning and additional allow for service to the Mt. San Jacinto College Pass Campus in the evening after classes have finished. All routes will still provide consistent connections with both RTA and Sunline, affording passengers solid opportunities for regional travel.


The City operates three fixed routes and a dial-a-ride service. The Riverside County Transportation Commission (RCTC) allocates LTF dollars to the City each year to cover the transit system’s operating costs. A claim form must be submitted annually to RCTC in order for the funds to be released to the City. The SRTP should be approved by the Council as part of the claim submittal process.

**JUSTIFICATION:** LTF dollars are needed to fund the operation of the City’s fixed route and dial-a-ride services system. The SRTP is prepared annually and justifies the amount of funding being requested from the Riverside County Transportation Commission (RCTC). The plan, as well as the required funding sources, has already been approved by RCTC.

**FISCAL DATA:** The Fiscal Year 2015-16 LTF transit claim total of \$1,469,748.00, along with fare box recovery will fund the operating expenditures for the City’s transit and dial-a-ride services.

*cel*

**RECOMMENDED BY:**

  
Heidi Meraz  
Community Services Director

**APPROVED BY:**

  
Dean Martin  
Interim City Manager

**RESOLUTION NO. 2015-54**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING  
AUTHORIZING THE SUBMITTAL OF THE FY 2015-16 LOCAL TRANSPORTATION  
FUND (LTF) CLAIM AND APPROVING THE FY 2015/16-2016/17 SHORT RANGE  
TRANSIT PLAN (SRTP)**

**WHEREAS**, the City of Banning annually receives an allocation of Local Transportation Funds to operate the City's transit and dial-a-ride services;

**WHEREAS**, a claim form and standard assurances must be submitted to Riverside County Transportation Commission in order to receive the allocated LTF; and

**WHEREAS**, the Short Range Transit Plan is prepared annually as justification for the LTF Funding request; and

**WHEREAS**, the Short Range Transit Plan is to be approved by the City Council as part of the claim submittal process.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE  
CITY OF BANNING AS FOLLOWS:**

SECTION 1. The City Council of the City of Banning hereby authorizes the Community Services Director to execute and submit the Fiscal Year of 2015/16 LTF Public Transit Claim in the amount of 1,468,748.00 on behalf of the City of Banning.

SECTION 2. The City Council approves the FY 2015/16-2016/17 Short Range Transit Plan.

SECTION 3. The Administrative Services Director is authorized to make any budget adjustments related to this resolution.

**PASSED, APPROVED, AND ADOPTED** this 9<sup>th</sup> day of June, 2015.

---

Deborah Franklin, Mayor  
City of Banning

**ATTEST:**

---

Marie A. Calderon, City Clerk  
City of Banning

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

---

David J. Aleshire, City Attorney  
Aleshire & Wynder, LLP

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2015-54, was duly adopted by the City Council of Banning, California, at a regular meeting thereof held on the 9th day of June, 2015 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Marie A. Calderon, City Clerk  
City of Banning



**SHORT RANGE TRANSIT PLAN (SRTP)**  
**2015/16 – 2016/17**

**EXHIBIT “A”**



# **Short Range Transit Plan**

**FY 2015/16 - 2016/17**



Banning Pass Transit  
789 N. San Geronio Avenue  
Banning, CA 92220  
951.922.3243  
FY 2015/2016

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## 1 System Overview

### Service Area Map



### 1.1 - Service Area Overview

The Banning Transit system serves many areas, including the commercial and residential areas of Banning and Cabazon, as well as the commercial areas of the Morongo Indian Reservation and limited commercial areas of Beaumont. The cities of Banning and Beaumont operate under a shared brand identity, "Pass Transit." Pass Transit offers seamless transit by coordinating transportation services that cover approximately 40 square miles in the pass area with routes connecting to regional services.

Within the service area, population is mixed with areas of both high and low densities. The current routes have been planned by taking advantage of this knowledge, allowing the system to operate more efficiently.

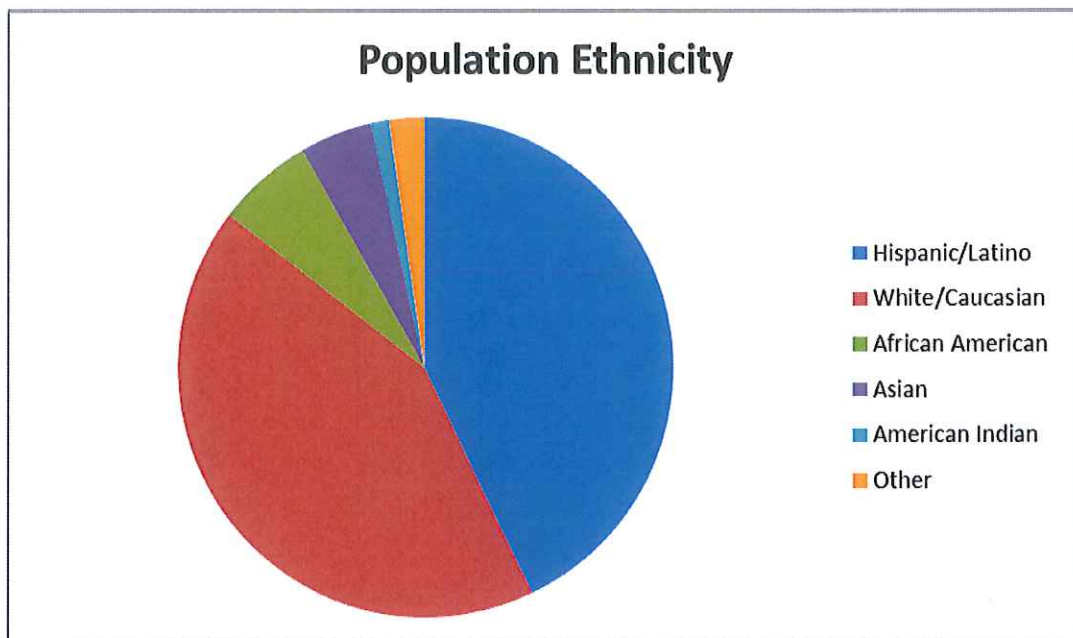


## 1.2 - Area Demographics

Riverside County covers 7,208 square miles with a population of over 2.2 million people in 2010, per the U.S. Census. The population density for Riverside County is 303.8 people per square mile, largely due to the vast desert areas that are not populated.

The city of Banning covers 23 square miles with a population of 29,603 people in 2010, per the U.S. Census. The population density for Banning is 1,300 per square mile. The population of the service area covered by Banning Transit has grown by approximately 29% over the last ten years.

The racial makeup of the city is as follows:



The average age of the population is the following:

- |                  |        |
|------------------|--------|
| • 65+ Years      | 26.88% |
| • 45-64 Years    | 23.01% |
| • 25-44 Years    | 18.56% |
| • 20-34 Years    | 16.90% |
| • Under 19 Years | 14.65% |

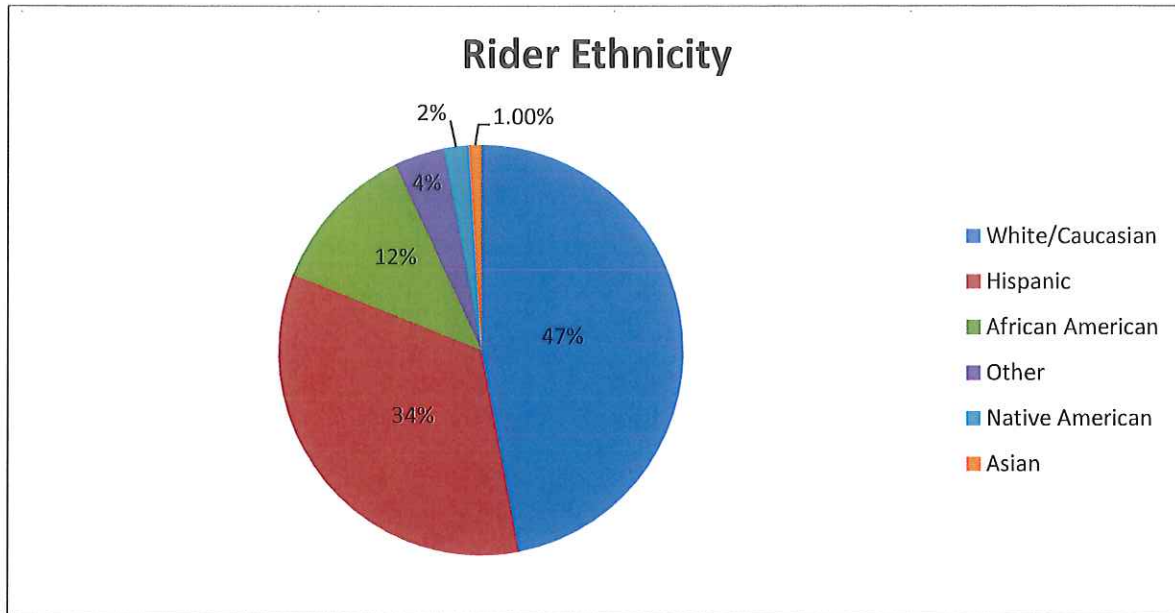
The average age of the population is 42.3 years old.

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## Rider Demographics

In 2013, a survey was conducted showing the demographics of the Pass Transit riders. The information gathered helped create a visual indication of the use of the system.

The racial makeup of the ridership is as follows:



Furthermore, 86% of respondents stated that they used the system's fixed routes at least three times a week. 59% of the ridership used the bus service for local trips within the Banning/Beaumont/Cabazon area, and 49% use the transit to travel outside of Pass Transit's service area. For 91% of ridership, the bus system is their only means of transportation. An unspecified amount of respondents stated that the transit service is readily available in their area, with a majority of riders living within a two block radius of a bus stop.

A majority of the systems riders share the commonality of being either underemployed or unemployed, with 88% of riders reporting an annual household income of \$20,000 or less and 81% of respondents report a household of two or more. 87% of the respondent households speak English as their primary language, while 13% speak Spanish.

### 1.3 – Existing Service and Route Performance

The Banning Transit System currently has three fixed route services which serve the main streets of Beaumont, the main streets and neighborhood areas of Banning, and both the residential and business areas of Cabazon. Based on route recommendations produced by a Comprehensive Operational Analysis, changes were made to the fixed route service in July 2014. Additional reconfiguration of routes will begin in July of 2015 to address changes in needs of service within our community.

Banning's fixed route buses are accessible to people with disabilities. Each bus is equipped with a wheelchair lift or ramp along with two wheelchair securement locations. Banning offers individualized travel training to assist new passengers in learning how to ride these buses. Banning Paratransit is a origin-to-destination shared ride transportation service for seniors age 60 and older and persons who are, due to their functional limitation(s), unable to use accessible fixed route bus service. Passengers must be certified eligible per guidelines established in the Americans with Disabilities Act (ADA).

### 1.4 – Current and Proposed Fare Structure

The Pass Transit system has adopted a mutual service fare to make traveling more accessible to those who utilize the system. The chart below has a detailed breakdown of the current fares for available services:

#### Dial-A-Ride Fares

| Fare Categories | Base Fare | 10-Ride Punch Card |
|-----------------|-----------|--------------------|
| One-Way         | \$2.00    | \$18.00            |
| Companion       | \$3.00    | N/A                |
| PCA (w/ I.D.)*  | FREE      | FREE               |
| No Show         | \$2.00    | N/A                |

\*Personal Care Attendant must show proper ID each time they board.



**Fixed Route**

| Fare Categories  | Base Fare | Day Pass | 10-Tripper Punch Pass | 10-Ticket Book | Monthly Pass |
|--|-----------|----------|-----------------------|----------------|--------------|
| General  | \$1.15    | \$3.00   | N/A                   | \$10.35        | \$36.00      |
| Youth (grades K-12)  | \$1.00    | \$3.00   | \$10.00               | N/A            | \$30.00      |
| Senior (60+)   | \$.65     | \$1.80   | N/A                   | \$5.85         | \$21.50      |
| Disabled   | \$.65     | \$1.80   | N/A                   | \$5.85         | \$21.50      |
| Military Veterans  | \$.65     | \$1.80   | N/A                   | \$5.85         | \$21.50      |
| <i>Child (46" tall or under. Must be accompanied by full fare paying passenger.)</i> | \$.25     | N/A      | N/A                   | N/A            | N/A          |
| Transfer Ticket (Cabazon Circulator)   | \$.25     | \$.25    | \$.25                 | \$.25          | N/A          |
| Deviations (Routes 3 & 4)  | \$.25     | \$.25    | \$.25                 | \$.25          | \$.25        |
| Active Military  | FREE      | N/A      | N/A                   | N/A            | N/A          |
| GoPass (During school session only)  | FREE      | N/A      | N/A                   | N/A            | N/A          |
| Jury Duty  | FREE      | N/A      | N/A                   | N/A            | N/A          |

**1.5 – Fleet Characteristics**

Banning Transit System operates five fixed route vehicles (four in revenue service and one as spares), all of which are powered by compressed natural gas (CNG). The vehicles are equipped with bicycle racks for two bicycles, and are in compliance with the ADA with mobility device lifts and two tie-down stations per bus. The transit system also has six vehicles that are classified as Dial-A-Ride (two in revenue service and one as a spare). Two of three remaining are utilized as back-up for the fixed-route, if needed, and the other is scheduled to be taken out of service and scheduled for auction. All are in compliance with the ADA, with mobility device lifts and tie-down stations for four mobility devices. Banning Pass Transit also has four support vehicles that are used for driver relief or administrative errands.

Two replacement buses for the fixed routes have been ordered which will be delivered at the end of June 2015.

The City adheres to California Highway Patrol (CHP) mandated Preventive Maintenance Inspection criteria and is very proactive in maintenance efforts.

See the City of Banning Fleet Inventory Table 1 for individual vehicle characteristics.

## **1.6 – Existing Facility/Planned Facilities**

Banning Transit System functions as a department within the City and utilizes existing facilities. Transit Administrative staff is housed at the City's Community Center located at 789 North San Geronio Avenue, where bus passes are sold, schedules are available and all ADA applications are processed. Dispatch and general telephone information is also provided at the transit office within the Community Center.

### Banning Pass Transit Office Hours

Monday – Thursday: 7:30am to 6:00pm

Friday: 8:00am to 3:00pm

The maintenance, parking, fueling of the buses, and storage of bus stop amenities are performed at the City's Corporation Yard located at 176 East Lincoln Street. Maintenance of the vehicles is performed by the Public Works Department, Fleet Maintenance Division.

There are currently no plans to expand Banning Pass Transit System facilities.

## **1.7 – Existing Coordination between Transit Agencies**

Currently, the cities of Banning and Beaumont operate under a Memorandum of Understanding (MOU) which allows for each respective agencies to cross jurisdictional boundary lines, allowing simplified travel for passengers throughout the Pass area. In addition, an MOU is held with the Morongo Band of Mission Indians allowing stops on their property. The ability to provide a stop at Casino Morongo allows passengers to make connections with Sunline Commuter Link 220, providing service from Palm Desert to Riverside. In addition, services are also coordinated with Riverside Transit Agency (RTA) by providing timed stops that meet with routes that provide travel to and from the areas of Hemet and Moreno Valley.

## 2 Existing Service and Route Performance

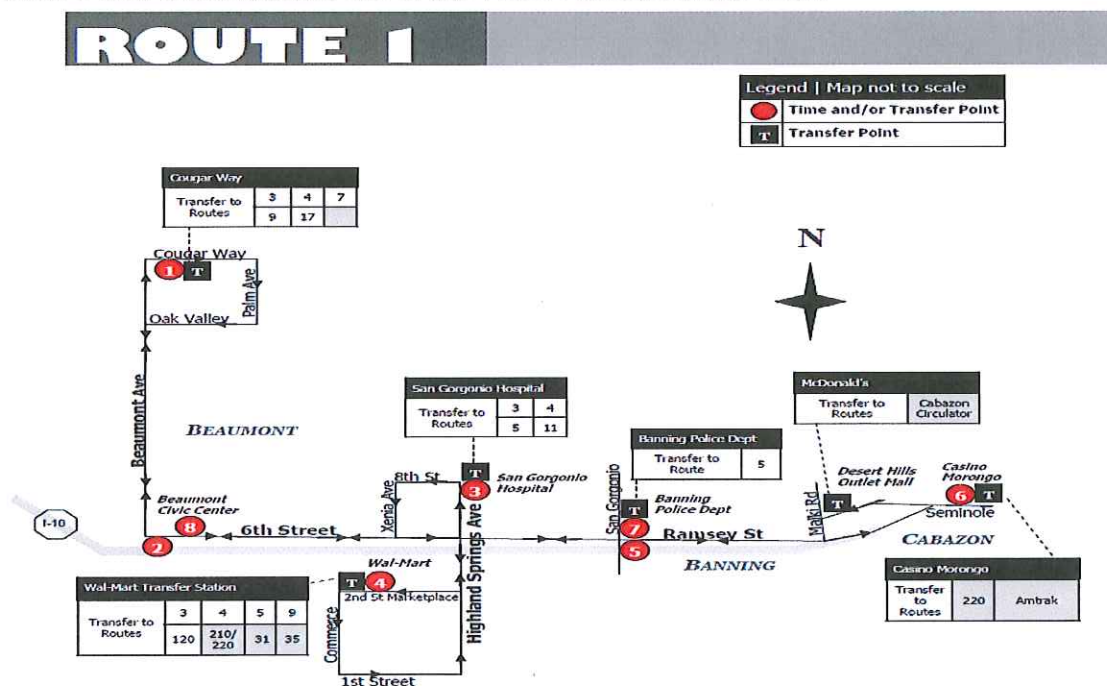
### 2.1 – Fixed Route Service

The Banning Transit System currently has three fixed route services which serve the main streets of Beaumont, the main streets and neighborhood areas of Banning, and both the residential and business areas of Cabazon. Based on route recommendations produced by a Comprehensive Operational Analysis, changes were made to the fixed route service in July, 2014. Reconfiguration of routes will begin in July of 2015.

#### Route 1 – Beaumont/Banning/Cabazon

Pass Transit Route 1 is among the most used route in the system, operating primarily along Ramsey Street and 6<sup>th</sup> Street and serving the commercial areas of Cabazon and Casino Morongo. Ridership on Route 1 accounts for 27% of the total use of the system.

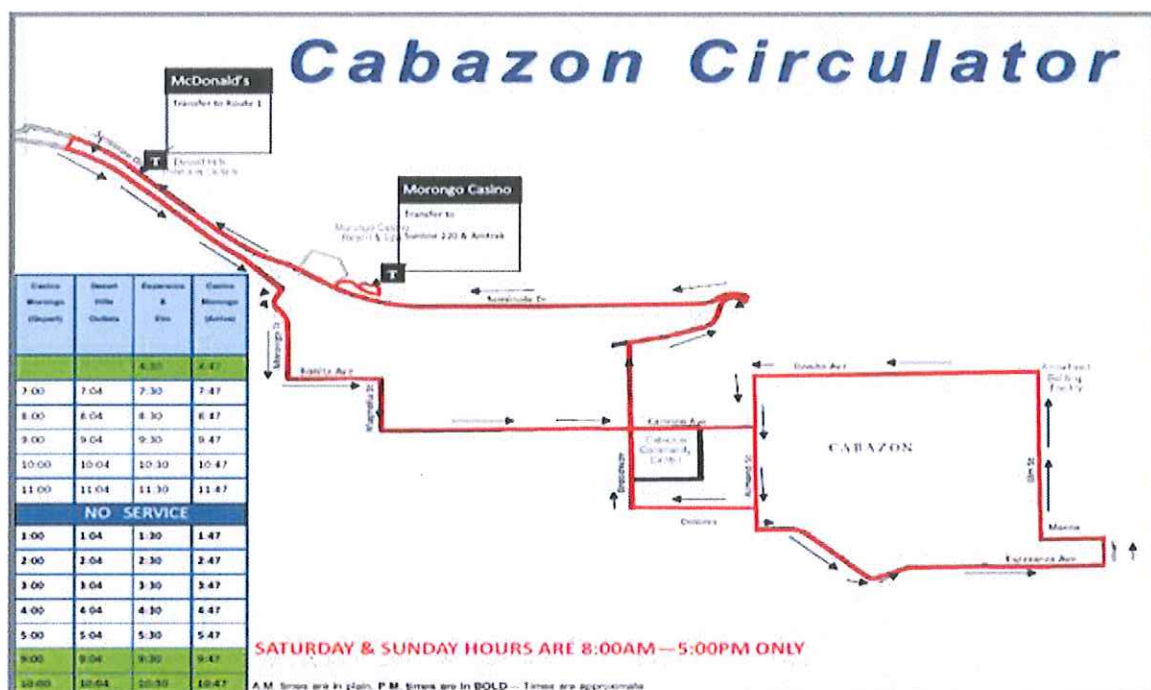
While the longest route in distance, this route operates on a one-hour headway and serves many important areas. The major stops on this route include Albertsons, Wal-Mart, Beaumont City Hall, Greyhound Crucero Agency, Banning City Hall, Mid-County Justice Center, San Geronio Memorial Hospital, Casino Morongo and the Desert Hills Outlets in Cabazon. These stops, along with a stop at the Amtrak California Thruway bus stop allow the passengers to get from where they are to where they need to be, even if their destination is out of the Pass Transit service area.





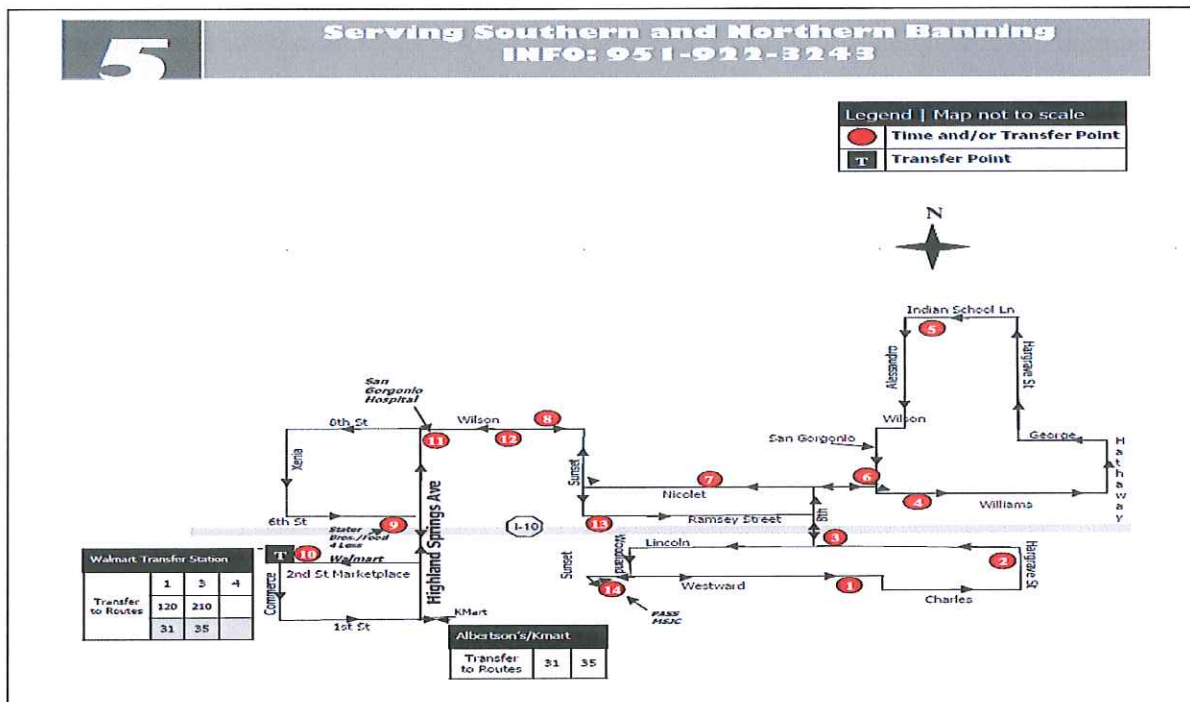
### Cabazon Circulator

The Cabazon Circulator differs from other routes in the fact that it only circulates throughout the residential and commercial areas of Cabazon. This Route is crucial to the area because it allows riders from the most remote areas of Cabazon to reach important destinations such as the Casino Morongo or the Cabazon Outlets. In addition, this route travels directly to the transfer point for Route 1 which allows travel to the business areas of Banning and Beaumont, as well as connections with regional transit services.



Major stops on this route are the Banning Justice Center, Mt. San Jacinto Pass Campus, the Banning Municipal Library, San Geronio Memorial Hospital and limited commercial areas along both Ramsey Street and Highland Springs Avenue.

This neighborhood feeder route provides service at many civic, educational and county sponsored public social service offices. Some of these destinations include: Banning City Hall, Fox Cinemas, Albertsons, Walgreens and Rite Aid Pharmacies, the Banning Municipal Library, Banning Chamber of Commerce, Banning Senior Center, Banning Community Center, U.S. Post Office, and various other shopping and school locations within the community.



**Banning Pass Transit fixed route service hours are as follows:**

| Days              | Route      | Hours                  |
|-------------------|------------|------------------------|
| Monday – Friday   | Route 1    | 4:30 A.M. – 11:00 P.M. |
| Monday - Friday   | Route 5    | 6:00 A.M. – 7:00 P.M.  |
| Monday - Friday   | Cabazon    | 8:00 A.M. – 6:00 P.M.  |
|                   | Circulator |                        |
| Saturday & Sunday | All Routes | 8:00 A.M. – 6:00 P.M.  |

Banning Pass Transit offers limited service hours, 9:00 A.M. to 5:00 P.M., on the following holidays: Martin Luther King Day, President's Day, Labor Day, Veterans Day, and the day after Thanksgiving.

Banning Pass Transit offers no service on the following holidays: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day.

**All aforementioned fixed routes are consistently monitored and will be modified as needed to better serve unmet transit needs.**

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## 2.2 – Dial-A-Ride Service

Pass Transit Dial-A-Ride is a service offered to seniors, aged 60 and older, persons with disabilities and passengers eligible under the Americans with Disabilities Act (ADA). Limited service hours are available for non-ADA passengers. This category of passenger is also required to fill out a certification application to determine eligibility. If these terms are met, the applicant will receive a card certifying their eligibility to ride.

Pass Transit Dial-A-Ride is a service offered within the city limits of Banning and Beaumont as well as within a ¾ mile boundary of Routes 1 and 2 service areas (including Cabazon).

The primary uses for the Dial-A-Ride system is for transportation to medical appointments, workshop programs for persons with disabilities, shopping areas, employment, and include connections to the Riverside Transit Agency and Pass Transit Fixed Routes.

Hours for the Dial-A-Ride program are as follows:

| Days  | Hours   |
|---|---|
| <b>Seniors (age 60 &amp; older) &amp; Persons without ADA Certificate</b> |   |
| Monday - Friday   | 8:00 A.M. – 3:00 P.M.                                       |
| Saturday & Sunday   | No Service  |
| <b>Persons with ADA Certificate</b>                                       |   |
| Monday - Friday   | 7:00 A.M. – 7:00 P.M.                                       |
| Saturday & Sunday   | Limited service when three or more persons request service. |

## 2.3 – Key Performance Indicators

The Riverside County Transportation Commission (RCTC) has adopted a Productivity Improvement Plan (PIP) for the transit and commuter rail operators of Riverside County. The PIP sets forth efficiency and effectiveness standards that the transit operators are to meet. Progress towards these standards is reported quarterly to the Commission. The following table on the next page shows the operating performance indicators adopted in the PIP and this plan's projections for the coming year.



**Banning Transit System/Pass Transit Performance Measures**

| <b>Banning Transit System /<br/>Pass Transit</b> | <b>FY 2013<br/>Audited</b> | <b>FY 2014<br/>Actual</b> | <b>FY 2015<br/>Projected<br/>(Based on<br/>3<sup>rd</sup> Quarter<br/>Actuals)</b> | <b>FY 2016<br/>Planned</b> |
|--|----------------------------|---------------------------|--|----------------------------|
| <b><i>Performance Statistics</i></b>             |                            |                           |  |                            |
| Unlinked Passenger Trips                         | 147,747                    | 156,053                   | 138,641  | 199,050                    |
| Operating Cost per Revenue<br>Hours              | \$81.02                    | \$92.31                   | \$62.46  | \$85.93                    |
| Farebox Recovery Ratio                           | 12.68%                     | 11.32%                    | 12.61%   | 11.7%                      |
| Subsidy per Passenger                            | \$7.24                     | \$8.19                    | \$7.86   | \$7.39                     |
| Subsidy per Passenger Mile                       | \$2.84                     | \$3.22                    | \$3.08   | \$3.42                     |
| Subsidy per Revenue Hour                         | \$70.75                    | \$81.86                   | \$54.59  | \$75.81                    |
| Subsidy per Revenue Mile                         | \$3.13                     | \$3.57                    | \$2.24   | \$4.84                     |
| Passengers per Revenue Hour                      | 9.8                        | 10.0                      | 6.90   | 10.3                       |
| Passengers per Revenue Mile                      | 0.43                       | 0.44                      | 0.28   | 0.65                       |

The FY 2014/15 projections are based on operating data through March 2015 and projected through June, 2015. Since these are only estimates, the performance indicators are subject to change.

For Fiscal Year 2015/16, the Banning Transit System expects to be in compliance with at least 4 of the 7 performance targets.

Additional details on key indicators for demand responsive and fixed route services are shown in Table 2.

The Banning Transit System does not receive any federal funding and is not required to report to the National Transit Database.

## **2.4 – Productivity Improvement Efforts**

In order to meet performance standards, routes are continually monitored and analyzed to insure that the service being provided runs as efficiently as possible.

Banning Pass Transit completed a Comprehensive Operations Analysis (COA) with Transportation Management & Design, Inc. in May of 2014, resulting in route changes for the entire system. While the addition of the Cabazon Circulator route has been met with great success, the changes to Routes 5 and 6 have caused a significant decrease in ridership. The routes have been realigned to provide better service to residents of the City of Banning, with the implementation of changes to begin July, 2015.

### **2.5 – Major Trip Generators and Projected Growth over the next two years**

Major passenger trip destinations that the Banning Pass Transit services are the Albertsons Shopping Center, the 2<sup>nd</sup> Street Marketplace in Beaumont, the Walmart Supercenter in Beaumont, the Banning Justice Center, San Geronio Pass Hospital, the Cabazon Outlet Stores, Desert Hills Premium Outlets and Casino Morongo and the Mt. San Jacinto College Pass Campus. There is a high demand for service to these destinations whether for employment, necessities or pleasure.

### **2.6 – Equipment, Passenger Amenities and Facility Needs**

Passenger amenities include 170 sign posted bus stops, 15 bus shelters with solar lighting and information panels and trash receptacles, 8 benches, and 15 trash cans.

All fixed route and Dial-A-Ride vehicles are equipped with security cameras and recording equipment. Two new fixed route buses have been ordered and are scheduled to be delivered and placed in service by July, 2015. Grant funds have been received for an additional 33' passenger coach which will be ordered in June of 2015.

There are no additional current facility or amenity needs during the planning year.

## **3 Planned Service Changes and Implementation**

### **3.1 – Recent Service Changes**

As mentioned previously, there were service changes made in July of 2014; those changes were based upon recommendations that were made as a result of the COA. The changes that were made have not had the anticipated results, and thus, route changes are being made to improve service and increase ridership.

The most significant change will be the realignment of Banning Route 1, which will no longer travel into Beaumont beyond the Walmart Shopping Center. Thirty minute service will still be available from Walmart to Casino Morongo, however, the additional



hour of service that is currently spent in the City of Beaumont will be spent operating on the Cabazon Circulator Route.

The changes that are being made result in headways no greater than 60 minutes on any route and expanded service hours at the MSJC Pass Campus. Classes at the college campus end at 9:00p.m., while the current bus service in the area of the college stops at 7:00p.m., preventing students who rely on the bus from attending evening classes.



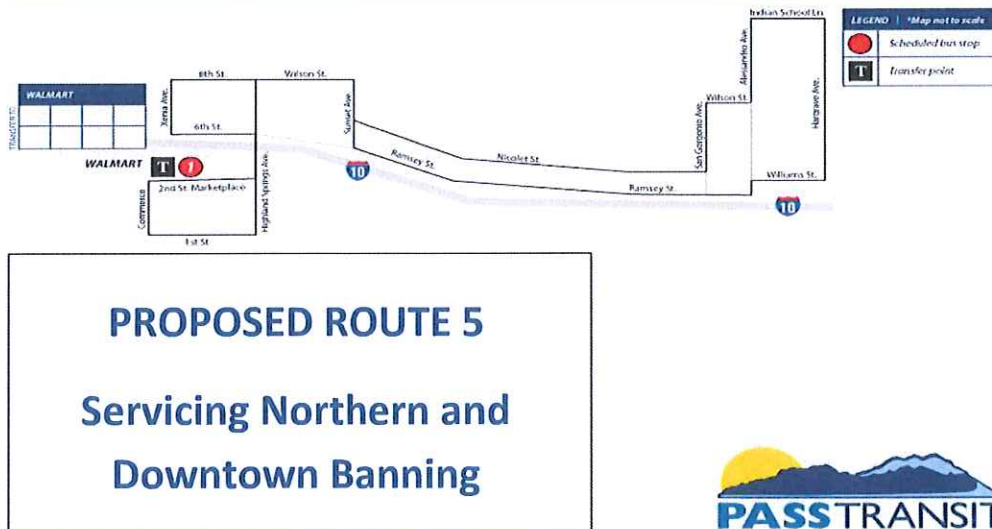
## ROUTE 6

For information: 951.922.3243  
www.ci.banning.ca.us



## ROUTE 5

For information: 951.922.3243  
www.ci.banning.ca.us



### 3.2 – Recommend Local and Express Route

There are no additional local or express routes scheduled for this planning year.

### 3.3 – Marketing Plans and Promotions

Efforts have been made to market the Pass Transit System over the past year and will continue in the coming year. These efforts include purchasing advertising on a map of the San Geronio Pass Area, distribution of route maps by delivery to the library, Chamber of Commerce, San Geronio Memorial Hospital, Mt. San Jacinto Pass Campus, local hotels and other businesses.

The following marketing efforts will be undertaken to promote ridership growth.

1. Continue outreach programs to schools and at community events.
2. Attend senior community meetings to provide information.
3. Participation in the MSJC GO-PASS Program to encourage ridership of college students.
4. Articles in local papers highlighting new transportation routes.
5. Coordinate Travel Training through RTA.
6. Offer "Rider Appreciation Day" to raise awareness of benefits of public transportation.

The City of Banning's website at [www.ci.banning.ca.us](http://www.ci.banning.ca.us) provides basic Pass Transit route and schedule information, as well as links to route information for neighboring agencies. Customers can submit comments, complaints, concerns and suggestions through the city website.

Operate service in a manner that will maximize system productivity, efficiency, as well as the use of subsidies.

- Develop an ongoing planning process with key agencies and organizations within in the region.
- Ensure that services are operated in a manner to maximize safety, to the riders, the public and the operators.
- Develop a core group of services that connect key activity points and commit to providing service along those corridors.
- Continually review all services to evaluate the efficiency and needs of the transit system.



### **3.4 – Budget Impact on Proposed Changes**

The changes that are proposed will have minimal impact on the budget, as the realignment will not result in additional buses in service and the distance traveled will be close to the same as currently being driven.

## **4 FINANCIAL AND CAPITAL PLANS**

### **4.1 – Operating and Capital Budget**

For FY 15/16 operating funds needed to operate the Banning Pass Transit System are \$1,666,675 for the Fixed Route and DAR. The operating funds consist of \$1,469,748 local transportation funds (LTF). The projected farebox revenue for FY 15/16 is \$196,427. Additional funding in the amount of \$500 will come from interest income.

In an effort to increase efficiencies in service, the requested funds will allow for the conversion of full-time equivalent hours to one full-time driver position and additional part-time hours allotted to maintain the proposed route changes.

Additionally, requested funds will be used for positions that have been created through a reorganization of the transit division of the Community Services Department. A Management Analyst position will replace a previously funded Transit Manager position and a new structure of office support will provide increased dispatch and customer service hours. The new organizational structure will allow for succession planning that is currently non-existent.

Staff will continue to complete previously funded Capital projects in FY 15/16 and will continue to operate service in a manner that will maximize system productivity and efficiency.

### **4.2 – Funding Plans to Support Proposed Operating and Capital Program**

Capital projects are funded through STA funds, Public Transportation Modernization, Improvement, and Service Enhancement Account Program and Proposition 1B Security grants for Banning Pass Transit.

### **4.3 – Regulatory and Compliance Requirements**

The City of Banning submitted an Americans with Disabilities Act Paratransit Plan to the FTA on January 26, 1992. Pass Transit fixed route buses are equipped with ADA compliant mobility device lifts and are accessible to persons with disabilities. A

procedure is in place to provide service to a customer in a mobility device should a fixed route bus lift fail.

Banning Pass Transit Dial-A-Ride services provide ADA complementary paratransit service for the fixed route services operated by Banning Transit System. Beaumont Transit System offers the same service through its Pass Transit Dial-a-Ride operation. The system uses a self-certification process with professional verification. Banning Transit System staff processes ADA certifications for Pass Transit operations.

#### Title VI

Banning Transit System/Pass Transit does not utilize federal funds for operating expenses. As such, Title VI requirements do not currently apply to the transit system.

#### Alternatively Fueled Vehicles (RCTC Policy)

Pass Transit fixed-route buses are CNG powered. Pass Transit Dial-A-Ride vehicles (which are less than 33,000 lbs. GVW and 15-passenger capacity), administrative and driver relief vehicles are gasoline-powered.

Future vehicle purchases will be in compliance with the RCTC and South Coast Air Quality Management District (AQMD) policies regarding alternative fuel transit vehicles.

The CNG Fueling Station at the City of Banning Corporation Yard provides expanded CNG capacity and fast fueling capability. With increased capacity and redundant compressor units, having adequate and reliable CNG pumping capacity will not be an issue in the foreseeable future.



**Table 1 - Fleet Inventory**  
FY 2015/16 Short Range Transit Plan  
City of Banning

**Bus (Motorbus) / Directly Operated**

| Year Built     | Mfg. Code | Model Code | Seating Capacity | Lift and Ramp Equipped | Vehicle Length | Fuel Type Code | # of Active Vehicles FY 2014/15 | # of Contingency Vehicles FY 2014/15 | Life to Date Vehicle Miles Prior Year End FY 2013/14 | Life to Date Vehicle Miles through March FY 2014/15 | Average Lifetime Miles Per Active Vehicle As Of Year-To-Date (e.g., March) FY 2014/15 |
|----------------|-----------|------------|------------------|------------------------|----------------|----------------|---------------------------------|--------------------------------------|--|---|---|
| 2009           | CMD       | Malibu     | 5                | 0                      |                | HG             | 1                               | 0                                    | 17,115   | 19,748  | 19,748  |
| 2001           | EDN       | Transmark  | 33               | 1                      | 35             | CN             | 1                               | 0                                    | 493,990  | 39,821  | 39,821  |
| 2004           | EDN       | Transmark  | 33               | 2                      | 35             | CN             | 2                               | 0                                    | 745,227  | 790,390   | 395,195   |
| 2010           | EDN       | XHF        | 31               | 2                      | 34             | CN             | 2                               | 0                                    | 302,399  | 373,373   | 186,687   |
| 2002           | FRD       | Ranger     | 2                | 0                      | 12             | GA             | 1                               | 0                                    | 65,297   | 68,305  | 68,305  |
| 2003           | FRD       | Ranger     | 2                | 0                      | 12             | GA             | 1                               | 0                                    | 61,820   | 67,116  | 67,116  |
| 2010           | FRD       | Ranger     | 2                | 0                      |                | GA             | 1                               | 0                                    | 38,122   | 47,662  | 47,662  |
| <b>Totals:</b> |           |            | 108              | 5                      |                |                | 9                               | 0                                    | 1,723,970  | 1,406,415   | 156,268   |



**Table 1 - Fleet Inventory**  
FY 2015/16 Short Range Transit Plan  
City of Banning

**Demand Response / Directly Operated**

| Year Built     | Mfg. Code | Model Code | Seating Capacity | Lift and Ramp Equipped | Vehicle Length | Fuel Type Code | # of Active Vehicles FY 2014/15 | # of Contingency Vehicles FY 2014/15 | Life to Date Vehicle Miles Prior Year End FY 2013/14 | Life to Date Vehicle Miles through March FY 2014/15 | Average Lifetime Miles Per Active Vehicle As Of Year-To-Date (e.g., March) FY 2014/15 |
|----------------|-----------|------------|------------------|------------------------|----------------|----------------|---------------------------------|--------------------------------------|--|---|---|
| 2010           | EBC       | Aerotech   | 16               | 1                      | 25             | GA             | 1                               | 0                                    | 56,811   | 68,075  | 68,075  |
| 2010           | EBC       | EDN        | 16               | 1                      | 25             | GA             | 1                               | 0                                    | 58,950   | 69,661  | 69,661  |
| 2001           | EDN       | Aerotech   | 12               | 1                      | 25             | GA             | 1                               | 0                                    | 263,329  | 282,347   | 282,347   |
| 2003           | EDN       | Aerotech   | 12               | 1                      | 25             | GA             | 1                               | 0                                    | 246,481  | 268,956   | 268,956   |
| 2013           | GLV       | Universal  | 18               | 1                      |                | CN             | 1                               | 0                                    | 4,383  | 9,104   | 9,104   |
| 2008           | ZZZ       | Ford       | 14               | 1                      | 26             | GA             | 1                               | 0                                    | 82,841   | 122,084   | 122,084   |
| <b>Totals:</b> |           |            | 88               | 6                      |                |                | 6                               | 0                                    | 712,795  | 820,227   | 136,705   |



**Table 2 -- City of Banning -- SRTP Service Summary**  
FY 2015/16 Short Range Transit Plan  
All Routes

| Fleet Characteristics                  | FY 2012/13 Audited | FY 2013/14 Audited | FY 2014/15 Plan | FY 2014/15 3rd Qtr Actual | FY 2015/16 Plan |
|--|--------------------|--------------------|-----------------|---------------------------|-----------------|
|  |                    |                    | 9               |                           | 6               |
| Peak-Hour Fleet                        |                    |                    |                 |                           |                 |
| <b>Financial Data</b>                  |                    |                    |                 |                           |                 |
| Total Operating Expenses               | \$1,224,988        | \$1,441,837        | \$1,258,431     | \$935,700                 | \$1,666,675     |
| Total Passenger Fare Revenue           | \$155,315          | \$163,258          | \$131,833       | \$117,983                 | \$196,427       |
| Net Operating Expenses (Subsidies)     | \$1,069,672        | \$1,278,579        | \$1,126,598     | \$817,716                 | \$1,470,248     |
| <b>Operating Characteristics</b>       |                    |                    |                 |                           |                 |
| Unlinked Passenger Trips               | 147,747            | 156,052            | 195,054         | 103,981                   | 199,050         |
| Passenger Miles                        | 376,766            | 397,168            | 503,226         | 265,846                   | 429,295         |
| Total Actual Vehicle Revenue Hours (a) | 15,119.1           | 15,619.0           | 15,238.0        | 14,979.7                  | 19,395.0        |
| Total Actual Vehicle Revenue Miles (b) | 341,759.2          | 358,093.8          | 247,475.0       | 365,367.9                 | 303,922.0       |
| Total Actual Vehicle Miles             | 349,489.2          | 365,858.4          | 255,712.0       | 374,893.4                 | 314,537.0       |
| <b>Performance Characteristics</b>     |                    |                    |                 |                           |                 |
| Operating Cost per Revenue Hour        | \$81.02            | \$92.31            | \$82.59         | \$62.46                   | \$85.93         |
| Farebox Recovery Ratio                 | 12.68%             | 11.32%             | 10.47%          | 12.61%                    | 11.78%          |
| Subsidy per Passenger                  | \$7.24             | \$8.19             | \$5.78          | \$7.86                    | \$7.39          |
| Subsidy per Passenger Mile             | \$2.84             | \$3.22             | \$2.24          | \$3.08                    | \$3.42          |
| Subsidy per Revenue Hour (a)           | \$70.75            | \$81.86            | \$73.93         | \$54.59                   | \$75.81         |
| Subsidy per Revenue Mile (b)           | \$3.13             | \$3.57             | \$4.55          | \$2.24                    | \$4.84          |
| Passenger per Revenue Hour (a)         | 9.8                | 10.0               | 12.8            | 6.9                       | 10.3            |
| Passenger per Revenue Mile (b)         | 0.43               | 0.44               | 0.79            | 0.28                      | 0.65            |

(a) Train Hours for Rail Modes. (b) Car Miles for Rail Modes.



**Table 2 -- Banning-BUS -- S RTP Service Summary**  
**FY 2015/16 Short Range Transit Plan**  
**All Routes**



| <b>Fleet Characteristics</b>           |  | <b>FY 2012/13 Audited</b> | <b>FY 2013/14 Audited</b> | <b>FY 2014/15 Plan</b> | <b>FY 2014/15 3rd Qtr Actual</b> | <b>FY 2015/16 Plan</b> |
|--|--|---------------------------|---------------------------|------------------------|----------------------------------|------------------------|
| Peak-Hour Fleet                        |  |                           |                           | 7                      |                                  | 4                      |
| <b>Financial Data</b>                  |  |                           |                           |                        |                                  |                        |
| Total Operating Expenses               |  | \$1,085,763               | \$1,224,565               | \$1,099,734            | \$848,622                        | \$1,501,700            |
| Total Passenger Fare Revenue           |  | \$137,841                 | \$142,845                 | \$115,933              | \$105,440                        | \$182,427              |
| Net Operating Expenses (Subsidies)     |  | \$947,922                 | \$1,181,719               | \$983,801              | \$743,182                        | \$1,319,273            |
| <b>Operating Characteristics</b>       |  |                           |                           |                        |                                  |                        |
| Unlinked Passenger Trips               |  | 138,503                   | 146,981                   | 183,959                | 96,862                           | 188,000                |
| Passenger Miles                        |  | 343,487                   | 364,513                   | 463,331                | 240,218                          | 389,400                |
| Total Actual Vehicle Revenue Hours (a) |  | 13,877.2                  | 14,401.5                  | 12,853.0               | 13,982.0                         | 17,010.0               |
| Total Actual Vehicle Revenue Miles (b) |  | 316,380.2                 | 333,784.8                 | 200,900.0              | 343,965.9                        | 257,347.0              |
| Total Actual Vehicle Miles             |  | 321,592.2                 | 339,272.4                 | 204,460.0              | 351,022.4                        | 263,285.0              |
| <b>Performance Characteristics</b>     |  |                           |                           |                        |                                  |                        |
| Operating Cost per Revenue Hour        |  | \$78.24                   | \$91.97                   | \$85.56                | \$60.69                          | \$88.28                |
| Farebox Recovery Ratio                 |  | 12.70%                    | 10.78%                    | 10.54%                 | 12.42%                           | 12.14%                 |
| Subsidy per Passenger                  |  | \$6.84                    | \$8.04                    | \$5.35                 | \$7.67                           | \$7.02                 |
| Subsidy per Passenger Mile             |  | \$2.76                    | \$3.24                    | \$2.12                 | \$3.09                           | \$3.39                 |
| Subsidy per Revenue Hour (a)           |  | \$68.31                   | \$82.06                   | \$76.54                | \$53.15                          | \$77.56                |
| Subsidy per Revenue Mile (b)           |  | \$3.00                    | \$3.54                    | \$4.90                 | \$2.16                           | \$5.13                 |
| Passenger per Revenue Hour (a)         |  | 10.0                      | 10.2                      | 14.3                   | 6.9                              | 11.1                   |
| Passenger per Revenue Mile (b)         |  | 0.44                      | 0.44                      | 0.92                   | 0.28                             | 0.73                   |

(a) Train Hours for Rail Modes. (b) Car Miles for Rail Modes.





**Table 2 -- Banning-DAR -- SRTP Service Summary**  
FY 2015/16 Short Range Transit Plan  
All Routes

|  | FY 2012/13<br>Audited | FY 2013/14<br>Audited | FY 2014/15<br>Plan | FY 2014/15<br>3rd Qtr Actual | FY 2015/16<br>Plan |
|--|-----------------------|-----------------------|--------------------|------------------------------|--------------------|
| <b>Fleet Characteristics</b>           |                       |                       |                    |                              |                    |
| Peak-Hour Fleet                        |                       |                       | 2                  |                              | 2                  |
| <b>Financial Data</b>                  |                       |                       |                    |                              |                    |
| Total Operating Expenses               | \$139,225             | \$117,272             | \$158,697          | \$87,077                     | \$164,975          |
| Total Passenger Fare Revenue           | \$17,474              | \$20,412              | \$15,900           | \$12,543                     | \$14,000           |
| Net Operating Expenses (Subsidies)     | \$121,751             | \$96,860              | \$142,797          | \$74,534                     | \$150,975          |
| <b>Operating Characteristics</b>       |                       |                       |                    |                              |                    |
| Unlinked Passenger Trips               | 9,244                 | 9,071                 | 11,095             | 7,119                        | 11,050             |
| Passenger Miles                        | 33,278                | 32,656                | 39,895             | 25,628                       | 39,895             |
| Total Actual Vehicle Revenue Hours (a) | 1,242.0               | 1,217.5               | 2,385.0            | 997.7                        | 2,385.0            |
| Total Actual Vehicle Revenue Miles (b) | 25,379.0              | 24,309.0              | 46,575.0           | 21,402.0                     | 46,575.0           |
| Total Actual Vehicle Miles             | 27,897.0              | 26,586.0              | 51,252.0           | 23,871.0                     | 51,252.0           |
| <b>Performance Characteristics</b>     |                       |                       |                    |                              |                    |
| Operating Cost per Revenue Hour        | \$112.10              | \$96.32               | \$66.54            | \$87.28                      | \$69.17            |
| Farebox Recovery Ratio                 | 12.55%                | 17.41%                | 10.01%             | 14.40%                       | 8.48%              |
| Subsidy per Passenger                  | \$13.17               | \$10.68               | \$12.87            | \$10.47                      | \$13.66            |
| Subsidy per Passenger Mile             | \$3.66                | \$2.97                | \$3.58             | \$2.91                       | \$3.78             |
| Subsidy per Revenue Hour (a)           | \$98.03               | \$79.56               | \$59.87            | \$74.70                      | \$63.30            |
| Subsidy per Revenue Mile (b)           | \$4.80                | \$3.98                | \$3.07             | \$3.48                       | \$3.24             |
| Passenger per Revenue Hour (a)         | 7.4                   | 7.5                   | 4.7                | 7.1                          | 4.6                |
| Passenger per Revenue Mile (b)         | 0.36                  | 0.37                  | 0.24               | 0.33                         | 0.24               |

(a) Train Hours for Rail Modes. (b) Car Miles for Rail Modes.

**Table 3 - SRTP Route Statistics**

City of Banning -- 1

FY 2015/16

All Routes

## Data Elements

| Route #                 | Day Type | Peak<br>Vehicles | Passengers | Passenger<br>Miles | Revenue<br>Hours | Total<br>Hours | Revenue<br>Miles | Total<br>Miles | Operating<br>Cost | Passenger<br>Revenue | Net<br>Subsidy |
|-------------------------|----------|------------------|------------|--------------------|------------------|----------------|------------------|----------------|-------------------|----------------------|----------------|
| BAN-1                   | Total    | 2                | 149,000    | 372,500            | 11,180.0         | 11,700.0       | 166,508.0        | 169,370.0      | \$904,830         | \$114,350            | \$690,480      |
| BAN-5                   | Total    | 1                | 54,350     | 135,875            | 3,796.0          | 3,905.0        | 52,464.0         | 52,875.0       | \$388,478         | \$36,067             | \$352,411      |
| BAN-6                   | Total    | 1                | 36,850     | 92,125             | 3,796.0          | 3,905.0        | 65,650.0         | 69,140.0       | \$382,856         | \$32,010             | \$350,846      |
| BAN-DAR                 | Weekday  | 2                | 11,050     | 39,895             | 2,385.0          | 2,860.0        | 46,575.0         | 51,252.0       | \$164,975         | \$14,000             | \$150,975      |
| Service Provider Totals |          | 6                | 251,250    | 640,395            | 21,157.0         | 22,370.0       | 331,197.0        | 342,637.0      | \$1,741,139       | \$196,427            | \$1,544,712    |

**Table 3 - SRTP Route Statistics**

City of Banning -- 1

FY 2015/16

All Routes



## Performance Indicators

| Route #                 | Day Type | Operating<br>Cost Per<br>Revenue Hour | Operating<br>Cost Per<br>Revenue Mile | Cost Per<br>Passenger | Farebox<br>Recovery<br>Ratio | Subsidy Per<br>Passenger | Subsidy Per<br>Passenger<br>Mile | Subsidy Per<br>Revenue<br>Hour | Subsidy Per<br>Revenue<br>Mile | Passengers<br>Per Hour | Passengers<br>Per Mile |
|-------------------------|----------|---------------------------------------|---------------------------------------|-----------------------|------------------------------|--------------------------|----------------------------------|--------------------------------|--------------------------------|------------------------|------------------------|
| BAN-1                   | Total    | \$71.99                               | \$4.83                                | \$5.40                | 14.20%                       | \$4.63                   | \$1.85                           | \$61.76                        | \$4.15                         | 13.3                   | 0.89                   |
| BAN-5                   | Total    | \$102.34                              | \$7.40                                | \$7.15                | 9.28%                        | \$6.48                   | \$2.59                           | \$92.84                        | \$6.72                         | 14.3                   | 1.04                   |
| BAN-6                   | Total    | \$100.86                              | \$5.83                                | \$10.39               | 8.36%                        | \$9.52                   | \$3.81                           | \$92.43                        | \$5.34                         | 9.7                    | 0.56                   |
| BAN-DAR                 | Weekday  | \$69.17                               | \$3.54                                | \$14.93               | 8.48%                        | \$13.66                  | \$3.78                           | \$63.30                        | \$3.24                         | 4.6                    | 0.24                   |
| Service Provider Totals |          | \$82.30                               | \$5.26                                | \$6.93                | 11.28%                       | \$6.15                   | \$2.41                           | \$73.01                        | \$4.66                         | 11.9                   | 0.76                   |

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| Fixed Route        | Description   | Area/ Site Service  |
|--------------------|---|---|
| <b>Route 1</b>     | Service from Beaumont to Cabazon via downtown Banning   | Walmart Shopping Center, Albertsons, San Gorgonio Memorial Hospital, Downtown Banning, Banning Justice Center, Casino Morongo, Desert Hills Outlet, Cabazon Community Center and residential areas of Cabazon |
| <b>Route 5</b>     | Residential areas of Northern Banning to Walmart Shopping Center in Beaumont  | Banning City Hall, Fox Cineplex, the Banning Library, Banning Community Center, Banning Justice Center, Post Office, San Gorgonio Memorial Hospital, shopping areas and restaurants at Highland Springs       |
| <b>Route 6</b>     | Residential areas of Southern Banning, Hathaway and Williams Street to Walmart Shopping Center in Beaumont via downtown Banning | Mt San Jacinto College Pass Campus, Banning High School, Smith Correctional Facility, Banning Justice Center, shopping areas and restaurants at Highland Springs  |
| <b>Dial-A-Ride</b> |   |   |
| <b>City -Wide</b>  | Demand response / reservation based service for seniors and disabled  | City-wide, neighboring areas of Beaumont and Cabazon  |

City of Banning  
FY 2015/16  
Summary of Funds Requested  
Short Range Transit Plan

**Table 4 - Summary of Funds Requested for FY 2015/16**

| Project Description  | Capital Project Number (1) | Total Amount of Funds | LTF         | STA | Prop 1B (PTMISEA) | Prop 1B Security | Measure A | Fare Box  | Other (2) |
|--|----------------------------|-----------------------|-------------|-----|-------------------|------------------|-----------|-----------|-----------|
| FY 15/16 Operating Assistance  |                            | \$1,686,675           | \$1,469,748 |     |                   |                  |           | \$196,427 | \$500     |
| <b>Subtotal: Operating</b>   |                            | \$1,686,675           | \$1,469,748 | \$0 | \$0               | \$0              | \$0       | \$196,427 | \$500     |
| Replacement Coach - Prop 1B FY 14/15                                 | 15-01                      | \$253,596             |             |     | \$253,596         |                  |           |           |           |
| Wireless Communication Download System<br>Prop 1B -Security FY 14/15 | 15-02                      | \$19,189              |             |     |                   | \$19,189         |           |           |           |
| <b>Subtotal: Capital</b>   |                            | \$272,785             | \$0         | \$0 | \$253,596         | \$19,189         | \$0       | \$0       | \$0       |
| <b>Total: Operating &amp; Capital</b>                                |                            | \$1,959,460           | \$1,469,748 | \$0 | \$253,596         | \$19,189         | \$0       | \$196,427 | \$500     |

Note: Other (2) is from Interest Income



**Table 4A – Capital Project Justification****PROJECT NUMBER** (If existing project in FTIP, indicate FTIP ID number):

SRTP Project No: 15-01

FTIP No: \_\_\_\_\_

**PROJECT NAME:** Replacement Coach – Prop 1B FY 14/15**PROJECT DESCRIPTION:** (For Bus Purchase projects, indicate fuel type)

Replacement of 35' coach powered by Compressed Natural Gas

**PROJECT JUSTIFICATION:**

Funding has been acquired to replace two 2001 El Dorado Coaches which have exceeded their useful life.

**PROJECT SCHEDULE** (if existing project in FTIP, indicate original start date and new completion date):

Begin Vehicle Order: June 2015

End Vehicle Order: July 2015

Delivery of Vehicles: July 2016

**PROJECT FUNDING SOURCES (REQUESTED):**

Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) FY 2014/15

**PRIOR YEAR PROJECTS OF A SIMILAR NATURE WITH UNEXPENDED BALANCE INCLUDING PROJECTS APPROVED BUT NOT YET ORDERED (INCLUDE FTA GRANT #, FTIP ID # AND RCTC'S SRTP CAPITAL GRANT #)**

| <i>FTA Grant #</i> | <i>FTIP ID #</i> | <i>RCTC/SRTP Project #</i> | <i>Description</i> | <i>Unexpended balance<br/>(as of 6/30/15)</i> |
|--------------------|------------------|----------------------------|--------------------|---|
|                    |                  |                            |                    |   |
|                    |                  |                            |                    |   |
|                    |                  |                            |                    |   |

**Table 4A – Capital Project Justification****PROJECT NUMBER** (If existing project in FTIP, indicate FTIP ID number):

SRTP Project No: 15-02

FTIP No: \_\_\_\_\_

**PROJECT NAME:** Wireless Communication Download System – Security Prop 1B**PROJECT DESCRIPTION:** (For Bus Purchase projects, indicate fuel type)

Installation of a Wireless WIFI Communications system to allow automatic storage of video and audio files from all fixed route buses and dial-a-ride vehicles in the Banning Pass Transit Fleet.

**PROJECT JUSTIFICATION:**

Having footage automatically downloaded and stored eliminates the need to remove hard drives for data retrieval, which virtually eliminates the chance for loss of recorded footage.

The installation of a wireless communications system will dramatically increase the reliability of recovering recorded footage, thus enhancing passenger safety and reducing the possibility of fraudulent and insurance related claims.

**PROJECT SCHEDULE** (if existing project in FTIP, indicate original start date and new completion date):

Begin Equipment Order: May 2015

End Equipment Order: July 2015

Delivery and Installation Complete: September 2016

**PROJECT FUNDING SOURCES (REQUESTED):**

Prop 1B Cal EMA FY 2014/15

**PRIOR YEAR PROJECTS OF A SIMILAR NATURE WITH UNEXPENDED BALANCE INCLUDING PROJECTS APPROVED BUT NOT YET ORDERED (INCLUDE FTA GRANT #, FTIP ID # AND RCTC'S SRTP CAPITAL GRANT #)**

| <i>FTA Grant #</i> | <i>FTIP ID #</i> | <i>RCTC/SRTP Project #</i> | <i>Description</i> | <i>Unexpended balance<br/>(as of 6/30/15)</i> |
|--------------------|------------------|----------------------------|--------------------|---|
|                    |                  |                            |                    |   |
|                    |                  |                            |                    |   |
|                    |                  |                            |                    |   |

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City of Banning  
FY 2016/17  
Summary of Funds Requested  
Short Range Transit Plan

Table 5.1 - Summary of Funds Requested for FY 2016/17

| Project Description             | Capital Project Number (1) | Total Amount of Funds | LTF         | STA | Prop 1B (PTMISEA) | Prop 1B Security | Measure A | Fare Box  | Other <sup>2)</sup> |
|---------------------------------|----------------------------|-----------------------|-------------|-----|-------------------|------------------|-----------|-----------|---------------------|
| FY 2016/17 Operating Assistance |                            | \$1,810,070           | \$1,610,720 |     |                   |                  |           | \$198,850 | \$500               |
| Subtotal: Operating             |                            | \$1,810,070           | \$1,610,720 | \$0 | \$0               | \$0              | \$0       | \$198,850 | \$500               |
| Subtotal: Capital               |                            | \$0                   | \$0         | \$0 | \$0               | \$0              | \$0       | \$0       | \$0                 |
| Total: Operating & Capital      |                            | \$1,810,070           | \$1,610,720 | \$0 | \$0               | \$0              | \$0       | \$198,850 | \$500               |

Note: Other (2) is from Interest Income

Revised 5/12/2015  
Summary of FY 2016/17  
Funds Requested.xls

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City of Banning  
FY 2017/18  
Summary of Funds Requested  
Short Range Transit Plan

Table 5.2 - Summary of Funds Requested for FY 2017/18

| Project Description                   | Capital Project Number (1) | Total Amount of Funds | LTF                | STA        | Prop 1B (PTM/ISEA) | Prop 1B Security | Measure A  | Fare Box         | Other (2)    |
|---------------------------------------|----------------------------|-----------------------|--------------------|------------|--------------------|------------------|------------|------------------|--------------|
| FY 2017/18 Operating Assistance       |                            | \$1,869,903           | \$1,670,745        |            |                    |                  |            | \$198,658        | \$500        |
| Subtotal: Operating                   |                            | \$1,869,903           | \$1,670,745        | \$0        | \$0                | \$0              | \$0        | \$198,658        | \$500        |
| Subtotal: Capital                     |                            | \$0                   | \$0                | \$0        | \$0                | \$0              | \$0        | \$0              | \$0          |
| <b>Total: Operating &amp; Capital</b> |                            | <b>\$1,869,903</b>    | <b>\$1,670,745</b> | <b>\$0</b> | <b>\$0</b>         | <b>\$0</b>       | <b>\$0</b> | <b>\$198,658</b> | <b>\$500</b> |

Note: Other (2) is from Interest Income

Revised 5/12/2015  
Summary of FY 2017/18  
Funds Requested.xls

TABLE 6 – PROGRESS TO IMPLEMENT TRIENNIAL PERFORMANCE AUDIT

| <b>Audit Recommendations</b><br><i>(Covering FY 2009/10 – FY 2011/12)</i>                            | <b>Action(s) Taken And Results</b>   |
|--|--|
| 1. Consider purchasing dispatching and scheduling software program                                   | Staff is currently in the process of reviewing software programs for dispatching and scheduling. Purchase and implementation will be complete by August, 2015.   |
| 2. Provide Cross Training Opportunities for City Opportunities for City Transit Administrative Staff | The Transit Department has been reorganized to allow for cross training of the dispatch and operations. In addition, a Transit Analyst position has been developed and will allow for succession planning at the management level. |
| 3. Update Local Bus Schedules to show connectivity with Other Transit Services                       | New Bus Schedules have been designed and show connecting bus services and transfer points to and from Banning Transit with other transit providers.  |
| 4. Provide Weblink from Banning Transit to Beaumont Transit  | A Weblink to Beaumont Transit is now available on Banning Transit's website.   |



**Table 7 -- Service Provider Performance Targets Report**  
FY 2014/15 Short Range Transit Plan Review  
City of Banning

| Data Elements                      | FY 2014/15 Plan | FY 2014/15 Target         | FY 2014/15<br>Year to Date<br>Through 3rd Quarter | Year to Date<br>Performance<br>Scorecard |
|------------------------------------|-----------------|---------------------------|---|--|
| Unlinked Passenger Trips           | 183,959         |                           |   |  |
| Passenger Miles                    | 463,331         |                           |   |  |
| Total Actual Vehicle Revenue Hours | 12,853.0        |                           |   |  |
| Total Actual Vehicle Revenue Miles | 200,900.0       |                           |   |  |
| Total Actual Vehicle Miles         | 204,460.0       |                           |   |  |
| Total Operating Expenses           | \$1,099,734     |                           |   |  |
| Total Passenger Fare Revenue       | \$115,933       |                           |   |  |
| Net Operating Expenses             | \$983,801       |                           |   |  |
| <b>Performance Indicators</b>      |                 |                           |   |  |
| <b>Mandatory:</b>                  |                 |                           |   |  |
| 1. Farebox Recovery Ratio          | 10.54%          | >= 10.00%                 | 12.61%  | Meets Target                             |
| <b>Discretionary:</b>              |                 |                           |   |  |
| 1. Operating Cost Per Revenue Hour | \$85.56         | <= \$82.34                | \$62.46   | Meets Target                             |
| 2. Subsidy Per Passenger           | \$5.35          | >= \$6.00 and <= \$8.12   | \$7.86  | Meets Target                             |
| 3. Subsidy Per Passenger Mile      | \$2.12          | >= \$2.36 and <= \$3.20   | \$3.08  | Meets Target                             |
| 4. Subsidy Per Hour                | \$76.54         | >= \$60.46 and <= \$81.80 | \$54.59   | Better Than Target                       |
| 5. Subsidy Per Mile                | \$4.90          | >= \$2.63 and <= \$3.55   | \$2.24  | Better Than Target                       |
| 6. Passengers Per Revenue Hour     | 14.30           | >= 8.59 and <= 11.62      | 6.90  | Fails to Meet Target                     |
| 7. Passengers Per Revenue Mile     | 0.92            | >= 0.37 and <= 0.51       | 0.28  | Fails to Meet Target                     |

Note: Must meet at least 4 out of 7 Discretionary Performance Indicators

**FY 2015/16 - Table 8 -- SRTP Performance Report**  
*Service Provider: City of Banning*  
**All Routes**



| Performance Indicators           | FY 2013/14<br>End of Year<br>Actual | FY 2014/15<br>3rd Quarter<br>Year-to-Date | FY 2015/16<br>Plan | FY 2015/16 Target         | Plan Performance<br>Scorecard (a) |
|----------------------------------|-------------------------------------|---|--------------------|---------------------------|-----------------------------------|
| Passengers                       | 156,052                             | 103,981                                   | 199,050            | None                      |                                   |
| Passenger Miles                  | 397,168                             | 265,846                                   | 429,295            | None                      |                                   |
| Revenue Hours                    | 15,619.0                            | 14,979.7                                  | 19,395.0           | None                      |                                   |
| Total Hours                      | 17,159.4                            | 16,243.3                                  | 20,370.0           | None                      |                                   |
| Revenue Miles                    | 358,093.8                           | 365,367.9                                 | 303,922.0          | None                      |                                   |
| Total Miles                      | 365,858.4                           | 374,893.4                                 | 314,537.0          | None                      |                                   |
| Operating Costs                  | \$1,441,837                         | \$935,700                                 | \$1,666,675        | None                      |                                   |
| Passenger Revenue                | \$163,258                           | \$117,983                                 | \$196,427          | None                      |                                   |
| Operating Subsidy                | \$1,278,579                         | \$817,716                                 | \$1,470,248        | None                      |                                   |
| Operating Costs Per Revenue Hour | \$92.31                             | \$62.46                                   | \$85.93            | <= \$63.06                | Fails to Meet Target              |
| Operating Cost Per Revenue Mile  | \$4.03                              | \$2.56                                    | \$5.48             | None                      |                                   |
| Operating Costs Per Passenger    | \$9.24                              | \$9.00                                    | \$8.37             | None                      |                                   |
| Farebox Recovery Ratio           | 11.32%                              | 12.61%                                    | 11.78%             | >= 10.0%                  | Meets Target                      |
| Subsidy Per Passenger            | \$8.19                              | \$7.86                                    | \$7.39             | >= \$6.68 and <= \$9.04   | Meets Target                      |
| Subsidy Per Passenger Mile       | \$3.22                              | \$3.08                                    | \$3.42             | >= \$2.62 and <= \$3.54   | Meets Target                      |
| Subsidy Per Revenue Hour         | \$81.86                             | \$54.59                                   | \$75.81            | >= \$46.40 and <= \$62.78 | Fails to Meet Target              |
| Subsidy Per Revenue Mile         | \$3.57                              | \$2.24                                    | \$4.84             | >= \$1.90 and <= \$2.58   | Fails to Meet Target              |
| Passengers Per Revenue Hour      | 10.00                               | 6.90                                      | 10.30              | >= 5.87 and <= 7.94       | Better Than Target                |
| Passengers Per Revenue Mile      | 0.44                                | 0.28                                      | 0.65               | >= 0.24 and <= 0.32       | Better Than Target                |

a) The Plan Performance Scorecard column is the result of comparing the FY 2015/16 Plan to the FY 2015/16 Primary Target.



## The City of Banning

### TABLE 9 – HIGHLIGHTS OF 2015/16

#### SHORT RANGE TRANSIT PLAN

- Realignment of Routes 1, 5 and 6 to provide increased service within the City of Banning
- Adjust times of Routes 1 and 6 to meet the demand presented by the growth of the Mt. San Jacinto Pass Campus
- Purchase additional equipment for camera system to enable wireless download of footage from Fixed-Route and Dial-a-Ride vehicles
- Purchase and implement use of a software system for scheduling and dispatching Dial-a-Ride to improve productivity
- Purchase and install auto display and enunciator equipment in fixed route fleet
- Continue working with the City of Beaumont staff regarding the coordination of routes, schedules, passenger amenities, and fares to ensure that Pass Transit is seamless and offers an ease of use to Pass Area residents, while still maintaining the best service possible within our service area

| Table 9A                                     |                       |                       |                       |   |                       |
|--|-----------------------|-----------------------|-----------------------|---|-----------------------|
| BANNING<br>TRANSIT<br>SYSTEM/PASS<br>TRANSIT | FY 2011/12<br>Audited | FY 2012/13<br>Audited | FY 2013/14<br>Audited | FY 2014/15<br>Estimate<br>(Based on 3rd<br>Quarter Actuals) | FY 2015/16<br>Planned |
| System-wide<br>Ridership                     | 136,563               | 147,747               | 156,052               | 138,641   | 199,050               |
| Operating Cost<br>Per Revenue<br>Hours       | \$86.53               | \$81.02               | \$92.31               | \$62.46   | \$85.93               |

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**Table 9B - Fare Revenue Calculation**  
(consistent with Commission Farebox Recovery Policy)

| Revenue Sources included in Farebox Calculation                   | Actual Amount from FY 2013/14 Audit | FY 14/15 (Estimate) | FY 15/16 (Plan) |
|---|-------------------------------------|---------------------|-----------------|
| 1. Passenger Fares  | 163,258                             | 157,310             | 196,427         |
| 2. Interest   | -                                   | 500                 | 500             |
| 3. General Fund Supplement  | -                                   | -                   | -               |
| 4. Measure A  | -                                   | -                   | -               |
| 5. Advertising Revenue  | -                                   | -                   | -               |
| 6. Gain on Sale of Capital Assets                                 | -                                   | -                   | -               |
| 7. CNG Revenue  | -                                   | -                   | -               |
| 8. Lease/ Other Revenue   | -                                   | -                   | -               |
| 9. Federal Excise Tax Refund                                      | -                                   | -                   | -               |
| 10. Investment Income   | -                                   | -                   | -               |
| 11. CalPers CERBT   | -                                   | -                   | -               |
| 12. Fare Revenues from Exempt Routes                              | -                                   | -                   | -               |
| 13. Other Revenues  | -                                   | -                   | -               |
| <b><u>TOTAL REVENUE</u></b><br>for Farebox Calculation (1-13)     | 163,258                             | 157,810             | 196,927         |
| <b><u>TOTAL OPERATING EXPENSES</u></b><br>for Farebox Calculation | 1,441,840                           | 1,441,837           | 1,544,712       |
| <b>FAREBOX RECOVERY RATIO</b>                                     | <b>11%</b>                          | <b>11%</b>          | <b>13%</b>      |

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## **CITY COUNCIL AGENDA**

**DATE:** June 9, 2015

**TO:** City Council

**FROM:** Brian Guillot, Acting Community Development Director

**SUBJECT:** Resolution No. 2015-47, "Time Extension for Design Review No. 10-702 for the Village at Paseo San Gorgonio Project"

**RECOMMENDATION:** That the City Council:

- I. Adopt Resolution No. 2015-47 (Attachment 1) approving a Six (6) Month (180 Days) Time Extension for Design Review No. 10-702 for the Village at Paseo San Gorgonio project to November 24, 2015.

**JUSTIFICATION:**

The Community Development Department is in receipt of a letter, dated May 18, 2015, from JMA Village, LLC (Attachment 2) requesting an extension of time for Design Review No. 10-702 for the Village at Paseo San Gorgonio project.

**BACKGROUND:**

On May 24, 2011, the City Council adopted Resolution No. 2011-44 (Attachment 3) adopting an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approving Design Review No. 10-702 and Tentative Parcel Map No. 36285 to construct a mixed-use commercial development, known as the Village at Paseo San Gorgonio project. Thereafter, on January 24, 2012, the City Council entered into an Agreement for Purchase and Sale of Real Property and Joint Escrow Instructions with JMA Village, LLC for the acquisition and development of the property. Subsequently, on June 10, 2014, the City Council approved the First Amendment to the Agreement for Purchase and Sale of Real Property and Joint Escrow Instructions with JMA Village, LLC. Accordingly, on May 1, 2013, the Planning Commission adopted Resolution No. 2013-07 (Attachment 4) approving a two-year time extension for Design Review No. 10-702 until May 24, 2015 so that the discretionary land use entitlement approval would correspond with the Purchase and Sale Agreement as approved by City Council.

**DISCUSSION:**

It should be noted that this request for a time extension for Design Review No. 10-702 is only for the discretionary land use entitlement approval. The Design Review application process basically assures that a project meets the development standards (i.e., off-street parking, landscaping and architecture) of the City's Zoning Ordinance. There have been no significant changes to the Zoning Ordinance since the time that the project was originally approved that would warrant a re-evaluation of the project.

Section 17.56.060 (Expiration) of the City's Zoning Ordinance requires that construction shall commence within two (2) years from the date of approval or the Design Review shall become null and void. To date, Design Review No. 10-702 has remained valid for the past four (4) years. It should also be noted that the City's Building & Safety Division has completed the plan check process and from this point the building permits may be issued upon the payment of fees. Finally, any such extension granted for Design Review No. 10-702 by this request does not relate to any terms or conditions contained within the Purchase and Sale Agreement as previously approved by the City Council.

**ENVIRONMENTAL:**

As previously mentioned, on May 24, 2011, the City Council approved the Initial Study/Mitigated Negative Declaration, including a Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act (CEQA). Section 15162 of the CEQA Guidelines states that once a Mitigated Negative Declaration has been adopted for a project, no subsequent Mitigated Negative Declaration shall be prepared unless: 1) substantial changes are proposed to the project, 2) substantial changes occur with respect to the circumstances under which the project is undertaken, or 3) new information of substantial importance is presented which was not known and could not have been known at the time the previous Mitigated Negative Declaration was adopted. This request for an extension of time does not propose changes to the approved project, nor is there evidence of the circumstances noted in conditions 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required.

**CONCLUSION:**

Staff recommends that the City Council adopt Resolution No. 2015-47:

1. Approving a Six (6) Month (180 Days) Time Extension for Design Review No. 10-702 for the Village at Paseo San Geronio project to November 24, 2015.

**FISCAL DATA:** There will be no fiscal impact as a result of this action.

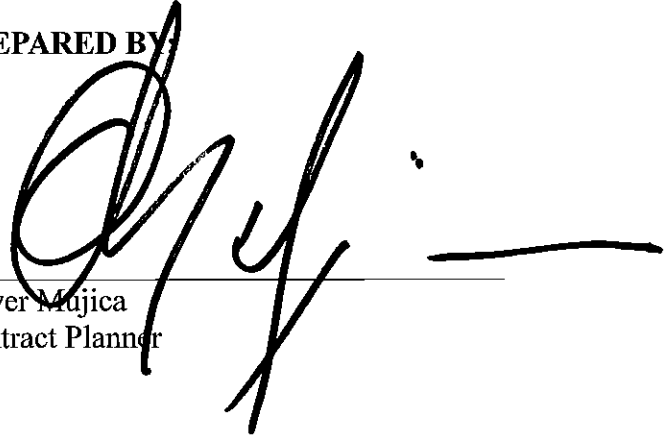


**RECOMMENDED BY:**




Brian Guillot  
Acting Community Development Director

**PREPARED BY:**



Oliver Mujica  
Contract Planner

**APPROVED BY:**



Dean Martin  
Interim City Manager/Interim Administrative Services Director

**ATTACHMENTS:**

1. Resolution No. 2015-47 approving a Six (6) Month (180 Days) Time Extension for Design Review No. 10-702 for the Village at Paseo San Gorgonio project to November 24, 2015.
2. Letter from JMA Village, LLC, dated May 18, 2015.
3. City Council Resolution No. 2011-44 adopting an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approving Design Review No. 10-702 and Tentative Parcel Map No. 36285.
4. Planning Commission Resolution No. 2013-07 approving a two-year time extension for Design Review No. 10-702 until May 24, 2015.

**Attachment 1**  
**Resolution No. 2015-47**

**RESOLUTION NO. 2015-47**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A SIX (6) MONTH (180 DAYS) TIME EXTENSION FOR DESIGN REVIEW NO. 10-702 FOR THE VILLAGE AT PASEO SAN GORGONIO PROJECT TO NOVEMBER 24, 2015**

**WHEREAS**, an application to extend the expiration date of Design Review No. 10-702 previously approved to construct a mixed use commercial development has been duly filed by:

Applicant/Owner: JMA Village, LLC  
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**, on May 24, 2011, the City Council adopted Resolution No. 2011-44 adopting an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approving Design Review No. 10-702 and Tentative Parcel Map No. 36285 to construct a mixed-use commercial development, known as the Village at Paseo San Gorgonio project; and

**WHEREAS**, on January 24, 2012, the City Council entered into an Agreement for Purchase and Sale of Real Property and Joint Escrow Instructions with JMA Village, LLC for the acquisition and development of the property, and subsequently, on June 10, 2014, the City Council approved the First Amendment to the Agreement for Purchase and Sale of Real Property and Joint Escrow Instructions with JMA Village, LLC; and

**WHEREAS**, on May 1, 2013, the Planning Commission adopted Resolution No. 2013-07 approving a two-year time extension for Design Review No. 10-702 until May 24, 2015 so that the discretionary land use entitlement approval would correspond with the Purchase and Sale Agreement as approved by City Council; and

**WHEREAS**, the City Council has determined that there is a need to further extend Design Review No. 10-702 so that the discretionary land use entitlement approval will continue to correspond with the Purchase and Sale Agreement as approved by City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Banning as follows:

**SECTION 1.** A six (6) month (180 Days) time extension for Design Review No. 10-702 is hereby approved, subject to the revised Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A, to November 24, 2015.

**PASSED, APPROVED AND ADOPTED** this 9<sup>th</sup> day of June, 2015.

---

Deborah Franklin, Mayor  
City of Banning

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

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David J. Aleshire, City Attorney  
Aleshire and Wynder, LLP.

**ATTEST:**

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Marie A. Calderon, City Clerk  
City of Banning, California

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2015-47 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 9<sup>th</sup> day of June, 2015.

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Marie A. Calderon, City Clerk  
City of Banning, California



# City of Banning

99 E. Ramsey Street • P.O. Box 998 • Banning, CA 92220-0998 • (951) 922-3125 • Fax (951) 922-3128

COMMUNITY DEVELOPMENT  
DEPARTMENT

## EXHIBIT A

(Revised by Resolution No. 2015-47)

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 Geronio 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.

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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 by November 24, 2015, 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.
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 Geronio 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).

|   |                     |
|---|---------------------|
| Rough Grading Plans   | 1" = 40' horizontal |
| Precise Grading Plans   | 1" = 40' horizontal |
| (All conditions of approval shall be reproduced on last sheet of set) |                     |
| Haul Route Plans  | 1" = 40' horizontal |
| Clearing Plans  | 1" = 50' horizontal |
| (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    |
| On-site Utility Plans   | 1" = 40' horizontal |

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 RCFCDD. 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 or 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 blow off 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 onsite 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.

88. 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.
89. 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.
90. The applicant shall cause the final map to be recorded.
91. Provide a reciprocal parking plan/agreement for the proposed parcels based on the required parking for the project.
92. 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).
93. The developer shall obtain Design Review approval from the Planning Commission regarding the requirement for a sign program for the overall development.
94. Obtain clearance and/or permits from the Banning Unified School District
95. 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.
96. 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.
97. 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. 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.
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. 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.

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 Geronio 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 5 of the staff report approved by the City Council at their regularly scheduled meeting held on May 24, 2011; 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.~~ The developer shall make the necessary street improvements to Martin Street, west side, fronting the project. The improvements shall include, but not limited to, curb and gutter, curb return, handicap ramp, sidewalk, driveway approach, street lights, street name signs, and landscaping.
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 Has been identified with their occupancy classification and have been Conditioned by Riverside County Fire Department. Occupant or tenant Identification is imperative for orderly and prompts processing.

Upon identification of the occupant or tenant a Fire Protection Analysis report Maybe 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 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 1/2") 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 and independent test laboratory must be included with your Plans. (TANK PLANS CANNOT BE SUBMITTED TO THE FIRE DEPARTMENT UNTIL A BUILDING PERMIT HAS BEEN ISSUED, CONTACT FIRE DEPARTMENT FOR GUIDELINE HANDOUT)

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 radiuses 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)

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2015-47 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 9<sup>th</sup> day of June, 2015.

AYES:

NOES:

ABSENT:

ABSTAIN:

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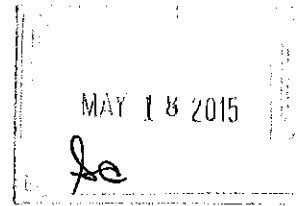
Marie A. Calderon, City Clerk  
City of Banning, California

**Attachment 2**  
**Letter from JMA Village, LLC, dated May 18, 2015**

JMA VILLAGE, LLC

300001 Golden Lantern

Laguna Niguel, CA 92677



City Of Banning

99 E. Ramsey Street

Banning, CA 92220

Attn: Brian Guillot

Re: Time Extension Design Review #10-702

The Village At Paseo San Geronio

Mr. Guillot,

JMA Village, LLC hereby requests an extension of the above referenced Design Review by the City Council.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Frost". The signature is fluid and stylized, with a large loop at the end.

Mark Frost,

Member



**Attachment 3**  
**City Council Resolution No. 2011-44**

**RESOLUTION NO. 2011-44**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA ADOPTING AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING 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.**

**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 Geronio Avenue  
APN Number: 541-181-009, 010, 011, 012, 014, 023-028; 541-183-001, 002-004  
Lot Area: 5.25 Acres

**WHEREAS**, the City Council has the authority per Chapter 17.56 of the Banning Municipal Code to take action on Design Review #10-702 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 Geronio Avenue; and

**WHEREAS**, the on May 4, 2011, the Planning Commission approved Resolution No. 2011-02 recommending approval to City Council of the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and, DR #10-702 and TPM #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 requires City Council approval; and

**WHEREAS**, an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program 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 and Reporting Program was made available for a 30-day public review from March 25, 2011, through April 25, 2011, and was adopted by City Council on May 10, 2011; and

**WHEREAS**, on May 13, 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 24, 2011, the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Design Review #10-702 and Tentative Parcel Map #36285; and

**WHEREAS**, at this public hearing on May 24, 2011, the City Council considered and heard public comments on the project and the proposed approval of Design Review #10-702 and Tentative Parcel Map #36285;

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

**SECTION 1 ENVIRONMENTAL FINDINGS.**

The City Council, in light of the whole record before it including but not limited to the City's local CEQA Guidelines and Thresholds of Significance, the adopted Mitigated Negative Declaration and documents incorporated therein by reference, any written comments received and responses provided, the proposed Mitigation Monitoring and Reporting 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 and Reporting 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 and Reporting Program:** That the Mitigation Monitoring and Reporting 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 City Council 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 City Council 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 City Council has determined, based on consideration of the whole record before it, that there is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. Furthermore, on the basis of substantial evidence, the City Council hereby finds that any presumption of adverse impact has adequately been rebutted. 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 City Council. 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 City Council, 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 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.**

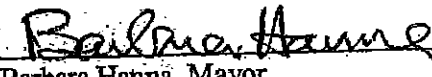
**Finding of Fact:** Taking into consideration local climate and the existing contour and configuration of the site and its surroundings, the size and configuration of lots within the proposed subdivision have been arranged, to the greatest extent feasible, to permit orientation of structures in an east-west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

**SECTION 4 CITY COUNCIL ACTIONS.**


The City Council hereby takes the following actions:

1. In accordance with Public Resources Code Section 21152(a) and CEQA Guidelines Section 15063(b) (2) the City Council hereby adopts the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program 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 City Council Resolution No. 2011-44 approving 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.

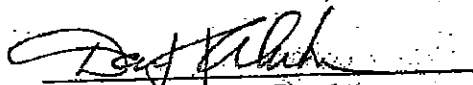
**PASSED, APPROVED AND ADOPTED** this 24<sup>th</sup> day of May, 2011.

  
Barbara Hanna, Mayor  
City of Banning

**ATTEST:**

  
Marie A. Calderon, City Clerk  
City of Banning, California

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

  
David A. Aleshire, City Attorney  
Aleshire & Wynder, LLP



**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City Council of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2011-44, was duly adopted by the City Council of the City of Banning, California, at a joint meeting thereof held on the 24<sup>th</sup> day of May, 2011, by the following vote, to wit:

AYES: Councilmembers Botts, Franklin, Machisic, Robinson, Mayor Hanna

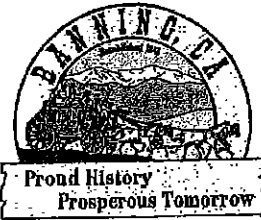
NOES: None

ABSENT: None

ABSTAIN: None



Marie A. Calderon, City Clerk  
City of Banning, California



# City of Banning

99 E. Ramsey Street • P.O. Box 998 • Banning, CA 92220-0998 • (951) 922-3125 • Fax (951) 922-3128

COMMUNITY DEVELOPMENT  
DEPARTMENT

## 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 Geronio 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

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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.

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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 Geronio 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).

|   |                     |
|---|---------------------|
| Rough Grading Plans   | 1" = 40' horizontal |
| Precise Grading Plans   | 1" = 40' horizontal |
| (All conditions of approval shall be reproduced on last sheet of set) |                     |
| Haul Route Plans  | 1" = 40' horizontal |
| Clearing Plans  | 1" = 50' horizontal |

|   |                     |
|---|---------------------|
| (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    |
| On-site Utility Plans   | 1" = 40' horizontal |

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 RCFCDD. 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.

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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.

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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 or 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 Geronimo 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;
- 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

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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.

88. 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.
89. 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.
90. The applicant shall cause the final map to be recorded.
91. Provide a reciprocal parking plan/agreement for the proposed parcels based on the required parking for the project.
92. 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).
93. The developer shall obtain Design Review approval from the Planning Commission regarding the requirement for a sign program for the overall development.
94. Obtain clearance and/or permits from the Banning Unified School District
95. 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.
96. 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.
97. 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. 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.
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. 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.

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 Geronio 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 5 of the staff report approved by the City Council at their regularly scheduled meeting held on May 24, 2011; 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.

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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 Geronio 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 Has been identified with their occupancy classification and have been Conditioned by Riverside County Fire Department. Occupant or tenant Identification is imperative for orderly and prompts processing.

Upon identification of the occupant or tenant a Fire Protection Analysis report Maybe 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 finaled 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 1/2") 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 and independent test laboratory must be included with your Plans. (TANK PLANS CANNOT BE SUBMITTED TO THE FIRE DEPARTMENT UNTIL A BUILDING PERMIT HAS BEEN ISSUED, CONTACT FIRE DEPARTMENT FOR GUIDELINE HANDOUT)

**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 radiuses 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 1/2") 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 4**  
**Planning Commission Resolution No. 2013-07**

**RESOLUTION NO. 2013-07**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF BANNING, CALIFORNIA EXTENDING  
THE EXPIRATION DATE OF DESIGN REVIEW (DR) #10-  
702 TO CORRESPOND WITH THE PURCHASE AND SALE  
AGREEMENT WITH JMA VILLAGE, LLC**

**WHEREAS**, an application to extend the expiration date of Design Review #10-702 previously approved to construct a mixed use commercial development has been duly filed by:

Applicant/Owner: JMA Village, LLC  
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**, on May 24, 2011, the City Council approved Design Review #10-702, along with a Mitigated Negative Declaration and Mitigation Monitoring Plan in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the City of Banning Environmental Review Guidelines; and

**WHEREAS**, the Planning Commission has the authority per Section 17.56.070 of the Banning Municipal Code to take action on, or modify Design Review (DR) #10-702 that approved the construction of 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**, on April 19, 2013, 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 extension of DR #10-702 would be considered; and,

**WHEREAS**, on May 1, 2013, the Planning Commission held the noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the extension of DR #10-702 at which the Planning Commission considered the request to extend the subject design review approval; and

**WHEREAS**, at this public hearing on May 1, 2013, the Planning Commission considered and heard public comments on the request to extend the subject design review approval.

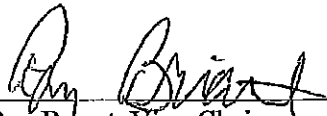
**NOW THEREFORE**, the Planning Commission of the City of Banning does hereby resolve, determine, find, and order as follows:

**SECTION 1 PLANNING COMMISSION ACTIONS.**

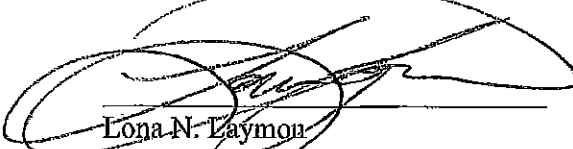
The Planning Commission hereby takes the following actions:

1. Adopt Planning Commission Resolution No. 2013-07 approving a two-year time extension for Design Review (DR) #10-702 subject to revised Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A to May 24, 2015.


**PASSED, APPROVED AND ADOPTED** this 1<sup>st</sup> day of May, 2013.

  
Ray Briant, Vice-Chairman  
Banning Planning Commission

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

  
Lona N. Laymon  
Aleshire & Wynder, LLP

**ATTEST:**

  
Holly Stuart, Recording Secretary  
City of Banning, California

**CERTIFICATION:**


I, Holly Stuart, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2013-07, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 1<sup>st</sup> day of May, 2013, by the following vote, to wit:

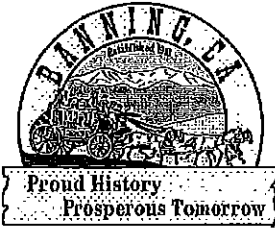
AYES: *Barsh, Briant, Ellis, Hawkins*

NOES: *-0-*

ABSENT: *Siva*

ABSTAIN: *-0-*

  
Holly Stuart, Recording Secretary  
City of Banning, California



# City of Banning

99 E. Ramsay Street • P.O. Box 998 • Banning, CA 92220-0998 • (951) 922-3125 • Fax (951) 922-3128

COMMUNITY DEVELOPMENT  
DEPARTMENT

## EXHIBIT A (Revised)

PROJECT #: Design Review (DR) #10-702 / Tentative Parcel Map #36285  
SUBJECT: Conditions of Approval\*  
APPLICANT: JMA Village, LLC - The Frost Company  
LOCATION: Ramsay Street east of San Geronio 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 by May 24, 2015, 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.
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).

|   |                     |
|---|---------------------|
| Rough Grading Plans   | 1" = 40' horizontal |
| Precise Grading Plans   | 1" = 40' horizontal |
| (All conditions of approval shall be reproduced on last sheet of set) |                     |
| Haul Route Plans  | 1" = 40' horizontal |
| Clearing Plans  | 1" = 50' horizontal |
| (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    |
| On-site Utility Plans   | 1" = 40' horizontal |

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 RCFCDD. 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 or 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.



88. 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.
89. 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.
90. The applicant shall cause the final map to be recorded.
91. Provide a reciprocal parking plan/agreement for the proposed parcels based on the required parking for the project.
92. 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).
93. The developer shall obtain Design Review approval from the Planning Commission regarding the requirement for a sign program for the overall development.
94. Obtain clearance and/or permits from the Banning Unified School District
95. 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.
96. 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.
97. 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. 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.
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. 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.

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 Geronio 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 5 of the staff report approved by the City Council at their regularly scheduled meeting held on May 24, 2011; 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.~~ The developer shall make the necessary street improvements to Martin Street, west side, fronting the project. The improvements shall include, but not limited to, curb and gutter, curb return, handicap ramp, sidewalk, driveway approach, street lights, street name signs, and landscaping.
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 Has been identified with their occupancy classification and have been Conditioned by Riverside County Fire Department. Occupant or tenant Identification is imperative for orderly and prompts processing.

Upon identification of the occupant or tenant a Fire Protection Analysis report Maybe 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 finaled 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 1/2") 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 and independent test laboratory must be included with your Plans. (TANK PLANS CANNOT BE SUBMITTED TO THE FIRE DEPARTMENT UNTIL A BUILDING PERMIT HAS BEEN ISSUED, CONTACT FIRE DEPARTMENT FOR GUIDELINE HANDOUT)

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 radiuses 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 1/2") 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 componets 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)