

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

March 26, 2013  
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 City Council Sitting in Its Capacity of a Successor Agency.*

*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**

- . Pledge of Allegiance
- . Invocation – Steve Bierly, Church of the Nazarene
- . Roll Call - Councilmembers Botts, Miller, Peterson, Welch, Mayor Franklin

**II. REPORT ON CLOSED SESSION**

**III. PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS**

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

A three-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. No member of the public shall be permitted to “share” his/her three minutes with any other member of the public. (Usually, any items received under this heading are referred to staff for future study, research, and appropriate Council Action.) See last page. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

**CORRESPONDENCE:** Items received under the 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.*

## **PRESENTATIONS:**

1. Proclamation – Child Abuse Awareness Month . . . . . 1

## **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 10**

**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 – 03/05/13. . . . . 2
2. Approval of Minutes – Special Meeting (Closed Session) – 03/12/13 . . . . . 3
3. Approval of Minutes – Regular Meeting – 03/12/13 . . . . . 5
4. Approval of Proposed Amendments to League Bylaws. . . . . 10
5. Report of Investments for February 2013. . . . . 13
6. Resolution No. 2013-30, Awarding the Bid for the Downtown  
Underground Project – Phase 1 Contract to Southern California West  
Coast Electric, Inc. of Beaumont, CA in the Amount Not to Exceed  
\$179,069.50 including taxes. . . . . 19
7. Resolution No. 2013-32, Approving the General Plan Annual Report  
for Calendar Year 2012 and Directing Staff to File the Report with the  
State Office of Planning and Research and the State Department of  
Housing and Community Development . . . . . 60
8. Resolution No. 2013-35, Approving a Professional Services Agreement  
with HCA, Inc. for Architectural Design Services for the New Corporate  
Yard Warehouse and Maintenance Building . . . . . 173
9. Resolution No. 2013-36, Approving the Mold Remediation Repairs at  
City Hall and All Related Expenditures. . . . . 182
10. Resolution No. 2013-37, Approving the Construction, Maintenance, and  
Use Agreement with Union Pacific Railroad Company for the Grade  
Separation at Sunset Avenue. . . . . 190
11. Approval of Exclusive Negotiation Agreement by and between the  
City of Banning and the Fairview Holdings, S.A., LLC. . . . . 203

- Open for Public Comments
- Make Motion

**RECESS REGULAR CITY COUNCIL MEETING AND CALL TO ORDER A JOINT  
MEETING OF THE BANNING CITY COUNCIL AND THE BANNING UTILITY  
AUTHORITY AND THE CITY COUNCIL SITTING IN ITS CAPACITY OF A SUCCESSOR  
AGENCY.**



## **V. A CONSENT ITEMS**

1. Resolution No. 2013-05 UA, Approving the Payment of “Not to Exceed” \$50,000.00 to the Beaumont Basin Watermaster for the Redetermination of the Beaumont Basin Safe Yield. . . . . **258**
2. Resolution No. 2013-07 UA, Approving an Agreement with the Banning Heights Mutual Water Company for the Rehabilitation and Maintenance Allocation of Responsibilities and Rights for San Gorgonio Hydroelectric Project No. 344 Water Conveyance Facilities . . . **263**

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

## **V. B REPORTS OF OFFICERS**

1. FY 2012/13 Mid-Year Budget Review  
Staff Report . . . . . **296**  
Recommendation: **That the City Council adopt Resolution No. 2013-38, the Banning Utility Authority Resolution No. 2013-06 UA and the Successor Agency Resolution No. 2013-06 SA, Authorizing the Administrative Services Director to make necessary budget adjustments to implement the mid-year analysis.**

**Recess joint meeting reconvene the regular City Council Meeting.**

## **VI. PUBLIC HEARING/REPORTS OF OFFICERS**

*(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.)*

2. General Plan Amendment (GPA 13-2502) – Amendment to the Land Use and Economic Development Policies to Provide for the Attraction and Retention of Commercial and Business Development.  
Staff Report . . . . . **327**  
Recommendation: **That the City Council adopt Resolution No. 2013-33, Approving General Plan No. 13-2502, Amending the Land Use and Economic Development Element Policies to Provide for the Attraction and Retention of Commercial and Industrial Development that generate and increase revenues from sales tax, property tax, and provide jobs for the residents of Banning.**
3. General Plan Amendment (GPA 13-2501) – Amendments to the General Plan Circulation Element.  
Staff Report . . . . . **417**

Recommendation: **That the City Council adopt Resolution No. 2013-34, Certifying the Final Environmental Impact Report (FEIR) (State Clearing House No. 2012011008) and General Plan Amendment (GPA 13-2501) Amending the Circulation Element.**

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

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

**VIII. ITEMS FOR FUTURE AGENDAS**

New Items –

- Extend the public comment period from 3 minutes to 5 minutes.

Pending Items – City Council

1. Schedule Meetings with Our State and County Elected Officials
2. Consideration of an “in-house” attorney vs. contract
3. Policy regarding “presentation” to City Council

**IX. 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, 8 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 three-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 three 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].



## PROCLAMATION

*WHEREAS, children deserve a safe, stable and permanent home in order to become productive members of our society; and*

*WHEREAS, child abuse is found in families of all social and economic classes and every racial and ethnic group; and*

*WHEREAS, child abuse impacts the entire community and finding solutions depends on community involvement to nurture family growth and inspire future generations; and*

*WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious organizations, law enforcement agencies and the business community; and*

*WHEREAS, through the continued work of volunteers, parents, community partners, policy makers and professionals, child abuse may be eradicated, giving our children a bright, successful future; and*

*WHEREAS, Prevent Child Abuse Riverside County works in collaboration with the Department of Public Social Services to educate the public to reduce the incidence of child abuse and provide other services to help alleviate its effects; and*

*WHEREAS, all citizens should become more aware of child abuse and its prevention within the community, and become more involved in supporting parents to raise their children in a safe, nurturing environment.*

*NOW THEREFORE, BE IT RESOLVED, that I, Deborah Franklin, Mayor of the City of Banning, along with the City Council do hereby proclaim the month of April as*

### **"CHILD ABUSE PREVENTION MONTH"**

*and urge all the residents to become more aware of this nationwide problem and to take necessary actions to prevent child abuse in their communities.*

*IN WITNESS WHEREOF, I have set my hand and caused the seal of the City of Banning, California to be affixed this 26<sup>th</sup> day of March, 2013.*

**ATTEST:**

Marie A. Calderon, City Clerk

Deborah Franklin, Mayor

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

03/05/2013  
SPECIAL MEETING

A special meeting of the Banning City Council was called to order by Mayor Franklin on March 5, 2013 at 9:15 a.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Councilmember Miller  
Councilmember Peterson  
Councilmember Botts  
Mayor Franklin

COUNCIL MEMBERS ABSENT: Councilmember Welch

OTHERS PRESENT: Andy Takata, City Manager  
Jessica Hicks, Deputy City Clerk

INTERVIEWS

1. Candidate Interviews for City of Banning Parks and Recreation Commission and Planning Commission

Mayor Franklin went over the process that they would be using this morning for the interview process.

The candidates present for the Parks and Recreation Commission interviews were Annell Elmore and William Dickson. Incumbent, Richard Sanchez, was unable to make it to the interview because he was ill, so Councilmember Botts briefed the Council on the incumbent. The City Council asked each of the candidates questions in regards to what motivated them to apply for this committee, their experience and background, the unique challenges and opportunities facing the City over the next 3 to 5 years specific to Parks and Recreation and how they may be able to address these challenges and opportunities, their understanding of the Parks and Recreation Commission and what they would hope to accomplish while on this committee. The candidates also had an opportunity to ask the Council questions.

The candidates present for the Planning Commission interviews were David Ellis, Ron Klimczak and Dennis Arterberry. The City Council asked each of the candidates questions in regards to what motivated them to apply for this committee, their experience and background, their understanding of the Planning Commission and what they would hope to accomplish while on this committee. The candidates also had an opportunity to ask the Council questions.

ADJOURNMENT

By common consent the meeting adjourned at 11:20 a.m.

\_\_\_\_\_  
Jessica Hicks, Deputy City Clerk

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

03/12/13  
SPECIAL MEETING

A special meeting of the Banning City Council and the City Council Sitting In Its Capacity of a Successor Agency was called to order by Mayor Franklin on March 12, 2013 at 4:02 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Andrew J. Takata, City Manager  
June Overholt, Administrative Services Director  
David J. Aleshire, City Attorney  
Duane Burk, Public Works Director  
Bill Manis, Economic Development Director  
Marie A. Calderon, City Clerk

CLOSED SESSION

City Attorney said that there is one potential litigation matter on the agenda and they would like to add a second matter concerning potential code enforcement action.

**Motion Botts/Welch to add this item to the closed session agenda. Motion carried, all in favor.**

City Attorney said we have labor negotiations for discussion pursuant to Government Code Section 54957.6; existing litigation pursuant to the provisions of paragraph (d)(1) of Section 54956.9 regarding Mascaro vs. City of Banning, Fields vs. City of Banning and Redevelopment Agency vs. Huang; potential litigation in regards to 2 matters pursuant to sub-paragraph (d)(4) of Section 54956.9; and in regards to real property negotiations pursuant to the provisions of Government Code Section 54956.8 regarding Banning Airport & Adjacent Properties that item will not be discussed.

Mayor Franklin opened the item for public comments. There were none. Meeting went into closed session at 4:04 p.m. and recessed at 5:05 p.m. and reconvened at 5:35 p.m.

City Attorney stated that the Council went back into closed session and they talked about the status of labor negotiations and no reportable action was taken. They discussed the two potential litigation matters and a status report was given on each one and no reportable action was taken.

ADJOURNMENT

By common consent the meeting adjourned at 6:30 p.m.

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Marie A. Calderon, City Clerk

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

03/12/2013  
REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Franklin on March 12, 2013 at 5:10 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Andy Takata, City Manager  
David J. Aleshire, City Attorney  
June Overholt, Administrative Services Dir./Deputy City Manager  
Duane Burk, Public Works Director  
Bill Manis, Economic Development Director  
Fred Mason, Public Utility Director  
Jessica Hicks, Office Specialist  
Marie A. Calderon, City Clerk

The invocation was given by Pastor David Marshall Kealy, LifePoint Church. Councilman Miller led the audience in the Pledge of Allegiance to the Flag.

REPORT ON CLOSED SESSION

City Attorney announced that the Council met in closed session and a status report was given on the cases of litigation matter of Mascaro v. City of Banning, Fields v. City of Banning and Redevelopment Agency v. Huang. No reportable action was taken with regards to these matters. The Banning lawsuit with Huang has been settled with a successful resolution, the City will be acquiring that property. The Council will reconvene in closed session after the regular council meeting to discuss potential litigation, the status of labor negotiations and the one case of potential litigation listed on the agenda as well as one case that was added to the agenda. Item 4 on the agenda concerning Banning Airport & adjacent properties was removed from the agenda and not discussed.

PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS/ANNOUNCEMENTS

PUBLIC COMMENTS – *On Items Not on the Agenda*

Fred Sakurai, a Banning resident, addressed the Council and stated he would like to congratulate the new Council "on creating another empty store front of Banning"; a decision made in closed session. Fred was concerned that more and more items are discussed in closed session; that Union negotiations and other controversial items should be discussed in the open so the public can be aware of each Council members opinions on the controversial issues.

Don Smith, Vice Chair of Centennial Committee, addressed the Council to give an update on recently past centennial events as well as announcing upcoming events. The first event is a folklore performance by The Layenda Dance Company on March 30<sup>th</sup> at the Nicolet Middle School Auditorium. Tickets are available at the Banning Community Center, Banning Chamber of Commerce, La Casita Mexican Restaurant and Consuelo's Mexican Restaurant. The next event is a play called "The Great Stagecoach Robbery" to be held April 5-7<sup>th</sup>. For more information or to purchase tickers you can visit [www.banning100birthday.com](http://www.banning100birthday.com). April 13<sup>th</sup> a lecture about our local Indians will be given. As the president of the Banning Cultural Alliance, Don announced that the Art Gallery will be open at 42 West Ramsey and thanked the City for their cooperation in past years.

Dorothy Familetti-McLean, representing Pass Area Supporting Soldiers addressed the Council stating on March 20<sup>th</sup> they will be assembling care packages at the Beaumont Community Center (Chatigny Center). Anyone that has names they would like to drop off or to give a donation are welcome to come by between 9:00 a.m. and 12:00 p.m. Representing Faith Builders Family Church, Dorothy invited the public to a viewing of the Passion of the Christ on March 29<sup>th</sup> at 55 S. First Street, Banning.

APPOINTMENTS: Pulled from the agenda, to be rescheduled at the later date.

#### CONSENT ITEMS

1. Approval of Minutes – Special Meeting – 02/26/13

Recommendation: That the minutes of special meeting of February 26, 2013 be approved.

2. Approval of Minutes – Regular Meeting – 02/26/13 (Closed Session)

Recommendation: That the minutes of regular meeting of February 26, 2013 be approved.

3. Approval of Minutes – Special Meeting – 03/05/13

Recommendation: That the minutes of the regular meeting of March 05, 2013 be approved.

4. Ordinance No. 1461 – 2<sup>nd</sup> Reading: An Ordinance of the City Council of the City of Banning, California, Repealing Chapter 15.60 in its Entirety and Adding Chapter 15.60 to the Banning Municipal Code and Amending Chapter 17.08.070 of the Banning Zoning Code to Establish Density Bonus Standards Consistent with State Law for Affordable Residential Units.



Recommendation: That Ordinance No. 1461, pass its second reading and be adopted.

5. Ordinance No. 1462 – 2<sup>nd</sup> Reading: An Ordinance of the City Council of the City of Banning, California, Adding Chapter 17.42 to the Banning Zoning Code Regarding Reasonable Accommodations for Disabled Individuals

Recommendation: That Ordinance No. 1462, pass its second reading and be adopted.

6. Report of Investments for the Month of January 2013

Recommendation: The City Council receive and place these required monthly reports of Investment on file.

7. Approval of Accounts Payable and Payroll Warrants for the Month of January 2013

Recommendation: The City Council review and ratify the following reports per the California Government Code.

8. City Business Permit for Care Ambulance Services, Inc.

Recommendation: The City Council review and consider approving a City Business Permit for Care Ambulance Service, Inc. to provide non-emergency medical transport services within the city limits of Banning.

**Motion Botts/Welch to approve Consent Items 1 through 8.** Mayor Franklin opened the item for public comments. There were none. **Motion carried, all in favor.**

9. Resolution No. 2013-21 Amending Career Part-Time Benefits

This item was removed from the agenda and will be rescheduled at a later date.

10. Resolution No. 2013-28, Authorizing Staff to Submit an Application for a Federal Surface Transportation Program (STP) Grant for Pavement Rehabilitation on Ramsey Street, from Hargrave Street to East End City Limits.

Councilman Miller said that he would like Mr. Burk, Public Works Director, to explain this resolution so that the public can understand what the City is trying to do to improve our roads.

Director Burk gave the staff report on the project as contained in the agenda packet and explained that what the Council is approving is for the City to submit a grant to the Federal Service Transportation Program for pavement rehabilitation. Riverside County Transportation Commission (RCTC) authorized "Map" money, which we would like to apply for to improve our roads. We would apply for the grant and ask for \$164,758 and remaining funds to be determined if and when we get the grant. The total cost of the project will be around half a million dollars. This is a competitive grant and Director Burk believes that this project will rate high with the RCTC application process.

**Motion Botts/Welch to approve Consent Item No. 10, adopting Resolution No. 2013-28.** Mayor Franklin opened the item for public comments. There were none. **Motion carried, all in favor.**

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

City Council

Councilman Welch—

- Councilmember Welch stated that State Senator, Bill Emmerson opened a new office in Redlands and they are having an open house at the new location on Thursday, March 28<sup>th</sup> from 5:00-7:00PM. The address is 1801 Orange Tree Lane, Ste. 240. The public is cordially invited to the open house.

Mayor Franklin —

- Mayor Franklin stated this Friday from 9:00-11:00 a.m. Assembly Member Nestande will be having a legislative breakfast that is open to the public at Billy Reeds in Palm Springs.
- On March 23<sup>rd</sup> at 10:00 a.m. all of the City Council and the public are invited to the opening of Banning Little League at Lions Park.
- March 27<sup>th</sup> is the San Geronio Pass Water, Transportation & Economic Development Summit. The event will be held at Morongo Casino. For more information please visit [www.ci.banning.ca.us](http://www.ci.banning.ca.us) or the website for Supervisor Ashley.
- Mayor Franklin stated she attended a meeting for Southern California Association of Governments. There was a presentation by Steven Levy on Planning and Policy Implications of Growth in our Region. The presentation talked about the forecast for growth in the 6 counties in Southern California. It talked about housing and how it applies to our community and the effects on our community as we age.

Report by City Manager

City Manager Takata reported -

- We have a pre-application for a 3 story Ramada Inn, gas station and Seven Eleven to take over where Valero is on Hargrave and Ramsey.
- The installation of the waterline on Lincoln and Sunset is still going on so there will be continued delays.
- Leonard Purvis, Chief of Police, is currently excepting the Riverside County Juvenile Justice and Delinquency Prevention Award on behalf of the City of Banning for B.P.A.L. (Banning Police Activities League)
- The City Manager wanted to answer a concern mentioned during Public Comments regarding employee negotiations during closed session. He said employee negotiations are

usually done during closed session but they have to come back to Council during open session for ratification.

- The L.A. Times named Banning in the top 10 fastest recovering zip codes in the housing market. Banning housing market has increased in value by 68.4%.

Report by City Attorney – Nothing to report at this time.

#### ITEMS FOR FUTURE AGENDAS

##### New Items –

- Consideration of an “in-house” attorney vs. contract
- Policy regarding presentations to City Council

There was a consensus from all council members for these items to be placed on a future agenda.

##### Pending Items – City Council

1. Schedule Meetings with Our State and County Elected Officials

Mayor Franklin stated that they would be returning to closed session.

#### ADJOURNMENT

By common consent the meeting adjourned at 5:32 p.m.

Prepared By:

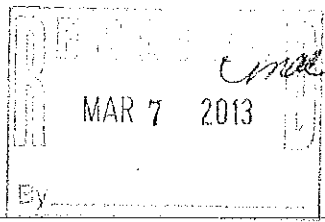
\_\_\_\_\_  
Jessica Hicks, Deputy City Clerk

Approved By:

\_\_\_\_\_  
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.

1400 K STREET  
SACRAMENTO, CA 95814  
PH: (916) 658-8200  
FX: (916) 658-8240



March 5, 2013

WWW.CACITIES.ORG

To: League Membership  
From: Chris McKenzie, Executive Director  
Re: Proposed Amendments to League Bylaws

At its February meeting, the League's Board of Directors approved submitting two amendments to the League's Bylaws to the membership. The proposed amendments would amend the Bylaws to provide that:

1. Resolutions submitted to the League for presentation to the General Assembly must be concurred in by at least five or more cities or by city officials from at least five or more cities.
2. The League Board may take a position on a statewide ballot measure by a 2/3<sup>rd</sup> vote of those Directors present. Currently, the Board may take positions with a simple majority vote.

The Board's purpose in submitting the first proposed amendment is to encourage members to seek concurrence of other cities and city officials that the subject of a proposed resolution is a substantial one and of broad interest and importance to cities. The Board's purpose in submitting the second proposed amendment is to ensure that when the Board considers a position on possibly controversial statewide ballot measures, the Board's ultimate decision represents a broad consensus of the Directors.

The language of the proposed amendments is provided in the attached Resolution. To be approved, the Bylaws require each amendment must receive a 2/3<sup>rd</sup> vote of those members voting. To consult the League's Bylaws: go to [www.cacities.org](http://www.cacities.org). The link is at the bottom of the page.

As provided in the League's Bylaws, the Board of Directors is submitting these amendments to the membership for approval by mail ballot. Please return the enclosed ballot, signed by an authorized city official, by **April 19, 2013**.

Ballots may be submitted by email to: [ballots@cacities.org](mailto:ballots@cacities.org).

By mail to:

**League of California Cities**  
**Attn: Ballots**  
**1400 K Street, 4<sup>th</sup> Floor**  
**Sacramento, CA 95814**

Or by fax to: **(916) 658-8240**

Thank you for your attention to this important matter concerning the League's governance. If you have questions, please direct them to Patrick Whitnell, General Counsel at [pwhitnell@cacities.org](mailto:pwhitnell@cacities.org).

## **PROPOSED RESOLUTION RELATING TO LEAGUE BYLAWS AMENDMENTS**

WHEREAS, the League of California Cities is a nonprofit mutual benefit corporation under California law and, as such, is governed by corporate bylaws; and

WHEREAS, the League's Board of Directors periodically reviews the League's bylaws for issues of clarity, practicality, compliance with current laws, and responsiveness to membership interests; and

WHEREAS, the League Board of Directors at its February 7-8, 2013 meeting approved submitting the following amendments to the League's bylaws to the League's membership by mailed ballot:

1. Article VI, section 2 of the League's bylaws is amended to read as follows:

"Resolutions may originate from city officials, city councils, regional divisions, functional departments, policy committees, or the League Board or by being included in a petition signed by designated voting delegates of ten percent of the number of Member Cities. Except for petitioned resolutions, all other resolutions must be submitted to the League with documentation that at least five or more cities, or city officials from at least five or more cities, have concurred in the resolution."

2. A new Article VII, section 16 is added to the League's bylaws to read as follows:

"Section 16: Positions on Statewide Ballot Measures.

Notwithstanding any other provision of these bylaws, the League Board may take a position on a statewide ballot measure by a 2/3<sup>rd</sup> vote of those Directors present."

Now, therefore, be it

RESOLVED, that the League Board of Directors at its April 24-25, 2013 meeting in Sacramento, California, after a canvass of mailed ballots, has determined that the above amendments to the League bylaws have been approved by a 2/3<sup>rd</sup> vote of those Member Cities voting. These amendments shall take effect 60 days after the approval of this resolution.

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//

## Ballot on Bylaws Amendments

City of \_\_\_\_\_

Does your city vote to approve the amendment of article VI, section 2 of the League's bylaws relating to submission of resolutions to the League's General Assembly as set forth in the Proposed Resolution and incorporated by reference in this ballot?

☐ Yes

☐ No

Does your city vote to approve the addition of article VII, section 16 to the League's bylaws relating to the League Board vote threshold for taking positions on statewide ballot measures as set forth in the Proposed Resolution and incorporated by reference in this ballot?

☐ Yes

☐ No

Ballot returned by:

\_\_\_\_\_ City Official Name

\_\_\_\_\_ City Official Title

Please return this ballot by **April 19, 2013** to:

League of California Cities  
Attn: Ballots  
1400 K Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

or by email to: [ballots@cacities.org](mailto:ballots@cacities.org)

or by fax to: (916) 658-8240

Thanks in advance for your participation in this important decision.

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## CITY COUNCIL AGENDA

**Date:** March 26, 2013  
**TO:** City Council  
**FROM:** June Overholt, Administrative Services Director/Deputy City Manager  
**SUBJECT:** Report of Investments for February 2013

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

**JUSTIFICATION:** State law requires that a monthly report of investments be submitted to the Governing Legislative Body.

**BACKGROUND:** This report includes investments on hand at the end of February 2013. As of February 28, 2013, the City's operating funds totaled \$70,300,314. Included in Successor Agency operating funds is \$756,084 of restricted CRA bond proceeds that are on deposit with LAIF and reflected separately on the Summary Schedule.


As of February 28, 2013 approximately 46% of the City's unrestricted cash balances were invested in investments other than LAIF.

The February Investment Report includes the following documents:


- Summary Schedule of Cash and Investments
- Operational portfolio Individual investments
- Individual Investments with Fiscal Agent
- Investment Report Observations \*\*NEW\*\*

**FISCAL DATA:** The latest reports from the State indicate that the average interest achieved by the Local Agency Investment Fund (LAIF) decreased to 0.286% in February. The average rate for all investments in February was 0.255%.

**RECOMMENDED BY:**

  
June Overholt  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**

  
Andy Takata  
City Manager

**Summary Schedule of Cash and Investments****Operating Funds**Petty Cash

Amount

2,805

Bank Accounts

Interest

Rate

Amount

Wells Fargo Bank

0.000%

5,867,178

Bank of America-Airport

0.300%

4,982

Bank of America-Parking Citations

0.300%

6,026

Bank of America-CNG Station

0.300%

4,404

*Money Market and Bank Account Sub-Total*

5,882,591

Government Pools

Account #1 Operating Amount 36,584,315

Account #1 CRA Bond Cash Bal. 756,084

Local Agency Investment Fund: Account #1 0.286% 37,340,399

Account #2 Successor Agency Cash Bal 348

Local Agency Investment Fund: Account #2 0.286% 348

*Government Pool Sub-Total*

37,340,747

**Operating Cash Balance****43,226,143**Restricted Operating Funds at Riverside Public Utilities

Highmark U.S. Government Money Market Fund 0.000% 1,386,683

Other Investments

Investments-US Bank/Piper Jaffray - See Page 2 0.269% 25,687,488

***Operating Funds Total*****70,300,314****Fiscal Agent**

Amount

US Bank

35,356,377

***Fiscal Agent Total*****35,356,377**

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# City of Banning Investment Report

February 28, 2013

## Operational Portfolio Individual Investments

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Purchase Date	Discount or (Premium) Amortization	Market Value
<u>Bank Accounts</u>								
5,867,178	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	5,867,178	n/a	5,867,178
-	Wells Fargo Bank-Investment Acct	n/a	0.10%	daily	varies	-	n/a	-
4,982	Bank of America-Airport	n/a	0.30%	daily	varies	4,982	n/a	4,982
6,026	Bank of America-Parking Citations	n/a	0.30%	daily	varies	6,026	n/a	6,026
4,404	Bank of America-Parking Citations	n/a	0.30%	daily	varies	4,404	n/a	4,404
Sub-total								
5,882,591								
<u>Government Pools</u>								
37,340,399	L.A.I.F. account #1	n/a	0.286%	daily	varies	37,340,399	n/a	37,340,399
348	L.A.I.F. account #2	n/a	0.286%	daily	varies	348	n/a	348
37,340,747								
<u>Investments-US Bank/Piper Jaffray</u>								
3,000,000	FNMA Deb	n/a	0.600%	5/29/2015	5/16/2012	3,000,000		3,002,220
3,000,000	Federal Farm Credits Bks	n/a	0.600%	5/22/2015	5/16/2012	3,000,000		3,002,640
2,000,000	FNMA MTN	n/a	0.550%	12/4/2014	6/27/2012	2,000,000		2,001,380
2,000,000	Federal Home Loan Bks	n/a	0.375%	7/30/2015	1/30/2013	2,000,000		1,998,800
3,000,000	FHLMC MTN	n/a	0.400%	8/20/2015	2/20/2013	3,000,000		2,996,700
12,685,748	Money Market	n/a	0.020%	daily	varies	12,685,748	0	12,685,748
US Bank/Piper Jaffray Average Rate= 0.269%								
25,687,488								
Average Rate All= 0.255%								

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on August 28, 2012. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 155 days and does not include Bond Reserve Fund Investments.

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# City of Banning Investment Report

February 28, 2013

## Individual Investments with Fiscal Agent

TRUSTEE		Bond Maturity	Investment Description		Current Yield	Bond Reserve	Minimum Reserve Requirement	Interest Feb-13	2/28/2013 Market Value
Bond Issue Description	Date					Maturity Date			
COB IMPROVEMENT DISTRICT LIMITED OBLIGATION BONDS SERIES 2005A									
2005 Fair Oaks Ranch Estates	2035	US Bank Mmkt 5-Ct	0.040%	daily		188,943		6.39	279,915
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION, SERIES 2003									
2003 CRA Tax Allocation Bonds	2028	U S Treasury Bill	4.61%	7/28/2011		971,763		2.25	977,953
		US Bank Mmkt 5-Ct	0.000%	daily				6.71	7
Surplus Fund		US Bank Mmkt 5-Ct	0.000%	daily					8
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007									
Redevelop Fund	2037	US Bank Mmkt 5-Ct	0.040%	daily				282.91	8,328,018
Reserve Fund		US Bank Mmkt 5-Ct	0.040%	daily		1,880,751		63.72	1,875,227
Special Fund		US Bank Mmkt 5-Ct	0.050%	daily				18.70	19
Surplus Fund		US Bank Mmkt 5-Ct	0.000%	daily					9
BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES									
Interest Account		US Bank Mmkt 5-Ct	0.000%	daily					3
Principal Account		US Bank Mmkt 5-Ct	0.000%	daily					5
		US Bank Mmkt 5-Ct	0.040%	daily				112.22	3,294,007
BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES									
Interest Account		US Bank Mmkt 5-Ct	0.060%	daily					18
Principal Account		US Bank Mmkt 5-Ct	0.040%	daily					25
Reserve Fund		US Bank Mmkt 5-Ct	0.040%	daily		2,310,710		78.51	2,311,124
Project Fund		US Bank Mmkt 5-Ct	0.040%	daily				54.40	1,601,310
BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES									
		US Bank Mmkt 5-Ct	0.050%	daily					19
		US Bank Mmkt 5-Ct	0.040%	daily		2,672,050		90.79	2,672,410
Acquisition & Construction		US Bank Mmkt 5-Ct	0.040%	daily				483.28	14,016,301
*Paid Semi-Annually-Deposited into Money Mkt Account								Total	35,356,377

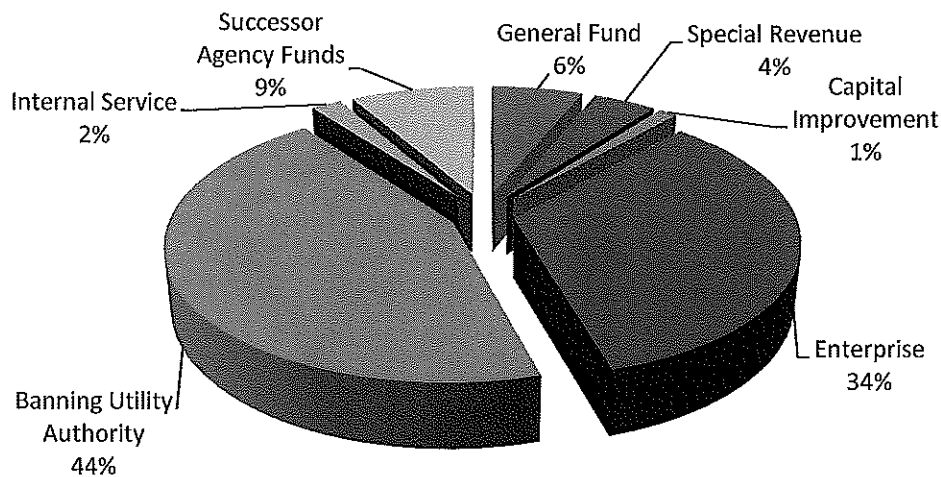
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# City of Banning

## Investment Report Supplemental Information

### Pooled Cash Distribution

Investment reports for cities typically do not include the cash balance of the individual funds that make up the total pooled cash. This is primarily due to timing differences between when investment reports are prepared and when month end accounting entries are posted. Investment reports are usually prepared first. However, the pie chart below provides an understanding of the percentage distribution of the investments by fund type. The percentages were calculated using the average cash balances from the six month period of July to December 2012. *(The percentages will be updated quarterly.)*



The Table below describes the funds that are included within the Fund Types used for the pie chart.

Fund Type	Description of funds
Governmental	General Fund
Special Revenue	Restricted Funds (i.e. CFDs, grants)
Capital Improvement	Development Impact Fee funds
Enterprise	Airport, Transit, Refuse, Electric
Banning Utility Authority	Water, Wastewater, Reclaimed water
Internal Service	Risk Management, Fleet, IT, Utility Services
Successor Agency Funds	Previously called Redevelopment Agency

## Summary Schedule – Line item descriptions

Petty Cash – The City maintains petty cash in various departments for incidental purchases. This line item includes the cash drawers for cashiering in utility billing.

### Bank Accounts –

- Wells Fargo Bank – This is the City checking account. All cash receipts, payroll and accounts payables checks are processed through this account. Balances fluctuate based on activity and cash flow needs. As excess funds accumulate, they are transferred to LAIF to increase earnings.
- Bank of America – Airport – The City maintains a Trust account for credit card purchases made at the airport. When the account balance exceeds \$3000, excess funds are transferred to the Wells Fargo Bank account.
- Bank of America – Parking Citations – The City maintains a Trust account for the processing of parking citations through Turbo Data. When the account balance exceeds \$3000, excess funds are transferred to the Wells Fargo Bank account.
- Bank of America – CNG – The City maintains a Trust account for credit card purchases of CNG fuel made at the City yards. When the account balance exceeds \$3000, excess funds are transferred to the Wells Fargo Bank account.

### Government Pools –

- Local Agency investment Fund – Account #1
  - This account includes both City pooled funds and a restricted cash balance related to the CRA bonds. Investments in LAIF are limited to \$50M.
- Local Agency investment Fund – Account #2
  - This account includes a remaining cash balance related to the CRA.
  - Note: When the State established the cutoff date of January 31, 2012 for the elimination of the Redevelopment Agency, LAIF staff recommended a transfer of the available balance from the CRA account to the City account to protect the funds from a rumored State raid or freezing of the funds. After the transfer was made, some interest earnings were posted, which represents the balance in the account. The account will be closed during 2012.

### Restricted Operating Funds at Riverside Public Utilities –

The City Electric operation has an agreement with Riverside Public Utilities (RPU) to purchase power for the City. Part of the agreement requires that the City maintain a balance in the trust account used by RPU. The City does not control the investments or earning of the trust account.

### Other Investments –

Currently the City works with a Piper Jaffray broker to make various investments per the City policy and in accordance with State guidelines. The Broker is not on retainer, nor do they receive a City paid fee with each investment. Funds in the Money Market fluctuate as securities mature or get called. Staff is in the process of investing the Money Market funds over several months. We will be adding an additional broker to provide more investment options.

Fiscal Agent / US Bank – Unspent bond proceeds and required bond reserves are invested by the Fiscal Agent in accordance with the bond documents.

## CITY COUNCIL AGENDA

**Date:** March 26, 2013  
**To:** Honorable Mayor and City Council  
**From:** Fred Mason, Electric Utility Director  
**Subject:** Resolution No. 2013-30, Awarding the Bid for Project No. 2013-01EL  
Downtown Underground Project – Phase 1

**RECOMMENDATION:** Adopt Resolution No. 2013-30, awarding the bid for the Downtown Underground Project – Phase 1 contract to Southern California West Coast Electric, Inc. (“SCWCE”), of Beaumont, California, in the amount not to exceed \$179,069.50 (One Hundred Seventy Nine Thousand Sixty Nine Dollars and Fifty Cents) including taxes.

**JUSTIFICATION:** The conversion of overhead utilities to an underground electric distribution system through the downtown corridor of the City of Banning will reduce the number of aging overhead utility systems and provide beautification throughout the area.

**BACKGROUND:** In May of 2011, the City of Banning adopted Resolution 2011-33 which called for the establishment of an Underground Utility District. Resolution 2011-33 is a successor to Resolution 2004-120 which stated that all utilities along Ramsey Street shall be underground as part of the City’s beautification program.

Establishing the boundaries of the City’s Downtown Underground Distribution system began as a measure to reduce the overconcentration of overhead utilities from the southwest corner of San Geronio Avenue and Livingston Street north to Hays Street. The project has since grown to include the entire downtown corridor with the backbone being Ramsey Street, western boundary at Eighth Street, northern boundary at Williams Street, Hargrave Street to the east, and Livingston Street on the south end. The Downtown Underground Project - Phase 1 will be the first of six phases, with an overall construction budget of \$2.4 million. The underground conversion of the downtown distribution system will be completed in conjunction with the Downtown Decorative Lighting Plan (City Council Resolution No. 2012-30), whereas the City of Banning Electric Department personnel will provide efforts for the installation of the decorative lights.

Staff solicited bids for the Downtown Underground Project – Phase 1 and received four bid proposals. The four proposals were submitted by:

1. Flatiron Electric Group, Inc., Chino, CA at \$314,287.00
2. Cass Construction, Inc., El Cajon, CA at \$256,780.00
3. WA Rasic Construction, Inc., Long Beach, CA at \$527,775.00
4. Southern California West Coast Electric, Inc., Beaumont, CA at \$179,069.50

The proposals were evaluated by staff as well as the Electric Department's consultant, SAIC Energy, Environment & Infrastructure LLC, and it was determined that SCWCE's proposal best meets the requirements of the City and is the lowest responsible bidder.

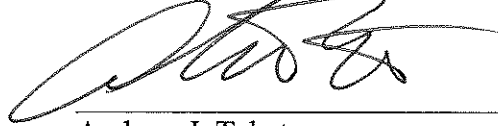
**FISCAL DATA:** Funds for the Downtown Underground Project – Phase 1 contract are available in the Electric Revenue Bond Project Fund Account 674-7000-473-96-29, D.T. Underground Conversion.

**RECOMMENDED BY:**



Fred Mason  
Electric Utility Director

**APPROVED BY:**



Andrew J. Takata  
City Manager

**REVIEWED BY:**



June Overholt  
Deputy City Manager/Administrative Services Director

Prepared by Brandon Robinson

**RESOLUTION NO. 2013-30**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AWARDING THE BID FOR THE DOWNTOWN UNDERGROUND PROJECT – PHASE 1 CONTRACT**

**WHEREAS**, the City of Banning owns and operates its own Municipal Electric Utility; and

**WHEREAS**, it is essential that the City of Banning continues to maintain and upgrade electric utility systems within the city limits; and

**WHEREAS**, the City of Banning adopted Resolution 2011-33 as shown on Exhibit “A” which called for the establishment of an Underground Utility District to reduce the overconcentration of overhead utilities and provide beautification to the downtown corridor; and

**WHEREAS**, the City of Banning adopted Resolution 2012-30 as shown on Exhibit “B” which incorporated the Downtown Decorative Lighting Plan into the phasing of the Downtown Underground Project; and

**WHEREAS**, Staff solicited bids and received four bid proposals for the Downtown Underground Project – Phase 1; and

**WHEREAS**, Southern California West Coast Electric, Inc. of Beaumont, California is the lowest responsible bidder as shown on Exhibit “C”;

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

SECTION 1. Adopt Resolution No. 2013-30, approving the bid award, in the amount of \$179,069.50, for the Downtown Underground Project – Phase 1 contract to Southern California West Coast Electric, Inc., and authorize the City Manager, or his designee, to execute the necessary documents to complete said agreement.

SECTION 2. Authorize the Administrative Services Director to complete the necessary account transfers as required for the completion of said project.

**PASSED, APPROVED AND ADOPTED** this 26<sup>th</sup> day of March 2013.

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

**ATTEST:**

---

Marie A. Calderon, City Clerk

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

---

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

**CERTIFICATION**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2013-30 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 26<sup>th</sup> day of March 2013 by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

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



EXHIBIT "A"

RESOLUTION NO. 2011-33

UNDERGROUND UTILITIES DISTRICT FROM FOURTH STREET TO  
HARGRAVE STREET AND FROM LIVINGSTON STREET TO WILLIAMS STREET

**RESOLUTION NO. 2011-33**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING ESTABLISHING AN UNDERGROUND UTILITIES DISTRICT FROM FOURTH STREET TO HARGRAVE STREET AND FROM LIVINGSTON STREET TO WILLIAMS STREET.**

**WHEREAS**, the City of Banning owns and operates its Municipal Electric Utility;  
and

**WHEREAS**, the City of Banning will be undergrounding electrical utilities from Fourth Street east to Hargrave Street and from Williams Street south to Livingston Street; and

**WHEREAS**, the Downtown Corridor Underground Utilities District must be formed to enable the City to require other utility companies to underground their utilities in the designated area; and

**WHEREAS**, the requirement of the undergrounding of utilities in the area of Fourth Street east to Hargrave Street and from Williams Street south to Livingston Street through the Downtown Corridor Underground Utility District as shown in Exhibit "A" will eliminate a heavy concentration of overhead distribution facilities, as well as, be another step towards the beautification of the downtown area of the City of Banning;

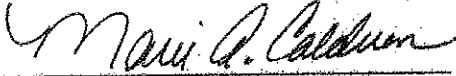
**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Banning as follows:

SECTION 1. Authorize the formation of the Downtown Corridor Underground Utilities District for the undergrounding of utilities as shown in Exhibit "A".

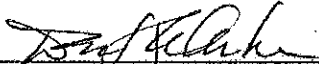
**PASSED, ADOPTED AND APPROVED** this 10<sup>th</sup> day of May, 2011.

  
Barbara Hanna, Mayor

**ATTEST:**

  
Marie A. Calderon, City Clerk

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

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

**CERTIFICATION**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2011-33 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 10<sup>th</sup> day of May, 2011 by the following vote, to wit:

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

NOES: None

ABSTAIN: None

ABSENT: None


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

Exhibit "A"

Resolution No. 2011-33

# DOWNTOWN UNDERGROUND CONVERSION ZONE

4TH ST		
3RD ST		HAYS ST
2ND ST		ST
1ST ST		
SAN GORGONIO AVE		
	MURRAY ST	
	ALESSANDRO ST	
LIVINGSTON ST	MARTIN ST	
		WILLIAMS ST
ALOLA ST		
	RAMSEY ST	
	HARGRAVE ST	

EXHIBIT "B"

RESOLUTION NO. 2012-30

DOWNTOWN DECORATIVE LIGHTING PLAN

**RESOLUTION NO 2012-30**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING APPROVING  
THE DOWNTOWN DECORATIVE LIGHTING PLAN**

**WHEREAS**, the City of Banning owns and operates its Municipal Electric Utility; and

**WHEREAS**, the City has implemented policy to beautify and revitalize the area commonly referred to as the Downtown Corridor (shown in Exhibit "A") and wishes to install decorative streetlights in said area; and

**WHEREAS**, the City's Electric Utility is commencing its Downtown Undergrounding Project; and

**WHEREAS**, the City wishes to maximize efficiency and minimize cost by performing the decorative streetlight installation in conjunction with the Downtown Undergrounding Project; and

**WHEREAS**, the Electric department staff have developed cost estimates for two options (shown in Exhibit "B"); and

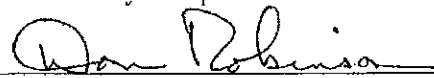
**WHEREAS**, an appropriation of funds from the Electric Improvement Fund balance is needed to account no. 673-7000-473.96-29;

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

SECTION 1: Adopt Resolution 2012-30 approving the downtown decorative lighting plan as selected by the City Council, and authorize the City Manager or his designee to implement said plan.

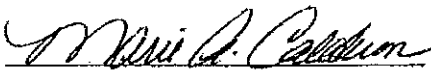
SECTION 2: The Administrative Services Director is authorized to make the necessary budget adjustments related to these funds.

**PASSED, APPROVED, AND ADOPTED** this 10<sup>th</sup> day of April 2012.



Don Robinson, Mayor  
City of Banning

**ATTEST:**



Marie A. Calderon, City Clerk

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




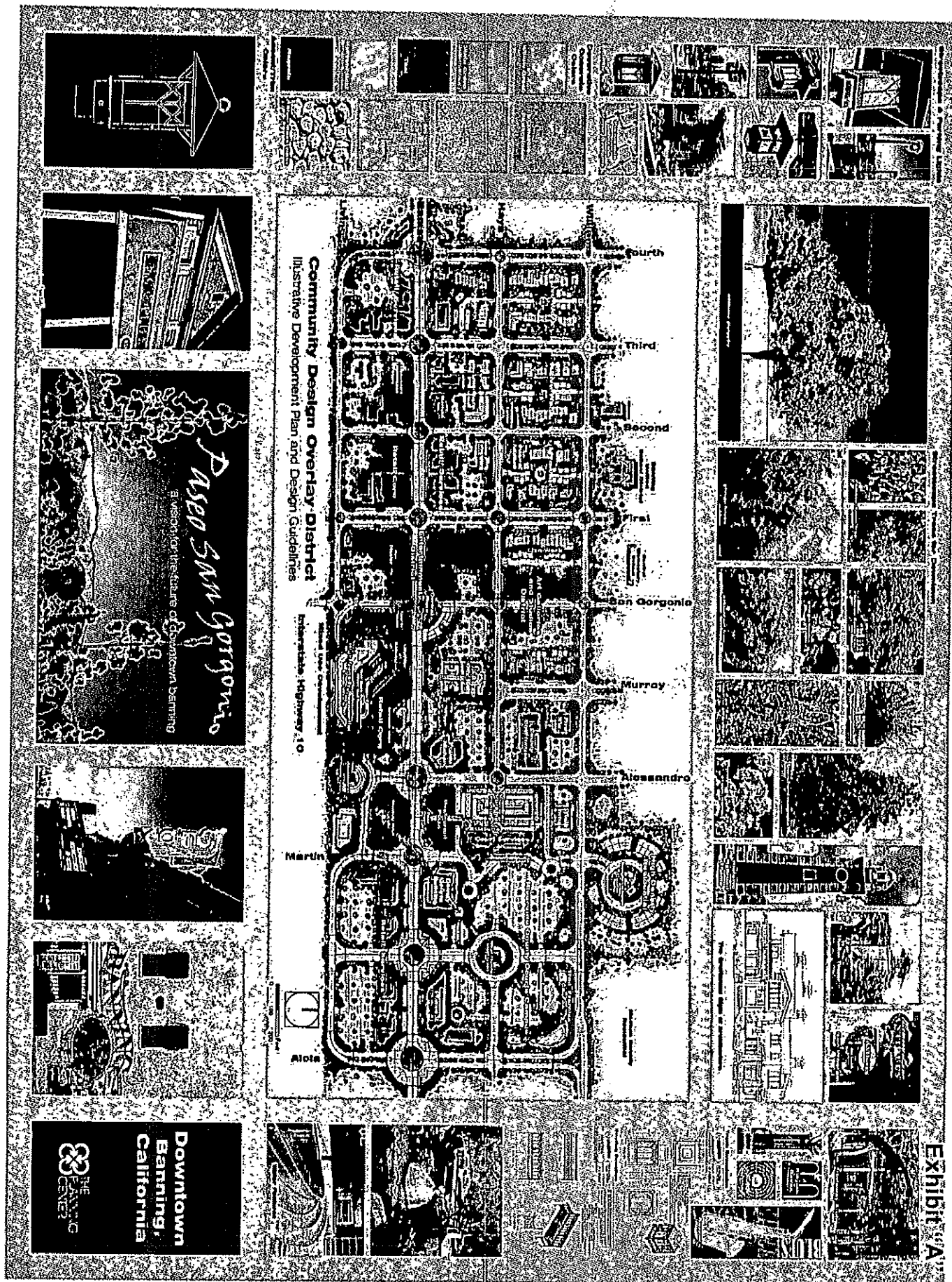
David J. Aleshire, City Attorney  
Aleshire & Wynder, LLP

**CERTIFICATION**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2012-30 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 10<sup>th</sup> day of April, 2012, by the following vote, to wit:

AYES: Councilmembers Botts, Franklin, Hanna, Machisic, Mayor Robinson  
NOES: None  
ABSTAIN: None  
ABSENT: None

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





Option One: Decorative Lights - Entire Downtown Corridor

Street Segment	Total Distance (ft)	Average Street Width (ft)	Assigned Streetlight	Height (ft)	Finish	Bulb Type	Cost (streetlight, concrete base, & installation)	Staggered Spacing Distance (ft)	Quantity	Total Cost
Hays St (4th to Alessandro)	2,100	35	Decorative equivalent	18	Green Patina	150W HPS	\$ 2,700	75	28	\$ 75,600
Ramsey St (8th to Hargrave)	5,300	50	Decorative equivalent	18	Green Patina	150W HPS	\$ 2,700	50	106	\$ 286,200
Livingston St (4th to Aloia)	3,200	30	Decorative equivalent	18	Green Patina	150W HPS	\$ 2,700	75	43	\$ 115,290
4th St (Livingston to Williams)	1,050	65	Decorative equivalent	25	Green Patina	250W HPS	\$ 3,500	75	14	\$ 49,000
3rd St (Livingston to Williams)	1,050	65	Decorative equivalent	25	Green Patina	250W HPS	\$ 3,500	75	14	\$ 49,000
2nd St (Livingston to Williams)	1,050	40	Decorative equivalent	18	Green Patina	150W HPS	\$ 2,700	50	21	\$ 56,700
1st St (Livingston to Williams)	1,050	65	Decorative equivalent	25	Green Patina	250W HPS	\$ 3,500	75	14	\$ 49,000
San Geronio (Livingston to Wilson)	3,200	40	Decorative equivalent	18	Green Patina	150W HPS	\$ 2,700	50	64	\$ 172,800
Alessandro Rd (Ramsey to Williams)	550	35	Decorative equivalent	18	Green Patina	150W HPS	\$ 2,700	50	21	\$ 56,700
Martin St (Livingston to Williams)	1,050	45	Decorative equivalent	18	Green Patina	150W HPS	\$ 2,700	50	21	\$ 56,700
Murray St (Hays to Williams)	350	65	Decorative equivalent	25	Green Patina	250W HPS	\$ 3,500	75	5	\$ 16,450
Aloia St (Livingston to Ramsey)	300	35	Decorative equivalent	18	Green Patina	150W HPS	\$ 2,700	75	4	\$ 10,800

Total Distance of Additional Trench = 10,400  
Estimated Infrastructure Costs = \$15/LF

18' totals = 298  
25' totals = 47

Streetlights: \$ 967,240  
Infrastructure: \$ 156,000  
Grand Total: \$ 1,123,240

Option Two: Decorative Lights - Ramsey Street & San Geronio Avenue

Street Segment	Total Distance (ft)	Average Street Width (ft)	Assigned Streetlight	Height (ft)	Finish	Bulb Type	Cost (streetlight, concrete base, & installation)	Staggered Spacing Distance (ft)	Quantity	Total Cost
Ramsey St (8th to Hargrave)	5,300	50	Decorative equivalent	18	Green Patina	150W HPS	\$ 3,000	50	106	\$ 318,000
San Geronio (Livingston to Wilson)	3,200	40	Decorative equivalent	18	Green Patina	150W HPS	\$ 3,000	50	64	\$ 192,000

Total Distance of Additional Trench = 3,200  
Estimated Infrastructure Costs = \$15/LF

18' totals = 170

Streetlights: \$ 510,000  
Infrastructure: \$ 48,000  
Grand Total: \$ 558,000

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EXHIBIT "C"

SUMMARY OF BIDS RECEIVED FOR PROJECT NO. 2013-01EL DOWNTOWN  
UNDERGROUND PROJECT – PHASE 1

**SUMMARY OF BIDS RECEIVED  
CITY OF BANNING**

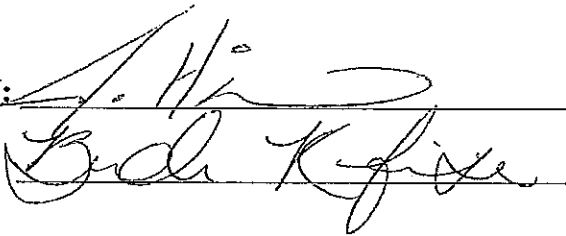
**PROJECT NO.:** 2013-01EL

**DESCRIPTION:** DOWNTOWN UNDERGROUND PROJECT – PHASE 1

**BID OPENING DATE:** February 21, 2013 **TIME:** 2:30 p.m.

NAME OF BIDDER:	BID BOND	SCHEDULE 1	ADDENDUM	TOTAL BID AMOUNT:
FLATIRON ELECTRIC GROUP, INC Chino, CA				314,287.00
CASS CONSTRUCTION, INC. El Caton, CA				256,780.00
W.A. RASIC CONSTRUCTION Long Beach, CA				527,775.00
SO. CAL. WEST COAST ELECTRIC Beaumont, CA				179,069.50

**VERIFIED BY:**



SECTION 1.3  
OF  
PROCEDURAL DOCUMENTS

BID

Proposal of Southern California West Coast Electric Inc.,  
hereinafter called "bidder", organized and existing under the laws of the State of California,  
doing business as Southern California West Coast Electric Inc.  
\*insert "a corporation", "a partnership", or "an individual", as applicable.

To the CITY OF BANNING, hereinafter called "Owner":

In compliance with your Invitation for Bids and Instruction to Bidders, Bidder hereby proposes to perform all work for the **Project No. 2013-01EL, "Downtown Underground Project – Phase 1"** in strict accordance with the Contract Documents, within the time set forth therein, and at the prices stated below.

By submission of this Bid, the Bidder certifies, and in the case of a joint Bid each party thereto certifies as to his own organization that this Bid has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this Bid with any other Bidder or with any competitor.

Bidder hereby agrees that the Owner shall have a period of forty-five (45) calendar days after opening of bids within which to accept or reject the bids.

Bidder agrees to commence work under this contract on or before a date to be specified in the Notice to Proceed and to achieve **Substantial Completion within thirty (30) calendar days**. Final Completion shall be achieved within seven (7) calendar days following receipt of Substantial Completion punch-list.

Bidder agrees that if the project is not fully completed within said time, he shall pay as liquidated damages, the sum of **\$500.00** for each calendar day thereafter as provided in the General Conditions, and that this amount shall be presumed to be the amount of damages sustained by Owner in the event of such a breach by Bidder, as it would be impractical or extremely difficult to fix the actual damage.

# BID SCHEDULE

PROJECT NO. PROJECT NO. 2013-01EL, "Downtown Underground Project - Phase 1"

## BID SHEET AND UNIT PRICE

Remove temporary and pave with new asphalt

Bid Unit Price Shall Include All Applicable Taxes

The Bid Schedule includes Bid Items 1 through 20. The work of each Bid Item is specified or shown in the Contract documents.

Bidder will perform and complete the work in accordance with the Contract documents for the following Lump Sum and Unit Prices.

A Lump Sum or Unit Price, as applicable, shall be offered for each Bid Item; failure to do so shall render the Bid non-responsive. All prices shall be in legible figures (not words) written in ink or typed. Unit Prices shall be multiplied by the Estimated Quantity ("Est. Qty.") to calculate the Extended Amount.

**Lump Sum Items:** the bidder is to provide the price to perform all work as specified or shown herein, including labor, materials, equipment and all overhead and profit, as well as any other ancillary costs associated with completing this work.

**Unit Price Items:** the bidder is to provide a unit price and should include all labor, materials, equipment and all overhead and profit, as well as any other ancillary costs associated with completing the work. The Contractor will be compensated for the actual unit quantities performed in accordance with the terms and conditions set forth in the Contract.

The **Total Bid Price** shall be the sum of the Extended Amounts for Bid Items 1 through 20.

Having carefully examined the Contract documents, as well as the site of the work, and the availability of materials and labor, Bidder proposes to perform the work identified in the Contract documents under the terms and conditions contained herein for the prices and amounts set forth below.

Bid Item	Description	Est. Qty.	Unit	Unit Price	Extended Amount
1	Potholing	1	LS		\$ 5,280 <sup>00</sup>
2	Trench Excavation and Native Backfill for primary with 36" minimum cover depth	650	LF	8.46	\$ 5,500 <sup>00</sup>
3	Trench Excavation and Native Backfill for secondary with minimum 24" cover depth	4800	LF	9.24	\$ 44,379 <sup>00</sup>
4	Installation of Conduit	6000	LF	3.41	\$ 20,493 <sup>00</sup>

Bid Item	Description	Est. Qty.	Unit	Unit Price	Extended Amount
5	Slurry Backfill (price adjustment) *	120	LF	12.50	\$1,500 <sup>00</sup>
6	Installation of Handhole	1	LS		\$7,450
7	Installation of Sweep	225	EA	13.14	\$3,353
8	Installation of Raceways	1	EA	650	\$650
9	Installation of PVC Risers	80	LF	10.56	\$845 <sup>00</sup>
10	Installation of Steel Galvanized Risers	25	LF	62.68	\$1,567 <sup>00</sup>
11	Installation of Single-Phase Transformer Pad	4	EA	1,700	\$6,800
12	Installation of Three-Phase Transformer Pad	1	EA	2250	\$2250
13	Installation of Street Light Base	28	EA	650	\$18,200
14	Demolition and Removal of Existing Street Light and Base	14	EA	360	\$5040
15	Removal of Abandoned Water Line	325	LF	1.50	\$48750
16	Installation of Protective Barriers	16	EA	225	\$3600
17	Installation of Retaining Wall	1	LS		\$4,675
18	Concrete Sidewalk and Pavement Restoration	35	CY	5.14 <sup>28</sup>	\$18,000
19	Asphalt Concrete Pavement Restoration	45	CY	544.44	\$24,500
20	Landscape Restoration	1	LS		\$4,500
TOTAL BID PRICE					\$179,069 <sup>00</sup>

\* Slurry Backfill shall constitute a unit price adjustment to Bid Items 2 and 3. The unit price adjustment shall include all costs associated with the use of Slurry Backfill in lieu of native material for trench backfill, including the removal and disposal of surplus native material not used in the work. The unit price adjustment shall be made when Slurry Backfill is called for on the Drawings or as directed by the City. The unit price adjustment shall not be made when Slurry Backfill is used at the Contractor's decision in place of native backfill.

## ADDENDA

Bidder acknowledges receipt of the following Addenda:

Addendum No.: 1

DATED: 15<sup>th</sup> Feb. - *[Signature]*

Addendum No.: 2

DATED: 19<sup>th</sup> Feb. - *[Signature]*

Addendum No.: 3

DATED: 20<sup>th</sup> Feb. - *[Signature]*

Note: All addenda shall be signed by the Bidder and submitted with the Bid Package

NON COLLUSION AFFIDAVIT

STATE OF CALIFORNIA

COUNTY OF Riverside

Southern California West Coast Electric Inc., being first duly sworn, the party making the  
(Name of Bidder)

foregoing bid; that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

[Signature]

(Signature)

Jessie Birchard

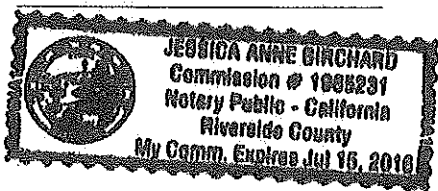
(Typed Name)

SUBSCRIBED BEFORE ME on this 28<sup>th</sup> day of Feb., 2013.

[Signature]

Notary Public

My commission Expires:





## BID SECURITY OR BOND

There is enclosed herewith bid security or bond in the following form (check one):

- ☐ Cash (10%)  
☐ Cashier's Check or Certified Check (10%)  
☒ Bond - 1 Surety (10%)

in the sum of 17,906.95 (10) percent of the base bid of One Hundred Seventy Nine Thousand Nine Hundred Fifty (\$179,069.50), made payable to the order of the City of Banning, and the undersigned agrees that in case of his failure to execute the necessary Contract and furnish the required bonds and insurance certificates, the cashier's check or surety bond and the money payable thereon shall be and remain the property of the CITY OF BANNING.

### WITHDRAWAL OF BID

The Bidder agrees that this Bid shall be good and may not be withdrawn for a period of forty-five (45) calendar days after the scheduled closing time for receiving Bids.

### VISITING THE SITE

The undersigned has thoroughly examined the Location Map and Addenda (if any), has visited the site, and is thoroughly familiar with the contents and all of the conditions thereof. The undersigned is aware of and will observe all security regulations enforced at this facility. Contractor understands that the project site consists of various locations, throughout the City.

### DESIGNATION OF SUBCONTRACTORS

In compliance with the provisions of Section 4100 - 4108 of the Public Contract Code of the State of California, and any amendments thereto, each Bidder shall set forth below, the name and location of the mill, shop, or office of each subcontractor who will perform work or labor, or render service to the Contractor in an amount in excess of one-half ( $\frac{1}{2}$ ) of one (1) percent of the total Bid to be performed under the Contract, he shall be deemed to have agreed to perform such portion himself and he shall not be permitted to subcontract that portion of the work except under conditions permitted by law.

### LIST OF SUBCONTRACTORS

Subletting or subcontracting of any portion of the work as to which no subcontractor was designated in the original Bid shall only be permitted in case of public emergency or necessity, or otherwise permitted by law, and then only after a finding reduced to writing as a public record of the Owner.

# LIST OF SUBCONTRACTORS

NAME: Bullseye Boring	License No and Classification 9263520 C.34	DBE/MBE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ADDRESS: 915 Douglas St.	Telephone: 909-795-7594 Fax: 909-795-6984	Ownership (Circle One) Minority Women <input checked="" type="radio"/> Not Applicable
City, Zip: Calimesa, Ca. 92320	Bid Item No. 4	% of Total bid 10%

NAME: Allen Engineering	License No and Classification A-854886	DBE/MBE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ADDRESS: 11655 Riverview Dr.	Telephone: 909-478-5500 Fax: 909-478-9584	Ownership (Circle One) Minority Women <input checked="" type="radio"/> Not Applicable
City, Zip: San Bernardino, Ca. 92408	Bid Item No. 14, 15, 16, 17, 18, 19, 20	% of Total bid 25%

NAME: Persall Masonry	License No and Classification C-29 547593	DBE/MBE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ADDRESS: 252 W. 4 <sup>th</sup> Street Suite F	Telephone: 951-845-4545 Fax: 951-769-1805	Ownership (Circle One) Minority Women <input checked="" type="radio"/> Not Applicable
City, Zip: Beaumont, Ca. 92223	Bid Item No. 17	% of Total bid 2.5%

LIST OF MATERIAL SUPPLIERS

NAME: Robertsons	MATERIAL(S) TO BE SUPPLIED ready mix concrete	
ADDRESS: 200 S. main st. Suite 200	Telephone: 800-834-7557	Ownership (Circle One) Minority Women <u>Not Applicable</u>
City, Zip: Corona, Ca. 92882	Bid Item No. 18, 19	% of Total bid 4%

NAME: matich Corporation	MATERIAL(S) TO BE SUPPLIED Asphalt	
ADDRESS: 13984 Apache Trail	Telephone: 951-844-8280	Ownership (Circle One) Minority Women <u>Not Applicable</u>
City, Zip: Carson, Ca. 92230	Bid Item No. 18, 19	% of Total bid 4%

NAME: CED: Consolidated Electrical Dist	MATERIAL(S) TO BE SUPPLIED electrical materials	
ADDRESS: 252 W. 4th Street Suite C	Telephone: 951-922-2252	Ownership (Circle One) Minority Women <u>Not Applicable</u>
City, Zip: Bakersfield, Ca. 92223	Bid Item No. 8, 9, 10, 11, 12, 13	% of Total bid 4.5%

LIST OF MATERIAL SUPPLIERS - cont.

NAME: KASCO Enterprises Inc.	MATERIAL(S) TO BE SUPPLIED All PIC order	
ADDRESS: 645 S. Santa Fe Street	Telephone: 714-836-5970	Ownership (Circle One) Minority Women <u>Not Applicable</u>
City, Zip: Santa Ana, Ca. 92705	Bid Item No. 4.7.9	% of Total bid 5.5%

NAME:	MATERIAL(S) TO BE SUPPLIED	
ADDRESS:	Telephone:	Ownership (Circle One) Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total bid

NAME:	MATERIAL(S) TO BE SUPPLIED	
ADDRESS:	Telephone:	Ownership (Circle One) Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total bid

## LIST OF MATERIALS

The Contractor shall submit this sheet with his Bid, completed, to list details of materials he intends to use. It shall be understood that where the Contractor elects not to use the material manufacturers called for in the Contract documents he will substitute only items of equal quality, durability, functional character and efficiency as determined by the Engineer. It is the Contractor's responsibility to ascertain prior to bidding the acceptability of substitutes. No adjustment to the Contract price will be made for Contractor's failure to seek approval of substitutes prior to submitting its bid, except as permitted herein. Only one manufacturer shall be listed for each item.

Item #	Item or Material Description	Qty	Manufacturer	Make & Model Number	Vendor / Supplier
18/19	500-C-3258	35 yds	Robertsons	GC560B31	Robertsons
18/19	500-C-2500	10 yds	Robertsons	GC520B31	Robertsons
18/19	2 sack sand slurry	10 yds	Robertsons	RC188N13	Robertsons
18/19	SEE 2.02 enclosure 140-E-488	17 yds	Robertsons	34 303	Robertsons
14/19	city standard for asphalt repair	45 yds	matich	city standard for asphalt repair	matich
9, 7, 9	PVC	5,000 ft.	Imepak	schedule 40 schedule 80	Kasco
8-13	grinding material	multiple	erico	Varies	CED
8-13	g/c conduit	20 ft	wheatland	Varies	CED
8-13	cu-conduit	100 ft	southwire	Varies	CED

No change shall be allowed of any material manufacturer listed above after receipt of Bids unless the manufacturer so listed cannot furnish materials meeting the Specifications. Should such change be allowed, there will be no increase in the amount of the Bid originally submitted.

## ANTI-TRUST CLAIM

In submitting a Bid to a public purchasing body, the Bidder offers and agrees that if the Bid is accepted, it will assign to the purchasing body all rights, title and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Section 15) or under the Cartwright Act (Chapter 2 of Part 2 of Division 7 of the Business and Professions Code) arising from purchases of goods, materials, or services by the Bidder for sale to the purchasing body pursuant to the Bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the Bidder.

## DECLARATION OF ACCURACY

I, the undersigned, declare under penalty of perjury that the information presented in this bid, including without limitation the Contractor's license number and expiration date, are true and correct to the best of my knowledge. The bid of any Bidder not signed by the Bidder, or not containing the Bidder's license number and license expiration date, or containing information which is subsequently proven false, shall be considered nonresponsive and shall be rejected.

[Signature]  
Signature  
President  
Title  
2/20/13  
Date  
462222  
Contractor's License No.  
33-0202816  
Federal ID No. (If applicable)

252 W. 4<sup>th</sup> Street Beaumont  
Address  
Beaumont, CA 92223  
City, State, Zip  
951-849-4223  
Telephone  
C-18  
Type of License  
Aug 31, 2014  
Expiration Date of License

(SEAL - if Bid is by a corporation)

ATTEST

CERTIFICATION  
LABOR CODE - SECTION 1861

I, the undersigned Contractor, am aware of the provisions of Section 3700 et. Seq. of the Labor Code which requires every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I, the undersigned Contractor, agree to and will comply with such provisions before commencing the performance of the Work of this Contract.

Contractor agrees to utilize federal job classifications for the submittal of the certified payrolls and further agrees to pay all of its employees the higher of the prevailing State or Federal wages.

CONTRACTOR:

Southern California West Coast Electric Inc.  
Firm Name

Clyde Birchard  
By

President  
Title

## QUESTIONNAIRE REGARDING BIDDERS

Number of years engaged in the contracting business under present business name 27 yrs.

List of at least the last three contracts performed which show experience in working on a project of a nature similar to that covered in this proposal. If none, so indicate. Attach separate list of references if necessary.

Year	Type of Work	Contract Amt.	Location	Contact person/phone
1 2010	city utilities, street lighting, water infrastructure	\$143,972 <sup>12</sup>	32512 Azres, Dana Point, Ca. 92629	Bill Urbano 714-313-7751
2 2012	city utilities, street lighting, water infrastructure	\$194,458 <sup>00</sup>	3845 Market Street, Riverside, Ca. 92501	April Root 951-684-5901
3 2013	city utilities, street lighting, water infrastructure	\$427,023 <sup>82</sup>	PO Box 14430, Palm Desert, Ca. 92255	Den Jacobsson 760-345-8788
4				
5				
6				
7				

State of California Contractor's License No.: 462222

Contractor's License Expiration Date: August 31, 2014



SECTION 1.4  
OF  
PROCEDURAL DOCUMENTS  
BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, Southern California West Coast Electric, Inc., as Principal, and SureTec Insurance Company, as Surety, are hereby held and firmly bound unto the CITY OF BANNING as Owner in the penal sum of Ten Percent of Bid Amount (10%)\*\*\* for payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, successors and assigns.

Signed, this 20th day of February, 2013. The Condition of the above obligation is such that whereas the Principal has submitted to the CITY OF BANNING a certain Bid; attached hereto and hereby made a part hereof to enter into a contract in writing for the

**Project No. 2013-01EL, "Downtown Underground Project - Phase 1"**

NOW, THEREFORE,

- A. If said Bid shall be rejected, or
- B. If said Bid shall be accepted and the Principal shall execute and deliver, within fifteen (15) days after the Notice of Award, a contract in the form attached hereto (properly completed in accordance with said Bid) and shall furnish a Bond for his faithful performance of said Contract and for the payment of all persons performing labor or furnishing materials in connection therewith, the required Insurance Certificates, and shall in all other respects perform the agreement created by the acceptance of said Bid, then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims there under shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its Bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgment is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

Two Witnesses  
(If Individual):

\_\_\_\_\_  
\_\_\_\_\_

Principal: Southern California West Coast Electric, Inc.

By: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST (If Corporation):

By: \_\_\_\_\_

Title: \_\_\_\_\_

(Corporate Seal)

SURETY: SureTec Insurance Company

By: \_\_\_\_\_

Title: Donna L. Welsh, Attorney-in-Fact

ATTEST:

By: \_\_\_\_\_

Title: Debbie L. Welsh, Senior Account Executive

(Corporate Seal)

**IMPORTANT:** Surety companies executing Bonds must possess a certificate of authority from the California Insurance Commissioner authorizing them to write surety insurance defined in Section 105 of the California Insurance code.

Any claims under this bond may be addressed to:

(Name and Address of Surety)

SureTec Insurance

3033 5th Avenue, Suite 300

San Diego, CA 92103

(619) 400-4107

(Name and address of Agent or Representative in California, if different from above)

M.B. McGowan & Associates Insurance Agency, Inc.

7250 Redwood Blvd., Suite 110

Novato, CA 94945

(415) 892-1080

(Telephone number and address of Surety and Agent or Representative in California)

Suretec Insurance  
3033 5th Ave Suite 300  
San Diego CA 92103  
(619) 400-4107

## CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of MARIN

On February 20, 2013 before me, Donna J. Frowd, Notary Public, personally appeared Donna L. Welsh who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

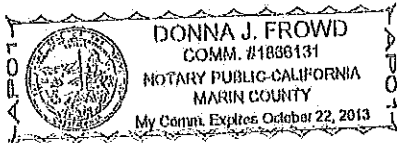
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(seal)

Signature

Donna J. Frowd



# SureTec Insurance Company

## LIMITED POWER OF ATTORNEY

*Know All Men by These Presents*, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Michael B. McGowan, Donna J. Frowd, Debbie L. Welsh, Donna L. Welsh

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for:

Five Million Dollars and no/100 (\$5,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment shall continue in force until 10/31/2013 and is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

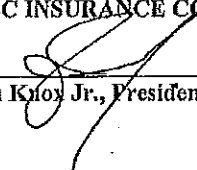
*Be It Resolved*, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

*Attorney-in-Fact* may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

*Be It Resolved*, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20<sup>th</sup> of April, 1999.)

*In Witness Whereof*, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 3rd day of September, A.D. 2010.

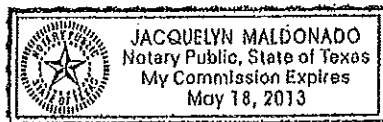
SURETEC INSURANCE COMPANY

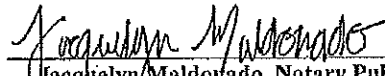
By:   
John Knox Jr., President

State of Texas ss:  
County of Harris



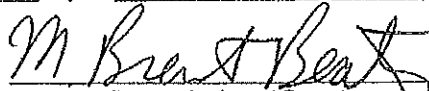
On this 3rd day of September, A.D. 2010 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.



  
Jacquelyn Maldonado, Notary Public  
My commission expires May 18, 2013

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 20<sup>th</sup> day of February, 2013, A.D.

  
M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.  
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:00 am and 5:00 pm CST.

STATE OF CALIFORNIA  
DEPARTMENT OF INSURANCE N° 08138  
SAN FRANCISCO

## Certificate of Authority

THIS IS TO CERTIFY THAT, Pursuant to the Insurance Code of the State of California,

SureTec Insurance Company

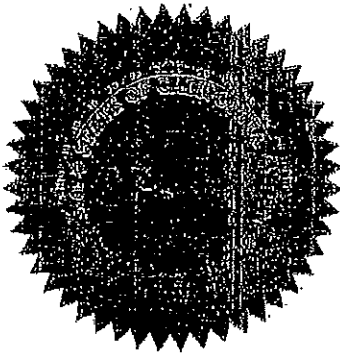
of Texas, organized under the  
laws of Texas, subject to its Articles of Incorporation or  
other fundamental organizational documents, is hereby authorized to transact within the State, subject to  
all provisions of this Certificate, the following classes of insurance:

Surety

as such classes are now or may hereafter be defined in the Insurance Laws of the State of California.

THIS CERTIFICATE is expressly conditioned upon the holder hereof now and hereafter being in  
full compliance with all, and not in violation of any, of the applicable laws and lawful requirements made  
under authority of the laws of the State of California as long as such laws or requirements are in effect  
and applicable, and as such laws and requirements now are, or may hereafter be changed or amended.

IN WITNESS WHEREOF, effective as of the 24th  
day of October, 2005, I have hereunto  
set my hand and caused my official seal to be affixed this  
24th day of October, 2005



John Garamendi  
Insurance Commissioner

By

Patricia K. Staggs  
for Richard D. Baum Deputy  
Chief Deputy

### NOTICE:

Qualification with the Secretary of State must be accomplished as required by the California Corporations Code promptly after issuance of this Certificate of Authority. Failure to do so will be a violation of Insurance Code Section 701 and will be grounds for revoking this Certificate of Authority pursuant to the covenants made in the application therefor and the conditions contained herein.



Company Profile  
 Company Search  
 Company Search Results  
 Company Information  
 Old Company Names  
 Agent for Service  
 Reference Information  
 NAIC Group List  
 Lines of Business  
 Workers' Compensation  
 Complaint and Request for Action/Appeals  
 Contact Information

Financial Statements  
 PDF's

Annual Statements  
 Quarterly Statements

Company Complaint

Company Performance & Comparison Data

Company Enforcement Action

Composite Complaints Studies

Additional Info

Find A Company Representative In Your Area

View Financial Disclaimer

## COMPANY PROFILE

### Company Information

**SURETEC INSURANCE COMPANY**  
 1330 POST OAK BLVD., SUITE 1100  
 HOUSTON, TX 77056

### Old Company Names

Effective Date

### Agent For Service

NANCY FLORES  
 C/O CT CORPORATION SYSTEM  
 818 WEST SEVENTH STREET  
 LOS ANGELES CA 90017

### Reference Information

NAIC #:	10916
California Company ID #:	4914-8
Date Authorized in California:	10/24/2005
License Status:	UNLIMITED-NORMAL
Company Type:	Property & Casualty
State of Domicile:	TEXAS

[back to top](#)

### NAIC Group List

NAIC Group #: 0000

### Lines Of Business

The company is authorized to transact business within these lines of Insurance.  
 For an explanation of any of these terms, please refer to the glossary.

SURETY

[back to top](#)

© 2008 California Department of Insurance

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CORPORATE CERTIFICATE

I, Shirley Birchard, certify that I am the Corporate Secretary of the Southern California West Coast Electric Inc. Corporation named as CONTRACTOR in the foregoing contract; that Clyde Birchard, who signed said contract on behalf of the CONTRACTOR was then President of said corporation; and that said contract was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Name: 

(SEAL)

ATTEST:

  
Name Jessica Birchard

(Please Print)

Title Estimating Administration



February 27, 2013

Mr. Clyde Birchard  
Southern California West Coast Electric  
252 W. 4th Street #F  
Beaumont, CA 92223

Subject: **Southern California West Coast Electric – Bid Documents**

Dear Clyde:

The City of Banning and SAIC (Construction Administrator) completed review of the bid documents submitted by Southern California West Coast Electric. You are currently the apparent low bid on the City's Project No. 2013EL01, "Downtown Underground Project – Phase 1".

During our review we noted potential inconsistencies and therefore require that you confirm the validity of all of the unit prices and lump sum amounts included in your bid. Note that you will be compensated for the actual quantities of work performed at the unit prices listed, or in the case of lump sum bid items, at the amount listed to complete all work required.

Your signature below confirms the unit prices and lump sum amounts submitted, and the City plans to proceed with their process for awarding the Construction Contract.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

If you cannot confirm the unit prices and lump sum amounts in your bid, the City will allow you to withdraw your bid without forfeiture of your Bid Bond. If you would like to withdraw your bid, acknowledge by signing in the space below.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

SCWCE\_Bid 01.docx

SAIC Energy, Environment & Infrastructure, LLC

999 Third Avenue, Suite 500 | Seattle, WA 98104 | 206.695.4700 | saic.com/eeandi

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Mr. Clyde Birchard  
February 27, 2013  
Page 2

Please return the signed letter to the attention of Steve Baumgart at [stephen.c.baumgart@saic.com](mailto:stephen.c.baumgart@saic.com) or 206-695-4701 (fax). Your response must be received within 24 hours of receipt of this letter.

Sincerely,

**SAIC Energy, Environment & Infrastructure, LLC**

A handwritten signature in black ink, appearing to read 'D. Ernst', written over a horizontal line.

Dru Ernst  
Construction Manager

**NOTICE INVITING TO BID**  
**PROJECT TITLE: NO. 2013-01EL**  
**"DOWNTOWN DISTRIBUTION UNDERGROUNDING CONVERSION**  
**PHASE 1"**

**OWNER:** City of Banning.

**PROJECT DESCRIPTION:** The principal items of work are providing labor, material and equipment to install facilities necessary for the conversion of the City's overhead electrical distribution system in downtown Banning to underground.

**PLANS & SPECS:** Available February 4, 2013 at 176 E. Lincoln, (951) 922-3260; first set free, additional sets non-refundable \$25 check per set + \$10 for mailing (optional).

**QUESTIONS REGARDING PROJECT:** Any questions pertaining to this Invitation to Bid shall be directed to Dru Ernst, SAIC (Construction Manager), at (206) 695-4795.

**REQUIREMENTS:** Prevailing Wage, Certified Payroll, Bid Bond, Payment and Performance Bond, Contractor's License.

**MANDATORY PRE-BID MEETING:** February 12, 2013 @ 10:00 a.m. at 176 E. Lincoln, Banning, CA to discuss the Description of Work. Site walk through will immediately follow.

**SEALED BIDS DUE:** February 21, 2013 and opened publicly @ 2:30 p.m. by the City Clerk's Office at 99 E. Ramsey, Banning, CA.

CITY OF BANNING, CALIFORNIA

Dated: January 30, 2013

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Marie A. Calderon  
City Clerk

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# Project No. 2013 EL01 - "Downtown Underground Project - Phase 1"

## Pre Bid Meeting and Job Walk

	Contractor Name	Contractor Phone #	Contact Person
1	J.P. Nelson & Sons	951 836 0633	J.P.
✓ 2	HELMER ENGINEERING	714-733-3283	Robert
✓ 3	REGENCY-PACIFIC DEV. CORP.	951-797-6559	LEO KRAMER
✓ 4	Elatron corp electrical group	914 228 9631	MORRIS DILLGARD
✓ 5	WA RASIC CONST	562 928 6111	PAUL BAUMER
✓ 6	MP NexLevel & California Inc.	559-474-1329	Louis Morand
✓ 7	CASS CONSTRUCTION	909-208-5151	MICHELLE KELLERMAN
✓ 8	Socal West Coast Electric, Inc.	(951) 849-4223	BRIAN BABIN
9			
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**SUMMARY OF BIDS RECEIVED  
CITY OF BANNING**

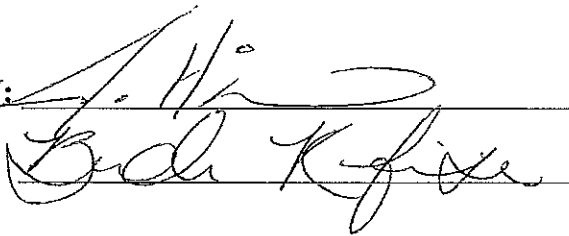
**PROJECT NO.:** 2013-01EL

**DESCRIPTION:** DOWNTOWN UNDERGROUND PROJECT - PHASE 1

**BID OPENING DATE:** February 21, 2013 **TIME:** 2:30 p.m.

NAME OF BIDDER:	BID BOND	SCHEDULE 1	ADDENDUM	TOTAL BID AMOUNT:
FLATIRON ELECTRIC GROUP, INC Chino, CA				314,287.00
CASS CONSTRUCTION, INC. El Caton, CA				256,780.00
W.A. RASIC CONSTRUCTION Long Beach, CA				527,775.00
SO. CAL. WEST COAST ELECTRIC Beaumont, CA				179,069.50

**VERIFIED BY:**



City of Banning Electric Department  
Downtown Underground Project - Phase 1 (Projects 5 & 7)  
Bid Comparison

Compiled by: SAIC, Dru Ernst  
Date: 25-Feb-13

Bid Item	Description	Est. Qty.	Unit	SCWCE		Cass Construction		Flatiron Electric Group		WA Basic	
				Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
1	Potholing	1	LS		\$ 5,280.00		\$ 31,100.00		\$ 10,000.00		\$ 39,000.00
2	Trench Excavation and Native Backfill for primary with 36" minimum cover depth	650	LF	\$ 8.46	\$ 5,499.00	\$ 59.00	\$ 38,350.00	\$ 23.00	\$ 14,950.00	\$ 87.00	\$ 56,550.00
3	Trench Excavation and Native Backfill for secondary with minimum 24" cover depth	4800	LF	\$ 9.24	\$ 44,352.00	\$ 11.00	\$ 52,800.00	\$ 14.00	\$ 67,200.00	\$ 43.00	\$ 206,400.00
4	Installation of Conduit	6000	LF	\$ 3.41	\$ 20,460.00	\$ 2.50	\$ 15,000.00	\$ 8.50	\$ 51,000.00	\$ 2.00	\$ 12,000.00
5	Slurry Backfill (price adjustment)	120	LF	\$ 12.50	\$ 1,500.00	\$ 8.50	\$ 1,020.00	\$ 60.00	\$ 7,200.00	\$ 70.00	\$ 8,400.00
6	Installation of Handhole	1	LS		\$ 7,450.00		\$ 3,500.00		\$ 17,542.00		\$ 31,700.00
7	Installation of Sweep	225	EA	\$ 13.14	\$ 2,956.50	\$ 23.00	\$ 5,175.00	\$ 40.00	\$ 9,000.00	\$ 63.00	\$ 14,175.00
8	Installation of Raceways	1	EA	\$ 650.00	\$ 650.00	\$ 2,800.00	\$ 2,800.00	\$ 500.00	\$ 500.00	\$ 650.00	\$ 650.00
9	Installation of PVC Risers	80	LF	\$ 10.56	\$ 844.80	\$ 10.00	\$ 800.00	\$ 74.00	\$ 5,920.00	\$ 30.00	\$ 2,400.00
10	Installation of Steel Galvanized Risers	25	LF	\$ 62.68	\$ 1,567.00	\$ 72.00	\$ 1,800.00	\$ 40.00	\$ 1,000.00	\$ 55.00	\$ 1,375.00
11	Installation of Single-Phase Transformer Pad	4	EA	\$ 1,700.00	\$ 6,800.00	\$ 900.00	\$ 3,600.00	\$ 3,000.00	\$ 12,000.00	\$ 2,650.00	\$ 10,600.00
12	Installation of Three-Phase Transformer Pad	1	EA	\$ 2,250.00	\$ 2,250.00	\$ 1,200.00	\$ 1,200.00	\$ 4,400.00	\$ 4,400.00	\$ 4,900.00	\$ 4,900.00
13	Installation of Street Light Base	28	EA	\$ 650.00	\$ 18,200.00	\$ 550.00	\$ 15,400.00	\$ 890.00	\$ 24,920.00	\$ 750.00	\$ 21,000.00
14	Demolition and Removal of Existing Street Light and Base	14	EA	\$ 360.00	\$ 5,040.00	\$ 600.00	\$ 8,400.00	\$ 870.00	\$ 12,180.00	\$ 770.00	\$ 10,780.00
15	Removal of Abandoned Water Line	325	LF	\$ 1.50	\$ 487.50	\$ 21.00	\$ 6,825.00	\$ 35.00	\$ 11,375.00	\$ 35.00	\$ 11,375.00
16	Installation of Protective Barriers	16	EA	\$ 225.00	\$ 3,600.00	\$ 310.00	\$ 4,960.00	\$ 500.00	\$ 8,000.00	\$ 420.00	\$ 6,720.00
17	Installation of Retaining Wall	1	LS		\$ 4,675.00		\$ 2,400.00		\$ 7,100.00		\$ 6,300.00
18	Concrete Sidewalk and Pavement Restoration	35	CY	\$ 514.28	\$ 17,999.80	\$ 1,270.00	\$ 44,450.00	\$ 575.00	\$ 20,125.00	\$ 1,250.00	\$ 43,750.00
19	Asphalt Concrete Pavement Restoration	45	CY	\$ 544.44	\$ 24,499.80	\$ 370.00	\$ 16,650.00	\$ 575.00	\$ 25,875.00	\$ 820.00	\$ 36,900.00
20	Landscape Restoration	1	LS		\$ 4,500.00		\$ 550.00		\$ 4,000.00		\$ 2,800.00
TOTAL BID PRICE				\$	178,611.40	\$	256,780.00	\$	314,287.00	\$	527,775.00

**CITY COUNCIL  
CONSENT ITEM**

**DATE:** March 26, 2013

**TO:** City Council

**FROM:** Zai Abu Bakar, Community Development Director

**SUBJECT:** General Plan Annual Report Calendar Year 2012

**RECOMMENDATIONS:** That the City Council adopt Resolution No. 2013-32 approving the General Plan Annual Report for Calendar Year 2012 and directing staff to file the report with the State Office of Planning and Research and the State Department of Housing and Community Development.

**PLANNING COMMISSION REVIEW:** On March 6, 2013 the Planning Commission adopted Resolution No. 2013-03 recommending to the City Council the approval of the General Plan Annual Report for Year 2012. Prior to its adoption, the Planning Commission was briefed on the information provided, as well as, informed that this information is due to the State by April 1<sup>st</sup> of each year. The Commission received and filed the information and was supportive of the update.

**BACKGROUND:**

**Overview**

California state law requires that each city and county adopt a comprehensive, long-term General Plan to guide development in their city and land outside its boundaries that has relation to its city planning (Govt. Code §65300). The California Supreme Court has called the general plan the “constitution for future development.” The general plan expresses the community’s development goals and embodies public policy relative to the distribution of future land uses, both public and private. The purpose of the General Plan is to guide development and to improve the quality of life of the City’s residents as land development continues to occur.

**Required Elements in the General Plan**

State law requires that the General Plan include seven (7) mandated elements: land use, housing, traffic circulation, safety, parks and recreation, conservation, and noise. Each of these elements must have goals, policies, and objectives that would contribute to the overall quality of life for Banning residents. Non-mandated elements can be included in the General Plan; however, once the element is adopted, the goals, policies, and objectives in the non-mandated elements have equal status. For example, the land use policies are not any superior to the open space element or economic development element. Each of the element goals, policies, and objectives shall be internally consistent in text, maps, and diagrams in that they cannot conflict with each other.

### Amendment to the General Plan

The State law allows cities to update or amend their General Plan as needed. A comprehensive update to the General Plan usually occurs within a 10-15 year timeframe. An amendment can occur at any time; however, the number of amendments is limited to four (4) amendments per calendar year. If two or more elements are considered or approved at one meeting, they are considered one General Plan amendment. The City should be strategic in processing the amendments to ensure that it has not exhausted all of the amendments in case some important/unique policy issues arise which require a General Plan amendment. Once the number of amendments are exhausted per year, the City will have to wait until the following calendar year to do an amendment. One (1) General Plan Amendment was adopted (Butterfield Specific Plan) by the City Council in Year 2012.

### Requirement for Annual Progress Report

Government Code §65400 mandates that cities and counties in California submit an annual report on the status of the General Plan and progress in its implementation, including the progress in implementing the Housing Element (Exhibit "A"), to their decision makers (City Council or board of supervisors), the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD) by April 1st of each year. The purpose of the General Plan annual report is to provide enough information to identify the necessary "course adjustments" or modifications to the General Plan and means to improve local implementation. This progress report will be sent to the State as soon as it is reviewed by the City Council.

The State uses the information submitted by the City to identify statewide trends in the land use decision making process and how local planning and development activities relate to statewide planning goals and policies.

**ANALYSIS:** The City Council adopted the current General Plan on January 31, 2006. The General Plan has 21 elements (seven [7] of which are mandated by the State). It contains 263 implementation action programs.

### Progress

It has been seven (7) years since the adoption of the General Plan in 2006. The City continues to take proactive steps in implementing the goals, policies and action programs of the General Plan. The City has implemented, completed and/or has an active/ongoing status of 224 action programs (85%) out of 263 action programs. Only 39 action programs (15%) have not been completed and/or initiated. In summary, the City has done a good job of implementing the General Plan. The primary reasons some of the action programs have not been completed/initiated relates to budget deficits, reduction in staff, and work program priority for each of the City departments.

The General Plan Progress Report is organized alphabetically by element (Exhibit "B"). Each section contains the adopted goals and policies including a summary table that reflects the action program, responsible agency, adopted schedule and implementation status. For easy reference, the action programs that have been completed and/or are active and ongoing are **highlighted in bold type**, while the programs that have not been completed/initiated are **highlighted in Italics**.

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### **Highlights of Development Activities in 2012**

Since 2006, the State and the Nation have been facing a major economic recession. All the cities and states are impacted by this recession. The City of Banning experienced a significant reduction in building construction activities since 2006.

Despite the economy, the City continues to make progress in land development and community revitalization. Construction continues on projects that were previously approved by the Planning Commission. The following are highlights of the activities that occurred last year which implemented the goals and policies of the General Plan.

- **San Gorgonio Memorial Hospital**: The San Gorgonio Memorial Hospital continues with their \$108 million improvement project that includes the expansion of their central plant, emergency department, and other remodeling and improvements. Future improvements include the expansion of capacity (additional beds in a 6-story building) and the further development of the hospital campus. Funding for this project was provided through general obligation bonds approved by voters in March 2006. The first phases of the project are complete and they included the construction of the helipad, cooling tower, and underground utilities. The new emergency department that includes the two story intensive care unit is approximately 90% complete.
- **Ramsey Villa, LLC**: Renovation of Ramsey Villa located at 225 W. Ramsey was completed in the Summer of 2012 and includes the exterior façade improvements such as doors, windows, roofing materials, signage, fencing painting and electrical box. Additional, interior improvements have been completed including remodeled restrooms and kitchens along with new flooring and fixtures. This renovation provides a 22-unit apartment complex for rent.
- **San Gorgonio Pass Habitat for Humanity**: Habitat continued to purchase and renovate foreclosed homes with assistance from the City through an agreement and make those homes available to very low income families. In 2012, Habitat for Humanity renovated two (2) homes for very low income residents. These homes are located throughout the City.
- **Inland Behavioral & Health Services (IBHS)**: IBHS was approved by the Planning Commission in 2009 and started construction in 2011. The building is complete and opened to provide services in May 2012.
- **Family Dollar and General Dollar retail stores**: Family Dollar (1481 W. Ramsey Street) and Dollar General (1323 W. Ramsey Street). The Planning Commission approved these projects in 2010. These projects have been completed and both stores celebrated their grand opening in July of 2012.
- **O'Donnell**: The O'Donnell Business Park was approved by the City Council in July 2010 which will provide over one million square feet of light industrial space and warehousing in the Banning market with the potential to accommodate hundreds of new jobs. Construction drawings are under review for Phase I of the project that includes the



development of the largest warehouse building of approximately 787,000 square feet. Mass grading of the site has already commenced. The developer is working to address air quality requirements from the South Coast Air Quality Management District before proceeding with the next phase of construction.

- **Zennar Performance:** In October of 2012 Zenner Performance celebrated the opening of Zenner Performance's U.S. headquarters in Banning. The company's state-of-the-art meter manufacturing factory is located at 1910 E. Westward Avenue and will produce and distribute meters to the multifamily, municipal and commercial markets throughout North America. With the opening of the Banning location, Zenner Performance will become the 21<sup>st</sup> branch to open in The Zenner Group's worldwide network.
- **The Haven Café:** The Haven Café, located on the southwest corner of Ramsey Street and San Geronio Avenue, signed the lease for their new location in October of 2012 and opened for business in January 2013.
- **Coyne Powersports:** Coyne Motor Powersports located at 2301 W. Ramsey Street celebrated their ground breaking in March of 2012 and opened their doors for business in October 2012. The Coyne Powersports Group renovated the existing structures at 2301 W. Ramsey and has plans of building a new 10,000 square foot showroom on-site. Initially they will be selling and servicing pre-owned motorcycles, watercraft, and other recreational vehicles in addition to a full parts and apparel department.
- **SEARS Hometown:** Beginning in July of 2012 local owner of Sears Hometown began investigating with staff potential business locations in Banning. A location was selected at 1484 W. Ramsey Street in early Fall of 2012 and officially opened for business before the holidays. Sears Hometown Stores provide products and services in Home Appliances, Home Electronics, Mattresses, Lawn & Garden, Fitness, Tools and Household Goods to customers in smaller communities.
- **Aaron's:** Aaron's opened its doors in September of 2012 and is located at 321 W. Ramsey Street. This new furniture store specializes in furniture, electronics, computers and appliances.
- **Subway:** The new Subway is located at 933 W. Ramsey Street. Permits for this project were acquired in August of 2011 with construction of this project ending in March of 2012.
- **Stagecoach Plaza:** Façade Renovation of this project began in June of 2012 and is located on the northwest corner of Ramsey Street & Sunset Avenue. Since, renovation progress continues with estimated project completion to be in the Winter of 2013.
- **Poison Spyder Customs, Inc.:** Poison Spyder Customs, Inc. is located at 1143 W. Lincoln Street, Unit 20 and has been doing business in Banning since January 2011 and expanded their facilities in 2012. Poison Spyder manufactures "Hard-Core Off-Road Equipment" for Jeeps and their products help turn main stream Jeeps into world class off-road machines. They offer the highest quality, best fitting, and easiest to install Jeep products

that include front bumpers, front fender armor, rocker armor, rear corner armor, tube fenders, rocker knockers, crusher corners, trail & comp stingers, body armor, and much more to customize the off-road Jeep market.

- **Village at San Gorgonio:** *The Frost Company* submitted an application in conjunction with the Redevelopment Agency to develop approximately 5 ½ acres across from City Hall along Ramsey Street. The project is proposed as a mixed use development that includes approximately 65,000 square feet of office, retail, and restaurant space. Titled the Village at Paseo San Gorgonio, the project is intended to compliment the development of the courthouse across the street and includes frontage along Interstate 10. In May of 2012 the property transfer was completed for this project.
- **Pardee Homes:** Pardee Homes has amended the Specific Plan that was approved in the mid-90s, including preparing a draft Environmental Impact Report for a construction of a golf-course community that includes two commercial sites totaling 40 acres and development of 5,387 single and multiple-family residential units, with neighborhood and community parks, trails, a community center site, and two (2) elementary school sites. The specific plan entitlement process for this project has been completed.
- **New Business:** In 2012, to City obtained sixty-nine (69) new store-front businesses in addition to forty-four (44) home occupation businesses.
- **Whitewater Flume Restoration:** In June of 2010, an Agreement for Transfer of San Gorgonio Hydroelectric Project No. 344 Water Conveyance Facilities, also known as the Whitewater Flume, was fully executed between SCE, the City of Banning, Banning Heights, and San Gorgonio Pass Water Agency (Pass Water Agency). The Participating Entities are currently evaluating the purchase and repair of the water conveyance system. Involved agencies have also reviewed strategies for the improvement of the water conveyance system and the environmental process has commenced.
- **Sunset Grade Separation:** The purpose of this project is to provide motorists and emergency vehicles with an additional nonstop access route to and from the southern section of the City, while reducing traffic congestion and improving safety in an area of future commercial and residential development. Currently, the County has taken the lead on this project. Staff has obtained approximately \$20.6 Million in grant funding. The total project cost has been estimated at \$30 Million. Recently the project was awarded an additional \$10 million from Congestion Mitigation Air Quality (CMAQ). The Riverside County Transportation Commission (RCTC) proposes to begin the project in approximately November of 2013.
- **Courthouse:** The scope of this project includes the construction of a new trial court building of approximately 60,725 gross square feet, to accommodate six courtrooms, six judges, support staff on an approximately 4.65 acre site near the new Banning Police Station. City staff has prepared plans and specifications for the construction of all offsite improvements such as the installation of electrical infrastructure, curb and gutter, sidewalks, handicap ramps and street lights. City staff has completed all off-site improvements and the

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Courthouse is well underway. The total project cost is estimated at \$63 million. Grand opening is anticipated to be at the end of 2013.

- **Design of Taxiway "A" Relocation FAA AIP No. 3-06-0018-11-2011 (D):** The scope of this project includes the design of the relocation of Taxiway "A" to meet Federal Aviation Administration (FAA) requirements including the design of taxiway lighting and signage. The design process commenced in July of 2012. Staff has obtained a grant from Federal Aviation Administration (FAA) in the amount of \$204,128.00. Staff obtained a FAA Grant for the design of this project which reimbursed the City 95% of the total cost. This project is currently 95% complete and is currently under the review of the FAA for final acceptance. During the design stage it was determined that the existing fueling facility needed to be relocated in order to avoid safety hazards caused by the relocation of the taxiway. FAA has granted the City of Banning a grant that will fund 90% of the design costs for the fuel facility relocation. The design has commenced and is approximately 90% complete. Staff is planning to begin construction in June of 2013. Additionally, the City intends to apply for a grant to cover 90% of construction costs.
- **Urban Water Management Plan:** In order to remain in compliance with the Urban Water Management Planning Act (UWMPA) of 1983 and the subsequent amendments to the Act, the City of Banning is required to prepare, adopt and submit to the California Department of Water Resources an Urban Water Management Plan (UWMP). Currently, the 2010 Urban Water Management Plan has been submitted to the State and is pending final approval.
- **Irrigation Waterline:** Construction of the first of three segments of the City's Irrigation Waterline system began in 2012. This segment includes the construction of a 24" ductile iron pipe from the intersection of Highland Home Road and Sun Lakes Blvd. to the intersection of Lincoln Ave. and 22<sup>nd</sup> St. via Sunset Ave. and Lincoln Ave.
- **Mapping of Existing Water Transmission System:** Staff has begun mapping of the City's existing water transmission system in the Banning water canyon. The groundwater is pumped and transported to the City's distribution system via a 20 inch transmission line which, in some sections, is approximately 100 years old, frequently requires repairs and is in need of replacement. The scope of work includes obtaining an aerial topographic mapping from Mias Canyon Road to Camp Comfort, approximately 30,800 feet; property boundary, easement and right-of-way research and layout; environmental constraints analysis; and the preparation of a pipeline replacement program.
- **Centerline Assessment:** Staff is currently working with a consultant in assessing approximately 125 centerline miles in the City of Banning. The assessment includes collecting data related to transverse and longitudinal cracking, wheel path roughness, rutting, raveling and deflection. In addition, the consultant will collect information on additional assets such as curb and gutter, sidewalk and street signs. The data collected will be used to prepare a more precise infrastructure management program. The program is projected to be up and running by April, 2013.

- **Public Utilities Block Wall:** Staff has awarded a contract to construct a new perimeter wall around the corporate yard located at 176 E. Lincoln Street. The new block wall will replace an old chain link fence and will mitigate existing security issues. The project is scheduled to be completed in May, 2013.
- **New Corporate Yard Facilities:** Conceptual drawings have been prepared and presented to the Planning Commission and the City Council for a new building at corporate yard located at 176 E. Lincoln Ave. The new building will replace the existing Electric Department Operations building which also houses the Street and Parks Department operations. Staff plans to move forward with the final design of construction documents beginning in June, 2013.
- **Street Improvements:** Staff has commenced the preparation of plans and specifications for the construction of road improvements along Westward Avenue from Highland Home Road to Sunset Avenue. The road is being designated as a temporary access road that will assist with traffic circulation during the construction of the Sunset Grade Separation project. The project is tentatively scheduled to commence September, 2013.
- **Street and Sewer Improvements:** The City has completed street and sewer improvements along Ramsey Street from San Geronio Avenue to Martin Street and Martin Street from Ramsey Street to Livingston Street. The improvements were completed as part of a development agreement between the City of Banning and the developers of the Village Paseo San Geronio project.

### **Community Events**

- **Bulky Item Events at Dysart Park:** Three events a year are scheduled usually during the months of March, June and October. This revised program has been effective since December of 2006. Prior to this program, the City operated three bulky goods collection days where residents placed their bulky items at the curb for collection resulting in minimal diversion. Under the revised program, residents may haul their bulky goods to a designated location. The revised program allows for metals, white appliances, green waste, e-waste and so forth to be diverted from the landfill. Residents also have the option to schedule bulky item pick up three times per year at curbside.
- **Recycling Fair:** On May 5, 2012, the City of Banning, in collaboration with Western Riverside Council of Governments held its Fifth Annual Recycling Fair. At the fair, exhibits, educational materials and promotional items were made available to the public. The City also used this as an opportunity to collect e-waste from its residents. Proceeds from the e-waste collection were donated.

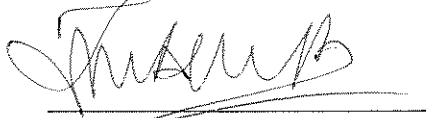
**POLICY ISSUES:** In the 2011 annual report, staff highlighted three major policy issues in the General Plan that require a general plan amendment. The following table outlines the policy issues that were presented to the City Council and their status.

Policy	Description of Policy Issue	Status
Traffic Circulation	Consideration of one level of service (LOS) (as opposed to two currently – LOS “C” and “D”) for traffic flow on all City streets to ensure that the city has a level playing field with adjacent jurisdictions and to consider a north-south road connection for Highland Home Road at the I-10 freeway	The traffic study and Draft Environmental Impact Report (DEIR) was completed and made available for public review for a 45-day public review period consistent with the California Environmental Quality Act (CEQA) from September 21, 2012 through November 5, 2012). Comments received on the DEIR have been addressed Final Environmental Impact Report (FEIR) was made available for public review beginning January 25, 2013. Staff anticipates bringing the General Plan Amendment to the Planning Commission and City Council in March of 2013.
Density for Certification of the Housing Element by the State Housing and Community Development (HCD)	The State HCD required that the City rezone certain properties to provide 2100 units of affordable housing before it certifies the City's Housing Element.	Staff has worked with property owners who own certain land in the City to accomplish the re-zoning. Staff received support and opposition from property owners regarding the re-zoning as presented to Planning Commission in May of 2012. In response, staff organized a community meeting in November of 2012. Additionally, staff advertised a Request for Proposal (RFP) to obtain a consultant to aid the City with preparing and processing the City's Housing Element and a contract was awarded to J.H. Douglas & Associates in December of 2012. The revised draft was submitted to the State for their courtesy review on January 30, 2013. Staff is awaiting a response from the State.

Residential Land Uses and Non-Conformity	When the General Plan was adopted in 2006 certain residential areas that have single-family homes were re-zoned to non-residential zones which made residential properties non-conforming with the current Zoning. Residents have difficulties in obtaining financing to repair, sell, and get insurance.	This issue will be addressed as part of the Housing Element rezoning. In January 2013 a proposed Zoning Change letter was mailed to impacted property owners along with a survey requesting support or opposition. Once responses are received this item will be brought to the Planning Commission to consider a General Plan Amendment.
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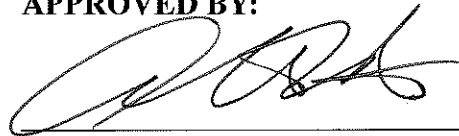
In addition to the above listed items, staff also desires to amend the General Plan Land Use and Economic Development Elements in order to revise policies related to attracting and retaining commercial and industrial development that provide increase sales tax and property tax revenues, as well as jobs for the residents of Banning. This proposed amendment will create funding mechanisms that will help improve quality of life for residents of Banning. Since the elimination of the Redevelopment Agency, amending this element is necessary since redevelopment was previously the only tool to spur local economic growth prior to its dissolution. This item will be presented to Planning Commission and City Council in March of 2013.

**PREPARED BY:**



Zai Abu Bakar  
Community Development Director

**APPROVED BY:**



Andrew J. Takata  
City Manager

Attachments:

1. Resolution No. 2013-32
2. Exhibit "A" – Reporting Forms on Progress for implementing the Housing Element
3. Exhibit "B" – General Plan Annual Progress Report for Year 2012
4. Exhibit "C" – Project Pictures and Descriptions

**RESOLUTION NO. 2013-32**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE GENERAL PLAN ANNUAL REPORT FOR CALENDAR YEAR 2012 AND DIRECTING STAFF TO FILE THE REPORT WITH THE STATE OFFICE OF PLANNING AND RESEARCH AND THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**WHEREAS**, California state law requires that each city and county adopt a general plan to guide development in their city and land outside its boundaries that has relation to its city planning (Govt. Code §65300); and

**WHEREAS**, the City undertook a comprehensive update to the General Plan and Zoning Ordinance which were adopted by the City Council on January 31, 2006; and

**WHEREAS**, California State law requires that the General Plan include seven (7) mandated elements: land use, housing, traffic circulation, safety, parks and recreation, conservation, and noise; and

**WHEREAS**, the City of Banning General Plan has 21 elements (seven [7] of which are mandated by the State) and contains 263 implementation action programs; and

**WHEREAS**, Government Code §65400 mandates that cities and counties in California submit an annual report on the status of the General Plan and progress in its implementation to their decision makers (City Council or board of supervisors), the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD) by April 1st of each year; and

**WHEREAS**, the purpose of the General Plan annual report is to provide enough information to identify the necessary "course adjustments" or modifications to the General Plan and means to improve local implementation; and

**WHEREAS**, the City is also required to report progress in implementing its Housing Element and the Regional Housing Needs Assessment as part of the annual report; and

**WHEREAS**, the economic recession has hampered development in the community, including housing construction because financial institutions have tighter regulations and are not lending any construction loans; and

**WHEREAS**, on December 29, 2011, the California Supreme Court upheld the validity of the Assembly Bill (AB) 1X 26 and invalidated AB 1X 27 which resulted in dissolution of redevelopment agencies in California including the City of Banning Community Redevelopment Agency which completely cut-off sources of funding for construction of infrastructure, elimination of blight, and construction and maintenance of affordable housing; and

**WHEREAS**, the City continues to take proactive steps in implementing the goals, policies and action programs of the General Plan; and

**WHEREAS**, the City has implemented, completed and/or has an active/ongoing status of 224 action programs (85%) out of 263 action programs. Only 39 action programs (15%) have not been completed and/or initiated. In summary, the City has done a good job of implementing the General Plan. The primary reasons some of the action programs have not been completed/initiated relates to budget deficits, reduction in staff, and work program priority for each of the City departments; and

**WHEREAS**, Exhibit "A" to this report contains the reporting forms on progress for implementing the Housing Element; and

**WHEREAS**, Exhibit "B" to this report details the implementation action programs and status; and

**WHEREAS**, Exhibit "C" to this report provides project pictures and descriptions; and

**WHEREAS**, the Planning Commission has reviewed the General Plan Annual Report at its meeting on March 6, 2013; and

**WHEREAS**, the City Council has reviewed the General Plan Annual Report at its meeting on March 26, 2013.

**NOW THEREFORE**, the City Council of the City of Banning does hereby adopt Resolution No. 2013-32 in compliance with Government Code Section 65400.

**PASSED, APPROVED AND ADOPTED** this 26<sup>th</sup> day of March, 2013.

\_\_\_\_\_  
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. 2013-32 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 March, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

# **Exhibit “A”**

## **Reporting Forms on Progress For Implementing the Housing Element**

(CCR Title 25 §6202 )

City of Banning

Table A

(11) Total Extremely Low-Income Units\*

73

# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

(CCR Title 25 §6202 )

Jurisdiction City of Banning  
Reporting Period 1/1/2012 - 12/31/2012

Table A2  
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant  
to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with Government Code Section 65583.1	subsection (c) (7) of
	Extremely Low-Income	Very Low-Income	Low-Income	TOTAL UNITS		
(1) Rehabilitation Activity	1	1	1	3	The Exterior Rehabilitation Program was utilized to assist extremely low-to low income residents.	
(2) Preservation of Units At-Risk	0	0	0	0		
(3) Acquisition of Units	0	0	0	0		
(5) Total Units by Income	1	1	1	3		

\* Note: This field is voluntary

# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

(CCR Title 25 §6202 )

Jurisdiction City of Banning  
Reporting Period 1/1/2012 - 12/31/2012

Table A3  
Annual building Activity Report Summary for Above Moderate-Income Units  
(not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate	0					0	
No. of Units Permitted for Above Moderate	0	0				0	

\* Note: This field is voluntary

# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

(CCR Title 25 §6202 )

Jurisdiction City of Banning  
 Reporting Period 1/1/2012 - 12/31/2012

Table B  
 Regional Housing Needs Allocation Progress  
 Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.		RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year* 7	Year 8	Year 9	Year 10	Year 11	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Income Level														
	Dead Restricted Non-dead restricted	437							10			45	0	55	382
Low	Income Level														
	Dead Restricted Non-dead restricted	618							29			31	0	60	558
Moderate	Income Level														
	Dead Restricted Non-dead restricted	705							40	2	1	1	0	44	862
Above Moderate		1,845									22			22	1,623
Total RHNA by COG. Enter allocation number:		3,405							79	2	23	77	0	181	3,225
Total Units															
Remaining Need for RHNA Period															

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

\* The units reported are from 2006-2008

# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

(CCR Title 25 §6202 )

Jurisdiction City of Banning  
Reporting Period 1/1/2012 - 12/31/2012

Table C  
Program Implementation Status

Program Description (By Housing Element Program Names)	Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Transitional and Supportive Housing		Zoning Ordinance amendment to allow the use	Aug 2010	Delayed due to budget and staffing cuts.
Housing for all income groups		Continue to provide	June 2008-June 2014	The City partnered with Habitat for Humanity to purchase and renovate foreclosed homes for very low income residents.
Update General Plan Elements		Update as required to comply with state law	As required by	As part of the annual review, the General Plan will be updated as appropriate.
Riverside County Housing Assistance		City publicizes programs on website and flyer	Through 2014	The City partners with Riverside County Economic Development Agency (EDA) in the Mortgage Credit Certificate Program (MCC). Residents who qualify submit their applications for financing of the purchase of homes in Banning through the County
Homeless Assistance and Monitoring Program		Fund active public relations program	Through 2014	Delayed due to budget and staffing cuts
Single-Room Occupancy		Encourage and facilitate development	Through 2014	Delayed due to budget and staffing cuts
Homeownership Education Program		Provide training for future homeowners	Ongoing	Program provided in conjunction with Fair Housing Council of Riverside County.
Special Needs Housing		Create incentives and procedures	Ongoing	Delayed due to budget and staffing cuts.
Funding Availability and Sources		Create a list of funding sources	Ongoing	The funding sources for housing assistance and development continues to be a challenge due to elimination of the redevelopment agency by the State.
Assist the County in Marketing their Home Purchasing Program		Refer Potential Homeowners to the County	Ongoing	Ongoing.
Participate in the County Mortgage Credit Certificate Programs		City promote the County Program	Ongoing	Ongoing.
Zoning for licensed group homes, foster homes residential care facilities, and similar state-licensed facilities		Revise the Zoning Ordinance	Through 2014	Delayed due to budget and staffing cuts.
Farm Worker Housing		Identify number of workers and suitable sites	Through 2014	Delayed due to budget and staffing cuts.
Employee Housing		Revise the Zoning Ordinance to allow this use	Dec 2010	Delayed due to budget and staffing cuts.
Zoning to ensure compatibility between residential and non-residential uses		Revise the Zoning Ordinance to allow this use	Dec 2010	Delayed due to budget and staffing cuts.
Riverside County Housing Authority Vouchers		Monitor vouchers availability and waiting list and promote the County program	Through 2014	Delayed due to budget and staffing cuts.
Reasonable Accommodations		Update Zoning Ordinance and Adopt Procedures	Ongoing and through 2014	In progress. This item was reviewed by Planning Commission and City Council in March of 2013.
Rezoning to Accommodate High Density Residential		Update Zoning Ordinance and Adopt Procedures	Ongoing and through 2014	In progress.
HOME and CDBG programs for rehabilitation program		Pursue grants programs to rehabilitate extremely low owner/renter occupied units	Ongoing and through 2014	Delayed due to budget and staffing cuts

# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

(CCR Title 25 §6202 )

Jurisdiction City of Banning

Reporting Period 1/1/2012 - 12/31/2012

Riverside County Home Improvement Program	Publicize County's program at the counter, newsletter, and city's website	Ongoing and through 2014	In progress.
Community Redevelopment Agency Housing Rehabilitation Program	Expand the current program to include energy efficiency program	Ongoing and through 2014	The Agency Program will end June 2013 as the Community Redevelopment Agency is abolished.
Cross training of code enforcement, building inspection, and redevelopment	Training to improve communication and information flow	Ongoing and through 2014	The cross-training between code enforcement and building inspection will continue despite the elimination of the redevelopment agency.
Neighborhood Stabilization Plan	Pursue Participation in the Program	Ongoing and through 2014	Participating with the Riverside Housing Development Corporation.
Funding for At-Risk Units	Pursue funding through HOME and MHP program	Ongoing and through 2014	Delayed due to budget and staffing cuts.
Home Mortgage Disclosure Act and Community Reinvestment Act	Actively participate in the program	Ongoing and through 2014	Delayed due to budget and staffing cuts.
Zoning Ordinance Update	Review and update the Ordinance to reduce housing construction costs	Every two years	Ongoing.
Development Fees	Survey surrounding cities to ensure rates are reasonable and competitive.	Ongoing and through 2014	In process.
Concurrent entitlement processing	Encourage developers to take advantage of concurrent entitlement processing and participate in the pre-application meeting	Ongoing and through 2014	This policy is adopted into the Zoning Code and is being implemented.
Permit Streamlining and one-stop-shop	Adopt procedures	Ongoing	Procedures adopted in the Zoning Code and is being implemented.
Reduce parking standards for low income housing	Prepare the zoning code amendment	December 2009	Addressed through Density Bonus ordinance scheduled to be presented to Planning Commission and City Council in February of 2013.
Design Review Process	Ensure that the Design Review Process does not constraint multi-family residential development of 5 or more units and develop alternative procedures if it does	Through 2014 and beyond	This is addressed through the development review process and the standards are incorporated in the zoning ordinance.
Energy Conservation	Augment the current design guidelines to encourage energy conservation	December 2010	Addressed through landscape design guidelines, building code, mechanical and plumbing codes.
Residential building standards	Examine the residential building standards and update as appropriate	Annually through 2014	This is done through the State Building code standards which was adopted by the City.
Expanded Energy Conservation Through the Housing Rehabilitation Program	Expand the current program to include energy efficiency program	Draft to be completed in Dec 2009 and Dec 2010 through 2014	Currently implemented. This City has also partnered with Western Riverside Council of Governments (WRCOG) regarding the conservation programs.



# ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

(CCR Title 25 §6202)

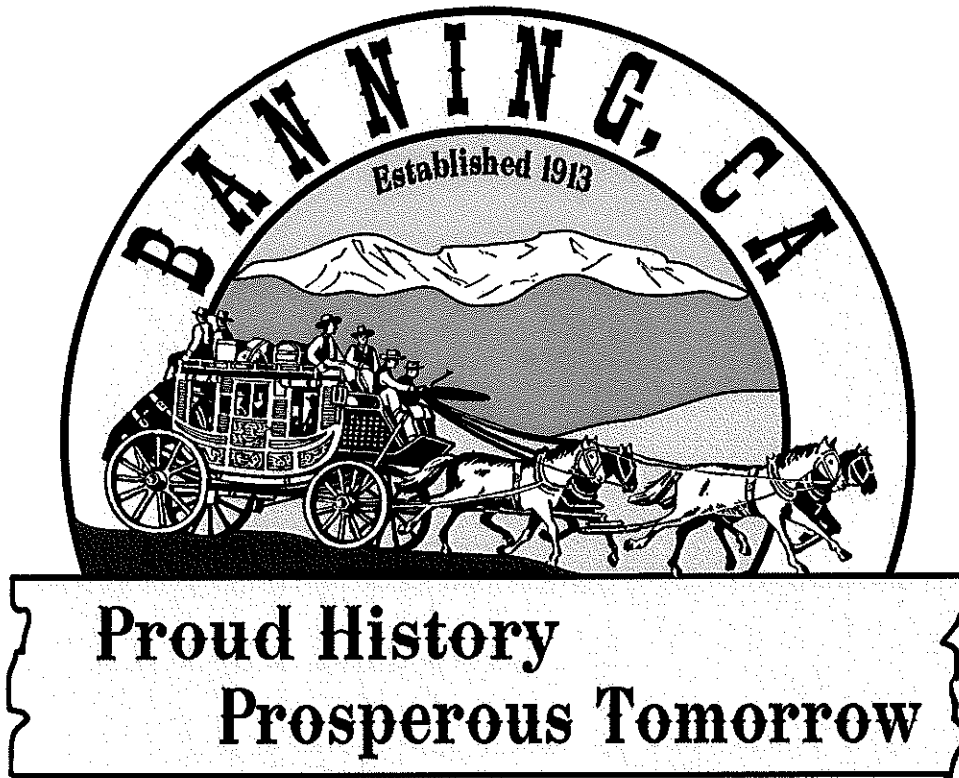
Jurisdiction City of Banning  
Reporting Period 1/1/2012 - 12/31/2012

Title 24 Compliance	Residential development must comply with Title 24	Ongoing and through 2014	Currently Implemented.
Sustainable Development Standard	Established Ordinance to create standards for sustainable development	Ongoing and through 2014	Implemented through the California Green Building Code
Inventory of Vacant Land	Create an inventory and update it annually. Post approved project information on the website	Ongoing and through 2014	Completed. The annual update is a challenge due to staffing and budget cuts.
CalFHA Housing Program	The CRA to provide direct mailing to all residents advertising CalFHA Program.	Ongoing and through 2014	Not implemented due to lack of staffing and budget cuts.
Partner with non-profit and for-profit housing developers and pursue available funding	Pursue other funding sources for affordable housing and provide incentive	Ongoing and through 2014	The City currently partnered with Habitat for Humanity to renovate foreclosed homes for very low income residents for a portion of the calendar year, however due to the elimination of the CRA, funding is no longer available to continue the program.
Rezoning of the Downtown Commercial District	Rezone to allow development of higher density between 16-30 units per acre and allow mixed-use development	July 2010	This is in progress. The environmental document for the rezoning was made available for a 30-day public review and was presented to the Planning Commission in May 2012.
Provide incentives for development in the newly rezoned Downtown Commercial District	The City and CRA to offer incentives	Ongoing and through 2014 and thereafter	CRA is dissolved and there is currently no funds available for the programs.
City and CRA Funding for multi-family projects	Established partnerships with developers of multi-family housing projects who have proven track record and City and Agency to consider funding.	By December 2010	The CRA has been abolished by the State. This implementation action is not feasible. Staff continues to explore opportunities with the affordable housing builders
State and Federal Funding	Pursue various state and federal funding	Ongoing and through 2014	Ongoing.
Density Bonus	Revise Zoning Ordinance to incorporate density bonus	FY 2009-10	In progress. This item will be presented to the Planning Commission and City Council in March of 2013.
Annual review of Housing Element	Review element annually and report to the State HCS	by April 1st each year	Ongoing as part of the annual report on progress of implementing the General Plan.
Eliminate Encroachment and Incompatible Use	Use the General Plan and Zoning to eliminate incompatible uses	Ongoing and through 2014	Ongoing.
Land inventory for single-family and multiple-family development and zone change	Monitor and initiate zone change to accommodate affordable housing	Quarterly basis	In progress.
Second Unit	Adopt a second unit ordinance to comply with Government Code 65852.2	by July 2010	Ordinance adopted.
Second Unit Building Plan Standards	Adopt standard plan for second unit to reduce costs or no costs	Ongoing and through 2014 and thereafter	Delayed due to budget and staffing cuts.
AB 2292 - Cannot Lower Density Unless Trade-off	Implement the law	July 2009	Delayed due to budget and staffing cuts
Homeless Shelter	Zoning Code amendment to permit homeless shelter by right	July 2010	Delayed due to budget and staffing cuts
Fair Housing Laws	Conduct annual meetings with residents who receive housing assistance to ensure their understanding of the law and reaffirm their understanding of the law and reaffirm	Ongoing and through 2014	Implemented through the the Fair Housing Council of Riverside County.
Fair Housing Information	Develop fliers and distribute the information through various means including outreach events, school fairs, health fairs, and City-Work with State and Employment	Ongoing and through 2014 and annually	On-going and is provided at the Community Development Counter and the website.
Housing Complaints Resolution	Housing Commission to resolve complaints on housing discrimination	Ongoing and through 2014	Ongoing and provide referral to Fair Housing Council of Riverside County, Inc. as the Fair Housing Council provides dispute resolution for housing complaints.

# **Exhibit “B”**

## **General Plan Annual Progress Report for Year 2012**

# **General Plan Annual Progress Report For Year 2012**



**City of Banning  
99 E. Ramsey Street  
Banning, CA 92220  
(951) 922-3100**

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## Introduction

The following discussion will provide a summary of the progress in achieving the Goals, Policies and Implementation Programs for each of the 21 General Plan elements. Each General Plan Element contains implementation programs that identify each department(s) responsible for implementation of the programs and outlines the timing/schedule to complete the programs. The elements have been alphabetized for easier reference. The programs that have been completed and/or active and ongoing are **highlighted in bold** and the programs that have not been completed are **highlighted in italics**.

## Air Quality Element (11 programs)

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### GOAL 1

To preserve and enhance local and regional air quality for the protection of the health and welfare of the community.

#### Policy 1

The City shall be proactive in regulating local pollutant emitters and shall cooperate with the Southern California Association of Governments and the South Coast Air Quality Management District to assure compliance with air quality standards.

#### Policy 2

The City shall continue to coordinate and cooperate with local, regional and federal efforts to monitor, manage and reduce the levels of major pollutants affecting the City and region, with particular emphasis on PM<sub>10</sub> and ozone emissions, as well as other emissions associated with diesel-fueled equipment and motor vehicles.

#### Program 2.A

On an ongoing basis, the City shall continue to participate in efforts to monitor and control PM<sub>10</sub> emissions from construction and other sources, and all other air pollutants of regional concern. The City shall coordinate with SCAQMD to provide all reporting data for the SCAQMD annual report.

**Responsible Agency:** Building and Public Works Departments, Planning Department, SCAQMD

**Schedule:** Continuous; Ongoing

**Implementation Status – Ongoing through land development review process and environmental documentation that is required and standard conditions for Public Works. The City consulted with the SCAQMD with regard to air quality impacts from land development projects. The City Public Works inspector also monitors grading activities and enforces dust control.**

#### Policy 3

City land use planning efforts shall assure that sensitive receptors are separated from polluting point sources.

#### Program 3.A

The General Plan Land Use Map and Element shall be developed and maintained to locate air pollution point sources, such as manufacturing operations and highways, at an appropriate distance from sensitive receptors, including hospitals, schools, hotels/motels and residential neighborhoods.

**Responsible Agency:** Planning Department, SCAQMD

**Schedule:** 2005-2006

**Implementation Status – This is implemented through the Zoning Ordinance where zoning districts are established to ensure that conflict between land uses - residential, commercial, industrial, and public facilities are minimized. As part of land development review process, City staff consults with the SCAQMD through the environmental review process as required by the California Environmental Quality Act (CEQA) to ensure that land development projects do not have the potential to impact sensitive receptors.**

#### Policy 4

Development proposals brought before the City shall be reviewed for their potential to adversely impact local and regional air quality and shall be required to mitigate any significant impacts.

#### Program 4.A



Projects that may generate significant levels of air pollution shall be required to conduct detailed impact analyses and incorporate mitigation measures into their designs using the most advanced technological methods feasible. All proposed mitigation measures shall be reviewed and approved by the City prior to the issuance of grading or demolition permits.
<b>Responsible Agency:</b> Planning Department
<b>Schedule:</b> Ongoing
<b>Implementation Status - Implemented through the California Environmental Quality Act (CEQA) and land development review process. Environmental documents are prepared for each of the land development projects that are not exempt under CEQA and mitigation measures are made apart of the Conditions of Approval. Additionally, mitigation measures are implemented and monitored during construction of the project.</b>
<b>Program 4.B</b>
Provide consistent and effective code enforcement of construction and grading activities and off-road vehicle use to assure that the impacts of blowing sand and fugitive dust emissions are minimized.
<b>Responsible Agency:</b> Building Department, Code Compliance, SCAQMD
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing through standard approval process and also monitoring during construction.</b>
<b>Program 4.C</b>
The City shall encourage immediately, and investigate legislating the reduction of TDM requirements to a level of 50 employees or more.
<b>Responsible Agency:</b> Public Works Department/Planning Dept
<b>Schedule:</b> 2005-2006 Pending
<b>Implementation Status - Pending</b>

### Policy 5

The City shall promote the use of clean and/or renewable alternative energy sources for transportation, heating and cooling.

<b>Program 5.A</b>
Vehicles that use alternative fuel sources, such as compressed natural gas and electricity, shall be purchased and maintained for use in the City's vehicle fleet when new vehicles are purchased.
<b>Responsible Agency:</b> City Manager's Office
<b>Schedule:</b> 2005-2006
<b>Implementation Status – New city vehicles that are purchased use compressed natural gas and the implementation is ongoing.</b>
<b>Program 5.B</b>
The City's Compressed Natural Gas fueling station shall continue to be open to public use.
<b>Responsible Agency:</b> Public Works Department
<b>Schedule:</b> Ongoing
<b>Implementation Status - Active and Ongoing.</b>

### Policy 6

The City shall support the development of facilities and projects that facilitate and enhance the use of alternative modes of transportation, including pedestrian-oriented retail and activity centers, dedicated bicycle paths and lanes, and community-wide multi-use trails.



<b>Program 6.A</b>
The City shall pursue a balance of employment and housing opportunities that encourage pedestrian and other non-motorized transportation and minimize vehicle miles traveled.
<b>Responsible Agency:</b> Economic Development Department, Redevelopment Agency, Planning Department
<b>Schedule:</b> Ongoing
<b>Implementation Status –</b> Ongoing as new development is proposed. The Butterfield Specific Plan (Pardee) will incorporate commercial development with active walking/jogging trails, bike paths, and neighborhood electric vehicles. The Village at Paseo San Geronio is a Downtown redevelopment project that encourages people to walk and enjoy the outdoor environment.
<b>Program 6.B</b>
The City shall promote the expanded availability of mass transit services, coordinating with all agencies to link residential and commercial business and employment centers with the City's residential neighborhoods and nearby communities.
<b>Responsible Agency:</b> Community Services Department, Economic Development Department, Redevelopment Agency, Planning Department
<b>Schedule:</b> Ongoing
<b>Implementation Status –</b> The City coordinates with other regional transit agencies such as the Riverside Transit Agency and attends regional transit meetings. Expansion will occur when population increases demand for expanded service. The City Manager is pursuing opportunities for a regional rail/transit station.
<b>Program 6.C</b>
The City shall promote and support the development of ridesharing, carpooling, flexible work scheduling, telecommuting and Park and Ride programs among public and private employers.
<b>Responsible Agency:</b> Planning Department, Public Works Department, Community Services Department, Transit Agencies, Major Employers
<b>Schedule:</b> Ongoing
<b>Implementation Status -</b> Ongoing as the City currently has a four day work week (4/10 work schedule). This program is codified in Chapter 8.60 of the Municipal Code.
<b>Program 6.D</b>
The City shall require shade trees with non-damaging root systems to be planted in all medians on all streets, to cool the asphalt and reduce the Reactive Organic Compounds (ROC) and Volatile Organic Compounds (VOC) generated by asphalt streets and parking lots. A list of permitted trees with non-damaging root systems shall be developed.
<b>Responsible Agency:</b> Planning Department, Public Works Department
<b>Schedule:</b> Ongoing
<b>Implementation Status -</b> Ordinance in place, active and ongoing. Public Works reviews street tree plans for acceptable species; Planning requires one tree for every seven (7) parking spaces in the parking lot.



## Archaeological and Cultural Resources Element (12 programs)

### GOAL 1

Documentation, maintenance, preservation, conservation and enhancement of archaeological and historic sites, artifacts, traditions and other elements of the City's cultural heritage.

#### Policy 1

The City shall exercise its responsibility to identify, document and evaluate archaeological, historical and cultural resources that may be affected by proposed development projects and other activities.

<b>Program 1.A</b>
All new development proposals, except single family dwelling on existing lots of record, shall submit a records search for historic and cultural resources as part of the planning process.
<b>Responsible Agency:</b> Planning Department
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status – Ongoing and is implemented through the CEQA process during land development review.</b>
<b>Program 1.B</b>
Development or land use proposals which have the potential to disturb or destroy sensitive cultural resources shall be evaluated by a qualified professional and, if necessary, comprehensive Phase I studies and appropriate mitigation measures shall be incorporated into project approvals.
<b>Responsible Agency:</b> Planning Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – Standard conditions for grading.</b>
<b>Program 1.C</b>
The City shall implement the requirements of state law relating to cultural resources, including Government Code 65352.3, and any subsequent amendments or additions.
<b>Responsible Agency:</b> Planning Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – City consults with tribal representatives on all land development projects.</b>

#### Policy 2

The City shall expand and enhance its historic preservation efforts.

<b>Program 2.A</b>
Prepare a historic preservation plan, which outlines the goals and objectives of the City's preservation programs and serves as an official historic context statement for the evaluation of cultural resources within the City boundaries.
<b>Responsible Agency:</b> Planning Department
<b>Schedule:</b> 2006-2007

<b>Implementation Status – Not implemented.</b>
<b>Program 2.B</b>
The City shall consider participating in the Certified Local Government program so that it may benefit from historic preservation expertise, technical assistance, special grants, information exchange, and statewide preservation programs coordinated by the State Office of Historic Preservation. The evaluation of participation in the program shall be part of the historic preservation plan.
<b>Responsible Agency:</b> Planning Department, Historical Society, City Council
<b>Schedule:</b> 2006-2007
<b>Implementation Status – Not implemented.</b>
<b>Program 2.C</b>
Encourage property owners and residents to nominate qualified properties to the City's inventory system and/or any federal and state registers.
<b>Responsible Agency:</b> Planning Department, Morongo Band of Cahuilla Indians
<b>Schedule:</b> Ongoing
<b>Implementation Status – Not implemented.</b>
<b>Program 2.D</b>
Should the Saint Boniface School site be proposed for development, extensive analysis of the site shall be conducted, and mitigation proposed, to document its historic significance.
<b>Responsible Agency:</b> Planning Department
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status – Tract map approved but a project is not yet developed.</b>

### **Policy 3**

Establish and maintain a confidential inventory of archaeological and historical resources within the City, including those identified by the Eastern Information Center (EIC) at the University of California, Riverside and in focused cultural resources studies.

### **Policy 4**

Sensitive archaeological and historic resources shall be protected from vandalism and illegal collection, to the greatest extent possible.

<b>Program 4.A</b>
Mapping and similar information, which identifies specific locations of sensitive cultural resources, shall be maintained in a confidential manner, and access to such information shall be provided only to those with appropriate professional or organizational ties.
<b>Responsible Agency:</b> Planning Department
<b>Schedule:</b> Immediate; continuous
<b>Implementation Status – Not implemented.</b>

### **Policy 5**

Encourage public participation in and appreciation of the City's cultural heritage.

<b>Program 5.A</b>
Implement a systematic program to enhance public awareness of the City's heritage, generate broad support for its preservation, and enhance community pride.
<b>Responsible Agency:</b> Planning Department, Historical Society, City Council, Morongo Band of Mission Indians



<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status – Not implemented.</b>
<b>Program 5.B</b>
Support the efforts of local cultural associations to acquire historical materials and artifacts, and to educate the public about the City's and region's cultural heritage.
<b>Responsible Agency:</b> Planning Department, Historical Society, Morongo Band of Mission Indians
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status – Not implemented.</b>

#### **Policy 6**

Support the listing of eligible structures or sites as potential historic landmarks and their inclusion in the National Register of Historic Places.

<b>Program 6.A</b>
Develop procedures for the designation of local landmarks and historic districts.
<b>Responsible Agency:</b> Planning Department, Historical Society, Morongo Band of Mission Indians
<b>Schedule:</b> 2005-2006
<b>Implementation Status – Not implemented.</b>

#### **Policy 7**

The City shall consider offering economic or other incentives, such as direct subsidies or application/permitting fee reductions or waivers, to property owners to encourage the maintenance and enhancement of significant cultural buildings and sites.

<b>Program 7.A</b>
Develop an application process for City-sponsored incentives to maintain and enhance significant buildings and sites, and provide property owners with information and guidance on eligibility requirements.
<b>Responsible Agency:</b> Planning Department
<b>Schedule:</b> 2006-2007
<b>Implementation Status – Not implemented.</b>

## Biological Resources Element (7 programs)

### GOAL 1

A pattern of community development that supports a functional, productive, harmonious and balanced relationship between the built and natural environment.

#### Policy 1

The City shall continue to participate in the preservation of habitat for endangered, threatened and sensitive species.

<b>Program 1.A</b>
Through the Western Riverside MSHCP, maintain an accurate and regularly updated map of sensitive plant and animal species and habitat in Banning and its planning area.
<b>Responsible Agency:</b> Planning Department
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status – Implemented as required by the MSHCP.</b>
<b>Program 1.B</b>
The City shall participate in the Western Riverside County Multiple Species Habitat Conservation Plan.
<b>Responsible Agency:</b> Planning Department, Riverside County
<b>Schedule:</b> Ongoing
<b>Implementation Status – Implemented as required by the MSHCP.</b>
<b>Program 1.C</b>
City staff shall continue to request biological resource surveys for new development.
<b>Responsible Agency:</b> Planning Department, Riverside County
<b>Schedule:</b> Continuous
<b>Implementation Status - Implemented as required by the MHSCP and through the CEQA review process.</b>

#### Policy 2

As part of the development review process, the City shall evaluate projects based on their impact on existing habitat and wildlife, and for the land's value as viable open space.

<b>Program 2.A</b>
The City shall encourage developers to recover native and drought tolerant plant materials, and incorporate them into project landscaping, to provide or enhance habitat for local species.
<b>Responsible Agency:</b> Planning Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing part of land development review process.</b>
<b>Program 2.B</b>
The City shall make available at City Hall a listing of planting materials that emphasizes native vegetation, but may also include non-native, plants that are compatible with the local environment.
<b>Responsible Agency:</b> Planning Department
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status – Landscape Guidelines contain the list.</b>

### **Policy 3**

The City shall encourage and cooperate with other agencies in establishing multiple use corridors that take advantage of drainage channels and utility easements as wildlife corridors, public access and links between open space areas and the built environment.

<b>Program 3.A</b>
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The City shall consult and coordinate with the Riverside County Flood Control District to encourage the establishment of a system of multiple use corridors for movement of people and wildlife between open space areas.
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<b>Responsible Agency:</b> Planning Department, Riverside County Flood Control District
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<b>Schedule:</b> 2005-2006, Ongoing
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<b>Implementation Status – Future trail plans that are proposed to be constructed adjacent to flood control facilities will be coordinated with the Riverside County Flood Control District.</b>
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### **Policy 4**

Drainage channels, utility corridors and pipeline easements shall be preserved in natural open space to the greatest extent possible.

### **Policy 5**

The City shall promote the protection of biodiversity and encourage an appreciation of the natural environment and biological resources.

<b>Program 5.A</b>
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The City shall coordinate with the Banning and Beaumont Unified School Districts, the County and other agencies as identified, to provide educational programs that offer an understanding of the region's natural environment and make the public aware of biological resource issues.
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<b>Responsible Agency:</b> Planning Department, Banning and Beaumont Unified School Districts, Riverside County, and others as identified
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<b>Schedule:</b> 2005-2006, Ongoing
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<b>Implementation Status – Not implemented.</b>
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## Circulation Element (38 programs)

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### GOAL 1

A safe and efficient transportation system.

#### Policy 1

The City's Recommended General Plan Street System shall be strictly implemented.

<b>Program 1.A</b>
Street rights of way shall be 134 feet for Urban Arterial Highways, 110 feet for Arterial Highways, 100 feet for Major Highways, 88 feet for Secondary Highways, 78 feet for Divided Collectors, 66 feet for Collectors, and 60 feet for Local Streets. Local street standards can be amended as described in Policy 2.
<b>Responsible Agency:</b> Planning Department, Public Works Department, Planning Commission, City Council
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status – Implemented through development process.</b>
<b>Program 1.B</b>
The City's Public Works roadway standards shall be amended to match the standards contained in this General Plan.
<b>Responsible Agency:</b> Public Works Department
<b>Schedule:</b> 2005-2006
<b>Implementation Status – The roadway standard plans were completed and approved by City Council on December 11, 2012.</b>
<b>Program 1.C</b>
Minimum lane width for all City streets shall be designed at 12 feet.
<b>Responsible Agency:</b> Planning Department, Public Works Department, Planning Commission, City Council
<b>Schedule:</b> 2005-2006, Ongoing, implementation
<b>Implementation Status – Ongoing standard requirement for all development projects.</b>

#### Policy 2

Local streets shall be scaled to encourage neighborhood interaction, pedestrian safety and reduced speeds.

<b>Program 2.A</b>
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The design of new local streets can vary from the City's standard of 60 foot right-of-way, 40 foot paved width, under the following conditions:

1. The minimum travel lane width shall be 12 feet.
2. Parking shall be provided on at least one side of any public street. Parking lanes shall be a minimum of 8 feet in width.
3. Parking may be eliminated on private streets, if provisions are made in Conditions, Covenants and Restrictions (CC&R's) for enforcement by the Homeowners' Association.
4. Landscaped traffic circles, chokers, and center islands are encouraged, but must meet the requirements of the Fire Department.
5. The minimum parkway width shall be 10 feet.
6. Linear sidewalks are discouraged. Meandering sidewalks, which provide landscaping and street trees adjacent to the curb, shall be included in local street design.

The design of local streets varying from the City's standard, shall be included in the Tentative Tract Map application, and shall be reviewed by the Planning Commission and approved by the City Council.

**Responsible Agency:** Planning Department, Public Works Department, Planning Commission, City Council

**Schedule:** 2005-2006

**Implementation Status – Ongoing.**

#### **Program 2.B**

Existing local streets will be inventoried, and a master plan of potential improvements designed to improve their aesthetic and safety, including landscaped medians, sidewalks and traffic calming devices, shall be developed, cost engineered, and implemented.

**Responsible Agencies:** Public Works Department, Planning Commission, City Council

**Schedule:** 2006-2007

**Implementation Status – Ongoing, Capital Improvement Program (CIP) adopted and being implemented as funding is available. City Council awarded a project on October 9, 2012 to conduct citywide inventory and pavement analysis of streets.**

### **Policy 3**

The City shall establish and maintain a 5-Year Capital Improvement Program for streets.

#### **Program 3.A**

The Public Works Department shall establish a Capital Improvement Program for 5 years, and update it annually.

**Responsible Agency:** Public Works Department

**Schedule:** 2006-2007

**Implementation Status – The 5 Year Capital Improvement Program is updated and approved annually.**

### **Policy 4**

Proactively participate in regional transportation planning.

#### **Program 4.A**

Maintain active relationships with the City of Beaumont, the County of Riverside, the Western Riverside County Council of Governments, the California Department of Transportation and the Morongo Band of Mission Indians to share information and promote comprehensive transportation planning in the region.

**Responsible Agency:** Public Works Department, City Manager's Office, City Council, City of Beaumont, County of Riverside, WRCOG, CalTrans, Tribe



<b>Schedule:</b> 2005-2006
<b>Implementation Status – Ongoing.</b>
<b>Program 4.B</b>
Aggressively pursue Banning projects in the Transportation Uniform Mitigation Fee (TUMF) program, particularly the addition of projects to the TUMF project list, including grade separated road crossings.
<b>Responsible Agency:</b> Public Works Department
<b>Schedule:</b> 2005-2006
<b>Implementation Status – Ongoing, Funds secured for Sunset Grade Separation Project. Construction to commence in 2013.</b>
<b>Program 4.C</b>
Aggressively pursue the design and development of interchanges at Highland Home Road and Cottonwood Road (North - South), including all sources of funding, and the coordination of I-10 widening with their installation.
<b>Responsible Agency:</b> Public Works Department, City Manager's Office, City Council, CalTrans, Railroad
<b>Schedule:</b> 2005-2006
<b>Implementation Status – Highland Home Road will be eliminated with the recent General Plan Amendment. Discussions have commenced in regards to Cottonwood; however not much progress has occurred.</b>

#### **Policy 5**

Consider amendments to the Highland Home/Highland Springs/18<sup>th</sup> Street/Brookside street configurations based on public safety, design feasibility and area needs.

#### **Policy 6**

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

<b>Program 6.A</b>
Periodically review current traffic volumes and the actual pattern of development to coordinate, program and, as necessary, revise road improvements.
<b>Responsible Agency:</b> Public Works Department
<b>Schedule:</b>
<b>Implementation Status - Ongoing &amp; Active. The City is also conducting a traffic study to evaluate the opportunity for having a Level of Service "D" as opposed to "C" to ensure that the City of Banning is on the same level playing field with its neighboring jurisdiction for traffic related improvements.</b>

#### **Policy 7**

New development proposals shall pay their fair share for the improvement of streets within and surrounding their projects on which they have an impact, including roadways, bridges, grade separations and traffic signals.

#### **Policy 8**

Traffic calming devices shall be integrated into all City streets to the greatest extent possible and all new streets shall be designed to achieve desired speeds.

#### **Policy 9**



Street trees within the City right of way shall be preserved, unless a danger to the public health and safety or if the tree is diseased.

<b>Program 9.A</b>
Sidewalks in areas with street trees shall be designed to “wrap around” the tree if they are added to an existing neighborhood.
<b>Responsible Agency:</b> Public Works Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing.</b>

#### **Policy 10**

Sidewalks shall be provided on all roadways 66 feet wide or wider. In Rural Residential land use designation pathways shall be provided.

<b>Program 10.A</b>
The Public Works Department shall prepare an inventory of discontinuous sidewalks on all qualifying roadways, and fund individual projects through the Capital Improvement Program annually.
<b>Responsible Agency:</b> Public Works Department, City Council
<b>Schedule:</b> Inventory in 2006-2007, Annually thereafter
<b>Implementation Status – In progress and is implemented annually through CIP. New inventory of sidewalks and curb and gutters to be part of project mentioned in section 2.B.</b>
<b>Program 10.B</b>
All new development proposals located adjacent to qualifying roadways shall be required to install curb, gutter and sidewalk concurrent with construction.
<b>Responsible Agency:</b> Public Works Department, Planning Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing through land development review.</b>
<b>Program 10.C</b>
The City shall develop procedures to address neighborhood sidewalk needs as they are requested by that neighborhood.
<b>Responsible Agency:</b> Public Works Department
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status – Ongoing as needed.</b>
<b>Program 10.D</b>
Work with the School District to develop safe routes to school.
<b>Responsible Agency:</b> Public Works Department
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status – Ongoing.</b>

#### **Policy 11**

Sidewalks or other pedestrian walkways shall be required on all streets within all new subdivisions.

#### **Policy 12**

In the absence of a vehicular grade separation, the City shall aggressively pursue a grade separated pedestrian access across San Geronio, to assure that high school students do not have to cross the railroad tracks on their way to and from school.

### **Policy 13**

Pedestrian access in the Downtown Commercial designation shall be preserved and enhanced.

<b>Program 13.A</b>
All development and redevelopment proposals for the Downtown area shall include enhanced sidewalk, pedestrian walkway, lighting and landscaping designs and assure connections to existing and planned sidewalks.
<b>Responsible Agency:</b> Public Works Department, Planning Department
<b>Schedule:</b> As development proposals are presented
<b>Implementation Status – New development is being reviewed on a case-by-case basis to include enhanced sidewalks, walkways, lighting, and landscaping designs and to ensure that there are connections between existing and new development.</b>

### **Policy 14**

The City shall aggressively pursue the construction of all weather crossings over General Plan roadways.

<b>Program 14.A</b>
The Public Works Department shall prioritize the need for bridges listed in this Element, develop preliminary cost estimates, identify and pursue sources of funding, including developer funding, for each facility.
<b>Responsible Agency:</b> Public Works Department, City Council
<b>Schedule:</b> 2005-2006, Annually thereafter
<b>Implementation Status – Ongoing CIP and through private development funding. Sunset Avenue grade separation is currently a priority project.</b>
<b>Program 14.B</b>
All new development proposals shall pay their fair share of bridge construction needed to serve their project.
<b>Responsible Agency:</b> Public Works Department, Planning Department
<b>Schedule:</b> Ongoing
<b>Implementation Status - Implemented through the land development review process.</b>

### **Policy 15**

The City shall develop a Golf Cart Plan compliant with state requirements.

<b>Program 15.A</b>
The City shall develop a golf cart plan and associated ordinances and other required implementation programs.
<b>Responsible Agency:</b> Public Works Department, City Council
<b>Schedule:</b> 2006-2007
<b>Implementation Status – A citywide golf cart plan is not implemented due to lack of funding. However, future golf courses that are to be developed as part of development will require a golf cart plan that connects homes to commercial development within the project or beyond based on future opportunities.</b>

### **Policy 16**

Golf cart paths and facilities shall be funded, to the greatest extent possible, by new development.

<b>Program 16.A</b>
The routing and facilities required in the Golf Cart Plan shall be incorporated into the Development Impact



Fee when the Plan is adopted.
<b>Responsible Agency:</b> Public Works Department
<b>Schedule:</b> 2006-2007
<b>Implementation Status –</b> <i>Not implemented since there is no Citywide golf cart plan.</i>
<b>Program 16.B</b>
Golf cart facilities shall be incorporated into new project plans located on golf cart routes.
<b>Responsible Agency:</b> Planning Department, Public Works Department, Planning Commission, City Council
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status -</b> Implemented case-by-case based on future development. The proposed Butterfield Specific Plan (Pardee Homes) includes golf cart routes connecting homes to the commercial area in the development.

#### **Policy 17**

Encourage the expansion of an integrated Pass transit system.

<b>Program 17.A</b>
The City will explore the potential for either bus or rail connection to the Metrolink transit system.
<b>Responsible Agency:</b> City Manager's Office, Community Services Department
<b>Schedule:</b> 2006-2007, Ongoing
<b>Implementation Status -</b> Ongoing and the City Manager is actively pursuing this matter.

#### **Policy 18**

The City shall review its transit service to major regional attractions, and intra-City recreational locations in future planning efforts, based on need.

#### **Policy 19**

Bus pullouts shall be designed into all new projects on arterial roadways, to allow buses to leave the flow of traffic and reduce congestion.

<b>Program 19.A</b>
Bus pullouts will be retrofitted on built-out streets, wherever possible.
<b>Responsible Agency:</b> Public Works Department, City Council
<b>Schedule:</b> 2006-2007, Ongoing
<b>Implementation Status -</b> Ongoing.

#### **Policy 20**

Promote the location of a passenger rail station for long distance and commuter rail service.

#### **Policy 21**

Update the Airport Master Plan every five years to meet the needs of the general aviation, business and tourism segments of the community.

<b>Program 21.A</b>
Land use designation decisions within the area of influence of the airport shall be specifically reviewed to assure compatibility.

<b>Responsible Agency:</b> Planning Commission, City Council
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing through land development review process.</b>
<b>Program 21.B</b>
Work with the Chamber of Commerce, the Morongo Band of Mission Indians, and other interested parties to provide services which meet the needs of passenger and freight transport.
<b>Responsible Agency:</b> Airport Management, Economic Development staff, Chamber of Commerce, Morongo Band of Mission Indians, City Council
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing, implemented through the Airport Committee.</b>

## **Policy 22**

Maintain an accurate mapping of all utility corridors.

<b>Program 22.A</b>
The Building Department shall inventory and map transmission utility easements on the Land Use Map (including electric, fiber optics, natural gas and petroleum).
<b>Responsible Agency:</b> Building Department, Planning Department
<b>Schedule:</b> Inventory in 2005-2006, Annually thereafter
<b>Implementation Status – The State of California requires these maps to be maintained through the Service Alert System. There has been no comprehensive inventory conducted by the City. The Electric Utility Department maintains its own inventory of electric utility lines.</b>

## **Policy 23**

The City shall purchase and/or replace its fleet of vehicles with alternate fuel vehicles when available to the greatest extent possible, and shall encourage other agencies to do the same.

## **Policy 24**

Public alleys throughout the City shall be maintained to be useful and safe at all times.

<b>Program 24.A</b>
The City shall create a downtown alley master plan and where appropriate pave, light and otherwise improve alleys.
<b>Responsible Agency:</b> Public Works Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing</b>
<b>Program 24.B</b>
The Public Works Department shall inventory all public alleys, determine which are necessary, and vacate those that are not.
<b>Responsible Agency:</b> Public Works Department, City Council
<b>Schedule:</b> 2006-2007
<b>Implementation Status – Ongoing and active.</b>

## **Policy 25**

The City shall develop and implement plans for a coordinated and connected bicycle lane network in the community that allows for safe use of bicycles on City streets.

<b>Program 25.A</b>
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The City shall inventory all streets for potential Class I, Class II and Class III bikeways, and shall program their installation in its Capital Improvement Program.
<b>Responsible Agency:</b> Planning Department; Engineering Division; Public Works Department; Planning Commission; City Council
<b>Schedule:</b> 2005-2006.
<b>Implementation Status – Not yet completed.</b>
<b>Program 25.B</b>
Class I bikeways and sidewalks should be installed on both sides of Wilson Street, Ramsey Street, and Lincoln Street, and other major streets where sufficient right-of-way is available.
<b>Responsible Agency:</b> Engineering Division; Public Works Department
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status – Not yet completed.</b>
<b>Program 25.C</b>
Class II bikeways and sidewalks should be designated on all existing arterial streets that have sufficient width to safely accommodate bicycle travel lanes.
<b>Responsible Agency:</b> Planning Department; Engineering Division; Public Works Department
<b>Schedule:</b> 2005-2006.
<b>Implementation Status – Not yet completed.</b>
<b>Program 25.D</b>
The City should designate Class III bikeways only where Class I and Class II facilities are not feasible.
<b>Responsible Agency:</b> Planning Department; Public Works Department
<b>Schedule:</b> Continuous.
<b>Implementation Status – Not yet completed.</b>

#### **Policy 26**

The City should continue to work with the Morongo Band of Mission Indians and neighboring cities and communities to create a regional bicycle and trail network.

#### **Policy 27**

The City shall provide for a comprehensive, interconnected recreational trails system suitable for bicycles, equestrians and/or pedestrians.

<b>Program 27.A</b>
Evaluate the practicality of utilizing flood control channels for multi-use trails, where flooding and safety issues can be accommodated, and negotiate inter-agency agreements for this purpose.
<b>Responsible Agency:</b> Planning Department
<b>Schedule:</b> 2005-2006.
<b>Implementation Status – Ongoing through land development review process.</b>
<b>Program 27.B</b>
Evaluate the practicality of developing a multi-use trails system along the Banning Bench adjacent to and extending into San Bernardino National Forest lands, where environmental and safety issues can be accommodated, and negotiate inter-agency agreements with the U.S. Forest Service for this purpose.
<b>Responsible Agency:</b> Planning Department, U.S. Forest Service/San Bernardino National Forest
<b>Schedule:</b> 2005-2006.
<b>Implementation Status – Not yet completed.</b>

<b>Program 27.C</b>
Establish a multi-purpose trail between Dysart Park and Smith Creek Park, suitable for equestrian, bicycle and pedestrian use.
<b>Responsible Agency:</b> Community Services Department; Public Works Department; Parks and Recreation Advisory Committee
<b>Schedule:</b> 2005-2006, ongoing as development occurs
<b>Implementation Status – Not yet completed.</b>

## **Policy 28**

Motorized vehicles shall be prohibited on City trails.

<b>Program 28.A</b>
The City shall develop a non-motorized trail system and associated ordinances and other required implementation programs.
<b>Responsible Agency:</b> Public Works Department, Planning Commission, City Council
<b>Schedule:</b> 2006-2007
<b>Implementation Status – Not completed.</b>
<b>Program 28.B</b>
The non-motorized trail system shall be funded, to the greatest extent possible, by new development.
<b>Responsible Agency:</b> Public Works Department
<b>Schedule:</b> 2006-2007
<b>Implementation Status – Ongoing through land development review process. Butterfield Specific Plan (Pardee Homes) will include non-motorized trail system within the community and for future connection to its surrounding areas.</b>
<b>Program 28.C</b>
The routing and facilities required in the non-motorized trail system Plan shall be incorporated into the Development Impact Fee when the Plan is adopted.
<b>Responsible Agency:</b> Public Works Department
<b>Schedule:</b> 2006-2007
<b>Implementation Status – Not yet completed.</b>



## Economic Development Element (20 programs)

### GOAL 1

A balanced, broadly-based economy that provides a full range of economic and employment opportunities, while maintaining high standards of development and environmental protection.

#### Policy 1

General Plan land use designations and allocations will facilitate a broad range of residential, commercial, industrial and institutional development opportunities.

<b>Program 1.A</b>
The city shall annually monitor the remaining capacity of all General Plan land use categories to assure that a variety of economic development opportunities are available.
<b>Responsible Agency:</b> Planning Department, Redevelopment Agency
<b>Schedule:</b> 2005-2006, Annually thereafter
<b>Implementation Status - Ongoing.</b>
<b>Program 1.B</b>
All proposals for new development or redevelopment shall be evaluated to assure that these uses complement, support and are compatible with the City's core economic assets.
<b>Responsible Agency:</b> Planning Department, Redevelopment Agency, Finance Department, City Council
<b>Schedule:</b> Continuous
<b>Implementation Status – Ongoing.</b>

#### Policy 2

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.

<b>Program 2.A</b>
Work closely with Mount San Jacinto College throughout their planning process to assist in its efficient and timely development, implement educational programs geared to job creation and retention, and to coordinate synergistic development opportunities.
<b>Responsible Agency:</b> Redevelopment Agency, Mount San Jacinto College
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status – Phase I of the Mt. San Jacinto Community College development was completed in December 2010. New phases are in progress.</b>
<b>Program 2.B</b>
Aggressively pursue retail commercial developments which reduce the current retail sales leakage.
<b>Responsible Agency:</b> Redevelopment Agency, Chamber of Commerce
<b>Schedule:</b> Ongoing
<b>Implementation Status – Active and ongoing contacts with national and non-national retailers, developers, private investors, and potential tenants through social media marketing, press release, target marketing, letters, e-mails, phone calls, and meetings. Attend ICSC national and regional tradeshows to market and brand the City.</b>
<b>Program 2.C</b>

Continue to maximize the role of the Chamber of Commerce, City web site and other mechanisms that promote and enhance the City's business climate.
<b>Responsible Agency:</b> Redevelopment Agency, Chamber of Commerce
<b>Schedule:</b> Ongoing
<b>Implementation Status - Active and ongoing.</b>

### **Policy 3**

Encourage and promote infill development in orderly and logical development patterns that decrease the costs, and increase the efficiency of new utilities, infrastructure, and public services.

<b>Program 3.A</b>
The City shall maintain a package of economic incentive programs that benefit developers of infill projects.
<b>Responsible Agency:</b> Redevelopment Agency, Finance Department
<b>Schedule:</b> 2005-2006
<b>Implementation Status – The City Council adopted the Electric Utility Incentive Program for existing business expansion and business attraction. The Electric Utility Incentive Program was enhanced in 2012 to lower the minimum requirement threshold in an effort to reach a broader business base. The City provides a one-stop shop program where developers can meet with City staff at no cost in advance of their formal application to the City. The City also provides a single point of contact from start to the completion of a construction project.</b>
<b>Program 3.B</b>
The City shall contribute to the financing of tertiary treatment facilities as an economic development tool.
<b>Responsible Agency:</b> Redevelopment Agency
<b>Schedule:</b> 2006-2007
<b>Implementation Status - Not yet completed.</b>
<b>Program 3.C</b>
Use the Downtown Charette as a guideline for the Downtown Commercial area, for the development of high quality, pedestrian oriented retail locations.
<b>Responsible Agency:</b> Planning Department, Redevelopment Agency, Planning Commission, City Council
<b>Schedule:</b> 2005-2007, Ongoing
<b>Implementation Status - Ongoing.</b>

### **Policy 4**

Attract a greater number of commercial retail businesses to the Downtown Core area to develop a safe, vital and consumer-friendly downtown shopping area.

<b>Program 4.A</b>
Provisions for the Downtown Commercial Zoning District shall encourage specialty retail uses, live-work uses, and other uses which support and expand the pedestrian and tourist-related shopping experience.
<b>Responsible Agency:</b> Planning Department, Planning Commission, City Council
<b>Schedule:</b> 2005-2006
<b>Implementation Status - Ongoing .</b>
<b>Program 4.B</b>
The City shall coordinate with public, private and business organizations to explore grant funding to provide funds for rehabilitation and increased code enforcement in the Downtown Core area.
<b>Responsible Agency:</b> Redevelopment Agency, Chamber of Commerce, City Council



<b>Schedule:</b> 2005-2006; Continuous
<b>Implementation Status – The Community Redevelopment Agency enters into a number of Owner Participation Agreements with members of the business community who desire to upgrade the façade of their buildings. Redevelopment funds for this program were eliminated by the State in 2012. Code Enforcement efforts are ongoing in the Downtown and throughout the City.</b>

<b>Program 4.C</b>
The City shall work with CABAM and other citizen groups with an interest in development of the Downtown core area, to identify grant monies, private development interests and business synergies to build on existing revitalization activities in this area.
<b>Responsible Agency:</b> Redevelopment Agency, CABAM, development community
<b>Schedule:</b> 2005-2006; Continuous
<b>Implementation Status - Currently working with the Banning Cultural Alliance and Banning Chamber of Commerce with regard to this effort.</b>

### **Policy 5**

Explore opportunities with private entities to fund Smith Creek Park as a viable recreation area.

<b>Program 5.A</b>
Update the Smith Creek Park master plan and actively market this development opportunity among private entities that could fund development and provide for future maintenance of the park and improvements.
<b>Responsible Agency:</b> Community Services Department, Redevelopment Agency, City Council, development community
<b>Schedule:</b> 2006-2007
<b>Implementation Status – Not implemented.</b>

### **Policy 6**

Encourage and facilitate highway-serving commercial development at appropriate Interstate-10 interchanges within the City limits.

<b>Program 6.A</b>
Proactively work with CalTrans to improve on- and off-ramp landscaping and improvements to provide more attractive gateways to the City.
<b>Responsible Agency:</b> Planning Department, Redevelopment Agency, CalTrans
<b>Schedule:</b> 2005-2006; Ongoing
<b>Implementation Status - Currently working with CalTrans to improve the Highland Springs Avenue interchange and 8<sup>th</sup> Street off ramps.</b>
<b>Program 6.B</b>
Preserve highway commercial land use designations at interchange locations, and encourage the location of high quality freeway-serving businesses.
<b>Responsible Agency:</b> Planning Department, Redevelopment Agency
<b>Schedule:</b> 2005-2006; Ongoing
<b>Implementation Status – Ongoing.</b>

<b>Implementation Status - Implemented through Zoning and land development review process.</b>
<b>Program 6.C</b>
Code compliance on gateway streets and properties adjacent to Interstate 10 shall be strictly enforced.
<b>Responsible Agency:</b> Code Enforcement
<b>Schedule:</b> Ongoing
<b>Implementation Status - Ongoing.</b>

#### **Policy 7**

Explore joint funding opportunities for the improvement of existing at-grade rail crossings, and investigate necessary infrastructure and funding to extend rail access to lands designated for industrial development.

<b>Program 7.A</b>
Consult with representatives of the Railroad, state and federal legislators, and appropriate state agencies to apply for available funding for these improvements.
<b>Responsible Agency:</b> Redevelopment Agency, Public Works Department, Railroad, City Council
<b>Schedule:</b> 2005-2006; Ongoing
<b>Implementation Status - Grants received for Sunset grade separation.</b>

#### **Policy 8**

In order to maintain existing economic activities and attract new commercial and industrial development, the City shall assure the provision of adequate utilities, infrastructure, and other capital facilities.

#### **Policy 9**

All development interests, including residential, commercial and industrial project proponents, shall be responsible for their fair share of on-site and off-site improvements required to support their development proposals. Such improvements may include, but are not limited to, street construction and signalization, grade separation, utility extension, drainage facilities, and parks.

<b>Program 9.A</b>
The Community Redevelopment Agency shall consider requests for assistance from project developers for the development of infrastructure and compare them to the economic benefit of the proposed project.
<b>Responsible Agency:</b> Redevelopment Agency
<b>Schedule:</b> 2005-2006; Ongoing
<b>Implementation Status - The Redevelopment Agency has been eliminated in 2012 by the State; however, as part of land development, the projects are required to provide infrastructure to serve the development.</b>
<b>Program 9.B</b>
Proactively work with the Riverside County Transportation Commission in putting Banning projects on the highest priority within the Transportation Uniform Mitigation Fee (TUMF) program.
<b>Responsible Agency:</b> City Manager's Office, City Engineer, City Council
<b>Schedule:</b> Ongoing
<b>Implementation Status - Ongoing. Attend and participate at monthly meetings with RCTC.</b>



**Policy 10**

Continue to cultivate cooperative relationships with the Morongo Band of Mission Indians and Bureau of Indian Affairs, particularly regarding development of Indian lands within and adjacent to the planning area, and development and enhancement of community facilities that provide joint benefit to the Tribe and the City.

**Policy 11**

The City will have a comprehensive tourism plan.

<b>Program 11.A</b>
Encourage and promote special events and activities which strengthen the City's image and attractiveness to residents, visitors, and businesses.
<b>Responsible Agency:</b> City Council, Redevelopment Agency, Chamber of Commerce, Morongo Band of Mission Indians, Inland Empire Tourism Council, Banning and Beaumont Unified School Districts, ECOPAC
<b>Schedule:</b> 2005-2006
<b>Implementation Status – Ongoing. Special Events are conducted by the Banning Cultural Alliance such as Phineas Festival, Art Hop, and Play House Bowl and many other downtown activities. The Banning Centennial Committee also has a variety of programs and events scheduled for 2013.</b>
<b>Program 11.B</b>
The City shall conduct market research on tourism approaches, target the tourism markets of interest, and create tourism plan goals and an implementation strategy.
<b>Responsible Agency:</b> City Redevelopment Agency, Chamber of Commerce, Inland Empire Tourism Council, ECOPAC
<b>Schedule:</b> 2006-2007
<b>Implementation Status - Ongoing efforts to accomplish tourism plan.</b>

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## Emergency Preparedness Element (8 programs)

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### GOAL 1

A detailed, integrated and comprehensive emergency preparedness plan for the City, ensuring a high level of readiness and responsiveness to man-made and natural disasters of any scope, and which maximizes response capabilities of the City, County, State and Federal governments.

#### Policy 1

The City shall maintain and update its Multi-Hazard Functional Planning Guidance document to ensure maximum operational functionality and to incorporate federal mandates by required deadlines.

<b>Program 1A</b>
The City shall maintain close communication and coordination with Riverside County to expedite adaptation of and compliance with the federal NIMS program.
<b>Responsible Agency:</b> City Manager, Disaster Preparedness Coordinator, Riverside County Emergency Services Department
<b>Schedule:</b> 2005
<b>Implementation Status - The Emergency Services Coordinator/Fire Marshal has completed "NIMSCAST," the national online NIMS compliance evaluation program developed by FEMA. Continual updates will be done on "NIMSCAST" to ensure current information about the City's compliance is recorded. The latest update was in November 2011. The Emergency Services Coordinator/Fire Marshal monitors the City's Compliance with SEMS and NIMS and provides training or training opportunities to ensure SEMS and NIMS compliance. The organizational chart was updated in November/December 2012.</b>

#### Policy 2

The City shall maintain and update the Banning Emergency Plan to keep it updated with staffing and technical capabilities of the City and cooperating agencies.

<b>Program 2.A</b>
Periodically schedule and direct the review and revision of the Banning Emergency Plan.
<b>Responsible Agency:</b> City Manager, Disaster Preparedness Coordinator, Riverside County Emergency Services, Other City Departments, Sun Lakes EPAP
<b>Schedule:</b> Every two years.
<b>Implementation Status - The City's Emergency Operations Plan was updated and approved by the City Council in August 2007. The plan requires review and updates, as needed, every two years. The latest update was in November 2011.</b>

#### Policy 3

The City shall identify and establish emergency evacuation and supply routes and plans to preserve or reestablish the use of Highland Springs Avenue, San Geronio Avenue, Wilson Street, Ramsey Street, Interstate-10 and other essential transportation routes.

<b>Program 3.A</b>
Through PASSCOM or other appropriate regional organization, the City shall coordinate with adjoining cities, Riverside County, the Morongo Band of Mission Indians and CalTrans to facilitate the designation of emergency evacuation and supply routes, and for the development of a multi-agency emergency response plan that provides expeditious and timely repair to major streets and highways damaged by earthquakes,



flooding or other disasters.
<b>Responsible Agency:</b> City Manager, Disaster Preparedness Coordinator, Public Works Department, Cities of Beaumont and Calimesa, Riverside County Emergency Services, CalTrans, Morongo Band of Mission Indians
<b>Schedule:</b> Continuous
<b>Implementation Status -</b> The Emergency Services Coordinator/Fire Marshal is working with the Emergency Services Coordinator of the Morongo Band of Mission Indians to establish a Mutual Aid Agreement between the Tribe and the City for mutual assistance during disasters. Work continues to designate and develop an alternate east/west route through the Pass Area should I-10 become impassible. Agreement in principle between County of Riverside, Banning City, and Morongo Band of Mission Indians for a route south of I-10. Currently no funds available to proceed.

#### **Policy 4**

The City shall identify and establish emergency appropriate locations for emergency supply stockpiles.

<b>Program 4.A</b>
Through County-provided CERT training or other appropriate community venues, the City shall recruit decentralized locations where stockpiles of food, water and emergency medical supplies may be stored and maintained.
<b>Responsible Agency:</b> City Manager, Disaster Preparedness Coordinator, Public Works Department, Riverside County Emergency Services
<b>Schedule:</b> Continuous
<b>Implementation Status -</b> Nothing accomplished as of December 20, 2007 regarding stockpiling food and water except for supplies for use by EOC personnel during a disaster. For medical emergencies the Fire Department has purchased a trailer and equipped it to handle "Mass Casualty" incidents. The trailer is stocked with medical and rescue supplies. The County of Riverside provided money for a conex with food and water to be placed on the Banning bench, but the City has not had the funds to provide that within the City. Work continues with local communities to stockpile as a community and also be personally prepared. The City accepted an Emergency Preparedness trailer with 100 cots from the county OES.

#### **Policy 5**

The City shall cooperate and coordinate with Riverside County Emergency Services, local utility purveyors and other agencies and utilities in the preparation of public information materials to assist residents, visitors and business owners in responding to local disasters and emergencies.

<b>Program 5.A</b>
The City shall coordinate and cooperate with County Emergency Services, Banning Water District , Eastern Municipal Water District, Beaumont/Cherry Valley Water District, Southern California Edison, the Gas Company, and other agencies and utilities in the development and dissemination of information and instructions on appropriate actions in the event of a local disaster or emergency.
<b>Responsible Agency:</b> City Council, City Manager, Disaster Preparedness Coordinator, Riverside County Emergency Services, SCE, the Gas Company, Banning Water District , EMWD, and Beaumont/Cherry Valley Water District.
<b>Schedule:</b> Continuous
<b>Implementation Status -</b> The Fire Department Emergency Services Bureau continually communicates with County OES and local agencies to dispense pertinent disaster preparedness Information through public events and organization meetings.
<b>Program 5.B</b>
Coordinate with the County to facilitate with appropriate public and quasi-public agencies and private



organizations to assure that CERT training incorporates a public information program to advise the community on how to prepare for and cope in a local disaster or emergency.
<b>Responsible Agency:</b> City Council, City Manager, Disaster Preparedness Coordinator, Riverside County Emergency Services, Banning Unified School District, Sun Lakes EPAP, private schools, nursing homes, and various local business organizations
<b>Schedule:</b> Continuous
<b>Implementation Status - Ongoing Implementation.</b>
<b>Program 5.C</b>
Encourage and train community volunteers to assist police and fire personnel during and after a major emergency.
<b>Responsible Agency:</b> City Manager, Disaster Preparedness Coordinator, Riverside County Emergency Services, Sun Lakes EPAP
<b>Schedule:</b> Continuous
<b>Implementation Status - The Fire Department has an active volunteer program. Emergency Services Coordinator/Fire Marshal, along with one Council member and a citizen volunteer, have provided numerous training programs related to neighborhoods preparing for disasters. PASSCOMM, County OES, and local groups have provided local training and preparedness.</b>

#### **Policy 6**

The City shall thoroughly consider and assess vulnerability to natural and manmade disasters or emergencies when reviewing proposals for the siting and development of critical and essential public/quasi-public facilities.

<b>Program 6.A</b>
In order to assure the maximum possible protection from environmental and manmade hazards, including earthquakes and flooding, the City shall consider their vulnerability to natural and manmade disasters and emergencies when reviewing proposals for critical and essential facilities, as well as sensitive land uses.
<b>Responsible Agency:</b> Planning Department, Public Works Department, Fire Department
<b>Schedule:</b> Continuous
<b>Implementation Status - This is being accomplished by the cooperative efforts between Fire and Public Works to mitigate flooding and mudslides after fires. The Public Works Department has adopted new Grading Standards and a new Storm Water Code to assist in deterring increases in flood levels by new development.</b>

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## Energy and Mineral Resources Element (9 programs)

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### GOAL 1

Efficient, sustainable and environmentally appropriate use and management of energy and mineral resources, assuring their long-term availability and affordability.

### Policy 1

Promote energy conservation throughout all areas of the community and sectors of the local economy, including the planning and construction of urban uses and in City and regional transportation systems.

<b>Program 1.A</b>
The City shall strictly and consistently enforce all state mandated energy-conserving development and building codes/regulations, and shall investigate and report on the appropriateness of developing more stringent local energy performance standards.
<b>Responsible Agencies:</b> Building Department, Planning Department, Public Utilities
<b>Schedule:</b> Ongoing
<b>Implementation Status –Active and ongoing part of development process.</b>
<b>Program 1.B</b>
The City shall continue to participate in transportation planning efforts and shall encourage the expanded use of public transit, vehicles fueled by compressed natural gas and hydrogen, buses with bike racks and other improvements that enhance overall operations and energy conservation.
<b>Responsible Agency:</b> City Manager’s Office, Community Services Department, Public Utilities Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing and Active.</b>
<b>Program 1.C</b>
The City shall strive for efficient community land use and transportation planning and design, and shall assure the provision of convenient neighborhood shopping, medical and other services located to minimize travel and facilitate the use of alternative means of transportation.
<b>Responsible Agency:</b> Public Works Department, Planning Department, Community Services Department
<b>Schedule:</b> Ongoing
<b>Implementation Status - Through Development Review Process; bikeways, golf cart paths &amp; pedestrian trails have been planned for new projects.</b>
<b>Program 1.D</b>
The City shall encourage the use of, and programs for, electric vehicles, hybrids, bicycles and pedestrian facilities.
<b>Responsible Agency:</b> Public Utilities, Department, City Council
<b>Schedule:</b> Ongoing
<b>Implementation Status - Active and ongoing.</b>



## **Policy 2**

Promote the integration of alternative energy systems, including but not limited to solar thermal, photovoltaic's and other clean energy systems, directly into building design and construction.

<b>Program 2.A</b>
The City shall make available to residents, businesses, and the building industry information on commercially available conservation technologies, solar thermal and photovoltaic energy systems, fuel cell and other alternative energy technology. Building regulations and guidelines that provide for the safe and efficient installation of these systems shall also be provided.
<b>Responsible Agency:</b> Building Department, Community Development Department, Public Works Department
<b>Schedule:</b> 2006-2007, Ongoing
<b>Implementation Status - Active and ongoing. Interconnection programs are still available for customers wishing to install "behind the meter" generation. However rebate funds have been exhausted.</b>

## **Policy 3**

Proactively support long-term strategies, as well as state and federal legislation and regulations, that assure affordable and reliable production and delivery of electrical power to the community.

## **Policy 4**

Support public and private efforts to develop and operate alternative systems of wind, solar and other electrical production, which take advantage of local renewable resources.

<b>Program 4.A</b>
Support and facilitate the integration of co-generation and other on-site energy production and management systems into larger industrial, commercial and institutional operations in the City to enhance operational efficiencies, reliability, and to provide additional opportunities for local power production.
<b>Responsible Agency:</b> Public Works Department; Planning Department; Building Department
<b>Schedule:</b> Ongoing
<b>Implementation Status - Active and Ongoing.</b>

## **Policy 5**

Assure a balance between the availability of mineral resources and the compatibility of land uses in areas where mineral resources are mined.

<b>Program 5.A</b>
The City shall monitor and regulate the safe and environmentally responsible extraction and recycling of significant mineral resources located within the planning area.
<b>Responsible Agency:</b> Community Development Department, Public Utilities Department
<b>Schedule:</b> Ongoing.
<b>Implementation Status – Not implemented.</b>
<b>Program 5.B</b>
The City shall establish a formal relationship with the County Geologist or other qualified agency to monitor mineral resource operations under SMARA.
<b>Responsible Agency:</b> Planning Department, Riverside County Geologist.
<b>Schedule:</b> 2005-2006
<b>Implementation Status – Completed.</b>



<b>Program 5.C</b>
The City shall strictly enforce the provisions of the existing mining permit within City limits.
<b>Responsible Agency:</b> Code Compliance, Planning Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – <i>Not completed.</i></b>



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## **Flooding and Hydrology Element (12 programs)**

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### **GOAL 1**

A comprehensive system of flood control facilities and services effectively protecting lives and property.

### **Policy 1**

Proactively plan and coordinate with other responsible agencies to upgrade the City's local and regional drainage system.

<b>Program 1.A</b>
Continued implementation of the recommendations of the 1994 RCFC Master Drainage Plan study.
<b>Responsible Agency:</b> Public Works Department, Planning Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing.</b>
<b>Program 1.B</b>
Capital Improvement Plans for drainage management and control shall be developed, updated and maintained and shall be based upon the Master Drainage Plan project descriptions.
<b>Responsible Agencies:</b> Public Works Department, Planning Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – Completed.</b>
<b>Program 1.C</b>
Monitor and update the Master Plan of Drainage every five years to reflect changes in local and regional drainage and flood conditions.
<b>Responsible Agencies:</b> Public Works Department, Planning Department, Riverside County Flood Control District
<b>Schedule:</b> Ongoing
<b>Implementation Status – ongoing, the County Flood District has prepared a master plan and is responsible for updates.</b>
<b>Program 1.D</b>
Require all new development to complete on site drainage analysis and improvements, at their expense, as part of project development.
<b>Responsible Agencies:</b> Public Works Department, Planning Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing, part of development process.</b>

### **Policy 2**

Major drainage facilities, including debris basins and flood control channels, shall be designed to maximize their use as multi-purpose recreational or open space sites, consistent with the functional requirements of these facilities.

<b>Program 2.A</b>
Coordinate and cooperate with RCFC in achieving multi-use agreements within flood control channels and designing safe, attractive recreational facilities that maintain the functional requirements of the drainage facilities.
<b>Responsible Agencies:</b> Public Works Department, Planning Department, RCFC
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing; through SP’s and other projects adjacent to Flood Control.</b>
<b>Program 2.B</b>
Work with RCFC to design drainage and flood control facilities that minimize negative aesthetic impacts and retain natural groundcover and vegetation to the greatest extent possible.
<b>Responsible Agencies:</b> Public Works Department, Planning Department, RCFC, US Army Corps of Engineers
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing; through entitlement process when designs are submitted for approval.</b>

### **Policy 3**

The City Engineer shall continue to actively participate in regional flood control and drainage improvement efforts and to develop and implement mutually beneficial drainage plans.

### **Policy 4**

The City shall cooperate in securing FEMA map amendments, recognizing the importance of redesignation of the 100-year flood plains within the City boundaries and sphere-of-influence as improvements are completed.

<b>Program 4.A</b>
In conjunction with the RCFC, the City shall coordinate and cooperate in the filing of appropriate FEMA application materials to incrementally secure amendments to the Flood Insurance Rate Maps for the City, consistent with existing and proposed improvements.
<b>Responsible Agencies:</b> Public Works Department, Planning Department, RCFC
<b>Schedule:</b> Ongoing
<b>Implementation Status - Ongoing.</b>

### **Policy 5**

Pursue all credible sources of funding for local and regional drainage improvements needed for adequate flood control protection.

<b>Program 5.A</b>
Consider the establishment of Area Drainage Plans or Assessment Districts for purposes of funding necessary drainage improvements in particular geographic areas of the City.
<b>Responsible Agencies:</b> Public Works Department, Planning Department, Economic Development Agency, Developers
<b>Schedule:</b> Ongoing
<b>Implementation Status –Not yet completed.</b>
<b>Program 5.B</b>
Explore County funding, state funding under the Cobey-Alquist Flood Plain Management Act, other State programs, and federal funding options for local and area-wide flood control projects.
<b>Responsible Agencies:</b> Public Works Department, Planning Department, Economic Development, State; County



<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing.</b>

### **Policy 6**

All new development shall be required to incorporate adequate flood mitigation measures, such as grading that prevents adverse drainage impacts to adjacent properties, on-site retention of runoff, and the adequate siting of structures located within flood plains.

<b>Program 6.A</b>
Stormwater retention shall be enforced through the development review process and routine site inspection.
<b>Responsible Agencies:</b> Public Works Department, Planning Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing; through grading approval process.</b>

### **Policy 7**

Assure that adequate, safe, all-weather crossing over drainage facilities and flood control channels are provided where necessary, and are maintained for passage during major storm events.

<b>Program 7.A</b>
Bridging of roadways within new development projects shall be the responsibility of the developer on whose project the bridge occurs, and shall be included as a condition of approval.
<b>Responsible Agency:</b> Planning Department, Public Works Department, Planning Commission, City Council
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing; yes through approval process.</b>
<b>Program 7.B</b>
All new development proposals shall pay their fair share of bridge construction needed to serve their project.
<b>Responsible Agency:</b> Public Works Department, Planning Department
<b>Schedule:</b> Ongoing
<b>Implementation Status - Ongoing.</b>

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## Geotechnical Element (7 programs)

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### GOAL 1

Increased protection and safety of human life, land, and property from the effects of seismic and geotechnical hazards.

#### Policy 1

The City shall establish and maintain an information database containing maps and other information which describe seismic and other geotechnical hazards occurring within the City boundaries, sphere-of-influence and planning area.

<b>Program 1.A</b>
Consult and coordinate with surrounding communities, the California Division of Mines and Geology, Riverside County, other applicable state and federal agencies, and professional engineering geologists to establish, improve and routinely update the database.
<b>Responsible Agency:</b> Planning Department, California Division of Mines and Geology, Riverside County, Consulting Geologists
<b>Schedule:</b> 2005-2006; Continuous
<b>Implementation Status – Continuous.</b>

#### Policy 2

In accordance with state law, all development proposals within designated Alquist-Priolo Earthquake Fault Zones shall be accompanied by appropriate geotechnical analysis.

<b>Program 2.A</b>
Establish a cooperative agreement with the County Geologist, State Geologist, contract state-certified geologist, or contract geological engineer to review and determine the adequacy of geotechnical and fault hazard studies prepared within the City.
<b>Responsible Agency:</b> City Engineer/Consulting Engineering Geologist
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status – Completed.</b>

#### Policy 3

Development in areas identified as being susceptible to slope instability shall be avoided unless adequately engineered to eliminate geotechnical hazards.

<b>Program 3.A</b>
The City shall make available copies of the General Plan Slope Instability Susceptibility Map and discourage development within areas so designated, or require detailed geotechnical analysis and mitigation measures that reduce potential hazards to insignificant levels.
<b>Responsible Agency:</b> Planning Department, City Engineer/Consulting Engineering Geologist
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status – Ongoing, implemented through new grading ordinance.</b>



#### **Policy 4**

To minimize the potential impacts of subsidence due to extraction of groundwater, the City shall actively support and participate in local and regional efforts at groundwater conservation and recharge.

<b>Program 4.A</b>
Consult and coordinate with the City of Banning Public Utilities – Water Department, U.S. Geological Survey, and other appropriate agencies to routinely monitor groundwater levels and surface elevations in the City.
Responsible Agency: City of Banning Public Utilities – Water Department, U.S. Geological Survey
<b>Schedule: Continuous</b>
<b>Implementation Status – Continuous.</b>
<b>Program 4.B</b>
The City shall encourage the preparation of, support and participate in, the study of the temporary surplus of the Beaumont Water Basin and its impact on subsidence.
<b>Responsible Agency:</b> Water Department, Beaumont/Cherry Valley Water District, San Geronio Pass Water Agency
<b>Schedule:</b> Ongoing
<b>Implementation Status – On going.</b>

#### **Policy 5**

The City shall coordinate and cooperate with public and quasi-public agencies to assure the continued functionality of major utility systems in the event of a major earthquake.

<b>Program 5.A</b>
Maintain working relationships and strategies between the Public Works Department (wastewater and electric), utilities, and other appropriate agencies to strengthen or relocate utility facilities, and take other appropriate measures to safeguard major utility distribution systems.
<b>Responsible Agency:</b> Planning Department, Public Works Department, City Engineer, Public and Quasi-Public Utilities
<b>Schedule:</b> 2004-05; Ongoing
<b>Implementation Status –Ongoing, through pre applications, development meetings and with PAC.</b>

#### **Policy 6**

New septic tank leach fields, seepage pits, drainage facilities, and heavily irrigated areas shall be located away from structural foundations and supports to minimize the potential for localized collapse of soils.

<b>Program 6.A</b>
The City shall require that development applications include plans indicating the location of leach fields, seepage pits, drainage facilities, and water-dependent landscaping so that City staff may evaluate the potential for ground saturation.
<b>Responsible Agency:</b> Planning Department, Building Department, City Engineer
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status – Through grading review, part of development review process.</b>

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## Hazardous and Toxic Materials Element (10 programs)

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### GOAL 1

Maintain and promote measures to protect life and property from hazards resulting from human activities and development.

#### Policy 1

The City shall continue to encourage research on potential and known hazards to public health and safety and make this information available to the general public, commercial interests, and governmental organizations.

#### Policy 2

The City shall continue to conduct and participate in studies with other agencies to identify existing and potential hazards to public health and safety.

<b>Program 2.A</b>
Maintain, coordinate, and update the location of hazardous spills as a result of accident or intentional action, and community evacuation plans.
<b>Responsible Agencies:</b> Fire Department, Planning Department, County Health Department
<b>Schedule:</b> Ongoing
<b>Implementation Status Ongoing.</b>
<b>Program 2.B</b>
<b>The Fire Department shall maintain a citywide Emergency Response Program, which provides for emergency services in the event of a hazardous spill or airborne release.</b>
<b>Responsible Agencies:</b> Fire Department, City Manager's Office, County Health Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – SIMS &amp; NEMS ongoing training.</b>
<b>Program 2.C</b>
Coordinate with responsible agencies to assure enforcement of state and federal regulations for the testing and monitoring of underground fuel storage tanks for leakage.
<b>Responsible Agencies:</b> Fire Department, state and federal EPA, County Health Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – City is no longer a CUPA and County inspects all hazardous businesses within the City for compliance.</b>

#### Policy 3

The City shall thoroughly evaluate development proposals for lands directly adjacent to sites known to be contaminated with hazardous or toxic materials, traversed by natural gas transmission lines or fuel lines, or sites that use potentially hazardous or toxic materials.

<b>Program 3.A</b>
Consult with the County of Riverside Department of Health on a quarterly basis to identify existing and new hazardous waste sites within the General Plan study area.
<b>Responsible Agencies:</b> Planning Department, Fire Department, County Health Department
<b>Schedule:</b> Ongoing
<b>Implementation Status Ongoing.</b>



<b>Program 3.B</b>
A Conditional Use Permit shall be required for all new development that generates, transports, uses or stores significant amounts of hazardous materials.
<b>Responsible Agencies:</b> Planning Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing.</b>

#### **Policy 4**

Require and facilitate the adequate and timely cleanup of contaminated sites identified within the City of Banning and its sphere-of-influence.

<b>Program 4.A</b>
Coordinate with responsible county, state and federal agencies to activate cleanup procedures, and monitor the status of cleanup efforts on an ongoing basis.
<b>Responsible Agencies:</b> Planning Department, Fire Department, State and federal EPA, County Health Department, California Regional Water Quality Control Board
<b>Schedule:</b> Ongoing
<b>Implementation Status - Ongoing</b>

#### **Policy 5**

The City shall designate appropriate access routes to facilitate the transport of hazardous and toxic materials.

<b>Program 5.A</b>
Coordinate with the Fire Department, Police Department, neighboring jurisdictions, and other appropriate agencies to identify segments of highway or local roads that shall be restricted from transporting hazardous and toxic materials in order to preserve public safety.
<b>Responsible Agencies:</b> Planning Department, Fire Department, Police Department
<b>Schedule:</b> 2005-2006
<b>Implementation - Not yet completed.</b>
<b>Program 5.B</b>
Enforce roadway access restrictions and consider the implementation of fines or penalties for violations.
<b>Responsible Agencies:</b> Fire Department, Police Department
<b>Schedule:</b> 2005-2006
<b>Implementation Status - Not yet completed</b>

#### **Policy 6**

Continue to promote programs that encourage or educate the public in the proper handling and disposal of household hazardous waste or dangerous materials.

<b>Program 6.A</b>
Establish a Household Hazardous Waste program through the City's solid waste contractor.
<b>Responsible Agencies:</b> City Manager's office, solid waste contractor
<b>Schedule:</b> Ongoing
<b>Implementation Status - Ongoing.</b>

#### **Policy 7**

The City shall actively oppose plans to establish hazardous or toxic waste dumps, landfills, or industrial processes that may potentially adversely affect the City and its Sphere-of-Influence.



**Policy 8**

Maintain an inventory and information database, including mapping, of all major natural gas transmission lines and liquid fuel lines within the City limits and Sphere of Influence.

<b>Program 8.A</b>
The City shall insure that location of all major natural gas transmission lines and liquid fuel lines that run through the City are clearly identified, that right-of-way and maintenance easements are maintained, and that all existing and proposed development are located a safe distance from these lines.
<b>Responsible Agencies:</b> Building and Safety, Planning Department, Fire Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing.</b>

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## Housing Element (16 programs)

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### GOAL 1

Housing Opportunities - Provide a wide range of housing types to meet the existing and future needs of planning area residents.

#### Policy 1

Provide a variety of residential development opportunities in Banning, ranging from very low density to high density development as described in the Community Development Element and Plan Map in accordance with the Regional Housing Needs Assessment.

<b>Program 1.A</b>
The City, through planning and regulatory actions will designate adequate housing sites to meet its RHNA allocation for each income level (Objective 1,780 dwelling units through June 30, 2005 as follows: 481 very-low income, 289 low-income, 405 moderate-income and 605 above moderate income).
<b>Responsible Agency:</b> Community Development; City Council; Planning Commission
<b>Schedule:</b> January 1, 1998 – June 30, 2005
<b>Implementation Status - The housing element update for 2006-2014 is in progress.</b>
<b>Program 1.B</b>
City to assist Riverside County in advertising the shared housing program by placing program brochures in key locales throughout the community and contacting agencies serving seniors so they are aware of the program (Objective 10 roommate matches per year)
<b>Responsible Agency:</b> Community Development Department & Redevelopment Agency
<b>Schedule:</b> Current and Ongoing.
<b>Implementation Status - Not implemented.</b>

#### Policy2

Encourage both the private and public sectors to produce or assist in the production of high quality housing to meet the needs of the handicapped, the elderly, large families, female-headed households and homeless.

#### Policy3

Promote the development of low- and moderate-income, and senior citizen housing by allowing developers density bonuses or other financial incentives for providing units for low- and moderate-income residents. Provide rental assistance vouchers, as available, for some or all of the affordable units provided.

<b>Program 3.A</b>
Continue implementing “Density Bonuses and Other Incentives for Lower Income and Senior Housing”, and to annually evaluate the program to ensure the Density Bonuses and Other Incentives are effective in encouraging developers to include projects containing housing affordable to low- or moderate-income households.
<b>Responsible Agency:</b> Community Development Department & Redevelopment Agency
<b>Schedule:</b> Current and ongoing
<b>Implementation Status – Developers are encouraged to take advantage of the housing density bonus and other city incentives.</b>



<b>Program 3.B</b>
Participate in one bond-funded housing project for ownership housing and one for rental housing during the five-year period of this Housing Element. To achieve these objectives, Agency staff will do the following during 2001: meet with representative of Riverside County to determine interest in, and feasibility of issuing bonds; reach an agreement on the City/Agency's financial participation of a bond issuance is determined to be feasible; promote the availability of the bond financing within the local development community to generate interest in using this resource to develop affordable housing units meeting bond program requirements; and refer interested developers to Riverside County for participation in the program.
<b>Responsible Agency:</b> Community Development Department & Redevelopment Agency
<b>Schedule:</b> One project each in 2003 and 2004
<b>Implementation Status –Not implemented.</b>
<b>Program 3.C</b>
The City of Banning will maintain its cooperative agreement with the County for the mortgage credit certificate program and should assist the County in advertising the program through distribution of program brochures to local realtors and residential sales offices.
<b>Responsible Agency:</b> Community Development Department & Redevelopment Agency
<b>Schedule:</b> : Current and ongoing
<b>Implementation Status – Ongoing.</b>
<b>Program 3.D</b>
Establish ongoing working relationship with at least one nonprofit organization to administer housing programs and/or affordable housing developments
<b>Responsible Agency</b> Community Development Department & Redevelopment Agency
<b>Schedule:</b> Meet with non-profits organizations by June 2001 and establish partnerships by December 2001
<b>Implementation Status – Ongoing.</b>
<b>Program 3.E</b>
The City can facilitate use of Section 8 program by encouraging apartment owners to list available rental units with the County Housing Authority for potential occupancy by tenants receiving Section 8 certificates.
<b>Responsible Agency:</b> Community Development Department & Redevelopment Agency
<b>Schedule:</b> Current and ongoing
<b>Implementation Status – Ongoing.</b>

**Policy 4:**

Require that housing constructed expressly for low- and moderate-income households not be concentrated in any single portion of the City.

**Policy 5:**

Continue to coordinate with local social service providers, such as HELP, to address the needs of the City's homeless population. Permit the development of emergency shelters in commercial and industrial zones, and transitional housing in residential zones in locations close to services, subject to a Conditional Use Permit.

<b>Program 5.A</b>
Designation of specific zones in which emergency and transitional facilities will be permitted.
<b>Responsible Agency:</b> Community Development Department & Redevelopment Agency

<b>Schedule:</b> site analysis and code amendments by September 2001
<b>Implementation Status – Ongoing.</b>

**Policy 6:** Encourage the development of residential units which are accessible to handicapped persons or are adaptable for conversion to residential use by handicapped persons.

**Policy 7:** Locate higher density residential development in close proximity to public transportation, services and recreation.

**Policy 8:** Permit the development of childcare facilities concurrent with new housing development.

**Policy 9:** Monitor all regulations, ordinances, departmental processing procedures and fees related to the rehabilitation and/or construction of dwelling units to assess their impact on housing costs.

<b>Program 9.A</b>
The City will provide a one-stop process for a developer with an affordable housing project. An interagency approval process system will be established to include the City Planning, Building, Public Works and Fire Departments. A designated individual within the Planning Department will act as the project manager, or liaison, for the participating City departments and the applicant. A timeframe with milestones for development approval will be established for each project to ensure processing in a timely manner. The City will also prepare a permit handbook that explains the permits process and application requirements.
<b>Responsible Agency:</b> Community Development Department & Redevelopment Agency
<b>Schedule:</b> December 2001
<b>Implementation Status – One-stop process is implemented and is for all projects, including affordable housing.</b>
<b>Program 9.B</b>
Maintain development fees at a level commensurate with the services and facilities needed to meet community standards
<b>Responsible Agency:</b> Community Development Department & Redevelopment Agency
<b>Schedule:</b> Current and ongoing
<b>Implementation Status – Development fees, along with Citywide fees are currently being reviewed.</b>
<b>Program 9.C</b>
Improve permit processing efficiency and reduce permit processing time.
<b>Responsible Agency:</b> Community Development Department & Redevelopment Agency
<b>Schedule:</b> : December 2001
<b>Implementation Status - Active and ongoing process as part of Permit Streamlining Act.</b>

**Policy 10:**

Encourage the use of energy conservation devices and passive design concepts which make use of the natural climate to increase energy efficiency and reduce housing costs.

**Policy 11:**

Provide opportunities for move-up housing in Banning.

**GOAL 2**

Maintenance and Preservation – Enhance the quality of existing residential neighborhoods in Banning.



**Policy 1:**

Correct housing deficiencies through the development of a residential rehabilitation program.

<b>Program 1.A</b>
Administer a Home Improvement Program to provide loans to eligible lower income families for necessary home repair and rehabilitation work, including room additions to alleviate overcrowding. Rehabilitate 15 dwelling units per year (75 over 5 years)
<b>Responsible Agency:</b> Community Development Department & Redevelopment Agency
<b>Schedule:</b> Current and ongoing; Rehabilitate 15 dwelling units per year (75 over 5 years)
<b>Implementation Status – Active and ongoing.</b>

**Policy 2:**

Continue to utilize the City's code enforcement program to bring substandard units into compliance with City codes and to improve overall housing conditions in Banning.

<b>Program 2.A</b>
The City will continue its sensitive enforcement of residential Building codes, and will inform property owners in violation of City codes of any rehabilitation assistance he/she may be eligible for in correcting code violations. To implement this Program, the City will fund a half-time position for a Neighborhood Code Enforcement Officer.
<b>Responsible Agency:</b> Community Development Department & Code Enforcement
<b>Schedule:</b> Establish a 2-year Pilot Program by FY 2001/02; Status report to Council by July 1, 2003 evaluating program.
<b>Implementation Status: Ongoing.</b>

**Policy 3:**

Minimize the displacement impacts occurring as a result of residential demolition.

**Policy 4:**

Promote increased awareness among property owners and residents of the importance of property maintenance to long-term housing quality.

<b>Program 4.A</b>
The Redevelopment Agency will purchase abandoned homes and provide necessary rehabilitation. This program was formerly administered in conjunction with the Banning Partners for a Revitalized Community, which is no longer active. A new program, along the same lines, had been administered by the Banning Redevelopment Agency. The Redevelopment Agency and HUD have purchased four homes to restore and are currently looking for a non-profit agency to partner to start
<b>Responsible Agency:</b> Community Development Department & Code Enforcement
<b>Schedule:</b> Current and ongoing; Rehabilitate 5 dwelling units per year (25 over 5 years)
<b>Implementation Status – Ongoing through contract with Habitat for Humanity.</b>

**Policy 5:**

Encourage the use of rehabilitation funds for room additions to alleviate overcrowding, and for accessibility improvements to address the needs of the handicapped.

**Policy 6:**

Educate property owners on the benefits of home repair and remodeling using design and materials consistent with the historic character of the residence.

### GOAL 3

Environmental Sensitivity - Ensure that new housing is sensitive to existing development as well as the natural environment.

**Policy 1:**

Ensure that multi-family development is compatible in design with single-family residential areas.

**Policy 2:**

Regularly examine new residential construction methods and materials, and upgrade the City's residential building standards as appropriate.

**Policy 3:**

Prohibit new residential development to front on major arterial highways without adequate setbacks and buffering.

**Policy 4:**

Prohibit housing development in areas subject to significant geologic, flooding, blow sand, noise and fire hazards.

**Policy 5:**

Accommodate new residential development which is coordinated with the provision of infrastructure and public services.

<b>Program 5.A</b>
The City will continue to use the Design Review Process to evaluate site suitability. Under design review criteria, housing should be located on sites that are physically adequate and environmentally suitable for such development and compatible with existing nearby development. These criteria will provide a yardstick for the City to identify and evaluate potential sites for environmentally sound housings
<b>Responsible Agency:</b> Community Development Department & Redevelopment Agency
<b>Schedule:</b> Current and ongoing.
<b>Implementation Status – New infill housing is encouraged in developed areas of town to make use of current infrastructure.</b>

**Policy 6:** Encourage the use of energy conservation devices and passive design concepts which make use of the natural climate to increase energy efficiency and reduce housing

### GOAL 4

Fair Housing – Promote equal opportunity for all residents to reside in the housing of their choice.

**Policy 1:**

Affirm a positive action posture which will assure that unrestricted access is available to the community.

**Policy 2:**

Prohibit practices which restrict housing choice by arbitrarily directing prospective buyers and renters to certain neighborhoods or types of housing.



**Policy 3:**

Continue support and participation in the Riverside County New Horizons' Fair Housing Program to further spatial de-concentration and fair housing practices.

<b>Program 3.A</b>
Promote equal housing opportunity; educate the public, real estate industry representatives, lenders, and property owners on fair housing requirements; promptly refer and resolve fair housing disputes.
<b>Responsible Agency:</b> Community Development Department & Redevelopment Agency
<b>Schedule:</b> Current and ongoing.
<b>Implementation Status – Ongoing.</b>

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## Land Use Element (17 programs)

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### GOAL 1

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.

#### Policy 1

The City maintain a land use map which assures a balance of residential, commercial, industrial open space and public lands.

<b>Program 1.A</b>
The city shall annually monitor the remaining capacity of all General Plan land use categories and recommend changes to the City Council as needed.
<b>Responsible Agency:</b> Planning Department, Planning Commission
<b>Schedule:</b> 2005-2006, Annually thereafter
<b>Implementation Status – Ongoing.</b>
<b>Program 1.B</b>
The City's Zoning Ordinance shall directly correspond to General Plan land use designations, and shall be kept consistent with the General Plan.
<b>Responsible Agency:</b> Planning Department, Planning Commission, City Council
<b>Schedule:</b> 2005-2006, Annually thereafter
<b>Implementation Status – Ongoing.</b>

#### Policy 2

The Planning, Public Works and Economic Development staffs shall be closely coordinated, to assure efficient and cost effective processing of applications.

<b>Program 2.A</b>
The City shall develop a Fast Track application process for projects which enhance the City's economic development. Procedures and timelines shall be provided to qualifying project applicants in writing.
<b>Responsible Agency:</b> Planning Department, Public Works, Economic Development staff, Redevelopment Agency, City Manager's Office
<b>Schedule:</b> 2005-2006
<b>Implementation Status – Ongoing and complies with Permit Streamlining Act.</b>

#### Policy 3

Development in all land use categories shall be of the highest quality.

<b>Program 3.A</b>
The Zoning Ordinance shall include design standards and guidelines which assist the development community in developing high quality projects.
<b>Responsible Agency:</b> Planning Department, Planning Commission, City Council
<b>Schedule:</b> 2005-2006
<b>Implementation Status – Completed.</b>

#### **Policy 4**

Specific Plans shall be required for projects proposing one or more of the following:

- a. More than one residential land use designation;
- b. A combination of residential, recreational, commercial and/or industrial land use designation; or
- c. Extension of infrastructure (water, sewer and roadways) into an area where these do not exist.

#### **Policy 5**

All land use proposals shall be consistent with the goals, policies and programs of this General Plan, and with the Zoning Ordinance.

#### **Policy 6**

The City shall implement a program for Art in Public Places.

<b>Program 6.A</b>
An Art in Public Places Ordinance shall be prepared and incorporated into the Municipal Code.
<b>Responsible Agency:</b> Community Services Department, Planning Department, Planning Commission, City Council.
<b>Schedule:</b> 2005-2006
<b>Implementation Status – Art in Public Places is currently required as part of new development in Downtown Commercial zoning district. The details of what the Art in Public Places entails is still to be developed.</b>

### **Residential Goals, Policies and Programs:**

#### **GOAL 1**

Preserve and enhance the City's neighborhoods.

#### **GOAL 2**

A broad range of housing types to fill the needs of the City's current and future residents.

#### **Policy 1**

The land use map shall provide a range of housing densities while considering land use compatibility with non-residential land uses.

#### **Policy 2**

Projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected.

#### **Policy 3**

Density transfers resulting in a 50% increase in density shall be permitted in the Residential/Agriculture-Hillside and Rural Residential-Hillside land use designations.

#### **Policy 4**

The City's Zoning Ordinance shall include design standards and guidelines which encourage high quality residential development.



<b>Program 4.A</b>
Design standards and guidelines shall be included in all residential zoning categories.
<b>Responsible Agency:</b> Planning Department, Planning Commission, City Council
<b>Schedule:</b> 2005-2006
<b>Implementation Status – Standards and guidelines contained in zoning ordinance.</b>

### **Policy 5**

The City shall complete Specific Neighborhood Plans when requested by the neighborhood.

<b>Program 5.A</b>
Develop and implement an outreach program and outline of parameters for Neighborhood Plans.
<b>Responsible Agency:</b> Planning Department, Planning Commission, City Council
<b>Schedule:</b> 2006-2007; As requested by neighborhoods
<b>Implementation Status – Ongoing.</b>

### **Policy 6**

The Zoning Ordinance shall include principles, standards and guidelines which allow for creative and flexible design of residential projects, including clustered housing, narrowed local streets, trails, parks and plazas.

### **Policy 7**

The Zoning Ordinance shall include principles, standards and guidelines which provide for high quality, high density mixed use residential development, in the Downtown Commercial zoning designation.

### **Policy 8**

The City will participate in a Community Plan for the Banning Bench with Riverside County and the Banning Bench Community of Interest. Specific development proposals will continue to be processed during its preparation.

<b>Program 8.A</b>
Negotiate with the Banning Bench Community of Interest as part of the Master Plan for either inclusion in the City's Sphere of Influence or annexation.
<b>Responsible Agency:</b> City Council, Community of Interest
<b>Schedule:</b> 2005-2006
<b>Implementation Status – Not yet completed.</b>

## **Commercial Goals, Policies and Programs:**

### **GOAL 1 - Commercial**

Complementary commercial uses which meet the needs of the City's residents, increase the City's revenues, and provide a range of employment opportunities.

### **GOAL 2 - Industrial**

A balanced mix of non-polluting industrial land uses which provide local jobs for the City's residents.

### **Policy 1**

The land use map shall include sufficient commercial lands to provide a broad range of products and services to the City and region, while carefully considering compatibility with adjacent residential lands.

## **Policy 2**

In coordination with the Economic Development Element, the City shall maintain market information, including information on the City's identified service needs, potential sites, Fast Track System and provide information on those sites to the development community.

<b>Program 2.A</b>
Develop and maintain an inventory of potential commercial sites, including lands which may require consolidation, and demographic information for use by the Economic Development staff in attracting new businesses to the City.
<b>Responsible Agency:</b> Economic Development staff, Planning Department, City Manager's Office
<b>Schedule:</b> 2005-2006
<b>Implementation Status – In progress.</b>
<b>Program 2.B</b>
The Redevelopment Agency shall consider land purchases which allow for the consolidation of smaller, under-utilized commercial sites into larger and more useable parcels, to be marketed to the development community.
<b>Responsible Agency:</b> Redevelopment Agency
<b>Schedule:</b> Ongoing as lands are identified
<b>Implementation Status – Ongoing.</b>

## **Policy 3**

The Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects.

## **Policy 4**

The Zoning Ordinance shall include principles, design standards and guidelines, based on the Downtown Design Charette, which provide for high quality, pedestrian oriented retail development in the Downtown Commercial zoning designation.

## **Policy 5**

The City shall coordinate with the Banning Unified, the Beaumont Unified School Districts and the Mount San Jacinto Community College to provide vocational education to support commercial and industrial businesses in the City and surrounding areas.

## **Policy 6**

The City shall develop and implement a community identification program, including monument signage, directional signs, etc. which provide attractive entry statements for the City, and which direct visitors to local points of interest.

## **Policy 7**

The land use map shall include sufficient industrial lands for manufacturing, warehousing and distribution, while carefully considering compatibility with adjacent lands.

## **Policy 8**

Industrial lands shall be located on major roadways with good access to Interstate 10, to assure that potential traffic impacts associated with tractor-trailers are minimized.



### **Policy 9**

The Redevelopment Agency will consider purchases of residential properties occurring in the industrial land use designations when they are put up for sale.

<b>Program 9.A</b>
Establish contacts in the real estate community to be notified of residential properties for sale in the industrial areas, and consider purchases when appropriate.
<b>Responsible Agency:</b> Redevelopment Agency
<b>Schedule:</b> Ongoing as properties become available
<b>Implementation Status – Ongoing.</b>

### **Policy 10**

The Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality industrial projects.

### **Policy 11**

Industrial campuses and master planned projects are encouraged.

### **Policy 12**

The City shall coordinate with developers and the Railroad to secure railroad spurs.

### **Policy 13**

The City shall adequately regulate sand and gravel operations to assure that their impacts to surrounding development is minimized.

<b>Program 13.A</b>
The City shall establish a formal relationship with the County Geologist or other qualified agency to monitor mineral resource operations under the State Mining and Reclamation Act (SMARA).
<b>Responsible Agency:</b> Planning Department, Riverside County Geologist
<b>Schedule:</b> 2005-2006
<b>Implementation Status – Formal relationship is established and ongoing.</b>

## **Public Facilities Goals, Policies and Programs:**

### **GOAL 1**

Sufficient and appropriately located public facilities to serve the needs of the City's residents, businesses and visitors.

### **Policy 1**

The City shall take a leadership role with all providers of public services in the community to assure they provide adequate and quality levels of service based on future demands.

<b>Program 1.A</b>
The City shall take a leadership role with the various public and private providers responsible for schools, fire, health and other providers.
<b>Responsible Agency:</b> Planning Department, City Manager's Office, City Council, Fire Department, Banning and Beaumont Unified School Districts, County of Riverside, San Geronio Memorial Hospital
<b>Schedule:</b> Quarterly
<b>Implementation Status - The Fire Department master plan for expansion based on community growth was approved by the City Council and is continually re-evaluated. The Fire Department has</b>

been working with the Finance Department to develop a plan for Fire and Police Community Funding districts in new developments.

### **Policy 2**

The City shall review projects, particularly those which propose master planned communities, to assure that public facilities are provided to meet the needs of the project and the surrounding area.

<b>Program 2.A</b>
The City shall, where appropriate, regulate the location of public facilities through conditions of approval.
<b>Responsible Agency:</b> Planning Department, Public Works Department, Planning Commission, City Council
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing through conditions of approval.</b>

## **Open Space Goals, policies and Programs:**

### **GOAL 1**

The conservation and management of open space areas to provide recreational opportunities and protect important resources in perpetuity.

### **Policy 1**

Lands preserved through conservation easements, acquired by private or public agencies, or dedicated for open space shall be designated for the appropriate Open Space land use category on the land use map as they are preserved.

<b>Program 1 A</b>
Review development proposals adjacent to designated open space lands and assure that land uses are compatible, and buffers provided when necessary.
<b>Responsible Agency:</b> Planning Department, Public Works Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing.</b>

### **Policy 2**

The City shall proactively coordinate with private and public agencies so that lands available for conservation are dedicated appropriately to assure their management in perpetuity.

<b>Program 2.A</b>
The City shall coordinate with land owners and private and public agencies to the greatest extent possible to assure that lands proposed for open space either through donation or purchase are conveyed to the appropriate management agency.
<b>Responsible Agency:</b> Planning Department, City Manager's Office, County of Riverside, State and Federal Agencies, Land Conservation Agencies
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing.</b>

### **Policy 3**

The City of Banning shall protect the peaks and ridgelines within the City, and encourage coordination with adjacent jurisdictions to protect the peaks and ridgelines within the City's area of influence, to protect the historic visual quality of the hillside areas and natural features of the Pass area.

<b>Program 3.A</b>
The City shall investigate and implement actions and regulations that facilitate hillside development that is compatible with the natural characteristics of the terrain while protecting the significant view sheds, and natural hillside features such as topography, natural drainage, vegetation, wildlife habitats, movement corridors etc.
<b>Responsible Agency:</b> City Council, City Manager's Office, Planning Department, Public Works Department, City of Beaumont, County of Riverside, Morongo Band of Mission Indians
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status – Grading ordinance adopted. Implementation is ongoing.</b>



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## Noise Element (10 programs)

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### GOAL 1

A noise environment that complements the community's residential character and its land uses.

#### Policy 1

The City shall protect noise sensitive land uses, including residential neighborhoods, schools, hospitals, libraries, churches, resorts and community open space, from potentially significant sources of community noise.

<b>Program 1.A</b>
The City shall require building setbacks, the installation of wall and window insulation, soundwalls, earthen berms, and/or other mitigation measures in areas exceeding the City's noise limit standards for private development projects as they occur.
<b>Responsible Agency:</b> Planning Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing through land development review process.</b>
<b>Program 1.B</b>
The City shall maintain and enforce its Noise Control Ordinances that establish community-wide noise standards and identify measures designed to resolve noise complaints.
<b>Responsible Agency:</b> Planning Department, Code Enforcement, Police Department
<b>Schedule:</b> Ongoing
<b>Implementation Status - Ongoing through land development review process.</b>
<b>Program 1.C</b>
The City shall use the development review process to assure the use of buffers between sensitive receptors and incompatible land uses.
<b>Responsible Agency:</b> Planning Department, Planning Commission, City Council
<b>Schedule:</b> Ongoing
<b>Implementation Status - Ongoing through land development review process.</b>
<b>Program 1.D</b>
The City shall require that commercial compactors, loading zones, and large trash bins be located at a sufficient distance from residential properties to reduce noise impacts to its acceptable standard.
<b>Responsible Agency:</b> Planning Department
<b>Schedule:</b> Continuous
<b>Implementation Status - Ongoing through land development review process.</b>
<b>Program 1.E</b>
The City shall purchase, maintain and operate its own noise monitoring equipment.
<b>Responsible Agency:</b> Code Enforcement
<b>Schedule:</b> 2006-2007, Ongoing
<b>Implementation Status – Equipment is older prior to 2006 and needs to be updated.</b>

## **Policy 2**

The relationship between land use designations in the Land Use Element and changes in the circulation pattern of the City, as well as individual developments, shall be monitored and mitigated.

<b>Program 2.A</b>
The City shall develop guidelines and minimal criteria requirements for noise analyses for proposed development projects. Studies shall evaluate project impacts and the effectiveness of proposed mitigation measures.
<b>Responsible Agency:</b> Planning Department, Public Works Department
<b>Schedule:</b> July 1, 2005; every five years.
<b>Implementation Status – Ongoing through land development review process and through the building code standards.</b>
<b>Program 2.B</b>
The City shall periodically review and amend the Land Use Map to assure reasonable land use/noise level compatibility.
<b>Responsible Agency:</b> Planning Department
<b>Schedule:</b> Annually
<b>Implementation Status – Ongoing.</b>

## **Policy 3**

Private sector project proposals shall include measures that assure that noise exposures levels comply with State of California noise insulation standards as defined in Title 25 (California Noise Insulation Standards) and/or Banning Ordinances 1138 and 1234, whichever is more restrictive.

## **Policy 4**

The City shall maintain a General Plan Circulation Map and assure low levels of traffic within neighborhoods by assigning truck routes to major roadways only.

<b>Program 4.A</b>
The City shall review designated primary truck routes and ensure they are clearly marked throughout the community. Except for traffic providing location-specific services and deliveries, construction trucks and delivery trucks shall be limited to designated truck routes, including: Ramsey Street, and those portions of Lincoln Street, Highland Springs Avenue, Hathaway Street, Sunset Avenue, Eighth Street, San Geronio Avenue and Hargrave Street so designated.
<b>Responsible Agency:</b> Public Works Department, City Engineer
<b>Schedule:</b> Annually
<b>Implementation Status – Not yet implemented</b>
<b>Program 4.B</b>
The City shall discourage development projects that result in through-traffic in residential neighborhoods.
<b>Responsible Agency:</b> Planning Department, Planning Commission, City Council
<b>Schedule:</b> Ongoing
<b>Implementation Status - Ongoing through land development review process.</b>

## **Policy 5**

The City shall ensure that flight paths and airport improvements adhere to all local, state and federal noise regulations.



**Policy 6**

All development proposals within the noise impact area of the Interstate and the railroad shall mitigate both noise levels and vibration to acceptable levels through the preparation of focused studies and analysis in the development review and environmental review process.

**Policy 7**

The City shall coordinate with adjoining jurisdictions to assure noise-compatible land uses across jurisdictional boundaries.

**Policy 8**

The City shall impose and integrate special design features into proposed development that minimize impacts associated with the operation of air conditioning and heating equipment, on-site traffic, and use of parking, loading and trash storage facilities.

**Policy 9**

The City shall support development that results in grade separated railroad tracks.

<b>Program 9.A</b>
The City shall assure that new development and project expansions pay their fair share toward grade separations based on their impacts.
<b>Responsible Agency:</b> Planning Department, City Engineer
<b>Schedule:</b> Ongoing
<b>Implementation Status - Ongoing through land development review process.</b>

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## Open Space and Conservation Element (7 programs)

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### GOAL 1

Open space and conservation lands that are preserved and managed in perpetuity for the protection of environmental resources or hazards, and the provision of enhanced recreational opportunities and scenic qualities in the City.

### GOAL 2

A balance between the City's built and open space environment and local and regional protection and preservation of its unique environment.

#### Policy 1

Identify and assess lands in the City, its sphere-of-influence and planning area, that are suitable for preservation as public or private, passive or active open space.

<b>Program 1.A</b>
The City shall maintain and use Open Space land use designations on the General Plan Land Use Map.
<b>Responsible Agency:</b> Planning Department, Community Services Department.
<b>Schedule:</b> 2005-2006
<b>Implementation Status –Ongoing, private open space &amp; public parks have been set aside through the Specific Plan process that requires minimum public land set aside.</b>
<b>Program 1.B</b>
Environmental hazard zones, including earthquake fault lines, floodways and floodplains, steep or unstable slopes, shall be designated as open space on the land use map.
<b>Responsible Agency:</b> Planning Department
<b>Schedule:</b> 2005-2006
<b>Implementation Status –These have been identified in the General Plan and no development is permitted in these areas of concern.</b>
<b>Program 1.C</b>
Lands on which cultural resources are identified may be preserved as Open Space
<b>Responsible Agency:</b> Planning Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – The St. Boniface Cemetery has been set aside. This is actively monitored through the CEQA process as part of land development.</b>
<b>Program 1.D</b>
Inventory the costs of land acquisition, maintenance and other administrative functions, and encourage the transfer of public open space and conservation properties to existing land trusts for local property management.
<b>Responsible Agency:</b> Planning Department, City Council.
<b>Schedule:</b> 2005-2006, Update every two years.
<b>Implementation Status – No progress to date.</b>



## **Policy 2**

The City shall protect natural hillsides above the toe of slope in perpetuity as undeveloped open space, and shall provide specific parameters under which development can occur within the Rural Residential – Hillside and Ranch/Agriculture Residential – Hillside land use designations. For purposes of this General Plan, the toe of slope is defined as the dividing line between rock formations where there is a noticeable break in the angle of slope from steep to shallow.

<b>Program 2.A</b>
The Zoning Ordinance shall be amended to include detailed provisions for the preservation of natural hillsides above the toe of slope. These provisions shall include, but not be limited to, density transfers from hillside areas to developable areas within the same parcel, building prohibitions for lands with grades exceeding 25%, permitted uses and building standards for developable areas in these hillsides, and grading parameters in these hillsides.
<b>Responsible Agency:</b> Planning Department, City Engineer, Planning Commission, City Council.
<b>Schedule:</b> 2005-2006
<b>Implementation Status – Active and ongoing to comply with the Grading Ordinance that was adopted by the City Council on July 14, 2009.</b>
<b>Program 2.B</b>
The City shall seek recreational usage of desirable hillside lands currently owned by public agencies, such as the Bureau of Land Management, the United States Forest Service or the County of Riverside; and shall secure open space lands from private entities by negotiating public access provisions and/or establishing a density transfer program.
<b>Responsible Agency:</b> City Manager's Office, Planning Department, City Council
<b>Schedule:</b> 2006-2007; Ongoing
<b>Implementation Status – No progress to date.</b>

## **Policy 3**

Ridgelines shall be preserved as permanent open space.

## **Policy 4**

The City shall preserve all watercourses and washes necessary for regional flood control, ground water recharge areas and drainage for open space and recreational purposes.

## **Policy 5**

The City shall preserve permanent open space edges or greenbelts that define the physical limits of the City and provide physical separation between adjoining neighborhoods.

<b>Program 5.A</b>
The Land Use Map and Zoning Ordinance shall regulate development at the boundaries of the planning area to assure the preservation of a well-defined, functional or visual edge.
<b>Responsible Agency:</b> Planning Department.
<b>Schedule:</b> 2005-2006
<b>Implementation Status – Ongoing as part of land development review process.</b>

## **Policy 6**

Where practical, new development shall integrate pipeline, above- and under-ground utility corridors and other easements (including electric, cable and telephone distribution lines) into a functional open space network.

**Policy 7**

Drought tolerant landscaping materials and design features shall be incorporated into parks, roadway medians, common area landscaping, public facilities and other appropriate open space lands to retain and preserve the natural environment.

## Parks and Recreation Element (26 programs)

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### GOAL 1

A high quality public park system with adequate land and facilities to provide recreational facilities and activities for the City's residents.

### GOAL 2

A comprehensive bikeway, trail and walking path system that connects homes to work places, commercial venues and recreational facilities, and which enhances the safety and enjoyment of cyclists, equestrians and pedestrians.

### Policy 1

Update the Master Parks and Recreation Plan so as to assure adequate parklands and facilities that meet the immediate and future needs of the community, and is complementary to the natural environment.

<b>Program 1.A</b>
Update the City's parks master plan to address the proposed and anticipated parks and recreational facilities to be developed within the City.
<b>Responsible Agency:</b> Community Services Department, Public Works Department, Parks and Recreation Advisory Committee, Planning Commission
<b>Schedule:</b> 2005-2006, then every five years
<b>Implementation Status – Park Master Plan to be adopted by the City Council on February 22, 2011.</b>
<b>Program 1.B</b>
The parks master plan shall maintain a standard of 5 acres of parkland per 1,000 residents.
<b>Responsible Agency:</b> Community Services Department, Parks and Recreation Advisory Committee
<b>Schedule:</b> Ongoing
<b>Implementation Status – Standard established in the General Plan and the Parks Master Plan.</b>
<b>Program 1.C</b>
Include dog parks, tennis courts and golf facilities in Parks Master Planning updates.
<b>Responsible Agency:</b> Community Services Department, Parks and Recreation Advisory Committee
<b>Schedule:</b> Ongoing
<b>Implementation Status – Addressed in the Parks Master Plan.</b>

### Policy 2

The City will distribute parks and recreation facilities in a manner that is convenient to City neighborhoods and balanced within population concentrations.

<b>Program 2.A</b>
The location and design of neighborhood parks shall consider neighborhood suggestions and input regarding facility needs, vehicular and pedestrian access, noise and lighting impacts, and public safety.
<b>Responsible Agency:</b> Community Services Department; Public Works Department; Parks and Recreation Advisory Committee.
<b>Schedule:</b> Ongoing.
<b>Implementation Status – Active policy, ongoing as developments occur.</b>
<b>Program 2.B</b>



City staff shall identify and prioritize park development projects based upon need, land availability, neighborhood suggestions and funding, and shall encourage the planting of trees as in parks and open spaces.
<b>Responsible Agency:</b> Community Services Department; Public Works Department; Parks and Recreation Advisory Committee
<b>Schedule:</b> Ongoing.
<b>Implementation Status- Ongoing. Park projects are reviewed as part of land development review process.</b>
<b>Program 2.C</b>
Investigate and identify the broad range of sources of financing and operating revenue, including Development Impact Fees, Mello Roos special districts, public/private ventures, state and federal grant opportunities, developer fees and inter-agency joint use agreements to supplement revenues collected for parks and recreation purposes.
<b>Responsible Agency:</b> City Manager's Office; Parks and Recreation Division; Community Services Department; Banning and Beaumont Unified School Districts
<b>Schedule:</b> Ongoing
<b>Implementation Status – Under discussion internally.</b>
<b>Program 2.D</b>
Investigate and identify sources of development financing and revenue, including charitable organizations, state and federal grant opportunities to supplement revenues collected for development of parks and recreation facilities and programs.
<b>Responsible Agency:</b> City Manager's Office; Parks and Recreation Division; Community Services Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing.</b>
<b>Program 2.E</b>
The City will consider the implementation of a Quimby Ordinance for the purchase of park lands for new developments as they occur.
<b>Responsible Agency:</b> Parks and Recreation Division; Community Services Department, City Council
<b>Schedule:</b> 2005-2006
<b>Implementation Status – Not implemented.</b>

### **Policy 3**

Require developers of new residential projects to provide on-site recreational and/or open space facilities in addition to City-wide park requirements.

<b>Program 3.A</b>
Encourage the planting of trees in parks and open spaces.
<b>Responsible Agency:</b> Community Services Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing.</b>
<b>Program 3.B</b>
Recreation facilities within projects will be maintained by the residents within the project either through a homeowners' association, assessment district or community facilities district.
<b>Responsible Agency:</b> Community Services Department

<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing.</b>

#### **Policy 4**

Encourage the development of recreational programs and activities that serve all population segments, including children, the elderly and the disabled.

<b>Program 4.A</b>
Develop a community education program for the City's parks and recreation facilities which focuses on the sense of community which parks and recreation facilities can foster.
<b>Responsible Agency:</b> Parks and Recreation Division; Community Services Department
<b>Schedule:</b> 2005-2006, Annually
<b>Implementation Status – Ongoing.</b>
<b>Program 4.B</b>
Develop advertising and publicity programs for recreational programs and events to encourage participation.
<b>Responsible Agency:</b> Community Services Department; Public Works Department; Parks and Recreation Advisory Committee
<b>Schedule:</b> Annually
<b>Implementation Status – Ongoing.</b>
<b>Program 4.C</b>
Develop and distribute educational materials relating to the planting and maintenance of drought tolerant landscaping on private property.
<b>Responsible Agency:</b> Community Services Department; Public Works Department; Parks and Recreation Advisory Committee
<b>Schedule:</b> 2006-2007
<b>Implementation Status – Ongoing and active and is part of the City's Landscape Design Guidelines.</b>

#### **Policy 5**

The City shall consider alternative methods of providing park and recreational amenities to meet future population demands.

<b>Program 5.A</b>
Support the development of private recreational ventures that will serve the general population.
<b>Responsible Agency:</b> Planning Department; Community Services Department; Economic Development Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – Addressed in the Parks Master Plan.</b>
<b>Program 5.B</b>
Develop a program by which the City can accept parkland gifts and dedications that would be beneficial to the community.
<b>Responsible Agency:</b> City Attorney; Planning Department; City Council
<b>Schedule:</b> 2005-2006
<b>Implementation Status – Addressed in the Parks Master Plan.</b>
<b>Program 5.C</b>
Develop a program that establishes public participation in tree or landscaping planting efforts to



commemorate special civic occasions.
<b>Responsible Agency:</b> Community Services Department; Public Works Department; Parks and Recreation Advisory Committee
<b>Schedule:</b> 2006-2007
<b>Implementation Status –Ongoing, Sun Lakes public tree planting.</b>

### **Policy 6**

The City shall develop and implement plans for a coordinated and connected bicycle lane network in the community that allows for safe use of bicycles on City streets.

<b>Program 6.A</b>
The City shall inventory all streets for potential Class I, Class II and Class III bikeways, and shall program their installation in its Capital Improvement Program.
<b>Responsible Agency:</b> Planning Department; Engineering Division; Public Works Department; Planning Commission; City Council
<b>Schedule:</b> 2005-2006.
<b>Implementation Status - Not completed and it is addressed in the Parks Master Plan.</b>
<b>Program 6.B</b>
Class I bikeways and sidewalks should be installed on both sides of Wilson Street, Ramsey Street, and Lincoln Street, and other major streets where sufficient right-of-way is available.
<b>Responsible Agency:</b> Engineering Division; Public Works Department
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status – Not completed and it is addressed in the Parks Master Plan.</b>
<b>Program 6.C</b>
Class II bikeways and sidewalks should be designated on all existing arterial streets that have sufficient width to safely accommodate bicycle travel lanes.
<b>Responsible Agency:</b> Planning Department; Engineering Division; Public Works Department
<b>Schedule:</b> 2005-2006.
<b>Implementation Status – Not completed and it is addressed in the Parks Master Plan.</b>
<b>Program 6.D</b>
The City should designate Class III bikeways only where Class I and Class II facilities are not feasible.
<b>Responsible Agency:</b> Planning Department; Public Works Department
<b>Schedule:</b> Continuous.
<b>Implementation Status – Not completed and it is addressed in the Parks Master Plan.</b>

### **Policy 7**

The City should continue to work with the Morongo Band of Mission Indians and neighboring cities and communities to create a regional bicycle and trail network.

### **Policy 8**

The City shall provide for a comprehensive, interconnected recreational trails system suitable for bicycles, equestrians and/or pedestrians.

<b>Program 8.A</b>
Evaluate the practicality of utilizing flood control channels for multi-use trails, where flooding and safety issues can be accommodated, and negotiate inter-agency agreements for this purpose.
<b>Responsible Agency:</b> Planning Department
<b>Schedule:</b> 2005-2006.
<b>Implementation Status – Ongoing, requirement.</b>
<b>Program 8.B</b>
Evaluate the practicality of developing a multi-use trails system along the Banning Bench adjacent to and extending into San Bernardino National Forest lands, where environmental and safety issues can be accommodated, and negotiate inter-agency agreements with the U.S. Forest Service for this purpose.
<b>Responsible Agency:</b> Planning Department, U.S. Forest Service/San Bernardino National Forest
<b>Schedule:</b> 2005-2006.
<b>Implementation Status - Included in the adopted Parks Master Plan.</b>
<b>Program 8.C</b>
Establish a multi-purpose trail between Dysart Park and Smith Creek Park, suitable for equestrian, bicycle and pedestrian use.
<b>Responsible Agency:</b> Community Services Department; Public Works Department; Parks and Recreation Advisory Committee
<b>Schedule:</b> 2005-2006, ongoing as development occurs
<b>Implementation Status – Ongoing.</b>

## **Policy 9**

Motorized vehicles shall be prohibited on City trails.

<b>Program 9.A</b>
The City shall develop a non-motorized trail system and associated ordinances and other required implementation programs.
<b>Responsible Agency:</b> Public Works Department, Planning Commission, City Council
<b>Schedule:</b> 2006-2007
<b>Implementation Status – Included in the adopted Parks Master Plan.</b>
<b>Program 9.B</b>
The non-motorized trail system shall be funded, to the greatest extent possible, by new development.
<b>Responsible Agency:</b> Public Works Department
<b>Schedule:</b> 2006-2007
<b>Implementation Status – Ongoing as part of land development review process.</b>
<b>Program 9.C</b>
The routing and facilities required in the non-motorized trail system Plan shall be incorporated into the Development Impact Fee when the Plan is adopted.
<b>Responsible Agency:</b> Public Works Department
<b>Schedule:</b> 2006-2007
<b>Implementation Status – Not yet completed.</b>



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## Police and Fire Protection Element (5 programs)

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### GOAL 1

The highest possible quality and level of service for fire and police protection to preserve and protect the health, welfare and property of residents, business owners, visitors and property owners.

#### Policy 1

The City shall work closely with the Fire and Police departments to assure that adequate facilities are constructed and service is provided as development and growth occur to maintain and enhance levels of service and insurance ratings.

<b>Program 1.A</b>
On an annual basis, consult and coordinate long-term planning with the Police and Fire departments regarding the optimal location of future police and fire stations, equipment, paramedic/ambulance service, and to ensure that levels of staffing are adequate.
<b>Responsible Agency:</b> City Manager, Police Department, Fire Department
<b>Schedule:</b> Ongoing
<b>Implementation Status - Ongoing.</b> The new police station has been built and occupied. The Fire Department has developed a long-range master plan that outlines the number and placement of fire stations. The master plan was approved by the City Council. The Fire Department uses the master plan to identify fire station requirements when proposed developments are presented. Recent City budgetary concerns have required that the Fire Department consider lowering the number of Stations originally approved in the master plan thereby lowering what it feels is the appropriate level service for Banning residents and explore regional coordination efforts with other cities and the county. Working with Pardee on fire station location within their project to make it more regionalized with Beaumont, Banning and the County for location and cost controls. The best fiscal option for this project is to re-occupy the existing fire station on Wilson Street so personnel and equipment can be added without building a new fire station for the this project.

#### Policy 2

The City shall review all proposals for new or significant remodeling projects for potential impacts concerning public safety.

<b>Program 2.A</b>
The City shall continue to monitor levels of development in the planning area to assess the need for new fire stations.
<b>Responsible Agency:</b> Planning Department, Fire Department
<b>Schedule:</b> Ongoing
<b>Implementation Status -</b> The Fire Department has developed a long-range master plan that outlines the number and placement of fire stations. The master plan was approved by the City Council. The Fire Department uses the master plan to identify fire station requirements when proposed developments are presented. Recent City budgetary concerns have required that the Fire Department consider lowering the number of stations originally approved in the master plan thereby lowering what it feels is the appropriate level service for Banning residents or explore regional coordination efforts with other cities and the county.
<b>Program 2.B</b>
All development applications shall be routed to the Police and Fire Departments for comment as part of the



application review process.
<b>Responsible Agency:</b> Planning Department, Fire Department, Police Department
<b>Schedule:</b> Ongoing
<b>Implementation Status - All development proposals are routed to the Police Department for comment All development proposals are routed to the Fire Department for comments.</b>

### **Policy 3**

The City shall strictly enforce fire standards and regulations in the course of reviewing development and building plans and conducting building inspections of large multiple family projects, community buildings, commercial structures and motel structures.

### **Policy 4**

All proposed development projects shall demonstrate the availability of adequate fire flows prior to approval.

<b>Program 4.A</b>
Coordinate with the City of Banning Utility Department – Water Division and the Banning Heights Mutual Water Company to ensure availability of adequate water supplies and pressures for fire flows for all existing and proposed development.
<b>Responsible Agency:</b> Planning Department, Fire Department, City of Banning Utility Department – Water Division, Banning Heights Mutual Water Company, Building Department.
<b>Schedule:</b> Ongoing
<b>Implementation Status - All projects are conditioned to meet appropriate fire flow requirements. The Water Department must verify that the required flow can be met.</b>
<b>Program 4.B</b>
Proposed projects in hilly areas with potential access problems, and/or lack of sufficient water and/or water pressure, may require special on-site fire protection measures. Such measures shall be specified during project review.
<b>Responsible Agency:</b> Planning Department, Fire Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – The fire department will require that developers have in place adequate water systems to support fire protection needs. Effective January 1, 2011, an automatic residential fire sprinkler system shall be installed in all new one-and-two family dwellings in accordance with the 2010 California Residential Code (Title 25, Part 2.5)</b>

### **Policy 5**

Crime prevention design techniques, including the use of “defensible space,” high security hardware, optimal site planning and building orientation, and other design approaches to enhance security shall be incorporated in new and substantially remodeled development. (All development proposals routed to Police Department for comment.)

### **Policy 6**

The City shall continue to support and promote community-based crime prevention programs as an important augmentation to the provision of professional police protection services. (Ongoing through 100 Neighborhoods, KO. Gangs in Neighborhoods, GRATE, BPAL)

### **Policy 7**

The City shall periodically review the level, quality, innovation and cost-effectiveness of police and fire protection services, including contract services. (Five-Year Strategic Plan 2006-2011 has been completed.)

**Policy 8**

The Police and the Fire Departments shall closely coordinate and cooperate with the City and County emergency preparedness teams and shall assure the most effective emergency response practical. (Ongoing training and coordination with all parties involved.)

**Policy 9**

The Fire Department shall maintain a 5-minute response time.

**Policy 10**

The Police Department shall maintain a level of service (LOS) goal of 2.0 sworn officers per 1000 residents. (It is recommended that LOS goal be changed to 1.5.)

**Policy 11**

The Fire Department Ambulance Services shall maintain a 5-minute response time.

**Policy 12**

The City shall investigate the requirements for an International Organization for Standardization (ISO) rating specifically for the City. (Commission on Accreditation for Law Enforcement Agencies (CALEA).)

**Policy 13**

The City shall continue to pursue grant positions for the Police Department. (KO Gangs and GRATE have three positions funded by grant.)

**Policy 14**

The City shall pursue all funding mechanisms to fund the need for police and fire services generated by new development. (Working to establish CFD's & Development Impact Fees.)



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## Public Buildings and Facilities Element (5 programs)

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### GOAL 1

The provision of a full range of dependable, cost-effective, and conveniently located public buildings, services and facilities that meet the functional, social and economic needs of the entire community.

#### Policy 1

The Land Use Element shall consider the long-term availability of sites for future public and quasi-public buildings, infrastructure, and other facilities.

<b>Program 1.A</b>
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The City shall review its official Land Use Map and development patterns every five years to assure the availability of adequate sites for future public and quasi-public buildings, infrastructure, and other facilities. The City shall confer and coordinate with utilities and other public and quasi-public agencies regarding their long-term needs.
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<b>Responsible Agency:</b> Community Development Department, Public Works Department, Banning Heights Mutual Water Company, SCE, SCG, Verizon, Time Warner
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<b>Schedule:</b> 2005; every five years
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<b>Implementation Status – Ongoing. Recommendations of city-approved master plans of facilities such as parks, recreation, sewer, and water will be incorporated into future development as part of land development review process.</b>
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#### Policy 2

Continue to identify and evaluate viable, long-term funding mechanisms that provide for the construction, maintenance and operation of existing and future public buildings and facilities, including assuring that new development funds its fair share of these facilities.

<b>Program 2.A</b>
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The City shall explore the possibility of establishing a New Construction tax for the purpose of establishing an ongoing funding source for adequate provision of public buildings and utilities associated with new development.
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<b>Responsible Agency:</b> City Council, Finance Department, Public Works Department, Building Department.
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<b>Schedule:</b> 2005
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<b>Implementation Status – Not yet completed.</b>
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<b>Program 2.B</b>
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The City shall pursue and encourage joint-use facilities with other local agencies.
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<b>Responsible Agency:</b> Community Services Department, Banning and Beaumont Unified School Districts
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<b>Schedule:</b> 2005-2006, Ongoing
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<b>Implementation Status – Joint use with Banning Unified School District.</b>
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#### Policy 3

Coordinate with public utility providers and other public/quasi-public agencies to assure that utility buildings and facilities are compatible with the surrounding landscape.

<b>Program 3.A</b>
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The City shall establish and maintain close working relationships with utility purveyors and other public
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and quasi-public agencies serving the City to assure the least intrusive integration of related buildings and facilities into the community.
<b>Responsible Agency:</b> Community Development Department, Public Works Department, Banning Heights Mutual Water Company, SCE, SCG, Verizon, Time Warner
<b>Schedule:</b> Immediate; Continuous
<b>Implementation Status - Ongoing.</b>
<b>Program 3.B</b>
All new maintenance and utility facilities (and their signage) shall be integrated into the surrounding environment using landscape treatments, architectural elements, and/or other appropriate design mechanisms. Whether as a regulatory or advisory function, design plans shall be reviewed by the Community Development Department.
<b>Responsible Agency:</b> Community Development Department, Public Works Department, Banning Heights Mutual Water Company, SCE, SCG, Verizon, Time Warner
<b>Schedule:</b> Immediate; Continuous
<b>Implementation Status – Active as it is implemented.</b>

#### **Policy 4**

All public buildings and facilities shall comply with the same development standards as private development.

#### **Policy 5**

Encourage the undergrounding of all utility lines and the undergrounding or screening of transformers/facilities.

#### **Policy 6**

Critical structures and facilities (including the civic center, hospitals, fire stations, police stations, schools and major communications facilities) shall be restricted from geologically and hydrologically hazardous areas.

#### **Policy 7**

The Zoning Ordinance shall be reviewed to facilitate the location of public buildings and offices in a centralized location near the Civic Center.



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## Schools and Libraries Element (7 programs)

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### GOAL 1

The provision of quality school and library facilities in the City that is accessible, safe and conveniently located within the community.

#### Policy 1

Assist, cooperate and coordinate with the Banning and Beaumont Unified School Districts and state agencies in identifying, acquiring and developing school sites needed to meet future growth demands. Encourage the selection of potential school sites that are centrally located in areas of existing or future residential development.

<b>Program 1.A</b>
The City shall review and advise the Banning and Beaumont Unified School Districts on their master plans, development proposals and environmental documentation, and shall otherwise coordinate and cooperate with the Districts to assure the provision of safe, conveniently located and effective educational facilities.
<b>Responsible Agency:</b> Banning and Beaumont Unified School Districts, Planning Department, City Council
<b>Schedule:</b> Ongoing
<b>Implementation Status – Working with Banning Unified School District for coordination &amp; MSJC.</b>

#### Policy 2

Continue to work with the Banning Unified School District to amend the District's boundary to encompass all lands within its corporate limits and sphere of influence.

<b>Program 2.A</b>
Maintain effective communication with Banning Unified School District staff and board members to lobby for amendment of the District's boundary.
<b>Responsible Agency:</b> Banning Unified School District, Planning Department, City Council, Beaumont Unified School District
<b>Schedule:</b> Ongoing
<b>Implementation Status – The amendment to the School District's boundary was pursued but not successful.</b>
<b>Program 2.B</b>
Establish an organized committee comprised of City officials, interested community members and leaders and Banning Unified School District staff and board members to lobby for amendment of the District's boundary.
<b>Responsible Agency:</b> City Council, City Manager's Office, Banning Unified School District
<b>Schedule:</b> 2005-2006
<b>Implementation Status – The amendment to the School District's boundary was pursued but not successful.</b>

#### Policy 3

Schools and libraries shall be protected from excessive noise and traffic conditions, incompatible land uses, and the threat of on-site disturbance to the greatest extent practicable.



<b>Program 3.A</b>
The City shall routinely evaluate and update the Land Use Element to assure that school and library sites are compatible with surrounding land uses, arterial roadways and other significant noise generators.
<b>Responsible Agency:</b> Planning Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing.</b>
<b>Program 3.B</b>
The City shall work closely with the District to improve the safety of students traveling to and from school over the railroad tracks, and shall strive to provide separate, safe pedestrian and bicycle access, particularly in the vicinity of the high school.
<b>Responsible Agency:</b> Planning Department, Public Works Department, City Council
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing.</b>
<b>Program 3.C</b>
To maximize the safety of students, parents, school staff and the general public, the City shall coordinate with the Banning Unified School District to maintain an adequate staff of school resource officers responsible for monitoring and patrolling school campuses during appropriate school hours.
<b>Responsible Agency:</b> Banning Unified School District, Police Department, Beaumont Unified School District
<b>Schedule:</b> Ongoing
<b>Implementation Status - Active and ongoing.</b>

#### **Policy 4**

The City shall cooperate in securing school impact fees from developers, in accordance with state law.

#### **Policy 5**

The City shall pro-actively work with the Banning Unified School District to improve the level and quality of education wherever possible.

#### **Policy 6**

The City shall encourage and support local higher education institutions that enhance general, career and vocational skills, employment opportunities and personal growth.

#### **Policy 7**

The City shall cooperate with Banning Unified School District, the Riverside Office of Education, and Mt. San Jacinto College to facilitate the establishment of a community education committee, which will develop a mission statement and process of committee activities. The committee's essential goal shall be to enhance the provision of quality education to all students in the City.

#### **Policy 8**

As appropriate, the City shall pursue agreements with the school districts to assist in the purchase, lease or joint use of land and facilities for school and recreational purposes, and to provide the neighboring community with access to recreational facilities and open space during non-school hours.

#### **Policy 9**

The City shall support and facilitate the development of youth programs to provide quality after-school programs and facilities.

<b>Program 9.A</b>
The City shall establish a committee comprised of education professionals, elected and appointed officials, and County and City staff, and shall explore the possibility of establishing after-school programs targeted towards providing educational, recreational and personal development programs for school-aged children.
<b>Responsible Agency:</b> Banning Unified School District, City Council, Riverside County Office of Education, Community Services Department, Beaumont Unified School District
<b>Schedule:</b> Ongoing
<b>Implementation Status – Active and ongoing coordination.</b>

#### **Policy 10**

The City will encourage the Library Board to confer and coordinate with Mt. San Jacinto College to explore the provision of library services, and cooperative efforts with the Banning Public Library, in conjunction with the proposed MSJC Education Center.

#### **Policy 11**

The City shall coordinate with the Banning Public Library to assure that adequate library space, services and resources are provided to meet the educational and literary needs of the community.

#### **Policy 12**

Recognizing the importance of the library system for educational and cultural development within the community, the City shall explore the need for and feasibility of expanded library facilities and resources, including the potential for and appropriateness of accessing on-line resources associated with the Riverside County library system.



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## Water Resources Element (11 programs)

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### GOAL 1

A balance of development which assures the maintenance of the water supply and its continued high quality.

#### Policy 1

New development projects proposing 50 units on property whose General Plan Land Use designation would allow 50 units, and/or 10 acres of commercial/industrial/other development, or more, whether through a tract map, Specific Plan or other planning application, shall be required to fund the provision of its entire water supply, either through SWP, recycled water or other means, as a condition of approval.

<b>Program 1.A</b>
In accordance with the 2003 Determination of Maximum Perennial Yield for the City of Banning, the City shall implement an annual ground water audit. This process involves evaluating groundwater level trends, production rates, ground water quality or other aquifer/well/pump considerations from the previous year (the water audit should be performed six months prior to the start of the water accounting year) and using this information to make recommendations for pumping in the following year.
<b>Responsible Agency:</b> Public Utilities Department
<b>Schedule:</b> 2005-2006, Continuous
<b>Implementation Status – The Maximum Perennial Yield was updated on March 29, 2011 as part of the Urban Water Management Plan that was adopted by the City Council on June 28, 2011.</b>
<b>Program 1.B</b>
The City shall develop construction plans and cost estimates for the construction of recycled water facilities for both Phase I and II, and make them available to the development community.
<b>Responsible Agency:</b> Public Utilities Department
<b>Schedule:</b> 2005-2006
<b>Implementation Status – Plans are complete and are awaiting funding.</b>
<b>Program 1.C</b>
The City shall coordinate with the San Geronio Pass Water Agency and other appropriate agencies to assure that the City's SWP water can be delivered.
<b>Responsible Agency:</b> Planning Department, Public Utilities Department
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status – Active and ongoing and the City is receiving 1200 acre feet per year.</b>

#### Policy 2

The City shall require the use of drought-tolerant, low water consuming landscaping as a means of reducing water demand for new development.

<b>Program 2.A</b>
Continue to implement the City's Water Efficient Landscape Ordinance by requiring the use of native and drought-tolerant planting materials and efficient irrigation systems.
<b>Responsible Agency:</b> Public Utilities Department, Planning Department
<b>Schedule:</b> Continuous
<b>Implementation Status – Ordinance adopted and being implemented.</b>

<b>Program 2.B</b>
The City shall coordinate and cooperate with the San Geronio Pass Water Agency, Banning Heights Mutual Water Company and the Beaumont-Cherry Valley Water District to expand and strengthen educational/public relations programs regarding the importance of water conservation and water-efficient landscaping.
<b>Responsible Agency:</b> Public Works Department, Planning Department, Banning Heights Mutual Water Company, Beaumont-Cherry Valley Water District
<b>Schedule:</b> Continuous
<b>Implementation Status – Ongoing.</b>

### **Policy 3**

The City shall require the use of recycled wastewater for new development, or where it is unavailable, the infrastructure for recycled water when it becomes available, as a means of reducing demand for groundwater resources.

<b>Program 3.A</b>
Coordinate with the Banning Heights Mutual Water Company regarding the future expansion of recycled wastewater treatment facilities to serve existing and new development projects in the City.
<b>Responsible Agency:</b> Planning Department, Public Works Department, Banning Heights Mutual Water Company
<b>Schedule:</b> Continuous
<b>Implementation Status – No projects identified – will be available for future coordination; expansion is coordinated and conditioned for appropriate projects.</b>
<b>Program 3.B</b>
Aggressively pursue all sources of funding to allow for the installation of a comprehensive recycled water distribution system throughout the City.
<b>Responsible Agency:</b> Public Works Department, City Manager's Office
<b>Schedule:</b> Immediate, Continuous
<b>Implementation Status – In progress.</b>
<b>Program 3.C</b>
The City shall study the potential of providing incentives to developers and property owners for the installation of on-site recycled water reclamation systems. Recycled water systems include the reuse of water from sources such as sink drains, dishwashers and washing machines for irrigation purposes.
<b>Responsible Agency:</b> Public Utilities Department, City Manager's Office
<b>Schedule:</b> 2005-2006
<b>Implementation Status – In progress.</b>

### **Policy 4**

Require that all new development be connected to the sewage treatment system, or install dry sewers until such time as that connection is possible.

### **Policy 5**

The City shall provide guidelines for the development of on-site storm water retention facilities consistent with local and regional drainage plans and community design standards.



<b>Program 5.A</b>
Enforce regulations and guidelines for the development and maintenance of project-specific on-site retention/detention basins which implement the NPDES program, enhance groundwater recharge, complement regional flood control facilities, and address applicable community design policies.
<b>Responsible Agency:</b> Public Utilities Department, Planning Department
<b>Schedule:</b> Continuous
<b>Implementation Status – Ongoing and required as conditions for all projects.</b>

#### **Policy 6**

Coordinate with the San Geronio Pass Water Agency, Banning Heights Mutual Water Company and the Beaumont-Cherry Valley Water District, the California Regional Water Quality Control Board and other appropriate agencies to share information on potential groundwater contaminating sources.

<b>Program 6.A</b>
Develop and maintain a system to share records and technical information with the San Geronio Pass Water Agency, Banning Heights Mutual Water Company and the Beaumont-Cherry Valley Water District, CRWQCB and other appropriate agencies regarding all sites that have the potential to contaminate groundwater resources serving the City.
<b>Responsible Agency:</b> Public Works Department, the San Geronio Pass Water Agency, Banning Heights Mutual Water Company and the Beaumont-Cherry Valley Water District, California Regional Water Quality Control Board
<b>Schedule:</b> Continuous
<b>Implementation Status – Ongoing and active.</b>

#### **Policy 7**

The City shall ensure that no development proceeds that has potential to create groundwater hazards from point and non-point sources, and shall confer with other appropriate agencies, as necessary, to assure adequate review and mitigation.

#### **Policy 8**

Encourage water conservation in existing development.

<b>Program 8.A</b>
Establish incentive programs for conversion of existing buildings to water conserving fixtures and landscaping.
<b>Responsible Agency:</b> Public Utilities – Water Department
<b>Schedule:</b> 2005-2006
<b>Implementation Status – Ongoing.</b>

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## Water and Waste Water and Utilities Element (10 programs)

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### GOAL 1

A comprehensive range of water, Wastewater and utility services and facilities that adequately, cost-effectively and safely meet the immediate and long-term needs of the City.

#### Policy 1

The City shall coordinate between the City Utility Department-Water Division, Banning Heights Mutual Water Company, Beaumont/Cherry Valley Water Agency, San Geronio Pass Water Agency, California Regional Water Quality Control Board and Riverside County Environmental Health to protect and preserve local and regional water resources against overexploitation and contamination.

<b>Program 1.A</b>
Support the efforts of the City Utility Department-Water Division, San Geronio Pass Water Agency, Banning Heights Mutual Water Company and Beaumont/Cherry Valley Water Agency to develop alternative resources for groundwater recharge, and to expand and construct facilities for the treatment and distribution of reclaimed and/or recycled water.
<b>Responsible Agency:</b> Utility Department-Water Division, Banning Heights Mutual Water Company, Public Works Department, San Geronio Pass Water Agency
<b>Schedule:</b> Ongoing
<b>Implementation Status – Ongoing and active.</b>
<b>Program 1.B</b>
The City, it's Utility Department-Water Division, San Geronio Pass Water Agency, and Banning Heights Mutual Water Company shall continue and extend their efforts to increase domestic water conservation by expanding efforts to promote the use of water efficient landscaping in all development, and the installation of efficient water-using technologies in new and substantially remodeled structures.
<b>Responsible Agency:</b> Utility Department-Water Division, San Geronio Pass Water Agency, Banning Heights Mutual Water Company, Public Works Department
<b>Schedule:</b> Ongoing
<b>Implementation Status - Ongoing and active.</b>
<b>Program 1.C</b>
The City, it's Utility Department-Water Division and Banning Heights Mutual Water Company shall evaluate and, as appropriate, implement actions and regulations that facilitate residential and business retrofits of landscaping/irrigation and water-using appliances/processes that significantly increase water use efficiencies.
<b>Responsible Agencies:</b> Utility Department-Water Division, Banning Heights Mutual Water Company, Public Works Department
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status - Ongoing and active.</b>
<b>Program 1.D</b>
The City shall provide water customers with incentives for the conservation of water.
<b>Responsible Agency:</b> Utility Department-Water Division
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status - Ongoing and active.</b>



## **Policy 2**

Sewer connection shall be required at the time a lot is developed when service is available.

<b>Program 2.A</b>
To the greatest extent practical, the City and its Utility Department-Sewer Division shall require new development to extend and connect to sewer lines rather than permitting the installation of on-lot septic tanks. In the event on-lot septic systems are required, development shall be required to install “dry sewers” and pay connection fee in anticipation of future sewer main extensions.
<b>Responsible Agencies:</b> Utility Department-Sewer Division, Public Works Department, Riverside County Environmental Health Department
<b>Schedule:</b> Ongoing
<b>Implementation Status - Ongoing and active.</b>

## **Policy 3**

In the event a sewer line exists in the right-of-way where a for-sale residential unit is served by a septic system, the septic system shall be properly abandoned prior to a sale and/or close of escrow, and the unit shall be connected to the sewer system.

<b>Program 3.A</b>
The Building and Public Works Departments shall establish procedures for identifying home sales, and shall publicize the requirement for connection of sewers with the mortgage companies and escrow companies of the area.
<b>Responsible Agency:</b> Building Department, Public Works Department
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status - Ongoing and active.</b>

## **Policy 4**

The City shall make every effort to assure and assist in facilitating the timely and cost-effective extension and expansion of services that support community development and improved quality of life.

<b>Program 4.A</b>
The City shall coordinate its Capital Improvement Program with those of local utility and service providers to assure cost-effective and adequate capacity of services and facilities for future growth and development.
<b>Responsible Agencies:</b> Public Works Department, Utility Department, Banning Heights Mutual Water Company, other utilities and service providers
<b>Schedule:</b> 2005-2006
<b>Implementation Status - Ongoing and active.</b>
<b>Program 4.B</b>
The City shall coordinate with appropriate public and quasi-public agencies and utilities in conducting ongoing assessments of infrastructure capacity and evaluating expansion and improvements needed to carry out responsible growth management.
<b>Responsible Agencies:</b> Public Works Department, Utility Department, Banning Heights Mutual Water Company, other utilities and service providers
<b>Schedule:</b> 2005-2006
<b>Implementation Status - Ongoing and active.</b>

### **Policy 5**

To ensure the timely expansion of facilities in a manner that minimizes environmental impacts and disturbance of existing improvements, the City shall confer and coordinate with service and utility providers in planning, designing and siting of supporting and distribution facilities.

<b>Program 5.A</b>
The City shall encourage the consolidation of underground utility lines and other subsurface transmission facilities to limit the impacts of these facilities on the disruption of traffic and roadways.
<b>Responsible Agencies:</b> Public Works Department, Utility Department, Banning Heights Mutual Water Company, SCE, SCG, other utilities and service providers
<b>Schedule:</b> Ongoing
<b>Implementation Status - Ongoing and active.</b>

### **Policy 6**

The City shall proactively support the widespread integration of energy resource conserving technologies throughout the community.

<b>Program 6.A</b>
The City shall investigate and, as appropriate, implement actions and regulations that facilitate residential and business conservation strategies and the implementation of technology retrofits that significantly increase efficiencies in energy use.
<b>Responsible Agencies:</b> Planning and Public Works Departments, Utility Department, Banning Heights Mutual Water Company, SCE, SCG, other utilities and service providers
<b>Schedule:</b> 2005, Ongoing
<b>Implementation Status - Ongoing and active.</b>

### **Policy 7**

The City shall continue to confer and coordinate with its solid waste service franchisee to maintain and, if possible, exceed the provision of AB 939 by expanding recycling programs that divert valuable resources from the waste stream and returning these materials to productive use.

### **Policy 8**

The City shall support, and to the greatest extent practical, shall encourage commercial and industrial businesses to reduce and limit the amount of packaging and potential waste associated with product sale and production.

### **Policy 9**

Utility lines on scenic roadways, major streets and in the downtown shall have primary consideration for undergrounding.

### **Policy 10**

Major utility facilities, including power and other transmission towers, cellular communication towers and other viewshed intrusions shall be designed and sited to ensure minimal environmental and viewsheds impacts and environmental hazards.



**Policy 11**

The City shall encourage the planning, development and installation of state-of-the art telecommunications and other broadband communications systems as essential infrastructure.

**Policy 12**

The City shall encourage in others and itself the use of alternative fuel vehicles.

**Policy 13**

The City shall investigate lower cable rates for ungated neighborhoods.

**Policy 14**

The City shall encourage alternative energy use for individual property owners and consider developing an incentive program.

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## Wildland Fire Hazard Element (15 programs)

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### GOAL 1

Protect human life, land, and property from the effects of wildland fire hazards.

#### Policy 1

The City shall establish and maintain an information database containing maps and other information which describe fire hazard severity zones, fire threat zone, and other wildfire hazards occurring within the City boundaries, sphere-of-influence and planning area.

<b>Program 1.A</b>
Consult and coordinate with surrounding communities, the State Board of Forestry and Fire Protection, California Department of Forestry and Fire Protection, Riverside County Fire Department, other applicable state and federal agencies to establish, improve and routinely update the database
<b>Responsible Agency:</b> Planning Department, Banning Fire Department, Beaumont Fire Department, State Board of Forestry and Fire Protection, California Department of Forestry and Fire Protection, Riverside County Fire Department, Morongo Band of Mission Indians.
<b>Schedule:</b> 2005-2006; Ongoing
<b>Implementation Status -</b> A new severity zone map has been developed by the California Department of Forestry and Fire Protection (Cal Fire) and was adopted by the City Council on 10/28/08. The revised map went into effect July 1, 2008. Revisions to the Map will be ongoing as development occurs but at a minimum of every 5 years.
<b>Program 1.B</b>
The City shall make available copies of the Fire Severity Map and discourage development within areas so designated, or require detailed mitigation measures that reduce potential hazards to insignificant levels.
<b>Schedule:</b> Immediately; Ongoing
<b>Implementation Status -</b> The current map, produced by the State, is currently available to view at the fire department administrative office at 3900 W. Wilson. The City Council approved fire severity map will also be a public document. The City adopted the State Code in early 2011 for building standards within the fire hazard areas. The current handout will be revised to reflect the new code. With the new CFC and residential sprinkler codes this issue has been updated in 2011 along with the Fire Hazard Severity map being available on line at <a href="ftp://frap.cdf.ca.gov/fhszlocalmaps/riverside">ftp://frap.cdf.ca.gov/fhszlocalmaps/riverside</a>
<b>Program 1.C</b>
Prepare an informational handout to be distributed to developers, property owners, and other appropriate parties, which describes the need for and design of fire safe developments.
<b>Responsible Agency:</b> Planning, City Engineer, Fire Department
<b>Schedule:</b> 2005-2006 Ongoing
<b>Implementation Status -</b> The Fire Department has developed a 1-page handout briefly describing the requirements. The handout will be revised to match the new building code requirements.
<b>Program 1.D</b>
Establish and maintain a program by which all potentially hazardous structures, which pose a threat due to



inadequate fire hazard construction are identified, inventoried, and retrofitted with fire retardant materials. Program shall include informational handouts describing appropriate methods of retrofitting and possible sources of funding to facilitate the rehabilitation of such structures.
<b>Responsible Agency:</b> Building and Safety Department, City Engineer, Fire Department
<b>Schedule:</b> 2005-2006
<b>Implementation Status</b> – <i>Nothing done at this time.</i>

## **Policy 2**

On going coordination between the Banning Fire Department, Beaumont Fire Department, the Riverside County Fire Department, the California Department of Forestry, the Morongo Band of Mission Indians and the US Forest Service in fire prevention programs.

<b>Program 2.A</b>
Cooperate with all neighboring agencies in order to identify opportunities for fuel breaks in very high hazard severity zones and to ensure that fire breaks are provided where necessary and appropriate.
<b>Responsible Agency:</b> Fire Marshall, City of Beaumont, County of Riverside, Morongo Band
<b>Schedule:</b> 2005-2006, Ongoing
<b>Implementation Status</b> – Approximately 2½ years ago, the Fire Marshal met with representatives from Cal Fire/Riverside County Fire and San Bernardino County Fire, and the U.S. Forest Service Service to discuss fuel modification projects in the wildland areas north of Banning from Yucaipa to the Morongo Reservation. For budget cycle 2004-2006 the City Fire Marshal proposed a 4 year fuel break construction project in Banning Canyon. The Council approved financing for the project. When funding was requested to continue for the final 2 years of the project, it was denied. Fuel break Projects to the northwest of Banning are being done by Cal Fire but have little effect toward the protection of the watershed in Banning Canyon. The Fire Department is working with the county fire hazard reduction coordinator for projects within the pass area. The current truck trail system is being improved to maintain access and provide a break in the fuel.
<b>Program 2.B</b>
Development proposals shall be transmitted to the Police Department and the City Fire Marshal, and input shall be incorporated into project design or conditions of approval, as appropriate.
<b>Responsible Agency:</b> Building and Safety Department, Planning Department, Police Department, Fire Department
<b>Schedule:</b> Ongoing
<b>Implementation Status</b> – All development proposals are routed to the Fire Department for comments.
<b>Program 2.C</b>
The Police and Fire Departments shall closely coordinate and cooperate with the City and County emergency preparedness teams and shall assure the most effective disaster response practical.
<b>Responsible Agency:</b> City Manager's office, Fire Department, Police Department, County of Riverside, PASSCOM
<b>Schedule:</b> Immediately; Ongoing
<b>Implementation Status</b> – The Fire Department's Disaster Preparedness Bureau has completed the City's Emergency Operations Plan. The Department has an ongoing training program for City Employees and City residents. Coordination with local disaster preparedness organizations and County OES is ongoing. The Fire Department evaluates all projects to ensure adequate egress in emergency situations. Cities EOP was updated November 2011.
<b>Program 2.D</b>



Contact and establish working relationships and strategies with Banning Heights Mutual Water Company, High Valley Water District, public utilities, and other appropriate agencies to strengthen or relocate utility facilities, and take other appropriate measures to safeguard major utility distribution systems to the greatest extent practical.
<b>Responsible Agency:</b> Planning Department, Public Works Department, City Engineer, Public and Quasi-Public Utilities
<b>Schedule:</b> 2005-2006; Continuous
<b>Implementation Status – Active and ongoing.</b>
<b>Program 2.E</b>
Encourage and cooperate with CalTrans and the railroad to reduce hazardous fuel loads (vegetation) near bridges, roadways, rail lines and state highways, which may be subject to closure during major wildland fire events.
<b>Responsible Agency:</b> Public Works Department, City Engineer, CalTrans, railroad
<b>Schedule:</b> Continuous
<b>Implementation Status – Active and ongoing.</b>
<b>Program 2.F</b>
The public will be educated regarding disaster prevention and emergency responses including evacuation procedures.
<b>Responsible Agency:</b> Police and Fire Departments, School Districts, PassCom
<b>Schedule:</b> Immediately; Ongoing
<b>Implementation Status – Active and ongoing.</b>

### **Policy 3**

Continue to identify wildfire hazard areas, and to enforce special standards for construction in wildland fire hazard areas.

<b>Program 3.A</b>
New and substantially remodeled structures or developments shall incorporate wildfire prevention design techniques, such as the use of “defensible space,” fire retardant sidings, optimal site planning and building orientation, landscaping orientation, and other design approaches to reduce wildfire hazards.
<b>Responsible Agency:</b> Building and Safety Department, Planning Department, Police Department, Fire Department
<b>Schedule:</b> Ongoing
<b>Implementation Status – Active and ongoing with land development review.</b>
<b>Program 3.B</b>
Require that adequate emergency vehicle access and evacuation routes be available with approval of any new development.
<b>Responsible Agency:</b> Building and Safety Department, Planning Department, Police Department, Fire Department
<b>Schedule:</b> Ongoing
<b>Implementation Status– Active and ongoing.</b>
<b>Program 3.C</b>
The City shall adopt standard requirements for all development proposals in High Fire Hazard Areas, including requirements for the preparation of Fire Protection Plans prior to the approval of Tentative Tract Maps, Tentative Parcel Maps, or other land use permits.



<b>Responsible Agency:</b> Fire Marshal
<b>Schedule:</b> 2005-2006
<b>Implementation Status – Active and ongoing.</b>

#### **Policy 4**

The City shall make every attempt to assure that adequate water supplies and pressures are available during a fire, earthquake or both.

<b>Program 4.A</b>
Coordinate with Banning Heights Mutual Water Company, High Valley Water District and other agencies responsible for supplying water to the region to assure sufficient water supplies and pressures are available to provide adequate fire flows for all existing and proposed development.
<b>Responsible Agency:</b> Public Works Department, Building and Safety Department, Planning Department, Fire Department, Banning Heights Mutual Water Company, High Valley Water District
<b>Schedule:</b> Ongoing
<b>Implementation Status– Active and ongoing.</b>
<b>Program 4.B</b>
Special on-site fire protection measures may be required on well vegetated, hilly areas with slopes of 10 percent or greater, with possible access problems, and/or a lack of sufficient water and/or water pressure. Such measures shall be specified during project review.
<b>Responsible Agency:</b> Building and Safety Department, Planning Department, Fire Department, Banning Heights Mutual Water Company, High Valley Water District
<b>Schedule:</b> Ongoing
<b>Implementation Status – Active and ongoing with development project.</b>

# **Exhibit “C”**

## **Project Pictures and Descriptions**



# City of Banning

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

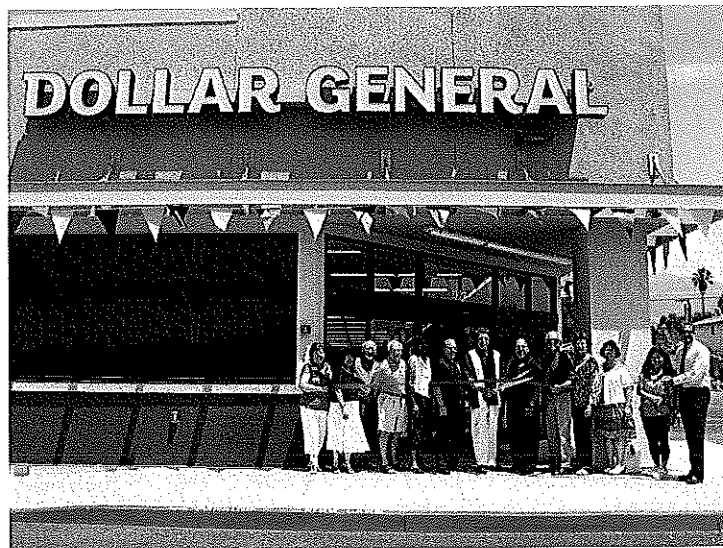
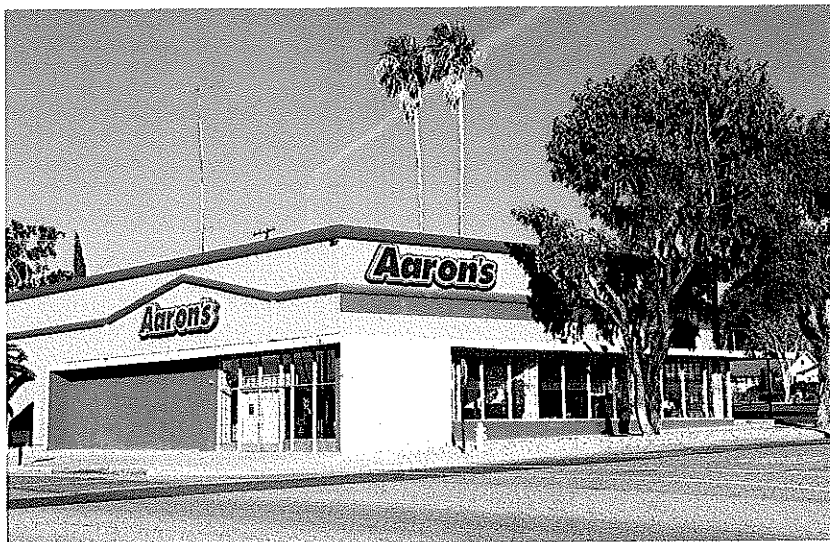
COMMUNITY DEVELOPMENT  
DEPARTMENT

## EXHIBIT "C"

Updated February 2013

**BANNING** – Despite the difficult local, regional and national economy Banning continues to move forward with new development projects and further community revitalization.

Aaron's Ribbon Cutting Ceremony was held on Thursday, September 13<sup>th</sup>. The new retail store located at 321 W. Ramsey Street specialized in furniture, electronics, computers and appliances.

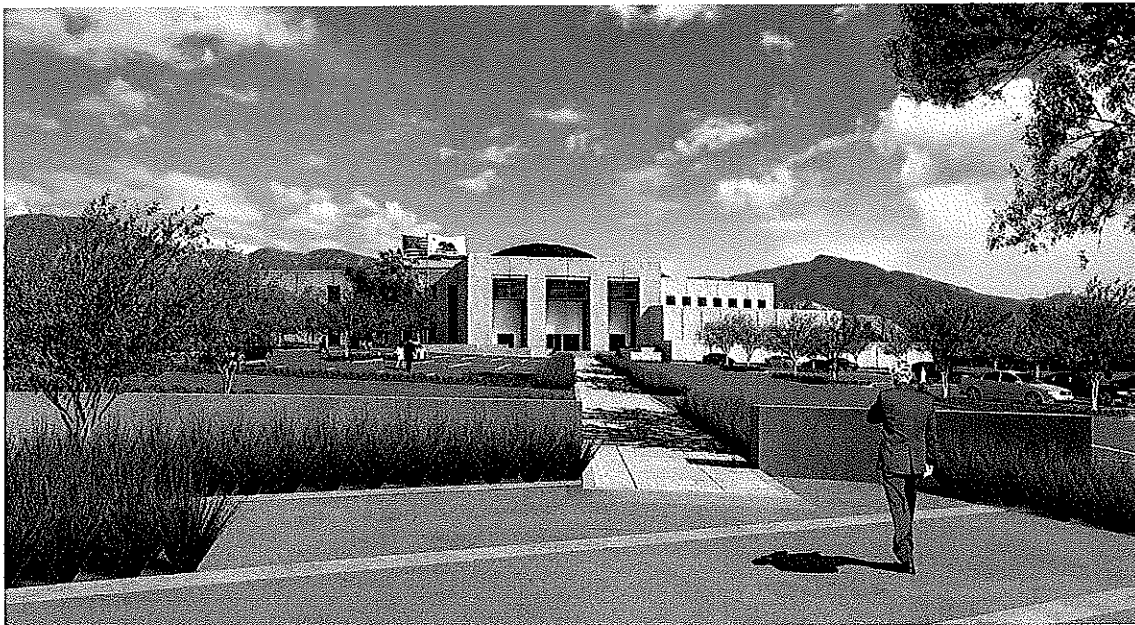


On July 23, 2012, Banning City Officials and Banning Chamber of Commerce representatives held a Ribbon Cutting Ceremony to welcome Dollar General to their new 9,100 square foot location at 1323 W. Ramsey Street in Banning. Dollar General offers a variety of products and merchandise including: office & school supplies, household supplies, food items, health & beauty items, apparel & accessories, baby items, toys, seasonal items, and supplies for teachers and businesses.

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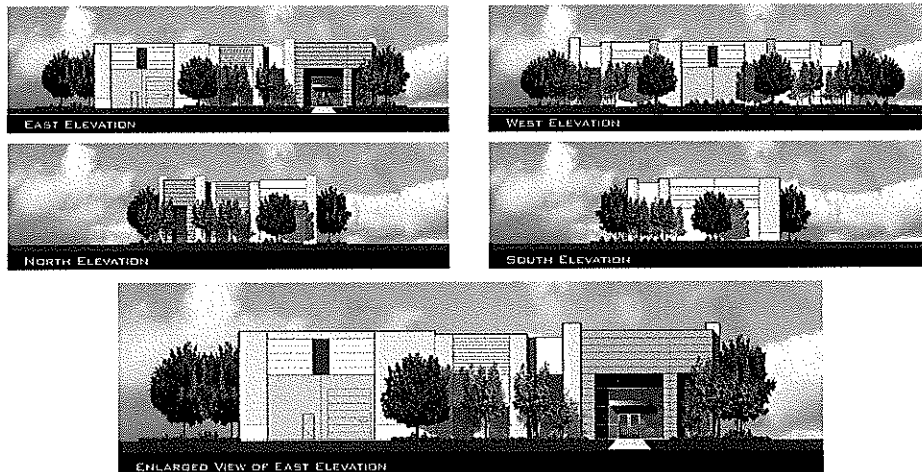
On July 10, 2012, Banning City Officials and Banning Chamber of Commerce representatives held a Ribbon Cutting Ceremony to welcome Family Dollar to their new 8,300 square foot location at 1481 W. Ramsey Street in Banning. Family Dollar offers a variety of products and merchandise including: food items, clothing, home décor, pet products, and various assorted items.



The Superior Court of California is proposing the construction of an approximately 68,000 square foot court house that includes 6 courtrooms, office work areas, and other support services on a 4.86 acre site just east of City Hall on Ramsey Street. The building will include space for court administration, a court clerk, court security operations, a holding area, and facility support. The total project cost is estimated at \$63 million. Grand opening is anticipated to be at the end of 2013.



# BUILDING 5



**HPA**  
Hill Country Planning & Architecture, Inc.  
 10000 Highway 123, Suite 100  
 Austin, TX 78758  
 512.444.1111  
 hpa@hpa.com

Conceptual Elevations  
**BANNING BUSINESS PARK**  
 Banning, CA

OSI Partnership I, LLC  
10000 Highway 123, Suite 100  
 Austin, TX 78758  
 512.444.1111  
 osi@osi.com

The O'Donnell Business Park was approved by the City Council in July 2010 which will provide over one million square feet of light industrial space and warehousing in the Banning market with the potential to accommodate hundreds of new jobs. Construction drawings are under review for Phase I of the project that includes the development of the largest warehouse building of approximately 787,000 square feet. Mass grading of the site has already commenced.



In November *The Frost Company* submitted an application in conjunction with the Redevelopment Agency to develop approximately 5 ½ acres across from City Hall along Ramsey Street. The project is proposed as mixed use development that includes approximately 65,000 square feet of office, retail, and restaurant space. Titled the Village at Paseo San Geronio the project is intended to compliment the development of the courthouse across the street and includes frontage along Interstate 10.

11/16



San Geronio Pass Habitat for Humanity continued to purchase and renovate foreclosed homes with assistance from the City through an agreement and make those homes available to very low income families. In 2012, Habitat for Humanity renovated two (2) homes for very low income residents. These homes are located throughout the City.



The San Geronio Memorial Hospital continues with their \$108 million improvement project that includes the expansion of their central plant, emergency department, and other remodeling and improvements. Future improvements include the expansion of capacity (additional beds in a 6-story building) and the further development of the hospital campus. Funding for this project was provided through general obligation bonds approved by voters in March 2006. The first phases of the project are complete and they included the construction of the helipad, cooling tower, and underground utilities. The new emergency department that includes the two story intensive care unit is approximately 33% complete.



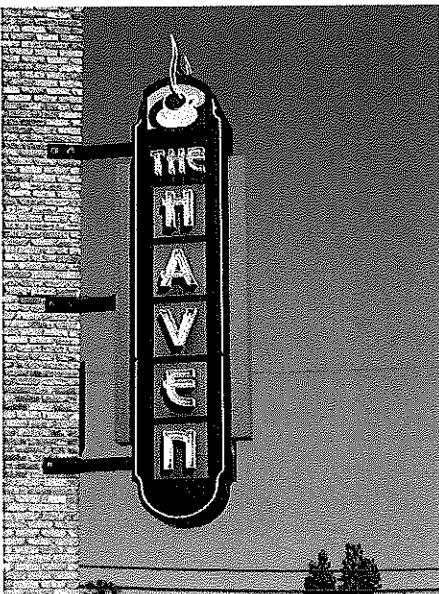
Inland Behavioral and Health Services of San Bernardino received Planning Commission approval in December 2009 to construct a 9,000 square foot medical and dental clinic on East Ramsey Street with construction commencing in 2011. The building has been completed and was opened to provide services in May 2012.



Pardee Homes has amended the Butterfield Specific Plan that was approved in the mid-90s, including preparing a draft Environmental Impact Report for a construction of a golf-course community that includes two commercial sites totaling 40 acres and a development 5,387 single and multiple-family residential developments, with neighborhood and community parks, trails, a community center site, and two (2) elementary school sites. Entitlement for this project has been completed.



Poison Spyder Customs, Inc. is located at 1143 W. Lincoln Street, Unit 20 and has been doing in Banning since January 2011 and expanded their facilities in 2012. Poison Spyder manufactures "Hard-Core Off-Road Equipment" for Jeeps and their products help turn main stream Jeeps into world class off-road machines. They offer the highest quality, best fitting, and easiest to install Jeep products that include front bumpers, front fender armor, rocker armor, rear corner armor, tube fenders, rocker knockers, crusher corners, trail & comp stingers, body armor, and much more to customize the off-road Jeep market.



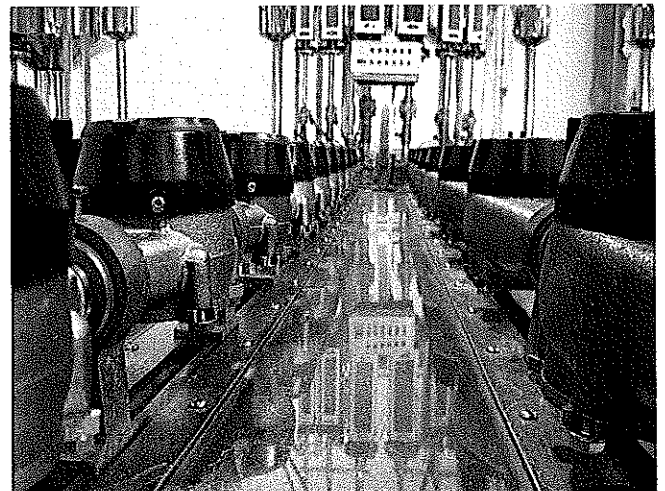
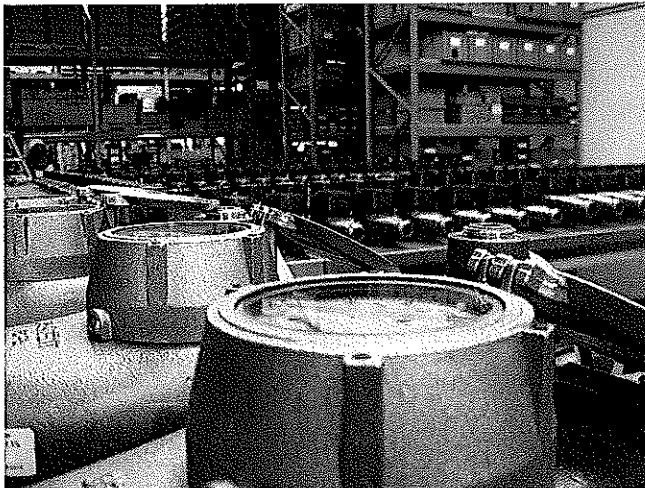
The Haven Café, located on the southwest corner of Ramsey Street and San Geronio Avenue, signed the lease for their new location in October of 2012 and opened for business in January 2013.





# sears

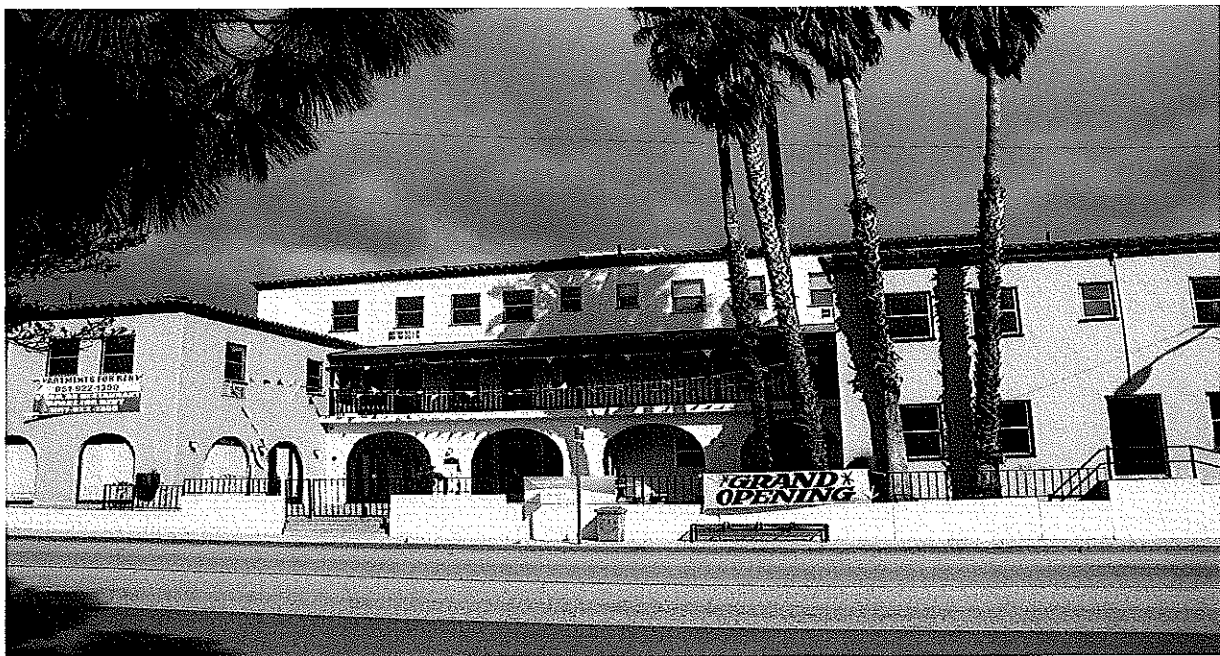
Beginning in July of 2012 local owner of Sears Hometown began investigating with staff potential business locations in Banning. A location was selected at 1484 W. Ramsey Street in early Fall of 2012 and officially opened for business before the holidays. Sears Hometown Stores provides products and services in Home Appliances, Home Electronics, Mattresses, Lawn & Garden, Fitness, Tools and Household Goods to customers in smaller communities.



In October of 2012 Zenner Performance celebrated the opening of Zenner Performance's U.S. headquarters in Banning. The company's state-of-the-art meter manufacturing factory is located at 1910 E. Westward Avenue and will produce and distribute meters to the multifamily, municipal and commercial markets throughout North America. With the opening of the Banning location, Zenner Performance will become the 21<sup>st</sup> branch to open in The Zenner Group's worldwide network.



Coyne Motor Powersports located at 2301 W. Ramsey Street celebrated their ground breaking in March of 2012 and opened their doors for business in October 2012. The Coyne Powersports Group renovated the existing structures at 2301 W. Ramsey and has plans of building a new 10,000 square foot showroom on-site. Initially they will be selling and servicing pre-owned motorcycles, watercraft, and other recreational vehicles in addition to a full parts and apparel department.



Renovation of Ramsey Villa located at 225 W. Ramsey was completed in the Summer of 2012 and includes the exterior façade improvements such as doors, windows, roofing materials, signage, fencing painting and electrical box. Addition, interior improvements have been completed including remodeled restrooms and kitchens along with new flooring and fixtures.



The new Subway is located at 933 W. Ramsey Street. Permits for this project were acquired in August of 2011 with construction of this project ending in March of 2012.



Stagecoach façade renovation began in June of 2012 and is located on the northwest corner of Ramsey St. and Sunset Avenue . Since, renovation progress continues with and estimated project completion to be in the Winter of 2013.

## CITY COUNCIL AGENDA

**DATE:** March 18, 2013

**TO:** City Council

**FROM:** Duane Burk, Director of Public Works

**SUBJECT:** Resolution No. 2013-35, "Approving a Professional Services Agreement with HCA, Inc. for Architectural Design Services for the New Corporate Yard Warehouse and Maintenance Building"

**RECOMMENDATION:** Adopt Resolution No. 2013-35:

- I. Approving a Professional Services Agreement with HCA, Inc. for Architectural Design Services for the New Corporate Yard Warehouse and Maintenance Building for an amount "Not to Exceed" \$84,520.00.
- II. Authorizing the City Manager to execute the Professional Services Agreement with HCA, Inc. of Redlands, California.

**JUSTIFICATION:** Awarding the Professional Services Agreement to HCA, Inc. will allow for the preparation of architectural drawings that will be used during the construction of the new Corporate Yard Warehouse and Maintenance Building at 176 E. Lincoln Street.

**BACKGROUND:** City staff is planning to redesign and expand the existing 11+ acre Corporate Yard located at 176 E. Lincoln Street. The reconstruction of the site is proposed in two (2) phases. Phase 1 is to include the demolition of the existing Electric Operations Building and the construction of a new warehouse and maintenance building. Phase 2 consists of the construction of a new building along with associated paving, parking, etc., located in the currently undeveloped southwestern portion of the Corporate Yard.

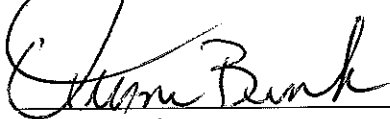
On February 12, 2013 the City Council adopted Resolution No. 2013-19, "Approving a Professional Services Agreement with Albert A. Webb Associates for Engineering and Design Services for the Modification and Expansion of the City Corporate Yard." The scope of work to be completed under said agreement includes aerial topographic mapping, field topographic survey, field exploration, laboratory testing, engineering analyses and reports, water quality analysis, and final design services for demolition, grading, paving, and drainage plans. This scope of work involves full civil design for both Phase 1 and Phase 2 of the improvements at the Corporate Yard.

The primary scope of work to be completed by HCA, Inc. will include: coordination of project planning meetings; completion of a biddable set of construction documents and specifications that include architectural, structural, plumbing, and electrical improvements; completion of a Title 24 Prescriptive Compliance Report; and assistance during the bidding phase such as preparing base bid addendums, responding to Requests For Information (RFIs) and reviewing Request for Substitutions. The proposal submitted by HCA, Inc. can be found attached as Exhibit "A".



**FISCAL DATA:** Funding for the project is currently available in Account No. 674-7000-473-.90-11 (New Building City Yard) which currently has a balance of \$2,593,050.00

**RECOMMENDED BY:**



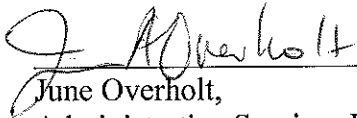
Duane Burk,  
Director of Public Works

**RECOMMENDED BY:**




Fred Mason,  
Electric Utility Director

**REVIEWED BY:**



June Overholt,  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**



Andy Takata,  
City Manager

**RESOLUTION NO. 2013-35**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH HCA, INC. FOR ARCHITECTURAL DESIGN SERVICES FOR THE NEW CORPORATE YARD WAREHOUSE AND MAINTENANCE BUILDING**

**WHEREAS**, City staff has identified the need to redesign and expand the existing 11+ acre Corporate Yard located at 176 East Lincoln Street; and

**WHEREAS**, reconstruction of the site is proposed in two (2) phases: Phase 1 is to include the demolition of the existing Electric Operations Building to be replaced with a new warehouse and maintenance building; Phase 2 consists of the construction of a new building along with associated paving, parking, etc., located in the currently undeveloped southwestern portion of the Corporate Yard; and

**WHEREAS**, it is necessary to award a contract to HCA, Inc. for Architectural Design Services for the development of construction documents and specifications to be used during the construction of the new warehouse and maintenance building; and

**WHEREAS**, the proposal submitted by HCA, Inc. can be found attached as Exhibit "A"; and

**WHEREAS**, funding is currently available in Account No. 674-7000-473.90-11 (New Building City Yard), which currently has a balance of \$2,593,050.00.

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

**SECTION 1.** The City Council adopts Resolution No. 2013-35 approving a Contract Services Agreement with HCA, Inc. of Redlands, California for an amount "Not to Exceed" \$84,520.00.

**SECTION 2.** The City Manager is hereby authorized to execute the Agreement with HCA, Inc. for Architectural Design Services. This authorization will be rescinded if the contract agreement is not executed by both parties within sixty (60) days of the date of this Resolution.

**PASSED, APPROVED, AND ADOPTED** this 26<sup>th</sup> day of March, 2013.

\_\_\_\_\_  
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. 2013-35 was duly adopted by the City Council of the City of Banning at the regular meeting thereof held on the 26<sup>th</sup> day of March, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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



higginson + cartozian architects, inc.

David Higginson, A.I.A., C.E.O.  
Darryl K. Cartozian, C.F.O.

EXHIBIT "A"

March 18, 2013

**City of Banning  
Public Works Department  
99 E. Ramsey St.  
Banning, California 92220-0998**

Attention: Mr. Duane Burk  
Director of Public Works

Re: Proposal for Architectural & Engineering Services  
New Warehouse and Maintenance Building -- Corporate Yard

Dear Mr. Burk:

Higginson+Cartozian Architects, Inc. are pleased to provide this Architectural Services proposal to the City of Banning for the proposed feasibility and design studies for the proposed Corporation Yard Warehouse and Maintenance Building.

DESIGN SCOPE OF SERVICES

Our team has identified the following separate and distinct upgrades that are being requested by city to provide an upgraded warehouse / maintenance facility:

- Demolish existing facility in its entirety.
- Design for new enhanced metal building or similar structure to house the same functions and expanded program requirements as determined.
- Interior improvements in building as directed by program.
- Peripheral site work as required for the construction of the new building.

PROJECT SCOPE / CRITERIA

**Programming / Design Documents Phase**

HCA, Inc. will prepare Design Documents, indicating the proposed building and site design for the City's review and approval and provide the following:

- Phase completed under separate contract.



### **Construction Document Phase**

- Project Planning Meetings: HCA, Inc. shall continue to meet with the City of Banning Public Works and Planning Staff members to discuss any specific engineering required for specialty systems such as EMS, security, fire alarm and data system requirements.
  - It is anticipated that two (2) meetings will be held with the City during this phase
- Provide Biddable set of Construction Documents and Specifications that include the following:
  - Architectural
  - Structural
  - Plumbing
  - Electrical
- Provide Title 24 Prescriptive Compliance Report and necessary forms in Construction Drawings if required.

### **City Plan Review Phase**

- HCA, Inc. will submit plans and specifications to City of Banning for review and approval.
- HCA, Inc. will incorporate corrections into the drawings and specifications.

### **Bidding Phase**

- HCA, Inc. shall assist the City in performing Bidding Phase services for the project as follows:
  - Coordinate with designated plan room for electronic plan distribution
  - Review and comment on the City's proposed bidding procedures and Divisions 0 and 1 of the Front-End boiler plate Bid Documents
  - Assist in the development of bid alternates (if required) and milestone dates to be required of the contractors.
  - Prepare Bid Phase Addendums, respond to RFI's, and review Requests for Substitutions.
  - Assist City with evaluation of bids.

### **Construction Administration**

- Not Included in this proposal

### **Scheduling and Deliverables**

- |                                |          |
|--------------------------------|----------|
| • Construction Documents Phase | 2 Months |
| • City Plan Review Phase       | 1 Month  |
| • Bidding and Award Phase      | 2 Months |

## Professional Service Fee and Terms

District shall compensate HCA, Inc. for the aforementioned services, as follows:

- **Basic Architectural Compensation Fee:** The estimated project construction cost for this project has been set at \$2,800,000. HCA, Inc. shall be paid a Lump Sum Fixed Fee of **\$84,520.00** for the Basic Architectural Compensation Fee. (Based on \$2,800,000 x 4.5% = \$126,000.00 less Conceptual Design Fee of \$20,350 and construction administration fee of \$21,130.00) The following consultants are included in this fee:
  - Structural Engineer (For interior work only)
  - Mechanical Engineer
  - Electrical Engineer
- HCA, Inc. proposes that the fee shall be paid by monthly progress payments for each phase as shown by the following breakdown:
  - Construction Documents 50%                      30%
  - Construction Documents 100%                      35%
  - City Plan Review Phase                      30%
  - Bidding Phase                      05%
- **Reimbursable expenses such as reproduction of plan check and progress documents are not included in our fee and will be billed at direct cost plus 10%.**
- For any additional services not indicated in the scope of work above, fees shall be computed on an hourly basis. See attached Appendix "A" Hourly Rate Schedule.
- Consultants, Engineers, and/or items not included in Basic Services include:
  - City and local Agency Fees
  - Construction Administration Services
  - Testing and Inspection
  - Fire Sprinkler Design
  - Topographic Surveys
  - Civil Engineering and site utility plans
  - Fire Hydrant design and flow calcs
  - Landscape and Irrigation Design
  - Soils and Geotechnical Reports
  - Renderings and models
  - Significant modifications to original program after design approval
  - Phasing of construction
  - Value Engineering
  - Life Cycle Cost Analysis
  - Interim Housing Services

## Summary

This proposal is based upon our understanding of the Project Scope as herein described and detailed record drawings are available. If the scope of the project or services is otherwise, the Proposal shall be adjusted accordingly to the mutual satisfaction of both the City of Banning and HCA, Inc.

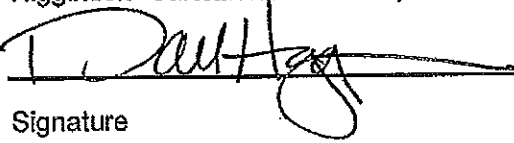
We appreciate the opportunity to provide services to the City of Banning and look forward to continuing the positive working relationship that has already been established.

**Submitted By:**

David Higginson, AIA, CEO

Ca. License C-19168

Higginson+Cartozian Architects, Inc.

  
Signature

3/18/13

Date

**Authorization Given or Notification Acknowledged By:**

\_\_\_\_\_

Authorized Representative, City of Banning

\_\_\_\_\_

Signature

Date

## APPENDIX "A"

### HOURLY RATE FEE SCHEDULE

#### HIGGINSON+CARTOZIAN ARCHITECTS

Corporate Officer	Hourly Rate: \$190.00
Architect	Hourly Rate: \$175.00
Senior Associate	Hourly Rate: \$145.00
Associate	Hourly Rate: \$120.00
Project Manager	Hourly Rate: \$100.00
Senior CADD Operator	Hourly Rate: \$ 80.00
CADD Operator:	Hourly Rate: \$ 65.00
Administrative/Clerical:	Hourly Rate: \$ 55.00



**CITY COUNCIL AGENDA  
CONSENT ITEM**

**DATE:** March 26, 2013

**TO:** City Council

**FROM:** Duane Burk, Director of Public Works

**SUBJECT:** Resolution No. 2013-36, "Approving the Mold Remediation Repairs at City Hall and all Related Expenditures"

**RECOMMENDATION:** Adopt Resolution No. 2013-36:

- I. Approving the mold remediation repairs at City Hall and all related expenditures.
- II. Authorizing the Administrative Services Director to appropriate \$18,756.48 to Account No. 470-3200-412.90-15 (Capital Expenditures/Building Improvements) and to make all necessary budget adjustments, appropriations and transfers related to the approval of the Mold Remediation Repairs at City Hall.
- III. Authorizing the City Manager to execute all contract agreements related to mold remediation repairs at City Hall.

**JUSTIFICATION:** The presence of mold can be hazardous to one's health. The immediate removal and rebuilding of the contaminated area was necessary in order to provide a safe working environment and remove the City's potential liability factor. The City Council's approval to override the formal bid process is necessary in order to expedite repairs and disburse payment.

**BACKGROUND:** In November 2012, mold contamination was discovered in the offices located on the west side of City Hall. In order to provide a safe working environment, immediate action was required and could not be avoided. The City hired a consultant, Southern California Advanced Builders, to assess the situation. Southern California Advanced Builders identified and recommended the remediation of mold in three offices along the west wall of City Hall in the Engineering Department and the employee kitchen. The mold remediation included containment barriers, air scrubbers, hepa vacuum, labor and materials. The cost for this work totaled \$3,200.00 (see attached invoice, Exhibit "A").

Once the mold remediation was completed, a clearance test was performed to ensure a safe working environment. Once clearance was issued, Whitmore Construction, a corporation who currently has a well-established business relationship with the City, was recruited to do building repairs. Due to the unknown conditions, the City authorized Whitmore Construction to make the necessary repairs based on time and material.

Whitmore Construction's scope of work included removing water damaged windows, exterior stucco, interior drywall, insulation and fogging around windows in three offices along the west wall of City Hall in the Engineering Department and employee kitchen. The cost for this work totaled \$17,600.00 (see attached invoice, Exhibit "B").

To complete the renovation, it was necessary that four new windows on the west side of the building be provided with new blinds. The order was placed through KV's Paint and Decorating, a corporation that the City currently has an agreement with to do work on an as needed basis. The cost for this work totaled \$1,308.48 (see attached invoice, Exhibit "C").

In the future, there is a possibility City Hall may require further work related to mold remediation and repair. If this situation is realized, the Public Works Department will bring requested action forward to City Council for approval.

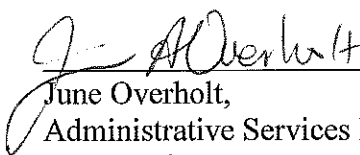
**FISCAL DATA:** An appropriation of funds to Account No. 470-3200-412.90-15 (Capital Expenditures/Building Improvements) in the amount of \$18,756.48 is necessary to cover cost incurred for the mold remediation repairs at City Hall. As part of the Public Benefit Commercial-Energy Conservation program the Electrical Department contributed fifty percent of the cost of the windows from Account No. 675-7020-473.42-58 in the amount of \$3,352.00.

**RECOMMENDED BY:**



Duane Burk,  
Director of Public Works

**REVIEWED BY:**



June Overholt,  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**



Andy Takata,  
City Manager

**RESOLUTION NO. 2013-36**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE MOLD REMEDIATION REPAIRS AT CITY HALL AND ALL RELATED EXPENDITURES.**

**WHEREAS**, in November 2012, mold contamination was discovered in the offices located on the west side of City Hall; and

**WHEREAS**, approving the mold remediation repairs at City Hall and all related expenditures is necessary in order to override the formal bid process and disburse payment; and

**WHEREAS**, in the urgency to provide a safe working environment and reduce the City's liability factor, immediate action was required and could not be avoided, therefore the City hired Southern California Advanced Builders to assess the situation and perform mold remediation (see Exhibit "A"); and

**WHEREAS**, the mold remediation included containment barriers, air scrubbers, hepa vacuum, labor and materials; and

**WHEREAS**, Whitmore Construction was obtained to perform interior and exterior building repairs related to the mold remediation (see Exhibit "B"); and

**WHEREAS**, new blinds were ordered by KV's Paint and Decorating for all four windows on the west side (see Exhibit "C"); and

**WHEREAS**, as part of the Public Benefit Commercial-Energy program the Electrical Department contributed fifty percent of the cost of the windows from Account No. 675-7020-473.42-58 in the amount of \$3,352.00; and

**WHEREAS**, an appropriation of funds to Account No. 470-3200-412.90-15 (Capital Expenditures/Building Improvements Fund) in the amount of \$18,756.48 is necessary to cover cost incurred for the removal of mold at City Hall.

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

SECTION 1. The City Council adopts Resolution No. 2013-36 approving the mold remediation repairs at City Hall allowing the formal bid process to be overridden and payments to be distributed.

SECTION 2. The Administrative Services Director is hereby authorized to appropriate \$18,756.48 to Account No. 470-3200-412.90-15 (Capital Expenditures/Building Improvements Fund) to make the necessary budget adjustments, appropriations and transfers related to the Contract Services Agreement.

SECTION 3. The City Manager is hereby authorized to execute all contract agreements related to mold remediation repairs at City Hall. This authorization will be rescinded if the contract agreement is not executed by both parties within forty-five (45) days of the date of this Resolution.

**PASSED, APPROVED, AND ADOPTED** this 26<sup>th</sup> day of March, 2013.

\_\_\_\_\_  
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. 2013-36 was duly adopted by the City Council of the City of Banning at the regular meeting thereof held on the 26th day of March, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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



Southern California Advanced Builders, Inc.

**EXHIBIT "A"**

Invoice

4589 Spring Court  
Banning, CA 92220  
Lic #908125

Phone # (909) 556-1344      advancedbuilders2@yahoo.com

Date	Invoice #
12/10/2012	2211

<b>Bill To</b> Steve Parker/City Of Banning 176 E Lincoln St. PO Box 998 Banning, CA 92220
--

<b>Ship To</b> City Hall 99 East Ramsey Banning Ca. 92220
--

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due on receipt		12/10/2012			

Quantity	Item Code	Description	Price Each	Amount
	25 Cleanup	Remediated mold from three offices and kitchen under windows on west side of city hall .Used polyethylene sheeting ceiling to floor around affected areas with a slit entry and covered flap to contain mold spores. Removed all drywall from under windows in affected areas. Blocked supply and return air vents within containment area. Removed all drywall from under windows and insulation in affected areas. Cleaned inside walls with high-efficiency particulate air (HEPA) vacuum after the material was thoroughly dried. Treated inside walls with Sporidicin MRC-101. Performed air scrubbing in affected areas and performed clearance testing. Drywall repairs to be done by others.	3,200.00	3,200.00
APPROVED FOR PAYMENT: Ven # <u>4506</u> FY-Per. <u>13/06</u> PO # <u>25596</u> DP <input checked="" type="checkbox"/> Acct: <u>D10132004123002</u> Amount: <u>3200.00</u> Acct: _____ Amount: _____ By: <u>[Signature]</u>				
RECEIVED DEC 26 2012 <u>[Signature]</u>			Total	\$3,200.00

186

# Whitmore Construction, Inc.

EXHIBIT "B"


11315 N. Sunset Ave.  
Banning, Calif. 92220  
Ph. No. 951-849-6883  
Lic. No. 445152

## Invoice

Bill To:

City of Banning  
Finance Dept.  
P.O. Box 998  
Banning, Ca. 92220

Invoice #: 00002414  
Date: 12/26/2012  
Page: 1

DATE	DESCRIPTION	AMOUNT
12/26/2012	Job Address: Banning City Hall, 99 E. Ramsey Street, Banning, Calif. 92220 Job Description: Remove and replace four windows on west side of City Hall  Install new insulation and drywall; tape, texture, primer and paint all new drywall. Lath and apply three coats plaster to exterior walls. Labor  Extra - Fog around windows on south and west sides of City Hall building	\$10,696.00    \$200.00
<b>APPROVED FOR PAYMENT:</b> Ven # <u>1453</u> FY-Per. <u>13-06</u> PO # _____ DP <input checked="" type="checkbox"/> Acct: <u>001-3200-412.30-02</u> Amount: <u>\$10,896.00</u> Acct: _____ Amount: _____ By: 		
Happy New Year!		Sales Tax: \$0.00
		Total Amount: \$10,896.00
		Amount Applied: \$0.00
TERMS: NET 30 DAYS. A service charge of 1 1/2 percent per month (18% per year) will be applied to all balances not paid after 30 days.		Balance Due: \$10,896.00

Terms: Net 30

187

# Whitmore Construction, Inc.

11315 N. Sunset Ave.  
Banning, Calif. 92220  
Ph. No. 951-849-6883  
Lic. No. 445152

## Invoice

Bill To:

City of Banning  
Finance Dept.  
P.O. Box 998  
Banning, Ca. 92220

Invoice #: 00002413

Date: 12/26/2012

Page: 1

DATE	DESCRIPTION	AMOUNT
12/26/2012	Job Address: Banning City Hall, 99 E. Ramsey Street, Banning, Calif. 92220 Job Description: Remove and replace four windows on west side of City Hall  Window frames and dual glass	\$6,704.00
<p>APPROVED FOR PAYMENT: Ven # <u>1453</u> FY-Per. <u>13-06</u> PO # _____ DP <input type="checkbox"/> Acct: <u>175-7020-473.42-58</u> <i>FREE OK'D</i> Amount: <u>\$ 3352.00</u> <i>50% of the</i> Acct: <u>001-3200-41230-02</u> Amount: <u>\$ 3352.00</u> <i>cost</i> By: <i>[Signature]</i> <i>Guam</i></p>		
Happy New Year!		Sales Tax: \$0.00
		Total Amount: \$6,704.00
TERMS: NET 30 DAYS. A service charge of 1 1/2 percent per month (18% per year) will be applied to all balances not paid after 30 days.		Amount Applied: \$0.00
		Balance Due: \$6,704.00

Terms: Net 30

188

## EXHIBIT "C"

## KV'S PAINT &amp; DECORATING CENTER INC.

1692 E 6th Street  
BEAUMONT, CA 92223

WWW.KVSPAIN.COM

Email KEITHATKVS@YAHOO.CO...

Phone # 951-845-1452

Fax: 951-845-7695

## Invoice

Invoice #: 110141

Invoice Date: 12/17/2012

Due Date: 12/17/2012

Project:

P.O. Number:

## Bill To:

CITY OF BANNING  
PO BOX 998  
BANNING, CA 92220

Rep

DAVID

Qty	U/M	Description	Suggested	List	Amount
1	ea	century curve soft white 99 1/2x51 1/2		191.20	191.20T
1	ea	century curve soft white 112 1/4x51/2		211.20	211.20T
1	ea	century curve soft white 52 3/4x51 3/4		128.40	128.40T
1	ea	century curve soft white 170 1/2x51 1/2		301.60	301.60T
1	ea	century curve soft white 119 1/2x51 3/8		211.20	211.20T
1	ea	install windows		184.00	184.00
		SALES TAX		7.75%	80.88✓
<p>APPROVED FOR PAYMENT:  Ven # <u>1174</u> FY-Per. <u>13-06</u>  PO # <u>25836</u> DP <input checked="" type="checkbox"/>  Acct: <u>001-3200-412-3002</u>  Amount: <u>\$1,308.48</u>  Acct: _____  Amount: _____  By: <u>[Signature]</u></p> <p>870/050</p>					

RECEIVED MAR 07 2013

Mini Blinds - City Hall Eng. Dept.

Total \$1,308.48

Payments/Credits \$0.00

ASK ABOUT 1 YEAR NO INTEREST!

Balance Due \$1,308.48 ✓

ALL C.O.D. PAYMENTS MUST BE MADE TO INSTALLER AT THE TIME THE INSTALLATION IS COMPLETE. Payments not made shall be subject to interest at the rate of 2% per month and in the event of legal action, the prevailing party shall be entitled to reasonable attorney's fees. \*KV's Paint and Decorating, Inc. is not responsible for cutting doors. \*\*ALL ORDERED GOODS ARE SUBJECT TO A 30% RESTOCKING FEE OF PURCHASE PRICE.

ACCEPTANCE: I accept this proposal and agree to the terms and conditions herein, and authorize work to commence on \_\_\_\_\_.

COMPLETION:  
The above described work has been completed to satisfaction.

Customer \_\_\_\_\_ Date \_\_\_\_\_ Customer \_\_\_\_\_ Date \_\_\_\_\_

License # 743475

189



**CITY COUNCIL AGENDA  
CONSENT ITEM**

**DATE:** March 26, 2013

**TO:** Honorable Mayor and City Council

**FROM:** Duane Burk, Director of Public Works

**SUBJECT:** Resolution No. 2013-37, "Approving the Construction, Maintenance, and Use Agreement with Union Pacific Railroad Company, for the Grade Separation at Sunset Avenue"

**RECOMMENDATION:**

- I. Adopt Resolution No. 2013-37, "Approving the Construction, Maintenance, and Use Agreement with Union Pacific Railroad Company, for the Grade Separation at Sunset Avenue" attached hereto as Exhibit "A."
- II. Authorize the Mayor to execute the Construction, Maintenance and Use Agreement with the Union Pacific Railroad Company.

**JUSTIFICATION:** It is essential that the City Council approve Resolution No. 2013-37 in order for the granting of temporary rights for the City of Banning to construct the grade separation.

**BACKGROUND:** The Sunset Avenue railroad crossing is at street level and causes significant traffic delays to and from the southwest portion of the City of Banning. The proposed underpass would enhance traffic flows along Sunset Avenue and would provide a route for emergency services to access residents south of the railroad tracks, while improving overall safety in the area.

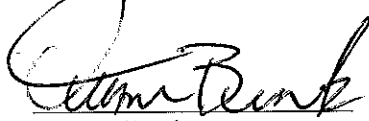
In undertaking the Sunset Grade Separation project, there were a number of contractual agreements which were required, including agreements with the Railroad for the grade crossing, a 3-party agreement with Caltrans and the County for construction within the State right-of-way, and other agreements. These agencies tend to have their own form of agreements for doing work within their right of way. For example, the Railroad's standard agreement provides that they will select the contractor and oversee the work, and the contracting agency will pay all costs, including change orders. An agency such as the City of Banning ends up with no control over these costs. Although the City Attorney objected to such provisions, and made suggestions to better protect the City, we were unable to get the other entities, our "partners," to revise these agreements to meet our concerns. Nevertheless, we do need to proceed with these projects.

In order to successfully continue with this project and move forward to the construction phase, it is essential that the City of Banning work with Union Pacific Railroad Company (UPRR) and

enter into the Construction, Maintenance & Use Agreement, attached hereto as Exhibit "A". The Construction, Maintenance and Use Agreement will permit UPRR to monitor, participate in, and oversee various aspects of the project, including, but not limited to construction of the Railroad tracks, railroad bridge, shoofly, etc.


**FISCAL DATA:** The City shall bear all related project development costs such as design, construction, construction management phases, and the necessary Right of Ways/Easement cost to the UPRR.

**RECOMMENDED BY:**



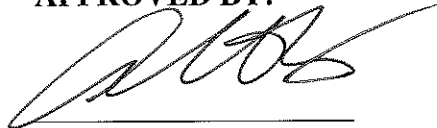
Duane Burk  
Director of Public Works

**REVIEWED BY:**



June Overholt  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**



Andy Takata  
City Manager

**RESOLUTION NO. 2013-37**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE CONSTRUCTION, MAINTENANCE, AND USE AGREEMENT WITH UNION PACIFIC RAILROAD COMPANY, FOR THE GRADE SEPARATION AT SUNSET AVENUE**

**WHEREAS**, the Sunset Avenue railroad crossing is at street level and causes significant traffic delays to and from the southwest portion of the City of Banning; and

**WHEREAS**, staff has been working closely with UPRR for a number of years to advance Project No. 2006-05 "Sunset Avenue Grade Separation."; and

**WHEREAS**, it is essential that the City of Banning enter into a Construction, Maintenance and Use Agreement with the Union Pacific Railroad Company (UPRR) in order to allow for the construction of Sunset Avenue under pass.

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

SECTION 1. Approve the Construction, Maintenance and Use Agreement with the UPRR, for the Grade Separation and Ramps Modifications at Sunset Avenue, attached hereto as Exhibit "A."

SECTION 2. Authorize the Mayor to execute the Construction, Maintenance and Use Agreement with Union Pacific Railroad Company (UPRR). This authorization will be rescinded if the Agreement is not executed by all of the parties within one hundred eighty (180) days of the date of this resolution.

**PASSED, APPROVED, AND ADOPTED** this 26<sup>th</sup> day of March, 2013.

\_\_\_\_\_  
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. 2013-37 was duly adopted by the City Council of the City of Banning at the regular meeting thereof held on the 26<sup>th</sup> day of March, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**EXHIBIT "A"**  
**CONSTRUCTION, MAINTENANCE AND USE AGREEMENT**  
**WITH THE UNION PACIFIC RAILROAD COMPANY (UPRR)**



# PUBLIC HIGHWAY UNDERPASS CROSSING AGREEMENT

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BETWEEN

UNION PACIFIC RAILROAD COMPANY

AND THE

CITY OF BANNING

COVERING THE

CONSTRUCTION, MAINTENANCE AND USE OF  
THE NEW SUNSET AVENUE UNDERPASS GRADE  
SEPARATED PUBLIC ROAD CROSSING

DOT NO.: 440-707T

AT

RAILROAD MILE POST 566.20 — YUMA SUBDIVISION

IN

BANNING  
RIVERSIDE COUNTY,  
CALIFORNIA

UPRR Folder No.: 2734-77

UPRR Audit No.: \_\_\_\_\_

## PUBLIC HIGHWAY UNDERPASS CROSSING AGREEMENT

Sunset Avenue – DOT No. 440-707T  
Railroad Mile Post 566.20 – Yuma Subdivision  
Banning, Riverside County, California

THIS AGREEMENT ("Agreement") is made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ ("Effective Date"), by and between the **UNION PACIFIC RAILROAD COMPANY**, a Delaware corporation, to be addressed at Real Estate Department, 1400 Douglas Street, Mail Stop 1690, Omaha, Nebraska 68179-1690 ("Railroad") and the **CITY OF BANNING**, a municipal corporation of the State of California to be addressed at 99 East Ramsey Street, Banning, California 92220 ("City").

### RECITALS:

- A. Presently, the City, without an agreement, utilizes the Railroad's right of way for an at-grade street or highway crossing for Sunset Avenue at Railroad Mile Post 566.17, (DOT No. 760-690A), on Railroad's Yuma Subdivision in the City of Banning, Riverside County, California (the "Original Crossing Area").
- B. The City now desires to undertake as its project (the "Project") the closure of the existing at-grade crossing for Sunset Avenue and the construction of a new grade separated underpass bridge (the "Structure") that will allow the Railroad's train traffic to traverse over Sunset Avenue at Railroad Mile Post 566.20, (DOT No. 440-707T), (the "Crossing Area") as the Crossing Area is shown on the Railroad Location Print marked **Exhibit A** and as detailed on the Detailed Prints collectively marked **Exhibit A-1**, each attached hereto and hereby make a part hereof.
- C. The construction of the Structure will also necessitate the construction of a temporary railroad shoofly (the "Shoofly") as shown on the Shoofly Track Print marked **Exhibit A-2**, attached hereto and hereby made a part hereof, to provide for the Railroad's continued railroad operations during the Project.
- D. Under this Agreement, the Railroad will be granting to the City permanent rights for the area identified as Parcel No. 0529-008B and described in the Legal Description marked **Exhibit A-3** and illustrated on the Survey Print marked **Exhibit A-4**, with each exhibit being attached hereto and hereby made a part hereof (the "Permanent Rights Area").
- E. Also, under this Agreement, the Railroad will be granting to the City temporary rights for the temporary construction area identified as Parcel No. 0529-008A to facilitate the construction of the Structure. The portion of Railroad's property that City needs as a temporary

construction area is described in the Legal Description marked **Exhibit A-5** and illustrated on the Survey Prints marked **Exhibit A-6**, with each exhibit being attached hereto and hereby made a part hereof (the "Temporary Use Areas").

F. The Railroad and the City are entering into this Agreement to cover the above.

**AGREEMENT:**

NOW, THEREFORE, it is mutually agreed by and between the parties hereto as follows:

**ARTICLE 1.           EXHIBITS B AND D.**

The General Terms and Conditions marked **Exhibit B**, and the Railroad's Coordination Requirements marked **Exhibit D**, are attached hereto and hereby made a part hereof.

**ARTICLE 2.           RAILROAD GRANTS RIGHT.**

- A. Upon completion of the execution of this Agreement and Railroad's receipt from City of **THREE HUNDRED TWENTY-ONE THOUSAND TWO HUNDRED DOLLARS (\$321,200.00)**, the Railroad shall execute and deliver to the City an Easement in the form marked **Exhibit F**, attached hereto and hereby made a part hereof, for the property described and shown on **Exhibits A-3 and A-4**.
- B. The Railroad hereby grants to the City, subject to the terms of this Agreement, the right to (i) use the Temporary Use Areas, as shown and described and shown on **Exhibits A-5 and A-6**, for a period of twenty-four (24) months to facilitate the construction of the Structure, or until the City has completed the construction of the Structure, whichever occurs earlier, and (ii) construct, use, maintain and repair the Structure. The City's use of such property shall be subject to the terms and conditions of this Agreement and the obligation of City and its contractors to comply with such provisions.

**ARTICLE 3.           DEFINITION OF CONTRACTOR**

For purposes of this Agreement the term "Contractor" shall mean the contractor or contractors hired by the City to perform any Project work on any portion of the Railroad's property and shall also include the Contractor's subcontractors and the Contractor's and subcontractor's respective employees, officers and agents, and others acting under its or their authority.

**ARTICLE 4.           CONTRACTOR'S RIGHT OF ENTRY AGREEMENT –  
INSURANCE**

- A. Prior to Contractor performing any work within the Crossing Area involving the Project, and any subsequent maintenance or repair work, the City shall require the Contractor to:
- execute the Railroad's then current Contractor's Right of Entry Agreement
  - obtain the then current insurance required in the Contractor's Right of Entry Agreement; and
  - provide such insurance policies, certificates, binders and/or endorsements to the Railroad.
- B. The Railroad's current Contractor's Right of Entry Agreement is marked **Exhibit E**, attached hereto and hereby made a part hereof. The City confirms that it will inform its Contractor that it is required to execute such form of agreement and obtain the required insurance before

commencing any work on any Railroad property. Under no circumstances will the Contractor be allowed on the Railroad's property without first executing the Railroad's Contractor's Right of Entry Agreement and obtaining the insurance set forth therein and also providing to the Railroad the insurance policies, binders, certificates and/or endorsements described therein.

- C. All insurance correspondence, binders, policies, certificates and/or endorsements shall be sent to:

*Senior Manager - Contracts  
Union Pacific Railroad Company  
Real Estate Department  
1400 Douglas Street, Mail Stop 1690  
Omaha, NE 68179-1690  
UPRR Folder No. 2734-77*

- D. If the City's own employees will be performing any of the Project work, the City may self-insure all or a portion of the insurance coverage subject to the Railroad's prior review and approval.

**ARTICLE 5. FEDERAL AID POLICY GUIDE**

If the City will be receiving any federal funding for the Project, the current rules, regulations and provisions of the Federal Aid Policy Guide as contained in 23 CFR 140, Subpart I and 23 CFR 646, Subparts A and B are incorporated into this Agreement by reference.

**ARTICLE 6. NO PROJECT EXPENSES TO BE BORNE BY RAILROAD**

The City agrees that no Project costs and expenses are to be borne by the Railroad. In addition, the Railroad is not required to contribute any funding for the Project.

**ARTICLE 7. WORK TO BE PERFORMED BY THE RAILROAD; BILLING SENT TO CITY - CITY'S PAYMENT OF BILLS**

- A. The work to be performed by the Railroad, at the City's sole cost and expense, is described in the:

- Railroad's Flagging & Inspection Estimate dated April 13, 2012, in the amount of \$557,700.00, marked **Exhibit C**, and
- Railroad's Material & Force Account Estimate dated December 14, 2012 in the amount of \$2,039,671.00, marked **Exhibit C-1**,

each attached hereto and hereby made a part hereof (the "Estimate"). As set forth in the Estimate, the Railroad's total estimated cost for the Railroad's work associated with the Project is \$2,597,371.00.

- B. The Railroad, if it so elects, may recalculate and update the Estimate submitted to the City in the event the City does not commence construction on the portion of the Project located on the Railroad's property within six (6) months from the date of the Estimate.
- C. The City agrees to reimburse the Railroad within thirty (30) days of its receipt of billing from the Railroad for one hundred percent (100%) of all actual costs incurred by the Railroad in connection with the Project including, but not limited to, all actual costs of engineering

review (including preliminary engineering review costs incurred by Railroad prior to the Effective Date of this Agreement), construction, inspection, flagging (unless flagging costs are to be billed directly to the Contractor), procurement of materials, equipment rental, manpower and deliveries to the job site and all direct and indirect overhead labor/construction costs including Railroad's standard additive rates.

#### **ARTICLE 8. PLANS**

- A. The City, at its expense, shall prepare, or cause to be prepared by others, the detailed plans and specifications for the Project and the Structure and submit such plans and specifications to the Railroad's Assistant Vice President Engineering-Design, or his authorized representative, for prior review and approval. The plans and specifications shall include all appurtenances, associated drainage, shoring, sheeting and excavations for bents and/or abutments next to or adjacent to the Railroad's tracks and, if applicable, all demolition and removal plans for the existing structure.
- B. The final one hundred percent (100%) completed plans that are approved in writing by the Railroad's Assistant Vice President Engineering-Design, or his authorized representative, are hereinafter referred to as the "Plans". The Plans are hereby made a part of this Agreement by reference.
- C. No changes in the Plans shall be made unless the Railroad has consented to such changes in writing.
- D. Upon completion of the Structure, the City, at its expense, shall furnish to the Railroad two (2) sets of reproducible "as constructed" Plans of the Structure.
- E. The Railroad's review and approval of the Plans in no way relieves the City or the Contractor from their responsibilities, obligations and/or liabilities under this Agreement, and will be given with the understanding that the Railroad makes no representations or warranties as to the validity, accuracy, legal compliance or completeness of the Plans and that any reliance by the City or Contractor on the Plans is at the risk of the City and Contractor.

#### **ARTICLE 9. NON-RAILROAD IMPROVEMENTS**

- A. Submittal of plans and specifications for protecting, encasing, reinforcing, relocation, replacing, removing and abandoning in place all non-railroad owned facilities (the "Non Railroad Facilities") affected by the Project including, without limitation, utilities, fiber optics, pipelines, wirelines, communication lines and fences is required under Section 8. The Non Railroad Facilities plans and specifications shall comply with Railroad's standard specifications and requirements, including, without limitation, American Railway Engineering and Maintenance-of-Way Association ("AREMA") standards and guidelines. Railroad has no obligation to supply additional land for any Non Railroad Facilities and does not waive its right to assert preemption defenses, challenge the right-to-take, or pursue compensation in any condemnation action, regardless if the submitted Non Railroad Facilities plans and specifications comply with Railroad's standard specifications and requirements. Railroad has no obligation to permit any Non Railroad Facilities to be abandoned in place or relocated on Railroad's property.
- B. Upon Railroad's approval of submitted Non Railroad Facilities plans and specifications, Railroad will attempt to incorporate them into new agreements or supplements of existing



agreements with Non Railroad Facilities owners or operators. Railroad may use its standard terms and conditions, including, without limitation, its standard license fee and administrative charges when requiring supplements or new agreements for Non Railroad Facilities. Non Railroad Facilities work shall not commence before a supplement or new agreement has been fully executed by Railroad and the Non Railroad Facilities owner or operator, or before Railroad and City mutually agree in writing to (i) deem the approved Non Railroad Facilities plans and specifications to be Plans pursuant to Section 8B, (ii) deem the Non Railroad Facilities part of the Structure, and (iii) supplement this Agreement with terms and conditions covering the Non Railroad Facilities.

#### ARTICLE 10. SHOOFLY WORK

- A. The City, at its expense, shall perform all grading, drainage and embankment work for the Shoofly (including the portions at both ends of the Shoofly that the Railroad will be constructing or realigning in order to connect the Shoofly to its existing trackage) to the satisfaction and standards of the Railroad and in compliance with the Plans and all specifications and guidelines furnished by the Railroad to the City.
- B. If the City or its Contractor needs to bring any borrow material onto the job site to accomplish such grading and embankment work, the borrow material shall be first tested by the City or its Contractor, at the City's sole expense, to determine if the borrow material is acceptable to Railroad including, without limitation, ensuring (1) that the borrow material meets specifications and standards provided by the Railroad to the City and (ii) that the borrow material does not contain any contamination or naturally occurring radiologic material or any other material deemed under any applicable current federal, state or local agency law, statute, rule or regulation to be of environmental concern.
- C. The City, at its expense, shall supply and lay all sub-ballast material upon the grading and embankment described in Paragraph A above to the standards and satisfaction of the Railroad and in compliance with the Plans and all specifications and guidelines that have been furnished by the Railroad to the City.
- D. The Railroad, at the City's expense, shall furnish, install and maintain the rail and ties, or shift, realign and maintain the existing railroad tracks, as the case may be, on the portions of the Shoofly that connect to the Railroad's existing trackage out to the clearance points on the Shoofly.
- E. Except as set forth in Paragraph D above, the City shall supply and install all ties, track and other material to the satisfaction of the Railroad and in compliance with the Plans and all specifications and guidelines furnished by the Railroad to the City.
- F. Except as provided in Paragraph D above, during the Project, the City, at its expense, shall maintain and repair the Shoofly to the standards and satisfaction of the Railroad.
- G. Upon completion of the Project, the Railroad, at the City's expense, shall remove the rail and ties that it installed under Paragraph D above. Salvage credits, if any, due the City shall be set forth in the Railroad's Estimate described in Section 7A.
- H. Upon completion of the Project, the City, at its expense, shall remove all rails, ties and ballast installed by it for the Shoofly to the standards and satisfaction of the Railroad and in compliance with the Plans, and all specifications and guidelines, furnished by the Railroad to

**ARTICLE 14.        CONDITIONS TO BE MET BEFORE  
CITY CAN COMMENCE WORK**

Neither the City nor the Contractor may commence any work within the Crossing Area or on any other Railroad property until:

- (i) The Railroad and City have executed this Agreement.
- (ii) The Railroad has provided to the City the Railroad's written approval of the Plans.
- (iii) Each Contractor has executed Railroad's Contractor's Right of Entry Agreement and has obtained and/or provided to the Railroad the insurance policies, certificates, binders, and/or endorsements set forth in the Contractor's Right of Entry Agreement.
- (iv) Each Contractor has given the advance notice(s) required under the Contractor's Right of Entry Agreement to the Railroad Representative named in the Contractor's Right of Entry Agreement.

**ARTICLE 15.        FUTURE PROJECTS**

Future projects involving substantial maintenance, repair, reconstruction, renewal and/or demolition of the Structure shall not commence until Railroad and City agree on the plans for such future projects, cost allocations, right of entry terms and conditions and temporary construction rights, terms and conditions.

**ARTICLE 16.        ASSIGNMENT; SUCCESSORS AND ASSIGNS**

- A. City shall not assign this Agreement without the prior written consent of Railroad.
- B. Subject to the provisions of Paragraph A above, this Agreement shall inure to the benefit of and be binding upon the successors and assigns of Railroad and City.

**ARTICLE 17.        SPECIAL PROVISIONS PERTAINING TO AMERICAN  
RECOVERY AND REINVESTMENT ACT OF 2009**

If the City will be receiving American Recovery and Reinvestment Act ("ARRA") funding for the Project, the City agrees that it is responsible in performing and completing all ARRA reporting documents for the Project. The City confirms and acknowledges that Section 1512 of the ARRA provisions applies only to a "recipient" receiving ARRA funding directing from the federal government and, therefore, (i) the ARRA reporting requirements are the responsibility of the City and not of the Railroad, and (ii) the City shall not delegate any ARRA reporting responsibilities to the Railroad. The City also confirms and acknowledges that (i) the Railroad shall provide to the City the Railroad's standard and customary billing for expenses incurred by the Railroad for the Project including the Railroad's standard and customary documentation to support such billing, and (ii) such standard and customary billing and documentation from the Railroad provides the information needed by the City to perform and complete the ARRA reporting documents. The Railroad confirms that the City and the Federal Highway Administration shall have the right to audit the Railroad's billing and documentation for the Project as provided in **Exhibit B** of this Agreement.

**ARTICLE 18. GOVERNING LAW**

Unless otherwise preempted by applicable Federal laws, rules or regulations, this Agreement shall be construed in accordance with the laws of the State of California.

**ARTICLE 19. AUTHORITY TO ENTER INTO AGREEMENT**

The Railroad and the City confirm that the individual signing on behalf of the Railroad or the City, as applicable, has the authority to sign this Agreement and to bind such party.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed as of the Effective Date first herein written.

**UNION PACIFIC RAILROAD COMPANY**  
(Federal Tax ID #94-6001323)

By \_\_\_\_\_  
DANIEL A. LEIS  
General Director Real Estate

ATTEST:

**CITY OF BANNING**

By \_\_\_\_\_

By \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

(SEAL)

Pursuant to Resolution/Order No. \_\_\_\_\_  
dated \_\_\_\_\_, 20\_\_\_\_,  
hereto attached

**CITY OF BANNING  
CONSENT**

**DATE:** March 26, 2013

**TO:** Mayor and Members of the City Council

**FROM:** Bill R. Manis, Economic Development Director/Public Information Officer

**SUBJECT:** Approval of Exclusive Negotiation Agreement by and Between the City of Banning and the Fairview Holdings, S.A., LLC

**RECOMMENDATION:**

That the City Council:

- (1) Approve the Exclusive Negotiation Agreement with Fairview Holdings, S.A., LLC and authorize the Mayor, City Attorney, and the City Clerk to execute the final document; and
- (2) Direct staff to continue discussions with the representatives of Fairview Holdings, S.A., LLC and work towards, in good faith, the culmination of a development agreement or equivalent agreement(s), that may provide for future development of the area in and around the Banning Municipal Airport only after said agreements have been considered and approved by the City Council after a public hearing in accordance with the law.

**BACKGROUND:**

The City owns three (3) parcels of land located immediately east of Hathaway Street and along Barbour Avenue in Banning. The three (3) parcels consist of the Banning Municipal Airport (127.15 acres) which is improved, and two (2) adjacent parcels (39 acres and 20 acres respectively) which are partially improved. The Airport property has a General Plan designation of "Public Facilities" and a Zoning designation of "PF-A." The adjacent parcels have a General Plan and Zoning designation of "Industrial." The Airport property includes 5,200 feet of runway, one (1) terminal building, one (1) facility capable of housing a fixed base operator, six (6) T-hangers, three (3) conventional hangers, and fueling facilities.

The area in and around the Banning Municipal Airport is currently not being used to its highest and best use. As a result, in February 2012, City staff prepared and distributed a Request for Proposal ("RFP") to invite proposals from qualified firms or individuals to develop the 186 acres of land. The RFP stated that the ultimate development of the Banning Municipal Airport may include developing the area as illustrated in the Airport Master Plan, developing the Airport along with the adjacent parcels, or developing the entire site to its highest and best use.

In March 2012, City staff received three (3) qualified proposals from professional development firms in response to the RFP. The three (3) development firms included:

- Highland Fairview (Fairview Holdings, S.A., LLC);

- Messenger Investment Company (in partnership with the Rockefeller Group Development Corporation); and
- Searles Company (in partnership with DTZ-UGL Services).

In May 2012, interviews were held with all three (3) development firms and at the conclusions of the interview process, July 2012, City staff selected the Highland Fairview team based on the projected economic and employment opportunities their project will produce for the City and surrounding area. Attachment 1 is a copy of the Highland Fairview proposal.

The appropriate way to move forward with the potential development is through the establishment of an Exclusive Negotiation Agreement (“ENA”) with the Developer. The ENA process will lead the City and Developer toward, in good faith, a Development Agreement or equivalent agreement(s). The Development Agreement and/or equivalent agreement(s), if approved by the City Council, will be subject to all rules, regulations, standards, and criteria set forth in the City’s General Plan, applicable specific plans, and zoning regulations (which may necessitate amendment or other modification to accommodate the Developer’s proposed project) and the ENA.

On November 13, 2012, the prior City Council approved an ENA with the Developer for a two-year period. City staff informed the City Council that the City and Developer had come to terms on most of the deal points of the ENA and that several non-substantial items were in the process of being resolved by the parties. When the remaining items were revisited by the City and Developer it subsequently turned out that a number of items were unresolved. Although City staff had direction to make these changes administratively, we determined it would be appropriate to bring the final document back before the City Council for final approval due to modifications made to the ENA, Attachment 2.

#### **ANALYSIS:**

The City’s goal to enter into exclusive negotiations with the Developer is to ultimately provide economic and employment opportunities on and around the Site while maintaining high standards of development and environmental protection. The City seeks to utilize the Site in a manner that will maximize public benefits and welfare. The attached ENA consists of the following changes since the November 13, 2012, City Council Meeting:

- The ENA is a two-year Agreement;
- The exclusive area in which the Developer is prohibited from negotiating in has been reduced from a 35 mile radius to a 12 mile radius of the Project Site, although the Developer has the ability to negotiate with the Morongo Band of Mission Indians on the Tribal property directly east and abutting the Banning Municipal Airport;
- The original ENA had a blank as to the total square footage the Developer will build for the Project. The ENA now states 1 Million square feet will be included although both parties believe this will represent a minimum square footage for the Project;
- The Developer’s Good Faith Deposit has been reduced to \$75,000 to be made by three payments of \$25,000 in six month increments and the deposit must be replenished as needed to pay the City’s expenses relating to the Project. These expenses include all legal, consultant, and other costs staff might incur while negotiating the final Agreement.



- The Developer has acknowledged the property owned by William Messenger, approximately 60 acres adjacent to the Project Area, and the need to provide access;
- Language has been added to the ENA that states the City makes no representations concerning the developability of the Site;
- Language has been added to the ENA that states the compensation the City ultimately receives from the project can include a “negotiated financial return.”
- Language has been added to the ENA that states the Developer has the right to terminate early;

The Developer is experienced in the delivery of real estate development specializing in the development of large scale commercial, industrial and residential projects. The Developer is active in the planning of numerous developments and currently owns approximately five (5) square miles of property which is in various stages of development. In the Inland Empire specifically, the Developer recently completed the 1.8 million square foot Skechers North American Operations Headquarters and is actively planning the next generation of logistics facilities, totaling over 40 million square feet on 3,000 acres of property.

The Banning Municipal Airport is an element of the national and local transportation system, which significantly affects the economic development of the City of Banning. With 5,200 ft. of runway available for takeoff, the Airport is capable of handling most private single-engine as well as corporate jet aircraft. The airport experiences approximately 10,500 annual operations and is forecasted to grow to 12,000 annual operations by 2016. Additionally, the Airport is home to approximately 56 based aircraft and is forecasted to reach 67 based aircraft. The Airport is conveniently located adjacent to both railroad and Interstate-10. The terminal/airport administration building is situated on the south side of the runway near the Runway 8 threshold and is accessible from Barbour Street. With 70 hangers and 25 tie-downs surrounded by full fencing and security lighting, the Banning Municipal Airport offers increased safety for overnight parking of aircraft. The Banning Municipal Airport facilities also include one terminal building, one facility capable of housing a fixed based operator, six T-hangers, three conventional hangers, and fueling facilities.

The ultimate goal of the proposed project is to provide economic and employment opportunities for the community, while maintaining high standards of development and environmental protection. The Developer represents that it will develop the proposed project consistent with all laws, ordinances, regulations, and requirements of the City of Banning, including but not limited to, the City’s Zoning Code and General Plan. It may be necessary to include zoning and General Plan amendments for the project.

The Developers proposal outlines the proposed project and indicates a focus on logistics as its primary land use. As outlined in the Developers narrative description for the project, logistics is a key industry in Southern California and a critical element of its economy. The Inland Empire region is uniquely positioned and has special locational advantages in the goods movement industry. The proposed project will meet the needs of the growing logistics industry and provide for economic growth in the City of Banning and surrounding area. Development of the proposed project will:

- \* Provide for a land use and infrastructure plan that will support the creation of a major job center in the City of Banning;

- \* Establish Banning as a prime location for the logistics industry;
- \* Create a project that will provide a balanced approach to the City's fiscal viability, economic expansion and environmental integrity;
- \* Significantly improve the City's jobs to housing balance; and
- \* Provide thousands of local construction jobs during the project's build-out phase.

The City and Developer desire, for the period set forth in the ENA, to continue negotiating diligently and in good faith to prepare a long-term lease agreement, facilitate a disposition and operation agreement, purchase and sale agreement, disposition and development agreement, owner participation agreement, or equivalent agreement(s) effecting the conveyance of the City owned properties to the Developer and setting forth the terms of a project consistent with the Developers March 2012 proposal (each and collectively, a "Conveyance Instrument"). The parties currently anticipate that Conveyance Instrument will, at least initially, convey Site occupancy to the Developer via a long-term ground lease rather than fee title transfer.

The City Team and the Highland Fairview Team have negotiated the terms contained within the attached ENA. Both parties agree to the terms and the City Councils approval of the ENA will enable a more formal planning and negotiation process to take place and that anticipated process is summarized as follows:

1. City Council's acceptance of this Agreement is merely an agreement to enter into a period of exclusive good faith negotiations according to the terms hereof, reserving final discretion and approval by the City as to any actions required of it.
2. If the negotiations culminate in a long-term lease agreement, facilitate a disposition and operation agreement, purchase and sale agreement, disposition and development agreement, owner participation agreement, or equivalent agreement effecting the conveyance of the City owned properties to the Developer, such agreement(s) shall become effective only after and if the agreement(s) have been considered and approved by City Council after a public hearing in accordance with law.
3. Nothing contained herein shall constitute a waiver, amendment, promise or agreement by the City (or any of its departments or boards) as to the granting of any approval, permit, consent or other entitlement in the exercise of any approval, permit, consent or other entitlement in the exercise of City's regulatory capacity or function.
4. It is expressly understood and agreed by the parties that this is an agreement regarding the conduct of contract negotiations only and does not convey any interest in the Site whatsoever. It is further agreed and understood that this Agreement does not imply any obligation on the part of the City to enter into any agreement that may result from negotiations contemplated herein.

The City of Banning is actively concerned with the quality of life offered to our citizens and is constantly striving to improve our level of service. On March 11, 2011, the City Council adopted the Banning Strategic Plan to address the vision for the future of Banning. One of the goals outlined in the Strategic Plan is *"Generating new business opportunities and supporting existing businesses that*

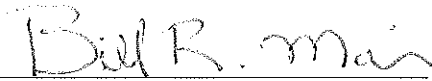
*generate jobs and revenue.*" The Developers proposed project addresses this goal and a potential multi-million dollar investment in our community which would not only serve our existing resident and business base, it would also attract outside interest in to our community.

**FISCAL DATA:**

There are no fiscal impacts associated with the approval and execution of the ENA.

**RECOMMENDED BY:**

**REVIEWED BY:**



Bill R. Manis  
Economic Development Director/  
Public Information Officer



June Overholt  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**

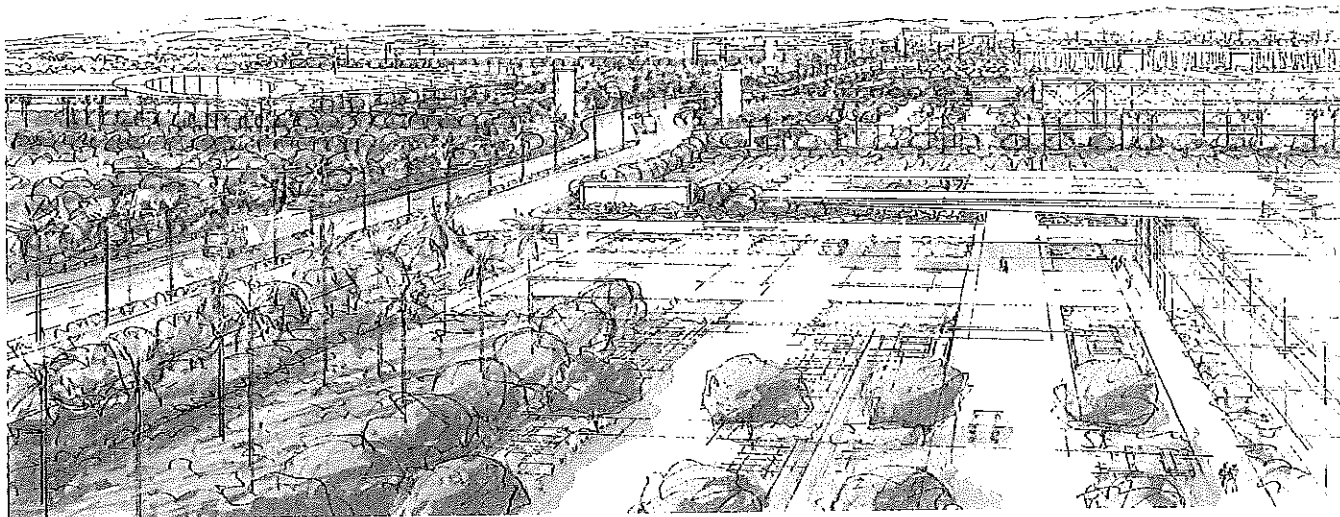


Andy Takata  
City Manager

**Attachments:**

1. Highland Fairview Proposal
2. Exclusive Negotiation Agreement

**ATTACHMENT 1**  
**HIGHLAND FAIRVIEW PROPOSAL**



## **Request for Proposals**

Development Opportunity  
**BANNING MUNICIPAL AIRPORT**  
186 acres and adjacent properties

### **Submitted to:**

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

### **Submitted by:**

**Highland Fairview**  
14225 Corporate Way  
Moreno Valley, California 92553



March 29, 2012





## Highland Fairview

14225 Corporate Way  
Moreno Valley, CA 92553  
Tel: 951.867.5327 Fax: 951.867.5395

March 29, 2012

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

### Re: Request for Proposals

Fairview Holdings, S.A, LLC is proud to present this proposal for Development of the Banning Airport Property. This unique property requires a very sensitive approach to development. The size of the property and its visibility will set the tenor for the future of the City of Banning for years to come. The City has an opportunity to establish Banning as a hub for logistics development and an attractor for high-end corporate development that will cement its financial future.

The development team assembled has a wealth of experience in developments of this nature and the supporting team of consultants are top in their fields. It will take a team with this level of experience to make certain that the property is developed to its highest potential. A project of this nature will have a profound impact on every aspect of the community. Not only will there be a strong economic effect, but there will be ripple benefits to the balance of the City that will enhance the lives of the residents of Banning. Job growth, increased property values, increased sales tax revenues and increased property tax revenues will afford the City the opportunity to offer its citizens an upgraded level of services and will improve the quality of life in Banning.

Information on the following pages is responsive to the Request for Proposal issued by the City. The members of the development team look forward to working with City staff to make this exciting opportunity a reality. We are ready to meet with staff and Council members to answer any questions and move this project forward as quickly as possible.

Respectfully submitted,

Iddo Benzeevi  
President and CEO

## **Introduction**

In response to the Request for Proposals issued by the City of Banning, this information packet sets forth the vision for an adaptive re-use of the Banning Airport Property. This is a unique opportunity for the city to reposition the airport property to derive the highest utilization and benefit for the community, becoming a catalyst and an important part of a rebirth in economic activity on the south side of I-10 in the City of Banning. The development team envisions a whole new development strategy for the Airport Property that will serve to set the City of Banning apart as a leader of the Southern California logistics industry. The following sections provide a very preliminary overview of the development opportunity. The details of the project will be expanded upon during the exclusive negotiating period. The developers envision a project that will bring substantial job growth and increased economic activity to the City of Banning, providing a stable financial foundation for the City for years to come.

## **Narrative Description of Project**

The proposed project will focus on logistics as its primary land use. Logistics is a key industry in Southern California and a critical element of its economy. The Inland Empire region is uniquely positioned and has special locational advantages in the goods movement industry. Nearly half of all goods entering the United States come in through the Ports of Los Angeles and Long Beach. The LA basin is the leading and primary logistics center for the United States. International trade is now the engine of the global economy and is expanding rapidly, growing from \$6 trillion in 2000 to over \$15 trillion today. This international trade will continue to grow and feed our economy as evidenced by the growth in container flow through the Los Angeles/ Long Beach ports. The port container volume is now around 10,000,000 TEU and is projected to grow to over 40,000,000 TEU by 2035, nearly quadrupling in just 23 years. The logistics sector has now evolved into a sophisticated industry requiring ever increasing skills with wages now exceeding those in manufacturing as a whole.

The project will meet the needs of this growing logistics industry and provide for economic growth in the City of Banning. Using industry standards for evaluating projects of this nature, at build-out, the project can be expected to generate an annual economic benefit to the local economy in the range of \$150,000,000 to \$200,000,000 depending on final coverage. Further, the project can be expected to generate from 1,300 to 2,000 permanent jobs assuming the same parameters. These factors make the project a tremendous asset to the community and will serve to greatly enhance the lives of the citizens of Banning.

Banning is uniquely located along the I-10 corridor and is within a 90-minute drive of every market in Southern California and within the overnight trucking distance of the 11 western states. Development of the project will:

- Provide for a land use and infrastructure plan that will support the creation of a major job center in the City of Banning.
- Establish Banning as a prime location for the logistics industry.
- Create a project that will provide a balanced approach to the City's fiscal viability, economic expansion and environmental integrity.

- Significantly improve the City's jobs to housing balance.
- Provide thousands of local construction jobs during the project's build-out phase.

The Airport Property could be developed in conjunction with the property owned by the Morongo Band of Mission Indians (Morongo) located directly east of the project area (Section 12). Attached, as Exhibit A is a preliminary information package on the proposed Morongo project. The Developer has entered into an Exclusive Negotiation Agreement with Morongo to develop Section 12. As the Morongo plan advances, there will be tremendous opportunities to collaborate with and connect to the Airport Property and thereby dramatically increase the economic impact to the City of Banning by the virtue of additional employment opportunities and the residual and direct benefits to the surrounding businesses in Banning as a result there of.

The Project will be built to the latest, state of the art standards. The buildings will be constructed in accordance with California's new "Cal-Green" building regulations, the most stringent, environmentally friendly building code in the United States. Cal-Green is a comprehensive and far-reaching set of regulations which mandate environmentally advanced building practices and regulations which are designed to conserve natural resources and reduce greenhouse gas emissions, energy consumption and water use. In addition to environmentally responsible building design, the project will incorporate a number of sustainable design features to further reduce its environmental footprint.

- Street designs that channel run-off into landscape areas instead of storm drains.
- Accommodate and encourage the use of alternative means of passenger vehicle transportation.
- Use of recycled building materials to the extent feasible.
- Use of local building materials to the extent feasible.
- Reduction of paved surfaces within the project area.
- To the extent feasible, buildings will be designed to reduce the need for climate control systems.
- Buildings will meet LEED standards.

The project will create a world-class corporate environment that will establish Banning as a center for high quality companies and their operations for generations to come.

#### **Developer Identification**

Fairview Holdings, S.A., LLC (Fairview) will be the master developer of the Airport Project. Upon finalization of the Exclusive Negotiation Agreement between Fairview and the Morongo Band of Mission Indians (Morongo) the Fairview/Morongo venture may serve as the master developer.

Highland Fairview is part of a privately held real estate development company specializing in the development of large scale commercial, industrial and residential projects. The company is active in the planning of numerous developments, including large scale, industrial, commercial, residential and medical projects.

Highland Fairview and its affiliate companies currently own approximately 5 square miles of property which are in various stages of development. In the Inland Empire region, the

company recently completed the 1.8 million square feet Skechers North American Operations Headquarters and is actively planning the next generation of logistic facilities, totaling over 40 million square feet on 3,000 acres of property.

The company is also the lead developer of a public-private partnership formed to establish a world-class medical development project that will create the next generation class of health care and wellness facilities. Highland Fairview is the master planner and developer of the 200-acre world-class wellness campus establishing the new a center of excellence in healthcare for our region. A representative sample list of on-going projects are attached illustrating the company's broad experience:

- Highland Fairview Corporate Park - Skechers
- World Logistics Center
- Aquabella
- Aquabella - Medical Campus
- Mediterranean Village
- Suelo
- Williams Island

The Highland Fairview's team is comprised of dedicated professionals with extensive experience in the planning and design of large mixed-use, master planned developments ensuring the companies projects are developed to the industry's highest standards. Highland Fairview has an in-house staff of professionals, each exceeding 20 years of experience, primarily on large scale master-planned communities. Each of these individuals are highly dedicated and will be an integral part of the project. Their resumes are included in the qualifications package.

We embrace Environmental Stewardship as a commitment to a sustainable future. Our Complete Building Life Cycle approach to development incorporates the design, construction, operation, and maintenance of buildings as an integral part of our design process. Ensuring that we can reduce the impact that building design, construction and maintenance have on both people and nature.

As president and CEO, Mr. Benzeevi is a well-known real estate expert with significant development experience in the Inland Empire encompassing large-scale industrial, commercial and residential projects.

The City of Banning is well acquainted with the Morongo Band of Mission Indians. They are a sovereign nation Native American Tribe with a tremendous presence in the Inland Empire. Their involvement in the community is unparalleled and their reputation is as one of the most well-respected and forward thinking Native American tribes in the State of California.

#### **Developer Experience and Qualifications**

As mentioned in the previous section, Exhibit B shows just some of the projects Fairview has been responsible for developing. But this is just a small sampling of the range of the team's development expertise. The members of the development team have been responsible for several additional development projects within the Pass area, including the Oak Valley master planned community, the Skechers logistics project, the Aquabella

Medical Campus in Moreno Valley, the World Logistics Center in Moreno Valley and the Moreno Valley Ranch master planned community. This local experience and knowledge makes this group uniquely qualified to bring the Airport Property to market at its highest and best use.

#### **Proposal for Disposition of Site**

The specific structure for disposition of the Airport Property will be determined during the exclusive negotiating period. The development team will consider an outright purchase of the property, a participating lease for the property or some other structure that will afford the City an opportunity to create a long-term source of cash flow for the City of Banning. The developer will be responsible for all costs of bringing the property to market and will work closely with the City to make certain that the ultimate structure is in the mutual best interest of all parties. Part of the benefit of a project of this nature is the ripple effect it will have upon the economy of the City and the region. A project of this magnitude will bring a large number of jobs to the area and will generate significant increases in property tax and sales tax income for the City.

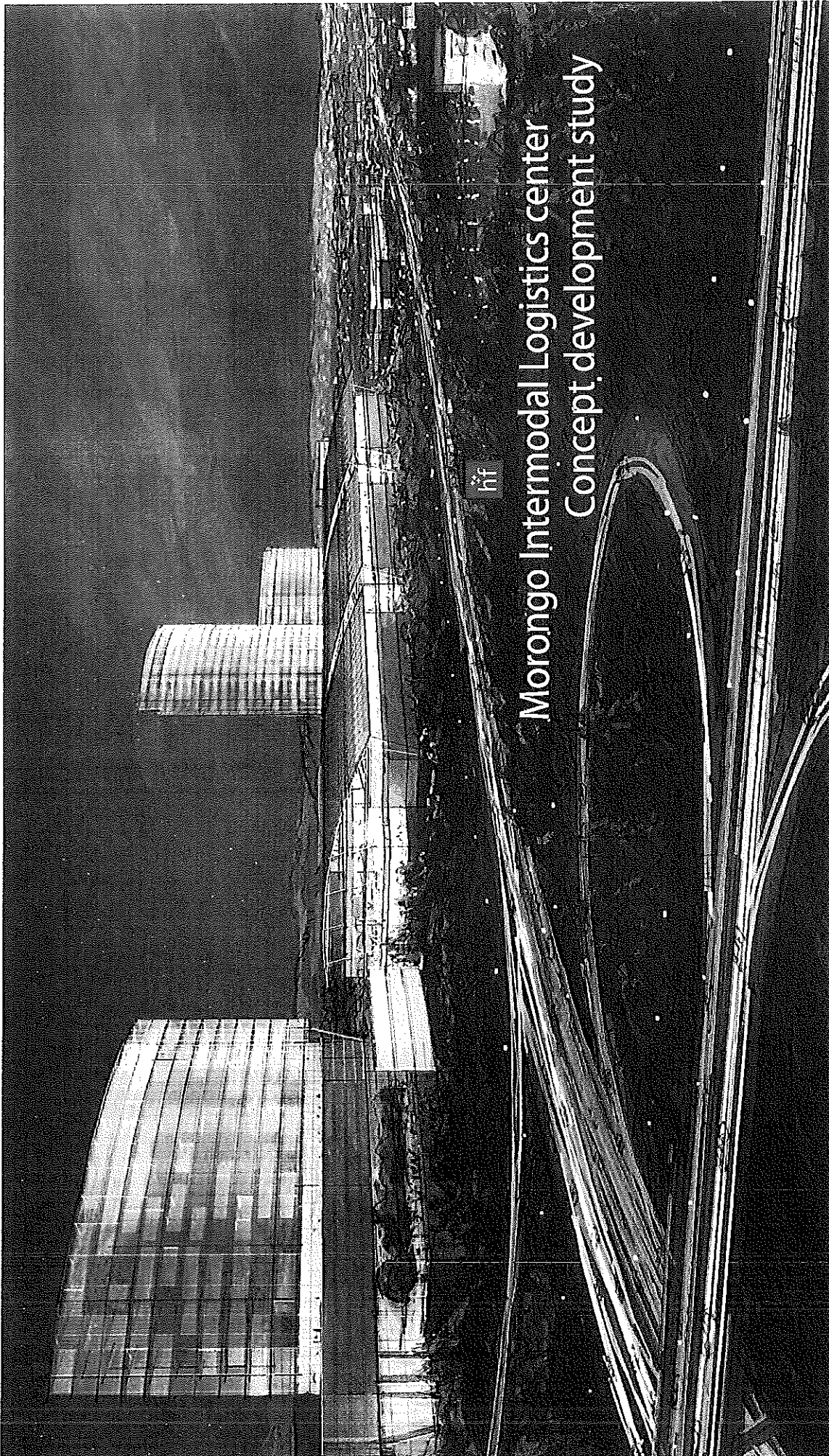
#### **Financial Capacity of the Developer**

The development entity has significant financial resources and is well capitalized and positioned to fulfill the financial obligations of the developer. Financial information and bank references will be provided to the City if the Fairview/Morongo entity is selected as the developer of the Airport Property.



# The MORONGO Inland Port and Intermodal Center

Morongo NSN, California



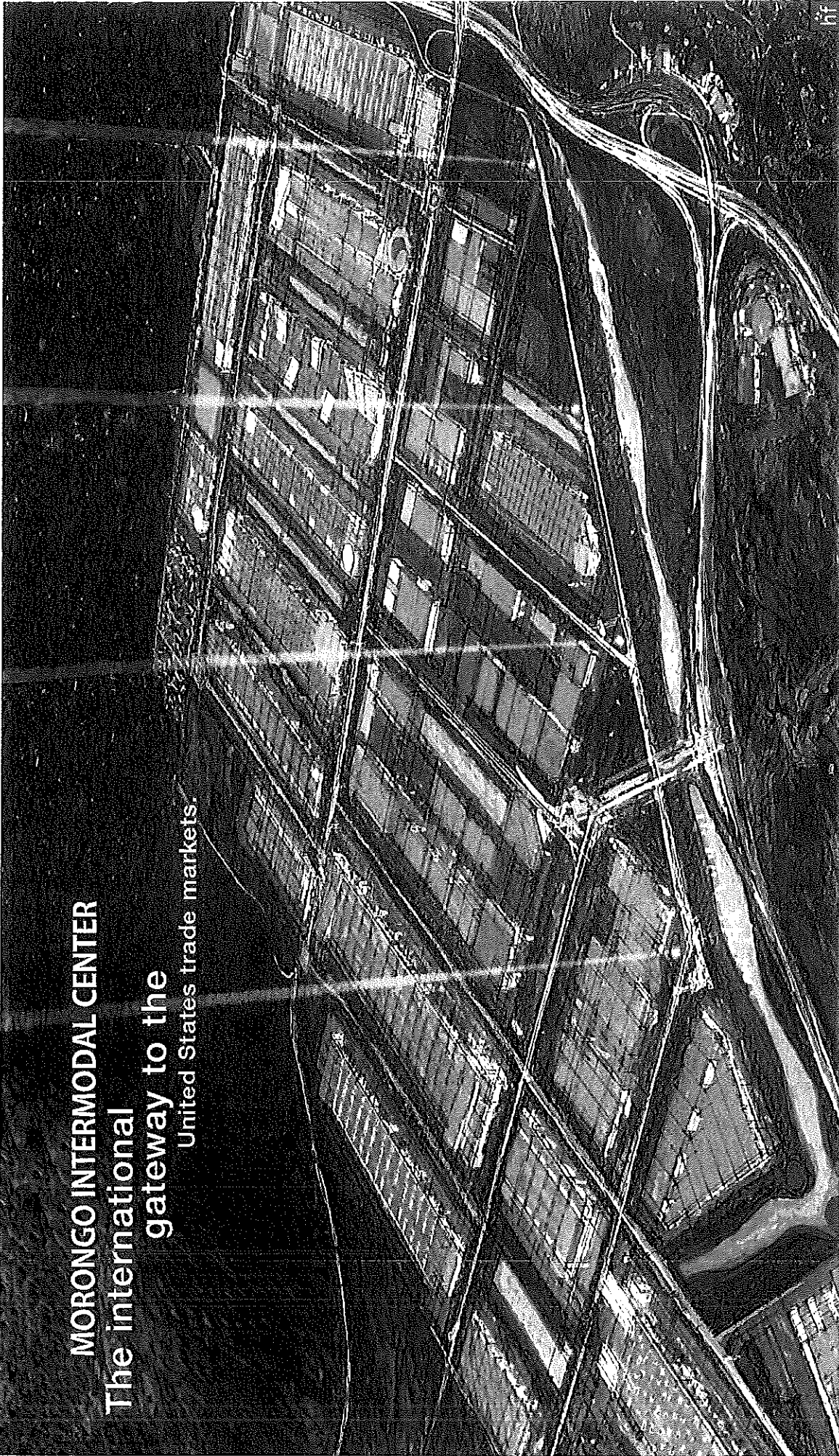
Morongo Intermodal Logistics center  
Concept development study

hif



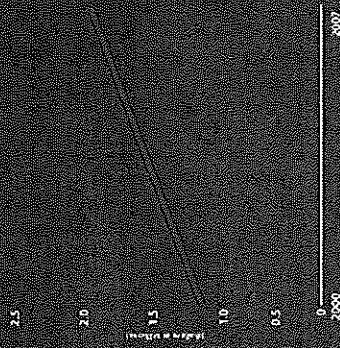
**MORONGO INTERMODAL CENTER**  
**The international**  
**gateway to the**

United States trade markets.

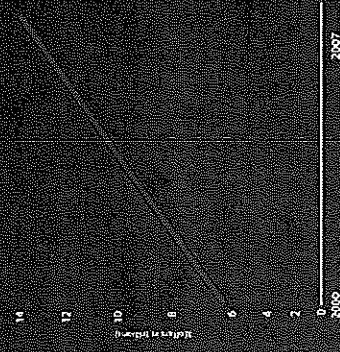


**TRADE HAS MORE THAN DOUBLED  
OVER THE PAST 7 YEARS TO \$14,000,000,000,000**

Growth in U.S. Import, 2000 to 2007



Growth in Worldwide Imports, 2000 to 2007



**INTERNATIONAL TRADE IS THE NEW  
ENGINE OF THE GLOBAL ECONOMY**

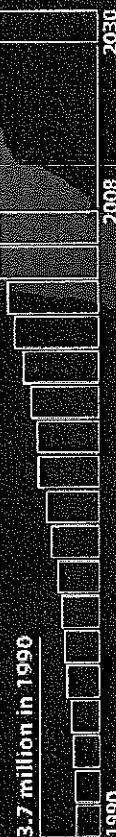


WHEN IT COMES TO GLOBAL TRADE,  
ALL ROUTES LEAD TO SOUTHERN CALIFORNIA

NEARLY HALF OF THE GOODS COMING TO THE  
U.S. FLOWS THROUGH THE LOS ANGELES/LONG  
BEACH PORT COMPLEX.

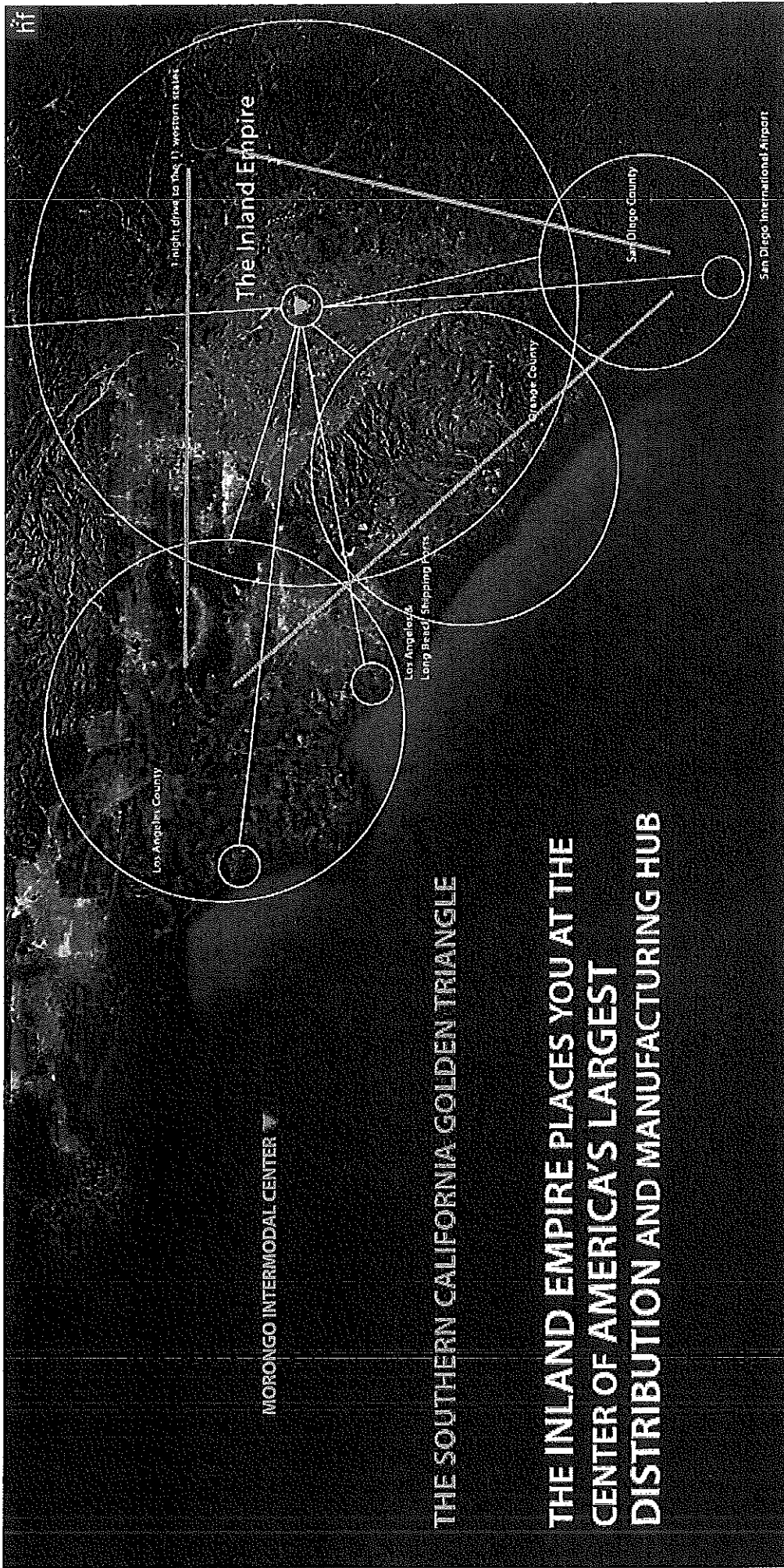
The statistics are staggering: nearly half of the goods coming to the U.S. flow through Southern California ports—and nearly 40% are consumed in Southern California. In fact, the Port of Los Angeles is the busiest container port in the U.S., with the Port of Long Beach ranking as second busiest.

hif Morongo Intermodal Center



Los Angeles/Long Beach Container Traffic in TEUs\*  
Over 7% compounding increase in container traffic from 1990 to 2030.  
\*Twenty-foot equivalent units

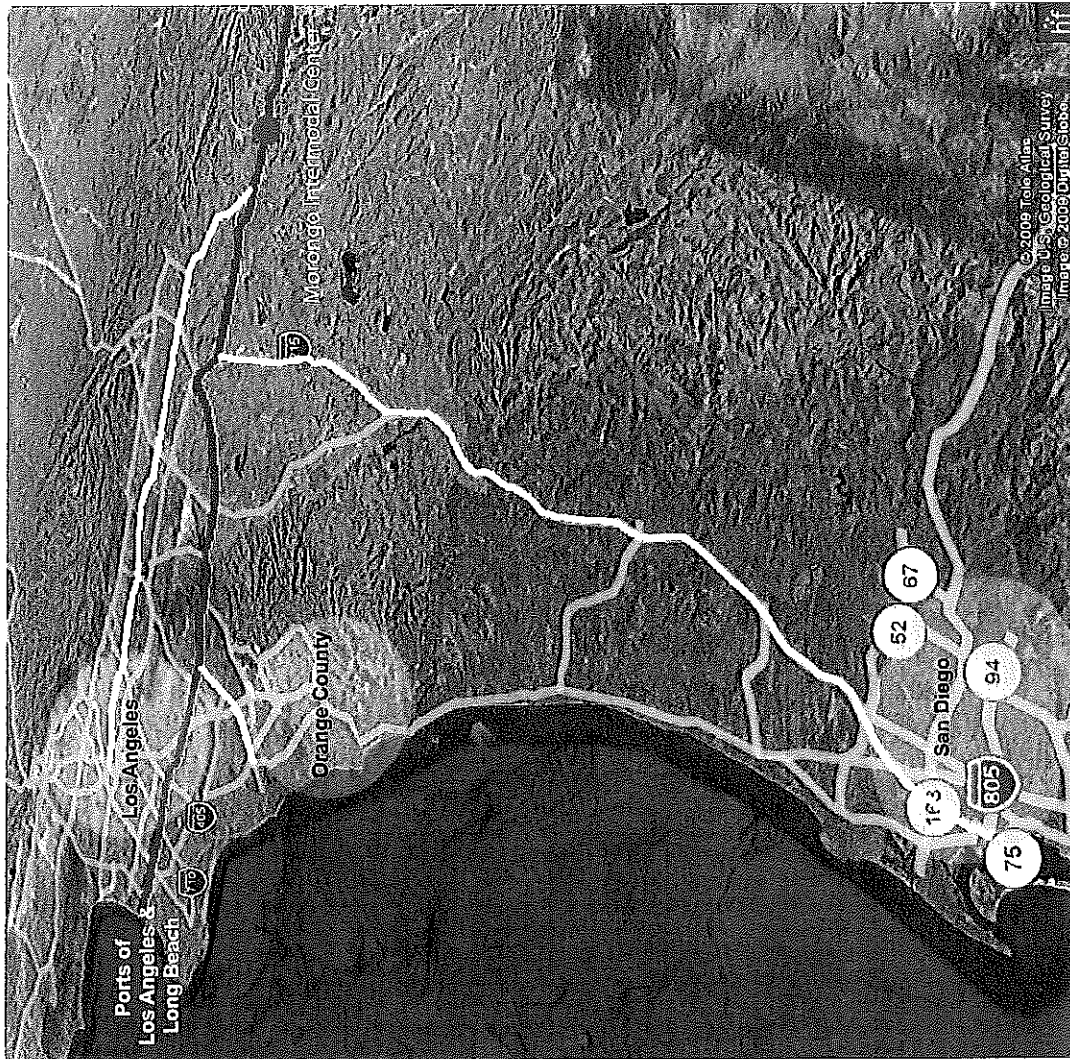


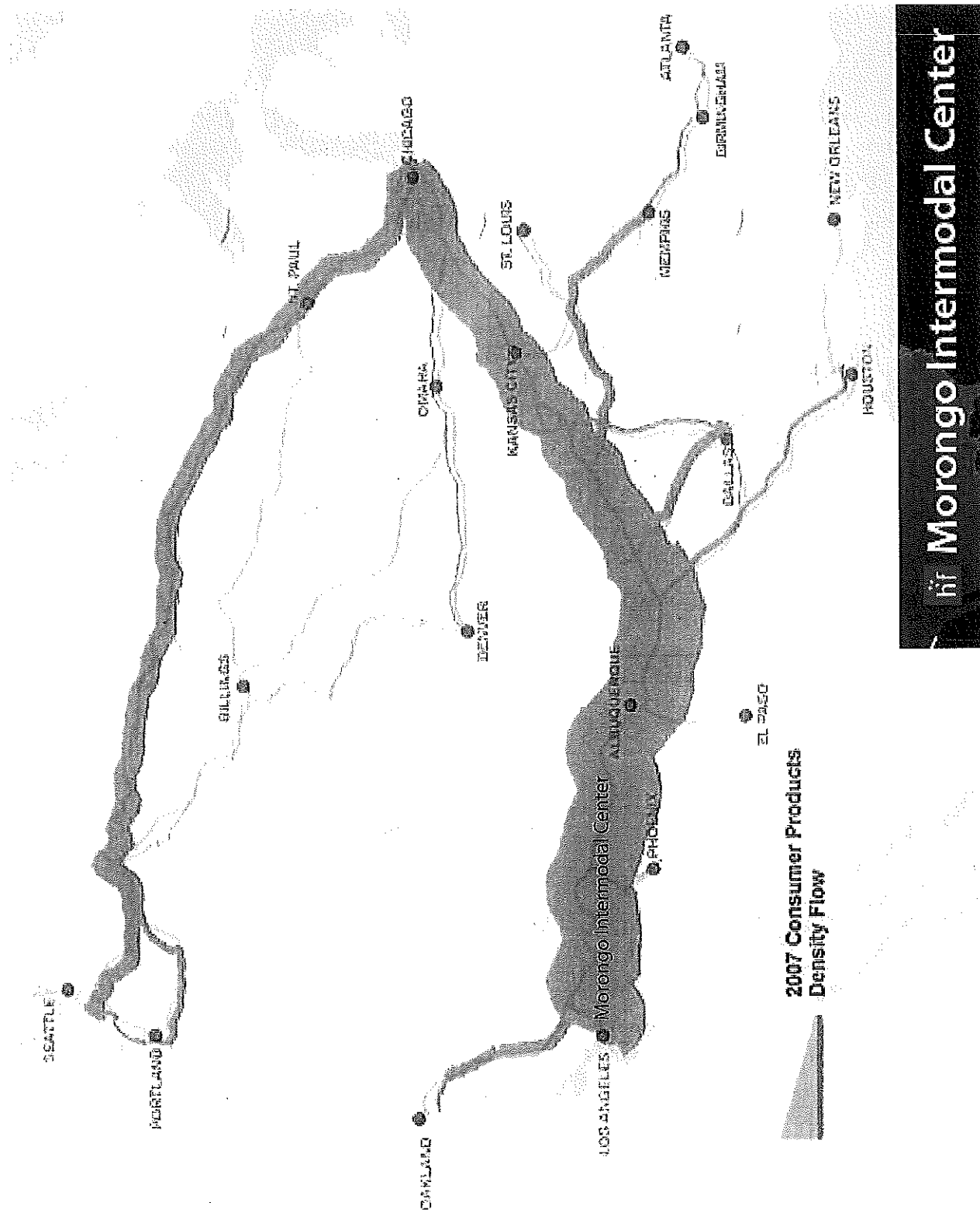


MORONGO INTERMODAL CENTER

# THE SOUTHERN CALIFORNIA GOLDEN TRIANGLE

## THE INLAND EMPIRE PLACES YOU AT THE CENTER OF AMERICA'S LARGEST DISTRIBUTION AND MANUFACTURING HUB



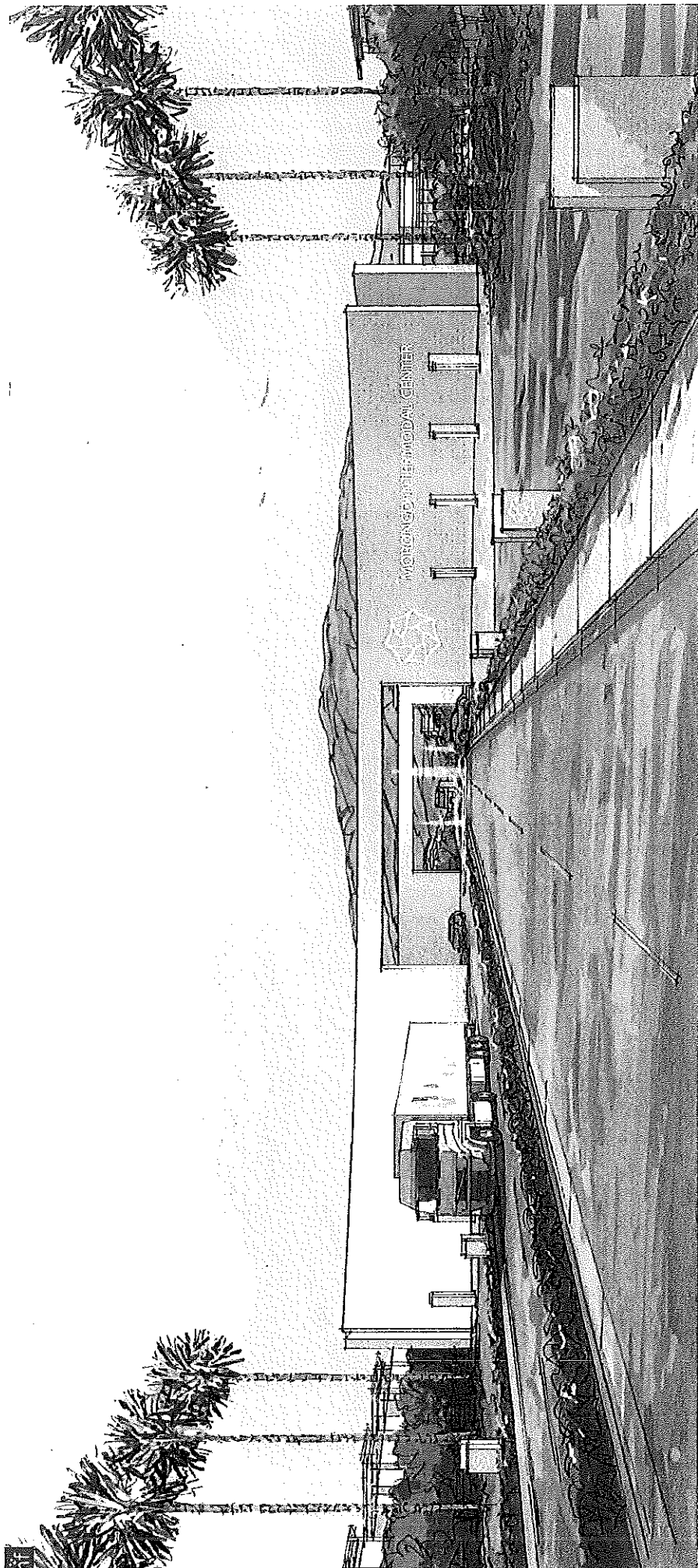


# MORONGO INTERMODAL CENTER



MORONGO INTERMODAL CENTER | Concept development | 11









hif MORONGO INTERMODAL CENTER | Concept development

# MORONGO INTERMODAL OPERATIONS SCHEMATIC

An intermodal rail yard is a facility where goods in trailers or containers are transferred between trucks and freight trains. The intent is to have goods travel long distance by rail and move locally by truck. Generally, such a yard consists of loading tracks and paved areas to support lifting equipment, truck movements and storage areas. A gate area, similar to a toll booth facility, is provided to control access to the yard and log vehicles in and out.

## BULK FREIGHT

Bulk freight, such as lumber, piling, materials and paper goods, is typically off-loaded using forklifts and forklifts on loading/unloading trucks. Bulk products such as flour and cement are delivered in closed container cars and dumped directly into trucks.

## TRAILER/CONTAINER STORAGE

Parking areas are used to store loaded trailers that are awaiting pickup by their delivery driver and empty chassis awaiting loading of containers on rail.

## CONTAINERIZED FREIGHT

Some containerized freight, which consists of goods loaded on low loaders or flatbed containers, will be loaded directly on the train. Other containerized freight will be loaded using a container crane or other device. When the freight is lifted, it will be placed on a platform for transport within the yard. The platform will be moved along the track for the length of the rail car. The loading equipment then travels down the line lifting each load and helps to minimize the amount of time that a trailer spends in the yard.

## DELIVERY OF GOODS

Products would be delivered to the MORONGO area by train. Those rail cars destined for Long Beach would travel during available operating hours via the LARR to the intermodal yard. Once at the yard, the rail cars would be pulled onto the container or bulk working tracks, as appropriate. The rail cars then would be unloaded and reloaded for an outbound trip. The same locomotive used for the inbound trip would take the reloaded and empty cars for the outbound trip. When trains arrive, they would be stored temporarily on holding tracks within the yard.

## MOVING FREIGHT IN THE YARD

A small tractor, called a yard hoist, is used to move trailers/containers to and from tracks. The intent is to minimize the movement of delivery trucks within the yard. To do this, transfers from the hoist to the delivery trucks occur in a designated transfer area.

## GATE AREA

A canopied structure similar to a toll booth is used to control vehicles entering and exiting the yard. Quick in and check-out procedures include the following: verification of truck and trailer ID numbers, inspection of the container/trailer for damage and verification of the seal condition of the container/trailer.

hf

Note: Drawing is for illustrative purposes only and is not intended to represent the design.





hif MORONGO Intermodal Center

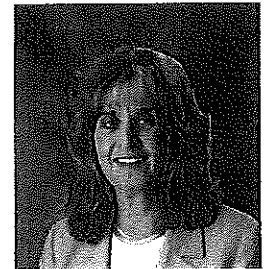
# Company Bios

**Iddo Benzeevi**  
President  
Chief Executive Officer



Iddo Benzeevi is an entrepreneur and co-founder of Highland Fairview. As president and CEO of the company Mr. Benzeevi oversees all aspects of the company's operations. Mr. Benzeevi has extensive development experience with large scale mixed-use master planned developments. He is adept at developing livable and exciting places for people to live, work and enjoy. His unique vision and expertise includes the technical direction and management of large, multi-disciplined teams, including facilities planning and programming of civil infrastructure systems.

**Danette Fenstermacher**  
Chief Operating Officer  
Executive Vice President

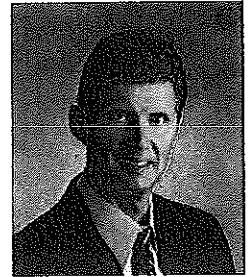


Danette Fenstermacher has held a variety of executive real estate development positions spanning over 35 years. Prior to joining Highland Fairview, she was Senior Vice President & Executive Committee member of Mission Viejo Company, the master planner and developer of over 38,000 acres of land, 87,000 residential units and more than 32 million square feet of nonresidential property in California and Colorado. She also served as the Company's President of the Financial Services entity. Prior to joining Mission Viejo Company, she was with PricewaterhouseCoopers. Ms. Fenstermacher is a Certified Public Accountant and a California Real Estate Broker

- Mission Viejo Company - master planner and land developer  
Mission Viejo, CA
- 10,300 acres-31,000 residential units / 9.1 million sq. ft. of nonresidential  
Aliso Viejo, CA
- 6,600 acres-20,000 residential units / 7.6 million sq. ft. of nonresidential  
Highlands Ranch, CO
- 21,500 acres - 35,900 residential units and 14.7 million sq ft of nonresidential

# Company Bios

## **Joe Anfuso** Chief Financial Officer



Mr. Anfuso has extensive financial experience across a broad spectrum of Real Estate operations. Prior to joining Highland Fairview, Mr. Anfuso was the CFO of Shea Homes San Diego. Joe was responsible for the financial operations and strategic planning of San Diego's largest privately held homebuilder, with revenues in excess of \$425 Million. Before Shea, Joe practiced various aspects of public accounting, ranging from forensic accounting and investigative auditing to accounting for private industry as both an internal auditor and controller. Joe is a CPA, obtaining his BBA in Accounting and MBA from the University of San Diego. Joe also possesses a California Real Estate Brokers and General Contractors License. Joe is the chairman of the Residential Real Estate Committee for Burnham-Moores Center for Real Estate. Recognized as an industry expert, Joe has been a frequent contributor on CNBC television, discussing the housing and real estate markets.

## **Wayne Peterson** Vice President Community Planning



Wayne Peterson has over 34 years of entitlement experience with cities and counties throughout Southern California including master community planning and site-specific high-rise residential, large-scale commercial/industrial, recreational, and mixed-use projects. Previously at Mission Viejo Company, he directed the California entitlement program for 17,000 acres, 51,000 units and 16.5 million square feet of nonresidential property, at the Mission Viejo and Aliso Viejo projects. Mr. Peterson owned and operated a privately held consulting firm for seven years and served as Vice President of Land Development at RBF Consulting.

Entitlement experience with cities and counties throughout Southern California including master community planning and site-specific high-rise residential, large-scale commercial/industrial, recreational, and mixed-use projects.

- 17,000 acres - 51,000 residential units / 16.5 million sq. ft. of nonresidential uses Mission Viejo and Aliso Viejo. CA



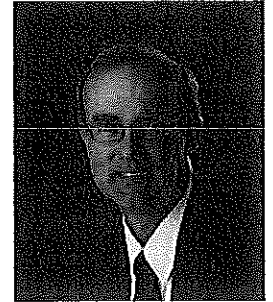
# Company Bios

**HIGHLAND FAIRVIEW**

## **Brian Hixson**

### **Vice President of Land Development**

Brian Hixson has held executive positions at top civil engineering firms over 25 years, including RBF. He is an experienced project manager, specializing in residential and commercial development projects. He has direct design engineer experience, including grading and drainage improvements, agency coordination, tract layout, utility design and processing requirements for land development. He is experienced in developing master planned community concepts and implementing them through entitlements, design, bidding and construction. His experience includes project manager for large master planned projects such the 12,000 acre East Orange project with 30,000 residential units and 400 acres of non-residential uses; to smaller residential and commercial projects. He is a member of the American Society of Civil Engineers. He is a graduate of Cal Poly Pomona with a B.S. in Civil Engineering and is a Register Civil Engineer.



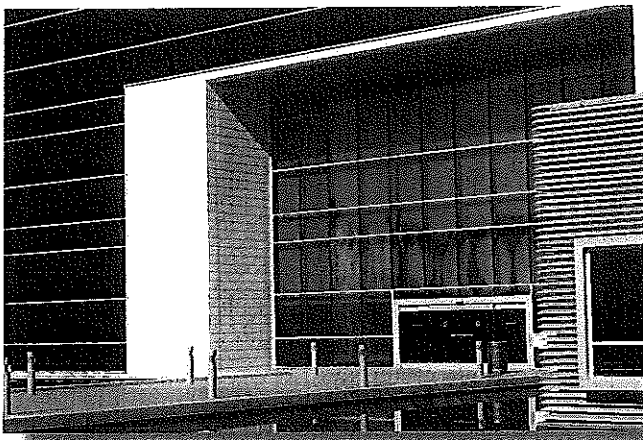
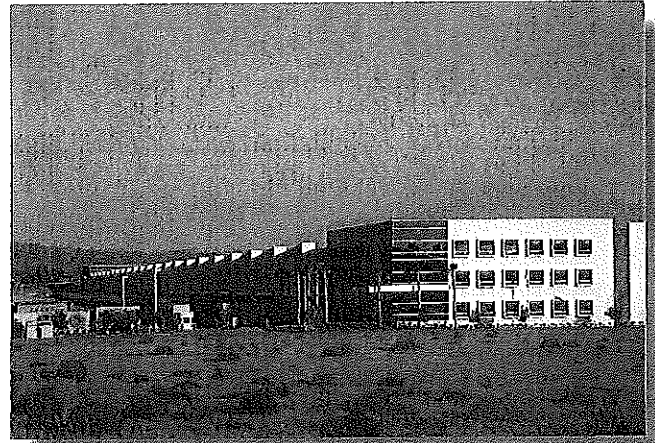
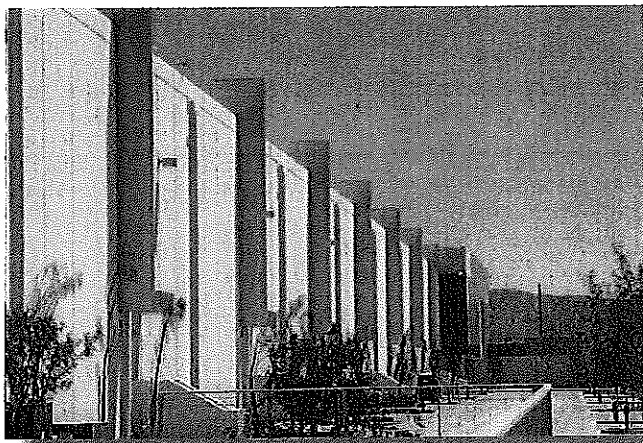
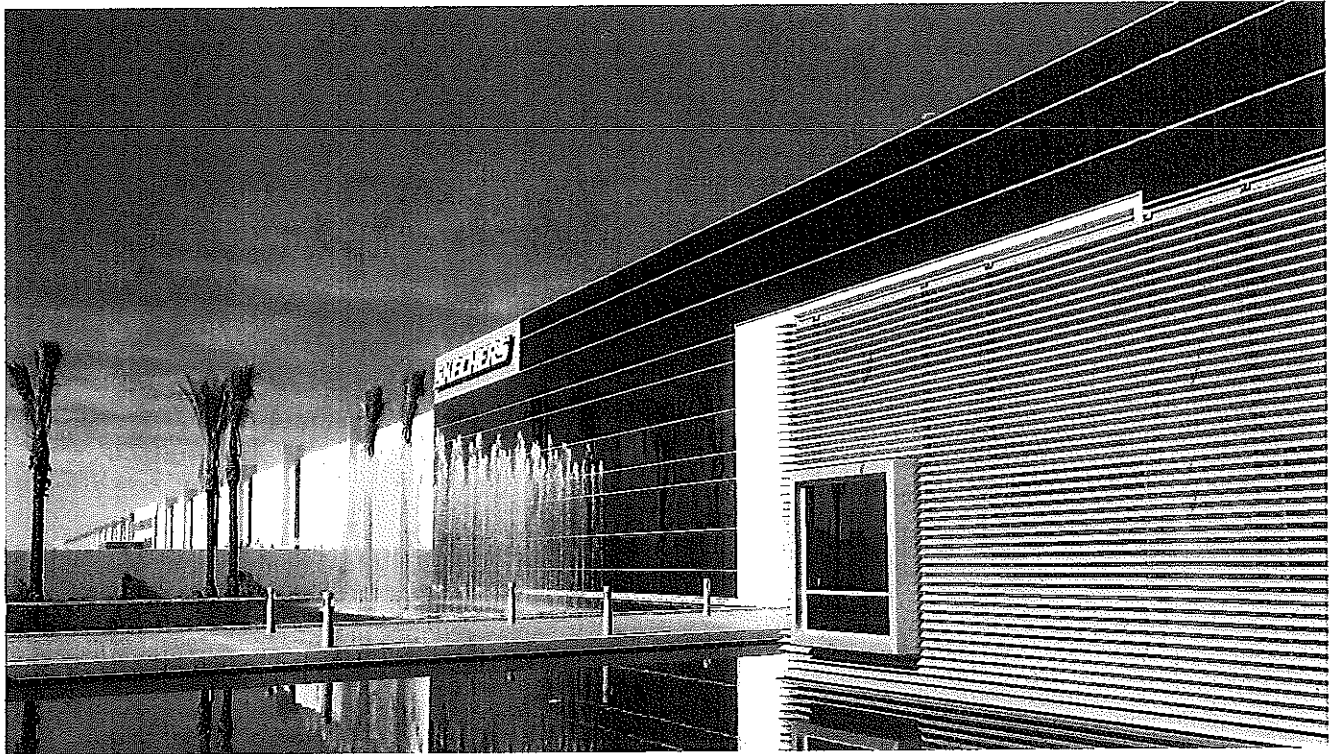
- Project Manager - East Orange: 12,000 acres 30,000 residential units / 400 acres non-residential uses, Orange California.
- Project Manager - Tonner Hills (oil field): 1,000 acres 3,500 residential units, community park, Brea California
- Monrovia Nursery: 400 acres 6,000 residential units, medium and high density, Azusa, California
- Project Engineer - Lamb Canyon Highway 79: Approximately 7 miles of roadway and drainage improvements. Improved from 2 lanes to 4 lanes, Beaumont California

## **John Ohanian**

### **Director of Development**

John Ohanian began his career with Peat, Marwick, Mitchell & Co as a CPA. He became involved in real estate development projects in 1976. In the course of his real estate development career, he has developed office buildings, over 4,000 residential units, over 175 restaurants and several master-planned communities including over 40 golf courses and well over 30,000 planned residential units.

John was responsible for the assemblage and acquisition of the 6,741 acre Oak Valley project when Landmark Land Company acquired the property and continues to serve as its project director. As a partner in Geneva Holdings, John played a key role in the acquisition and development of Talega of San Clemente, an approximate 4,000-unit residential/golf community in the City of San Clemente, California. He was also responsible for all aspects of the highly successful Crosby Estate golf community in the City of Rancho Santa Fe, California.



highlights

1.8 million square foot state-of-art facility

10,000 square foot retail sales

Innovative architectural design

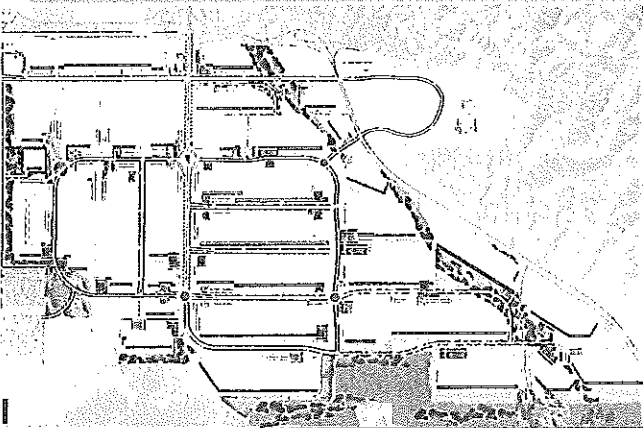
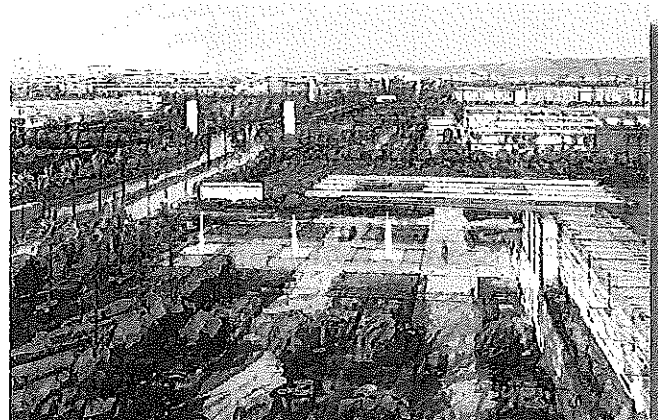
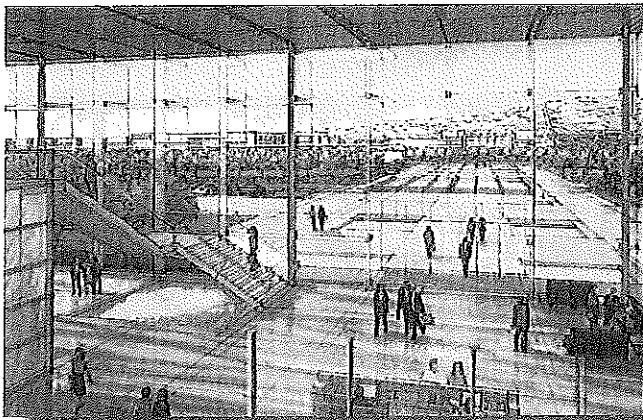
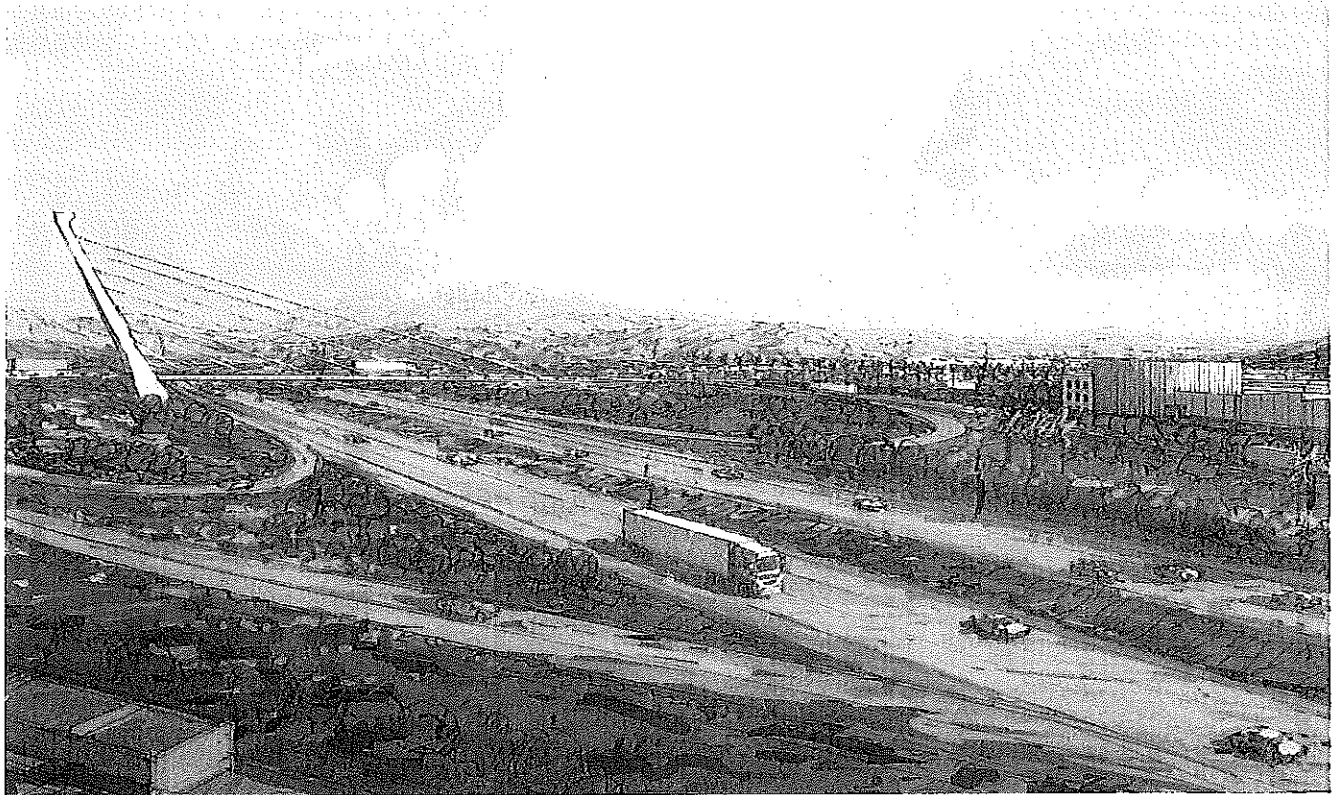
50,000 square foot solar powered office facility

Leeds certified sustainable facility

# World Logistics Center

Moreno Valley, California

**HIGHLANDFAIRVIEW**



## highlights

3,000 acres, 40 million square foot master planned logistics center

Native plants landscape design, net-zero water use

Sustainable design elements including solar power, rainwater harvesting and landscaping

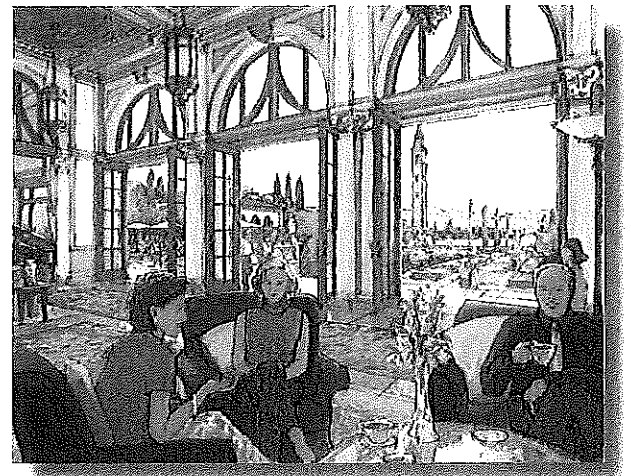
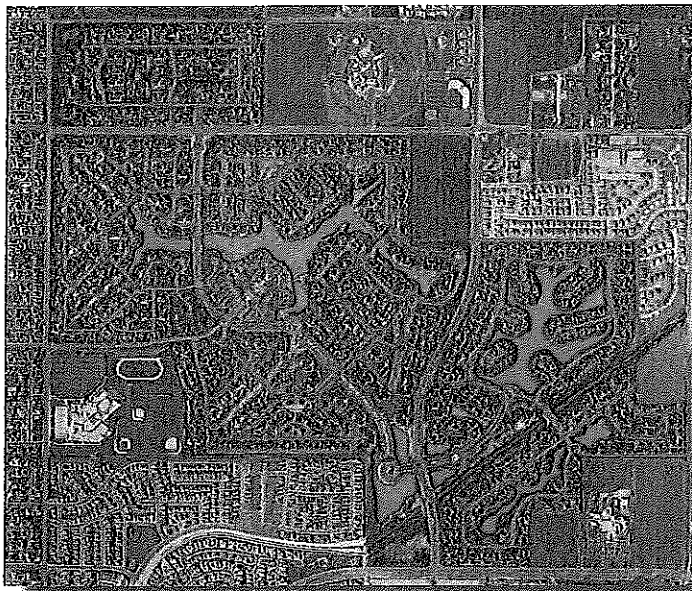
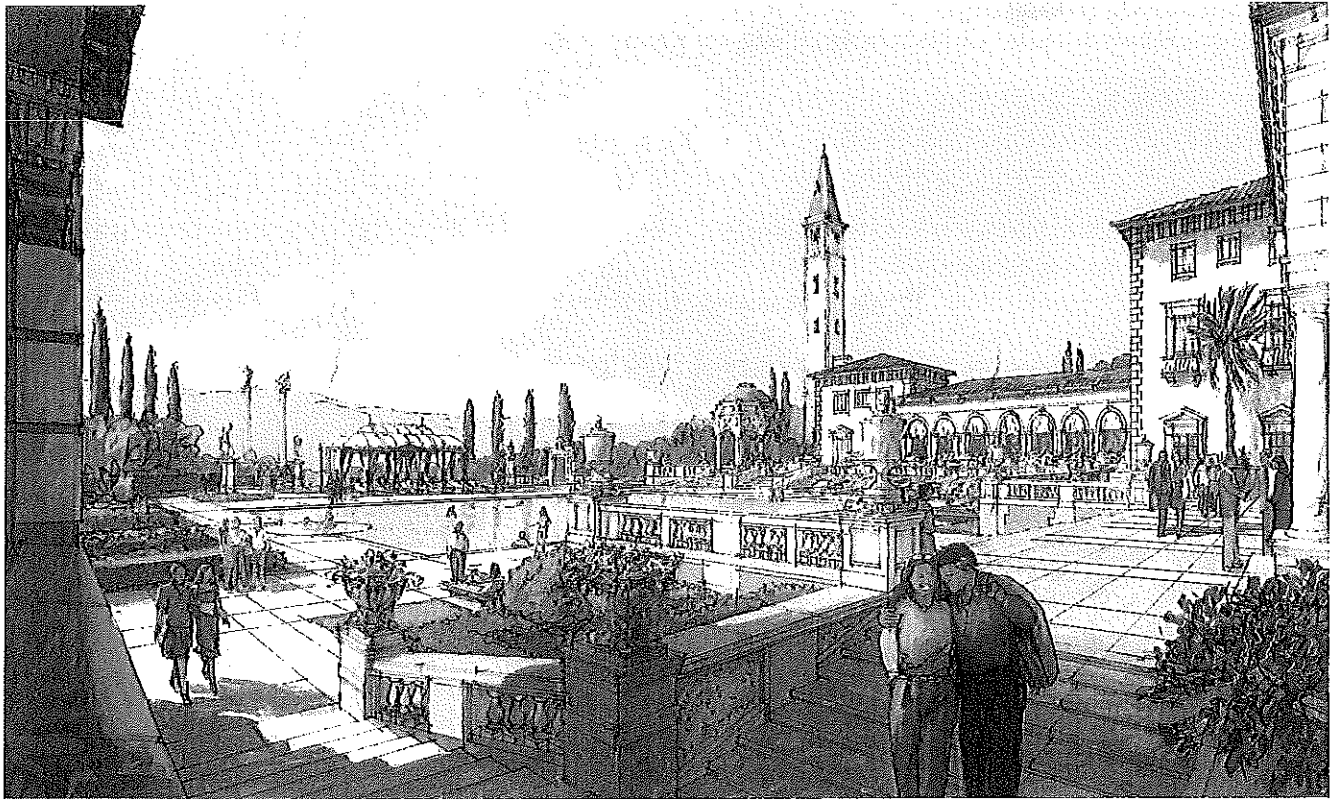
LNG/CNG fueling facility



# Aquabella

Moreno Valley, California

**HIGHLAND**FAIRVIEW



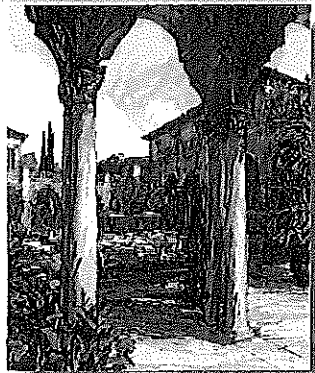
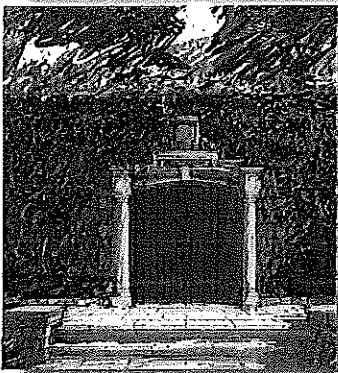
## highlights

700 acres, 3,000 units active adult community

Gated community, Italianesque villas and theme

Shaped lakes as an aesthetic amenity

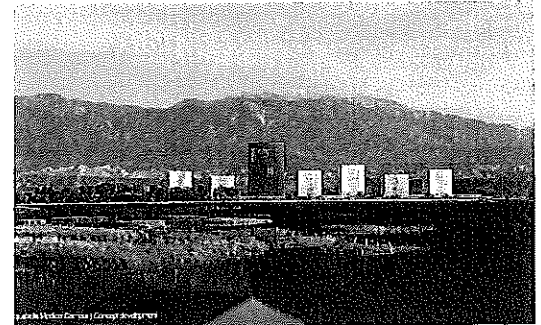
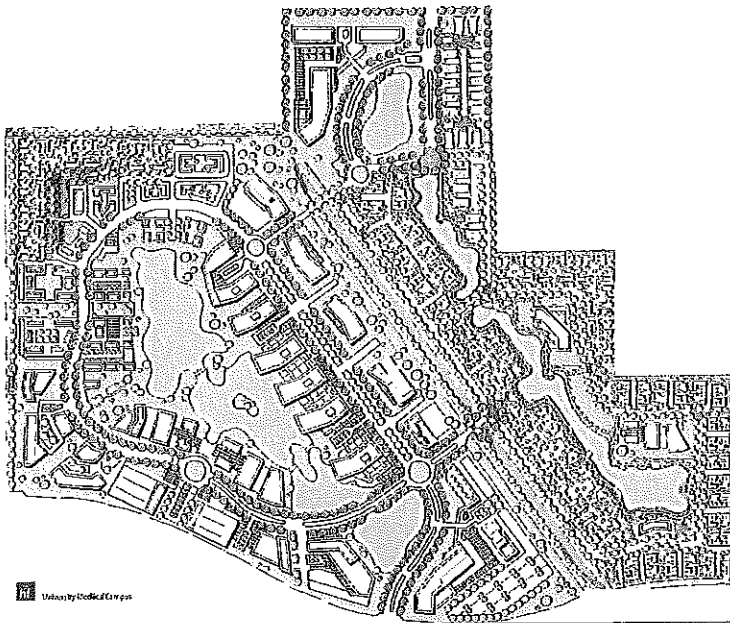
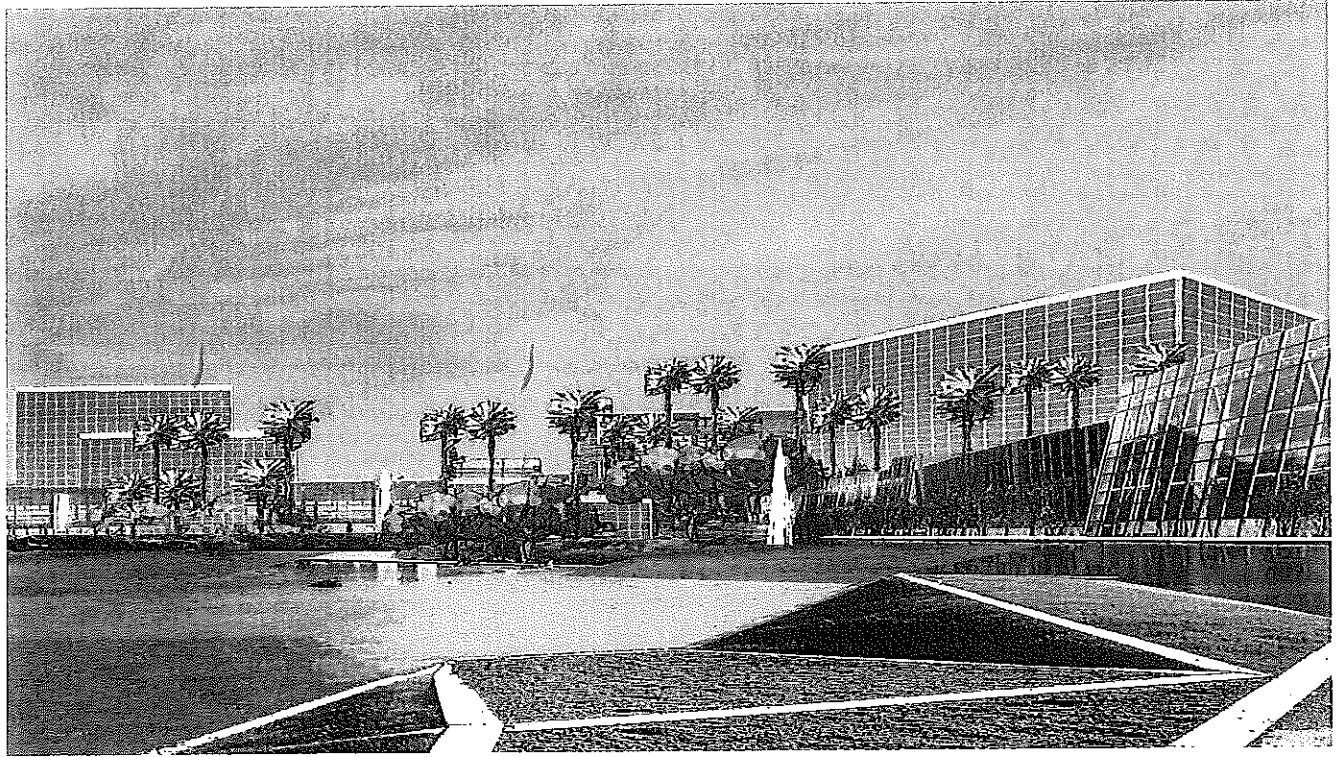
Community club-house offering "The Five-Star Life"



# Aquabella - Medical

Moreno Valley, California

**HIGHLAND**FAIRVIEW



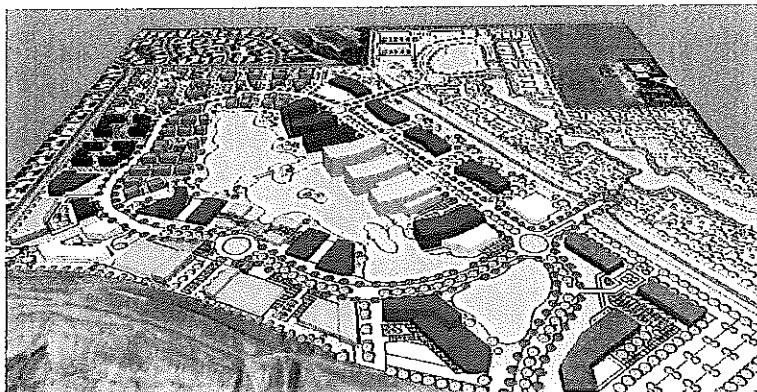
## highlights

200 acre campus

State-of-art medical facilities

Hospital, Medical offices, Educational facilities, Extended care and Assisted living

Family hotel and extended-stay facilities

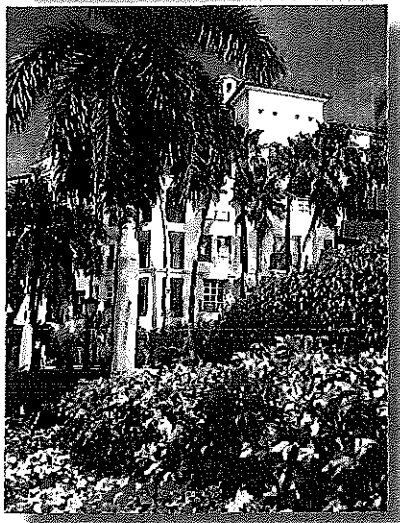
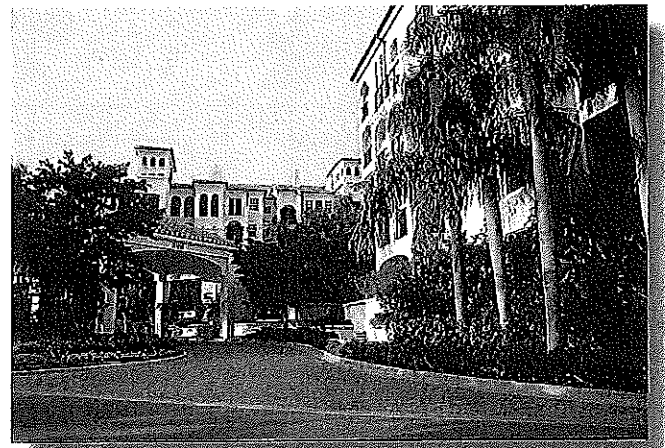




# Mediterranean Village

Aventura Florida

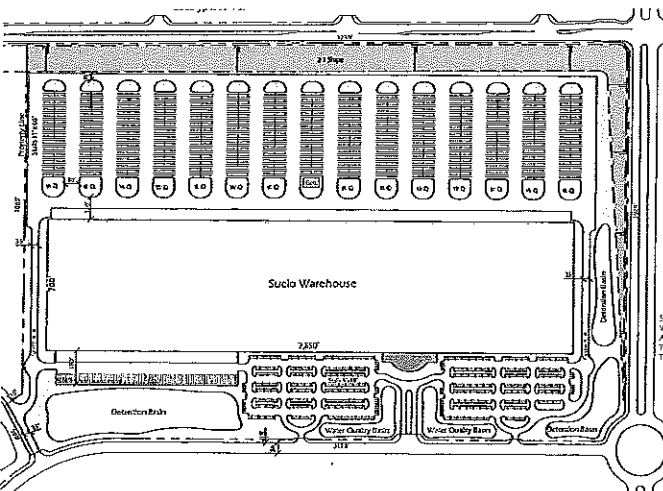
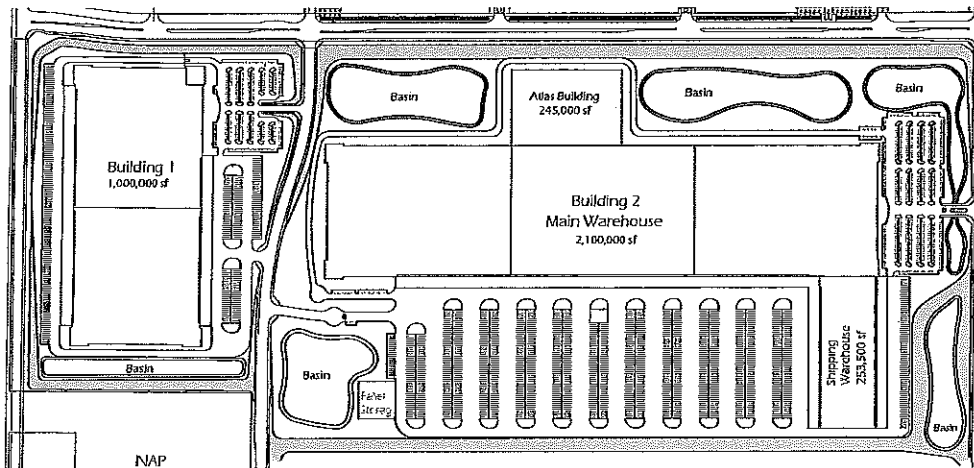
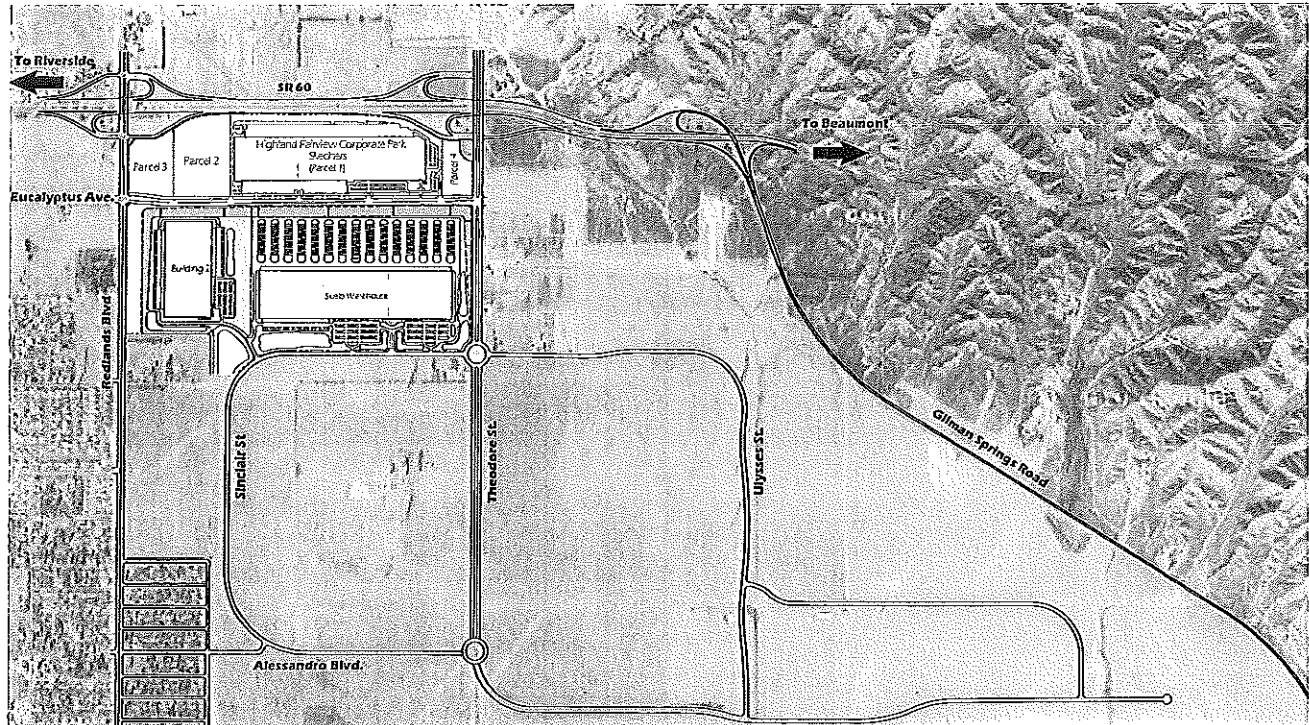
**HIGHLAND**FAIRVIEW



## highlights

Multiple high-rise up-scale condominiums and apartments

Marina and community amenities including pool and recreation center.



### highlights

240 acres, 2 million square logistics building

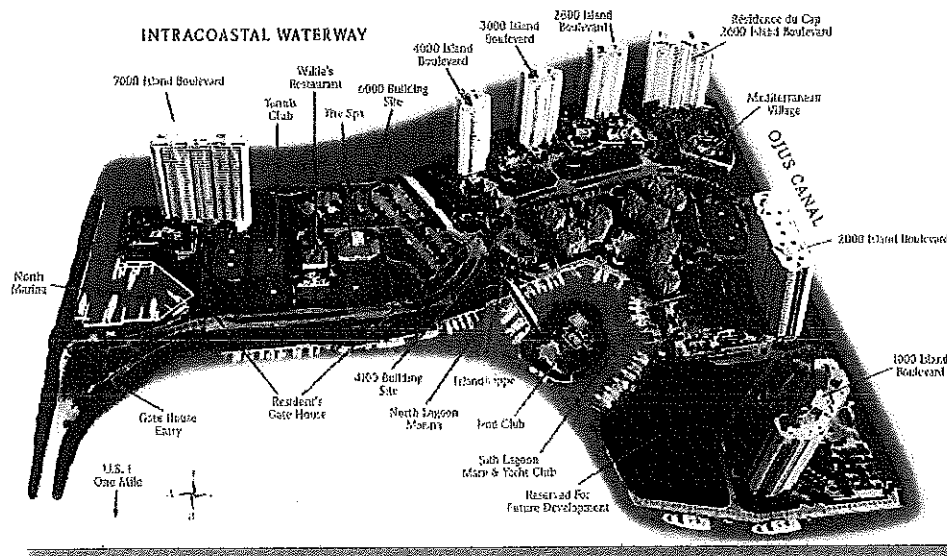
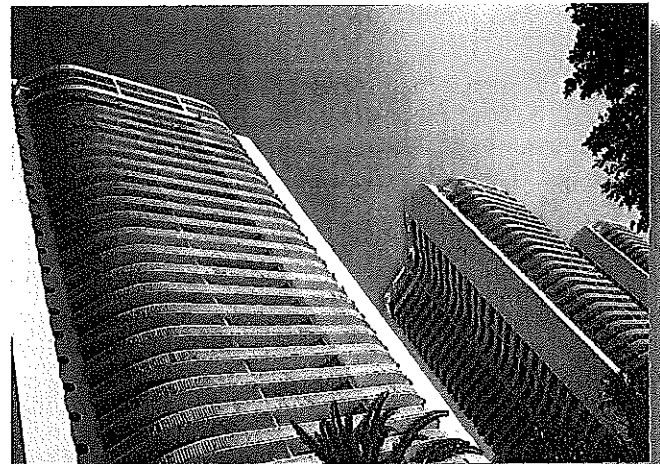
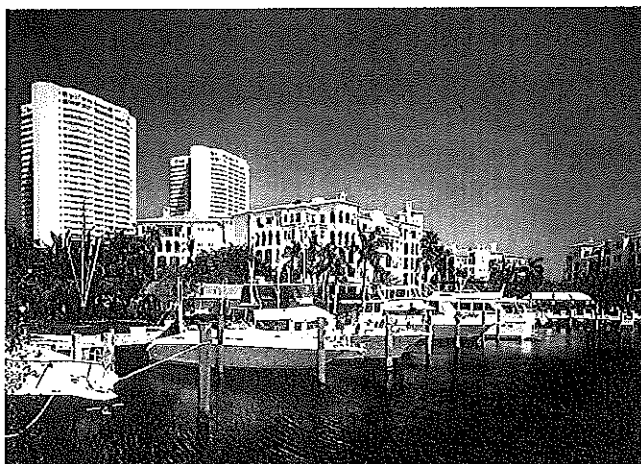
1,000,000 square foot expansion

Confidential brand name user with specific site planning requirements

Additional trailer storage area per user specifications

## Williams Island, Florida

# HIGHLAND FAIRVIEW



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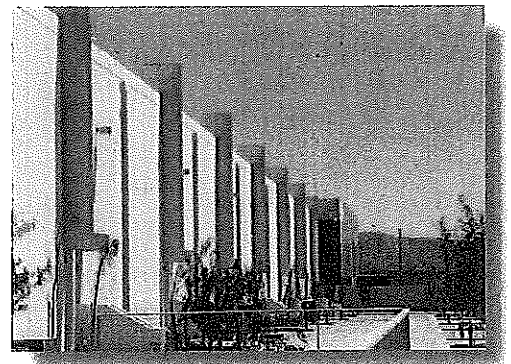


# References

**Henry Garcia, City Manager**  
City of Moreno Valley  
14177 Frederick Street  
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hgarcia@moval.org



**Barry Foster, Economic Development Director**  
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13177 Frederick Street  
Moreno Valley, CA 92552  
barryf@moval.org



**Marion Ashley, Supervisor**  
Riverside County Board of Supervisors  
4080 Lemon Street  
Riverside, CA 92502  
District5@rcbos.org



**ATTACHMENT 2**

**EXCLUSIVE NEGOTIATION AGREEMENT (“ENA”)**



# EXCLUSIVE NEGOTIATION AGREEMENT

## BANNING MUNICIPAL AIRPORT & ADJACENT CITY-OWNED PROPERTIES

THIS EXCLUSIVE NEGOTIATION AGREEMENT ("ENA" or "Agreement") is made this \_\_\_\_th day of \_\_\_, 2013 ("Effective Date"), by and between the City of Banning, a California general law municipality ("City"), and Fairview Holdings, S.A., LLC, a Delaware limited liability company ("Developer"). City and Developer are hereinafter collectively referred to as the "parties" and individually as a "party".

### RECITALS

The parties enter into this Agreement on the basis of the following facts, understandings, and intentions:

A. *The Site:* The City owns three (3) certain parcels of land located immediately east of Hathaway Street and along Barbour Avenue, Banning, California, which is more particularly described in Exhibit "A" hereto (the "Site"). The Site consists of (i) the Banning Municipal Airport (127.15 acres) that is improved as a municipal airstrip (the "Airport Parcel"), and (ii) two (2) adjacent parcels (39 acres and 20 acres, respectively) that are partially improved (the "Industrial Parcels"). The Airport Parcel has a General Plan designation of "Public Facilities" and a Zoning designation of "PF-A." The Industrial Parcels have a General Plan and Zoning designation of "Industrial." The Airport Parcel includes 5,200 feet of runway, one (1) terminal building, one (1) facility capable of housing a fixed base operator, six (6) T-hangers, three (3) conventional hangers, and fueling facilities.

B. *Site is Underutilized:* The Site is currently underutilized, falling substantially short of its commercial, industrial, revenue-generating and job-generating potential. The City therefore seeks to enter into exclusive negotiations with the Developer to enhance the Site's commercial uses thereby providing further economic and employment opportunities on and around the Site while maintaining high standards of development and environmental protection. The City seeks to utilize the Site in a manner that will maximize public benefits and welfare.

C. *Site as Centrally Located for Intermodal Freight Transport:* The Site is directly proximate to the Interstate 10, State Route 60, and freight railway systems that constitute critical freight/shipping corridors from the Los Angeles and Long Beach ports to mid- and eastern United States. This makes the Site a prime location for a logistics/intermodal freight distribution center. Logistics is a key industry in Southern California and a critical element of its economy. The Inland Empire region is uniquely positioned and has special geographic advantages in the goods movement industry. For example, the Site lies in the San Gorgonio Pass, which is the only geographic corridor accessible for major freight distribution between the San Bernardino Mountains on the north and the San Jacinto Mountains to the south. Such a use of the Site could provide for economic growth in the City of Banning to the extent it:

- Provides for a land use and infrastructure plan that will support the creation of a major job center in the City;
- Establish Banning as a prime location for the logistics industry;

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- Provides a balanced approach to the City's fiscal viability, economic expansion and environmental integrity;
- Significantly improves the City's jobs to housing balance; and
- Provides new, local construction jobs.

D. *Proposed Project:* In order to achieve the above-described goal of enhancing Site use, the City and Developer are considering a conceptual plan to design and construct a "logistics center" upon the Site and certain adjacent property described in Sections 2 and 4 hereof (the "Project"). The Project contemplates design and construction of at least 1,000,000 square feet of warehouse and trailer/container storage space serving cargo and bulk freight distribution; manufacturing; retail store space; office space and secondary business facilities serving the intermodal logistics center (such as restaurant and fueling services). The Project is proposed to provide substantial economic and employment opportunities for the community, with a goal of generating at least 1,300 new jobs. The Project shall maintain highest standards of development, including "Cal-Green" and LEED building standards, strict adherence to building codes, best practices for environmental protection, energy efficiency, water conservation, and reduced greenhouse gas emissions. The Project will also include necessary street and utility infrastructure. As outlined in the Developer's narrative description for the Project.

E. *Further Plans Needed for Project Proposal; Compliance with Laws:* In March 2012, Developer submitted a proposal outlining the proposed Project and indicating a focus on logistics as its primary land use. The Developer's March proposal only provided a very general outline of Project potential; Developer will be required to submit more detailed concept plans, site plans and Project descriptions prior to receiving any Project entitlements from the City. Developer represents that it will submit a Project proposal that is consistent with all laws, ordinances, regulations, and requirements of the City of Banning, including but not limited to, the City's Zoning Code and General Plan. It may be necessary to include zoning and General Plan amendments for the Project, which amendments shall be the sole responsibility of Developer. This Agreement is only an agreement to negotiate and does not guaranty that the City will issue any Project entitlements and does not in any way limit the City's discretion in approving or disapproving the Project or any portion thereof.

F. *Project Contingent on Resolution of Multiple, Complex Strategic Issues.* As detailed further in the terms of this Agreement, the completion of this Project (i) may entail cooperative negotiations and arrangements with the Morongo Band of Mission Indians ("Tribe"), (ii) will require approvals from, and cooperation with, the Federal Aviation Administration ("FAA"), and (iii) will require resolution of complex environmental review issues, including the question of whether environmental review shall proceed under Federal or State legal standards of review to the extent Tribal land is incorporated into the Project. The Project may also entail delays or legal action as needed to recompense, remove, or relocate current occupants of the Airport Parcel.

G. *Identity of Developer:* The term "Developer," as used herein, refers to Fairview Holdings, S.A., LLC, a Delaware limited liability company and its existing and any future affiliates. Developer is experienced in the delivery of real estate development specializing in the

development of large scale commercial, industrial and residential projects. The Developer is active in the planning of numerous developments and currently owns approximately five (5) square miles of property which are in various stages of development. In the Inland Empire specifically, the Developer recently completed the 1.8 million square foot Sketchers North American Operations Headquarters and is actively planning the next generation of logistics facilities, totaling over 40 million square feet on 3,000 acres of property.

H. *Negotiations with Goal of Reaching a Conveyance Instrument:* Subject to the contingencies generally outlined in Recital F and described further in the terms hereof, the City and Developer desire, for the period set forth herein, to continue negotiating diligently and in good faith to enter into one or more of a long-term ground lease agreement, a disposition and operation agreement, a purchase and sale agreement, a disposition and development agreement, an owner participation agreement, or equivalent agreements effecting the conveyance of ownership and/or occupancy rights for the Site to Developer, and setting forth the terms of a project consistent with the Developer's March 2012 proposal (each and collectively, a "Conveyance Instrument").

NOW, THEREFORE, and in consideration of the mutual covenants contained herein, the parties mutually agree to the following:

#### **SECTION 1. NATURE OF NEGOTIATIONS.**

A. **Good Faith.** City and Developer agree that, for the period set forth in Section 2 herein, they will negotiate diligently and in good faith to prepare and enter into a Conveyance Instrument. The development of the Project will be subject to all rules, regulations, standards, and criteria set forth in the City's General Plan and other applicable specific plans and zoning regulations (which may necessitate amendment or other modification to accommodate Developer's proposed use), and this Agreement. City agrees, for the period stated below, not to negotiate with any other person or entity regarding the leasing, conveyance, redevelopment or development of the Site or any portion thereof without the prior written consent of Developer, which Developer may withhold in its sole and absolute discretion. With the exception of the Tribe and its land that abuts the City of Banning in the vicinity of the Site (as detailed further in Section 2), and other property owners and their land which is also in the vicinity of the Site (as detailed further in Section 4), which land in each case would become part of the Project, the Developer agrees, during the Period of Negotiation (as defined herein) not to negotiate for the development of a substantially similar project with any other community or property owner within a twelve (12) mile radius of the Site (measured from the center point of the Site), without the prior written consent of City. Regardless of the radius restriction in the immediately preceding sentence, nothing in this Agreement shall restrict Developer's right to negotiate for any type of development in connection with the project owned by an affiliate of developer in Moreno Valley, California known as Highland Fairview Corporate Park or any land adjacent thereto owned by an affiliate of Developer. City agrees, for the period stated below, not to negotiate with any other person or entity regarding the leasing, conveyance, redevelopment or development of the Site or any portion thereof without the prior written consent of Developer, which City may withhold in its sole and absolute discretion.

Nothing in this Agreement shall be deemed a covenant, promise or commitment by the City of Banning, or any subdivision of the City, with respect to the conveyance of property or the approval of any development of the Site or otherwise. City's acceptance of this Agreement is merely an agreement to enter into a period of exclusive negotiations according to the terms hereof, reserving final discretion and approval by City as to any actions required of it. Recital Paragraphs "A" through "H," inclusive are incorporated by reference as substantive provisions of this Agreement.

**B. Developer Deposit.** Developer acknowledges that the City shall expend substantial resources in the negotiation and performance of this Agreement. Concurrently with the full execution of this Agreement by the City and Developer, the Developer shall submit to the City a deposit (the "Deposit") which shall initially have a minimum balance of Twenty Five Thousand Dollars (\$25,000), which in six (6) months shall increase to \$50,000, and six (6) months thereafter shall be increased to Seventy Five Thousand Dollars (\$75,000). Additionally, Developer shall supplement the Deposit from time to time as necessary to reimburse City all of its reasonable expenses as described herein. The purpose of the Deposit is: (i) to provide security for Developer's commitment to negotiate diligently and in good faith and perform all of Developer's obligations under the Agreement; and (ii) to pay for City's actual and reasonable third-party costs and expenses in connection with the negotiation and performance of this Agreement and preparing any additional agreements relating to the proposed Project. Such third-party costs shall include, but not be limited to, fees and expenses of legal counsel, environmental, soils, geotechnical, traffic, financial and economic consultants and reports, in each case engaged by City for services relating to the Project. For purposes of this Agreement the City may also reimburse itself for internal staff related costs associated with the Agreement when City has obtained written approval from Developer to pay such costs. City shall provide Developer a written report and accounting of expenditures from the Deposit, and a projection of expenditures over the coming sixty (60) days. Developer shall supplement the Deposit within ten (10) days of City's request therefore so that the City always has sufficient funds for the coming sixty (60) day period to cover the City's reasonably anticipated costs.

To the extent City has a remaining balance in the Deposit by the end of the term of this Agreement and a Conveyance Instrument has not been entered into, and Developer is not in breach of this Agreement (after any applicable notice and cure period has elapsed), City shall return the portion of the Deposit for which City has not incurred costs along with an accounting of the costs incurred by City.

If this Agreement is terminated by City at any time due to a breach of the Developer's obligations hereunder, then the entire balance of the Deposit shall be retained by City, as set forth in Section 7.H.

If performance of this Agreement results in execution of a Conveyance Instrument, the disposition of the Deposit shall be as provided for in the Conveyance Instrument.

**C. Site.** The proposed Project (or portions thereof) shall be located upon all or a portion of the Site. City represents that it owns the entirety of the Site in fee, although the Site is subject to various encumbrances which may impact or interfere with development. City makes no representation concerning the developability of the Site and Developer must exercise due diligence and, at its own expense, make all necessary Site investigations to assume itself of the suitability of the Site for development.

**D. Nature of the Project; FAA and Tribal Issues.** Subject to the execution of a Conveyance Instrument, the Developer intends to develop the Site as part of the development of the Project as conceptually presented in the Developer's March 2012 proposal outlining the Project as a logistics center.

The design of the Project shall be consistent with the City's design guidelines or as the City may otherwise agree. Developer shall also obtain architectural review and approval for the Project from the City's Planning Commission. Developer will be solely responsible for obtaining all approvals and entitlements for the Project, arranging the financing for the Project, and constructing all improvements upon the Site, subject to the terms and conditions of the Conveyance Instrument.

All signage for the Project must comply with the City of Banning Sign Ordinance.

1. *Negotiations, Entitlements, Commencement and Progress of Project are Strictly Contingent Upon Federal Aviation Administration ("FAA") Approval of Each Project Component and Ultimate Airport Closure.* The Airport Parcel is an element of the national and local transportation system, which significantly affects the economic development of the City of Banning. With 5,200 ft. of runway available for take-off and landing, the Airport is capable of handling most light single-engine, dual prop, and small jet aircraft. The airport experiences approximately 10,500 annual operations and is forecasted to grow to 12,000 annual operations by 2016.

Developer is aware that there are existing and active Federal grants and Federally-held rights encumbering the Airport Parcel, some of which mandate the City to maintain the airport use for a specified number of years in order to not breach the Federal funding the City has received to date. Should the City and Developer mutually determine that the airport use is not the highest and best use for the Project, or that the airport use is inconsistent with the Project, the Developer is responsible for all costs and duties associated with either amending the airport use or de-commissioning the airport use. The City will disclose all of such grants to Developer upon request. Developer and City acknowledge and accept that amendments to the Airport Parcel or changes in its use will require coordination with the FAA, a process which may take years before a resolution with the FAA may be reached; Developer and City further accept the risk that the FAA may deny the Project, in whole or in part. Developer fully accepts the risk of FAA interference with the Project, notwithstanding that Developer may expend substantial resources and monies on the Project prior to such interference.

Additionally, the Airport Parcel is home to approximately 56 based aircraft and is forecasted to reach 67 based aircraft. The terminal/airport administration building is situated on the south side of the runway near the Runway 8 threshold and is accessible from Barbour Street.



With 70 hangers and 25 tie-downs surrounded by full fencing and security lighting, the Banning Municipal Airport offers increased safety for the overnight parking of aircraft. The Banning Municipal Airport facilities also include one terminal building, one facility capable of housing a fixed based operator, six T-hangers, three conventional hangers, and av-gas fueling facilities. Developer acknowledges and fully accepts that the Project may entail delays or legal actions as needed to recompense, remove, or relocate current occupants of, and/or businesses at, the Airport Parcel.

2. *Negotiations, Entitlements, Commencement and Progress of Project are Contingent Upon Cooperation with, Morongo Band of Mission Indians ("Tribe").* During the negotiation period outlined in this Agreement, the Developer is tasked with acquiring and/or controlling various lands adjacent to the Site. This includes the Developer negotiating with the Tribe to (i) acquire (which includes entering into a long-term lease) Tribe-owned lands that are east of the Property (the "Tribal Lands"), and (ii) to coordinate the development of the Tribal Lands, the Site and any other lands acquired for the Project, including coordinating the manner in which environmental review will be undertaken for development of both the Tribal Lands and the Site (including a determination of whether environmental review will proceed under the National Environmental Protection Act ("NEPA") or California Environmental Quality Act ("CEQA")). During the negotiation period the Developer is tasked with successfully negotiating their agreement with the Tribe for this purpose.

3. *Failure to Secure Tribal Lands for the Project.* If, by the expiration of the period of exclusive negotiation established under that certain Exclusive Negotiation Agreement dated July 1, 2012 between Developer and the Tribe (which is currently January 31, 2014, but which may be extended by mutual agreement of Developer and the Tribe), the Developer is unable to negotiate acquisition of Tribal Lands as needed for the development of the Project, the City may, in its sole discretion, determine to continue to negotiate with Developer for the development of the Project on the Site as a stand-alone development (that is, without involving Tribal Lands). If both the City and Developer do not elect to continue the negotiations as stated in the immediately preceding sentence, then either party may terminate this Agreement by notice to the other.

4. *Other Properties May be Included Within the Project.* Nothing herein shall prevent the Developer from acquiring (which includes entering into a long-term lease) additional properties to be included with the Project. Such additional properties added to the Project, if acquired by Developer, must be developed in conformance with the development of the Site and the Tribal Lands, subject to all the conditions of development required for the Site (including but not limited to environmental review and City entitlements processing). Nothing herein shall require the City to institute any eminent domain action or otherwise declare a resolution of necessity to assist Developer in the acquisition of additional properties.

5. *Tentative Tract Map 3435.* Developer has been advised that a Tentative Tract Map has been approved for certain parcels adjoining the Site adjacent to the I-10 Freeway and landlocked by the Site and access is assumed to be provided over the Site. City is willing to consider various alternative adjustments of such access through the Site as a part of the Project.

**E. Environmental Review.** The parties intend to negotiate the terms of the Conveyance Instrument during the term of this Agreement. There are many unknowns concerning the Project at this time, and during the term of this Agreement the Developer will undertake the studies, reports and analysis contemplated in Section 3 to allow it to develop the Project plan, Project designs, traffic analysis, environmental impact analysis and financing plans necessary to determine whether to undertake the Project. Environmental analysis will occur when the Project's plans are developed. Developer will have the sole responsibility to pursue and obtain any necessary environmental approvals for the Project pursuant to either CEQA or NEPA, as applicable depending on the outcome of negotiations and coordination of environmental review with the Tribe. As Developer is required to undertake environmental review of the Project, it will negotiate with City and Tribe as to which entity shall serve as the lead agency for such review, and Developer shall deposit with the lead agency all funds necessary to cover the cost of such environmental review and shall replenish the deposit as funds are drawn down to the extent required by the local agency. City will assist the Developer and/or Tribe (if Tribe is the lead agency) to the fullest extent possible in preparing any environmental documentation and processing any environmental review that may be necessary for the Project.

**F. Financial Provisions.** If a Conveyance Instrument is executed, it shall provide that Developer shall acquire a leasehold or fee interest in all or a portion of the Site at a price to be agreed upon by the parties with the actual net usable square footage determined through survey and with an offset for remediation costs. The parties further agree to the following, subject to the terms and provisions of the Conveyance Instrument:

1. The rent or purchase price for the Site shall be based upon appraisal information and other negotiated terms and which considers the Use Restriction on the Site, other topographic or regulatory restrictions on the Site, and the project proforma, so that the project is financially feasible.

2. City and Developer may also negotiate for City participation in the Project through receipt of a negotiated financial return.

3. Developer shall be responsible for financing and constructing all on-Site improvements.

4. Developer may be required to pay for all necessary public improvements and all of the City's fees incurred in processing the Project, without assistance of City.

5. If the financial provisions of the Conveyance Instrument result in the provision of City assistance to Developer, Developer may be required to pay prevailing wages in accordance with applicable law. Payment of all required prevailing wages in connection with the Project required to be developed by Developer under the Conveyance Instrument will be the sole responsibility of Developer.

**G. Schedule for Development.** During the Period of Negotiations, a specific schedule for development of the Project will be agreed upon, to be incorporated in the Conveyance Instrument. In general it is contemplated that progress on critical elements of Project negotiation (including FAA and Tribal issues), Project entitlements and Project

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construction shall occur no sooner than those estimated timeframes shown in Exhibit "B" hereto. The timeframes shown in Exhibit "B" are estimates only, and may be amended by the parties hereto from time-to-time, subject to the requirement that any amendment extending any specific Project timeframes by more than one year shall require City Council approval.

**H. Use and Transfer Restrictions.** The Conveyance Instrument will contain City's standard provisions restricting the use and transfer of the Site. The Conveyance Instrument will restrict the use of the Site for Project only purposes unless the City approves of a different use in writing. Neither this Agreement nor the Conveyance Instrument shall be assigned by Developer without the prior written approval of City, which approval would be based on the experience, expertise and financial capacity of the proposed transferee. The term "assignment" shall not include Developer's involvement of any affiliate of Developer in connection with Developer's activities under this Agreement.

## **SECTION 2. PERIOD OF NEGOTIATIONS**

**A. Period of Exclusive Negotiation.** City and Developer agree to negotiate diligently and in good faith for two (2) years after the execution date of this Agreement in order to enter into a Conveyance Instrument ("Initial Period", and subject to earlier termination or extension as provided herein (the "Period of Negotiation"). If upon the expiration of such Initial Period a Conveyance Instrument has not been executed, the City and Developer have the ability to extend their negotiations for a six (6) month period if both parties are in agreement to extend the period of time ("Extension Period"). For the City, the six (6) month time extension can be approved by the City Manager or by the Director of Economic Development in the absence of the City Manager. If the City and Developer have not each approved and executed a Conveyance Instrument, either during the Initial Period or during the Extension Period, then this Agreement shall automatically terminate and Developer shall have no further rights regarding the subject matter of this Agreement or the Site, and City shall be free to negotiate with any other person or entity with regard to the Site; provided, however, that City and Developer may mutually agree in writing to further extend the exclusive negotiation period for such additional period as City's Board may approve, as evidenced by a writing signed by both parties. Notwithstanding anything herein to the contrary, Developer may terminate the Period of Negotiation at any time, with or without a reason, by notice to the City. It is understood and agreed that after the expiration or termination of the Period of Negotiation, Developer is free to pursue the Project or any other development of any nature without including the City or utilizing the Site, including utilizing the Tribal Lands and/or any other properties described in Sections 2 and 4.

**B. City Approval.** Developer understands and acknowledges that if negotiations culminate in a Conveyance Instrument, the Conveyance Instrument shall be effective only after, and if, the Conveyance Instrument has been considered and approved by City and City Council after public hearing thereon as required by law. Any Conveyance Instrument would require environmental analysis meeting the requirements of either CEQA or NEPA (as applicable to Tribal Lands).

### SECTION 3. DEVELOPER'S RESPONSIBILITIES.

During the Period of Negotiation, at such times as may be practical depending upon the stage of the Project negotiations, Developer will prepare such studies, reports, and analysis as shall be necessary to permit Developer to determine the feasibility of the Project, subject to any further rights granted Developer with respect to the foregoing. During the Period of Negotiation, and as requested by City, Developer shall submit to City the following:

**A. Proforma.** A proforma showing the estimated budget for the development and construction of the Project. If Developer seeks any financial assistance from City, the proforma must justify the assistance showing the Developer's return on investment. The proforma shall also show the estimated economic return to the City for at least a ten (10) year period after completion of the Project, including payment for land, any participation percentage, all taxes and fees, and other economic returns to the City as well as jobs and general community benefits.

**B. Site Plan.** A "Site Plan" specifying the conceptual framework to guide the overall development of the Project, the approved land uses on the Site, including generalized area of building pads, height of structure, total square footage, and parking and proposed circulation system for the Site. In addition, the Developer shall prepare the preliminary design plan of the Project, including building elevations and design themes, as reasonably required by City, sufficient, to the extent feasible and practicable, to allow City to evaluate sign configuration, architectural design and similar issues.

**C. Partners.** Adequate disclosure of Developer's principals, partners, joint ventures, negotiators, consultants, professional employees, or other associates of Developer who are participants or principals of the Project, and other reasonable and relevant information, as requested by City, concerning the above.

**D. Financial Capability.** A statement of Developer's financial capabilities, including contemplated or potential sources of equity and construction and permanent loan financing.

**E. Confidentiality.** City agrees, to the maximum extent permitted by law, to keep confidential all proprietary financial and other information submitted by Developer to City in connection with Developer's satisfaction of its obligations under this Agreement, at all times during the term of this Agreement. Moreover, the parties agree that the financial information which is required to be submitted to City pursuant to this Section shall not be retained by City.

With respect to negotiating this Agreement, the Conveyance Instrument and the Project Approvals with City, Developer shall negotiate exclusively with City's negotiating team and with no third parties (except the Tribe as provided herein) unless expressly authorized in writing to do so by City's negotiating team. During the period of negotiations, no statements will be made by either Developer or City without first making reasonable efforts to consult with the other party (other than those statements made to each party's agents, consultants and employees and, in the case of Developer, those statements made to prospective tenants or retailers for the Project, if any).

#### **SECTION 4. CITY'S DISCRETION; NON-WAIVER OF POLICE POWERS.**

Developer acknowledges that City is under no obligation to enter into any proposed Conveyance Instrument or other agreement, subject to City's obligations to negotiate diligently and in good faith as set forth in this Agreement, and that any actions taken or investments made by Developer in anticipation of a proposed agreement prior to such agreement being considered and approved by the City Council and signed and delivered, are undertaken at Developer's sole risk and expense. Prior to the execution and delivery of an agreement by City, any reliance by Developer on any representations or promises by City or City staff or consultants, or individual Council or Board members, is undertaken at Developer's sole risk and expense. City acknowledges that Developer is under no obligation to enter into any proposed Conveyance Instrument or other agreement, subject to Developer's obligations to negotiate in this Agreement, and that any actions taken or investments made by City in anticipation of a proposed agreement prior to such agreement being considered and approved by Developer and signed and delivered, are undertaken at City's sole risk and expense. Prior to the execution and delivery of an agreement by Developer, any reliance by City on any representations or promises by Developer or Developer's staff or consultants, is undertaken at City's sole risk and expense.

It is anticipated that the City Council and/or Planning Commission will be required to review and hold hearing(s) upon the Project's necessary entitlements and environmental documentation. The parties understand that City is reserving the right to exercise its discretion as to all matters which City is, by law, entitled or required to exercise, at their discretion; nothing in this Agreement shall be construed as having the effect of waiving or limiting City's police powers and exercise of discretion. To this end:

1. The parties understand that City has the complete and unfettered discretion to reject the Project and/or Conveyance Instrument, and other documents related to the lease or sale of the Site without explanation or cause. The risk of loss of all processing, design and developmental costs incurred by Developer prior to Conveyance Instrument approval and execution shall be absorbed entirely by Developer, unless expressly assumed by the terms of this Agreement by City.

2. The duty of City to execute the Conveyance Instrument shall be conditioned upon the successful review and approval of all necessary findings and conclusions which the City Council is required to make, including all necessary findings and determinations required under CEQA or NEPA as applicable, state and local land use provisions. As to any matter which City may be required to exercise its unfettered discretion in advancing the Project to completion, nothing herein, nor to be contained in the Conveyance Instrument, shall obligate City to exercise its discretion in any particular manner, and any exercise of discretion reserved hereunder or required by law, shall not be deemed to constitute a breach of City's duties under this Agreement.

3. By its execution of this Agreement, City is not committing itself or agreeing to undertake any activity requiring the subsequent exercise of discretion by City, or any department thereof including, but not limited to, the approval and execution of a Conveyance Instrument, the approval of any development proposal or land use regulation governing the Site,



the provision of financial assistance for the development of any public or private interest in real property, or any other such act or approval.

4. This Agreement does not constitute a disposition of property and does not require a public hearing. City execution of this Agreement is merely an agreement to enter into a period of exclusive negotiations according to the terms hereof, reserving final discretion and approval by City as to any proposed Conveyance Instrument and all proceedings and decisions in connection therewith.

## **SECTION 5. CITY'S RESPONSIBILITIES.**

**A. City Assistance.** City shall cooperate fully in providing Developer with appropriate information and assistance, but such assistance shall not include financial assistance unless specifically provided herein.

**B. Preparation of Agreement.** The Conveyance Instrument shall include, among other relevant terms, the agreements between City and Developer regarding removal of underground storage tanks, grading of the Site, demolition of improvements, the design of the Project, relocation of tenants, street vacation, and other business terms determined necessary or desirable for inclusion in the Conveyance Instrument. City shall provide Developer with an initial draft of the Conveyance Instrument.

If the negotiations culminate in a Conveyance Instrument signed by Developer, such Agreement shall become effective only after and if the Agreement has been considered and approved by the City Council.

## **SECTION 6. CONVEYANCE INSTRUMENT DEPOSIT.**

If the negotiations contemplated by this Agreement result in the execution of a Conveyance Instrument, subject to the agreement of City and Developer, the Conveyance Instrument will require that Developer submit to City a deposit in the form of a cash deposit, cashier's check or other form of security reasonable acceptable to City to insure that Developer will proceed diligently and in good faith to perform all of Developer's obligations under the Conveyance Instrument ("Conveyance Instrument Deposit"). The amount and terms of the Conveyance Instrument Deposit shall be outlined in the Conveyance Instrument.

## **SECTION 7. MISCELLANEOUS.**

**A. Brokerage Commissions.** City represents it has engaged no broker, agent, or finder in connection with this transaction, and Developer agrees to hold City harmless from any claim by any broker, agent, or finder retained by Developer. Subject to the accuracy of City's representation set forth in the preceding sentence, City shall not be liable to pay any real estate commission or any broker's fees which may arise in relation to the Project or the transfer of title to the Site.

**B. Ownership of Documents.** If the negotiations contemplated by this Agreement do not result in the execution of a Conveyance Instrument, except as a result of a breach of this Agreement by the City, Developer shall provide City, at no cost or expense to City, with copies of any third party consultant, contractor, or subcontractor reports, studies, analysis, site plan layouts, engineering studies, memorandums, or similar documents, excluding legally privileged or confidential items or proprietary financial information, regarding the proposed development which were prepared during the Period of Negotiation, which documents shall become the property of City, on a nonexclusive basis with Developer. Developer shall have no claim for compensation as a result of the exercise by City of its rights of nonexclusive ownership of said documents and materials hereunder. City may not sell such plans or drawings to other parties, and may only use them conceptually for planning purposes. Developer may retain copies of such documents for its own use and shall have an unrestricted right to use such documents, including without limitation all concepts embodied therein.

Such delivery of copies of documents by Developer to City shall be made without any representation, warranty, or liability whatsoever by Developer as to the accuracy or sufficiency of the contents of such documents and shall be made subject to the rights of the preparers of such documents including, without limitation, the copyrights (if any) associated with such documents. City acknowledges that any use of such documents for other projects and/or use of uncompleted documents without specific written authorization by Developer (and/or the owner of any applicable copyrights therein) will be at City's or the applicable third party's sole risk and without liability to Developer, and City shall indemnify Developer for all damages concerning, affecting, or relating to City resulting therefrom.

**C. No Personal Liabilities.** Nothing in this Agreement shall create any personal obligation or liability of the City Manager or any City member, staff member, employee, or agent of City for any obligation of City under this Agreement and, conversely, nothing in this Agreement shall create any personal obligation or liability of any partner, member, principal, shareholder, employee, or agent of Developer for any obligation of Developer under this Agreement. All obligations of Developer as set forth herein shall be the joint and several obligations of Developer and any affiliate of Developer involved, at Developer's election, in Developer's activities under this Agreement.

**D. No Conflicts.** City represents to Developer that neither the execution or delivery by the City of this Agreement, the performance by the City of its obligations hereunder, nor the fulfillment by the City of the terms and conditions hereof or thereof: (i) conflict with, violates or result in a breach of Applicable Law; or (ii) conflict with, violate or result in a breach of any term or condition of any judgment, order or decree of any court, administrative agency or other governmental authority, or any agreement or instrument to which the City is a party or by which the City or any of its properties or assets are bound, or constitute a default thereunder.

**E. Amendment.** This Agreement may only be amended by a document in writing signed by the parties.

**F. Notices.** All notices, including without limitation all approvals and consents, required or permitted under this Agreement shall be delivered in person, by messenger, by overnight mail courier, or by registered or certified mail, postage prepaid, return receipt

requested, to each party at its address shown below, or to any other notice address designated in writing by such party:

City: City of the City of Banning  
99 E. Ramsey St.  
Banning, CA 92220  
Attention: City Manager

Developer: Fairview Holdings, S.A., LLC  
14225 Corporate Way  
Moreno Valley, CA 92553  
Attn: Iddo Benzeevi, Chief Executive Officer

**G. Default.** Either party may terminate this Agreement if the other party should fail to comply with and perform in a timely manner any material obligation to be performed by such other party under this Agreement, provided the party seeking to terminate this Agreement shall provide at least ten (10) days written notice to the other party of such failure or nonperformance and such other party shall have a ten (10) day period within which to cure such failure or nonperformance (or such longer period as may be reasonably necessary to cure such failure or nonperformance if such failure or nonperformance cannot reasonably be cured with such 10-day period). Termination shall be the sole remedy for default. In no event shall either party be liable for monetary damages, attorney fees and costs, or any other cost or expense for the default or termination of this Agreement, and any such right to recover damages is expressly waived. Notwithstanding the foregoing, in no event shall any cure period hereunder extend the term of this Agreement.

**H. Remedies.** In the event of an uncured default by the City, Developer's sole remedy shall be to terminate this Agreement, upon which Developer shall be entitled to the return of the remaining balance of the Deposit and any interest earned thereon (but City shall have no obligation to earn interest on the Deposit). Additionally, in the event Developer exercises its right to early termination without a reason pursuant to Section 2.A, City shall have the right to retain the Deposit, and any interest earned thereon. Following such termination and the return of the balance of the Deposit and any interest earned thereon, neither party shall have any further right, remedy or obligation under this Agreement, except that the City's indemnification, hold harmless and assumption of risk obligations pursuant to this Agreement shall survive such termination. Notwithstanding the foregoing, if the City, in bad faith, negotiates with any other person or entity during the Period of Negotiation for a project substantially similar to the Project on the Site, then upon termination of this Agreement, Developer may seek injunctive relief to prohibit the City from selling or using the Site for a project substantially similar to the Project.

In the event of an uncured default by Developer, City's sole remedy shall be to terminate this Agreement and to retain the Deposit, and any interest earned thereon. Following such termination, neither Party shall have any right, remedy or obligation under this Agreement, except that the Developer's indemnification, hold harmless and assumption of risk obligations pursuant to this Agreement shall survive such termination.

Except as expressly provided in this Agreement, neither party shall have any liability to the other for damages or otherwise for any default, nor shall either Party have any other claims with respect to performance under this Agreement. Each Party specifically waives and releases any such rights or claims it may otherwise have at law to in equity and expressly waives any rights to consequential damages or specific performance from the other Party under this Agreement.

**I. Indemnification by Developer.** The Developer shall indemnify, defend, and hold the City and its respective members, officers, staff and agents (collectively, "City Indemnitees") harmless from any and all claims, actions, suits and other liability asserted against the City resulting from or in connection with the Developer's execution of this Agreement and/or the Developer's performance under this Agreement. This indemnity shall survive the expiration or termination of this Agreement. In the event that any claim should be filed against any of the City Indemnitees which would require indemnification by the Developer, the City shall notify the Developer of such claim in a timely manner to permit the Developer the opportunity to provide adequate representation to the City Indemnitees with respect to any such claim. Nothing in this Section shall be construed to mean that Developer shall hold the City Indemnitees harmless and/or defend them to the extent of any claims arising from the negligence, willful misconduct or illegal acts of any of the City Indemnitees and/or the failure of the City Indemnitees to follow any procedure or law applicable to the City.

**J. General Provisions.** This Agreement and all terms and conditions hereof shall be governed by and construed and enforced in accordance with the laws of the State of California. Any term herein can be waived only by a written waiver signed by the party against whom such waiver is to be asserted. This Agreement may be executed in counterparts, each of which when so executed shall be deemed an original, and all of which, together, shall constitute one and the same instrument.

**K. Recitals.** The Recitals preceding the terms of this Agreement are incorporated into the terms hereof by this reference.

**L. Authority.** The persons executing this Agreement on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) entering into this Agreement does not violate any provision of any other agreement to which said party is bound.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day first above written.

**“CITY”**  
**CITY OF BANNING**  
a public body, corporate, and politic

By: \_\_\_\_\_  
Don Robinson, Mayor

ATTEST:

\_\_\_\_\_  
Marie Calderon, City Clerk

APPROVED AS TO FORM:  
**ALESHIRE & WYNDER, LLP**

\_\_\_\_\_  
David J. Aleshire, City Attorney

**“DEVELOPER”**  
Fairview Holdings, S.A., LLC

By: \_\_\_\_\_  
Iddo Benzeevi, President & CEO

(ALL SIGNATURES MUST BE NOTARIZED)



STATE OF CALIFORNIA            )  
  ) ss.  
COUNTY OF RIVERSIDE        )

On \_\_\_\_\_, 2013, before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

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STATE OF CALIFORNIA            )  
  ) ss.  
COUNTY OF RIVERSIDE        )

On \_\_\_\_\_, 2013, before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

Exhibit "A"  
SITE LEGAL DESCRIPTION  
SITE MAP

Exhibit "B"  
ESTIMATED TIMEFRAME FOR CRITICAL NEGOTIATION AND PROJECT  
TIMEFRAMES

## CITY COUNCIL/BANNING UTILITY AUTHORITY AGENDA

**Date:** March 26, 2013

**TO:** Banning Utility Authority

**FROM:** Duane Burk, Director of Public Works

**SUBJECT:** Resolution No. 2013-05 UA, "Approving the payment of \$50,000.00 to the Beaumont Basin Watermaster for the Redetermination of the Beaumont Basin Safe Yield"

**RECOMMENDATION:** The Banning Utility Authority adopt Resolution No. 2013-05 UA, "Approving the payment of \$50,000.00 to the Beaumont Basin Watermaster for the Redetermination of the Beaumont Basin Safe Yield."

**JUSTIFICATION:** It is mandated by the stipulated judgment to conduct a hydrologic water study of the Redetermination of the Beaumont Basin Safe Yield to identify the current Safe Yield of the Basin and to be in compliance with the requirements stipulated in the February 2004 adjudication.

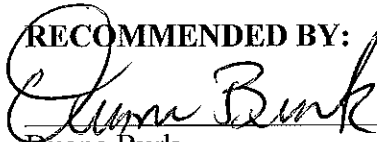
**BACKGROUND:** The San Timoteo Watershed Management Authority (STWMA) filed a lawsuit in Superior Court to adjudicate groundwater production and storage rights in the Beaumont Basin. The major overlying and all appropriative pumpers developed a stipulated agreement and filed it with the Court in January 2004. The Court approved the stipulated agreement on February 4, 2004. The stipulated agreement created a five member Watermaster Board to oversee the implementation of physical solution and groundwater management for the basin. The stipulated agreement gives the City the right to produce 31.43 percent of the safe yield that is not produced by the overlying parties. During the first 10 years of the basin operations, the stipulated agreement allowed the City to pump 5,910 acre ft/yr of temporary surplus; the estimated production for the City is about 60,000 acre-ft during this 10-year period.

The Safe Yield is the maximum quantity of water which can be produced annually from a Groundwater Basin under a given set of conditions without causing a gradual lowering of the groundwater level leading eventually to depletion of the supply in storage. The Safe Yield of the Beaumont Basin is 8650 acre feet per year in each of the ten (10) years following entry of the February 4, 2004 adjudication. The adjudication requires the safe yield to be re-determined every ten years.

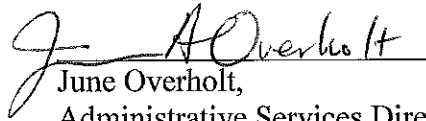
In accordance with the adjudication, the Watermaster Board will proceed to initiate the Redetermination of the Beaumont Basin Safe Yield by awarding a contract for the study to Alda Engineering.

**FISCAL DATA:** The City of Banning's share of the cost for the Redetermination of the Beaumont Safe Yield is \$50,000.00, which is one fifth of the total cost and is available in FY2012-13 from Watermaster budget line item 660-6300-471-42.43.

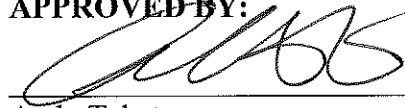
**RECOMMENDED BY:**

  
Duane Burk,  
Director of Public Works

**REVIEWED BY:**

  
June Overholt,  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**

  
Andy Takata,  
City Manager



**RESOLUTION NO. 2013-05 UA**

**A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE PAYMENT OF "NOT TO EXCEED" \$50,000.00 TO THE BEAUMONT BASIN WATERMASTER FOR THE REDETERMINATION OF THE BEAUMONT BASIN SAFE YIELD.**

**WHEREAS**, the San Timoteo Watershed Management Authority (STWMA) filed lawsuit in Superior Court to adjudicate groundwater production and storage rights in the Beaumont Basin; and

**WHEREAS**, the major overlying and all appropriative pumpers developed a stipulated agreement and filed it with the Court in January, 2004 and subsequently approved said agreement on February 4, 2004; and

**WHEREAS**, the stipulated agreement created a five member Watermaster Board to oversee the implementation of physical solution or groundwater management plan for the basin; and

**WHEREAS**, the Safe Yield is the maximum quantity of water which can be produced annually from a Groundwater Basin under a given set of conditions without causing a gradual lowering of the groundwater level leading eventually to depletion of the supply in storage; and

**WHEREAS**, the Safe Yield of the Beaumont Basin is 8,650 acre ft/yr in each of the ten (10) years following entry of the February 4, 2004 adjudication; and

**WHEREAS**, the adjudication requires the safe yield to be re-determined every ten years; and

**WHEREAS**, it is essential to conduct a Redetermination of the Beaumont Basin Safe Yield to ensure a reliable supply to the City's water utility customers; and

**WHEREAS**, in accordance with the adjudication, the Watermaster Board will proceed to initiate the Redetermination of the Beaumont Basin Safe Yield by awarding a contract for the study to Alda Engineering; and

**WHEREAS**, the City of Banning share of the cost of the Redetermination of the Beaumont Basin Safe Yield is \$50,000.00, which is one fifth of the total cost.

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

**SECTION 1.** Adopt Resolution No. 2013-05 UA – "Approving the payment of "Not to Exceed" \$50,000.00 to the Beaumont Basin Watermaster for the Redetermination Study of the Beaumont Basin Safe Yield.

SECTION 2. Authorize funds in the amount \$50,000.00 in FY2012-13 from Watermaster budget line item 660-6300-471-42.43.

**PASSED, APPROVED, AND ADOPTED** this 26<sup>th</sup> day of March, 2013.

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Deborah Franklin, Chairman  
Banning Utility Authority

**ATTEST:**

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Marie A. Calderon, Secretary

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

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

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**CERTIFICATION:**

I, Marie Calderon, Secretary to the Utility Authority of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2013-05 UA was duly adopted by the Banning Utility Authority of the City of Banning at its joint meeting thereof held on the 26th day of March 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**CITY COUNCIL/BANNING UTILITY AUTHORITY  
AGENDA**

**DATE:** March 26, 2013

**TO:** City Council

**FROM:** Duane Burk, Director of Public Works

**SUBJECT:** Resolution No. 2013-07 UA, "Approving an Agreement with the Banning Heights Mutual Water Company for the Rehabilitation and Maintenance Allocation of Responsibilities and Rights for San Gorgonio Hydroelectric Project No. 344 Water Conveyance Facilities"

**RECOMMENDATION:** Adopt Resolution No. 2013-07 UA:

- I. Approving an "Agreement for the Rehabilitation and Maintenance Allocation of Responsibilities and Rights for San Gorgonio Hydroelectric Project No. 344 Water Conveyance Facilities."
- II. Authorizing the City Manager to execute the "Agreement for the Rehabilitation and Maintenance Allocation of Responsibilities and Rights for San Gorgonio Hydroelectric Project No. 344 Water Conveyance Facilities."

**JUSTIFICATION:** It is essential to execute said agreement, attached as Exhibit "A", in order to establish the terms by which the City of Banning and the Banning Heights Mutual Water Company ("BHMWC") will operate and maintain the use of the San Gorgonio Hydroelectric Project No. 344, also known as the Whitewater Flume.

**BACKGROUND:** In the early 1900s, Consolidated Reservoir and Power Company, a Southern California Edison ("SCE") predecessor, initiated construction of a hydroelectric project, including water conveyance facilities, which eventually consisted of two diversion dams on the East and South forks of the Whitewater River, concrete lined canals, two steel forebay tanks, two penstocks, two powerhouses, and associated transmission lines ("Project").

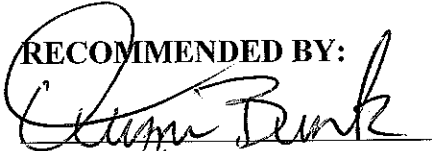
Use of the Project by SCE was discontinued in 1998 after storms destroyed one of the powerhouse forebay tanks. Subsequently, SCE decided to not restore the power generation components of the project and to surrender its Federal Energy Regulatory Commission ("FERC") power license. Discussion soon followed between SCE, the City of Banning, BHMWC, and Pass Water Agency (collectively referred to as "Parties") on the transfer of ownership of the Project. In June of 2010, the Parties entered into an "Agreement for Transfer of San Gorgonio Hydroelectric Project No. 344 Water Conveyance Facilities." As part of the agreement it was determined that SCE would restore and repair the facilities and transfer ownership to the City of Banning and BHMWC.

Staff and BHMWC have diligently worked on the attached agreement (attached as Exhibit "A") which defines the terms by which the City of Banning and BHMWC will operate and maintain the

water conveyance facilities once SCE makes the required repairs and rehabilitation and transfers ownership to the City of Banning.

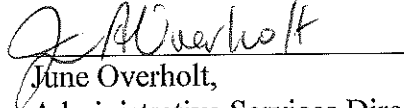
**FISCAL DATA:** Pursuant to the June, 2010 agreement titled "Agreement for Transfer of San Geronio Hydroelectric Project No. 344 Water Conveyance Facilities" the City of Banning will be responsible for paying 10% and SCE will pay 90% of actual costs for the rehabilitation and repairs of the facility prior to the transfer of ownership of the conveyance facilities.

**RECOMMENDED BY:**



Duane Burk,  
Director of Public Works

**REVIEWED BY:**



June Overholt,  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**



Andy Takata,  
City Manager



**RESOLUTION NO. 2013-07 UA**

**A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF BANNING, CALIFORNIA, APPROVING AN AGREEMENT WITH THE BANNING HEIGHTS MUTUAL WATER COMPANY FOR THE REHABILITATION AND MAINTENANCE ALLOCATION OF RESPONSIBILITIES AND RIGHTS FOR SAN GORGONIO HYDROELECTRIC PROJECT NO. 344 WATER CONVEYANCE FACILITIES**

**WHEREAS**, in the early 1900s, Consolidated Reservoir and Power Company, a Southern California Edison ("SCE") predecessor, initiated construction of a hydroelectric project, including water conveyance facilities, which eventually consisted of two diversion dams on the East and South forks of the Whitewater River, concrete lined canals, two steel forebay tanks, two penstocks, two powerhouses, and associated transmission lines ("Project"); and

**WHEREAS**, use of the Project by SCE was discontinued in 1998 after storms destroyed one of the powerhouse forebay tanks and subsequently, SCE decided to not restore the power generation components of the project and to surrender its Federal Energy Regulatory Commission ("FERC") power license; and

**WHEREAS**, in June of 2010, SCE, City of Banning, Banning Heights Mutual Water Company ("BHMWC") and the Pass Water Agency entered into an "Agreement for Transfer of San Gorgonio Hydroelectric Project No. 344 Water Conveyance Facilities" which determined that SCE would restore and repair the facilities and transfer ownership to the City of Banning and BHMWC; and

**WHEREAS**, the "Agreement for the Rehabilitation and Maintenance Allocation of Responsibilities and Rights for San Gorgonio Hydroelectric Project No. 344 Water Conveyance Facilities", attached as Exhibit "A" defines the terms by which the City of Banning and BHMWC will operate and maintain the water conveyance facilities.

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

SECTION 1. The City Council adopts Resolution No. 2013-07 UA, approving an "Agreement for the Rehabilitation and Maintenance Allocation of Responsibilities and Rights for San Gorgonio Hydroelectric Project No. 344 Water Conveyance Facilities."

SECTION 2. The City Manager is hereby authorized to execute all contract agreements related to the "Agreement for the Rehabilitation and Maintenance Allocation of Responsibilities and Rights for San Gorgonio Hydroelectric Project No. 344 Water Conveyance Facilities."

**PASSED, APPROVED, AND ADOPTED** this 26<sup>th</sup> day of March, 2013.

---

Deborah Franklin, Chairman  
Banning Utility Authority

**ATTEST:**

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

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

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

**CERTIFICATION:**

I, Marie A. Calderon, Secretary of the Banning Utility Authority of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2013-07 UA was duly adopted by the Banning Utility Authority of the City of Banning at a joint meeting thereof held on the 26<sup>th</sup> day of March, 2013.

AYES:

NOES:

ABSENT:

ABSTAIN:

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

## **EXHIBIT “A”**

### **AGREEMENT FOR REHABILITATION AND MAINTENANCE ALLOCATION OF RESPONSIBILITIES AND RIGHTS FOR SAN GORGONIO HYDROELECTRIC PROJECT NO. 344 WATER CONVEYANCE FACILITIES**

**AGREEMENT FOR REHABILITATION AND MAINTENANCE  
ALLOCATION OF RESPONSIBILITIES AND RIGHTS FOR  
SAN GORGONIO HYDROELECTRIC PROJECT NO. 344  
WATER CONVEYANCE FACILITIES**

THIS AGREEMENT FOR REHABILITATION AND MAINTENANCE OF SAN GORGONIO HYDROELECTRIC PROJECT NO. 344 WATER CONVEYANCE FACILITIES ("Agreement") is effective as of \_\_\_\_\_ by and between the CITY OF BANNING, a municipal corporation ("Banning"), and, BANNING HEIGHTS MUTUAL WATER COMPANY, a California mutual benefit corporation ("Banning Heights"), both of which may be collectively referred to herein as "Parties" and individually referred to herein as "Party."

**RECITALS**

**A. Recitals and Capitalized Terms.** The recitals in this Agreement constitute part of this Agreement and each Party shall be entitled to rely on the truth and accuracy of each recital as an inducement to enter into this Agreement. The capitalized terms used in these Recitals and throughout this Agreement shall have the meaning assigned to them in Article 1. Any capitalized terms not defined in Article 1 shall have the meaning otherwise assigned to them in this Agreement, or apparent from the context in which they are used.

**B. Previous Agreements.** Historical events and previous agreements relating to this Agreement include, but are not limited to, the following:

1. In the early 1900s, Consolidated Reservoir and Power Company ("Consolidated"), a Southern California Edison ("SCE") predecessor, initiated construction of a hydroelectric project, including water conveyance facilities, which eventually consisted of two diversion dams on the East and South forks of the Whitewater River, concrete lined canals, two steel forebay tanks (one of which has been removed), two penstocks, two powerhouses, and associated transmission lines ("Project").

2. On January 13, 1913, Consolidated entered into an agreement with the Banning Water Company, a Banning predecessor, to provide Banning Water Company with water from the Project after Consolidated used the water for generating power. Banning planned to use the water for domestic and irrigation purposes (the "1913 Banning Agreement").

3. On December 30, 1913, Consolidated entered into a conveyance to Banning Heights granting Banning Heights certain water conveyance facilities and Consolidated's water rights, subject to use of the water by Consolidated for its Project and to the terms of the 1913 Banning Agreement (the "1913 Banning Heights Conveyance").

4. On July 1, 1933, San Gorgonio Electric Corporation, another SCE predecessor, entered into an agreement with Banning Heights on allocating the costs of maintaining the Project water conveyance facilities from the Whitewater River to the second power plant (the "1933 Maintenance Agreement"). The 1913 Banning Agreement, the 1913

Banning Heights Conveyance and the 1933 Maintenance Agreement shall be referred to collectively as the "Flume Agreements."

5. By order entered on April 23, 1928, in Book 1 of Orders of Determination, Page 426 of the State of California, Department of Public Works, Division of Water Rights, the predecessor to the State Water Resources Control Board, Banning Heights, San Gorgonio Power Company, another SCE predecessor, and Banning Water Company, a Banning predecessor, are jointly entitled to divert 13.26 cubic feet per second of the natural flows of the Whitewater River (the "Whitewater River Adjudication") into the Project, subject to provisions of the Flume Agreements, among other things, as referenced in the Agreement for Transfer of San Gorgonio Hydroelectric Project No. 344 Water Conveyance Facilities, dated February 1, 2008 ("Transfer Agreement").

6. In 1926, the San Gorgonio Power Company, a successor to SCE, was issued License 550 by the then Department of Public Works, Division of Water Rights for 13.26 cubic feet per second (which is understood to be approximately 9,599.9 acre feet per year) the amount Banning, Banning Heights and SCE are entitled to divert from the Whitewater River pursuant to the Whitewater River Adjudication.

7. SCE's predecessor obtained a license from the Federal Energy Regulatory Commission ("FERC"), which agency was at that time named the Federal Power Commission, to operate the Project in 1923. The Project is designated on the FERC license as San Gorgonio Hydroelectric Project No. 344.

8. SCE obtained a new license from FERC in 1983, which license expired on April 26, 2003. FERC has issued annual licenses to SCE for the Project until the ultimate disposition of the Project is determined, which is pending as SCE's September 28, 2010 Application for Surrender of License for the San Gorgonio Nos. 1 and 2 Hydroelectric Project (FERC No. 344) ("Application to Surrender").

**C. Intent of the Parties.**

1. SCE has not operated the Project to generate electricity since 1998 due to failure of the 900,000 gallon steel forebay tank (Tank No. 1) located above Powerhouse No. 1 and due to failure of the Project canal below Raywood Flat.

2. Banning and Banning Heights desire to obtain title to the water conveyance facilities associated with the Project, which are more fully described and defined herein as the "Facilities" under Article 1 (Definitions), and SCE desires to convey title to the Facilities on the terms and conditions set forth in the Transfer Agreement.

3. Banning and Banning Heights shall be parties to any agreement with SCE regarding repair and disposition of the Facilities, if different from the current form of the Statement of Work attached as Exhibit "D" to the Transfer Agreement.



4. It is the intent of Banning and Banning Heights to work cooperatively to insure that their respective citizens have a plentiful supply of clean potable water. To that end, Banning Heights will support all efforts undertaken by Banning to carryout the provisions of this Agreement and the Transfer Agreement.

5. The Facilities' capacity, as restored and repaired by SCE, shall not be less than 13.26 cubic feet per second, though the Parties recognize that said quantity may downsize over its course through and toward the end of the Facilities, which is located in or near Banning and Banning Heights.

6. Though the San Gorgonio Pass Water Agency ("Pass Agency") was a party to the four-party Transfer Agreement, the Pass Agency is not a party to this Agreement nor does the Pass Agency have any ownership or other rights with regard to the Facilities, however, the Parties seek to maintain a good working relationship with the Pass Agency.

7. There is an unquantified value associated with the Facilities, including its rights-of-way and water conveyance capability. There is an unquantified cost to developing hydro-electric power in the Facilities as well as an unknown value to such power generation. There is an unquantified cost associated with the maintenance of the Facilities to ensure the maximum conveyance of water to Banning Heights and Banning. There is an unquantified value associated with Banning providing a secondary water supply to Banning Heights from Banning's underground water supply in Banning Canyon. Finally, Banning Heights with a small customer base has limited ability to pay for large-scale costs. Quantifying these costs and values is probably speculative, and thus an exchange based upon the Parties' differing interests is a reasonable approach.

#### **D. SCE Transfer Agreement.**

1. The Transfer Agreement (which is attached as Exhibit 1 to this agreement) requires SCE to: (i) restore the Facilities to an acceptable condition as set forth below in Recital D.3; and (ii) proceed with its pending Application to Surrender or to take other appropriate steps to facilitate the transfer of the Project and title to the Facilities to the Parties, which could include SCE withdrawing its Application to Surrender to file an application to transfer its existing license to Banning or the Parties (Transfer Agreement, Section 4.a (License Surrender and Transfer)).

2. The Transfer Agreement requires Banning and Banning Heights to proceed with due diligence in seeking approval from the Federal Energy Regulatory Commission ("FERC"), the United States Forest Service, and any other appropriate agency for the right to locate, operate, and maintain the Facilities in the repaired/restored condition to be completed by SCE (Transfer Agreement, Section 4.b (Use Permit, Long-Term Easement, or Power License)).

3. Pursuant to the Transfer Agreement, SCE is required to undertake the work to restore and repair the Facilities as set forth in the Statement of Work attached as Exhibit "D" to the Transfer Agreement, such that Banning and Banning Heights shall not become responsible for undertaking completing restoration or repair of the Facilities, nor shall SCE simply provide Banning or Banning Heights with a payment or other consideration for Banning or Banning Heights to undertake such repairs prior to conveyance of the Facilities.

4. Although the Transfer Agreement requires SCE to rehabilitate the facilities and transfer them in their rehabilitated condition to Banning Heights, it does not resolve the issue of their long term maintenance but provides that this would be resolved through a subsequent agreement between Banning and Banning Heights and this Agreement is such agreement.

**E. This Agreement.** This Agreement establishes the terms by which Banning and Banning Heights will operate and maintain the use of the Facilities after SCE restores/repairs the Facilities as set forth in this Agreement and the Transfer Agreement.

**F. Mutual Agreement.** It is in the best interests of the Parties to execute this Agreement because the Facilities will be restored/repared by SCE, allowing the Parties to receive water delivered through and by the Facilities. Banning Heights owns certain facilities but does not have the resources to deal with the natural and challenging terrain on which much of the Facilities are located nor does Banning Heights have the resources for future on-going and significant maintenance that may arise. Banning is a major entity in the San Gorgonio Pass area with facilities in five groundwater basins. Banning is entitled to overflow from water not used by Banning Heights, which provides great value to Banning.

## **AGREEMENT**

NOW THEREFORE, in consideration of the mutual promises and covenants herein contained, and having determined that the forgoing recitals are true and correct and should be and hereby are incorporated into this Agreement, the Parties agree as follows:

### **ARTICLE 1.0 DEFINITIONS**

In the event of conflict between the definition of a term as found in State law or regulations or Banning ordinances, and this Agreement, the definition in this Agreement shall, unless otherwise mutually agreed to in writing by the Parties, supersede the definition found elsewhere.

**1.1 1913 Banning Agreement.** "1913 Banning Agreement" means the agreement entered into on January 13, 1913 between Consolidated and the Banning Water Company to provide Banning Water Company with water from the Project after Consolidated used the water for generating power.

**1.2 1913 Banning Heights Conveyance.** "1913 Banning Heights Conveyance" means the agreement entered into on December 30, 1993 between Consolidated and Banning Heights which granted Banning Heights certain water conveyance facilities and Consolidated's water rights, subject to use of the water by Consolidated for its Project and to the terms of the Banning Water Company contract.

**1.3 1933 Maintenance Agreement.** "1933 Maintenance Agreement" means the agreement entered into on July 1, 1933 between San Gorgonio Electric Corporation and Banning

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Heights on allocating the costs of maintaining the Project water conveyance facilities from the Whitewater river to the second power plant.

**1.4 Agreement.** "Agreement" means this Agreement, including all exhibits and attachments which are incorporated herein by reference, as this Agreement may be amended. The exhibits include the following:

Exhibit "A": Map of the Facilities

Exhibit "B": Map of Banning Heights Territory

Exhibit "C": Agreement for Transfer of San Gorgonio Hydroelectric Project No. 344 Water Conveyance Facilities and Exhibits (Transfer Agreement)

Exhibit "D": Water Rate Charges to Banning Heights

**1.5 Agreements.** "Agreements" means, in addition to this Agreement, the agreements identified above in Recital B.

**1.6 Alternative Restoration Plan.** "Alternative Restoration Plan" shall have the meaning as set forth below in Article 4.2.

**1.7 Applicable Law.** "Applicable Law" means all statutes, case authorities, rules, regulations, guidelines, actions, determinations, permits, orders, or requirements of the United States, State, County, City and local and regional government authorities and agencies having applicable jurisdiction, that apply to or govern the Facilities, the Project or the performance of the Parties' respective obligations hereunder, including any of the foregoing which concern health, safety, fire, environmental protection, labor relations and prevailing wages, if applicable,, mitigation monitoring plans, building codes, zoning, and licensing and permitting of the Facilities for ownership, transfer, maintenance, or operation.

**1.8 Application to Surrender.** "Application to Surrender" means SCE's application pending before the FERC entitled "Application for Surrender of License for the San Gorgonio Nos. 1 and 2 Hydroelectric Project (FERC No. 344)."

**1.9 Assignment.** "Assignment" shall have the meaning as set forth below in Article 13. All forms of use of the verb "assign" and the nouns "assignment" and "assignee" shall include all contexts of hypothecations, sales, conveyances, transfers, leases, and assignments.

**1.10 Banning.** "Banning" means the City of Banning, a municipal corporation.

**1.11 Banning Heights.** "Banning Heights" means Banning Heights Mutual Water Company, a California mutual benefit corporation.

**1.12 Banning Water Company.** "Banning Water Company" means the predecessor to Banning that entered into the 1913 Banning Agreement, as identified above in Recital B.

1.13 **Best Management Practices ("BMP")**. "Best Management Practices," "BMP," or "BMPs," means structural, nonstructural, and managerial techniques recognized to be the most effective and practical means to repair, maintain, and operate the Facilities.

1.14 **CEQA**. "CEQA" means the California Environmental Quality Act (California Public Resources Code §§ 21000 *et seq.*) and its implementing regulations and guidelines (California Code of Regulations, Title 14, §§ 21000 *et seq.*) including future amendments to or re-codification thereof.

1.15 **City Council**. "City Council" means the governing body of Banning.

1.16 **City Manager**. "City Manager" means the City Manager of Banning.

1.17 **Claims or Liabilities**. "Claims or Liabilities" means any challenge by water customers of either Party or any other third party (i) to the legality, validity or adequacy of the Transfer Agreement or this Agreement, (ii) concerning the repair, maintenance or operation of the Facilities, whether an act or omission by either Party or other regulatory agencies pertaining to the repair, maintenance, or operation of the Facilities, or (iii) for personal injury, liability, damages or loss arising from or consequential to repair, maintenance, or operation of the Facilities.

1.18 **Consolidated Reservoir and Power Company**. "Consolidated Reservoir and Power Company" means the SCE predecessor that initiated construction of the Project, and entered into the 1913 Banning Agreement and the 1913 Banning Heights Conveyance as identified above in Recital B.

1.19 **Consolidated**. "Consolidated" means Consolidated Reservoir and Power Company.

1.20 **Design and Permitting Team**. "Design and Permitting Team" or "Team" shall have the meaning as set forth below in Article 4.1.

1.21 **Developed Acre**. "Developed Acre" means both residential and agricultural development within Banning Heights' 850 acres, but excluding wholly undeveloped land.

1.22 **Director**. "Director" means a member of the Board of Directors of Banning Heights.

1.23 **Director of Public Works**. "Director of Public Works" means Banning's Director of Public Works or the Director of Public Works' designee.

1.24 **Drought Conditions**. "Drought Conditions" means an extended period of months or years when a region sustains a deficiency in its water supply whether surface or underground water, which may occur when a region receives consistently below average precipitation, and may be established by a declaration of drought from an authorized representative of a State, County, or local entity for that region.

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**1.25 Effective Date.** "Effective Date" means the date this Agreement becomes effective as set forth above on page 1, after being fully executed and duly approved by Banning Heights and Banning.

**1.26 Environmental Law.** "Environmental Law" means any federal, state or local statute, ordinance, rule, regulation, order, consent decree, judgment or common-law doctrine, and provisions and conditions of permits, licenses and other operating authorizations relating to: (i) pollution or protection of the environment, including natural resources; (ii) exposure of persons, including employees, to Hazardous Materials or other products, raw materials, chemicals or other substances; (iii) protection of the public health or welfare from the effects of by-products, wastes, emissions, discharges or releases of chemical substances from industrial or commercial activities; or, (iv) regulation of the manufacture, use or introduction into commerce of chemical substances, including, without limitation, their manufacture, formulation, labeling, distribution, transportation, handling, storage and disposal.

**1.27 Facilities.** "Facilities" shall refer to and mean the current water conveyance facilities, including the flume, depicted in Exhibit "A" attached to this Agreement and as described in Recitals "J" and "K" of the Transfer Agreement, which are fully incorporated herein by reference. A copy of the Transfer Agreement is attached to this Agreement as Exhibit "C".

**1.28 Federal Energy Regulatory Commission.** "Federal Energy Regulatory Commission" means the federal agency that regulates, monitors, and investigates, among other things, electricity and hydropower for licensing of non-federal hydroelectric projects, overseeing related environmental matters, and inspecting non-federal hydropower projects for safety conditions and compliance with terms and conditions in a FERC License.

**1.29 FERC.** "FERC" means the Federal Energy Regulatory Commission.

**1.30 FERC License.** "FERC License" means a license from FERC to operate a non-federal hydroelectric project.

**1.31 FERC No. 344.** "FERC No. 344" means the license that FERC first granted to Consolidated in the early 1900s, reissued to SCE in 1983, and which is now the subject of the pending Application to Surrender.

**1.32 First Tier Rates.** "First Tier Rates" shall have the meaning as set forth below in Article 8.2.

**1.33 Force Majeure.** "Force Majeure" shall have the meaning as set forth below in Article 17.8.

**1.34 Flume Agreements.** "Flume Agreements" means the 1913 Banning Agreement, the 1913 Banning Heights Conveyance, and the 1933 Maintenance Agreement, as identified above in Recital B.

**1.35 Inter-Tie.** "Inter-Tie" means a water supply connection between the water systems of Banning and Banning Heights.



**1.36 License.** “License” means a license, and the process related to acquisition of the license, for a Use Permit from the United States Forest Service, as identified below in Article 5.2.

**1.37 License #550.** “License #550” means the license granted to the predecessor of SCE by the State Water Resources Control Board for the joint right to divert 13.26 cubic feet per second from the Whitewater River, as part of the Whitewater River Adjudication.

**1.38 Local Agency.** “Local Agency” means any public agency authorized to levy, create, or issue any form of land-secured financing over all or any part of the Project, including, but not limited to, Banning.

**1.39 Mascaro Litigation.** “Mascaro Litigation” means the pending litigation initiated on April 7, 2011 by Stephen J. Mascaro and Betty D. Mascaro entitled *Mascaro v. Banning Heights Mutual Water Company, Southern California Edison Company, City of Banning, Larry Walborn, Robert Poland, Michael Sichta, Charles Perkins, and Does 1 through 100, Inclusive*, San Bernardino Superior Court Case No. CIVDS110447.

**1.40 NEPA.** “NEPA” means the means the National Environmental Policy Act (42 United States Code, §§ 21000 *et seq.*) and its implementing regulations and guidelines including future amendments to or re-codification thereof.

**1.41 Overflow.** “Overflow” means water that is not used by Banning and Banning Heights for direct domestic, stock watering, and irrigation purposes, and that which Banning is entitled to under the Whitewater River Adjudication to spread and store underground in San Gorgonio Canyon to be used at a later time for beneficial purposes.

**1.42 Pass Agency.** “Pass Agency” means the San Gorgonio Pass Water Agency.

**1.43 Project.** “Project” means the hydroelectric project, including water conveyance facilities, as set forth above in Recital B.

**1.44 Reasonable Amount of Water.** “Reasonable Amount of Water” means four (4) acre-feet of water per year for each Developed Acre.

**1.45 Reduced Water Threshold.** “Reduced Water Threshold” shall have the meaning as set forth below in Articles 8.2.

**1.46 Rehabilitation.** “Rehabilitation” shall have the meaning as set forth below in Article 5.1.

**1.47 Report of Licensee.** “Report of Licensee” means the triennial reports required by the State Water Resources Control Board for licenses it has issued.

**1.48 Restoration Plan.** “Restoration Plan” means restoration of the Facilities, as set forth below in Article 5 and more fully in the Transfer Agreement.

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**1.49 San Gorgonio Electric Corporation.** “San Gorgonio Electric Corporation” means the predecessor to SCE that entered into the 1933 Maintenance Agreement, as set forth above in Recital B.

**1.50 San Gorgonio Pass Water Agency.** “San Gorgonio Pass Water Agency” is a California special district, and also is a party to the Transfer Agreement.

**1.51 SCE.** “SCE” means Southern California Edison.

**1.52 Southern California Edison.** “Southern California Edison” is an investor-owned public utility company that provides electricity throughout Southern California, and is the current owner of the Project, FERC License No. 344, and SWRCB License #550, and also is a party to the Transfer Agreement.

**1.53 State Water Resources Control Board.** “State Water Resources Control Board” is a public agency within the California Environmental Protection Agency, which, among other things, regulates surface water diversions in the State of California.

**1.54 SWRCB.** “SWRCB” means the State Water Resources Control Board.

**1.55 Tiered Rates.** “Tiered Rates” shall have the meaning as set forth below in Article 9.2.

**1.56 Transfer Agreement.** “Transfer Agreement” means the Agreement for Transfer of San Gorgonio Hydroelectric Project No. 344 Water Conveyance Facilities, dated February 1, 2008, by and between Banning, Banning Heights, SCE, and the Pass Agency.

**1.57 Use Permit.** “Use Permit” means a permit granted by the United States Forest Service to use Forest Service land in a way that provides a benefit to the general public, including protection of natural resources.

**1.58 Water Emergency.** “Water Emergency” or “Water Emergencies” means a condition or circumstance in which an insufficient amount of potable water is available to meet the needs of a community, and such Emergency may be declared by Banning pursuant to Water Code §§ 350 *et seq.*

**1.59 Water Rights.** “Water Rights” in this Agreement means the rights that Banning, Banning Heights, and SCE are entitled to in the Whitewater River under the Whitewater River Adjudication.

**1.60 Whitewater River Adjudication.** “Whitewater River Adjudication” means the statutory adjudication of the Whitewater River system that culminated in the Order of Determination entered on April 23, 1928 and entered in Book 1 of Orders of Determination, Page 426 of the State of California, Department of Public Works, Division of Water Rights.

## ARTICLE 2.0 TERM

**2.1 Term.** The covenants, conditions and restrictions contained in this Agreement shall remain in effect for a period of forty (40) years from the date this Agreement was executed. At the expiration of said forty (40) year period the term of this Agreement shall be automatically renewed for successive five (5) year periods, unless one of the Parties provides the other Party written notice of its intent not to extend the term within one hundred twenty (120) days prior to the expiration of the initial term or any extended term.

**2.2 Survival of Certain Provisions.** All indemnifications, representations and warranties of the Parties herein, and any other rights and obligations of the Parties expressly stated to survive the termination of this Agreement, shall survive such termination.

**2.3 Effective Date.** The Effective Date is the date set forth above under Article 1.25.

**2.4 Termination for Breach.** This Agreement may be terminated due to the occurrence of a breach in accordance with the procedures set forth below in Article 14.

## ARTICLE 3.0 OWNERSHIP AND CONSIDERATION

**3.1 Conveyance.** The Facilities and related obligations as set forth in the Transfer Agreement and in this Agreement shall be conveyed from SCE to Banning Heights and immediately, if not concurrently, from Banning Heights to Banning for the consideration provided in this Agreement; however, there should be no upfront monetary consideration from either Party.

**3.2 Consideration.** As consideration for this Agreement, and except for: (i) Drought Conditions or Water Emergencies; (ii) regulatory changes beyond the control of Banning that adversely impact the Facilities, water supplies or delivery of water from the Facilities; or, (iii) Acts of God impacting the Facilities' water delivery and as otherwise as qualify as Force Majeure, Banning will operate and maintain the Facilities so as to convey to Banning Heights its historic water right, without cost to Banning Heights, which for purposes of this Agreement shall be deemed to be a Reasonable Amount of Water for residential and agricultural use within Banning Heights' Developed Acres among its total existing 850 acres.

**3.3 Payment of Rehabilitation of the Facilities.** Pursuant to the Transfer Agreement, SCE will pay ninety percent (90%) and Banning should pay ten percent (10%) of the actual cost. Notwithstanding the foregoing, nothing herein shall require Banning to pay more than One Million Two Hundred Thousand Dollars (\$1,200,000.00) unless otherwise approved by Banning explicitly in writing for completing repairs as set forth in Exhibit "D" of the Transfer Agreement. Banning Heights is not responsible for any cost of said work.

**ARTICLE 4.0**  
**DESIGN, ALTERNATIVE RESTORATION PLAN, AND POWER GENERATION**

**4.1 Design and Permitting Team.** The Parties shall establish a Design and Permitting Team ("Team") for the rehabilitation of the Facilities (the "Rehabilitation"), with the Parties' goal being to develop a system which will minimize future maintenance expense. The Permitting Team will consist of the following, who will perform the designated responsibilities: Mr. Steve Stockton will review the Rehabilitation's design and construction. The Team shall also consist of a representative from SCE. While Mr. Stockton's responsibilities will involve field design and construction management matters, Mr. Roy McDonald will bear responsibilities of handling the permitting processes and costs of the consultants associated with seeking the License. Banning will contract, pay for, and direct the consultants, with Banning Heights having unrestricted access to these consultants.

**4.2 Alternative Restoration Plan.** Restoration of the Facilities within the existing FERC footprint, anticipated to be via tunneling or a trestle system, is the Parties' preferred method but this method may not be feasible. If such method is determined not to be feasible by the Parties' Design and Permitting Team as identified above at Article 4.1, diversion at Raywood Flats through Burnt Creek may be the most likely direction for the Facilities, in which case third-party easement and/or property acquisition from a private landowner may become necessary.

**4.3 Power Generation.** Banning may explore generation of power from the Facilities as required by, and within the time stated in, the FERC License. Such power generation shall be at Banning's sole discretion subject only to the requirements of the FERC license. If Banning decides to proceed with power generation from the Facilities, Banning shall offer to Banning Heights the opportunity to participate as follows:

- 4.3.1 Banning will provide Banning Heights with written notice along with cost estimates and a sixty-day (60) period to determine if Banning Heights will participate;
- 4.3.2 Banning Heights may elect a percentage participation in the power generation project, but not less than a ten percent (10%) share;
- 4.3.3 In exercising its election, Banning Heights must pay Banning a deposit based off its elected percentage share of the estimated cost (including contingencies);
- 4.3.4 Banning Heights shall be responsible for its elected percentage share of the ultimate actual cost, and shall pay any such shortfall over the deposit, or receive reimbursement within sixty (60) days of the Notice of Completion of the project; and
- 4.3.5 Although any construction shall be undertaken through contracts led by Banning, Banning Heights shall be entitled to fully monitor construction.

If Banning Heights elects not to participate in installing and maintaining power generation and distribution equipment, or if Banning Heights fails to make the deposit or pay its

percentage costs when such becomes due and payable, Banning Heights shall not have a right to receive power or to receive a share in any revenue generated from such operations.

## **ARTICLE 5.0 LICENSING AND PERMITTING**

**5.1 New Use Permit License.** A new license should be pursued by Banning as the applicant and licensee for the operation of the Facilities, at some undetermined later point in time. The license process is the Use Permit process through the United State Forest Service ("USFS") (the "License"). Banning would be the permit applicant, due in part to the Parties' understanding that a joint permit is unacceptable to USFS. Banning reserves the exclusive right to control decisions in seeking the License, and, if pursued, Banning shall pay for this application and the related process to obtain the License, which is estimated to be One Million Dollars (\$1,000,000.00).

Banning Heights shall support all efforts by Banning to obtain the License.

**5.2 SWRCB License.** SCE holds a license granted by the SWRCB (License #550) for the jointly held diversion right that was granted pursuant to the Whitewater River Adjudication to SCE, Banning and Banning Heights.

Banning Heights shall support all efforts by Banning to have License #550 transferred from SCE to Banning.

**5.3 CEQA and NEPA.** In accordance with the requirements of CEQA and NEPA, appropriate studies, analyses, reports and documents will be prepared by Banning, as the lead agency, and considered by the City Council, in the event that compliance with Environmental Law is required due to (i) the initial project for repair as set forth in Exhibit D attached to the Transfer Agreement, (ii) actions undertaken by Banning including without limitation consultation or support regarding the Facilities, or (iii) repair, maintenance, or operation of the Facilities.

CEQA and NEPA, as being implementory and part of Environmental Law, as set forth above under Article 1.0 (Definitions), specifically Articles 1.14 (CEQA), 1.26 (Environmental Law), and 1.40 (NEPA), serve to protect natural resources through appropriate planning and implementation of measures designed to reduce and possible eliminate adverse effects to the environment arising from human activities. Environmental Law is triggered by some, but not all, activities, with CEQA and NEPA identifying the projects and activities requiring compliance with Environmental Law.

Banning Heights shall support all efforts by Banning to obtain necessary regulatory and Environmental Law approvals.

**5.4 Other Licensing and Permitting.** Other than as set forth herein, the Parties currently are unaware of other licensing or permitting that may be required for implementing the Transfer Agreement or this Agreement.



To the extent Banning bears the obligation or deems it necessary to obtain regulatory approvals, including licensing or permitting, in addition to those set forth above, Banning shall apply in a timely manner for such other permits and approvals as may be required from other governmental or quasi-governmental agencies having jurisdiction as may be required for the repair, maintenance, or operation of the Facilities, and Banning Heights shall cooperate with Banning in its efforts to obtain such permits and approvals and Banning Heights shall also use reasonable efforts, to the extent possible, in coordinating the implementation of the Transfer Agreement and this Agreement with other public agencies, if any, having jurisdiction over repair, maintenance, or operation of the Facilities.

## **ARTICLE 6.0 WATER RIGHTS**

**6.1 Water Rights.** Nothing in the Transfer Agreement or this Agreement shall affect the Whitewater River Adjudication, including the water rights granted to Banning and Banning Heights. Specifically, the Parties agree that nothing herein shall be deemed to be inconsistent with the Parties' Water Rights or the Agreements, and that nothing in this Agreement alters, changes, or modifies in any way the Water Rights of Banning Heights or Banning as set forth in the Agreements and reaffirmed in the Whitewater River Adjudication, nor shall any event subsequent to this Agreement becoming effective alter, change, or modify the Water Rights, unless both Parties unequivocally do so explicitly in writing.

**6.2 Title.** Notwithstanding Article 6.1 set forth above, it is expressly understood title to all water facilities shall transfer to Banning which shall thereafter have the right to operate, manage, maintain, alter, pledge, transfer, hypothecate, such facilities, subject to performing its obligations as provided herein.

**6.3 No Storage or Transferring Water Rights.** Banning Heights shall not bank, store, or transfer, permanently or temporarily, any surplus water delivered to Banning Heights pursuant to this Agreement, nor shall Banning Heights transfer its Water Rights, except as provided for in this Agreement. Banning Heights warrants that it will not market to sell, lease, or otherwise transfer, temporarily or permanently, water from the Facilities, including water delivered from Banning, beyond its existing service area, or shareholders' area as depicted in the "Map of Banning Heights Territory" (attached to this Agreement as Exhibit "B"), though additional development to the maximum provided herein may occur within said area. Notwithstanding the foregoing, Banning may approve within its sole discretion for Banning Heights to serve other parcels which Banning is not capable of serving so long as Banning Heights maintains at least a ratio of not less than one (1) water meter per acre, preceded by Banning providing notice to Banning Heights pursuant to Article 17.9 (Notices) as set forth below for a hearing to be scheduled as an open public hearing item at a regularly-scheduled City Council meeting within thirty (30) days notice, subject to any legal requirements including but not limited to the Ralph M. Brown Act (Government Code §§ 54950 *et seq.*)

## ARTICLE 7.0 WATER SERVICE

**7.1 Delivery.** Banning will deliver a Reasonable Amount of Water to Banning Heights at a Banning/Banning Heights system Inter-Tie, with Banning Heights to pay for the costs of constructing the system Inter-Tie. Maximum development within Banning Heights' existing service area is projected to be not more than double the current units.

**7.2 Delivery Schedule.** Banning will deliver a Reasonable Amount of Water based on the usual and customary industry practice for retail delivery of water.

**7.3 Reductions.** Drought Conditions, Water Emergencies, acts of God, regulatory restrictions, and other conditions beyond Banning's control, including those set forth below in Article 17.8 (Force Majeure), may adversely impact Banning's ability to deliver water to its customers. In such circumstances, Banning's obligation to provide Banning Heights with a Reasonable Amount of Water may be suspended during the term of such conditions, and Banning's obligation to provide Banning Heights a Reasonable Amount of Water at no cost to Banning Heights may be reduced by the same percentage as the percentage reduction in Banning's ability to serve water to its own customers, consistent with Water Code §§ 350 through 359, which governs the standards for a public water supplier to declare and implement Water Emergencies and shortages.

## ARTICLE 8.0 WATER RATES

**8.1 Rates.** Banning Heights shall not be subsidized by other Banning customers for water delivered to Banning Heights. Banning will provide water to Banning Heights at customary rates, consistent with the rates reflected in Exhibit D attached to this Agreement and as set forth herein.

**8.2 Tiered Rates.** Banning shall provide Tiered Rates for water delivered through the Facilities. First Tier rates will be at no charge to Banning Heights for a Reasonable Amount of Water for a Developed Acre so long as the water comes from the Facilities. If in any year: (i) Banning provides Banning Heights with more than a Reasonable Amount of Water; (ii) the circumstances provided above in Article 7.3 apply to a Reduced Water Threshold; or (iii) circumstances as otherwise provided in this Agreement apply for water delivered to Banning Heights other than through the Facilities, then Second Tier rates will be the Banning's customary rate(s) to Banning Heights. The calculation will be made allowing credit for each meter served by Banning Heights, in accordance with Exhibit D.

**8.3 Modification To Banning Water Rates.** Banning reserves the right to modify its water rates for Second Tier rates as those rates are currently reflected in Exhibit D, as deemed necessary by Banning and pursuant to applicable procedural and substantive legal requirements under State law and as may otherwise exist, namely through compliance with the procedural and the substantive standards set forth in Proposition 218 codified in Articles XIII C and XIII D of the California Constitution following statewide voter approval in 1996.

## ARTICLE 9.0 ANNUAL INSPECTION, REPORTS & RECORDS

**9.1 Annual Inspection.** Each Spring, Banning or its designee will perform an annual inspection of the Facilities, and prepare a report that lists all of the recommended repairs and maintenance needed on the Facilities. A representative of Banning Heights may accompany the Banning representative on the inspection.

**9.2 Emergency Repairs.** Notwithstanding the inclusion of recommended repairs for the coming year in the Annual Report, Banning may undertake any necessary emergency repairs for the preparation and efficient operation of the Facilities, giving Banning Heights such notice as may be appropriate under the circumstances, and under any such circumstances, Banning shall include any such work in its report set forth below in Article 9.3.

**9.3 Annual Repair Reports.** Banning will prepare a written annual report consisting of a list of repairs and maintenance undertaken during the previous year, and the list of recommended repairs and maintenance needed after the Annual Inspection. A copy of the report will be provided timely to Banning Heights upon written request from Banning Heights for the report, which shall be submitted to the City as set forth below in Article 17.9 (Notices).

**9.4 Water Delivery Records.** Banning shall maintain for a period of thirty-six (36) months complete and accurate records of the water delivered to Banning Heights.

**9.5 Water Meter Records.** Banning Heights shall maintain for a period of thirty-six (36) months complete and accurate records for all of Banning Heights' water meters in order to ensure a Reasonable Amount of Water is delivered and the appropriate rate is charged. Upon reasonable notice to Banning Heights, Banning or its designee may examine Banning Heights' records pertaining to the water meters, which may include power/electricity invoices or other information that may be used to determine water usage.

**9.6 SWRCB Reports.** Banning will prepare and submit to the SWRCB, the Reports of Licensee that are required once License #550 has been transferred from SCE to Banning.

## ARTICLE 10.0 OPERATION

**10.1 Inter-Tie.** Banning Heights will benefit from an Inter-Tie given that the Inter-Tie, as set forth above in Article 8.1, with Banning's water system provides security for when the Facilities cannot deliver water, whether due to the initial Rehabilitation, future maintenance, or other circumstances including those set forth above in Article 9.2 significantly limiting Banning's ability to deliver water through the Facilities to Banning Heights.

**10.2 General Performance Standards.** Banning shall comply with performance standards throughout the Term of this Agreement, with those standards being consistent with accepted practice(s) for comparable facilities, sound management, and operations practice, as well as any applicable standards provided for in the Transfer Agreement, and applicable law pertaining to the Facilities.

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**10.3 Environmental Performance Standards.** Banning shall comply with applicable environmental laws and regulations in performance of Banning's obligations set forth in this Agreement.

10.3.1 Air Quality. Banning shall operate the Facilities in compliance with all requirements, recommendations, and BMPs for minimization and mitigation of air quality impacts, including but not limited to, compliance with all California Air Resources Board ("CARB") and SCAQMD standards, rules, and regulations.

10.3.2 Hazardous Materials Standards. Banning shall operate, maintain, and repair, when necessary, the Facilities in compliance with all applicable requirements, recommendations, and BMPs for minimization and mitigation of hazards and hazardous materials impacts.

10.3.3 Biological Resources Standards. Banning shall operate, maintain, and repair, when necessary, the Facilities in such a manner as to minimize impacts to biological resources.

10.3.4 Cultural Resources Standards. Banning shall operate, maintain, and repair, when necessary, the Facilities in such a manner as to minimize impacts to cultural resources.

10.3.5 Water Quality Standards. Banning shall operate the Facilities in compliance with all requirements and BMPs for minimization of water quality impacts.

**10.4 Operations Obligations.** Banning shall maintain the Facilities in good working order and repair.

10.4.1 Banning shall engage qualified and competent personnel, whether Banning employees or an independent contractor retained by Banning, in numbers for safe and efficient Facilities operation.

10.4.2 Banning may utilize independent contractors at its sole cost to perform the work for which Banning retained the independent contractor. All independent contractors shall be licensed as required under Applicable Law, including, if required, acquisition and maintenance of a business license from Banning.

10.4.3 Banning shall employ all equipment necessary for the effective operation of the Facilities substantially in accordance with reasonable care according to industry standards and any Applicable Laws.

**10.5** Banning shall not use or permit the use of the Facilities for any purposes other than those contemplated by this Agreement, the Transfer Agreement, or the Flume Agreements.

## **ARTICLE 11.0 MAINTENANCE**

**11.1 Maintenance.** Banning, as owner of the Facilities, shall be responsible for all of the maintenance of the Facilities, and Banning shall have exclusive discretion for identifying potential repairs, replacements, and improvements of the Facilities, and determining which of are importance. All maintenance and repair should follow Best Management Practices, though the Parties recognize specific circumstances may arise that allow other measures to be taken.

Authorized representatives of Banning Heights, as approved by Banning, shall be provided access for inspection of the Facilities, but if and only Banning Heights agrees to indemnify and hold harmless Banning from any loss or liability resulting, directly or indirectly, from such entry, as set forth below in Article 15.

**11.2 Best Management Practices.** Within a reasonable time after the Parties execute this Agreement, Banning shall form a committee formulated at its sole discretion for formulating Best Management Practices to be utilized for maintaining the Facilities, without any obligation of having a Banning Heights representative on the committee. Banning Heights shall be given the opportunity to comment on draft BMPs, but Banning is not obligated to incorporate any such comments.

**11.3 Repairs.** Banning shall diligently repair, replace, or restore the Facilities as Banning determines necessary to remedy damage to, or destruction of, any part of the Facilities that impedes delivery of the Water Rights, which may occur as determined necessary by Banning from time to time or as part of the Annual Inspection as set forth above in Article 9.1. The completed work of compliance, maintenance, repair, replacement, or restoration shall be equal in quality and use to the condition of the Facilities before the event giving rise to the work, except as expressly provided to the contrary herein.

**11.4 Performance Standards.** Banning shall maintain the Facilities consistent with the performance standards provided above in this Article.

## **ARTICLE 12.0 TRANSFER**

**12.1 Transfers Require Approval.** Banning shall not Transfer this Agreement, or any interest in the Facilities, directly or indirectly, except as provided for under State law, including Public Utilities Code §§ 10051 *et seq.*, which identifies the processes and standards governing the sale or disposal of a public utility that is owned by an incorporated municipal corporation, such as Banning, which may include public notice pursuant to Government Code § 6066 and a public hearing pursuant to Public Utilities Code § 10061(e) for evaluating proposals for acquisition of the public utility.

**12.2 Exceptions.** The requirement for approval shall not apply to any of the following:

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12.2.1 The granting of easements or dedications to any appropriate governmental entity or utility or permits to facilitate the operation, repair, or maintenance of the Facilities.

12.2.2 A sale or transfer of the Facilities to a subsidiary of Banning.

12.2.3 As permissible pursuant to Public Utilities Code §§ 10051 *et seq.*, as described above in Article 12.1, or other applicable law, as the case may be.

**12.3 Assumption of Obligations.** No attempted transfer or any of Banning's obligations hereunder shall be effective unless and until the successor party executes and delivers to Banning Heights an assumption agreement in a form approved by Banning Heights assuming such obligations. Following any such assignment or transfer of any of the rights and interests of Banning under this Agreement, the exercise, use, and enjoyment shall continue to be subject to the terms of this Agreement to the same extent as if the assignee or transferee were Banning.

**12.4 Release of Banning.** Upon delivery to Banning Heights of the assumption agreement referenced above in Article 12.2, Banning is released and relieved from all obligations under this Agreement.

**12.5 No Assignment of Claims or Causes of Action.** The Parties warrant that they have made no assignment, and will make no assignment, of any claim, cause of action, right of action or any right of any kind whatsoever, embodied in any of the provisions referred to herein.

**12.6 Successors and Assigns.** This Agreement, and all the terms and provisions hereof, shall be binding upon and shall inure to the benefit of the Parties and their respective heirs, legal representatives, successors and assigns.

## **ARTICLE 13.0 REMEDIES**

**13.1 Right to Terminate.** Notwithstanding obligations and provisions of this Agreement and as may otherwise exist between the Parties, (i) should a license, permit, application, or other approval sought from a regulatory agency associated with maintenance or operation of the Facilities not be approved or granted, or (ii) if approved or granted but is made subject to conditions that in either Party's sole discretion makes it unlikely that the water deliveries they have historically received will continue through the Facilities (e.g., environmental mitigation could make future flows insufficient), or (iii) if Banning determines that it is unable to fund its obligations hereunder, in its sole, absolute discretion, or (iv) for any other reason either Party wishes to terminate this agreement then: (i) the Parties shall meet and confer as set forth below in Article 14.4 to seek agreement on modifications to this Agreement, or (ii) either Party may unilaterally and in their sole discretion terminate this Agreement.

**13.2 Termination.** No breach of this Agreement shall entitle any Party to cancel, rescind or otherwise terminate this Agreement, or excuse the performance of such Party's obligations hereunder; provided that, however, this limitation shall not affect in any manner any other rights or remedies which the parties may have by reason of such breach.

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**13.3 Right of Reversion.** If Banning fails to perform any of its obligations set forth in this Agreement relating to operation, repair, or maintenance of the Facilities, or if Banning fails to provide water to Banning Heights as set forth in this Agreement, then Banning Heights, without paying any compensation or incurring any liability for damages or losses of any kind, shall have the right to terminate all right, title, and interest held by Banning in the Facilities in the manner provided by law for the exercise and enforcement of this power of termination, with the exception of Banning's water rights, which shall not be subject to reversion, forfeiture, or any other loss due to failure to perform an obligation pursuant to this Agreement. Upon proper completion of such termination or reversion, Banning shall provide and deliver to Banning Heights a deed reflecting the same.

If reversion of the Facilities were to occur, then the acquiring person or entity bears full responsibility to deliver to Banning its Water Rights. Under no circumstance are Banning's Water Rights subject to reversion.

**13.4 Meet and Confer.** Following the effective date of this Agreement, if a Party develops a concern with a Party's obligations in, or the provisions of, this Agreement, that Party shall make good-faith efforts to meet and discuss that concern with the other Party at a mutually-agreeable time and location, by giving notice to the other Party as set forth below in Article 17.9 of the concern and proposed time and location. Should the Parties meet and confer, such discussions shall occur, whether in multiple meetings as the case and circumstances may be, for a minimum of one month at the end of which either Party may walk away from the meet and confer process and a Party, at its sole discretion, may pursue remedies as set forth in this Agreement including mediation as set forth below in Article 13.9 (Mediation). Failure by either Party to exercise good faith efforts to meet and to discuss such a concern may be offered for consideration in any subsequent administrative or legal proceeding relating to resolution of that concern.

**13.5 Rights of Nonbreaching Party after Breach.** The Parties acknowledge that both Parties shall have all legal and equitable remedies as provided by law following the occurrence of a breach. Before this Agreement may be terminated or action may be taken to obtain judicial relief the Party seeking relief for a breach ("Nonbreaching Party") shall comply with the meet and confer, and notice and cure, provisions set forth in this Article.

**13.6 Notice of Breach and Opportunity to Cure.** A Nonbreaching Party in its discretion may elect to declare a breach under this Agreement in accordance with the procedures hereinafter set forth for any failure or breach of the other Party ("Breaching Party") in its performance of a material duty or obligation of said Breaching Party under the terms of this Agreement. However, the Nonbreaching Party must provide written notice to the Breaching Party setting forth the nature of the breach or failure and the actions, if any, required by Breaching Party to cure such breach or failure ("Default Notice"). The Breaching Party shall be deemed in "default" under this Agreement, where: (i) said breach or failure can be cured, but the Breaching Party has failed to fully cure within thirty (30) days after the date of the Default Notice (subject to the provisions below), or (ii) a monetary default remains uncured for ten (10) days (or such lesser time as may be specifically provided in this Agreement).

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**13.7 Non-Monetary Defaults; Longer Cure Period.** The Breaching Party on a non-monetary breach shall not be deemed in breach of this Agreement, and such breach shall be waived, if such non-monetary breach cannot reasonably be cured within the above-prescribed thirty (30) day period, so long as the purported Breaching Party does each of the following:

13.7.1 Notifies the Nonbreaching Party in writing with a reasonable explanation as to the reasons the asserted breach is not curable within the thirty (30) day period;

13.7.2 Notifies the Nonbreaching Party of the Breaching Party's proposed cause of action to cure the breach;

13.7.3 Commences action to cure the breach within the thirty (30) day period.

13.7.4 Makes periodic reports to the Nonbreaching Party as to the progress of the program of cure; and

13.7.5 Diligently prosecutes such cure to completion.

**13.8 Termination Upon Breach.** Upon receiving a Default Notice, should the Breaching Party fail to timely cure a breach, or fail to diligently pursue such cure as prescribed above, the Nonbreaching Party may, in its discretion, provide the Breaching Party with a written notice of intent to terminate this Agreement and other Agreements ("Termination Notice"). The Termination Notice shall state that the Nonbreaching Party will elect to terminate the Agreement within thirty (30) days and state the reasons therefore (including a copy of any specific charges of breach) and a description of the evidence upon which the decision to terminate is based.

**13.9 Mediation.** The Parties may seek, without the obligation to do so and with the right to walk away, mediation prior to pursuing other remedies including claims or litigation.

## **ARTICLE 14.0 AMENDMENTS**

**14.1 Initiation of Amendment.** Either Party may propose an amendment to this Agreement.

**14.2 Procedure.** Except as set forth in this Article, the procedure for proposing and adopting an amendment to this Agreement shall be the same as the procedure required for entering into this Agreement in the first instance, consisting of communications between and approvals by authorized representatives of Banning and Banning Heights.

**14.3 Consent.** Except as expressly provided in this Agreement, no amendment to all or any provision of this Agreement shall be effective unless set forth in writing and signed by duly authorized representatives of each of the Parties hereto.

**14.4 Minor Modifications.** Implementation of Facilities operations, repairs, or maintenance may require minor modifications of the details of the Parties under this Agreement. The Parties desire to retain a certain degree of flexibility with respect to those items covered in

general terms under this Agreement. Therefore, non-substantive and procedural modifications of the Facilities operations, repairs, or maintenance shall not require modification of this Agreement.

14.4.1 Modification will be deemed non-substantive and/or procedural if it does not result in a material change in water deliveries or payment of Water Rates.

14.4.2 Notwithstanding the foregoing, Banning will process any change to this Agreement consistent with State law and will hold public hearings therein if so required by State law.

**14.5 Effect of Amendment to this Agreement.** The Parties agree that except as expressly set forth in any such amendment, an amendment to this Agreement will not alter, affect, impair, modify, waive, or otherwise impact any other rights, duties, or obligations of either Party under this Agreement, nor will the Parties' Water Rights be affected.

## **ARTICLE 15.0 INSURANCE, INDEMNIFICATION AND HOLD HARMLESS**

**15.1 Indemnification and Hold Harmless.** Banning agrees to indemnify and hold harmless Banning Heights, its agents, employees and officials against any and all claims, demands, damages, liabilities, costs, suits, or expenses arising out of any act or omission of any officer, agent or employee of Banning arising from performance or non-performance pursuant to this Agreement including those set forth above in Article 1.17 (Claims or Liabilities). Banning Heights agrees to indemnify and hold harmless Banning, its agents, employees and officials against any and all claims, demands, damages, liabilities, costs, suits or expenses arising out of any act or omission of any officer or employee of Banning Heights arising from performance or non-performance pursuant to this Agreement including those set forth above in Article 1.17 (Claims or Liabilities). It is also understood and agreed that Banning shall indemnify, defend, and hold Banning Heights harmless from any liability imposed for injury (as defined by Government Code § 810.8) occurring by reason of any acts or omissions on the part of Banning under or in connection with any work, authority, or obligations delegated to Banning under this Agreement, and Banning Heights shall indemnify, defend, and hold Banning harmless from any liability imposed for injury (as defined by Government Code § 810.8) occurring by reason of any acts or omissions on the part of Banning Heights under or in connection with any work, authority, or obligations delegated to Banning Heights under this Agreement.

**15.2 Survival.** All indemnity obligations set forth herein shall survive termination of this Agreement.

**15.3 Insurance.**

(a) **Insurance Requirements.** Each Party shall, at its sole cost and expense, secure and maintain the insurance provided for herein in full force and effect throughout the term of this Agreement, against claims for injuries to persons or damages to property, which may arise from or in connection with the performance and/or obligations of each Party, their respective agents, employees and officials. Each Party shall maintain the types and amounts of insurance

coverage, together with related specified deductibles, listed below or required by applicable law, whichever is greater.

(b) **Minimum Limits of Insurance.**

(1) General Liability: \$1,000,000 per occurrence, \$2,000,000 for bodily injury, personal injury and property damage. If Comprehensive General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the activities related to this Agreement or the general aggregate limit shall be twice the required occurrence limit.

(2) Commercial Auto Liability: \$1,000,000 per accident for bodily injury, including accidental death, and property damage that may arise from operations pursuant to this agreement.

(3) Workers' Compensation and Employers' Liability Insurance: Workers' Compensation as required by the Labor Code of the State of California and Employers Liability limits of at minimum \$ 1,000,000 per accident.

(4) Insurer's Rating: The insurance required by this Agreement shall be with insurers that are A.M. Best A- rated or better.

(5) Adjustment in Amount of Insurance. The Parties acknowledge that the market for insurance is subject to unforeseeable events which can affect the amount of coverage needed and pricing therefor. Accordingly, in the event that either Party determines that the services under this Agreement create an increased or decreased risk of loss to that Party, that Party agrees that the minimum limits of the insurance policies required by this Article may be changed accordingly upon receipt of written notice from the other Party.

**ARTICLE 16.0**  
**ENFORCEMENT**

**16.1 Injunctive Relief for Breach.** The Parties acknowledge and agree that any material violation of this Agreement is likely to result in immediate and irreparable harm for which monetary damages may be inadequate, difficult or impossible to determine. Accordingly, the Parties consent to injunctive and other appropriate equitable relief including the remedy of specific performance, upon the institution of proceedings by any of the Parties to protect the rights of the Parties under this Agreement in the event of any violation or threatened violation of any provision.

**16.2 Other Rights of the Parties.** In the event of any violation or threatened violation of any of the provisions of this Agreement, then in addition to, but not in lieu of, any of the rights or remedies the Parties may have to enforce the provisions hereof, the Parties shall have the right to seek additional relief to which the Parties may be entitled at law or in equity.

**16.3 Cumulative Remedies.** Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the Parties are cumulative



and the exercise by any Party of one or more of such rights or remedies shall not preclude the exercise by it whether seeking equitable or monetary relief, at the same or different times, of any other rights or remedies for the same default or any other default by any other Party.

**16.4 Waiver.** Failure to insist on compliance with any term, covenant or condition contained in this Agreement shall not be deemed a waiver of that term, covenant or condition, nor shall any waiver or relinquishment of any right or power contained in this Agreement at any one time or more times be deemed a waiver or relinquishment of any right or power at any other time or times.

**16.5 Governing Law and Venue.** This Agreement is made and entered into in the State of California, and shall in all respects be interpreted, enforced and governed under the laws of said State without giving effect to conflicts of laws principles. Any action at law or in equity arising under this Agreement or brought by any Party for the purpose of enforcing, construing, or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Riverside, State of California, or the United States District Court for the Central District of California. The Parties waive all provisions of law providing for the removal or change of venue to any other court.

**16.6 Attorneys' Fees and Costs.** If any Party to this Agreement is required to initiate or defend any action or proceeding in any way arising out of the Parties' agreement to, or performance of this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorney's fees from the other. As used herein, the "prevailing party" shall be the party determined as such by a court of law pursuant to the definition in Code of Civil Procedure § 1032(a)(4), as it may be subsequently amended. Attorney's fees shall include attorney's fees on any appeal, and in addition a party entitled to attorney's fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.

## **ARTICLE 17.0 MISCELLANEOUS**

**17.1 Assistance of Counsel.** The Parties each specifically represent that they have consulted to their satisfaction with and received independent advice from their respective legal counsel prior to executing this Agreement concerning the terms and conditions of this Agreement, and each Party acknowledges and represents that its execution of this Agreement is free and voluntary.

**17.2 Severability.** Should any portion, word, clause, phrase, sentence or paragraph of this Agreement be declared void or unenforceable, such portion shall be considered independent and severable from the remainder, the validity of which shall remain unaffected.

**17.3 Ambiguity.** The Parties acknowledge that this Agreement was jointly prepared by them, by and through their respective legal counsel, and any uncertainty or ambiguity existing

herein shall not be interpreted against any of the Parties, but otherwise shall be interpreted according to the application of the rules on interpretation of contracts.

**17.4 Entire Agreement.** This Agreement constitutes the entire agreement between the Parties and supersedes any and all other agreements, understandings, negotiations, or discussions, either oral or in writing, express or implied between the Parties to this Agreement. The Parties to this Agreement each acknowledge that no representations, inducements, promises, agreements, or warranties, oral or otherwise, have been made by them, or anyone acting on their behalf, which are not embodied in this Agreement, that they have not executed this Agreement in reliance on any such representation, inducement, promise, agreement or warranty, and that no representation, inducement, promise, agreement or warranty not contained in this Agreement, including, but not limited to, any purported supplements, modifications, waivers, or terminations of this Agreement shall be valid or binding, unless executed in writing by all of the Parties to this Agreement.

**17.5 Waivers.** Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or the failure by a Party to exercise its rights upon the default of the other Party, shall not constitute a waiver of such Party's right to insist and demand strict compliance by the other Party with the terms of this Agreement thereafter. Once Banning and Banning Heights have approved all of the Agreements, Banning Heights shall be deemed to have waived any claim that any condition of the development approvals is improper or that the approval constitutes a breach of the provisions of this Agreement.

**17.6 Construction of This Agreement.** The language of this Agreement shall be construed as a whole and given its fair meaning with liberal construction and interpretation. The captions of the sections and subsections are for convenience only and shall not influence construction. This Agreement shall be governed by the laws of the State of California. This Agreement shall not be deemed to constitute the surrender or abrogation of any of Banning's governmental powers.

**17.7 Time of Essence.** Time is of the essence in the performance of the provisions of this Agreement as to which time is an element, and the resolution of any dispute which may arise concerning the obligations of Banning and Banning Heights as set forth in this Agreement.

**17.8 Force Majeure.** The time within which Banning or Banning Heights shall be required to perform any act under this Agreement shall be extended by a period of time equal to the number of days during which performance of such act is delayed due to an uncontrollable circumstance, including circumstances described in this Agreement and by reason of acts of God, earthquakes, droughts, floods, storms, explosion, fires, labor troubles, strikes, insurrection, riots, acts of the public enemy, or federal, state, or local law, order, rule, or regulation, that prevents, in whole or in part, Banning or Banning Heights may perform their respective obligations under this Agreement. An extension of time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the uncontrollable circumstance, if written notice by the Party claiming such extension is sent to the other Party within thirty (30) days of knowledge of the commencement of the uncontrollable circumstance. Any act or failure to act on the part of a Party shall not excuse performance by that Party.

**17.9 Notices.** Any notice, demand, request, document, consent, approval, or communication that any Party to this Agreement desires or is required to give to the other Party, or any other person or entity regarding this Agreement, shall be in writing and either served personally or sent by prepaid, certified first-class mail, facsimile, or other means by which delivery to the Parties' designated representatives provided (or their successors) below can be confirmed. Notice shall be deemed effective upon the delivery of such notice to the party for whom it is intended at the address set forth below:

**To Banning Heights:**

Banning Heights Mutual Water Company  
President, Board of Directors  
7901 Bluff Street  
Banning, California 92220  
Telephone: (951) 849-8420  
Facsimile: (951) 849-6068

**With a copy to:**

John G. McClendon  
Leibold McClendon & Mann, P.C.  
23422 Mill Creek Drive, Suite 105  
Laguna Hills, California 92653  
Telephone: (949) 457-6317  
Facsimile: (949) 457-6305

**To Banning:**

City of Banning  
Director of Utilities  
99 East Ramsey  
Banning, California 92220  
Telephone: (951) 922-3105  
Facsimile: (951) 922-3128

**With a copy to:**

David J. Aleshire, City Attorney  
Aleshire & Wynder, LLP  
18881 Von Karman Avenue, Suite 1700  
Irvine, California 92612

**17.10 Governing Law and Venue.** This Agreement is made and entered into in the State of California, and shall in all respects be interpreted, enforced and governed under the laws of said State without giving effect to conflicts of laws principles. Any action at law or in equity arising under this Agreement or brought by any Party for the purpose of enforcing, construing, or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Riverside, State of California, or the United States District Court for the Central District of California. The Parties waive all provisions of law providing for the removal or change of venue to any other court.

**17.11 Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be considered an original but all of which shall constitute one agreement.

**17.12 No Third Party Beneficiaries.** The only Parties to this Agreement are Banning and Banning Heights. There are no third party beneficiaries, and this Agreement is not intended, and shall not be construed, to benefit or be enforceable by any other person whatsoever.

**17.13 Further Actions and Instruments.** Each of the Parties shall cooperate with and provide reasonable assistance to the other to the extent necessary to implement this Agreement. Upon the request of either Party at any time, the other Party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary to implement this Agreement or to evidence or consummate the transactions contemplated by this Agreement.

**17.14 Authority To Sign.** The persons executing this Agreement on behalf of the Parties hereto represent and warrant that: (i) such Party is duly organized and existing; (ii) they are duly authorized to execute and deliver this Agreement on behalf of said Party and to bind that Party, including its members, agents and assigns; (iii) by so executing this Agreement, such Party is formally bound to the provisions of this Agreement; and, (iv) the entering into this Agreement does not violate any provision of any other agreement to which said Party is bound.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the undersigned have executed this Agreement, consisting of a total of 27 pages, on the dates set forth below.

**"BANNING HEIGHTS"**

Dated: \_\_\_\_\_, 2012

BANNING HEIGHTS MUTUAL WATER  
COMPANY

By: \_\_\_\_\_  
Its: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Its: \_\_\_\_\_

APPROVED AS TO FORM:

Dated: \_\_\_\_\_, 2012

JOHN G. McCLENDON, ESQ.  
LEIBOLD McCLENDON & MANN, P.C.

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**"BANNING"**

Dated: \_\_\_\_\_, 2012

CITY OF BANNING

By: \_\_\_\_\_  
Its: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Its: \_\_\_\_\_

APPROVED AS TO FORM:

Dated: \_\_\_\_\_, 2012

DAVID J. ALESHIRE, ESQ.  
ALESHIRE & WYNDER, LLP

By: \_\_\_\_\_  
Its: \_\_\_\_\_



**NOTE:** The following exhibits are not attached with this agreement, but are on file and available with the City Clerk and Department of Public Works of the City of Banning:

**Exhibit "A": Map of the Facilities**

**Exhibit "B": Map of Banning Heights Territory**

**Exhibit "C": Agreement for Transfer of San Gorgonio Hydroelectric Project No. 344 Water Conveyance Facilities and Exhibits (Transfer Agreement)**

**Exhibit "D": Water Rate Charges to Banning Heights**

**JOINT MEETING  
REPORT OF OFFICERS**

**DATE:** March 26

**TO:** Mayor and Members of the City Council

**FROM:** June Overholt, Administrative Services Director / Deputy City Manager

**SUBJECT:** FY 2012/13 Mid-Year Budget Review

**RECOMMENDATION:** That the City Council approve City Resolution No. 2012-38, the Banning Utility Authority Resolution No. 2013-06UA and the Successor Agency Resolution No. 2013-06SA authorizing the Administrative Services Director to make necessary budget adjustments to implement the mid-year analysis.

**BACKGROUND:** The budgets for the City, Banning Utility Authority and Successor Agency for FY 2012/13 were adopted on June 26<sup>th</sup>, 2012. Adjustments to the adopted budgets typically occur during the fiscal year as a result of unforeseen changes in revenue or expenditure requirements often due to an award of a grant or initiating a capital project. These changes require City Council or Agency Board action for approval. The purpose for the mid-year review is to determine if any budget adjustments are necessary to the operating budgets.

The Fund Summary Status is the primary budget document that is adopted, managed and evaluated throughout the year. Below are some observations about the report:

- The “Available Balance @ July 1, 2012” is updated during midyear to reflect the actual available balances from June 30, 2012.
- The Adjusted Revenue and Adjusted Expenditures include all authorized appropriations approved by Council from July 1, 2012 through December 31, 2012, plus any continuing appropriations/encumbrances that were carried forward. Finally, it includes the midyear budget adjustments.
- The “Projected (Proj) Balance @ June 30, 2013” shows the projected, estimated ending balances (reserves/fund balance). These will also be used as the starting point for the next budget cycle.

A complete list showing the adjustment requested for each affected account is contained in the detailed attachments for each resolution. Adjustments to the salary accounts have been summarized on one line for each affected fund. Adjustments to payroll basically reflect savings as a result of the negotiations with the various employee groups. The remainder of this report will highlight other significant changes to the budget of the major funds.

## General Fund

The original General Fund budget was adopted as balanced. However, the budget message included several observations on how the budget was balanced including a component related to reductions in compensation by the employee groups. Negotiations with the bargaining groups are basically completed. Council has adopted several side letter agreements and resolutions related to those negotiations. Final Memorandums of Understanding (MOUs) are still being worked on for future adoption by Council.

The following table provides a summary of the net changes to the estimated General Fund budget. Adjustments made during the first six months of the year include continuing appropriations (police grants awarded in prior years where the reimbursement revenue had not been received or fully spent) and encumbrances (open purchase orders at year end where the work was still in progress at year end).

<b>General Fund</b>	
Beginning budget net gain (loss) to reserves	0
<u>Adjustments during first 6 months:</u>	
Encumbrances	(199,750)
Net continuing appropriations - grants	655,661
Net continuing appropriations - other	(61,615)
Favorable budget adjustments (before midyear)	394,296
<u>Midyear adjustments</u>	
ADD - net increases in revenue	458,403
ADD - net reductions in expenditures	45,100
Favorable midyear adjustments	503,503
Revised net gain (loss) to General Fund	897,799

REVENUES: Regarding the midyear revenue review, the net impact is an increase in estimates by \$458,403. The primary areas of improvement are:

### Midyear Adjustments to Revenues

Sales tax	169,000	
RDA asset distribution	291,541	(one time source)
Transfer from water & refuse	73,000	(offset by expenditure)
Electric Administration Fee	91,000	
miscellaneous reductions - net	(166,138)	(i.e. towing, interest)
	<u>\$ 458,403</u>	

An improvement in sales tax is a good sign that the economy may be turning around. \$80,000 of this increase is expected from the Cabazon Outlets. -- The RDA asset distribution is a one-time source of revenue as a result of the Dissolution of the Redevelopment Agency. Part of the

process required the preparation of the Due Diligence Review (DDR) of the Low & Moderate Income funds. Once approved by the Oversight Board and the State Department of Finance, the assets identified in the DDR were distributed to the affected taxing entities. The City General Fund received its distribution. -- The increase in transfers from the Water and Refuse Fund is required to offset the related transfer out to the Gas Tax Fund. The City is required to comply with the Memorandum of Effort to participate in receiving Measure A funds. After going through the audit and discussing the requirements with RCTC, they required that the City change the budget presentation. The Midyear changes reflect those requirements. The expenditures show a similar increase. -- Electric Administrative fee revenues increased in relation to the increases in operating revenues. -- Net miscellaneous reductions include several increases and decreases in estimated revenues. The major changes were reductions in estimated interest income and CVC fines.

**EXPENDITURES:** The expenditure budget has been reduced by \$45,100, which results in a favorable increase in projected reserves. This is primarily budget savings expected due to vacancies throughout the first six months. Additional savings are likely to occur before year end. The adjustments to expenditures include net personnel savings of \$225,766, animal control savings of \$25,650 and other savings of \$21,459. These are offset by an increase in Recreation & Aquatics part time budget (\$34,666) and Police overtime budget (\$120,109). There is an increase in the Transfer to the Gas Tax Fund of (\$73,000), which has an equal offset on the revenue side.

**ENDING BALANCE/ "RESERVES":** The Balance @ June 30, 2013 is projected at \$2,954,678. This balance assumes that all revenues will be received as estimated and all expenditures will be expended as budgeted. This balance also includes the emergency contingency commitment of \$2.3M.

The Emergency Contingency Commitment of \$2.3M represents approximately 17% of the operating budget of \$13.6M. Each year the Council adopts the Budget and Fiscal Policies as part of the Budget document. The policy established a Contingency Commitment of a minimum of \$1.5M or up to 25% if funds are available. The policy was reduced from the prior year Commitment of \$3M in order to address the reduction in reserves during Fiscal Year 2011-12. Any increase in Reserves provides critical resources to the City for unexpected emergencies and resources to navigate projected budget deficits in the future.

#### Banning Utility Authority

The Utility Authority includes the Water, Waste Water and Reclaimed Water funds. The Water Operations fund has an improved financial outlook. This is important to meet the bond covenant debt coverage requirements. However, the Waste Water Operations fund has a projected deficit due to reducing the revenue estimates by \$300,000 based on trends. Similar to the Water Fund, there are bond covenants that require a 115% debt coverage ratio. The Authority has implemented the rates that were approved in 2010. Year three of the four year rate increase was implemented in September 2012 and is factored into the revenue estimates. Staff is in the process of initiating a new rate study to determine if additional rate increases are needed in upcoming years. Reserve balances for both utilities are still within the 10% reserve policy requirement. Both utilities still have a lean budget with virtually no operational capital projects that were contemplated when the rates were originally considered.

The operational funds for the utilities should be structurally balanced. Costs and operations should be funded through rates and fees collected from customers. The other utility related funds may function with a deficit since these typically are funded through revenue sources collected in prior years (i.e. development fees, bond funds) and are intended for major projects.

#### Electric

The Electric Fund began the year balanced. However, the midyear review shows an operational deficit of \$1.2M. Although revenue estimates were increased by \$700,000, the expenditure budget has increased by \$2M, which led to the projected deficit. When the budget was approved, the budget message described a risk regarding operating costs with the San Juan facility. The actions to eliminate or significantly reduce the burden of operating the San Juan facility did not occur as anticipated. Staff will be providing an update on the San Juan facility at an upcoming Council meeting.

The Electric Fund also has bond covenants that require a debt coverage ratio of 115%. The Electric Operations have not met the requirement for the last couple of years. Staff has worked with Standard and Poor's to provide them with updates on the steps the City is taking to mitigate this problem. These actions include eliminating or reducing the operating costs with San Juan, which did not occur. The next step, currently in progress, is to evaluate rate increases. Staff will be presenting a rate increase proposal to Council at an upcoming Council meeting.

The projected ending fund balance meets the City reserve goal of 10% of operating expenditures.

#### Other Funds

The other funds have been reviewed and adjusted as needed to reflect actual trends or to resolve deficit fund balances. The Fund Summary Schedule has been updated to reflect the midyear recommendations. Column 4 of the Fund Summary Schedule (Attachment A) indicates the expected annual effect of FY 2012/2013 activity. Most of the deficits (losses) are in capital funds that utilize existing fund balance to complete budgeted projects.

#### Successor Agency (previously the CRA)

The midyear review for the Successor Agency attempts to align the budget with the items approved on the ROPS that cover this budget year, while trying to reflect the timing of receiving the RPTTF versus when it is spent.

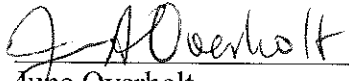
#### December Interim Financial Report

The December report provides a snapshot status of the budget and actual activity for the first six months of the fiscal year. The report focuses on the General Fund and provides information to assist readers in understanding the General Fund revenues and expenditures.



**FISCAL DATA:** The proposed resolutions will enable the Administrative Services Director to post budget adjustments to the accounts for the City of Banning, Banning Utility Authority and the Banning Successor Agency. The effects of these adjustments will be to change estimated revenues, expenditures and ending fund balances as shown on the Fund Summary Schedule (Attachment A).

**RECOMMENDED BY:**

  
June Overholt  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**

  
Andy Takata  
City Manager

CITY OF BANNING  
Fund Summary Status  
MidYear FY13 Projections  
FY 2012-13

#	FUND NAME	(1) Available Resources @ July 1, 2012	(2) FY 2012-13 Adjusted Revenue	(3) FY 2012-13 Adjusted Expenditures	(4) Proj. YTD Gain/(Loss) (Col. 2-3)	(5) Proj. Balance @ June 30, 2013 (Col. 1+4)
<b>Governmental Funds</b>						
001	General	2,056,879	14,498,682	13,600,883	897,799	2,954,678
	<b>Sub-Total</b>	<b>2,056,879</b>	<b>14,498,682</b>	<b>13,600,883</b>	<b>897,799</b>	<b>2,954,678</b>
<b>Special Revenue Funds</b>						
002	Developer Deposit Fund	-	222,904	222,904	-	-
003	Riverside County MOU	239,202	451,000	555,868	(104,868)	134,334
100	Gas Tax Street	685,141	921,300	1,433,747	(512,447)	172,694
101	Measure A Street	892,852	878,171	1,111,870	(233,699)	659,153
103	SB300 Street Improvement	147,857	725	51,870	(51,145)	96,712
104	Article 3 - Sidewalk Construction	13,319	300	-	300	13,619
110	C.D.B.G.	(5,274)	399,549	394,275	5,274	-
111	Landscape Maintenance Assmt. Dist.#1	216,964	133,474	138,246	(4,772)	212,192
132	Air Quality Improvement	172,746	20,250	43,000	(22,750)	149,996
140	Asset Forfeiture	2,496	-	-	-	2,496
148	Supplemental Law Enforcement	253,150	100,365	353,515	(253,150)	-
149	Public Safety - Sales Tax	24,629	4	24,633	(24,629)	-
150	State Park Bond Act	932	-	-	-	932
190	Housing Authority Fund	(45)	150,000	149,955	45	-
200	Special Donations	24,821	20,140	24,201	(4,061)	20,760
201	Senior Center Activities	67,602	3,800	15,935	(12,135)	55,467
202	Animal Control Reserve	4,891	-	-	-	4,891
203	Police Volunteer	3,693	-	1,080	(1,080)	2,613
300	City Hall COP Debt Service*	1,395	437,001	437,001	-	1,395
360	Sun Lakes CFD #86-1	34,923	50	-	50	34,973
365	Wilson Street #91-1 Assessment Debt	43,106	75	-	75	43,181
370	Area Police Computer	25,895	41,487	55,279	(13,792)	12,103
375	Fair Oaks #2004-1 Debt Service	183,260	201,753	202,103	(350)	182,910
376	Cameo Homes	45,653	100	-	100	45,753
	<b>Sub-Total</b>	<b>3,079,208</b>	<b>3,982,448</b>	<b>5,215,482</b>	<b>(1,233,034)</b>	<b>1,846,174</b>

CITY OF BANNING  
Fund Summary Status  
MidYear FY13 Projections  
FY 2012-13

#	FUND NAME	(1) Available Resources @ July 1, 2012	(2) FY 2012-13 Adjusted Revenue	(3) FY 2012-13 Adjusted Expenditures	(4) Proj. YTD Gain/(Loss) (Col. 2-3)	(5) Proj. Balance @ June 30, 2013 (Col. 1+4)
<b>Capital Improvement Funds</b>						
400	Police Facilities Development	33,888	100	-	100	33,988
410	Fire Facility Development	931,062	1,200	-	1,200	932,262
420	Traffic Control Facility	423,318	5,600	95,000	(89,400)	333,918
421	Ramsey/Highland Home Traffic Signal	80,465	150	-	150	80,615
430	General Facilities	475,268	1,200	-	1,200	476,468
441	Sunset Grade Separation Fund	(771,321)	2,858,728	2,085,866	772,862	1,541
444	Wilson Median	376,524	500	-	500	377,024
451	Park Development	155,860	250	132,046	(131,796)	24,064
470	Capital Improvement Fund	660,953	600	4,520	(3,920)	657,033
	<b>Sub-Total</b>	<b>2,366,017</b>	<b>2,868,328</b>	<b>2,317,432</b>	<b>550,896</b>	<b>2,916,913</b>
<b>Banning Utility Authority</b>						
660	Water Operations	4,096,397	9,640,000	8,719,084	920,916	5,017,313
661	Water Capital Facility Fee	4,756,585	322,500	887,182	(564,682)	4,191,903
663	BUA Water Capital Project Fund	2,474,553	2,750	770,000	(767,250)	1,707,303
669	BUA Water Debt Service Fund	86,391	2,289,405	2,288,905	500	86,891
	<b>Water Subtotal</b>	<b>11,413,926</b>	<b>12,254,655</b>	<b>12,665,171</b>	<b>(410,516)</b>	<b>11,003,410</b>
680	Wastewater Operations	1,206,444	2,917,159	3,047,615	(130,456)	1,075,988
681	Wastewater Capital Facility Fees	10,597,313	105,000	85,000	20,000	10,617,313
683	BUA WWtr Capital Project Fund	3,302,311	1,500	576,166	(574,666)	2,727,645
685	State Revolving Loan	768,565	302,000	300,103	1,897	770,462
689	BUA Wastewater Debt Service Fund	88,993	393,669	393,389	280	89,273
	<b>Wastewater Subtotal</b>	<b>15,963,626</b>	<b>3,719,328</b>	<b>4,402,273</b>	<b>(682,945)</b>	<b>15,280,681</b>
662	Irrigation Water	3,011,000	5,000	1,849,459	(1,844,459)	1,166,541
682	Wastewater Tertiary	3,398,365	344,000	-	344,000	3,742,365
	<b>Reclaimed Water Subtotal</b>	<b>6,409,365</b>	<b>349,000</b>	<b>1,849,459</b>	<b>(1,500,459)</b>	<b>4,908,906</b>
	<b>Sub-Total</b>	<b>33,786,917</b>	<b>16,322,983</b>	<b>18,916,903</b>	<b>(2,593,920)</b>	<b>31,192,997</b>
<b>Enterprise Funds</b>						
600	Airport	200,907	349,012	387,282	(38,270)	162,637
610	Transit Operations	-	1,987,482	1,987,482	-	-
690	Refuse	296,510	3,177,850	3,088,719	89,131	385,641
	<b>Subtotal</b>	<b>497,417</b>	<b>5,514,344</b>	<b>5,463,483</b>	<b>50,861</b>	<b>548,278</b>
670	Electric Operations	7,751,932	28,241,000	29,499,463	(1,258,463)	6,493,469
672	Rate Stability	5,935,907	60,000	-	60,000	5,995,907
673	Electric Improvement	8,643,598	1,504,195	3,238,212	(1,734,017)	6,909,581
674	2007 Elec Rev Bond Project Fund	15,116,679	-	6,968,384	(6,968,384)	8,148,295
675	Public Benefit Fund	200,817	669,750	691,345	(21,595)	179,222
678	2007 Elec Rev Bond Debt Service	389,611	2,672,330	2,674,330	(2,000)	387,611
	<b>Electric Subtotal</b>	<b>38,038,544</b>	<b>33,147,275</b>	<b>43,071,734</b>	<b>(9,924,459)</b>	<b>28,114,085</b>
	<b>Sub-Total</b>	<b>38,535,961</b>	<b>38,661,619</b>	<b>48,535,217</b>	<b>(9,873,598)</b>	<b>28,662,363</b>

CITY OF BANNING  
*Fund Summary Status*  
 MidYear FY13 Projections  
 FY 2012-13

#	FUND NAME	(1) Available Resources @ July 1, 2012	(2) FY 2012-13 Adjusted Revenue	(3) FY 2012-13 Adjusted Expenditures	(4) Proj. YTD Gain/(Loss) (Col. 2-3)	(5) Proj. Balance @ June 30, 2013 (Col. 1+4)
<b><i>Internal Service Funds</i></b>						
700	Risk Management Fund	527,416	2,384,584	2,444,943	(60,359)	467,057
702	Fleet Maintenance	601,923	1,097,404	1,103,886	(6,482)	595,441
703	Information Systems Services	127,573	389,073	425,478	(36,405)	91,168
761	Utility Billing Administration	173,510	1,529,799	1,523,062	6,737	180,247
	<b>Sub-Total</b>	<b>1,430,422</b>	<b>5,400,860</b>	<b>5,497,369</b>	<b>(96,509)</b>	<b>1,333,913</b>
<b><i>Successor Agency Funds</i></b>						
805	Redevelopment Obligation Retirement Fund	1,452,044	3,309,848	3,053,580	256,268	1,708,312
810	Successor Housing Agency	1,860,298	1,200	1,822,344	(1,821,144)	39,154
830	Debt Service Fund	40,804	3,502,504	2,921,380	581,124	621,928
850	Successor Agency	3,079,841	129,200	1,312,906	(1,183,706)	1,896,135
855	2007 TABS Bond Proceeds	9,163,090	4,770	603,165	(598,395)	8,564,695
856	2003 TABS Bond Proceeds	126,694	8,516	51,402	(42,886)	83,808
857	2003 TABS Bond Proceeds Low/Mod	586,254	1,200	150,000	(148,800)	437,454
	<b>Sub-Total</b>	<b>16,309,025</b>	<b>6,957,238</b>	<b>9,914,777</b>	<b>(2,957,539)</b>	<b>13,351,486</b>
	<b>GRAND TOTAL ALL FUNDS</b>	<b>97,564,429</b>	<b>88,692,158</b>	<b>103,998,063</b>	<b>(15,305,905)</b>	<b>82,258,524</b>

**RESOLUTION NO 2013-06 UA**

**A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF THE CITY OF BANNING AMENDING ITS 2012-13 FISCAL BUDGET PER THE MID-YEAR REVIEW RECOMMENDATIONS**

**WHEREAS**, the Banning Utility Authority (Authority) budget for fiscal year 2012-13 has been adopted by this Authority in its original form, and said budget will need to be amended at times to fulfill the goals of the Authority; and

**WHEREAS**, the Authority departments may not exceed appropriations by character of expense, with character of expense being defined as personnel services, services and supplies, capital outlay, debt service and inter-fund transfers, without the consent of the City Manager; and

**WHEREAS**, the Authority may transfer appropriations, between departments and within their respective funds, as long as those appropriations do not exceed their fund total unless approved by Authority; and

**WHEREAS**, the Authority departments may not hire in excess of the approved number of positions in job classification as indicated by the budget detail without the consent of the Authority Board; and

**WHEREAS**, the budget is reviewed during a Mid-Year Review process that results in recommended budget adjustments to reflect unforeseen changes in revenue or expenditure requirements that require Authority Board approval;

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

**SECTION 1:** Authority Board approves the Mid-year Budget Adjustment for the Authority funds detailed by account number in Exhibit "A".

**PASSED, APPROVED AND ADOPTED** this 26<sup>th</sup> day of March, 2013.

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Deborah Franklin, Chairman  
Banning Utility Authority



**ATTEST:**

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Marie A. Calderon, Secretary  
Banning Utility Authority

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

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

**CERTIFICATION**

I, Marie A. Calderon, Secretary of the Banning Utility Authority do hereby certify that the foregoing Resolution No. 2013-06 UA was duly adopted by the Authority Board at a joint meeting thereof held on the 26<sup>th</sup> day of March, 2013, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

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

## FY 2012-13 BUA MIDYEAR ADJUSTMENTS

Fund Account #	Account Description	Revenue Adjustments	Allocation Adjustments
660-6300-XXX.XX-XX	PAYROLL		(66,151)
660-6300-356.38-01	METERED SALES	700,000	-
660-6300-471.33-04	LEGAL SERVICES	-	(30,000)
660-6300-471.55-01	TRNSFR-GENERAL FUND	-	18,000
660-6300-471.56-04	TRNSFR-GAS TAX STREET FD	-	(18,000)
<b>FUND 660 TOTAL</b>		<b>700,000</b>	<b>(96,151)</b>
680-8000-XXX.XX-XX	PAYROLL	-	13,039
680-8000-356.38-02	USER FEES	(300,000)	-
<b>FUND 680 TOTAL</b>		<b>(300,000)</b>	<b>13,039</b>
682-8050-331.20-01	INVESTMENT INTEREST	5,000	-
682-8050-356.38-16	SURCHARGE-TERTIARY RESERV	85,000	-
<b>FUND 682 TOTAL</b>		<b>90,000</b>	<b>-</b>
685-8000-331.20-01	INVESTMENT INTEREST	(1,000)	-
<b>FUND 685 TOTAL</b>		<b>(1,000)</b>	<b>-</b>
689-8000-331.20-01	INVESTMENT INTEREST	(150)	-
689-8000-331.20-03	INT. EARNED-FISCAL AGENT	(70)	-
<b>FUND 689 TOTAL</b>		<b>(220)</b>	<b>-</b>
		<b>488,780</b>	<b>(83,112)</b>

**RESOLUTION NO 2013-06 SA**

**A RESOLUTION OF THE SUCCESSOR AGENCY OF THE CITY OF BANNING  
AMENDING ITS 2012-13 FISCAL BUDGET PER THE MID-YEAR REVIEW  
RECOMMENDATIONS**

**WHEREAS**, the Successor Agency (Agency) budget for fiscal year 2012-13 has been adopted by this Agency in its original form, and said budget will need to be amended at times to fulfill the goals of the Agency; and

**WHEREAS**, the Agency departments may not exceed appropriations by character of expense, with character of expense being defined as personnel services, services and supplies, capital outlay, debt service and inter-fund transfers, without the consent of the City Manager; and

**WHEREAS**, the Agency may transfer appropriations, between departments and within their respective funds, as long as those appropriations do not exceed their fund total unless approved by Agency Board; and

**WHEREAS**, the Agency departments may not hire in excess of the approved number of positions in job classification as indicated by the budget detail without the consent of the Agency Board; and

**WHEREAS**, the budget is reviewed during a Mid-Year Review process that results in recommended budget adjustments to reflect unforeseen changes in revenue or expenditure requirements that require Agency Board approval;

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

SECTION 1: Agency Board approves the Mid-year Budget Adjustment for the Agency funds detailed by account number in Exhibit "A".

**PASSED, APPROVED AND ADOPTED** this 26<sup>th</sup> day of March 2013.

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Deborah Franklin, Chairman  
Successor Agency

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**ATTEST:**

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Marie A. Calderon, Secretary  
Successor Agency

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

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

**CERTIFICATION**

I, Marie A. Calderon, Secretary of the Successor Agency do hereby certify that the foregoing Resolution No. 2013-02 SA was duly adopted by the Agency Board at a joint meeting thereof held on the 26<sup>th</sup> day of March, 2013, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Marie A. Calderon, Secretary  
Successor Agency  
City of Banning, California

## FY 2012-13 SA MIDYEAR ADJUSTMENTS

Fund Account #	Account Description	Revenue Adjustments	Allocation Adjustments
805-9200-301.10-01	PROPERTY TAXES-CURRENT	363,870	-
805-9200-490.56-86	TRNFR MRGD AREA DEBT SERV	-	8,709
805-9200-490.56-87	TRNSFR-CRA ADMIN FUND	-	125,000
805-9300-490.56-83	TRNSFR-CRA-DWNTWN DEBT SV	-	(24,441)
805-9400-490.56-84	TRNFR-CRA-MDWY DEBT SVC	-	(1,666)
<b>FUND 805 TOTAL</b>		<b>363,870</b>	<b>107,602</b>
810-9700-331.20-01	INVESTMENT INTEREST	1,200	-
810-9700-490.42-79	LMIHF DDR PAYMENT	-	1,822,344
810-9700-490.56-86	TRNFR MRGD AREA DEBT SERV	-	(191,639)
<b>FUND 810 TOTAL</b>		<b>1,200</b>	<b>1,630,705</b>
830-9200-331.20-03	INT. EARNED-FISCAL AGENT	40,200	-
830-9200-381.56-79	TRANSFER-CRA LOW/MOD FUND	(191,639)	-
830-9200-381.56-88	TRANS-RDV OBLIG RETIRE FD	8,709	-
830-9200-381.56-97	TRANS - CRA ADMIN FUND	425,000	-
830-9210-331.20-03	INT. EARNED-FISCAL AGENT	500	-
830-9300-381.56-88	TRANS-RDV OBLIG RETIRE FD	(24,441)	-
830-9400-381.56-88	TRANS-RDV OBLIG RETIRE FD	(1,666)	-
<b>FUND 830 TOTAL</b>		<b>256,663</b>	<b>-</b>
850-9200-XXX.XX-XX	PAYROLL	-	(22,273)
850-9200-331.20-01	INVESTMENT INTEREST	4,200	-
850-9200-381.56-88	TRANS-RDV OBLIG RETIRE FD	125,000	-
850-9200-490.42-81	DDR PAYMENT	-	634,994
850-9200-490.56-86	TRNFR MRGD AREA DEBT SERV	-	425,000
<b>FUND 850 TOTAL</b>		<b>129,200</b>	<b>1,037,721</b>



## FY 2012-13 SA MIDYEAR ADJUSTMENTS

Fund Account #	Account Description	Revenue Adjustments	Allocation Adjustments
855-9500-331.20-01	INVESTMENT INTEREST	1,200	-
855-9500-331.20-03	INT. EARNED-FISCAL AGENT	3,300	-
855-9500-331.20-08	MISC. INTEREST	270	-
<b>FUND 855 TOTAL</b>		<b>4,770</b>	-
856-9500-331.20-01	INVESTMENT INTEREST	400	-
856-9500-331.20-09	LOAN INTEREST	4,005	-
856-9500-395.89-03	LOAN PRINCIPAL - FREEMAN	4,111	-
<b>FUND 856 TOTAL</b>		<b>8,516</b>	-
857-9700-331.20-01	INVESTMENT INTEREST	1,200	-
<b>FUND 857 TOTAL</b>		<b>1,200</b>	-
		<b>765,419</b>	<b>2,776,028</b>

## RESOLUTION NO 2013-38

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING AMENDING ITS 2012-13 FISCAL BUDGET PER THE MID-YEAR REVIEW RECOMMENDATIONS

**WHEREAS**, the budget for fiscal year 2012-13 of the City of Banning has been adopted by this Council in its original form, and said budget will need to be amended at times to fulfill the goals of the City; and

**WHEREAS**, the City departments may not exceed their appropriations by character of expense, with character of expense being defined as personnel services, services and supplies, capital outlay, debt service and inter-fund transfers, without the consent of the City Manager; and

**WHEREAS**, the City may transfer appropriations, between departments and within their respective funds, as long as those appropriations do not exceed their fund total unless approved by Council; and

**WHEREAS**, the City Departments may not hire in excess of the approved number of positions in job classification as indicated by the budget detail without the consent of the City Council; and

**WHEREAS**, the budget is reviewed during a Mid-Year Review process that results in recommended budget adjustments to reflect unforeseen changes in revenue or expenditure requirements that require City Council approval;

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

SECTION 1: City Council approves the Mid-year Budget Adjustment for the City funds detailed by account number in Exhibit "A".

**PASSED, APPROVED AND ADOPTED** this 26<sup>th</sup> day of March, 2013.

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Deborah Franklin, Mayor  
City of Banning

**ATTEST:**

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

**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. 2013-38 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 26<sup>th</sup> day of March, 2013, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

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## FY 2012-13 MIDYEAR ADJUSTMENTS

Fund Account #	Account Description	Revenue Adjustments	Allocation Adjustments
001-0001-XXX.XX-XX	PAYROLL		(407,210)
001-0001-301.10-10	PROPERTY TAX BACKFILL	11,000	-
001-0001-302.11-01	SALES & USE TAXES	95,000	-
001-0001-302.11-06	CABAZON OUTLET	80,000	-
001-0001-302.11-08	SALES TAX BACKFILL	(6,000)	-
001-0001-306.12-11	FRANCHISE FEE - CTV	6,000	-
001-0001-321.18-01	CVC FINES	(40,000)	-
001-0001-331.20-01	INVESTMENT INTEREST	(40,000)	-
001-0001-341.31-01	ST MOTOR VEH LICENSE-REG	15,365	-
001-0001-344.33-18	RDV ASSET DISTRIBUTION	291,541	-
001-0001-371.50-02	ADMIN SERVICE - ELECTRIC	91,000	-
001-0001-381.56-53	TRNSFR-WATER FUND	18,000	-
001-0001-381.56-68	TRANSFER-REFUSE FUND	55,000	-
001-2200-306.12-10	FRANCHISE FEE-TOWING SVC	(80,000)	-
001-2200-321.18-05	PARKING FINES	23,000	-
001-2200-321.18-06	PKG TCKT DISBURSE DUE CO	(3,250)	-
001-2200-351.35-05	REIMB FOR POLICE SERVICES	(20,000)	-
001-2200-381.56-24	TRNSFR-P. S. SALES TAX FD	1,048	-
001-2279-331.20-01	INVESTMENT INTEREST	441	-
001-2300-424.26-05	TELEPHONE SVC	-	1,350
001-2300-424.33-90	ANIMAL CONTROL SVCS	-	(27,000)
001-2400-306.15-08	WEED ABATEMENT FEE-TX ROL	(50,000)	-
001-2400-351.35-83	WEED ABATEMENT FEE	20,000	-
001-2400-381.56-24	TRNSFR-P. S. SALES TAX FD	1,048	-
001-2400-422.36-19	EMERG'CY MED SVC SUPPLIES	-	10,004
001-2479-331.20-01	INVESTMENT INTEREST	250	-
001-2740-306.15-09	PROPTY ABATEMENT FEE-TX R	(12,000)	-
001-3000-311.16-15	ENCROACHMENT PERMIT	14,000	-
001-3000-311.16-16	PUBLIC WORKS PERMIT/INSPT	3,000	-
001-3000-351.35-54	IMPROVEMENT PLAN CHECK	(8,000)	-
001-3000-351.35-55	SUBDIV'N PLAN CHECK/INSPT	(9,000)	-
001-4000-331.25-02	FACILITY RENTAL	5,000	-
001-4000-331.25-16	FACILITY RENTAL-STAFFING	(5,000)	-
001-4050-331.25-02	FACILITY RENTAL	660	-
001-4050-361.41-12	DONATIONS	300	-
001-4500-412.54-40	NEGOTIATIONS	-	304,756
001-4500-412.56-04	TRNSFR-GAS TAX STREET FD	-	73,000
<b>FUND 001 TOTAL</b>		<b>458,403</b>	<b>(45,100)</b>
002-2800-351.36-01	ENVIRONMENTAL REVIEW	42,498	-
002-2800-361.41-02	MISC REIMBURSEMENTS	4,600	-
002-2800-441.33-04	LEGAL SERVICES	-	4,600
<b>FUND 002 TOTAL</b>		<b>47,098</b>	<b>4,600</b>

## FY 2012-13 MIDYEAR ADJUSTMENTS

Fund Account #	Account Description	Revenue Adjustments	Allocation Adjustments
003-2289-XXX.XX-XX	PAYROLL	-	(8,122)
<b>FUND 003 TOTAL</b>		-	<b>(8,122)</b>
100-4900-XXX.XX-XX	PAYROLL	-	(5,285)
100-4900-381.55-01	TRANSFER-GENERAL FUND	73,000	-
100-4900-381.56-53	TRNSFR-WATER FUND	(18,000)	-
100-4900-381.56-68	TRANSFER-REFUSE FUND	(55,000)	-
100-4900-431.30-09	REPAIR/MAINT-TRFFC SIGNAL	-	5,000
100-4902-341.31-58	PROP 1B-LOCAL STRTS/ROADS	(420,301)	-
<b>FUND 100 TOTAL</b>		<b>(420,301)</b>	<b>(285)</b>
110-5510-347.34-02	FEDERAL C D B GRANTS	(1)	-
<b>FUND 110 TOTAL</b>		<b>(1)</b>	-
132-4900-446.90-52	VEHICLES	-	40,000
<b>FUND 132 TOTAL</b>		-	<b>40,000</b>
148-2210-331.20-01	INVESTMENT INTEREST	65	-
148-2210-421.89-56	MACHINERY/EQUIPMENT	-	66
148-2211-331.20-01	INVESTMENT INTEREST	100	-
148-2211-421.90-56	MACHINERY/EQUIPMENT	-	102
148-2212-331.20-01	INVESTMENT INTEREST	100	-
148-2212-421.90-56	MACHINERY/EQUIPMENT	-	102
148-2213-331.20-01	INVESTMENT INTEREST	100	-
148-2213-421.90-56	MACHINERY/EQUIPMENT	-	100
<b>FUND 148 TOTAL</b>		<b>365</b>	<b>370</b>
149-2250-331.20-01	INVESTMENT INTEREST	4	-
149-2250-420.55-22	TRNSFR-GEN FND-POLICE-CAP	-	1,048
149-2250-420.55-24	TRNSFR-GENERAL FND-FIRE	-	1,048
<b>FUND 149 TOTAL</b>		<b>4</b>	<b>2,096</b>
190-3900-443.41-65	LOW/MOD HOUSING PROGRAM	-	(45)
<b>FUND 190 TOTAL</b>		-	<b>(45)</b>
200-9100-361.42-17	DONATION-HOLIDAY LUNCHEON	3,100	-
200-9100-361.42-28	CENTENNIAL CELEBRATION	10,290	-
200-9100-446.36-68	HOLIDAY LUNCHEON	-	3,053
200-9100-446.42-80	CENTENNIAL CELEBRATION	-	10,290
200-9100-446.90-15	BUILDING IMPROVEMENTS	-	5,358
<b>FUND 200 TOTAL</b>		<b>13,390</b>	<b>18,701</b>



## FY 2012-13 MIDYEAR ADJUSTMENTS

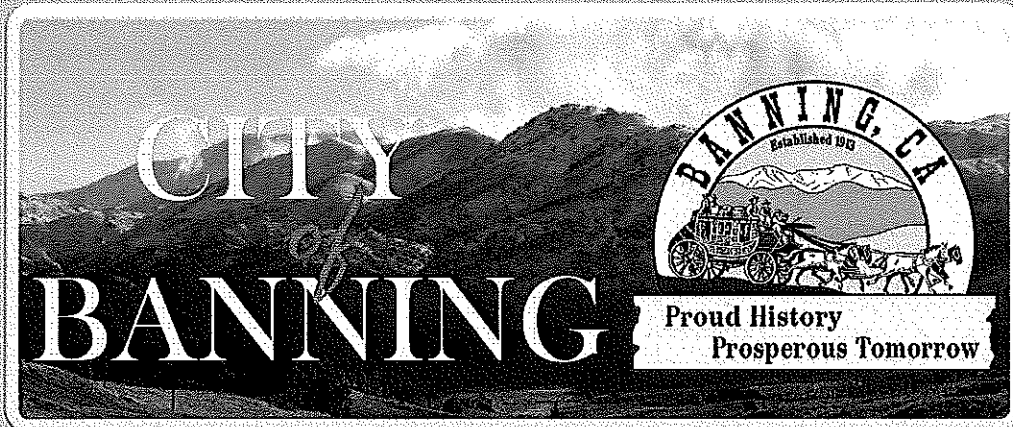
Fund Account #	Account Description	Revenue Adjustments	Allocation Adjustments
201-4060-446.42-07	SANTA'S SHOPPE	-	220
201-4060-446.90-15	BUILDING IMPROVEMENTS	-	2,965
<b>FUND 201 TOTAL</b>		<b>-</b>	<b>3,185</b>
360-6700-331.20-01	INVESTMENT INTEREST	50	-
<b>FUND 360 TOTAL</b>		<b>50</b>	<b>-</b>
365-4900-331.20-01	INVESTMENT INTEREST	75	-
<b>FUND 365 TOTAL</b>		<b>75</b>	<b>-</b>
375-4900-331.20-01	INVESTMENT INTEREST	(300)	-
375-4900-331.20-03	INT. EARNED-FISCAL AGENT	(50)	-
<b>FUND 375 TOTAL</b>		<b>(350)</b>	<b>-</b>
376-4900-331.20-01	INVESTMENT INTEREST	100	-
<b>FUND 376 TOTAL</b>		<b>100</b>	<b>-</b>
400-2200-331.20-01	INVESTMENT INTEREST	100	-
<b>FUND 400 TOTAL</b>		<b>100</b>	<b>-</b>
410-2400-331.20-01	INVESTMENT INTEREST	1,200	-
<b>FUND 410 TOTAL</b>		<b>1,200</b>	<b>-</b>
420-4900-431.33-53	ENGINEERING SERVICES	-	60,000
<b>FUND 420 TOTAL</b>		<b>-</b>	<b>60,000</b>
430-2900-331.20-01	INVESTMENT INTEREST	1,200	-
<b>FUND 430 TOTAL</b>		<b>1,200</b>	<b>-</b>
470-6900-331.20-03	INT. EARNED-FISCAL AGENT	600	-
470-6900-413.90-15	BUILDING IMPROVEMENTS	-	4,520
<b>FUND 470 TOTAL</b>		<b>600</b>	<b>4,520</b>
600-5100-XXX.XX-XX	PAYROLL	-	(3,097)
600-5100-347.34-06	FAA IMPROV PROGRAM GRANT	3,103	-
600-5100-435.33-11	PROFESSIONAL SERVICES	-	(62,410)
600-5100-435.90-10	PLANNING/ENGINEERING SVC	-	(84,000)
<b>FUND 600 TOTAL</b>		<b>3,103</b>	<b>(149,507)</b>
610-5800-XXX.XX-XX	PAYROLL	-	2,235
610-5800-434.33-11	PROFESSIONAL SERVICES	-	(2,373)
<b>FUND 610 TOTAL</b>		<b>-</b>	<b>(138)</b>

## FY 2012-13 MIDYEAR ADJUSTMENTS

Fund Account #	Account Description	Revenue Adjustments	Allocation Adjustments
670-7000-XXX.XX-XX	PAYROLL	-	(61,263)
670-7000-331.20-01	INVESTMENT INTEREST	10,000	-
670-7000-356.38-01	METERED SALES	1,000,000	-
670-7000-356.38-06	TURN ON CHARGES	10,000	-
670-7000-356.38-10	BULK ENERGY SALES	(600,000)	-
670-7000-356.38-12	MISCELLANEOUS REVENUES	10,000	-
670-7000-356.38-17	CRR REVENUE - CAISO	350,000	-
670-7000-361.41-53	RESTITUTION/SUBROGATION	10,000	-
670-7000-366.44-07	IN AID OF CONSTRUCTION	(80,000)	-
670-7000-473.50-01	INTERFUND SVC-ADMINISTRTRN	-	91,000
670-7010-473.27-50	CAPACITY	-	1,500,000
670-7010-473.27-60	ENERGY - LOCAL	-	500,000
<b>FUND 670 TOTAL</b>		<b>710,000</b>	<b>2,029,737</b>
675-7020-XXX.XX-XX	PAYROLL	-	(448)
<b>FUND 675 TOTAL</b>		<b>-</b>	<b>(448)</b>
678-7000-473.33-15	ARB REBATE CALCS	-	2,500
<b>FUND 678 TOTAL</b>		<b>-</b>	<b>2,500</b>
690-9600-XXX.XX-XX	PAYROLL	-	(5,284)
690-9600-306.12-05	DIRECT FRANCHISE REVENUE	5,000	-
690-9600-356.38-03	REFUSE MONTHLY BILLING	70,000	-
690-9600-453.55-01	TSFR TO GENERAL FUND	-	55,000
690-9600-453.56-04	TRNSFR-GAS TAX STREET FD	-	(55,000)
<b>FUND 690 TOTAL</b>		<b>75,000</b>	<b>(5,284)</b>
700-5020-XXX.XX-XX	PAYROLL	-	(369)
700-5020-331.20-01	INVESTMENT INTEREST	7,000	-
700-5020-361.41-53	RESTITUTION/SUBROGATION	27,000	-
700-5020-361.41-61	MISC. RECEIPTS/REVENUE	8,000	-
700-5040-331.20-01	INVESTMENT INTEREST	250	-
700-5040-361.41-02	MISC REIMBURSEMENTS	1,200	-
700-5040-361.42-01	INSURANCE DIVIDEND	132,173	-
<b>FUND 700 TOTAL</b>		<b>175,623</b>	<b>(369)</b>

## FY 2012-13 MIDYEAR ADJUSTMENTS

Fund Account #	Account Description	Revenue Adjustments	Allocation Adjustments
702-3800-XXX.XX-XX	PAYROLL	-	243
702-3800-351.36-07	EXCISE TAX ON FUEL	(1,000)	-
702-3800-480.36-16	STATE FUEL TAX	-	(900)
<b>FUND 702 TOTAL</b>		<b>(1,000)</b>	<b>(657)</b>
703-3700-XXX.XX-XX	PAYROLL	-	(2,903)
703-3700-331.20-01	INVESTMENT INTEREST	360	-
703-3700-361.41-61	MISC. RECEIPTS/REVENUE	103	-
<b>FUND 703 TOTAL</b>		<b>463</b>	<b>(2,903)</b>
761-3100-XXX.XX-XX	PAYROLL	-	(35,369)
<b>FUND 761 TOTAL</b>		<b>-</b>	<b>(35,369)</b>
		<b>1,065,122</b>	<b>1,917,482</b>



Fiscal Year 2013/14  
**Interim Financial Report**

*6 months ended, December 2012  
(50% of the year complete)*



# Interim Financial Report

- 6 Months Ended December 31, 2012

## General Fund Overview

**G**eneral Fund – The General Fund Overview table provides a snapshot of budgeted revenues compared to the budgeted expenditures. The General Fund Overview table also provides a snapshot of actual activity compared to the

General Fund Overview

General Fund Categories	Adjusted Budget	Actual Activity	%
Revenues	14,030,155	5,113,255	36.4%
Expenditures	13,635,859	6,266,861	46.0%
Excess Revenues (Exenditures)	394,296	(1,153,606)	-292.6%

budget. The actual activity covers the 6 month activity through the end of December. Revenues are at approximately 36% of budget. Expenditures are at approximately 46%. (More details are available in the Revenue and Expenditure sections of the report.) The adjusted budget includes continuing appropriations (primarily for Police Grants) and encumbrances carried forward from June 30, 2012.

## General Fund Revenue Details

Monthly Variance Table: General Fund Top 6 Revenues

Top Revenue Sources	Fiscal Year 2012-13						Fiscal Year 2011-12		
	Annual Budget Adopted	Adjusted	YTD Budget Dec 2012	YTD Actual Dec 2012	Difference	% Realized	YTD Actual Dec 2011	Change from Prior YR	% Change
Property Taxes	3,671,094	3,737,039	1,868,520	690,239	(1,178,281)	36.9%	709,962	(19,723)	-2.8%
Electric - Admin	2,753,100	2,753,100	1,376,550	1,376,550	-	100.0%	1,219,998	156,552	12.8%
Sales & Use Taxes	2,336,426	2,336,426	1,168,206	590,409	(577,797)	50.5%	592,357	(1,948)	-0.3%
Franchise Taxes	502,000	829,000	414,492	266,011	(148,481)	64.2%	265,014	997	0.4%
BUA Lease Payments	651,000	651,000	325,500	325,500	-	100.0%	325,500	-	0.0%
TOT Tax	550,000	550,000	274,998	137,309	(137,689)	49.9%	125,224	12,085	9.7%
Total	10,463,620	10,856,565	5,428,266	3,386,018	(2,042,248)	62.4%	3,238,055	147,963	4.6%

The six revenues identified in the table above account for approximately 66% of the actual revenues in the General Fund. These revenues are a good indication of the status of the General Fund.

- A comparison of the adopted vs. adjusted budget for these six (6) revenues shows a net increase of \$392,945.
- A comparison of YTD Budget vs. YTD Actual shows that the top revenue source (Property Taxes) has not met estimated budget. Overall, these 6 revenues fell short of budget by \$2,042,248.
- Comparing the YTD Actual December 2011 information to the YTD Actual December 2012 information provides a better indication of whether or not City revenues are improving. Revenues show an increase from the previous year.



# Interim Financial Report

- 6 Months Ended December 31, 2012

Property Taxes – The City receives approximately 17 cents on the dollar through property taxes. Typically, the major receipts of property taxes are in January, April and May. In addition, due to various State actions (i.e. VLF Swap), the City receives the “in Lieu” property taxes twice a year (January and June).

Electric Admin – The General Fund charges the Electric utility a 10% administrative charge on Electric Utility operating revenues. Throughout the year the amount transferred to the General Fund is based on the budget estimate. At year end, a calculation is done to adjust the charge based on actual Electric Utility operating revenues.

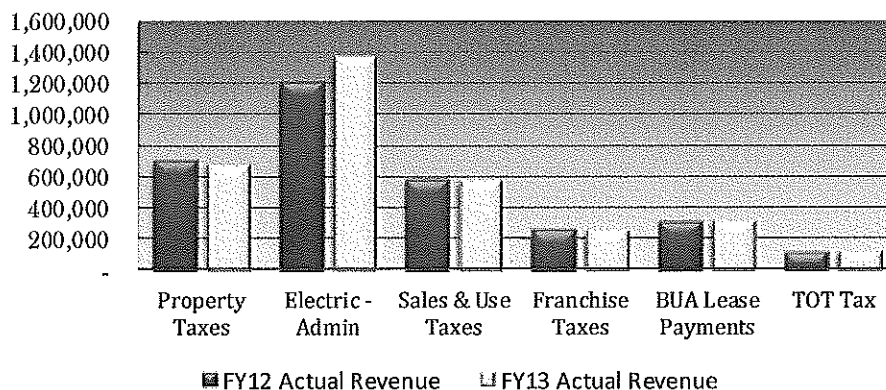
Sales & Use Taxes – This source of revenue is typically responsive to economic circumstances. Compared to the prior year, sales tax revenue decreased by approximately 0.3% for this period. A midyear adjustment has been recommended by \$169,000 to increase the budget. Included in the midyear adjustment is a reduction for the backfill portion which is being offset by increases in sales tax at the Cabazon outlets, per the City agreement with the County of Riverside. Actual revenues exceeded budget by \$147,963.

Franchise Taxes – The City receives franchise payments from sources like Verizon, Time Warner, the Gas Company, and Waste Management. The refuse payments are received monthly, others are received quarterly and some just once a year. The Gas Company franchise payment is received in April.

BUA lease payments – The General Fund receives monthly lease payments from the Banning Utility Authority (BUA) which is comprised of the Water (\$39,167/Month) and Wastewater (\$15,083/Month) utilities.

Transient Occupancy Tax (TOT) – This revenue source has doubled since fiscal year 2008-09. On November 3<sup>rd</sup>, 2009 voters approved a bed tax increase of up to 12%. In January 2010, the TOT was increased from 6% to 10%. Effective October 1, 2010 the rate was increased to the maximum of 12%. The combination of the rate increase, improvements in the economy, and the new hotels are reflected in the improved revenues. Compared to last year, this revenue has improved by approximately 9.7%. Budget should be met.

**Top 6 Revenues (6 Month Comparison)**



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# Interim Financial Report

- 6 Months Ended December 31, 2012

## General Fund Expenditures

At 50% of the year, actual expenditures are at approximately 46%. The General Fund Expenditures table provides a snap-shot of the expenditures by category.

Employee Services account for salaries and benefits of the employees funded through the General Fund. The

employees provide service throughout the City which includes: general government (i.e. city manager's office, city council, city clerk, city attorney, and personnel/human resources), financial services, public safety, planning and building, public works, and recreation. Approximately 46% of the budget has been expended in this category.

Approximately 45% of the Services and Supplies category has been expended. Within this category are city contracts for several major services such as Fire and animal control.

The majority of the Capital budget results from grants received by the Police Department. Grants are restricted in how the funds can be used (i.e. grant funds will be used for vehicles, computers, and communication equipment). There is often a timing difference between when funds are received and when they are expended. Budgets related to grants are carried forward from year to year until the grant is finalized.

The City Hall Lease payments are for the refinanced debt of 2011. Payments are made twice a year.

The Interfund Support category accounts for compliance with the MOE for streets projects, and the General Fund allocation of general liability/worker's compensation costs and information technology services.

The Following table 'General Fund Program Expenditure Summary' provides another perspective of the General Fund expenditures.

General Fund Expenditures

Category	Adjusted Budget	Actual YTD	Encum.	% Spent
Employee Services	8,499,008	3,918,055	-	46.1%
Services and Supplies	3,520,232	1,578,029	380,772	44.8%
Capital	321,890	123,824	112,624	38.5%
City Hall Lease	269,951	134,571	-	49.8%
Interfund Support	1,024,778	512,382	-	50.0%
<b>Total</b>	<b>13,635,859</b>	<b>6,266,861</b>	<b>493,396</b>	<b>46.0%</b>

# Interim Financial Report

- 6 Months Ended December 31, 2012

## General Fund Program Expenditure Summary

PROGRAM TITLE	(1) Adopted Budget	(2) Adjusted Budget	(3) Current Month Expenditures	(4) Y.T.D. Expenditures	Remaining Budget (Col. 2-4)	% Expended (Col. 4/2)
<b><u>GENERAL GOVERNMENT:</u></b>						
City Council	142,710	142,710	10,503	59,720	82,990	42%
City Manager	342,619	360,619	36,150	163,535	197,084	45%
Personnel	151,813	166,813	4,320	51,951	114,862	31%
City Clerk	89,678	89,678	6,416	39,716	49,962	44%
Elections	35,200	35,200	-	(2,554)	37,754	-7%
City Attorney	161,000	161,000	13,417	80,502	80,498	50%
TV Government Access	56,800	81,050	2,627	11,624	69,426	14%
Subtotal	979,820	1,037,070	73,433	404,494	632,576	39%
<b><u>FINANCIAL SERVICES</u></b>						
Fiscal Services	226,960	260,481	14,528	113,750	146,731	44%
Purchasing and A/P	34,566	34,566	3,000	19,383	15,183	56%
Subtotal	261,526	295,047	17,528	133,133	161,914	45%
<b><u>CENTRAL SERVICES</u></b>						
Central Services	923,948	944,837	63,296	505,756	439,081	54%
Subtotal	923,948	944,837	63,296	505,756	439,081	54%
<b><u>PUBLIC SAFETY:</u></b>						
Police	5,723,117	5,892,642	435,777	2,647,177	3,245,465	45%
Dispatch	816,280	816,280	53,681	365,793	450,487	45%
Tasin (Police)	-	301,055	-	182,083	118,972	60%
Animal Control	142,450	142,450	215	29,046	113,404	20%
Fire	2,448,148	2,457,221	201,310	1,230,152	1,227,069	50%
Subtotal	9,129,995	9,609,648	690,983	4,454,252	5,155,396	46%
<b><u>PLANNING</u></b>						
Building Safety	248,145	248,145	19,403	106,393	141,752	43%
Code Enforcement	174,526	174,526	12,899	83,700	90,826	48%
Planning	315,794	355,855	21,078	153,902	201,953	43%
Subtotal	738,465	778,526	53,379	343,995	434,531	44%
<b><u>COMMUNITY SERVICES</u></b>						
Recreation	183,494	183,494	14,920	93,664	89,830	51%
Aquatics	102,067	102,067	2,769	56,718	45,349	56%
Senior Center	42,403	42,403	4,608	21,735	20,668	51%
Subtotal	327,964	327,964	22,296	172,117	155,847	52%
<b><u>PUBLIC WORKS:</u></b>						
Building Maintenance	109,081	111,431	11,866	58,725	52,706	53%
Parks	304,314	304,614	15,120	111,113	193,501	36%
Engineering	179,905	226,722	14,561	83,275	143,447	37%
Subtotal	593,300	642,767	41,547	253,113	389,654	39%
<b>GENERAL FUND TOTAL</b>	<b>12,955,018</b>	<b>13,635,859</b>	<b>962,462</b>	<b>6,266,861</b>	<b>7,368,998</b>	<b>46%</b>

# Interim Financial Report

- 6 Months Ended December 31, 2012

## Citywide Comments And Notes

The Activity Report provides the bottom line status of each fund in the City.

Special Revenue Funds are restricted in nature. This means the funds are restricted by legislation or other external sources. Any deficit variance in the budget typically indicates that there are available resources in the fund balance for projects. The revenues were received in prior years but the expenditures are budgeted in the current year.

Banning Utility Authority Funds – These funds operate similar to Enterprise funds in that the operations are funded through fees. The accrual method of accounting is applied throughout the year rather than using the modified accrual accounting method. The Utility includes Water, Wastewater and Reclaimed Water operations.

Enterprise Funds This category typically includes funds that are funded through fees. The included funds cover Airport, Transit Operations, Refuse, and Electric.

Internal Service Funds These funds provide services to other City funds. Revenues come from charging all of the other funds through an allocation process.

Successor Agency Funds (SA) – In January 2011, the Governor proposed a State budget that eliminated the CRA. The League of California Cities and the California Redevelopment Association along with several cities sued the State hoping to overturn the Governor and State legislators' actions. December 2011, the Supreme Court struck down AB x1 27 which allowed cities to "pay to play" but upheld AB x1 26 which eliminates the CRA. Effective January 31st, the CRA ceased to exist. Effective February 1st, the Successor Agency was established to carry on the CRA functions. Included in the Midyear Report are additional explanations of the new fund names.

### *Good to know: Government Accounting and Budgeting*

Most government funds and budgets are managed using a method called "modified accrual" accounting. This method basically means that the governmental funds are managed on a cash basis throughout the year. At year end, accruals are made to ensure that revenues and expenditures are recorded in the applicable fiscal year in which the transactions occurred. This method applies to the General Fund, Special Revenue funds, Capital funds, Internal Service funds and Redevelopment funds/Successor Agency funds.

To illustrate, revenue is recorded as it is received throughout the year (cash basis). The majority of General Fund revenues come in sporadically throughout the year and most of it is received or accrued in the last 6 months of the fiscal year. Meanwhile, the expenditures are continuing each month regardless of when the revenues are received. This circumstance highlights the importance of maintaining a reserve that allows for cash flow needs during the lean months when there are no revenues.

There are funds that are considered like a business. These are called "Enterprise Funds". The "accrual" method of accounting is used. These business type funds charge customers a fee to cover all or most of the cost of certain services that are provided. Consistent with accrual accounting, the revenues reported on the interim report reflect revenues based on what was billed the customer rather than the cash payments collected. This method applies to the Airport, Transit, Refuse, Electric, Water and Wastewater funds.

## CITY OF BANNING

## Activity Report

6 Months Ending December 31, 2012

FY 2012-13 50% Complete

Fund #	FUND NAME	Revenues				Actual YTD	%	Expenditures				Actual YTD	%
		Adopted Budget	Budget Adjustments	Adjusted Budget				Adopted Budget	Budget Adjustments	Adjusted Budget			
Governmental Funds													
001	General	12,955,018	1,075,137	14,030,155	5,113,255	36.4%		12,955,018	680,841	13,635,859	6,266,861	46.0%	
	Sub-Total	12,955,018	1,075,137	14,030,155	5,113,255	36.4%		12,955,018	680,841	13,635,859	6,266,861	46.0%	
Special Revenue Funds													
002	Developer Deposit Fund	40,000	135,806	175,806	42,338	24.1%		40,000	178,304	218,304	42,338	19.4%	
003	Riverside County MOU	451,000	-	451,000	117	0.0%		563,990	-	563,990	267,414	47.4%	
100	Gas Tax Street	1,341,601	-	1,341,601	288,421	21.5%		1,430,632	3,400	1,434,032	467,033	32.6%	
101	Measure A Street	826,301	51,870	878,171	148,339	16.9%		1,060,000	51,870	1,111,870	-	-	
103	SB300 Street Improvement	725	-	725	94	13.0%		-	51,870	51,870	-	-	
104	Article 3 - Sidewalk Construction	300	-	300	8	2.8%		-	-	-	-	-	
110	C.D.B.G.	-	399,550	399,550	-	-		-	394,275	394,275	-	-	
111	Landscape Maintenance Assmt. Dist.#1	133,474	-	133,474	1,426	1.1%		138,246	-	138,246	66,111	47.8%	
132	Air Quality Improvement	20,250	-	20,250	9,103	45.0%		3,000	-	3,000	-	-	
140	Asset Forfeiture	-	-	-	2	-		-	-	-	-	-	
148	Supplemental Law Enforcement	-	-	-	123	-		-	253,145	253,145	106,413	42.0%	
149	Public Safety - Sales Tax	-	-	-	15	-		22,537	-	22,537	-	-	
150	State Park Bond Act	-	-	-	1	-		-	-	-	-	-	
190	Housing Authority Fund	-	150,000	150,000	-	-		-	150,000	150,000	50	0.0%	
200	Special Donations	6,750	-	6,750	6,640	98.4%		5,500	-	5,500	7,074	128.6%	
201	Senior Center Activities	3,800	-	3,800	2,302	60.6%		12,750	-	12,750	8,328	65.3%	
202	Animal Control Reserve	-	-	-	3	-		-	-	-	-	-	
203	Police Volunteer	-	-	-	2	-		1,080	-	1,080	399	36.9%	
300	City Hall COP Debt Service*	437,001	-	437,001	217,821	49.8%		437,001	-	437,001	217,902	49.9%	
360	Sun Lakes CFD #86-1	-	-	-	22	-		-	-	-	-	-	
365	Wilson Street #91-1 Assessment Debt	-	-	-	30	-		-	-	-	-	-	
370	Area Police Computer	41,487	-	41,487	6,627	16.0%		55,279	-	55,279	11,410	20.6%	
375	Fair Oaks #2004-1 Debt Service	202,103	-	202,103	3,077	1.5%		202,103	-	202,103	132,292	65.5%	
376	Cameo Homes	-	-	-	29	-		-	-	-	-	-	
	Sub-Total	3,504,792	737,226	4,242,018	726,542	17.1%		3,972,118	1,082,864	5,054,982	1,326,765	26.2%	



## CITY OF BANNING

## Activity Report

6 Months Ending December 31, 2012

FY 2012-13 50% Complete

Fund #	FUND NAME	Revenues					Expenditures				
		Adopted Budget	Budget Adjustments	Adjusted Budget	Actual YTD	%	Adopted Budget	Budget Adjustments	Adjusted Budget	Actual YTD	%
Capital Improvement Funds											
400	Police Facilities Development	-	-	-	22		-	-	-	-	
410	Fire Facility Development	-	-	-	595		-	-	-	-	
420	Traffic Control Facility	5,600	-	5,600	270	4.8%	35,000	-	35,000	-	
421	Ramsey/Highland Home Traffic Signal	150	-	150	51	34.3%	-	-	-	-	
430	General Facilities	-	-	-	304		-	-	-	-	
441	Sunset Grade Separation Fund	-	2,858,728	2,858,728	190,165	6.7%	-	2,085,866	2,085,866	805,470	38.6%
444	Wilson Median	500	-	500	241	48.1%	-	-	-	-	
451	Park Development	250	-	250	99	39.8%	-	132,046	132,046	-	
470	Capital Improvement Fund	-	-	-	381		-	-	-	-	
	Sub-Total	6,500	2,858,728	2,865,228	192,127	6.7%	35,000	2,217,912	2,252,912	805,470	35.8%
Banning Utility Authority											
660	Water Operations	8,940,000	-	8,940,000	5,704,674	63.8%	8,642,145	173,090	8,815,235	4,037,829	45.8%
661	Water Capital Facility Fee	187,500	135,000	322,500	58,171	18.0%	775,000	56,182	831,182	12,978	1.6%
663	BUA Water Capital Project Fund	2,750	-	2,750	643	23.4%	635,000	135,000	770,000	-	
669	BUA Water Debt Service Fund	2,289,405	-	2,289,405	1,262,588	55.1%	2,288,905	-	2,288,905	1,262,046	55.1%
	Water Subtotal	11,419,655	135,000	11,554,655	7,026,075	60.8%	12,341,050	364,272	12,705,322	5,312,853	41.8%
680	Wastewater Operations	3,217,159	-	3,217,159	1,431,523	44.5%	3,029,638	4,938	3,034,576	1,388,513	45.8%
681	Wastewater Capital Facility Fees	105,000	-	105,000	54,210	51.6%	85,000	-	85,000	-	
683	BUA WWtr Capital Project Fund	1,500	-	1,500	728	48.5%	300,000	276,166	576,166	9,256	1.6%
685	State Revolving Loan	303,000	-	303,000	150,542	49.7%	300,103	-	300,103	262,445	87.5%
689	BUA Wastewater Debt Service Fund	393,889	-	393,889	224,483	57.0%	393,389	-	393,389	224,430	57.1%
	Wastewater Subtotal	4,020,548	-	4,020,548	1,861,486	46.3%	4,108,130	281,104	4,389,234	1,884,644	42.9%
662	Irrigation Water	5,000	-	5,000	1,924	38.5%	75,000	1,774,459	1,849,459	413,617	22.4%
682	Wastewater Tertiary	254,000	-	254,000	173,290	68.2%	-	-	-	-	
	Reclaimed Water Subtotal	259,000	-	259,000	175,214	67.7%	75,000	1,774,459	1,849,459	413,617	22.4%
	Sub-Total	15,699,203	135,000	15,834,203	9,062,775	57.2%	16,524,180	2,419,835	18,944,015	7,611,114	40.2%

CITY OF BANNING  
Activity Report  
6 Months Ending December 31, 2012  
FY 2012-13 50% Complete

Fund #	FUND NAME	Revenues					Expenditures				
		Adopted Budget	Budget Adjustments	Adjusted Budget	Actual YTD	%	Adopted Budget	Budget Adjustments	Adjusted Budget	Actual YTD	%
Enterprise Funds											
600	Airport	204,100	141,809	345,909	124,104	35.9%	231,956	304,833	536,789	193,118	36.0%
610	Transit Operations	1,309,685	677,797	1,987,482	76,398	3.8%	1,309,685	677,935	1,987,620	571,136	28.7%
690	Refuse	3,096,850	6,000	3,102,850	1,578,308	50.9%	3,094,003	-	3,094,003	1,459,930	47.2%
	Enterprise Subtotal	4,610,635	825,606	5,436,241	1,778,810	32.7%	4,635,644	982,768	5,618,412	2,224,185	39.6%
670	Electric Operations	27,531,000	-	27,531,000	15,551,033	56.5%	27,419,127	50,599	27,469,726	13,837,385	50.4%
672	Rate Stability	60,000	-	60,000	33,797	56.3%	-	-	-	-	-
673	Electric Improvement	-	1,504,195	1,504,195	42,024	2.8%	60,000	3,178,212	3,238,212	220,039	6.8%
674	2007 Elec Rev Bond Project Fund	-	-	-	3,046	-	5,464,189	1,504,195	6,968,384	19,710	0.3%
675	Public Benefit Fund	669,750	-	669,750	384,484	57.4%	691,793	-	691,793	325,711	47.1%
678	2007 Elec Rev Bond Debt Service	2,672,330	-	2,672,330	759,917	28.4%	2,671,830	-	2,671,830	764,541	28.6%
	Electric Subtotal	30,933,080	1,504,195	32,437,275	16,774,301	51.7%	36,306,939	4,733,006	41,039,945	15,167,386	37.0%
	Sub-Total	35,543,715	2,329,801	37,873,516	18,553,111	49.0%	40,942,583	5,715,774	46,658,357	17,391,571	37.3%
Internal Service Funds											
700	Risk Management Fund	2,208,961	-	2,208,961	1,264,690	57.3%	2,445,312	-	2,445,312	1,321,475	54.0%
702	Fleet Maintenance	1,098,404	-	1,098,404	562,470	51.2%	1,101,578	2,965	1,104,543	548,642	49.7%
703	Information Systems Services	388,610	-	388,610	194,520	50.1%	390,790	37,591	428,381	228,920	53.4%
761	Utility Billing Administration	1,529,799	-	1,529,799	758,819	49.6%	1,533,687	24,744	1,558,431	752,156	48.3%
	Sub-Total	5,225,774	-	5,225,774	2,780,500	53.2%	5,471,367	65,300	5,536,667	2,851,193	51.5%
Community Redevelopment Agency Funds											
805	Redevelopment Obligation Retirement Fund	2,945,978	-	2,945,978	-	-	2,945,978	-	2,945,978	1,451,352	49.3%
810	Successor Housing Agency	-	-	-	1,188	-	191,639	-	191,639	1,822,344	950.9%
830	Debt Service Fund	3,245,841	-	3,245,841	1,961,658	60.4%	2,918,880	2,500	2,921,380	1,962,974	67.2%
850	Successor Agency	-	-	-	1,988	-	250,000	25,185	275,185	561,377	204.0%
855	2007 TABS Bond Proceeds	-	-	-	2,300	-	206,724	396,441	603,165	503,923	83.5%
856	2003 TABS Bond Proceeds	-	-	-	227	-	-	51,402	51,402	-	-
857	2003 TABS Bond Proceeds Low/Mod	-	-	-	386	-	-	150,000	150,000	-	-
	Sub-Total	6,191,819	-	6,191,819	1,967,748	31.8%	6,513,221	625,528	7,138,749	6,301,970	88.3%
GRAND TOTAL ALL FUNDS		79,126,821	7,135,892	86,262,713	38,396,057	44.5%	86,413,487	12,808,054	99,221,541	42,554,944	42.9%

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**CITY COUNCIL  
PUBLIC HEARING**

**DATE:** March 26, 2013

**TO:** City Council

**FROM:** Zai Abu Bakar, Community Development Director

**SUBJECT:** General Plan Amendment (GPA 13-2502) – Amendment to the Land Use and Economic Development Element Policies to provide for the Attraction and Retention of Commercial and Business Development

**RECOMMENDATIONS:** That the City Council adopt Resolution No. 2013-33 approving General Plan No. 13-2502 (Exhibit “A”), an amendment to the Land Use and Economic Development Elements updating relevant information and policies related to the attraction and retention of commercial and industrial uses that generate and increase revenues from sales tax, property tax, and provide jobs for the residents of Banning.

**PLANNING COMMISSION REVIEW:** On March 6, 2013 the Planning Commission adopted Resolution No. 2013-05 recommending approval of the General Plan Amendment (GPA No. 13-2502) Land Use and Economic Development Elements to update relevant policies related to attraction and retention of the commercial and industrial development that generate and increase revenues from sales tax, property tax, and provide jobs for the residents of Banning. The Commission was supportive of the amendment, as well as, the public seeking to secure future land uses that would overall benefit the community.

**BACKGROUND AND ANALYSIS:** The City Council adopted the current General Plan (“Plan”) on January 31, 2006. The Plan includes 21 elements. Among the elements are Land Use and Economic Development. These two elements provide goals, policies, and programs for the development of the City now and into the future. The goals, policies, and programs in the current Land Use and Economic Development Elements (Exhibit “B”) do not provide strong policy direction with regard to attraction and retention of businesses that generate an increase in sales tax, property tax, and jobs for the residents of Banning.

Within the last few months staff has been receiving a number of inquiries from property owners, real estate brokers, and interested parties who want to develop new businesses or occupy existing commercial/industrial buildings. The majority of the inquiries are for development that would not bring sales tax or property tax revenues to the City and would provide minimal jobs for the community.

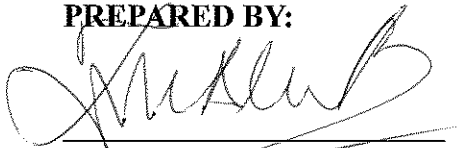
The primary purpose of the amendment (Exhibit “A”) in essence is to create strong policy direction with regard to the types of businesses that the City desires to attract in order to capture sales tax, property tax, and jobs for the residents. In addition, the Economic Development Element has been revised by the Economic Development Director to remove the outdated socio-economic information that is no longer relevant.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):** This General Plan Amendment is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(4) because the proposed policy changes to Land Use and Economic Development Elements relate to the creation of governmental funding mechanisms that will provide improved quality benefits to the residents of the City of Banning and removal of outdated information. The proposed policy changes do not involve any commitment to any specific project or changes to land use or density/intensity which may result in a potentially significant physical impact on the environment.

**PUBLIC COMMUNICATION:** The proposed amendment was advertised in the Record Gazette newspaper on March 15, 2013. As of the date of this report, staff has not received any comments from any members of the public.

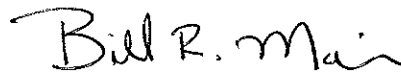
**FISCAL DATA:** There is no fiscal impact at this time; however future sales and property taxes are projected to increase as the vacant land is developed and new businesses occupy vacant retail/industrial spaces.

**PREPARED BY:**



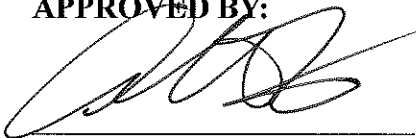
Zai Abu Bakar  
Community Development Director

**REVIEWED BY:**



Bill Manis  
Economic Development Director/  
Public Information Officer

**APPROVED BY:**



Andrew J. Takata  
City Manager

**Attachments:**

1. Resolution No. 2013-33
2. Exhibit "A" – Proposed Amendment to Land Use and Economic Development Elements
3. Exhibit "B" Existing Goals, Policies and Programs for Land Use and Economic Development Elements
4. Exhibit "C"- Record Gazette Proof of Publication

**RESOLUTION NO. 2013-33**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING GENERAL PLAN NO. 13-2502, AMENDING THE LAND USE AND ECONOMIC DEVELOPMENT ELEMENT POLICIES TO PROVIDE FOR THE ATTRACTION AND RETENTION OF COMMERCIAL AND INDUSTRIAL DEVELOPMENT**

**WHEREAS**, the California state law requires that each city and county adopt a general plan to guide development in their city and land outside its boundaries that has relation to its city planning (Govt. Code §65300); and

**WHEREAS**, the City undertook a comprehensive update to the General Plan and Zoning Ordinance which were adopted by the City Council on January 31, 2006; and

**WHEREAS**, the City is taking a pro-active step in implementing the goals and policies of the General Plan; and

**WHEREAS**, the City desires to attract commercial and industrial development that generate increased sales and property tax revenues to the City including providing jobs for the residents; and

**WHEREAS**, the current goals, policies, and objectives in the General Plan Land Use and Economic Development Elements do not provide strong direction regarding attraction and retention of commercial and industrial development that generate increased sales and property tax revenues to the City including providing jobs for the residents; and

**WHEREAS**, the City desires to amend the General Plan Land Use and Economic Development Elements to eliminate outdated social-economic and demographic information, as well as, provide strong direction regarding attraction and retention of commercial and industrial development that generate increased sales and property tax revenues for the City and provide jobs for the residents; and

**WHEREAS**, this General Plan Amendment is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(4) because the proposed policy changes to Land Use and Economic Development Elements relate to the creation of governmental funding mechanisms that will provide improved quality benefits to the residents of the City of Banning. The proposed policy changes do not involve any commitment to any specific project or changes to land use or density/intensity which may result in a potentially significant physical impact on the environment; and

**WHEREAS**, on March 6, 2013, the Planning Commission held a noticed public hearing at which time the staff report and public testimonies were considered which were followed by the recommendation of approval to the City Council; and

**WHEREAS**, on March 15, 2013, the City gave public notice by advertisement in the Record Gazette newspaper of a public hearing concerning General Plan Amendment No. 13-2502; and

**WHEREAS**, on March 26, 2013, the City Council held the noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the project and at which the City Council considered General Plan Amendment No. 13-2502; and

**NOW THEREFORE**, the City Council of the City of Banning does hereby adopt Resolution No. 2013-33 approving General Plan Amendment No. GPA 13-2502.

**PASSED, APPROVED AND ADOPTED** this 26<sup>th</sup> day of March, 2013.

\_\_\_\_\_  
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. 2013-33 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 March, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**Exhibit "A"**

**Proposed Amendment to the General Plan Land Use and Economic Development Elements**

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## LAND USE ELEMENT

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### PURPOSE

The Land Use Element represents the long-term vision of the community for development. Of all the General Plan elements, it receives the greatest attention. The Land Use Element establishes the types and quantities of land available within the City, its sphere of influence, and the planning area. In conjunction with the Circulation Element, it guides the physical development of the City. The Land Use Element defines land use designations, provides statistics regarding vacant and developed lands within these designations, and discusses strategies for the future development of the City. Finally, goals, policies and programs set parameters for decision-makers, staff and the development community.

### BACKGROUND

Government Code Section 65300 et. seq. is the guiding law for the Land Use Element. This section of the law requires that all cities establish land use plans which assign residential, commercial, industrial and other land use designations to properties within the jurisdiction. The Land Use Element addresses the broadest issues in the General Plan, and is the most inter-related with other General Plan elements.

This element is most closely associated with the Circulation Element, whose streets and trails must be designed to accommodate the mix of land uses established in the General Plan. The generation of traffic by the various land uses has a direct impact on the sizing and location of roadways, as well as affecting related General Plan issues, such as noise and air quality.

Land use is also critical to the Economic Development Element, insofar as the potential for commercial and industrial development is tied to the appropriate and sufficient supply of land for these developments. This Land Use Element has been developed to support the Economic Development Element by assigning a wide range of land uses in a logical manner throughout the community.

Ultimately, the Land Use Element's most important task is to maintain and improve the residents' quality of life. In developing the land use map and the goals, policies and programs included in this Element, great care has been taken to assure compatibility between land uses, to provide for future jobs and commercial opportunities, and to preserve open spaces for the enjoyment of the entire community.

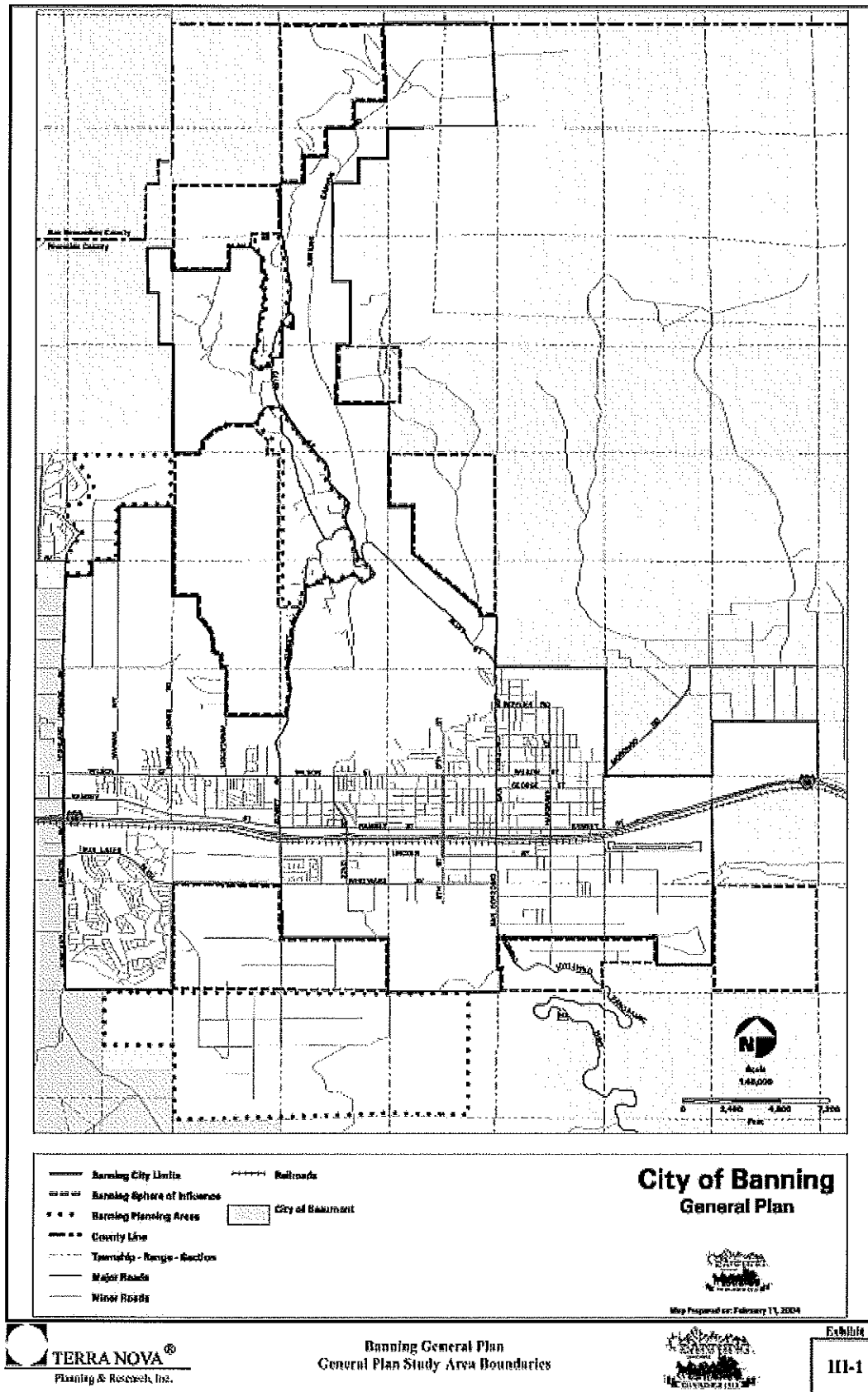
### **The City, its Sphere of Influence, and its Planning Area**

In developing this General Plan, the City has analyzed issues and assigned land uses to lands within its corporate boundary, its legal sphere of influence (sphere), and a planning area which is outside the City and sphere, but which represents a logical extension of the City in the long term. Lands within each of these categories are shown on the General Plan Study Area Boundaries Map, Exhibit III-1. The City comprises a total of 14,823 acres, extending easterly from Highland Springs Avenue to Malki Road, and from the San Bernardino County line on the north to Bobcat

Road on the south. The City's Sphere of Influence includes eight separate areas on the north and south ends of the City, totaling 5,436 acres. Lands included in the Planning Area occur adjacent to the north, northwest and southern portions of the City, and total 3,296 acres.

The analysis leading to this Land Use Element included review of the City's previous General Plan, and the current General Plans of the County of Riverside and the Morongo Band of Mission Indians (for lands outside the City's limits). The influence of development in Beaumont has also been considered. The General Plan Advisory Committee has considered existing land use, visions for the future, and physical constraints, in developing the land use map and goals, policies and programs included in this Element. The goals, policies and programs address both general land use principles applicable throughout the planning area, and specific issues associated with each land use type in the City.

EXHIBIT III-1, GENERAL PLAN STUDY AREA BOUNDARIES



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## GENERAL PLAN LAND USE DESIGNATIONS

The following Land Use Designations are included in the Land Use Map for the General Plan, as shown on Exhibit III-2. Each designation is defined below. Specific land uses are detailed in the Zoning Ordinance. Abbreviations for each land use designation are provided in brackets.

### **Open Space-Resources (OS-R)**

Lands for the preservation of water, biological, visual, ridgelines, or other resources, and for flooding, geotechnical or other hazards are included in this category. Electrical transmission line easements, natural gas or fuel transmission line easements preserved as open space through the development process are also included. Non-motorized vehicle trails, roads and passive parks may be appropriate within this designation.

### **Open Space- Parks (OS-Pa)**

Allows public and private parks and recreational facilities, including golf courses, tot lots, dog parks, neighborhood, community and regional parks, sports fields, and passive parks.

### **Open Space- Public (OS-Pu)**

Lands owned by the County, the state of California, United States or Tribal entities, which are preserved as natural open space are included in this land use category.

### **Open Space- Hillside Preservation**

Lands, whether in private or public ownership, which are preserved as open space, including ridgelines. Uses such as trails, wildlife viewing areas, ranger stations, roads and passive parks may be appropriate.

### **Ranch/Agriculture Residential (RAR) (1 du/10 acres)**

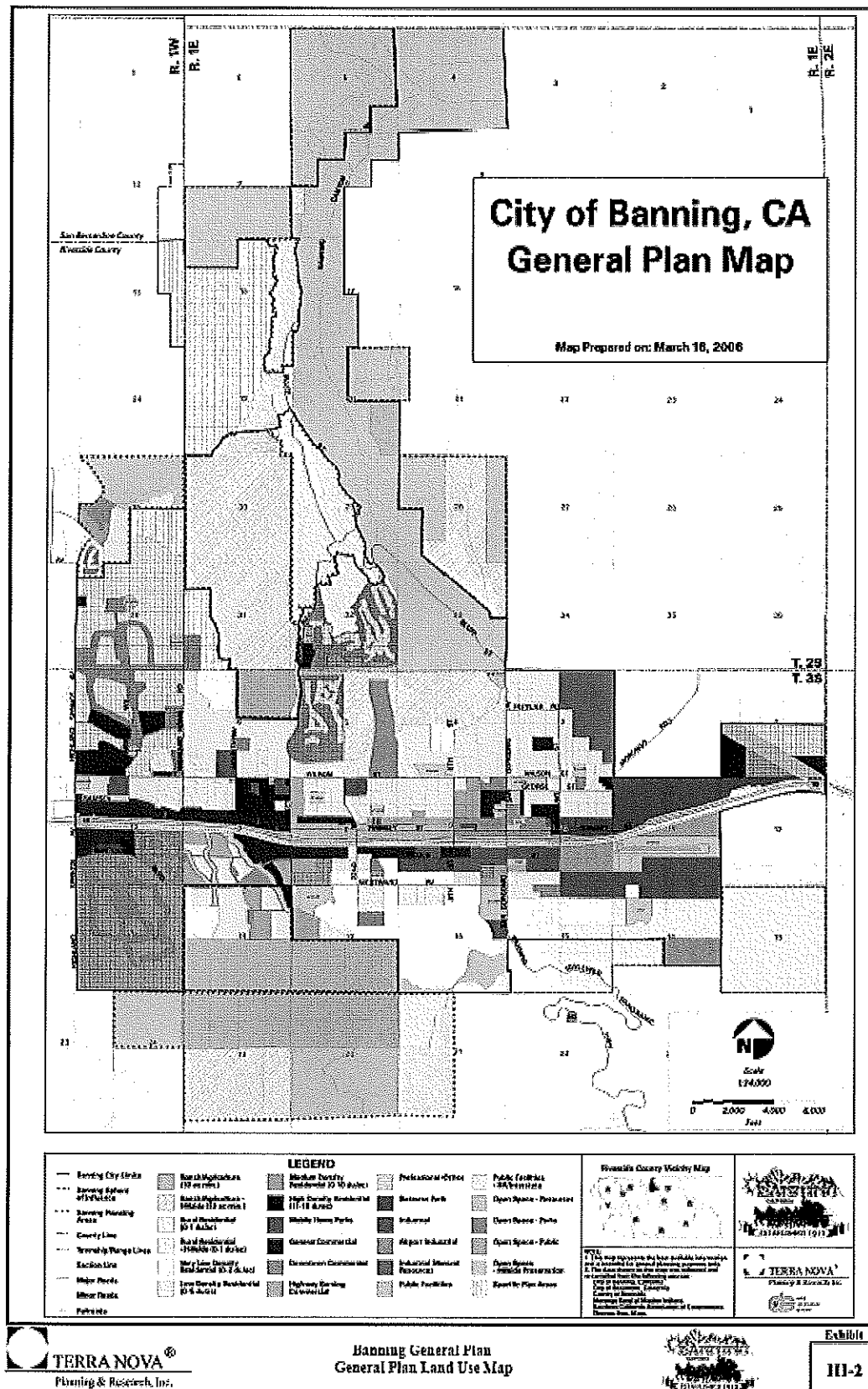
Allows detached single-family homes on lots of at least ten acres. Also permitted are agricultural and ranching activities, animal keeping (both personal use and commercial), and animal-keeping or agricultural related commercial enterprises, such as feed stores, commercial stables and similar uses, and home occupations. May be appropriate for bed & breakfast and similar uses, with the approval of a conditional use permit. If Ranch/Agriculture Residential – Hillside density transfers are applied to a Ranch/Agriculture Residential parcel, the maximum density shall be one dwelling unit per 5 acres.

### **Ranch/Agriculture Residential – Hillside (RAR-H) (1 du/10 acres)**

Assigned to lands in the foothills. Portions of the site exceeding 25% slope as well as the ridgelines are to be preserved as open space, but density may be transferred to developable areas. If a density transfer is applied, the maximum density for the developable lands shall be one dwelling unit per 5 acres.



EXHIBIT III-2, GENERAL PLAN LAND USE MAP



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**Rural Residential (RR) (0-1 du/acre)**

Allows detached single family homes on lots of at least one acre. Also permitted are agricultural and ranching activities, animal keeping (both personal use and commercial) and home occupations. May be appropriate for bed & breakfast and similar uses, with the approval of a conditional use permit. May also be appropriate for animal-keeping or agricultural related commercial enterprises, such as feed stores, commercial stables and similar uses with approval of a conditional use permit.

**Rural Residential – Hillside (RR-H) (0-1 du/acre)**

Assigned to lands in the foothills. Portions of the site exceeding 25% slope as well as the ridgelines are to be preserved as open space, but density may be transferred to developable areas. All other RR provisions apply. If a density transfer is applied, the maximum density allowable is 2 units to the acre, and the standards of the Very Low Density Residential designation will be applied.

**Very Low Density Residential (VLDR) (0-2 du/acre)**

Allows detached single-family homes at a density of up to 2 units per acre. Home occupations are permitted. May be appropriate for bed & breakfast and similar uses. Animal keeping is permitted according to Zoning restrictions.

**Low Density Residential (LDR) (0-5 du/acre)**

Allows the development of attached and detached single family homes, in traditional subdivisions and planned communities. The clustering of condominiums and townhomes may be appropriate with the provision of common area amenities and open space, when a Specific Plan is prepared. Home occupations are permitted. Bed & breakfasts and similar uses may be appropriate with the approval of a conditional use permit.

**Medium Density Residential (MDR) (0-10 du/acre)**

Allows the development of attached and detached single family homes, in traditional subdivisions and planned communities. Also allows condominiums and townhomes, garden apartments and duplexes, with the provision of common area amenities and open space. The clustering of condominiums and townhomes may be appropriate with the provision of common area amenities and open space. Home occupations are permitted. Bed & breakfasts and similar uses may be appropriate with the approval of a conditional use permit. May also be appropriate for convenience retail commercial ("corner store" type development such as convenience stores, grocery or green grocer, video rental, drug stores, sit down restaurants, coffee shops or coffee bars or similar uses), less than 5,000 square feet in total square footage, with approval of a conditional use permit.

**High Density Residential (HDR) (11-18 du/acre)**

Allows condominiums and townhomes, as well as apartments with the provision of common area amenities and open space. Duplex and multi-plex development is the most prevalent type of development in this designation. The clustering of condominiums and townhomes may be appropriate with the provision of common area amenities and open space. Mobile home parks and subdivisions may also be appropriate, with the approval of a conditional use permit. Home occupations are permitted.

**Mobile Home Park (MHP)**

The designation applies to existing mobile home parks or subdivisions within the City. Only mobile parks and subdivisions are permitted. Home occupations are permitted.

**Downtown Commercial (DC)**

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

**General Commercial (GC)**

Allows food and drug stores; home improvement; auto sales, leasing, service and repair; department and general retail outlets; merchandise leasing; neighborhood serving retail and services; restaurants; entertainment uses; gas stations; general offices (secondary to retail); mixed uses; and financial institutions. All existing uses in existence as of the adoption of this General Plan will be permitted until such time as the use in a particular location ceases operation for a period of six months.

**Highway Serving Commercial (HC)**

Allows restaurants (fast food and sit down), hotels and motels, auto related retail, repair and services, including gas stations, convenience stores and similar uses serving the I-10 traveler.

**Professional Office (PO)**

Allows professional offices and social services, financial institutions with only ancillary retail, and mixed uses.

**Industrial (I)**

Includes industrial parks and freestanding industrial users. Examples include light and medium intensity manufacturing operations, warehousing and distribution, mini-storage, and associated offices. Commercial recreation facilities are also appropriate. Auto storage and repair is also allowed. Ancillary retail may also be appropriate.

**Business Park (BP)**

Light industrial manufacturing and office/warehouse buildings are appropriate in this designation. Restaurants and retail uses ancillary to a primary use, and professional offices are also appropriate. Commercial development, such as large-scale retail (club stores, home improvement, etc.) and mixed-use project may also be permitted, subject to a conditional use permit.

**Industrial-Mineral Resources (I-MR)**

Allows surface mining operations on lands designated by the City or the state as having significant potential for mineral resources. All the requirements of the State Department of Mining and Geology shall apply.

**Airport Industrial (AI)**

Land uses must be focused on airport-related and transportation-related functions, including machining, manufacturing, warehousing, flight schools, restaurants and office uses. Aircraft maintenance, repair and catering services are also appropriate.

**Public Facilities-Airport (PF-A)**

Land uses are specifically related to airport operations: administration offices, hangars, tie-downs, runways, restaurants and flight schools. Ancillary retail and service business relating to the airport are appropriate.

**Public Facilities- Government (PF-G)**

City Hall, Police Department, Community Center, libraries and similar governmental buildings.

**Public Facilities- Fire Station (PF-F)**

**Public Facilities- Schools (PF-S)**

Public and private schools at all levels, including colleges.

**Public Facilities- Hospital (PF-H)**

**Public Facilities – Railroad and Interstate (PF-R)**

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**Specific Plans**

The Specific Plan is an important tool in the coordinated development of larger parcels, or of projects which propose a variety of land uses. They shall include design standards and guidelines, infrastructure plans and implementation measures to ensure the coordinated, orderly development of a project. Government Code provides the standards and guidelines for the content of Specific Plans. Specific Plans can also be combined with environmental documentation, and result in a Specific Plan/Environmental Impact Report.

In Banning, Specific Plans have previously been considered a land use designation. With adoption of this General Plan, this is no longer the case. Existing approved Specific Plans are shown on the land use map with their approved land use plan, and the Specific Plan overlay.

With adoption of this General Plan, Specific Plans are required for projects which propose more than one type of residential land use, commercial land uses and/or industrial land uses, or a combination of these, within one project site. Specific Plans are also required when a project is proposed within an area previously undeveloped, where infrastructure master planning will be required (water, sewer, flood control or roadways), and when the project will be phased. Once a new Specific Plan is approved by the City Council, the Land Use Map will be amended to place the Specific Plan overlay on that area.

### **Buildout Statistical Analysis**

The General Plan area consists of 14,823.1 acres within the City limits, 5,436.2 acres within the Sphere of Influence, and 3,295.7 acres within the planning area, for a total land area of 23,555 acres. This acreage has been assigned land use designations which result in the land use statistical summary depicted in Table III-1, below.

**Table III-1  
General Plan Buildout Summary**

Land Use Designation	City Limits			Sphere of Influence			Planning Area			Grand Total Acres
	Acres Dev.	Acres Vacant	Acres Total	Acres Dev.	Acres Vacant	Acres Total	Acres Dev.	Acres Vacant	Acres Total	
Ranch/Agriculture (1 du/10 ac.)		77.7	77.7	74.0	724.7	798.7	29.6	631.6	661.2	1,537.5
Ranch/Agriculture - Hillside (1 du/10 ac.)	121.8	351.5	473.3	16.7	1,536.4	1,553.1	18.7	421.1	439.8	2,466.2
Rural Residential (0-1 du/ac.)	124.5	471.4	595.9	8.6	902.0	910.6	199.5	639.9	839.4	2,345.9
Rural Residential – Hillside (0-1 du/ac.)		56.2	56.2		78.5	78.5		269.3	269.3	404.0
Very Low Density Residential (0-2 du/ac.)	230.3	1,916.6	2,146.9	21.6	198.8	220.4				2,367.3
Low Density Residential (0-5 du/ac.)	1,299.9	1,847.5	3,147.4	0.2	166.8	167.0	2.4	129.7	132.1	3,446.6
Medium Density Residential (0-10 du/ac.)	656.1	362.6	1,018.7		49.4	49.4	0.2	29.5	29.7	1,097.9
High Density Residential (11-18 du/ac.)	156.5	213.4	369.9	0.1	9.5	9.6				379.5
Mobile Home Park	116.4	14.0	130.4							130.4
General Commercial	203.8	252.1	455.9							455.9
Highway Serving Commercial	103.0	7.3	110.3							110.3
Downtown Commercial	86.0	11.3	97.3							97.3
Professional Office	23.0	18.6	41.6							41.6
Business Park	91.6	292.1	383.7							383.7
Industrial	146.7	274.1	420.8							420.8
Airport Industrial	41.6	94.2	135.8							135.8
Industrial-Mineral Resources	188.5	27.7	216.2							216.2
Open Space - Hillside Preservation							0.2	647.1	647.3	647.3
Open Space - Park	246.6	877.5	1,224.1	0.0	21.7	21.7	29.8	15.8	45.6	1,291.4
Open Space - Resources	122.7	2,658.3	2,781.0	25.0	1,599.4	1,624.4	1.2	230.0	231.2	4,636.6
Public Facilities - Airport	72.3	72.1	144.4							144.4
Public Facilities - Cemetery	12.9	2.5	15.4							15.4
Public Facilities - Fire Station	3.5	0.1	3.6		2.9	2.9				6.4
Public Facilities - Government	24.3	39.7	64.0							64.0
Public Facilities - Hospital	10.6	0.3	10.8							10.8
Public Facilities - RR/Interstate	419.3	48.9	468.2							468.2
Public Facilities - School	137.9	95.7	233.6							233.6
<b>Grand Total</b>	<b>4,739.9</b>	<b>10,083.3</b>	<b>14,823.2</b>	<b>146.2</b>	<b>5,290.0</b>	<b>5,436.2</b>	<b>281.7</b>	<b>3,013.9</b>	<b>3,295.0</b>	<b>23,555.0</b>

### Existing Residential Development

Existing residential development in the City can be characterized geographically. Traditionally, larger lots, often including animal keeping, have been developed south of the Interstate 10/Railroad corridor. In recent years, the Sun Lakes Country Club project, located south of the Interstate and east of Highland Springs Avenue, was developed to include a golf course and a variety of lot sizes. Sun Lakes has developed at a greater density than had previously been experienced on the south side of the City.

On the north side of the Interstate, single family residential land uses have developed northerly of the Ramsey Street commercial corridor, in lot sizes ranging from 7,000 to 15,000 or more square feet. Multi-family residential development has occurred, both in apartments and in mobile



home parks, along Wilson Street, immediately north of Ramsey Street, and between San Geronio and Hathaway, north and south of the Interstate corridor.

The divergent neighborhoods in the City require special attention in the planning of the City's buildout. The development opportunities of the various areas of the City available for residential units are discussed further below.

### **Existing Commercial Development**

Commercial development in the City has focused entirely on the Ramsey Street corridor in the past. Extensions of the corridor have occurred on the east side of Highland Springs Avenue, from Sun Lakes Boulevard to Wilson Street, and in the Downtown area, between 4<sup>th</sup> Street and Alessandro. The development of commercial land in the City has been smaller in scale, due primarily to lot configuration (which is shallow in a north-south direction in many areas), existing parking requirements, and multiple small lot ownerships, which have made consolidated projects more difficult.

The Downtown area has developed with its own character, and represents a special development type in the City. Many of the buildings in this area are the oldest commercial structures in the City, and the scale of the area makes it conducive to pedestrian circulation. The development potential of the Downtown area is discussed further below.

### **Existing Industrial Development**

Industrial development in the City has historically been divided into airport-related uses, and traditional industrial land uses. The airport-related land uses are primarily centered on the City's airport property, and on lands immediately adjacent to it. Industrial land uses, ranging from storage to heavy manufacturing, occur on both sides of Lincoln Street, generally east of 16<sup>th</sup> Street.

The City has attracted a number of manufacturing businesses, and has thus created a core of job-generating land uses which continue to be an important part of the community. Future industrial development opportunities are discussed further below.

### **Redevelopment Project Area**

The Community Redevelopment Agency of the City of Banning, along with all 400 redevelopment agencies in California, was dissolved on February 1, 2012, by order of the California Supreme Court in a decision issued on December 29, 2011 (California Redevelopment Association et al. v. Ana Matosantos). On June 27, 2012, the California Legislature passed and the Governor signed AB 1484, a bill making technical and substantive changes to AB 26, the dissolution bill that was found largely constitutional by the Supreme Court on December 29, 2011. In response to the requirements of AB 26 and AB 1484, the City of Banning City Council now serves as the Successor Agency to the former Redevelopment Agency. Pursuant to state legislation, the Successor Agency is governed by one two body, the Banning Oversight Board of the Successor Agency with the ultimate decision making body of the state Department of Finance.

Each City throughout the state is currently winding down their former Redevelopment Agency. Pursuant to state legislation the winding down process will be completed by 2016. The Economic Development Element recognizes the importance of continuing to pursue the goals and objectives set forth for the former Redevelopment Project Area, which encompassed approximately 3,000 acres in the City. While the use of Tax Increment Funding is no longer applicable to help achieve these goals and objectives, the City's Economic Development Department will continue its efforts to encourage public/private partnerships, seek outside investment, and development programs that incentivize development activity. This includes all land use designations within the City of Banning.

## **FUTURE DIRECTIONS**

Land use in the future will consist of two distinct types of development. The City is currently seeing the preparation of Specific Plans for large tracts of land, which will result in the development of master planned communities in the western half of the City. Areas in the south eastern portion of the City will likely also develop through master planning. In the northern portion of the City, where larger land holdings are fewer and the majority of development has occurred, infill development (the development of existing lots or the assemblage of several existing lots to create a project area) will continue.

The City has an opportunity for development and redevelopment of the Ramsey Street corridor for mixed-use/commercial development. Commercial and industrial development will also be focused on the north side of Lincoln Street, adjacent to the Interstate 10 and railroad rights of way.

This General Plan also includes areas designated for open spaces, to ensure the preservation and enhancement of hillsides, ridgelines, resource areas and park lands, particularly on the north and south boundaries of the planning area.

The following pages provide goals, policies and programs on a categorical basis. First, City-wide land use principles are listed. These are followed by individual analysis and goals, policies and programs for residential, commercial, industrial, open space and public land use categories.

## **CITY-WIDE GOALS, POLICIES AND PROGRAMS**

### **Goal**

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.

### **Policy 1**

The City maintain a land use map which assures a balance of residential, commercial, industrial open space and public lands.

### **Program 1.A**

The city shall annually monitor the remaining capacity of all General Plan land use categories and recommend changes to the City Council as needed.

**Responsible Agency:** Community Development Department, Planning Commission  
**Schedule:** Ongoing

**Program 1.B**

The City's Zoning Ordinance shall directly correspond to General Plan land use designations, and shall be kept consistent with the General Plan.

**Responsible Agency:** Community Development Department, Planning Commission, City Council

**Schedule:** Ongoing

**Policy 2**

The Planning, Public Works and Economic Development staffs shall be closely coordinated, to assure efficient and cost effective processing of applications.

**Program 2.A**

The City shall develop a Fast Track application process for projects which enhance the City's economic development. Procedures and timelines shall be provided to qualifying project applicants in writing.

**Responsible Agency:** Community Development, Department, Public Works, Economic Development staff, City Manager's Office

**Schedule:** 2005-2006

**Policy 3**

Development in all land use categories shall be of the highest quality.

**Program 3.A**

The Zoning Ordinance shall include design standards and guidelines which assist the development community in developing high quality projects.

**Responsible Agency:** Community Development Department, Planning Commission, City Council

**Schedule:** Ongoing

**Policy 4**

Specific Plans shall be required for projects proposing one or more of the following:

- a. More than one residential land use designation;
- b. A combination of residential, recreational, commercial and/or industrial land use designation; or
- c. Extension of infrastructure (water, sewer and roadways) into an area where these do not exist.

**Policy 5**

All land use proposals shall be consistent with the goals, policies and programs of this General Plan, and with the Zoning Ordinance.

## Policy 6

The City shall implement a program for Art in Public Places.

### Program 6.A

An Art in Public Places Ordinance shall be prepared and incorporated into the Municipal Code.

**Responsible Agency:** Community Services Department, Community Development Department, Planning Commission, City Council.

**Schedule:** As budgets allows

## RESIDENTIAL LAND USE

The vast majority of the City's residential developed lands are single family homes on lots ranging from 7,000 to 15,000 square feet, particularly on the north side of the City. South of Interstate 10, and with the exception of the Sun Lakes Specific Plan, lot sizes are considerably larger, and often have included either animal keeping or farming activities.

Lands available for residential development generally fall into two types: infill development on the north side of the City, and larger holdings, most of which will require coordinated development efforts, on the south side of the City. Table-2, below, provides information on vacant and developed residential lands in the City, the Sphere of Influence, and the planning area.

**Table III-2  
Residential Buildout Statistical Summary**

Designation	City Limits				Sphere of Influence				Planning Area				Grand Total Units	Grand Total Acres
	Acres Total	Exist. Units	Future Units	Total Units	Acres Total	Exist. Units	Future Units	Total Units	Acres Total	Exist. Units	Future Units	Total Units		
Ranch/Agriculture (1 du/10 ac.)	77.7		8	8	798.7		72	72	661.2		63	63	143	1,537.6
Ranch/Agriculture - Hillside (1 du/10 ac.)	473.3		35	35	1,553.1		154	154	439.8		42	42	231	2,466.2
Rural Residential (0-1 du/ac.)	595.9		471	471	910.6		902	902	839.4		640	640	2,013	2,345.9
Rural Residential - Hillside (0-1 du/ac.)	56.2		84	84	78.5		79	79	269.3		269	269	432	404.0
Very Low Density Residential (0-2 du/ac.)	2,146.9	8,227	2,875	11,102	220.4	352	298	650	0.0	204	0	204	11,956	2,367.3
Low Density Residential (0-5 du/ac.)	3,147.4		6,928	6,928	167.0		626	626	132.1		486	486	8,040	3,446.5
Medium Density Residential (0-10 du/ac.)	1,018.7		2,720	2,720	49.4		371	371	29.7		221	221	3,311	1,097.8
High Density Residential (11-18 du/ac.)	369.9	1,021	2,881	3,902	9.7		129	129	0.0		0	0	4,031	379.6
Mobile Home Park	130.4	1,156	189	1,345									1,345	130.4
<b>Residential Total</b>	<b>8,016.4</b>	<b>10,404</b>	<b>16,191</b>	<b>26,595</b>	<b>3,787</b>	<b>352</b>	<b>2,630</b>	<b>2,982</b>	<b>2,372</b>		<b>1,722</b>	<b>1,926</b>	<b>31,503</b>	<b>14,175</b>
Note: Future units calculated at 75% of maximum density except in Ranch/Agriculture, Ranch/Agriculture-Hillside, Rural Residential and Rural Residential- Hillside.														

### Build-Out Population

Based on the table above, the City's buildout population is estimated to total 67,697, the Sphere

of Influence's will total 7,622, and the planning area's will total 4,907<sup>1</sup>. Total population at buildout for the entire General Plan area is therefore estimated to be 80,226.

### **Neighborhood Identity**

Through the development of this General Plan, the variety and diversity of neighborhoods in the City has been clearly identified. These areas are bound together by tangible and intangible similarities, including age of housing, lifestyle and geographic isolation. The City wishes to support and enhance these neighborhoods, and preserve the quality of life they represent to their residents.

### **Master Planned Communities**

Existing and proposed Specific Plans in the City, including the Sun Lakes project, the Loma Linda property Specific Plan, and the Butterfield Specific Plan create their own internal neighborhood identities, and are likely to evolve as such as they are developed. New projects which may be proposed through the Specific Plan process are likely to also develop into neighborhoods with their own identities.

### **Development Opportunities for the Future**

The General Plan process has resulted in a strong sense in the City of high quality, livable community. The quality of life of all residents and their ability to find the type of housing which fits their lifestyle is important and must be preserved and enhanced. Four areas of focus are described below.

### **Downtown Commercial**

The area bounded by 8<sup>th</sup> Street to the west, Hargrave to the east, the Interstate 10 corridor to the south, and Nicolet on the north has been designated as the Downtown Commercial area. This is the traditional "center of town," and included City Hall, small scale retail shops, the City's movie theatre, and older residential areas. In May 2004, the City conducted a design charette to develop ideas on the character of this area. The resulting document provides the City with ideas on how this area can be enhanced and redeveloped. Of particular interest in this process is the concept of intensifying the land uses in this area. This may include live-work buildings, where residential units are located either above or behind a retail studio or shop; downstairs commercial businesses with upstairs apartments or condominiums; high density residential development within easy walking distance of the commercial shops on Ramsey; and the enhancement of pedestrian and non-motorized travel, including enhanced sidewalks, shaded sitting areas and community plazas.

### **Neighborhood Plans**

As described above, there are a number of existing and distinct neighborhoods in the City. In order to preserve and enhance their character, policy and programs have been developed below which allow for the preparation of neighborhood plans which will establish design standards and guidelines for each of these neighborhoods. In developing the General Plan, several of the City-wide standards discussed, including the need for sidewalks and trails, the preservation of street trees, and the character of local streetscapes, have been discussed. As these discussions

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<sup>1</sup> Assumes 2003 populations of 25,600, 784, and 430 for the City, Sphere of Influence and planning area, respectively; and a household size of 2.6 persons. Does not include potential residential population in the Downtown Commercial land use designation.

developed, it has become clear that each of these neighborhoods should have the opportunity to develop a community-driven neighborhood plan which sets design parameters. These parameters may be implemented by new development, or may require retrofitting by the neighborhood or City, depending on whether the improvements are proposed in areas currently vacant or on developed property.

### **A Livable City**

Land subdivisions in the City have been traditional in their design. The City's requirements have provided for standard lots, 60 foot wide local streets, and minimal site design. As the remainder of the City develops, it is important to the residents of this community that proposed subdivisions provide high quality, creative design which will lead to a livable City. The Circulation Element includes provisions for local street design which allows for creativity and variety, as well as traffic calming tools. The Zoning Ordinance includes design standards and guidelines which encourage clustered housing, interior trails and parks in residential tracts, and other design tools which will encourage creative site design. The General Plan includes policies for the preservation of street trees and the development of a trail system, and the provision of sidewalks for safe pedestrian travel. All these concepts, when implemented, should lead the City to a more livable, and ultimately higher quality of life.

### **Density Transfers to Preserve Hillside**

In order to assure that the City's hillsides are preserved to the greatest extent possible, hillside designations have been provided in the General Plan (please see land use designation definitions, above) for the Ranch/Agriculture and Rural Residential designations. The intent of these designations is to allow the development of flat areas within a property at a greater density, if hillside areas are preserved. In the case of the Ranch/Agriculture designation, maximum density can be increased from 1 unit per 10 acres to 1 unit per 5 acres with a density transfer. In the case of the Rural Residential designation, the density transfer can result in an increase from 1 unit per acre to 2 units per acre.

## **RESIDENTIAL GOALS, POLICIES AND PROGRAMS**

### **Goal 1**

Preserve and enhance the City's neighborhoods.

### **Goal 2**

A broad range of housing types to fill the needs of the City's current and future residents.

### **Policy 1**

The land use map shall provide a range of housing densities while considering land use compatibility with non-residential land uses.

### **Policy 2**

Projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected.



**Policy 3**

Density transfers resulting in a 50% increase in density shall be permitted in the Residential/Agriculture-Hillside and Rural Residential-Hillside land use designations.

**Policy 4**

The City's Zoning Ordinance shall include design standards and guidelines which encourage high quality residential development.

**Program 4.A**

Design standards and guidelines shall be included in all residential zoning categories.

**Responsible Agency:** Community Development Department, Planning Commission, City Council

**Schedule:** Ongoing

**Policy 5**

The City shall complete Specific Neighborhood Plans when requested by the neighborhood.

**Program 5.A**

Develop and implement an outreach program and outline of parameters for Neighborhood Plans.

**Responsible Agency:** Community Development Department, Planning Commission, City Council

**Schedule:** As requested by neighborhoods

**Policy 6**

The Zoning Ordinance shall include principles, standards and guidelines which allow for creative and flexible design of residential projects, including clustered housing, narrowed local streets, trails, parks and plazas.

**Policy 7**

The Zoning Ordinance shall include principles, standards and guidelines which provide for high quality, high density mixed use residential development, in the Downtown Commercial zoning designation.

**Policy 8**

The City will participate in a Community Plan for the Banning Bench with Riverside County and the Banning Bench Community of Interest. Specific development proposals will continue to be processed during its preparation.

**Program 8.A**

Negotiate with the Banning Bench Community of Interest as part of the Master Plan for either inclusion in the City's Sphere of Influence or annexation.

**Responsible Agency:** City Council, Community of Interest

**Schedule:** As opportunity arise

## COMMERCIAL AND INDUSTRIAL LAND USES

The City's commercial development has traditionally been focused on the Ramsey Street corridor. In more recent times, commercial development has also occurred on the east side of Highland Springs Avenue. The General Plan does not change this development pattern, but does add to it, by providing additional commercial opportunities along the north side of Lincoln Street, between Sunset Avenue and 8<sup>th</sup> Street. The General Plan provides four land use designations appropriate for commercial development: General Commercial, Highway Serving Commercial, Downtown Commercial and Professional Office.

The General Commercial and Highway Serving Commercial designations allow the broadest range of commercial retail opportunities. The Highway Serving Commercial designation is geared more toward the Interstate 10 traveler, with a focus on restaurants, tourist uses, and auto service uses. The Professional Office designation is designed to provide space for professional and social service land uses, and providing a convenient and accessible location for businesses which do not generate sales tax. As discussed above, the Downtown Commercial designation is the City's specialty retail and mixed use area, and is envisioned to redevelop to encourage tourism, pedestrian access and a sense of community.

Commercial lands designated in the General Plan have the potential to generate 6,757,082 square feet of retail and office space in the City, as shown in Table III-3, below.

<b>Table III-3 Commercial and Industrial Buildout Statistical Summary</b>				
	<b>City Limits</b>			
<b>Designation</b>	<b>Acres Dev.</b>	<b>Acres Vacant</b>	<b>Acres Total</b>	<b>Total Potential S.F.<sup>1</sup></b>
General Commercial	203.8	252.1	455.9	4,368,981
Highway Serving Commercial	103.0	7.3	110.3	1,057,027
Downtown Commercial <sup>2</sup>	86.0	11.3	97.3	932,445
Professional Office	23.0	18.6	41.6	398,629
<b>Subtotal Commercial</b>	<b>415.8</b>	<b>289.3</b>	<b>705.1</b>	<b>6,757,082</b>
Business Park	91.6	292.1	383.7	4,178,493
Industrial	146.7	274.1	420.8	4,582,512
Airport Industrial	41.6	94.2	135.8	1,478,321
Industrial-Mineral Resources	188.5	27.7	216.2	N/A
<b>Subtotal Industrial</b>	<b>468.4</b>	<b>688.1</b>	<b>1,156.5</b>	<b>10,239,326</b>
<b>Grand Total Commercial &amp; Industrial</b>	<b>884.2</b>	<b>977.4</b>	<b>1,861.2</b>	<b>16,996,408</b>

Industrial development in the City has traditionally occurred on the north side of Lincoln, and surrounding the City's airport. The area of industrially designated land has been reduced in this General Plan, particularly west of 8<sup>th</sup> Street on the north side of Lincoln. There are four land use categories which allow industrial development, including Business Park, Industrial, Industrial – Mineral Resources, and Airport Industrial. The Business Park designation allows a mix of commercial and light industrial land uses, and provides a transitional designation from commercial to industrial land uses. The Industrial designation allows the broadest range of users, and preserves the existing industrial businesses in the City. The Industrial – Mineral Resources

designation is assigned to the existing Robertson sand and gravel facility, and is intended to specifically regulate mining operations. The Airport Industrial category acknowledges the importance of the City's airport, and provides for land uses related to and compatible with that facility.

Industrial development has been an important source of jobs in the City, and the City continues to attract industrial land uses, primarily due to the limited industrial lands available in the Pass region. As development pressures continue to intensify in the Inland Empire to the west of the City, industrial development will continue to seek locations in Banning.

The industrial designations have the potential to generate 10,239,326 square feet of industrial space at buildout of the General Plan.

## **COMMERCIAL AND INDUSTRIAL GOALS, POLICIES AND PROGRAMS**

### **Commercial Goal**

Complementary commercial uses which meet the needs of the City's residents, increase the City's sales and property tax revenues, and provide a range of employment opportunities.

### **Industrial Goal**

A balanced mix of non-polluting industrial land uses which provide sales and property tax and local jobs for the City's residents.

### **Policy 1**

The land use map shall include sufficient commercial lands to provide a broad range of products and services to the City and region, while carefully considering compatibility with adjacent residential lands.

### **Policy 2**

In coordination with the Economic Development Element, the City shall maintain market information, including information on the City's identified service needs, potential sites, Fast Track System and provide information on those sites to the development community.

### **Program 2.A**

Develop and maintain an inventory of potential commercial sites, including lands which may require consolidation, and demographic information for use by the Economic Development staff in attracting new businesses to the City.

**Responsible Agency:** Economic Development staff, Community Development Department, City Manager's Office

**Schedule:** Ongoing

### **Policy 3**

The Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects.

**Policy 4**

The Zoning Ordinance shall include principles, design standards and guidelines, based on the Downtown Design Charette, which provide for high quality, pedestrian oriented retail development in the Downtown Commercial zoning designation.

**Policy 5**

The City shall coordinate with the Banning Unified, the Beaumont Unified School Districts and the Mount San Jacinto Community College to provide vocational education to support commercial and industrial businesses in the City and surrounding areas.

**Policy 6**

The City shall develop and implement a community identification program, including monument signage, directional signs, etc. which provide attractive entry statements for the City, and which direct visitors to local points of interest.

**Policy 7**

The land use map shall include sufficient industrial lands for manufacturing, warehousing and distribution, while carefully considering compatibility with adjacent lands.

**Policy 8**

Industrial lands shall be located on major roadways with good access to Interstate 10, to assure that potential traffic impacts associated with tractor-trailers are minimized.

**Policy 9**

The Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality industrial projects.

**Policy 10**

Industrial campuses and master planned projects are encouraged.

**Policy 11**

The City shall coordinate with developers and the Railroad to secure railroad spurs.

**Policy 12**

The City shall adequately regulate sand and gravel operations to assure that their impacts to surrounding development is minimized.

**Program 12.A**

The City shall establish a formal relationship with the County Geologist or other qualified agency to monitor mineral resource operations under the State Mining and Reclamation Act (SMARA).

**Responsible Agency:** Community Development Department, Riverside County Geologist

**Schedule:** Ongoing

## PUBLIC FACILITIES LAND USES

Land uses for public facilities include such governmental functions as City offices and facilities and fire stations, and the airport. Others include schools, the hospital, and libraries. The land use plan identifies public facilities if they are currently owned by a public entity, or proposed for dedication to a public entity in a Specific Plan. In the future, as additional facilities are acquired, the General Plan land use map will be amended to reflect these acquisitions.

**Table III-4  
Public Facilities Buildout Statistical Summary**

Designation	City Limits			Sphere of Influence			Grand Total Acres
	Acres Dev.	Acres Vacant	Acres Total	Acres Dev.	Acres Vacant	Acres Total	
Public Facilities - Airport	72.3	72.1	144.4				144.4
Public Facilities - Cemetery	12.9	2.5	15.4				15.4
Public Facilities - Fire Station	3.6	0.0	3.6	0.0	2.9	2.9	6.4
Public Facilities - Government	23.46	39.7	63.16				63.16
Public Facilities - Library	0.84	0.00	0.84				0.84
Public Facilities - Hospital	10.6	0.3	10.8				10.8
Public Facilities - Railroad/Interstate	419.4	48.9	468.3				468.3
Public Facilities - School	137.9	95.7	233.6				233.6
<b>Grand Total Public Facilities</b>	<b>681.0</b>	<b>259.2</b>	<b>940.2</b>	<b>0.0</b>	<b>2.9</b>	<b>2.9</b>	<b>943.1</b>

Table III-4 identifies 940.2 acres within the City limits and about 2.9 acres within the City's sphere-of-influence for public facilities. No public facilities designations occur in the planning area. The largest area under this category is the Interstate 10/Railroad corridor.

As the City grows, it is essential that the need for public facilities be identified and planned. Many of these facilities are not under the control of the City (schools and fire stations, for example). However, the maintenance of the City's existing relationships with the school districts, the County fire department and other agencies is critical in assuring that sufficient land is made available for the future development of public facilities in the City, the Sphere of Influence and the planning area.

## PUBLIC FACILITIES GOAL, POLICIES AND PROGRAMS

### Goal

Sufficient and appropriately located public facilities to serve the needs of the City's residents, businesses and visitors.

### Policy 1

The City shall take a leadership role with all providers of public services in the community to assure they provide adequate and quality levels of service based on future demands.

### Program 1.A

The City shall take a leadership role with the various public and private providers responsible for schools, fire, health and other providers.

**Responsible Agency:** Community Development Department, City Manager's Office, City Council, Fire Department, Banning and Beaumont Unified School Districts, County of Riverside, San Gorgonio Memorial Hospital

**Schedule:** Quarterly

## Policy 2

The City shall review projects, particularly those which propose master planned communities, to assure that public facilities are provided to meet the needs of the project and the surrounding area.

## Program 2.A

The City shall, where appropriate, regulate the location of public facilities through conditions of approval.

**Responsible Agency:** Community Development Department, Public Works Department, Planning Commission, City Council

**Schedule:** Ongoing

## OPEN SPACE LAND USES

The land use map includes four types of Open Space designations, which total 4,005.1 acres in the City, 1,646.1 acres in the Sphere of Influence, and 924.1 acres in the planning area. Altogether, this General Plan provides 6,575.3 acres of open space, including lands preserved for natural resources, such as water and geological hazard; lands preserved for hillside preservation; and lands preserved for recreation. Under the Open Space – Parks category, the lands include City parks, both existing and proposed, and golf courses, also both existing and proposed.

**Table III-5  
Open Space Buildout Statistical Summary**

Designation	City Limits			Sphere of Influence			Planning Area			Grand Total Acres
	Acres Dev.	Acres Vacant	Acres Total	Acres Dev.	Acres Vacant	Acres Total	Acres Dev.	Acres Vacant	Acres Total	
Open Space - Hillside Preservation							0.2	647.1	647.3	647.3
Open Space - Park	346.6	877.5	1,224.1	0.0	21.7	21.7	29.8	15.8	45.6	1,291.4
Open Space - Resources	122.7	2,658.3	2,781.0	25.0	1,599.4	1,624.4	1.2	230.0	231.2	4,636.6
<b>Grand Total Open Space</b>	<b>469.3</b>	<b>3,535.8</b>	<b>4,005.1</b>	<b>25.0</b>	<b>1,621.1</b>	<b>1,646.1</b>	<b>31.2</b>	<b>892.9</b>	<b>924.1</b>	<b>6,575.3</b>

As with the Public Facilities land use designations, lands designated under this category are those owned by private or public entities for that purpose. As additional lands are secured for Open Space, whether private or public, the General Plan land use map will require amendment to reflect these acquisitions. The continued expansion of Open Space lands will continue to provide the City's residents and visitors with valuable enhancements to quality of life. Please also refer to the Open Space and Conservation Element for policies and programs relating to these land uses.



## **OPEN SPACE AND CONSERVATION GOALS, POLICIES AND PROGRAMS**

### **Goal**

The conservation and management of open space areas to provide recreational opportunities and protect important resources in perpetuity.

### **Policy 1**

Lands preserved through conservation easements, acquired by private or public agencies, or dedicated for open space shall be designated for the appropriate Open Space land use category on the land use map as they are preserved.

### **Program 1 A**

Review development proposals adjacent to designated open space lands and assure that land uses are compatible, and buffers provided when necessary.

**Responsible Agency:** Community Development Department, Public Works Department

**Schedule:** Ongoing

### **Policy 2**

The City shall proactively coordinate with private and public agencies so that lands available for conservation are dedicated appropriately to assure their management in perpetuity.

### **Program 2.A**

The City shall coordinate with land owners and private and public agencies to the greatest extent possible to assure that lands proposed for open space either through donation or purchase are conveyed to the appropriate management agency.

**Responsible Agency:** Community Development Department, City Manager's Office, County of Riverside, State and Federal Agencies, Land Conservation Agencies

**Schedule:** Ongoing

### **Policy 3**

The City of Banning shall protect the peaks and ridgelines within the City, and encourage coordination with adjacent jurisdictions to protect the peaks and ridgelines within the City's area of influence, to protect the historic visual quality of the hillside areas and natural features of the Pass area.

### **Program 3.A**

The City shall investigate and implement actions and regulations that facilitate hillside development that is compatible with the natural characteristics of the terrain while protecting the significant view sheds, and natural hillside features such as topography, natural drainage, vegetation, wildlife habitats, movement corridors etc.

**Responsible Agency:** City Council, City Manager's Office, Planning Department, Public Works Department, City of Beaumont, County of Riverside, Morongo Band of Mission Indians

**Schedule:** Ongoing

## **ECONOMIC DEVELOPMENT ELEMENT**

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### **VISION**

The City of Banning has a robust and diverse economy in 2025. Many companies have established their headquarters in or relocated to the City because of its high quality of life, skilled workforce, community resources, opportunities for investment, and business-friendly environment. The City of Banning is known as a premier location for commerce and a haven for innovation and entrepreneurship in the Southern California region.

### **PURPOSE**

The purpose of the Economic Development Element is to guide the City of Banning in expanding, maintaining and enhancing a local economy that provides jobs, attracts and retains business, supports diverse and vibrant commercial areas, and provides sufficient and sustaining revenue to local government. As mentioned in the Introduction, the Economic Development Element is not a State-mandated element of the General Plan, but the City has long realized its importance in the strategic planning of the community. Clearly, the Economic Development Element is closely related to other elements in the General Plan. The Land Use Element provides the preferred balance and location of land use designations vital to the economic revitalization of the City. The Circulation Element ensures the proper transportation infrastructure to meet future needs while the Conservation and Open Space, Public Services and Facilities, Housing and Community Design Elements all work together to improve quality future development while reinforcing Banning as a great place to live, work and play.

The element is also intended to examine the City's potential economic opportunities and constraints, and set forth a series of goals, policies, and programs that will help create a viable, well-balanced economy. The element provides general direction on how the community can form resources to retain and expand local businesses, attract new businesses, support and grow the local tax base, and sustain the ability to provide public services for existing and future residents.

### **INTRODUCTION**

The Economic Development Element of the General Plan sets the future direction for economic development programs, planning and activity. The element is characterized under California State Planning Law as an optional element. This element serves as a guide to the City's use of resources to protect and improve Banning's economic vitality.

The City of Banning is well positioned for a prosperous economic future. Its position near major interstate and transportation corridors makes Banning a convenient and ideal location live, visit and do business. The City's variety of housing options, both existing and planned, makes it a place to live for a diverse labor force. The supply of affordable and vacant land with excellent interstate visibility and access provides a unique opportunity for commercial, residential, and industrial development. In the heart of the City is a quaint and historically significant Downtown that provides a sense of community for local residents and that serves as a base for future growth. This element provides specific policies that will advance the City's Economic Development Strategy to ensure the future short and long term economic goals are met.

## **BANNING AS PART OF THE PASS**

In formulating appropriate fiscal and economic development goals, policies and programs, it is essential to understand the City's role in the regional economy. The City of Banning is positioned in a portion of Riverside County known as the San Geronio Pass Area or "the Pass." Growth in the Pass, not only in Banning, will continue to have a strong influence on the City's economy. The Pass is comprised of the Cities of Banning, Beaumont, Cabazon, Calimesa, Yucaipa, and the Reservation area for the Morongo Band of Mission Indians. For many years the Pass was not viewed favorably by the development community due to its easterly location and demographics. Over the years, development has continued to move further east and the Pass communities have continued to grow and expand their demographic base. The population in the Pass Area has increased by approximately 75% since 1990 and is projected to grow another 9.5% by the year 2016 (projected 154,743).

As a result of this growth the demand for residential, commercial and industrial space has now entered the Banning market and sets the stage for the next round of significant development in our community.

## **DEMOGRAPHIC CHARACTERISTICS**

In order to understand the City's future needs, it is important to first understand the City's demographic composition, and the changes that have occurred in that composition in past years.

### **Population**

Riverside County experienced rapid growth during the 1980s, like much of southern California. During the economic recession of the early 1990s, population growth slowed somewhat. However, it has continued to grow rapidly since then. U.S. Census data indicates that the County population increased from 663,166 residents in 1980, to 1,170,413 residents in 1990, to 1,545,387 residents in 2000, to 2,239,620 residents in 2013. As previously mentioned the Pass has also experienced relatively rapid growth. Population growth in the City of Banning was less than that of the Pass during this period. Based on U.S. Census data, the City's population grew from 20,574 residents in 1990 to 23,487 residents in 2000, and to 30,260 in 2013 an increase of approximately 46 percent.

### **Age Distribution**

According to the 1990 Census, the median age of Banning residents was 36.8. By 2000, it had increased to 39.9 and in 2011 it had decreased to 37.3. This is slightly older than the median age for Riverside County residents, which based on Year 2010 Census data, was 32.3 years.

By 2015 the age group projected to experience the most growth is between 21 and 34 years, growing from 13.4 percent to 18.6 percent of the City's population. The age group projected to experience the greatest decline by 2015 from the age 65 and up, which will decrease from 26.8 percent to 24.1 percent of the City's population.

### **Household Size**

A "household" includes all people who occupy a housing unit. The City's average household size does not account for those living in group housing, such as convalescent care or nursing homes. Residents living in group housing account for approximately 4 percent of the total

population. Household size represents an average number of persons living in a dwelling unit. In 2000 there were a total of 8,707 households within Banning's corporate limits. In Year 2011 there were 12,144 households in Banning's corporate limits. The City's average household size in 2010 was 2.7. These numbers are projected to increase significantly, by approximately 9,000 housing units, over the next several decades as the City has several large housing projects that are planned for development.

### **Median Household Income**

Median Household income in Banning was \$28,467 in 1990, and has grown to an estimated \$44,295 in 2010. This is slightly below the Median Household Income of the Pass (\$49,386). By 2016 the Median Household Income for Banning is projected to increase by approximately 10.5 percent (\$48,945).

### **Employment Characteristics**

Employment characteristics in Banning are consistent with regional trends. In light of the great recession that impacted the entire nation in 2007, Banning is recovering and slowly seeing an increase in the various employment characteristics. Between 2007 and 2010, the share of Education and Health jobs increased from 25.9 percent of the total jobs market to 28.9 percent while the share of construction jobs declined from 6.3 to 3.6 percent. Other large employment sectors in Banning include Leisure/Hospitality at 19.4 percent, Public Administration at 11.5 percent, and Retail at 10.1 percent.

The local unemployment rate is also recovering from the great recession. The City had its highest unemployment rate on record in August of 2010 at 17.3 percent. By December 2012 the unemployment rate had dropped to 12.7 percent. These percentages are consistent within the Pass, but slightly higher than Riverside County rates. The unemployment rate trends over the last several years have continued to improve as the economy has slowly recovered.

The largest employers in Banning are listed in the following Table:

**Top Employers in Banning, 2013**

<b>Employer</b>	<b>No. of Employees</b>
Banning Unified School District	570
San Geronio Memorial Hospital	487
Green Thumb Produce	250
City of Banning	160
County of Riverside Social Services	133
Kmart Corp.	95
Albertsons, Inc.	80
Ferrees Group Home	60
New Millennium Medical Assoc.	60
Diamond Hills Automotive	52

Source: County of Riverside EDA, January 2012.

### **Housing Market**

The City offers a variety of affordable residential products, at competitive prices that are typically lower than those found in Riverside County overall. In 2013 the median home price in the City was \$137,300 with 12,144 housing units in the City. Banning has not had a new housing development in several years, however as the economy is rebounding from the great recession there are several new housing projects in the process of breaking ground. Pardee Homes has 5,387 new homes planned for construction. The project will be phased in over a number of years, however the Median Home price for the City is projected to increase based on the variety and size of homes planned for each development.

## **CURRENT ECONOMIC CONDITIONS**

### **Commercial Development**

Commercial development is a critical component in most communities, as the sale of goods and services can generate significant sales tax revenue and employment opportunities. Much of the City's commercial development is located immediately north and south I-10, and includes freeway-oriented commercial development. It also includes the City's core Downtown area, which is primarily located along Ramsey Street east of 8<sup>th</sup> Street and west of Hargrave. A cluster of fast-food restaurants located along Ramsey Street near 22<sup>nd</sup> Street has formed the core of freeway-oriented commercial development. General commercial land uses occur west of this area, with a focus on vehicle sales and service, while neighborhood commercial development occurs along the City's western border, on the east side of Highland Springs.

Revitalization efforts in the City's downtown have also afforded the City with opportunities to further capitalize on potential development opportunities. In addition to the City's previous Redevelopment Agency efforts, before redevelopment was eliminated in 2012, multiple development projects and investment activities have occurred. Several of the notable projects include:

- The development of the \$63M Banning Justice Center along East Ramsey Street;
- The development of the \$25M Village Paseo at San Geronio Mixed Use Project along East Ramsey Street;
- The Inland Behavioral and Health Services Center along East Ramsey Street;
- The elimination of blighted and dilapidated properties along East Ramsey Street; and
- The transition and change of ownership of long-term vacant properties to new owners interested in developing their sites.

While the City's proximity to the Railroad represents a potential resource for future business development, discussed under Industrial Development, below, it also constitutes a constraint to commercial activities, primarily in the Downtown core area. As noted in the Circulation Element, there are currently six railroad crossings in the City, of which four are at grade and two are grade separated. Local facilities carry approximately 60 trains a day, which average approximately 7,000 feet in length. Travelers accessing commercial development south of I-10 at the intersections with at-grade crossings may experience delays that have the potential to discourage utilization of those commercial areas.

An Economic Development Strategy prepared for the City in 1999 (see further discussion, below) presented several findings based on research conducted during its preparation. Among the findings were that the City's tax revenues have not kept pace with its need for services. It also found that the City owns several significant but under-utilized assets, including the Banning Municipal Airport, the Banning Water Canyon, and undeveloped Smith Creek Park lands. Along with the significant vehicle traffic along I-10 through the City, the City's proximity to the Outlet mall and the Morongo Band of Mission Indians gaming facility provide the City with unique economic development opportunities. These will be further discussed below.

### **Industrial Development**

Industrial and logistics development can bring stable and generally higher paying jobs to a community and can induce development in a variety of secondary or supporting industries. Several factors may determine the success of industrial/logistics development. These include site accessibility, the availability of utilities, labor force quality, and the public policy environment as it pertains to industrial growth. In the Pass region, industrial/logistics development has benefited from proximity to U.S. Interstate 10 and the railroad.

The City's Economic Development Department is currently investigating the City-owned properties in and around the Banning Municipal Airport. Ideally, the City would like to enhance this section of the City with development that includes uses that increase the City's sales tax and property tax base, and uses that create employment opportunities for our local workforce. The City will continue to work closely with the Morongo Band of Mission Indians on projects and development activity on City property that abuts or is adjacent to Tribal property.

An analysis of land use designations indicates that Banning has allocated sufficient acreage to accommodate future industrial/logistics development. Within the General Plan planning area, lands designated for industrial/logistics uses are located east of Hathaway on the north side of Ramsey; around the Airport; and south of the railroad right of way, between Hathaway and 8<sup>th</sup> Street. Future industrial/logistics users at these locations may benefit from potential access to lines of the Railroad.

### **Taxable Sales and Sales Tax Revenues**

Taxable sales in the City have generally increased over the last several years. As of the 3<sup>rd</sup> Quarter of 2012, "Sales Tax by Major Business Group" included:

- 27% for Fuel & Service Station
- 23% for Autos and Transportation
- 21% for Restaurants and Hotels
- 13% for Food and Drugs
- 9% for General Consumer Goods
- 5% for Building and Construction
- 2% for Business and Industry

Year to date sales receipts continue to show improvement, however taxable retail sales have been a difficulty for the City for many years. Over the last several years the City has been able to increase its taxable sales base with the addition of smaller retail providers. Given the importance



of retail sales tax to California municipalities, especially in the light of the elimination of redevelopment throughout the State, taxable retail sales are a good measurement of a community's ability to provide shopping opportunities to its population. The City of Banning is currently lacking in providing this important base to its residents and even losing a portion of its potential sales tax abilities due to sales tax leakage to other communities.

In looking at the development projects projected for the City and also the projects currently underway, the City is already beginning to close the sales tax gap. The City's Economic Development efforts, as outlined in the eleven policies within this element, include aggressively recruiting high sales tax generating businesses. While the City continues to practice conservative fiscal management it will also capture new retail dollars in an effort to sustain its fiscal health.

### **SUSTAINABLE ECONOMIC DEVELOPMENT**

A healthy economy is one component of long-term sustainability, and a sustainable economy depends on a healthy environment to provide essential resources and a high quality of life. A sustainable economy also requires a healthy society to provide entrepreneurial skills, labor, and markets for goods. Therefore, a sustainable economy must support, conserve and enhance the environmental and social equity components of sustainability. In keeping with the vision for a sustainable economy in Banning, the General Plan promotes infill, redevelopment, and quality new development to meet the City's future job and housing needs. The City will play a pivotal role in ensuring that adequate infrastructure exists to provide access, capacity, and connectivity to infill, redevelopment and other project areas to promote efficient and intensified use of the available land supply. Key infrastructure assets such as the highway, the airport, and the railroad need to be fully utilized in order to create a strong economy for the community. The use of local resources and skills; conservation of energy, water and other resources; and reduction of dependence on distant and non-renewable resources should play a central role in Banning's economic development efforts.

### **LOCAL GOVERNMENT ROLE**

Implementing the Economic Development Element and related Policies will confirm the City's leadership role in facilitating and supporting a strong and healthy local economy. Given changing economic conditions, local governments are competing for business interests. As the economy moves forward, the City may need to occasionally update the Economic Development Policies to adjust to a changing economic climate to ensure that Banning competes successfully in the regional and global economy. One key area where the City can and does take a leadership role in economic development is in its attitude toward business. The City's leadership team will continue to offer a streamlined development review process and predictability in decision making.

### **READINESS AND INVESTMENT OPPORTUNITY**

The essence of economic development is a readiness for investment to occur. Factors that affect the readiness of land include location, appropriate zoning, availability of infrastructure, and environmental constraints. While Banning has many development attributes, it will continue to increase the number of opportunities available for immediate investment. The City recognizes the need to play a role in actively increasing land readiness and to help facilitate development through public-private partnerships. The City is actively ready to offer a variety of incentives to

encourage new business through our Economic Development Incentive Ordinance. In addition, the City has a distinct advantage over other local communities in that we own our own utilities. Several Economic Incentive Programs specifically targeting utility usage have been designed and implemented. The City will continue to look for new ways to incentivize development within the community.

## **TOURISM AND TRAVELER REVENUES**

The City is located along U.S. I-10 and in proximity to the desert resorts of the Coachella Valley. Completion of the freeway in 1963 substantially reduced the City's ability to attract business from traffic en route to the Coachella Valley. Over the years the City has increased its limited accommodations for overnight travelers. New hotel projects have been completed and additional hotel development is currently being considered.

The City has increased its transient occupancy tax ("TOT") revenues over the last ten years. In 1999 the City's TOT total was \$137,218 and in 2012 the City's TOT total was \$586,082. This is over a 325 percent increase over the last decade.

In addition to the direct revenue generated by transient occupancy taxes, tourists may also be expected to patronize local restaurants, shops, and recreational/cultural attractions. These expenditures translate into increased sales tax revenues for the City and increased earnings for the local labor force, much of which is ultimately funneled back into the local economy.

The City's Economic Development efforts will continue to pursue development projects and activities that encourage people to visit and spend time in Banning. Several development projects are currently being negotiated that would offer such services and amenities.

## **GOALS, POLICIES, AND PROGRAMS**

### **Goal**

A balanced, broadly-based economy that provides a full range of economic and employment opportunities, including sales tax and property tax generation while maintaining high standards of development and environmental protection.

### **Policy 1**

General Plan land use designations and allocations will facilitate a broad range of residential, commercial, retail, industrial and institutional development opportunities.

### **Program 1.A**

The city shall annually monitor the remaining capacity of all General Plan land use categories to assure that a variety of economic development opportunities are available.

**Responsible Agency:** Economic Development Department, Community Development Department

**Schedule:** Ongoing

**Program 1.B**

All proposals for new development or redevelopment shall be evaluated to assure that these uses complement, support and are compatible with the City's core economic assets.

**Responsible Agency:** Economic Development Department, Community Development Department, Finance Department, Public Works, City Council

**Schedule:** Ongoing

**Policy 2**

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, generate sales tax and property tax, increase discretionary incomes, and contribute to City General Fund revenues.

**Program 2.A**

Work closely with Mount San Jacinto College throughout their planning process to assist in its efficient and timely development, implement educational programs geared to job creation and retention, and to coordinate synergistic development opportunities.

**Responsible Agency:** Economic Development Department, Mount San Jacinto College

**Schedule:** Ongoing

**Program 2.B**

Aggressively pursue retail commercial developments which reduce the current retail sales leakage.

**Responsible Agency:** Economic Development Department, Community Development Department

**Schedule:** Ongoing

**Program 2.C**

Continue to maximize the role of the Chamber of Commerce, City web site and other mechanisms that promote and enhance the City's business climate.

**Responsible Agency:** Economic Development Department, Chamber of Commerce

**Schedule:** Ongoing

**Policy 3**

Encourage and promote infill development in orderly and logical development patterns that decrease the costs, and increase the efficiency of new utilities, infrastructure, and public services.

**Program 3.A**

The City shall maintain a package of economic incentive programs that benefit developers of infill projects.

**Responsible Agency:** Economic Development Department, Electric Utility Department, Finance Department

**Schedule:** Ongoing

**Program 3.B**

The City shall contribute to the financing of tertiary treatment facilities as an economic development tool.

**Responsible Agency:** Economic Development Department, Public Works Department

**Schedule:** As needed and as budget allows

**Program 3.C**

Use the Downtown Charette as a guideline for the Downtown Commercial area, for the development of high quality, pedestrian oriented retail locations.

**Responsible Agency:** Economic Development Department, Community Development Department, Electric Utility Department, Public Works Department, Planning Commission, City Council

**Schedule:** 2005-2007, Ongoing

**Policy 4**

Attract a greater number of commercial retail businesses to the Downtown Core area to develop a safe, vital and consumer-friendly downtown shopping area.

**Program 4.A**

Provisions for the Downtown Commercial Zoning District shall encourage specialty retail uses, live-work uses, and other uses which support and expand the pedestrian and tourist-related shopping experience.

**Responsible Agency:** Planning Department, Planning Commission, City Council

**Schedule:** Ongoing

**Program 4.B**

The City shall coordinate with public, private and business organizations to explore grant funding to provide funds for rehabilitation and increased code enforcement in the Downtown Core area.

**Responsible Agency:** Community Development Department, Economic Development Department, Chamber of Commerce, City Council

**Schedule:** Ongoing

**Program 4.C**

The City shall work with local non-profits, downtown property owners, and citizen groups with an interest in development of the Downtown core area, to identify grant monies, private development interests and business synergies to build on existing revitalization activities in this area.

**Responsible Agency:** Redevelopment Agency, CABAM, development community

**Schedule:** Ongoing

**Policy 5**

Explore opportunities with private entities to fund Smith Creek Park as a viable recreation area.

**Program 5.A**

Update the Smith Creek Park master plan and actively market this development opportunity among private entities that could fund development and provide for future maintenance of the park and improvements.

**Responsible Agency:** Community Services Department, Community Development Department, City Council, development community

**Schedule:** As future funds become available

**Policy 6**

Encourage and facilitate highway-serving commercial development at appropriate Interstate-10 interchanges within the City limits.

**Program 6.A**

Proactively work with CalTrans to improve on- and off-ramp landscaping and improvements to provide more attractive gateways to the City.

**Responsible Agency:** Community Development Department, Economic Development Department, Public Works Department, CalTrans

**Schedule:** Ongoing

**Program 6.B**

Preserve highway commercial land use designations at interchange locations, and encourage the location of high quality freeway-serving businesses.

**Responsible Agency:** Community Development Department, Economic Development Department, Public Works Department

**Schedule:** Ongoing

**Program 6.C**

Code compliance on gateway streets and properties adjacent to Interstate 10 shall be strictly enforced.

**Responsible Agency:** Code Enforcement

**Schedule:** Ongoing

**Policy 7**

Explore joint funding opportunities for the improvement of existing at-grade rail crossings, and investigate necessary infrastructure and funding to extend rail access to lands designated for industrial development.

**Program 7.A**

Consult with representatives of the Railroad, state and federal legislators, and appropriate state agencies to apply for available funding for these improvements.

**Responsible Agency:** Public Works Department, Railroad, City Council

**Schedule:** Ongoing

**Policy 8**

In order to maintain existing economic activities and attract new commercial and industrial development, the City shall assure the provision of adequate utilities, infrastructure, and other capital facilities.

**Policy 9**

All development interests, including residential, commercial and industrial project proponents, shall be responsible for their fair share of on-site and off-site improvements required to support their development proposals. Such improvements may include, but are not limited to, street construction and signalization, grade separation, utility extension, drainage facilities, and parks.

**Program 9.A**

The City shall consider requests for assistance from project developers for the development of infrastructure and compare them to the economic benefit of the proposed project.

**Responsible Agency:** Public Works Department, Community Development Department, and Economic Development Department

**Schedule:** 2005-2006; Ongoing

**Program 9.B**

Proactively work with the Riverside County Transportation Commission in putting Banning projects on the highest priority within the Transportation Uniform Mitigation Fee (TUMF) program.

**Responsible Agency:** City Manager's Office, City Engineer, City Council

**Schedule:** Ongoing

**Policy 10**

Continue to encourage and cultivate cooperative relationships with the Morongo Band of Mission Indians and Bureau of Indian Affairs, particularly regarding development opportunities, joint venture or otherwise, of Indian lands within and adjacent to the planning and development and enhancement of community facilities that provide joint benefit, and development projects that produce sales tax/property tax/job generation, to the Tribe and the City.

**Program 10.A**

Continue to pursue development opportunities that benefit the long-term financial sustainability of the City. Pursue larger facilities to attract national tenants that will enhance the City's financial position via sales tax generation, property tax generation, and who offer employment opportunities. Consult with representatives of the Railroad, state and federal legislators, and appropriate state agencies to apply for available funding for these improvements.

**Responsible Agency:** Economic Development Department, Community Development Department, Public Works Department, Railroad, City Council, City Administrative Office

**Schedule:** Ongoing

**Policy 11**

Promote development activities and programs that establish the City as a destination venue and encourages tourism.



**Program 11.A**

Encourage and promote development activities, special events and activities which strengthen the City's image and attractiveness to residents, visitors, and businesses. Create development and program opportunities that promote educational potential for youth, highlight the history and culture of the City/region, and that offers visitors a unique experience.

**Responsible Agency:** City Council, Chamber of Commerce, Morongo Band of Mission Indians, Inland Empire Tourism Council, Banning and Beaumont Unified School Districts, ECOPAC

**Schedule:** Ongoing

**Program 11.B**

The City shall conduct market research on tourism approaches, target the tourism markets of interest, and create tourism plan goals and an implementation strategy.

**Responsible Agency:** Economic Development Department, Chamber of Commerce, Local Non-Profits

**Schedule:** Ongoing

**Exhibit "B"**  
**Existing Land Use and Economic Development Elements**

## **LAND USE ELEMENT**

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### **PURPOSE**

The Land Use Element represents the long-term vision of the community for development. Of all the General Plan elements, it receives the greatest attention. The Land Use Element establishes the types and quantities of land available within the City, its sphere of influence, and the planning area. In conjunction with the Circulation Element, it guides the physical development of the City. The Land Use Element defines land use designations, provides statistics regarding vacant and developed lands within these designations, and discusses strategies for the future development of the City. Finally, goals, policies and programs set parameters for decision-makers, staff and the development community.

### **BACKGROUND**

Government Code Section 65300 et. seq. is the guiding law for the Land Use Element. This section of the law requires that all cities establish land use plans which assign residential, commercial, industrial and other land use designations to properties within the jurisdiction. The Land Use Element addresses the broadest issues in the General Plan, and is the most inter-related with other General Plan elements.

This element is most closely associated with the Circulation Element, whose streets and trails must be designed to accommodate the mix of land uses established in the General Plan. The generation of traffic by the various land uses has a direct impact on the sizing and location of roadways, as well as affecting related General Plan issues, such as noise and air quality.

Land use is also critical to the Economic Development Element, insofar as the potential for commercial and industrial development is tied to the appropriate and sufficient supply of land for these developments. This Land Use Element has been developed to support the Economic Development Element by assigning a wide range of land uses in a logical manner throughout the community.

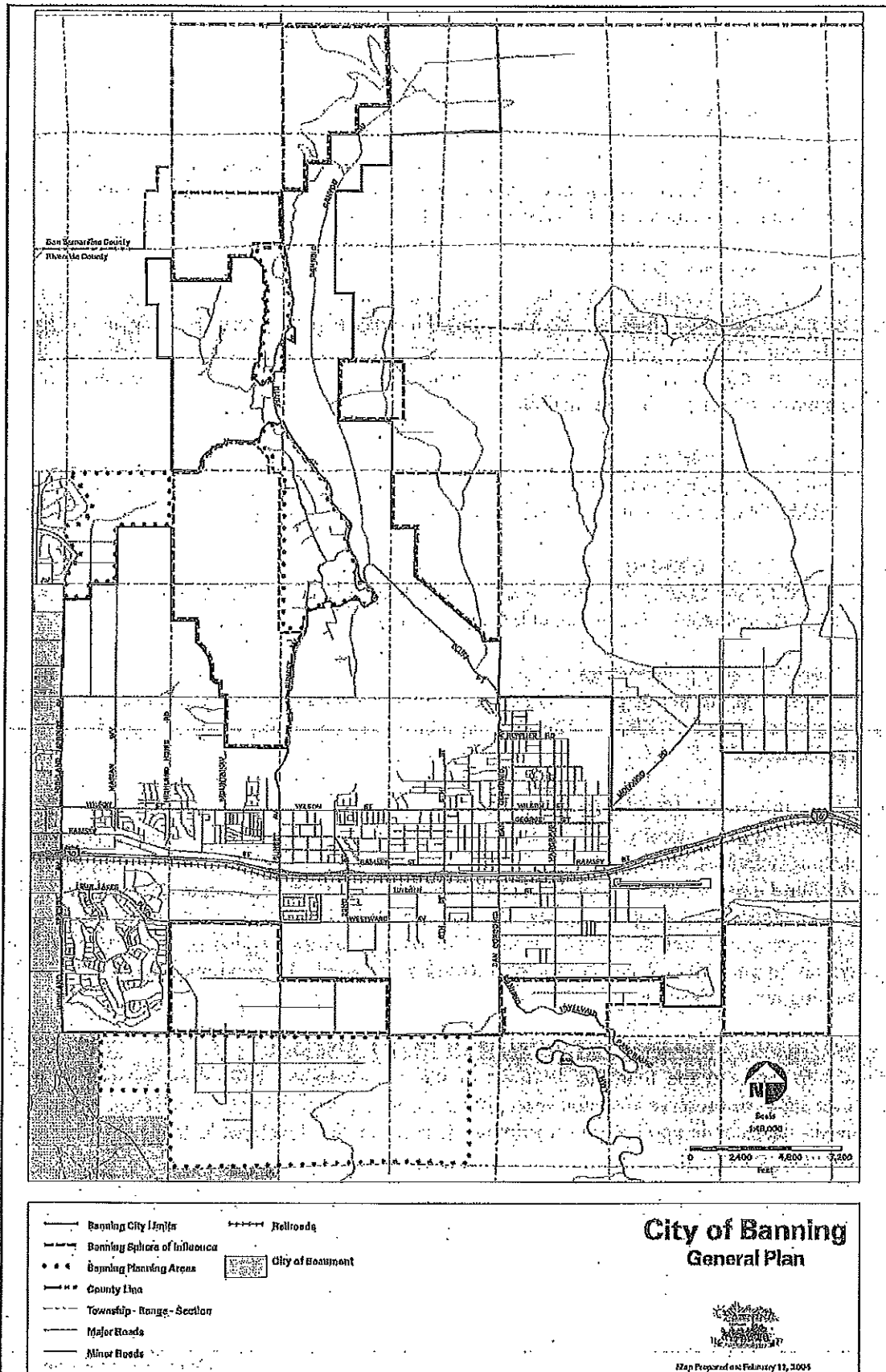
Ultimately, the Land Use Element's most important task is to maintain and improve the residents' quality of life. In developing the land use map and the goals, policies and programs included in this Element, great care has been taken to assure compatibility between land uses, to provide for future jobs and commercial opportunities, and to preserve open spaces for the enjoyment of the entire community.

#### **The City, its Sphere of Influence, and its Planning Area**

In developing this General Plan, the City has analyzed issues and assigned land uses to lands within its corporate boundary, its legal sphere of influence (sphere), and a planning area which is outside the City and sphere, but which represents a logical extension of the City in the long term. Lands within each of these categories are shown on the General Plan Study Area Boundaries

Map, Exhibit III-1. The City comprises a total of 14,823 acres, extending easterly from Highland Springs Avenue to Fields Road, and from the San Bernardino County line on the north to Bobcat Road on the south. The City's Sphere of Influence includes eight separate areas on the north and south ends of the City, totaling 5,436 acres. Lands included in the Planning Area occur adjacent to the north, northwest and southern portions of the City, and total 3,296 acres.

The analysis leading to this Land Use Element included review of the City's previous General Plan, and the current General Plans of the County of Riverside and the Morongo Band of Mission Indians (for lands outside the City's limits). The influence of development in Beaumont has also been considered. The General Plan Advisory Committee has considered existing land use, visions for the future, and physical constraints, in developing the land use map and goals, policies and programs included in this Element. The goals, policies and programs address both general land use principles applicable throughout the planning area, and specific issues associated with each land use type in the City.



### **General Plan Land Use Designations**

The following Land Use Designations are included in the Land Use Map for the General Plan, as shown on Exhibit III-2. Each designation is defined below. Specific land uses are detailed in the Zoning Ordinance. Abbreviations for each land use designation are provided in brackets.

#### **Open Space-Resources (OS-R)**

Lands for the preservation of water, biological, visual, ridgelines, or other resources, and for flooding, geotechnical or other hazards are included in this category. Electrical transmission line easements, natural gas or fuel transmission line easements preserved as open space through the development process are also included. Non-motorized vehicle trails, roads and passive parks may be appropriate within this designation.

#### **Open Space- Parks (OS-Pa)**

Allows public and private parks and recreational facilities, including golf courses, tot lots, dog parks, neighborhood, community and regional parks, sports fields, and passive parks.

#### **Open Space- Public (OS-Pu)**

Lands owned by the County, the state of California, United States or Tribal entities, which are preserved as natural open space are included in this land use category.

#### **Open Space- Hillside Preservation**

Lands, whether in private or public ownership, which are preserved as open space, including ridgelines. Uses such as trails, wildlife viewing areas, ranger stations, roads and passive parks may be appropriate.

#### **Ranch/Agriculture Residential (RAR) (1 du/10 acres)**

Allows detached single-family homes on lots of at least ten acres. Also permitted are agricultural and ranching activities, animal keeping (both personal use and commercial), and animal-keeping or agricultural related commercial enterprises; such as feed stores, commercial stables and similar uses, and home occupations. May be appropriate for bed & breakfast and similar uses, with the approval of a conditional use permit. If Ranch/Agriculture Residential – Hillside density transfers are applied to a Ranch/Agriculture Residential parcel, the maximum density shall be one dwelling unit per 5 acres.

#### **Ranch/Agriculture Residential – Hillside (RAR-H) (1 du/10 acres)**

Assigned to lands in the foothills. Portions of the site exceeding 25% slope as well as the ridgelines are to be preserved as open space, but density may be transferred to developable areas. If a density transfer is applied, the maximum density for the developable lands shall be one dwelling unit per 5 acres.





**Rural Residential (RR) (0-1 du/acre)**

Allows detached single family homes on lots of at least one acre. Also permitted are agricultural and ranching activities, animal keeping (both personal use and commercial) and home occupations. May be appropriate for bed & breakfast and similar uses, with the approval of a conditional use permit. May also be appropriate for animal-keeping or agricultural related commercial enterprises, such as feed stores, commercial stables and similar uses with approval of a conditional use permit.

**Rural Residential - Hillside (RR-H) (0-1 du/acre)**

Assigned to lands in the foothills. Portions of the site exceeding 25% slope as well as the ridgelines are to be preserved as open space, but density may be transferred to developable areas. All other RR provisions apply. If a density transfer is applied, the maximum density allowable is 2 units to the acre, and the standards of the Very Low Density Residential designation will be applied.

**Very Low Density Residential (VLDR) (0-2 du/acre)**

Allows detached single-family homes at a density of up to 2 units per acre. Home occupations are permitted. May be appropriate for bed & breakfast and similar uses. Animal keeping is permitted according to Zoning restrictions.

**Low Density Residential (LDR) (0-5 du/acre)**

Allows the development of attached and detached single family homes, in traditional subdivisions and planned communities. The clustering of condominiums and townhomes may be appropriate with the provision of common area amenities and open space, when a Specific Plan is prepared. Home occupations are permitted. Bed & breakfasts and similar uses may be appropriate with the approval of a conditional use permit.

**Medium Density Residential (MDR) (0-10 du/acre)**

Allows the development of attached and detached single family homes, in traditional subdivisions and planned communities. Also allows condominiums and townhomes, garden apartments and duplexes, with the provision of common area amenities and open space. The clustering of condominiums and townhomes may be appropriate with the provision of common area amenities and open space. Home occupations are permitted. Bed & breakfasts and similar uses may be appropriate with the approval of a conditional use permit. May also be appropriate for convenience retail commercial ("corner store" type development such as convenience stores, grocery or green grocer, video rental, drug stores, sit down restaurants, coffee shops or coffee bars or similar uses), less than 5,000 square feet in total square footage, with approval of a conditional use permit.

**High Density Residential (HDR) (11-18 du/acre)**

Allows condominiums and townhomes, as well as apartments with the provision of common area amenities and open space. Duplex and multi-plex development is the most prevalent type of development in this designation. The clustering of condominiums and townhomes may be appropriate with the provision of common area amenities and open space. Mobile home parks and subdivisions may also be appropriate, with the approval of a conditional use permit. Home occupations are permitted.

**Mobile Home Park (MHP)**

The designation applies to existing mobile home parks or subdivisions within the City. Only mobile parks and subdivisions are permitted. Home occupations are permitted.

**Downtown Commercial (DC)**

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

**General Commercial (GC)**

Allows food and drug stores; home improvement; auto sales, leasing, service and repair; department and general retail outlets; merchandise leasing; neighborhood serving retail and services; restaurants; entertainment uses; gas stations; general offices (secondary to retail); mixed uses; and financial institutions. All existing uses in existence as of the adoption of this General Plan will be permitted until such time as the use in a particular location ceases operation for a period of six months.

**Highway Serving Commercial (HC)**

Allows restaurants (fast food and sit down), hotels and motels, auto related retail, repair and services, including gas stations, convenience stores and similar uses serving the I-10 traveler.

**Professional Office (PO)**

Allows professional offices and social services, financial institutions with only ancillary retail, and mixed uses.

**Industrial (I)**

Includes industrial parks and freestanding industrial users. Examples include light and medium intensity manufacturing operations, warehousing and distribution, mini-storage, and associated offices. Commercial recreation facilities are also appropriate. Auto storage and repair is also allowed. Ancillary retail may also be appropriate.

**Business Park (BP)**

Light industrial manufacturing and office/warehouse buildings are appropriate in this designation. Restaurants and retail uses ancillary to a primary use, and professional offices are

also appropriate. Commercial development, such as large-scale retail (club stores, home improvement, etc.) and mixed-use project may also be permitted, subject to a conditional use permit.

**Industrial-Mineral Resources (I-MR)**

Allows surface mining operations on lands designated by the City or the state as having significant potential for mineral resources. All the requirements of the State Department of Mining and Geology shall apply.

**Airport Industrial (AI)**

Land uses must be focused on airport-related and transportation-related functions, including machining, manufacturing, warehousing, flight schools, restaurants and office uses. Aircraft maintenance, repair and catering services are also appropriate.

**Public Facilities-Airport (PF-A)**

Land uses are specifically related to airport operations: administration offices, hangars, tie-downs, runways, restaurants and flight schools. Ancillary retail and service business relating to the airport are appropriate.

**Public Facilities- Government (PF-G)**

City Hall, Police Department, Community Center, libraries and similar governmental buildings.

**Public Facilities- Fire Station (PF-F)**

**Public Facilities- Schools (PF-S)**

Public and private schools at all levels, including colleges.

**Public Facilities- Hospital (PF-H)**

**Public Facilities – Railroad and Interstate (PF-R)**

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**Specific Plans**

The Specific Plan is an important tool in the coordinated development of larger parcels, or of projects which propose a variety of land uses. They shall include design standards and guidelines, infrastructure plans and implementation measures to ensure the coordinated, orderly development of a project. Government Code provides the standards and guidelines for the content of Specific Plans. Specific Plans can also be combined with environmental documentation, and result in a Specific Plan/Environmental Impact Report.

In Banning, Specific Plans have previously been considered a land use designation. With adoption of this General Plan, this is no longer the case. Existing approved Specific Plans are shown on the land use map with their approved land use plan, and the Specific Plan overlay.

With adoption of this General Plan, Specific Plans are required for projects which propose more than one type of residential land use, commercial land uses and/or industrial land uses, or a combination of these, within one project site. Specific Plans are also required when a project is

proposed within an area previously undeveloped, where infrastructure master planning will be required (water, sewer, flood control or roadways), and when the project will be phased. Once a new Specific Plan is approved by the City Council, the Land Use Map will be amended to place the Specific Plan overlay on that area.

#### **Buildout Statistical Analysis**

The General Plan area consists of 14,823.1 acres within the City limits, 5,436.2 acres within the Sphere of Influence, and 3,295.7 acres within the planning area, for a total land area of 23,555 acres. This acreage has been assigned land use designations which result in the land use statistical summary depicted in Table III-1, below.

**Table III-1  
General Plan Buildout Summary**

Land Use Designation	City Limits			Sphere of Influence			Planning Area			Grand Total Acres
	Acres Dev.	Acres Vacant	Acres Total	Acres Dev.	Acres Vacant	Acres Total	Acres Dev.	Acres Vacant	Acres Total	
Ranch/Agriculture (1 du/10 ac.)		77.7	77.7	74.0	724.7	798.7	29.6	631.6	661.2	1,537.5
Ranch/Agriculture - Hillside (1 du/10 ac.)	121.8	351.5	473.3	16.7	1,536.4	1,553.1	18.7	421.1	439.8	2,466.2
Rural Residential (0-1 du/ac.)	124.5	471.4	595.9	8.6	902.0	910.6	199.5	639.9	839.4	2,345.9
Rural Residential - Hillside (0-1 du/ac.)		56.2	56.2		78.5	78.5		269.3	269.3	404.0
Very Low Density Residential (0-2 du/ac.)	230.3	1,916.6	2,146.9	21.6	198.8	220.4				2,367.3
Low Density Residential (0-5 du/ac.)	1,299.9	1,847.5	3,147.4	0.2	166.8	167.0	2.4	129.7	132.1	3,446.6
Medium Density Residential (0-10 du/ac.)	656.1	362.6	1,018.7		49.4	49.4	0.2	29.5	29.7	1,097.9
High Density Residential (11-18 du/ac.)	156.5	213.4	369.9	0.1	9.5	9.6				379.5
Mobile Home Park	116.4	14.0	130.4							130.4
General Commercial	203.8	252.1	455.9							455.9
Highway Serving Commercial	103.0	7.3	110.3							110.3
Downtown Commercial	86.0	11.3	97.3							97.3
Professional Office	23.0	18.6	41.6							41.6
Business Park	91.6	292.1	383.7							383.7
Industrial	146.7	274.1	420.8							420.8
Airport Industrial	41.6	94.2	135.8							135.8
Industrial-Mineral Resources	188.5	27.7	216.2							216.2
Open Space - Hillside Preservation							0.2	647.1	647.3	647.3
Open Space - Park	246.6	877.5	1,224.1	0.0	21.7	21.7	29.8	15.8	45.6	1,291.4
Open Space - Resources	122.7	2,658.3	2,781.0	25.0	1,599.4	1,624.4	1.2	230.0	231.2	4,636.6
Public Facilities - Airport	72.3	72.1	144.4							144.4
Public Facilities - Cemetery	12.9	2.5	15.4							15.4
Public Facilities - Fire Station	3.5	0.1	3.6		2.9	2.9				6.4
Public Facilities - Government	24.3	39.7	64.0							64.0
Public Facilities - Hospital	10.6	0.3	10.8							10.8
Public Facilities - RR/Interstate	419.3	48.9	468.2							468.2
Public Facilities - School	137.9	95.7	233.6							233.6
<b>Grand Total</b>	<b>4,739.9</b>	<b>10,083.3</b>	<b>14,823.2</b>	<b>146.2</b>	<b>5,290.0</b>	<b>5,436.2</b>	<b>281.7</b>	<b>3,013.9</b>	<b>3,295.0</b>	<b>23,555.0</b>

#### Existing Residential Development

Existing residential development in the City can be characterized geographically. Traditionally, larger lots, often including animal keeping, have been developed south of the Interstate 10/Railroad corridor. In recent years, the Sun Lakes Country Club project, located south of the Interstate and east of Highland Springs Avenue, was developed to include a golf course and a variety of lot sizes. Sun Lakes has developed at a greater density than had previously been experienced on the south side of the City.

On the north side of the Interstate, single family residential land uses have developed northerly of the Ramsey Street commercial corridor, in lot sizes ranging from 7,000 to 15,000 or more square feet. Multi-family residential development has occurred, both in apartments and in mobile



home parks, along Wilson Street, immediately north of Ramsey Street, and between San Geronio and Hathaway, north and south of the Interstate corridor.

The divergent neighborhoods in the City require special attention in the planning of the City's buildout. The development opportunities of the various areas of the City available for residential units are discussed further below.

#### **Existing Commercial Development**

Commercial development in the City has focused entirely on the Ramsey Street corridor in the past. Extensions of the corridor have occurred on the east side of Highland Springs Avenue, from Sun Lakes Boulevard to Wilson Street, and in the Downtown area, between 4<sup>th</sup> Street and Alessandro. The development of commercial land in the City has been smaller in scale, due primarily to lot configuration (which is shallow in a north-south direction in many areas), existing parking requirements, and multiple small lot ownerships, which have made consolidated projects more difficult.

The Downtown area has developed with its own character, and represents a special development type in the City. Many of the buildings in this area are the oldest commercial structures in the City, and the scale of the area makes it conducive to pedestrian circulation. The development potential of the Downtown area is discussed further below.

#### **Existing Industrial Development**

Industrial development in the City has historically been divided into airport-related uses, and traditional industrial land uses. The airport-related land uses are primarily centered on the City's airport property, and on lands immediately adjacent to it. Industrial land uses, ranging from storage to heavy manufacturing, occur on both sides of Lincoln Street, generally east of 16<sup>th</sup> Street.

The City has attracted a number of manufacturing businesses, and has thus created a core of job-generating land uses which continue to be an important part of the community. Future industrial development opportunities are discussed further below.

#### **Redevelopment Project Area**

The City's Redevelopment Project Area encompasses approximately 3,000 acres, and includes all of the Ramsey Street corridor (please see Exhibit III-3, in the Economic Development Element). Lands within the Redevelopment Project Area include all land use designations, and a full range of existing land uses. The tax increment revenue received by the City, as well as bond issuance and other funding mechanisms available to the Redevelopment Agency, enable the financing of a number of projects to promote and enhance economic development and affordable housing. The City has developed a number of programs in this regard, enumerated and described in the Economic Development Element.

#### **FUTURE DIRECTIONS**

Land use in the future will consist of two distinct types of development. The City is currently seeing the preparation of Specific Plans for large tracts of land, which will result in the

development of master planned communities in the western half of the City. Areas in the south eastern portion of the City will likely also develop through master planning. In the northern portion of the City, where larger land holdings are fewer and the majority of development has occurred, infill development (the development of existing lots or the assemblage of several existing lots to create a project area) will continue.

The City has an opportunity for development and redevelopment of the Ramsey Street corridor for mixed-use/commercial development in conjunction with programs available through the Redevelopment Agency. Commercial and industrial development will also be focused on the north side of Lincoln Street, adjacent to the Interstate 10 and railroad rights of way.

This General Plan also includes areas designated for open spaces, to ensure the preservation and enhancement of hillsides, ridgelines, resource areas and park lands, particularly on the north and south boundaries of the planning area.

The following pages provide goals, policies and programs on a categorical basis. First, City-wide land use principles are listed. These are followed by individual analysis and goals, policies and programs for residential, commercial, industrial, open space and public land use categories.

## **CITY-WIDE GOALS, POLICIES AND PROGRAMS**

### **Goal**

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.

### **Policy 1**

The City maintain a land use map which assures a balance of residential, commercial, industrial open space and public lands.

### **Program 1.A**

The city shall annually monitor the remaining capacity of all General Plan land use categories and recommend changes to the City Council as needed.

**Responsible Agency:** Planning Department, Planning Commission

**Schedule:** 2005-2006, Annually thereafter

### **Program 1.B**

The City's Zoning Ordinance shall directly correspond to General Plan land use designations, and shall be kept consistent with the General Plan.

**Responsible Agency:** Planning Department, Planning Commission, City Council

**Schedule:** 2005-2006, Annually thereafter

### **Policy 2**

The Planning, Public Works and Economic Development staffs shall be closely coordinated, to assure efficient and cost effective processing of applications.

**Program 2.A**

The City shall develop a Fast Track application process for projects which enhance the City's economic development. Procedures and timelines shall be provided to qualifying project applicants in writing.

**Responsible Agency:** Planning Department, Public Works, Economic Development staff, Redevelopment Agency, City Manager's Office

**Schedule:** 2005-2006

**Policy 3**

Development in all land use categories shall be of the highest quality.

**Program 3.A**

The Zoning Ordinance shall include design standards and guidelines which assist the development community in developing high quality projects.

**Responsible Agency:** Planning Department, Planning Commission, City Council

**Schedule:** 2005-2006

**Policy 4**

Specific Plans shall be required for projects proposing one or more of the following:

- a. More than one residential land use designation;
- b. A combination of residential, recreational, commercial and/or industrial land use designation; or
- c. Extension of infrastructure (water, sewer and roadways) into an area where these do not exist.

**Policy 5**

All land use proposals shall be consistent with the goals, policies and programs of this General Plan, and with the Zoning Ordinance.

**Policy 6**

The City shall implement a program for Art in Public Places.

**Program 6.A**

An Art in Public Places Ordinance shall be prepared and incorporated into the Municipal Code.

**Responsible Agency:** Community Services Department, Planning Department, Planning Commission, City Council.

**Schedule:** 2005-2006

**RESIDENTIAL LAND USE**

The vast majority of the City's residential developed lands are single family homes on lots ranging from 7,000 to 15,000 square feet, particularly on the north side of the City. South of Interstate 10, and with the exception of the Sun Lakes Specific Plan, lot sizes are considerably larger, and often have included either animal keeping or farming activities.

Lands available for residential development generally fall into two types: infill development on the north side of the City, and larger holdings, most of which will require coordinated development efforts, on the south side of the City. Table-2, below, provides information on vacant and developed residential lands in the City, the Sphere of Influence, and the planning area.

**Table III-2  
Residential Buildout Statistical Summary**

Designation	City Limits				Sphere of Influence				Planning Area				Grand Total Units	Grand Total Acres
	Acres Total	Exist. Units	Future Units	Total Units	Acres Total	Exist. Units	Future Units	Total Units	Acres Total	Exist. Units	Future Units	Total Units		
Ranch/Agriculture (1 du/10 ac.)	77.7		8	8	798.7		72	72	661.2		63	63	143	1,537.6
Ranch/Agriculture - Hillside (1 du/10 ac.)	473.3		35	35	1,553.1		154	154	439.8		42	42	231	2,466.2
Rural Residential (0-1 du/ac.)	595.9		471	471	910.6		902	902	839.4		640	640	2,013	2,345.9
Rural Residential - Hillside (0-1 du/ac.)	56.2		84	84	78.5		79	79	269.3		269	269	432	404.0
Very Low Density Residential (0-2 du/ac.)	2,146.9	8,227	2,875	11,102	220.4	352	298	650	0.0	204	0	204	11,956	2,367.3
Low Density Residential (0-5 du/ac.)	3,147.4		6,928	6,928	167.0		626	626	132.1		486	486	8,040	3,446.5
Medium Density Residential (0-10 du/ac.)	1,018.7		2,720	2,720	49.4		371	371	29.7		221	221	3,311	1,097.8
High Density Residential (11-18 du/ac.)	369.9	1,021	2,881	3,902	9.7		129	129	0.0		0	0	4,031	379.6
Mobile Home Park	130.4	1,156	189	1,345									1,345	130.4
<b>Residential Total</b>	<b>8,016.4</b>	<b>10,404</b>	<b>16,191</b>	<b>26,595</b>	<b>3,787</b>	<b>352</b>	<b>2,630</b>	<b>2,982</b>	<b>2,372</b>		<b>1,722</b>	<b>1,926</b>	<b>31,503</b>	<b>14,175</b>
Note: Future units calculated at 75% of maximum density except in Ranch/Agriculture, Ranch/Agriculture-Hillside, Rural Residential and Rural Residential- Hillside.														

#### Buildout Population

Based on the table above, the City's buildout population is estimated to total 67,697, the Sphere of Influence's will total 7,622, and the planning area's will total 4,907<sup>1</sup>. Total population at buildout for the entire General Plan area is therefore estimated to be 80,226.

#### Neighborhood Identity

Through the development of this General Plan, the variety and diversity of neighborhoods in the City has been clearly identified. These areas are bound together by tangible and intangible similarities, including age of housing, lifestyle and geographic isolation. The City wishes to support and enhance these neighborhoods, and preserve the quality of life they represent to their residents.

<sup>1</sup> Assumes 2003 populations of 25,600, 784, and 430 for the City, Sphere of Influence and planning area, respectively; and a household size of 2.6 persons. Does not include potential residential population in the Downtown Commercial land use designation.

### **Master Planned Communities**

Existing and proposed Specific Plans in the City, including the Sun Lakes project, the Loma Linda property Specific Plan, the Deutsch Specific Plan, and the Sunset Crossroads Specific Plan create their own internal neighborhood identities, and are likely to evolve as such as they are developed. New projects which may be proposed through the Specific Plan process are likely to also develop into neighborhoods with their own identities.

### **Development Opportunities for the Future**

The General Plan process has resulted in a strong sense in the City of high quality, livable community. The quality of life of all residents, and their ability to find the type of housing which fits their lifestyle is important and must be preserved and enhanced. Four areas of focus are described below.

#### Downtown Commercial

The area bounded by 8<sup>th</sup> Street to the west, Hargrave to the east, the Interstate 10 corridor to the south, and Nicolet on the north has been designated as the Downtown Commercial area. This is the traditional "center of town," and included City Hall, small scale retail shops, the City's movie theatre, and older residential areas. In May 2004, the City conducted a design charrette to develop ideas on the character of this area. The resulting document provides the City with ideas on how this area can be enhanced and redeveloped. Of particular interest in this process is the concept of intensifying the land uses in this area. This may include live-work buildings, where residential units are located either above or behind a retail studio or shop; downstairs commercial businesses with upstairs apartments or condominiums; high density residential development within easy walking distance of the commercial shops on Ramsey; and the enhancement of pedestrian and non-motorized travel, including enhanced sidewalks, shaded sitting areas and community plazas.

#### Neighborhood Plans

As described above, there are a number of existing and distinct neighborhoods in the City. In order to preserve and enhance their character, policy and programs have been developed below which allow for the preparation of neighborhood plans which will establish design standards and guidelines for each of these neighborhoods. In developing the General Plan, several of the City-wide standards discussed, including the need for sidewalks and trails, the preservation of street trees, and the character of local streetscapes, have been discussed. As these discussions developed, it has become clear that each of these neighborhoods should have the opportunity to develop a community-driven neighborhood plan which sets design parameters. These parameters may be implemented by new development, or may require retrofitting by the neighborhood or City, depending on whether the improvements are proposed in areas currently vacant or on developed property.

#### A Livable City

Land subdivisions in the City have been traditional in their design. The City's requirements have provided for standard lots, 60 foot wide local streets, and minimal site design. As the remainder of the City develops, it is important to the residents of this community that proposed subdivisions provide high quality, creative design which will lead to a livable City. The Circulation Element includes provisions for local street design which allows for creativity and variety, as well as traffic calming tools. The Zoning Ordinance includes design standards and guidelines which

encourage clustered housing, interior trails and parks in residential tracts, and other design tools which will encourage creative site design. The General Plan includes policies for the preservation of street trees and the development of a trail system, and the provision of sidewalks for safe pedestrian travel. All these concepts, when implemented, should lead the City to a more livable, and ultimately higher quality of life.

#### Density Transfers to Preserve Hillside

In order to assure that the City's hillsides are preserved to the greatest extent possible, hillside designations have been provided in the General Plan (please see land use designation definitions, above) for the Ranch/Agriculture and Rural Residential designations. The intent of these designations is to allow the development of flat areas within a property at a greater density, if hillside areas are preserved. In the case of the Ranch/Agriculture designation, maximum density can be increased from 1 unit per 10 acres to 1 unit per 5 acres with a density transfer. In the case of the Rural Residential designation, the density transfer can result in an increase from 1 unit per acre to 2 units per acre.

### **RESIDENTIAL GOALS, POLICIES AND PROGRAMS**

#### **Goal 1**

Preserve and enhance the City's neighborhoods.

#### **Goal 2**

A broad range of housing types to fill the needs of the City's current and future residents.

#### **Policy 1**

The land use map shall provide a range of housing densities while considering land use compatibility with non-residential land uses.

#### **Policy 2**

Projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected.

#### **Policy 3**

Density transfers resulting in a 50% increase in density shall be permitted in the Residential/Agriculture-Hillside and Rural Residential-Hillside land use designations.

#### **Policy 4**

The City's Zoning Ordinance shall include design standards and guidelines which encourage high quality residential development.

#### **Program 4.A**

Design standards and guidelines shall be included in all residential zoning categories.

**Responsible Agency:** Planning Department, Planning Commission, City Council

**Schedule:** 2005-2006



**Policy 5**

The City shall complete Specific Neighborhood Plans when requested by the neighborhood.

**Program 5.A**

Develop and implement an outreach program and outline of parameters for Neighborhood Plans.

**Responsible Agency:** Planning Department, Planning Commission, City Council

**Schedule:** 2006-2007; As requested by neighborhoods

**Policy 6**

The Zoning Ordinance shall include principles, standards and guidelines which allow for creative and flexible design of residential projects, including clustered housing, narrowed local streets, trails, parks and plazas.

**Policy 7**

The Zoning Ordinance shall include principles, standards and guidelines which provide for high quality, high density mixed use residential development, in the Downtown Commercial zoning designation.

**Policy 8**

The City will participate in a Community Plan for the Banning Bench with Riverside County and the Banning Bench Community of Interest. Specific development proposals will continue to be processed during its preparation.

**Program 8.A**

Negotiate with the Banning Bench Community of Interest as part of the Master Plan for either inclusion in the City's Sphere of Influence or annexation.

**Responsible Agency:** City Council, Community of Interest

**Schedule:** 2005-2006

## COMMERCIAL AND INDUSTRIAL LAND USES

The City's commercial development has traditionally been focused on the Ramsey Street corridor. In more recent times, commercial development has also occurred on the east side of Highland Springs Avenue. The General Plan does not change this development pattern, but does add to it, by providing additional commercial opportunities along the north side of Lincoln Street, between Sunset Avenue and 8<sup>th</sup> Street. The General Plan provides four land use designations appropriate for commercial development: General Commercial, Highway Serving Commercial, Downtown Commercial and Professional Office.

The General Commercial and Highway Serving Commercial designations allow the broadest range of commercial retail opportunities. The Highway Serving Commercial designation is geared more toward the Interstate 10 traveler, with a focus on restaurants, tourist uses, and auto service uses. The Professional Office designation is designed to provide space for professional and social service land uses, and providing a convenient and accessible location for businesses which do not generate sales tax. As discussed above, the Downtown Commercial designation is the City's specialty retail and mixed use area, and is envisioned to redevelop to encourage tourism, pedestrian access and a sense of community.

Commercial lands designated in the General Plan have the potential to generate 6,757,082 square feet of retail and office space in the City, as shown in Table III-3, below.

Table III-3 Commercial and Industrial Buildout Statistical Summary				
Designation	City Limits			Total Potential S.F. <sup>1</sup>
	Acres Dev.	Acres Vacant	Acres Total	
General Commercial	203.8	252.1	455.9	4,368,981
Highway Serving Commercial	103.0	7.3	110.3	1,057,027
Downtown Commercial <sup>2</sup>	86.0	11.3	97.3	932,445
Professional Office	23.0	18.6	41.6	398,629
<b>Subtotal Commercial</b>	<b>415.8</b>	<b>289.3</b>	<b>705.1</b>	<b>6,757,082</b>
Business Park	91.6	292.1	383.7	4,178,493
Industrial	146.7	274.1	420.8	4,582,512
Airport Industrial	41.6	94.2	135.8	1,478,321
Industrial-Mineral Resources	188.5	27.7	216.2	N/A
<b>Subtotal Industrial</b>	<b>468.4</b>	<b>688.1</b>	<b>1,156.5</b>	<b>10,239,326</b>
<b>Grand Total Commercial &amp; Industrial</b>	<b>884.2</b>	<b>977.4</b>	<b>1,861.2</b>	<b>16,996,408</b>

Industrial development in the City has traditionally occurred on the north side of Lincoln, and surrounding the City's airport. The area of industrially designated land has been reduced in this General Plan, particularly west of 8<sup>th</sup> Street on the north side of Lincoln. There are four land use categories which allow industrial development, including Business Park, Industrial, Industrial - Mineral Resources, and Airport Industrial. The Business Park designation allows a mix of commercial and light industrial land uses, and provides a transitional designation from

commercial to industrial land uses. The Industrial designation allows the broadest range of users, and preserves the existing industrial businesses in the City. The Industrial – Mineral Resources designation is assigned to the existing Robertson sand and gravel facility, and is intended to specifically regulate mining operations. The Airport Industrial category acknowledges the importance of the City's airport, and provides for land uses related to and compatible with that facility.

Industrial development has been an important source of jobs in the City, and the City continues to attract industrial land uses, primarily due to the limited industrial lands available in the Pass region. As development pressures continue to intensify in the Inland Empire to the west of the City, industrial development will continue to seek locations in Banning.

The industrial designations have the potential to generate 10,239,326 square feet of industrial space at buildout of the General Plan.

## **COMMERCIAL AND INDUSTRIAL GOALS, POLICIES AND PROGRAMS**

### **Commercial Goal**

Complementary commercial uses which meet the needs of the City's residents, increase the City's revenues, and provide a range of employment opportunities.

### **Industrial Goal**

A balanced mix of non-polluting industrial land uses which provide local jobs for the City's residents.

### **Policy 1**

The land use map shall include sufficient commercial lands to provide a broad range of products and services to the City and region, while carefully considering compatibility with adjacent residential lands.

### **Policy 2**

In coordination with the Economic Development Element, the City shall maintain market information, including information on the City's identified service needs, potential sites, Fast Track System and provide information on those sites to the development community.

### **Program 2.A**

Develop and maintain an inventory of potential commercial sites, including lands which may require consolidation, and demographic information for use by the Economic Development staff in attracting new businesses to the City.

**Responsible Agency:** Economic Development staff, Planning Department, City Manager's Office

**Schedule:** 2005-2006

**Program 2.B**

The Redevelopment Agency shall consider land purchases which allow for the consolidation of smaller, under-utilized commercial sites into larger and more useable parcels, to be marketed to the development community.

**Responsible Agency:** Redevelopment Agency

**Schedule:** Ongoing as lands are identified

**Policy 3**

The Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects.

**Policy 4**

The Zoning Ordinance shall include principles, design standards and guidelines, based on the Downtown Design Charette, which provide for high quality, pedestrian oriented retail development in the Downtown Commercial zoning designation.

**Policy 5**

The City shall coordinate with the Banning Unified, the Beaumont Unified School Districts and the Mount San Jacinto Community College to provide vocational education to support commercial and industrial businesses in the City and surrounding areas.

**Policy 6**

The City shall develop and implement a community identification program, including monument signage, directional signs, etc. which provide attractive entry statements for the City, and which direct visitors to local points of interest.

**Policy 7**

The land use map shall include sufficient industrial lands for manufacturing, warehousing and distribution, while carefully considering compatibility with adjacent lands.

**Policy 8**

Industrial lands shall be located on major roadways with good access to Interstate 10, to assure that potential traffic impacts associated with tractor-trailers are minimized.

**Policy 9**

The Redevelopment Agency will consider purchases of residential properties occurring in the industrial land use designations when they are put up for sale.

**Program 9.A**

Establish contacts in the real estate community to be notified of residential properties for sale in the industrial areas, and consider purchases when appropriate.

**Responsible Agency:** Redevelopment Agency

**Schedule:** Ongoing as properties become available

**Policy 10**

The Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality industrial projects.

**Policy 11**

Industrial campuses and master planned projects are encouraged.

**Policy 12**

The City shall coordinate with developers and the Railroad to secure railroad spurs.

**Policy 13**

The City shall adequately regulate sand and gravel operations to assure that their impacts to surrounding development is minimized.

**Program 13.A**

The City shall establish a formal relationship with the County Geologist or other qualified agency to monitor mineral resource operations under the State Mining and Reclamation Act (SMARA).

**Responsible Agency:** Planning Department, Riverside County Geologist

**Schedule:** 2005-2006

**PUBLIC FACILITIES LAND USES**

Land uses for public facilities include such governmental functions as City offices and facilities and fire stations, and the airport. Others include schools, the hospital, and libraries. The land use plan identifies public facilities if they are currently owned by a public entity, or proposed for dedication to a public entity in a Specific Plan. In the future, as additional facilities are acquired, the General Plan land use map will be amended to reflect these acquisitions.

**Table III-4  
Public Facilities Buildout Statistical Summary**

Designation	City Limits			Sphere of Influence			Grand Total Acres
	Acres Dev.	Acres Vacant	Acres Total	Acres Dev.	Acres Vacant	Acres Total	
Public Facilities - Airport	72.3	72.1	144.4				144.4
Public Facilities - Cemetery	12.9	2.5	15.4				15.4
Public Facilities - Fire Station	3.6	0.0	3.6	0.0	2.9	2.9	6.4
Public Facilities - Government	23.46	39.7	63.16				63.16
Public Facilities - Library	0.84	0.00	0.84				0.84
Public Facilities - Hospital	10.6	0.3	10.8				10.8
Public Facilities - Railroad/Interstate	419.4	48.9	468.3				468.3
Public Facilities - School	137.9	95.7	233.6				233.6
<b>Grand Total Public Facilities</b>	<b>681.0</b>	<b>259.2</b>	<b>940.2</b>	<b>0.0</b>	<b>2.9</b>	<b>2.9</b>	<b>943.1</b>

Table III-4 identifies 940.2 acres within the City limits and about 2.9 acres within the City's sphere-of-influence for public facilities. No public facilities designations occur in the planning area. The largest area under this category is the Interstate 10/Railroad corridor.

As the City grows, it is essential that the need for public facilities be identified and planned. Many of these facilities are not under the control of the City (schools and fire stations, for example). However, the maintenance of the City's existing relationships with the school districts, the County fire department and other agencies is critical in assuring that sufficient land is made available for the future development of public facilities in the City, the Sphere of Influence and the planning area.

## **PUBLIC FACILITIES GOAL, POLICIES AND PROGRAMS**

### **Goal**

Sufficient and appropriately located public facilities to serve the needs of the City's residents, businesses and visitors.

### **Policy 1**

The City shall take a leadership role with all providers of public services in the community to assure they provide adequate and quality levels of service based on future demands.

### **Program 1.A**

The City shall take a leadership role with the various public and private providers responsible for schools, fire, health and other providers.

**Responsible Agency:** Planning Department, City Manager's Office, City Council, Fire Department, Banning and Beaumont Unified School Districts, County of Riverside, San Geronimo Memorial Hospital

**Schedule:** Quarterly

### **Policy 2**

The City shall review projects, particularly those which propose master planned communities, to assure that public facilities are provided to meet the needs of the project and the surrounding area.

### **Program 2.A**

The City shall, where appropriate, regulate the location of public facilities through conditions of approval.

**Responsible Agency:** Planning Department, Public Works Department, Planning Commission, City Council

**Schedule:** Ongoing

## **OPEN SPACE LAND USES**

The land use map includes four types of Open Space designations, which total 4,005.1 acres in the City, 1,646.1 acres in the Sphere of Influence, and 924.1 acres in the planning area. Altogether, this General Plan provides 6,575.3 acres of open space, including lands preserved for natural resources, such as water and geological hazard; lands preserved for hillside preservation; and lands preserved for recreation. Under the Open Space -- Parks category, the lands include City parks, both existing and proposed, and golf courses, also both existing and proposed.



**Table III-5  
Open Space Buildout Statistical Summary**

Designation	City Limits			Sphere of Influence			Planning Area			Grand Total Acres
	Acres Dev.	Acres Vacant	Acres Total	Acres Dev.	Acres Vacant	Acres Total	Acres Dev.	Acres Vacant	Acres Total	
Open Space - Hillside Preservation							0.2	647.1	647.3	647.3
Open Space - Park	346.6	877.5	1,224.1	0.0	21.7	21.7	29.8	15.8	45.6	1,291.4
Open Space - Resources	122.7	2,658.3	2,781.0	25.0	1,599.4	1,624.4	1.2	230.0	231.2	4,636.6
<b>Grand Total Open Space</b>	<b>469.3</b>	<b>3,535.8</b>	<b>4,005.1</b>	<b>25.0</b>	<b>1,621.1</b>	<b>1,646.1</b>	<b>31.2</b>	<b>892.9</b>	<b>924.1</b>	<b>6,575.3</b>

As with the Public Facilities land use designations, lands designated under this category are those owned by private or public entities for that purpose. As additional lands are secured for Open Space, whether private or public, the General Plan land use map will require amendment to reflect these acquisitions. The continued expansion of Open Space lands will continue to provide the City's residents and visitors with valuable enhancements to quality of life. Please also refer to the Open Space and Conservation Element for policies and programs relating to these land uses.

## **OPEN SPACE AND CONSERVATION GOALS, POLICIES AND PROGRAMS**

### **Goal**

The conservation and management of open space areas to provide recreational opportunities and protect important resources in perpetuity.

### **Policy 1**

Lands preserved through conservation easements, acquired by private or public agencies, or dedicated for open space shall be designated for the appropriate Open Space land use category on the land use map as they are preserved.

### **Program 1 A**

Review development proposals adjacent to designated open space lands and assure that land uses are compatible, and buffers provided when necessary.

**Responsible Agency:** Planning Department, Public Works Department

**Schedule:** Ongoing

### **Policy 2**

The City shall proactively coordinate with private and public agencies so that lands available for conservation are dedicated appropriately to assure their management in perpetuity.

### **Program 2.A**

The City shall coordinate with land owners and private and public agencies to the greatest extent possible to assure that lands proposed for open space either through donation or purchase are conveyed to the appropriate management agency.

**Responsible Agency:** Planning Department, City Manager's Office, County of Riverside, State and Federal Agencies, Land Conservation Agencies

**Schedule:** Ongoing

**Policy 3**

The City of Banning shall protect the peaks and ridgelines within the City, and encourage coordination with adjacent jurisdictions to protect the peaks and ridgelines within the City's area of influence, to protect the historic visual quality of the hillside areas and natural features of the Pass area.

**Program 3.A**

The City shall investigate and implement actions and regulations that facilitate hillside development that is compatible with the natural characteristics of the terrain while protecting the significant view sheds, and natural hillside features such as topography, natural drainage, vegetation, wildlife habitats, movement corridors etc.

**Responsible Agency:** City Council, City Manager's Office, Planning Department, Public Works Department, City of Beaumont, County of Riverside, Morongo Band of Mission Indians

**Schedule:** 2005-2006, Ongoing

## **ECONOMIC DEVELOPMENT ELEMENT**

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### **PURPOSE**

The purpose of the Economic and Fiscal Element is to describe the economic foundations, characteristics and trends of the City of Banning. The element explores the health of the local economy and the relationship between City government and its responsibilities, such as establishing and enforcing land use policies and regulating new development. The element is also intended to examine the City's potential economic opportunities and constraints, and set forth a series of goals, policies, and programs that will help create a viable, well-balanced economy.

### **BACKGROUND**

The overall health of the City's economy is a product of the complex interrelationships between the City's and region's physical and economic environment. In this regard, the Economic and Fiscal Element is related, to some degree, to all other General Plan elements. The issues addressed in other General Plan elements are largely centered around the protection of human life and property from environmental hazards, the provision of adequate public services and facilities, and the enhancement of natural and cultural resources, all of which directly impact the City's ability to retain and attract businesses and residents, who support the local economy. The Economic and Fiscal Element has the strongest relationship with the Land Use Element, which determines the distribution of land uses by type, location, intensity, and extent of use, and therefore impacts the City's long-term economic prosperity.

This element has an especially strong and direct relationship with the Land Use Element. Government Code Section 65030.2, which provides the statutory reference for this relationship, states that "land use decisions shall be made with the full knowledge of their economic and fiscal implications, giving consideration to short-term costs and benefits, and their relationship to long-term environmental impacts as well as long-term costs and benefits." This Element also examines issues set forth in Government Code Sections 65863.6 and 66412.3, which requires cities and counties to balance the available fiscal and environmental resources against local housing and public service needs.

#### **Banning as Part of the Pass**

In formulating appropriate fiscal and economic development goals, policies and programs, it is essential to understand the City's role in the regional economy. Growth in the Pass, not only in Banning, will continue to have a strong influence on the City's economy. The Pass region has experienced consistent population growth over the past decade. Total population in the region has grown by approximately 27.3 percent, from 75,255 in 1990 to 103,551 in 2003. Assessed valuation among incorporated cities in the region has also grown consistently since 1993, even

during periods when assessed valuation in Riverside County has decreased or remained the same. In 2003, assessed valuation in Pass cities grew 11 percent, as compared with 10 percent in Riverside County.

## DEMOGRAPHIC CHARACTERISTICS

In order to understand the City's future needs, it is important to first understand the City's demographic composition, and the changes that have occurred in that composition in the last several years. The following section provides statistical data regarding the residents of Banning. Unless otherwise indicated, estimates of data for year 2003 are for the entire planning area, including City limits, SOI and all planning areas. For U.S. Census years 1980, 1990 and 2000, data is only for Banning City limits and does not include SOI or planning area lands.

### Population

Riverside County experienced rapid growth during the 1980s, like much of southern California. During the economic recession of the early 1990s, population growth slowed somewhat. However, it has continued to grow rapidly since then. U.S. Census data indicates that the County population increased from 663,166 residents in 1980, to 1,170,413 residents in 1990, to 1,545,387 residents in 2000. The San Geronio Pass area has also experienced relatively rapid growth. Based on data prepared for the City by Economics and Politics, Inc, the combined population of the four incorporated Pass cities of Banning, Beaumont, Calimesa and Yucaipa, and unincorporated areas of Cherry Valley and Cabazon was 75,255 residents in 1990. By 2000, total population was 103,551, representing a 37.6 percent increase over ten years.

Population growth in the City of Banning was less than that of the Pass Region during this period. Based on U.S. Census data, the City's population grew from 20,574 residents in 1990 to 23,487 residents in 2000, an increase of approximately 14.2 percent. The City's 2003 population (City limits only) is estimated by the California Department of Finance at 25,600 residents. This represents a 9.0 percent increase over the four-year period.

*Sphere of Influence:* Lands in the City's Sphere of Influence (SOI) include portions of the San Bernardino National Forest, as well as an approximately one-quarter section of land owned by the Morongo Band of Mission Indians. SOI lands are shown on Exhibit III-1, (Banning General Plan Study Area Boundaries). Year 2000 Census data indicates that the population within the City's SOI was 762 residents. Year 2003 estimates show population in the City's SOI at 784 residents, and projects population growth to 824 residents in Year 2008.

*Planning Area:* Lands within the City's planning area, separate from the City's SOI and occurring outside the City limits, are also shown on Exhibit III-1. Year 2000 Census data indicates there were 360 residents in the Planning Area. Year 2003 estimates for this area is 430 residents, and 454 residents in Year 2008.

Based on these data, therefore, Year 2000 population for the entire General Plan study area was estimated at 24,609 residents. Population estimates for Year 2003 indicate 26,814 residents, with projected population in Year 2008 of 28,640 residents. This represents an approximately 16.3 percent rate of growth over the eight-year period. Given short-term growth in the City (2004

DOF data indicates that the City's population is already approaching the estimated 2008 projection), these estimates are expected to be conservative. The Southern California Association of Governments estimates that the City's population will reach 34,658 in 2010, and 42,027 in 2020.

#### Age Distribution

According to the 1990 Census, the median age of Banning residents was 36.8. By 2000, it had increased to 39.9. Year 2003 estimates prepared by Claritas, Inc. indicate that the median age for Banning residents within the City limits is 40.9. This is older than the median age for Riverside County residents, which based on Year 2000 Census data, was 33.1 years

For residents in the SOI, for Year 2003, the median age is 40.6. The Year 2003 median age for the Planning Area is 52.5 years.

Table III-6, below, shows the estimated City age distribution for year 2003. These distributions reflect an average derived from these data for the City limits, SOI and planning areas. They indicate that adults ages 65-74 comprise the largest segment (14.07 percent) of the City's population, and that the second largest segment is comprised of adults ages 35-44. It is important to note that 35.5 percent of the City's population is 55 or older, while 25.3 percent is under 18.

**Table III-6  
Age Distribution, 2003**

Age Range	No. of Residents	% of Population
Under 5 years	1,700	6.52%
5-9 years	1,837	7.04%
10-14 years	1,958	7.51%
15- 17 years	1,092	4.19%
18-20 years	991	3.80%
21-24 years	1,285	4.93%
25-34 years	2,549	9.77%
35-44 years	2,802	10.74%
45-49 years	1,394	5.34%
50-54 years	1,227	4.70%
55-59 years	1,045	4.01%
60-64 years	1,228	4.71%
65-74 years	3,670	14.07%
75-84 years	2,657	10.19%
85+ years	654	2.51%

Source: Prepared for Terra Nova Planning & Research, Inc. by Claritas, Inc., April 2004.

#### Household Size

A "household" includes all people who occupy a housing unit. The City's average household size does not account for those living in group housing, such as convalescent care or nursing homes. Residents living in group housing account for only approximately 3.63 percent of the total population. Household size represents an average number of persons living in a dwelling

unit. In 2000 there were a total of 8,707 households within Banning's corporate limits. Based on Year 2003 population estimates, the number of households increased to 10,404. The City's average household size in 2003 was estimated at 2.23.

#### Median Household Income

Median Household income in Banning was \$28,467 in 1990, and has grown to an estimated \$36,514 in 2003. As shown in the table below, households in Banning exhibit a range of incomes. The largest percentage of Banning households (18.30 percent) have incomes between \$50,000 and \$74,999. However, households with incomes between \$15,000 and \$24,999 account for the second highest segment, at 17.78 percent. The median household income in Year 2003 for the entire General Plan Planning Area is estimated at \$42,656.

**Table III-7**  
**Household Income Distribution, 2003**

Income Range	No. of Households	% of Households
Income Less than \$15,000	1,679	17.46%
Income \$15,000 - \$24,999	1,710	17.78%
Income \$25,000 - \$34,999	1,370	14.24%
Income \$35,000 - \$49,999	1,599	16.62%
Income \$50,000 - \$74,999	1,760	18.30%
Income \$75,000 - \$99,999	784	8.15%
Income \$100,000 - \$149,999	515	5.35%
Income \$150,000 - \$249,999	161	1.67%
Income \$250,000 - \$499,999	36	0.37%
Income \$500,000 and more	4	0.04%

Source: prepared for Terra Nova Planning & Research, Inc. by Claritas, Inc.

#### Employment Characteristics

Employment characteristics in Banning are consistent with regional trends. In 2003, approximately 41.1 percent of City residents 16 years and older were employed in the labor force; 32.5 percent of these worked in sales and office occupations, and approximately 20.3 percent were employed in service occupations. Production, transportation and material moving also represented a strong economic sector. The largest employers in Banning are listed in Table III-8.



**Table III-8**  
**Top Employers in Banning, 2000**

Income Range	No. of Employees
Deutsch Company	750
Banning Unified School District	500
San Geronio Memorial Hospital	312
City of Banning	186
Green Thumb Produce	150
Pacific Window Company	125

Source: City of Banning Redevelopment Workshop, February 19, 2004.

#### Housing Market

The City offers a variety of affordable residential products, at competitive prices that are typically lower than those found in Riverside County overall. According to the Inland Empire Quarterly Economic Report, the median home price in the City during the first quarter of 2001 was \$87,300 for existing homes, and \$153,500 for new homes. During the second quarter of 2003, the median sales price for existing homes in Banning was \$145,000, and \$201,500 for new homes. This compares with \$232,727 and \$285,000 for existing and new homes in Riverside County for the same period. The City's median price for existing homes is lower than those of the neighboring Pass cities of Beaumont and Calimesa. For new homes, the City's median home price exceeds the median new home price in Beaumont, but remains lower than for new home prices in Calimesa.

The City's housing stock increased from 8,194 units in 1990 to 9,724 units in 2000. This represents a 10-year increase of approximately 22.6 percent. As shown in the following table, the majority of new structures are single-family, which is typical of a low-density, suburban community. As shown below, single family development continues to be the primary housing unit type in the City.

**Table III-9**  
**Housing Characteristics in Banning, 1990 vs. 2000**

Housing Type	1990		2000		2003	
	No. Units	% of Total	No. Units	% of Total	No. Units	% of Total
Single-Family, Detached	5,417	65.9%	6,832	70.2%	7,499	72.1%
Single-Family, Attached	596	7.3%	726	7.5%	728	7.0%
Multi-Family, 2-4 units	514	6.3%	425	4.4%	426	4.1%
Multi-Family, 5+ Units	513	6.3%	468	4.8%	599	5.8%
Mobile homes	1,154	14.1%	1,138	11.7%	1,156	11.1%
<b>Total</b>	<b>8,194</b>		<b>9,724</b>		<b>10,404</b>	

Source: 1990 Census; 2000 Census, 2003 Department of Finance

## **CURRENT ECONOMIC CONDITIONS**

### **Commercial Development**

Commercial development is a critical component in most communities, as the sale of goods and services can generate significant sales tax revenue and employment opportunities. Much of the City's commercial development is located immediately north and south I-10, and includes freeway-oriented commercial development. It also includes the City's core Downtown area, which is primarily located along Ramsey Street east of 8<sup>th</sup> Street and west of Hargrave. A cluster of fast-food restaurants located along Ramsey Street near 22<sup>nd</sup> Street have formed the core of freeway-oriented commercial development. General commercial land uses occur west of this area, with a focus on vehicle sales and service, while neighborhood commercial development occurs along the City's western border, on the east side of Highland Springs.

Revitalization efforts in the City's downtown have also afforded the City with opportunities to further capitalize on potential development opportunities. In addition to the City's Redevelopment Agency efforts, local business owners formed the Core Area Businesses and Merchants (CABAM) association in 2004, as a subcommittee of the Chamber of Commerce. Monthly meetings focus on topics of interest to local businesses and are designed to spur growth and development. Several local businesses are collaborating in a "business incubator," comprised primarily of home improvement/home fashion businesses located in rehabilitated buildings along Ramsey Street east of Hargrave Street.

While the City's proximity to the Railroad represents a potential resource for future business development, discussed under Industrial Development, below, it also constitutes a constraint to commercial activities, primarily in the Downtown core area. As noted in the Circulation Element, there are currently six railroad crossings in the City, of which four are at grade and two are grade separated. Local facilities carry approximately 60 trains a day, which average approximately 7,000 feet in length. Travelers accessing commercial development south of I-10 at the intersections with at-grade crossings may experience delays that have the potential to discourage utilization of those commercial areas.

An Economic Development Strategy prepared for the City in 1999 (see further discussion, below) presented several findings based on research conducted during its preparation. Among the findings were that the City's tax revenues have not kept pace with its need for services. It also found that the City owns several significant but under-utilized assets, including the Banning Municipal Airport, the Banning Water Canyon, and undeveloped Smith Creek Park lands. Along with the significant vehicle traffic along I-10 through the City, the City's proximity to the Outlet mall and the Morongo Band of Mission Indians gaming facility provide the City with unique economic development opportunities. These will be further discussed below.

### **Industrial Development**

Industrial development can bring stable and generally higher paying jobs to a community and can induce development in a variety of secondary or supporting industries. Several factors may determine the success of industrial development. These include site accessibility, the availability of utilities, labor force quality, and the public policy environment as it pertains to industrial

growth. In the Pass region, industrial development has benefited from proximity to U.S. Interstate 10 and the railroad. The City of Beaumont has successfully developed a 6,000 foot railroad siding for use by Lowes' Home Improvement as a regional distribution center. The siding is located on an approximately 40-acre site near the junction of I-10 and State Route 60. The improved siding can accommodate loading and unloading of center beam and flat rail cars on each side.

An analysis of land use designations indicates that Banning has allocated sufficient acreage to accommodate future industrial development. Within the General Plan planning area, lands designated for industrial uses are located east of Hathaway on the north side of Ramsey; around the Airport; and south of the railroad right of way, between Hathaway and 8<sup>th</sup> Street. Future industrial users at these locations may benefit from potential access to lines of the Railroad.

#### **Taxable Sales and Sales Tax Revenues**

The table below describes taxable sales trends in the City from 1998 through 2002, as recorded by the California Board of Equalization. Data shown are for taxable sales in the City's corporate limits. As shown in the table, taxable sales in the City have generally increased over the five-year period, with the exception of year 2001. Retail sales for service stations and auto dealers/supplies during the fourth quarter of that year may reflect some repercussions from the events of September 11. Sales rebounded in 2002. Over the five-year period, taxable sales increased approximately 17.3 percent. Strongest markets included Eating/Drinking Places, which increased sales 83.2 percent over the period; Food Stores, with a 42.2 percent increase; Home Furnishings/Appliances, which increased 38.8 percent, and Building Materials/Farm Implements, which increased 31.2 percent. Service Stations decreased 6.8 percent over the five-year period. This is consistent with the number of retail sales generators in this segment, which decreased from 12 in 1998 to 7 in 2002. Other Retail Stores and All Other Outlets showed modest decreases of less than 2 percent. The number of retail sales generators in the All Other Retail Outlets segment decreased from 243 to 213 from 2001 to 2002. Total retail generators in the City increased from 401 in 1998 to 426 in 2002.

**Table III-10**  
**Taxable Sales in Banning, 1998 - 2002**

Type of Business	Taxable Transactions (\$000)				
	1998	1999	2000	2001	2002
Retail Stores					
Apparel	#	#	#	700	801
General Merchandise	19,348	22,533	24,563	27,246	27,511
Food Stores	6,673	6,952	7,772	9,745	12,227
Eating/Drinking Places	17,978	18,775	20,113	22,177	24,957
Home Furnishings/Appliances	1,005	1,264	1,747	1,132	1,319
Bldg. Materials/Farm Implements	407	485	406	399	423
Auto Dealers/Supplies	47,786	54,718	66,731	55,304	54,839
Service Stations	22,192	22,453	27,097	25,358	20,680
Other Retail Stores	11,108#	10,123#	10,178#	10,276	10,962
All Other Outlets	29,595	39,183	34,037	25,424	29,497
<b>Total All Outlets</b>	<b>156,092</b>	<b>176,486</b>	<b>192,644</b>	<b>177,761</b>	<b>183,216</b>

# - Sales omitted because their publication would result in the disclosure of confidential information.

Source: "Taxable Sales in California (Sales & Use Tax)," During 1998-2002, California State Board of Equalization.

The latest sales tax data, provided by the City, indicate that sales tax revenues to the City during 2003 were \$1,871,593, which would indicate that total taxable sales in the City rose to about \$187,160,000 in 2003.

#### **Retail Sales Potential**

The following table describes the spending potential of Banning residents and is intended to help identify which retail market niches would best serve the City population. The analysis takes into account such factors as City population, number of households, median income, annual population growth, and annual household growth. The data indicate that the largest existing expenditure categories are Grocery/Drug, Transportation Expenses, Food/Alcohol Away from Home, and Apparel/Footwear. The table also provides 5-year expenditure projections. These data are for the entire planning area.

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**Table III-11**  
**2003 Annual Expenditure Potential for General Plan Area Residents**

Expenditure Category	Year 2003 Expenditure Totals (\$000s)	Year 2008 Expenditure Total (\$000s)	Year 2003 Expenditure Per Household
Apparel/Footwear	\$26,011	\$32,144	\$2,809
Personal Care Items	\$23,323	\$31,819	\$2,518
Health Care	\$26,651	\$40,562	\$2,878
Food at Home	\$47,925	\$57,362	\$5,175
Alcohol	\$12,343	\$15,300	\$1,333
Food Away From Home	\$36,676	\$47,054	\$3,960
Furnishings & Appliances	\$18,131	\$22,436	\$1,958
Household Service, Repairs & Utilities	\$16,713	\$20,640	\$1,805
Transportation Expenses	\$49,041	\$61,209	\$5,296
Entertainment	\$34,764	\$46,123	\$3,754
Miscellaneous	\$24,124	\$31,366	\$2,605
<b>2003 Total</b>	<b>\$315,702</b>	<b>\$406,015</b>	<b>\$34,090</b>

The table above indicates that for 2003 total sales potential of City residents was estimated at \$315,702,000. However, according to the City, actual taxable sales in Banning in 2003 were about \$187,160,000. The difference (\$128,542,000) represents the approximate retail sales potential of City residents that is not being spent within the City limits. Although it is unlikely that in any community all the retail sales needs of the entire population can be met, the data suggest a significant retail leakage from Banning to other communities. When this table is compared to the previous table, "Taxable Sales in Banning," categories where significant leakage are clear, and include food stores, apparel and general merchandise stores.

#### **Tourism and Traveler Revenues**

The City is located along U.S. I-10 and in proximity to the desert resorts of the Coachella Valley. Completion of the freeway in 1963 substantially reduced the City's ability to attract business from traffic en route to the Coachella Valley. The City offers limited accommodations for overnight travelers. There are fewer than 10 hotels/motels in Banning, all of which are small, locally-owned motels or national motel chains such as Motel 6, Super 8 Motel, and Travelodge. There are no high end or destination-type resort hotels in the City.

The following provides five-year historical data showing transient occupancy tax revenues the City has received since 1999, and includes revenue projects for the current (2004/05) fiscal year. As shown in the table, the City's revenues from this source increased significantly from FY 2000/01 to FY 2001/02, approximately 21.9 percent, but decreased by nearly the same percentage in FY 2002/03. The City's 2004 budgeted TOT revenues represent an increase of approximately 14.8 percent from FY 2003/04. Annually, TOT revenues have represented less than 1.5 percent of total revenues to the City during this period.

**Table III-12**  
**Transient Occupancy Tax Revenue Trends**

Fiscal Year	TOT Revenue
1999/00	\$137,218
2000/01	\$150,433
2001/02	\$192,737
2002/03	\$151,007
2003/04	\$139,399
2004/05	\$160,000 <sup>1</sup>

<sup>1</sup>Budgeted amount FY 2004/05

Source: City of Banning Finance Department.

In addition to the direct revenue generated by transient occupancy taxes, tourists may also be expected to patronize local restaurants, shops, and recreational/cultural attractions. These expenditures translate into increased sales tax revenues for the City and increased earnings for the local labor force, much of which is ultimately funneled back into the local economy.

As noted below, a 23-story, 310-room resort hotel structure was constructed on the Morongo Band of Mission Indians reservation within 5 miles of the City, and opened in 2004. The hotel is part of the Morongo Casino, Resort & Spa complex being developed by the Morongo Indians. The destination-style resort will include, in addition to the existing casino, a nightclub, spa, ballrooms, convention facilities, and retail space. The Tribe estimates that this development will generate in excess of \$2.8 billion in new jobs and economic benefits to the Inland Empire region over five years.

This complex may be expected to benefit the City, along with other jurisdictions in the region, given its proximity, and potential for travelers to the resort to patronize local businesses. However, it is unclear whether the construction of the Morongo resort hotel will saturate the local hotel market, or whether development of this regional tourist destination will create a synergistic opportunity for the City to attract mid-level hotel chains. The City should consider conducting market research to explore this latter possibility and increase TOT as a potential revenue source, as well as identifying other opportunities to capitalize on its proximity to this regional revenue generator.

#### **New Construction Trends**

New construction data provided by the City for 2004 indicates that through April 2004, 172 new single-family residential permits have been issued, with total valuation of \$19,306,450. A total of 5 commercial and industrial permits have been issued during this same period, with a total valuation of \$1,811,741. Single-family building permit valuations have increased nearly 200 percent, from about \$21,188,118 in 2000, to \$63,477,032 in 2003. Multi-family residential has been limited, resulting in only 166 new units over the period.

The "Commercial" category described in the table below includes both commercial and industrial development. New industrial development has been relatively limited, with a total of 4 permits issued through 2003. Total valuation of these industrial permits is \$439,808. However,

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as shown below, for the first four months of 2004, 2 industrial permits have been issued, with a total valuation of \$1,374,822.

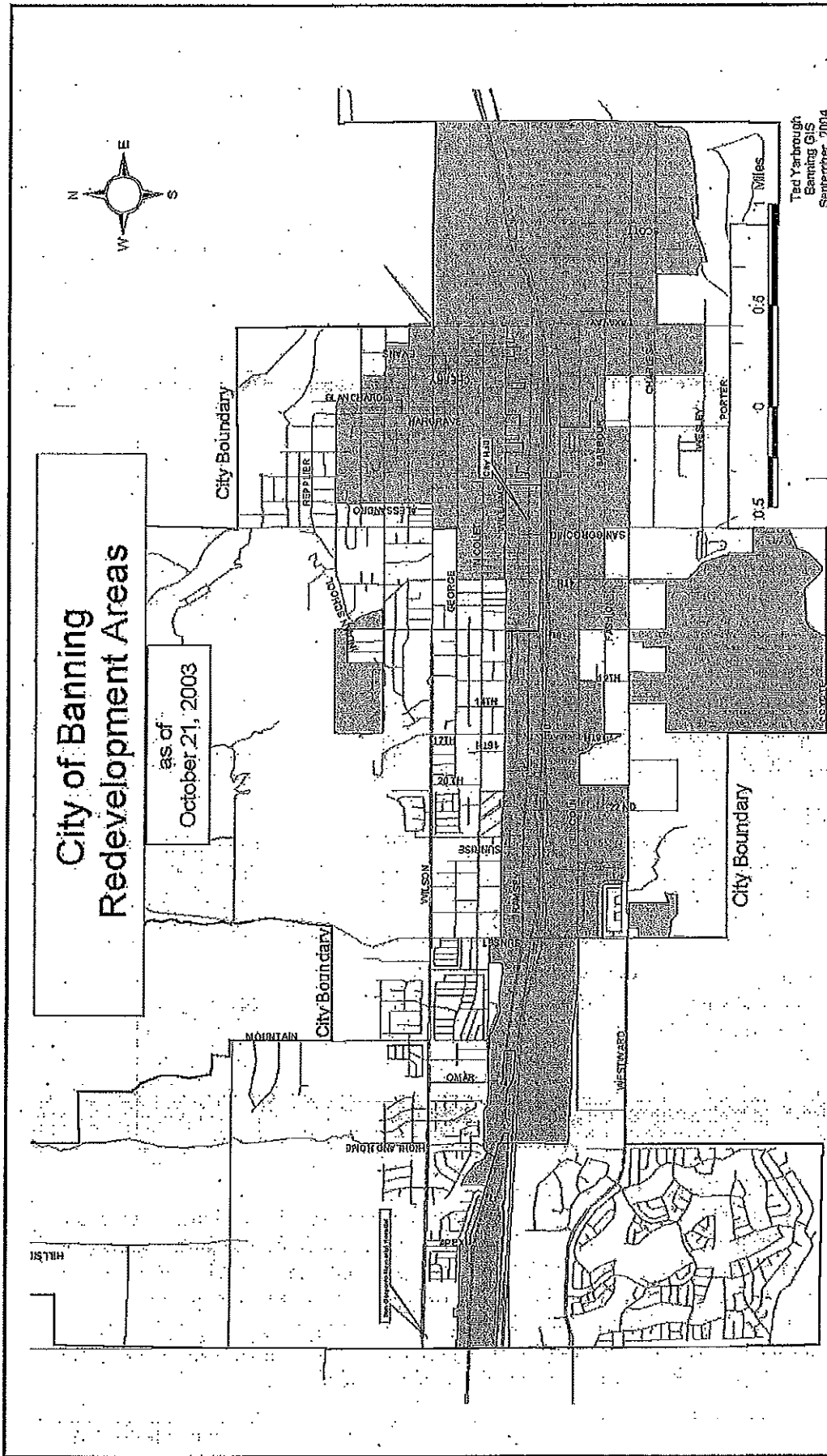
Commercial development through 2003 was an important contributor to the City economy, resulting in 125 permits with total valuation of \$20,092,533. For the first four months of 2004, 9 commercial permits have been issued. Total valuation of commercial permits to date in 2004 is \$1,915,591.

**Table III-13**  
**New Construction Trends In Banning, 2000 – 2003**

Calendar Year/Type of Construction	No. of Permits	Total Valuation
<b>2000</b>		
Single-Family Residential	422	\$22,404,928
Multi-Family Residential	0	\$0
Commercial*	33	\$5,767,820
<b>2001</b>		
Single-Family Residential	609	\$40,038,749
Multi-Family Residential	0	\$0
Commercial*	33	\$2,503,981
<b>2002</b>		
Single-Family Residential	696	\$53,733,154
Multi-Family Residential	3	\$12,191,897
Commercial*	35	\$1,508,872
<b>2003</b>		
Single-Family Residential	897	\$65,795,401
Multi-Family Residential	0	\$0
Commercial*	24	\$10,311,860
*Includes both commercial and industrial development. Source: City of Banning Building & Safety Department.		

#### **Redevelopment Project Area and Planning**

In 2002 the City adopted an amendment to the Redevelopment Plan that combined the Midway and Downtown Project Areas, extended all time limits for the Redevelopment Agency and doubled the size of the redevelopment areas from approximately 1,500 acres to approximately 3,000 acres. In 2003 the City restructured the redevelopment agency debt and issued new bonds, which netted the City approximately \$8 million for economic development projects and \$2.2 million for housing. The City has identified approximately \$28 million in redevelopment projects. Exhibit III-3 identifies the City of Banning redevelopment areas.



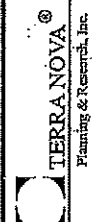
Exhibit

III-3



Ted Yarbrough  
Banning GIS  
September, 2004

Banning General Plan  
Redevelopment Areas



Through its Redevelopment Agency, the City has adopted a five-year implementation plan for the redevelopment project area, in accordance with AB 1290 (CCRL Section 33490). This legislation required that redevelopment activities include an implementation plan to address the blight that justified adoption of the redevelopment plan. The plan addresses low and moderate income housing requirements, and establishes goals and objectives to eliminate blight remaining in the project areas.

The Agency has sought community participation in the development of its implementation plan, and will continue to do so. The 2004-2009 plan includes community-driven programs associated with incentive programs for business attraction and retention; property acquisition and consolidation; eminent domain; grade separations at railroad crossings; infrastructure improvements, and parking lot improvements in the commercial areas of the City. The implementation plan will continue to be used by the Redevelopment Agency in implementing economic development projects in the City.

#### **Economic Development Strategy**

In 1999, and subsequent to the adoption of the Initial Implementation Plan, the City adopted the City of Banning Economic Development Strategy. The Strategy focused on establishing stakeholders to function both independently and collaboratively to accomplish the nine identified economic development strategies. Redevelopment project areas shown in the Redevelopment implementation plan included most of the land upon which formed the basis for City implementation of the economic development strategies. Strategies included:

- enhancing the City as a team leader of a broad community-based implementation team; improving the fiscal position of the City redevelopment agency;
- improving municipal code, regulatory practices and business assistance processes;
- capitalizing on City owned assets;
- cooperating with business and property owners, working with outside agencies;
- coordinating with the Morongo Band of Mission Indians and the Cabazon community;
- attracting visitors and tourists;
- marketing Banning to local businesses and residents.

As previously noted, the Economic Development Strategy prepared for the City in 1999 provided findings regarding the City's overall economic development based on review of applicable documents and data, and interviews with City staff, key business leaders, elected officials, and others with knowledge regarding Banning's economic picture. It also reviewed information regarding 6, 10 and 20-mile trade area demographics, housing statistics, and consumer spending patterns.

Among the findings of the Strategy report were that the City's tax revenues have not kept pace with its need for services. It indicated that the City owns several significant but under-utilized assets, including the Banning Municipal Airport, the Banning Water Canyon, and undeveloped Smith Creek Park lands. Additionally, it found that the City is located in a trade area with unique economic development opportunities. These included not only residents and businesses within the Pass Area, but also included three "non-typical" trade areas that increase the City's potentially reachable market. These were the substantial traffic traveling through the community

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on U.S. I-10, which ranges from 98,000 trips to 110,000 trips per day along various segments of I-10 in the planning area; the visitors to the Morongo Mission Indian Band Gaming facility; and visitors to the Outlet mall.

#### **Economic Development Opportunities in the City**

As noted in the Economic Development Strategy, the City owns assets with economic development potential. These included the Banning Municipal Airport's Banning Water Canyon and undeveloped Smith Creek Park lands.

#### **Banning Municipal Airport**

The city owned Banning Municipal Airport is a General Aviation Airport located on approximately 295 acres of land at 200 South Hathaway, on the eastern border to the City, adjacent to the Railroad and US Interstate 10. It currently (2004) has 65 T-hangars, four full hangars, and 32 parking tie-downs owned by the City, located primarily on the south side of the runway. Construction of additional hangars is current under investigation. There are 11 privately owned hangars on the northwest section of the field. The City recently completed an approximately \$750,000 resurfacing of the runway and taxiway with the help of Federal Aviation Administration (FAA) funding. The runway is 5,200 feet long by 150 feet wide, one of the longer and wider General Aviation runways in the Inland Empire. To satisfy the FAA required Runway Protection Zone of 1,000 feet beyond each end of the runway, the City has ownership of about 1,800 feet on the west end of the runway, and the Morongo Band of Mission Indians has, on several occasions, assured the City of protecting this area that extends into their property on the east. They have also expressed an interest in the future development of the airport and supporting infrastructure.

The airport can handle single engine and any twin engine aircraft up to 12,500 pounds landing weight. Current operation is as an uncontrolled airport, with advisory UNICOM, CTAF radio communications from 8 a.m. to 5 p.m. daily. Fueling service is also available during those hours, currently only 100LL gasoline. The runway has pilot controlled (PCL) Medium Intensity Runway Lights (MRL) and, on runway 26 (approach from the east), Vertical Angle Slope Indicator (VASI) lights.

Lands surrounding the airport have potential for industrial development. These lands are owned by private parties, the City, Riverside County and the Morongo Band of Mission Indians. The City has also conferred with the Tribe regarding potential joint venture opportunities for commercial/industrial development on these lands. The pending Mopar Drag City development has the potential to limit future airport and airport related industrial development.

#### **Railroad**

Rail service facilities through the Pass area, and the City of Banning, can carry approximately 60 trains per day, most of which are freight. Trains average approximately 7,000 feet in length and generally travel up to 60 miles per hour (mph) in the planning area. Currently there are four at-grade railroad crossings in the City. These occur at Hargrave Street, San Geronio Avenue, 22<sup>nd</sup> Street, and Sunset Avenue. Grade separated crossings occur at 8th Street and Highland Springs Avenue.

The railroad facilities represent both a constraint and an opportunity for the City. As previously stated, the lack of grade separation at four of the City's six rail crossings physically divides the community, and has likely lowered development potential for lands in the south side of the City in the past. Management of this constraint will continue to be a challenge as the City builds out.

Conversely, the location of the railroad can provide important benefits to industrial and quasi-industrial development. Construction of drill spurs is possible to provide rail access to adjoining passenger or industrial uses. Sidings, switches, and additional track linkage would also be required to provide this access.

#### Smith Creek Park

The City owns an approximately 150-acre undeveloped park site located at the eastern terminus of Porter Road, north and south of Smith Creek. While currently (2004) there is no timetable set for development of this site, a master plan has been designed that will include both passive and active space. The master plan provides for equestrian facilities, including trails, stables, trailer parking, grandstand, a riding ring, storage pen, and locker facilities. The master plan also proposes a fishing lake, dock, swimming lagoon with water slides, a community center, and picnic and RV camping facilities. Other facilities shown on the plan include an amphitheater, tennis courts, clubhouse, driving range and swimming pool, as well as a commercial retail center including restaurants and a hotel. Physical constraints to development of this park site include Smith Creek, which runs generally easterly through the property. Development of the park would require construction of all-weather crossings on Smith Creek. Funding for development of this facility has not yet been identified.

Development of the Park has potential to increase events and attendance of the annual Stagecoach Days festival, which is held each fall. Currently this event, which features a rodeo, is held at Dysart Park, an approximately 20-acre facility. Average annual attendance is approximately 7,000-10,000, of which approximately 70 percent are residents of the Pass region. Annual net revenues average approximately \$30,000. Should Smith Creek Park be developed as planned, the additional space and facilities have potential to result in up to a tripling of Stagecoach Days revenues. Development of the Park also has potential to attract equestrian events throughout the year, as well as providing facilities for other revenue-generating equestrian and other activities.

#### **Other Opportunities**

##### Mount San Jacinto College

Currently Mount San Jacinto College offers classes in rented facilities in the City. The College has purchased a 48-acre site located south of I-10 at Sunset Avenue and Westward Avenue in Banning. While construction of the new campus is not expected to begin for five to seven years, the College's expanded presence in the City may provide increased potential for economic development partnerships geared towards labor market development and job training. In addition, the College's facilities may, when constructed, provide opportunities for joint uses that can attract and host revenue-generating activities such as conferences and special events.

#### Mopar Drag City

Mopar Drag City is a privately-owned drag racing facility currently being developed on an approximately 60-acres site located on Barbour Street near the Banning Municipal Airport. These facilities will feature a quarter-mile track and will be sanctioned by the National Hot Rod Association. The project developer has estimated that local economic impact from the course could be as much as \$35 million, based on an approximately 100-mile radius multiplier. Therefore, local impacts are likely to be less. Nonetheless, the project has potential to attract related high-performance industries as well as event visitors.

#### **Economic Benefits from Development Outside the City**

The Morongo Band of Mission Indians reservation is located east of the City. The Morongo Casino is located on the reservation north of I-10 near Cabazon. The Tribe is currently (2004) constructing a 23-story hotel on lands adjacent to the Casino, which will include approximately 310 rooms. A second hotel tower is also proposed.

The Outlet mall is located east of the City in unincorporated Cabazon. There are 130 stores in the mall. The city receives a portion of sales tax collected by Riverside County from outlet mall sales. The City's 2003-2004 budget estimates revenues of approximately \$260,000, or approximately 2.57 percent of the General Fund, from this source.

#### **FUTURE DIRECTIONS**

The City has initiated a number of efforts in the past several years aimed at increasing its economic viability in the region. It has implemented and expanded its revitalization plan for areas identified as blighted. Through its Economic Development Strategy, it has identified key economic trends and issues and has implemented strategies to address these issues and plan for future economic growth. The redevelopment agency is actively seeking to leverage available bond monies to attract business and industry that will increase property values and generate property and sales tax revenues for the City.

The information presented above leads to several potential areas where opportunities may be realized:

1. Increases in commercial development to eliminate some of the retail sales leakage currently occurring in the City.
2. Capitalizing on the Municipal Airport to attract tourism and business to the City.
3. Improving Smith Creek Park to increase tourism and sales tax generation in the City.
4. Developing synergistic relationships with the Morongo Hotel/Casino complex.
5. Developing synergies with Mount San Jacinto College.

The City should continue to work with citizen-initiated organizations such as CABAM, and to invite input and involvement from business and civic leaders to envision and facilitate the City's growth and attract new businesses to the community.



Competition among cities for state and federal funding for economic development and redevelopment projects is likely to continue for some time, given existing and projected budget shortfalls and depending on the overall economic climate. Nonetheless, the City must continue to identify and leverage these funding sources. It should also seek out potential partnerships with public, quasi-public and private entities for joint funding opportunities, to improve its economic stability and improve the quality of life in the community.

The City should continue to expand and enhance its relationship with the Morongo Band of Mission Indians, to identify opportunities for economic partnerships with the Tribe. This may include, but should not be limited to, potential expansion and enhancement of airport facilities as a means of attracting tourism and business to the community. It should also explore possibilities of joint funding to finance rail separation at existing at-grade crossings, as well as investigating development of rail access to benefit existing and future industrial development. Finally, it should capitalize on its existing strengths, which include natural and scenic resources and parklands, and identify public and private funding sources to develop and maintain Smith Creek Park for potential revenue-generating activities.

## **GOALS, POLICIES, AND PROGRAMS**

### **Goal**

A balanced, broadly-based economy that provides a full range of economic and employment opportunities, while maintaining high standards of development and environmental protection.

### **Policy 1**

General Plan land use designations and allocations will facilitate a broad range of residential, commercial, industrial and institutional development opportunities.

### **Program 1.A**

The city shall annually monitor the remaining capacity of all General Plan land use categories to assure that a variety of economic development opportunities are available.

**Responsible Agency:** Planning Department, Redevelopment Agency

**Schedule:** 2005-2006, Annually thereafter

### **Program 1.B**

All proposals for new development or redevelopment shall be evaluated to assure that these uses complement, support and are compatible with the City's core economic assets.

**Responsible Agency:** Planning Department, Redevelopment Agency, Finance Department, City Council

**Schedule:** Continuous

### **Policy 2**

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.

**Program 2.A**

Work closely with Mount San Jacinto College throughout their planning process to assist in its efficient and timely development, implement educational programs geared to job creation and retention, and to coordinate synergistic development opportunities.

**Responsible Agency:** Redevelopment Agency, Mount San Jacinto College

**Schedule:** 2005-2006, Ongoing

**Program 2.B**

Aggressively pursue retail commercial developments which reduce the current retail sales leakage.

**Responsible Agency:** Redevelopment Agency, Chamber of Commerce

**Schedule:** Ongoing

**Program 2.C**

Continue to maximize the role of the Chamber of Commerce, City web site and other mechanisms that promote and enhance the City's business climate.

**Responsible Agency:** Redevelopment Agency, Chamber of Commerce

**Schedule:** Ongoing

**Policy 3**

Encourage and promote infill development in orderly and logical development patterns that decrease the costs, and increase the efficiency of new utilities, infrastructure, and public services.

**Program 3.A**

The City shall maintain a package of economic incentive programs that benefit developers of infill projects.

**Responsible Agency:** Redevelopment Agency, Finance Department

**Schedule:** 2005-2006

**Program 3.B**

The City shall contribute to the financing of tertiary treatment facilities as an economic development tool.

**Responsible Agency:** Redevelopment Agency

**Schedule:** 2006-2007

**Program 3.C**

Use the Downtown Charette as a guideline for the Downtown Commercial area, for the development of high quality, pedestrian oriented retail locations.

**Responsible Agency:** Planning Department, Redevelopment Agency, Planning Commission, City Council

**Schedule:** 2005-2007, Ongoing

**Policy 4**

Attract a greater number of commercial retail businesses to the Downtown Core area to develop a safe, vital and consumer-friendly downtown shopping area.

**Program 4.A**

Provisions for the Downtown Commercial Zoning District shall encourage specialty retail uses, live-work uses, and other uses which support and expand the pedestrian and tourist-related shopping experience.

**Responsible Agency:** Planning Department, Planning Commission, City Council

**Schedule:** 2005-2006

**Program 4.B**

The City shall coordinate with public, private and business organizations to explore grant funding to provide funds for rehabilitation and increased code enforcement in the Downtown Core area.

**Responsible Agency:** Redevelopment Agency, Chamber of Commerce, City Council

**Schedule:** 2005-2006; Continuous

**Program 4.C**

The City shall work with CABAM and other citizen groups with an interest in development of the Downtown core area, to identify grant monies, private development interests and business synergies to build on existing revitalization activities in this area.

**Responsible Agency:** Redevelopment Agency, CABAM, development community

**Schedule:** 2005-2006; Continuous

**Policy 5**

Explore opportunities with private entities to fund Smith Creek Park as a viable recreation area.

**Program 5.A**

Update the Smith Creek Park master plan and actively market this development opportunity among private entities that could fund development and provide for future maintenance of the park and improvements.

**Responsible Agency:** Community Services Department, Redevelopment Agency, City Council, development community

**Schedule:** 2006-2007

**Policy 6**

Encourage and facilitate highway-serving commercial development at appropriate Interstate-10 interchanges within the City limits.

**Program 6.A**

Proactively work with CalTrans to improve on- and off-ramp landscaping and improvements to provide more attractive gateways to the City.

**Responsible Agency:** Planning Department, Redevelopment Agency, CalTrans

**Schedule:** 2005-2006; Ongoing

**Program 6.B**

Preserve highway commercial land use designations at interchange locations, and encourage the location of high quality freeway-serving businesses.

**Responsible Agency:** Planning Department, Redevelopment Agency

**Schedule:** 2005-2006; Ongoing

**Program 6.C**

Code compliance on gateway streets and properties adjacent to Interstate 10 shall be strictly enforced.

**Responsible Agency:** Code Enforcement

**Schedule:** Ongoing

**Policy 7**

Explore joint funding opportunities for the improvement of existing at-grade rail crossings, and investigate necessary infrastructure and funding to extend rail access to lands designated for industrial development.

**Program 7.A**

Consult with representatives of the Railroad, state and federal legislators, and appropriate state agencies to apply for available funding for these improvements.

**Responsible Agency:** Redevelopment Agency, Public Works Department, Railroad, City Council

**Schedule:** 2005-2006; Ongoing

**Policy 8**

In order to maintain existing economic activities and attract new commercial and industrial development, the City shall assure the provision of adequate utilities, infrastructure, and other capital facilities.

**Policy 9**

All development interests, including residential, commercial and industrial project proponents, shall be responsible for their fair share of on-site and off-site improvements required to support their development proposals. Such improvements may include, but are not limited to, street construction and signalization, grade separation, utility extension, drainage facilities, and parks.

**Program 9.A**

The Community Redevelopment Agency shall consider requests for assistance from project developers for the development of infrastructure and compare them to the economic benefit of the proposed project.

**Responsible Agency:** Redevelopment Agency

**Schedule:** 2005-2006; Ongoing

**Program 9.B**

Proactively work with the Riverside County Transportation Commission in putting Banning projects on the highest priority within the Transportation Uniform Mitigation Fee (TUMF) program.

**Responsible Agency:** City Manager's Office, City Engineer, City Council

**Schedule:** Ongoing

**Policy 10**

Continue to cultivate cooperative relationships with the Morongo Band of Mission Indians and Bureau of Indian Affairs, particularly regarding development of Indian lands within and adjacent to the planning area, and development and enhancement of community facilities that provide joint benefit to the Tribe and the City.

**Policy 11**

The City will have a comprehensive tourism plan.

**Program 11.A**

Encourage and promote special events and activities which strengthen the City's image and attractiveness to residents, visitors, and businesses.

**Responsible Agency:** City Council, Redevelopment Agency, Chamber of Commerce, Morongo Band of Mission Indians, Inland Empire Tourism Council, Banning and Beaumont Unified School Districts, ECOPAC

**Schedule:** 2005-2006

**Program 11.B**

The City shall conduct market research on tourism approaches, target the tourism markets of interest, and create tourism plan goals and an implementation strategy.

**Responsible Agency:** City Redevelopment Agency, Chamber of Commerce, Inland Empire Tourism Council, ECOPAC

**Schedule:** 2006-2007.

**Exhibit "C"**

**March 15, 2013 Record Gazette Proof of Publication**



**Exhibit "C"**

**March 15, 2013 Notice Published in the Record Gazette**

## NOTICE OF PUBLIC HEARING

**PURSUANT TO LAW, NOTICE IS HEREBY GIVEN** of a Public Hearing before the City Council of the City of Banning, to be held on Tuesday, March 26, 2013, at 5:00 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider the following:

**GENERAL PLAN AMENDMENT (GPA) NO. 13-2502:** An Amendment to the General Plan Land Use and Economic Development elements to revise policies related to attracting and retaining commercial and industrial development that provide increased sales tax, property tax, and jobs for the residents of Banning.

This General Plan Amendment is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(4) because the proposed policy changes to land use and economic development elements relate to the creation of governmental funding mechanisms that will provide improved quality benefits to the residents of the City of Banning. The proposed policy change does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

Information regarding the foregoing can be obtained by contacting the City's Community Development Department at (951) 922-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning.

All parties interested in speaking either in support of or in opposition to any item are invited to attend said hearing, or to send their written comments to the City Clerk of the City of Banning at P.O. Box 998, Banning, California, 92220.

If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the City Clerk at, or prior to, the time the City Council makes its decision on the proposal; or, you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65009).

BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

Zai Abu Bakar  
Community Development Director

Dated: March 11, 2013  
Publish: March 15, 2013

**CITY COUNCIL  
PUBLIC HEARING**

**DATE:** March 26, 2013

**TO:** City Council

**FROM:** Zai Abu Bakar, Community Development Director

**SUBJECT:** General Plan Amendment (GPA 13-2501) – Amendment to the General Plan Circulation Element

**RECOMMENDATIONS:** Adopt Resolution No. 2013-34:

- I. Certifying the Final Environmental Impact Report (FEIR) prepared by LSA Associated, Inc. (State Clearing House No. 2012011008).
- II. Approving the General Plan Amendment (GPA 13-2501) amending the Circulation Element.

**PLANNING COMMISSION REVIEW:** On March 6, 2013 the Planning Commission adopted Resolution No. 2013-06 recommending to the City Council the certification of the Final Environmental Impact Report (EIR) and approval of General Plan Amendment (GPA 13-2501). Prior to its adoption, questions were addressed including the difference of level-of-services and impacts to the existing intersections. Staff identified that these changes would increase wait times by approximately 25 seconds; however the need to amend the Circulation Element is based on design issues. It was determined that the existing Level-of-Service (LOS) C is not practical due to the necessary right-of-ways that would be required. Additionally, the existing LOS C does not match Beaumont and does not enable the City to remain competitive with Beaumont in attracting and retaining businesses.

**BACKGROUND:** The proposed General Plan Amendment is to change the citywide policy for roadway or Level-of-Service (LOS) from C to D, as well as, remove Highland Home Road interchange from the City's General Plan. The proposed amendment is listed in the Strategic Plan for 2011-2016 which was adopted by the City Council on September 13, 2011. See Goal #3, Item A-3 of the Strategic Plan in Exhibit "C".

On January 8, 2013, the Planning Commission and the City Council held a Joint Study Session to review the traffic analysis for the Circulation Element amendment. The City's consultant from LSA & Associates, as well as, City staff including the Director of Public Works and Community Development Director provided the presentation. In addition to the presentation, concerns and questions of the City Council and Commission were addressed at the study session.

**ANALYSIS:**

**I. Changing Citywide Policy for Roadway from Level-of-Service (LOS) from C to D:**

The County of Riverside and the majority of cities in the County including the City of Beaumont maintain a Level-of-Service D as the standard for roadway performance and adequacy. The City of

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Banning in its General Plan establishes two (2) level-of-services (LOS). All intersections along Ramsey Street including all I-10 interchange intersections are classified as LOS D which is one level of service. The second LOS is classified as LOS C which includes the remaining intersections throughout the City. LOS C is a higher standard for road performance and efficiency and requires that the road be wider than the road for LOS D. Additional rights-of-way/land is required to accommodate a wider road.

In consideration of LOS, Highland Springs Avenue is located in the cities of Banning and Beaumont. The City of Banning maintains a LOS C on Highland Springs Avenue. The City of Beaumont maintains a LOS D on its side of Highland Springs Avenue. Since there are two different level-of-services, intersection design and configurations are conflicting between the cities. Wider right-of-ways are needed to improve intersections in Banning and would require additional right-of-way acquisitions in and around areas that are already developed with businesses. Maintaining a LOS C in Banning will impact lot sizes, parking lot and landscaping improvements within these developed areas and in some cases would require a re-design of on-site and off-site traffic circulation. The acquisition of properties is a long, extensive process especially when multiple owners are involved which could be costly to the City.

**Benefits of Having LOS D:**

The following are the benefits of changing the citywide LOS from C to D:

1. The City's LOS will be consistent with the City of Beaumont and the County of Riverside LOS, which based on traffic impact evaluations and improvements are consistent among various jurisdictions in surrounding areas. The intersection configurations especially on Highland Springs Avenue will be consistent between the cities of Beaumont and Banning. Drivers will experience consistent LOS when traveling between Banning and Beaumont and across jurisdictions in the County.
2. The amount of right-of-ways required to meet the LOS D is less than the right-of-ways needed for LOS C, thereby reducing the capital improvement and maintenance costs and the need for right-of-way acquisitions.
3. The reduction in the capital improvement costs will result in competitive incentives for developers to develop in the City of Banning.

**II. Removal of Highland Home Road Interchange from the City's Circulation Element:**

The future interchange at Highland Home Road and I-10 is currently included in the City's General Plan Circulation. The I-10/Highland Home Road interchange is currently not included in the State Transportation Improvement Plan. Furthermore, this interchange is not included or recommended in the 2010 Caltrans study titled the "Pass Area Regional Transportation Needs Assessment Report (PARTNAR)". According to PARTNAR, the I-10/Highland Home Road interchange does not meet the interstate spacing criteria; therefore, it is not included in any long-range freeway planning studies for the various agencies that have jurisdictions in transportation which include County of Riverside, the Southern California Association of Governments, or Caltrans.

In 2008, the City of Banning conducted a feasibility study to determine if the interchange could be built at Highland Home Road and I-10 to alleviate traffic congestion either at Highland Springs Avenue/I-10 or Sunset/I-10 interchanges. The study analyzed various viable built alternatives which all require new right-of-ways. The construction costs (alone) for each of the alternative range from \$60.5 million to \$69 million. These costs do not include preliminary design and engineering, right-of-way acquisition, and construction administration.

### **III. Road and Bridge Thoroughfare Fees:**

Once the City Council adopts the proposed policies and road standards, staff will be developing road and bridge thoroughfare fees to fund improvements. Additionally, the fee will be charged to future development which would help mitigate the traffic impacts.

#### **DRAFT AND FINAL ENVIRONMENTAL IMPACT REPORT (EIR):**

Pursuant to the Public Resources Code Section 12000 et seq, a Draft and Final EIR are required to be prepared per the California Environmental Quality Act (CEQA). The purpose of the EIR is to inform decision makers and the general public of any significant adverse environmental impacts associated with the policy change to the items below:

1. Change the citywide policy for the performance and adequacy of roadway or Level-of-Service (LOS) from C to D.
2. Remove Highland Home Road interchange at I-10 from the City's General Plan.

A traffic study was completed as part of the Draft EIR. The traffic study analyzed the various intersections shown in Exhibits "D" and "E" for the changed in the LOS and removal of the Highland Home Road interchange from the General Plan Circulation Element. With regard to the removal of the Highland Home Road interchange, the Draft EIR analyzed not only the removal of the interchange but also alternatives for overcrossing and no road connection at all at the I-10 and Highland Home Road location. As part of the Planning Commission's recommendation, staff is requesting that the General Plan Circulation Element be amended to show that there is no interchange or overcrossing at Highland Home Road and I-10 location due to the costs and impact that the interchange and the overcrossing have on the environment.

Based on the findings in the Draft EIR, the proposed General Plan amendment was determined to have no impacts or less than significant impacts, including the alternative that shows no Highland Home Road connection at the I-10. No mitigation measures or Mitigation Monitoring Program are required. The combined results of the improvements from the change in the LOS from C to D and removal of Highland Home Road is shown in Exhibit "F".

The Draft EIR (Exhibit "G") was prepared and circulated for a 45-day public review from September 21, 2012 to November 5, 2012. Copies of the Draft EIR were made available for public review at the Community Development Department at Banning City Hall, the Banning Public Library, and on the City's website. The City received six (6) comments from the following agencies/organizations:

- Native American Heritage Commission
- State of California Department of Transportation (Caltrans District 8)
- State Clearinghouse

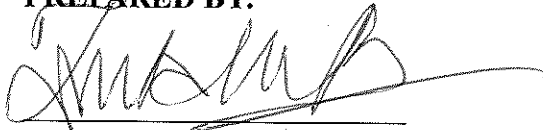
- South Coast Air Quality Management District
- City of Calimesa
- County of Riverside Department of Transportation

Comments from these agencies and organizations were responded to and are attached in Exhibit "H" (Final EIR). An errata sheet addressing the comments is attached in Exhibit "I".

**PUBLIC HEARING NOTICE:** The Notice of Availability and public hearing notice regarding the Final Environmental Impact Report (FEIR) and Circulation Element amendment was published in the Record Gazette on March 15, 2013. As of the writing of this staff report, City staff has not received any comments from the public.

**FISCAL DATA:** There is no fiscal impact at this time; however the need for future right-of-way acquisitions will be eliminated with this amendment reducing potential expenditures.

**PREPARED BY:**



Zai Abu Bakar  
Community Development Director

**REVIEWED BY:**



Duane Burk  
Director of Public Works

**APPROVED BY:**



Andrew J. Takata  
City Manager

**Attachments:**

1. Resolution No. 2013-34
2. Exhibit "A" – Proposed Amendment to the Text, Map, and Diagram of the Circulation Element
3. Exhibit "B" – Redlined text and maps of the existing Circulation Element
4. Exhibit "C" – 2011-2016 Strategic Plan adopted by the City Council
5. Exhibit "D" – Intersection Analyzed for the Change in LOS C to D
6. Exhibit "E" – Intersection Analyzed for the removal of Highland Home Road interchange at I-10
7. Exhibit "F" – Combined results of the improvements from the change in the LOS from C to D and removal of Highland Home Road
8. Exhibit "G" – Draft EIR (submitted under separate cover)
9. Exhibit "H" – Final EIR (submitted under separate cover)
10. Exhibit "I" – Errata sheet responding to comments from SCAQMD
11. Exhibit "J" – Record Gazette Proof of Publication of the Public Hearing Notice & Notice of Availability of the Final EIR



**RESOLUTION NO. 2013-34**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) (STATE CLEARING HOUSE NO. 2012011008) AND GENERAL PLAN AMENDMENT (GPA 13-2501) AMENDING THE CIRCUALTION ELEMENT**

**WHEREAS**, California state law requires that each city and county adopt a general plan to guide development in their city and land outside its boundaries that has relation to its city planning (Govt. Code §65300); and

**WHEREAS**, the City undertook a comprehensive update to the General Plan and Zoning Ordinance which were adopted by the City Council on January 31, 2006; and

**WHEREAS**, the City is taking a pro-active step in implementing the goals and policies of the General Plan; and

**WHEREAS**, on September 11, 2011 the City Council of the City of Banning adopted a Strategic Plan for 2011-2016; and

**WHEREAS**, Goal #3, Item A-3 of the 2011-2016 Strategic Plan includes implementation action for an amendment to the Circulation Element to change the roadway level-of-service from C to D with the removal of Highland Home Road interchange at the I-10 from the General Plan Circulation Element; and

**WHEREAS**, the City of Banning desires to amend the General Plan Circulation Element to change the roadway level-of-service from C to D and to remove Highland Home Road interchange at I-10 from the General Plan Circulation Element; and

**WHEREAS**, the City determined that based on the Initial Study prepared in compliance with Section 15063 of the California Environmental Quality Act (CEQA), the amendment to the General Plan Circulation Element could potentially have significant impacts on the environmental; therefore a Draft and Final Environmental Impact Report was prepared pursuant to Section 15378 (Public Resources Code Section 21065) of the California Environmental Quality Act (CEQA) Guidelines; and

**WHEREAS**, the City of Banning is the lead agency for the preparation and consideration of environmental documents for the Project, as defined by CEQA Sections 15051 and 15367; and

**WHEREAS**, consistent with Section 15083 of CEQA and prior to completing the draft EIR, the City held an early consultation or scoping meeting regarding the environmental issue areas to be considered in the EIR. The City published the Notice of Preparation (NOP) including the Scoping Meeting in the Record Gazette and on the City's website. As part of the City's early consultation, the City held a public scoping meeting on January 17, 2012 from 6:00 – 7:30 p.m.; and

**WHEREAS**, an EIR (SCH No. 20122011008) was prepared in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the City of Banning Environmental Review Guidelines. Consistent with Section 15086 of CEQA, the City published the Notice of Availability (NOA) of the Draft EIR and it was made available for a 45-day public review period from September 21, 2012 to November 5, 2012. The NOA was published in Record Gazette and the City's website. The City also mailed the NOA to the State Clearinghouse for distribution to State Agencies; and

**WHEREAS**, prior to the close of the comment period, the City held a public workshop on October 10, 2012 to provide information and answer questions from interested members of the public regarding the project and the Draft EIR; and

**WHEREAS**, prior to the close of the comment period on the DEIR, the City received four (4) comment letters from public agencies/organizations as follows: Native American Heritage Commission, South Coast Air Quality Management District, City of Calimesa, and County of Riverside Transportation Department; and

**WHEREAS**, after the close of the comment period on the DEIR, the City received two (2) comment letters from the following: State of California Department of Transportation and State Clearinghouse; and

**WHEREAS**, consistent with Section 15088 of CEQA, the City evaluated the comments received from public agencies/organizations referenced herein and prepared written responses which is culminated in a Final EIR for the project and as referenced herein. The Final EIR was made available for public review on Friday, February 22, 2013. The Final EIR was made available at City Hall Community Development Counter, the Banning Public Library, and the City's website; and

**WHEREAS**, on March 6, 2013, the Planning Commission held a noticed public hearing at which time the staff report and public testimonies were considered which were followed by the recommendation of approval to the City Council; and

**WHEREAS**, on March 15, 2013, the City gave public notice by advertisement in the Record Gazette newspaper of a public hearing concerning the project, which included the Final EIR and General Plan Amendment No. 13-2501; and,

**WHEREAS**, on March 26, 2013, the City Council held the noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the project and at which the City Council considered the Final EIR and General Plan Amendment No. 13-2501.

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

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

The Recitals prefacing this Resolution are hereby incorporated herein by this reference and in factual support of all findings. The City Council, in light of the whole record before it, including but not limited to, the Final EIR (the Mitigation Monitoring and Reporting Program, Statement of Findings of Fact attached hereto, Statement of Overriding Considerations attached hereto, Technical Appendices, Written Comments and Responses regarding the Draft, and Draft EIR Errata Sheet), all documents are incorporated by reference herein, and other substantial evidence (within the meaning of Public Resources Code Section 21080(e) and 21082.2), hereby recommends the City Council make the following findings:

**Finding No. 1**

**That an Environmental Impact Report for the project was prepared in compliance with the California Environmental Quality Act Sections 15000-15387 (Title 14, Chapter 3 of California Code of Regulations), and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Banning.**

Finding of Fact:

The City of Banning prepared a Notice of Preparation (NOP) in accordance with Section 15082 of CEQA in that:

(1) The NOP as incorporated herein by reference included: (a) detailed description of the project; (b) location of the project; and, (c) probable environmental effects of the project.

(2) The NOP was distributed to the State Clearinghouse on January 6 and January 9, 2012. The State Clearinghouse issued a state identification number SCH No. 2012011008 indicating that an EIR was being prepared. The City circulated the NOP to responsible and trustee state agencies, and local organizations which are hereby incorporated by reference.

**Finding No. 2**

**The City held an early public consultation pursuant to Section 15085 of the CEQA Guidelines.**

Finding of Fact:

The City held an early consultation or scoping meeting regarding the environmental issue areas to be considered in the EIR. The City published the Notice of Preparation (NOP) including the Scoping meeting in the Record Gazette and on the City's website. The City also mailed the NOP to the State Clearinghouse and public agencies. As part of early consultation, the City held one (1) public scoping meeting on January 17, 2012 from 6 p.m. to 8 p.m.

**Finding No. 3**

**The City has complied with CEQA Guidelines Sections 15085, 15086, 15087, and 15105 by providing a Notice of Completion of the Draft EIR to the State Clearinghouse and a Notice of Availability to responsible and trustee agencies and other persons and agencies as required.**

Finding of Fact:

Upon completion of the Draft EIR, the City filed a Notice of Availability as hereby incorporated by reference (NOA) with State Clearinghouse. The Notice of Availability includes: (1) a brief description of the project; (2) the location of the project and address where copies of the EIR are available, and comment period for the Draft EIR. Additionally, the City provided copies of the Draft EIR to the State Clearinghouse for distribution to the responsible and trustee agencies for a 45-day public review. The Notice of Availability also was posted on the City's website at [www.ci.banning.ca.us](http://www.ci.banning.ca.us).

The City also published a Notice of Availability of the Draft EIR in Record Gazette and made the DEIR available on the City's website, at City Hall Community Development Department Counter, and at the Banning Public Library.

Prior to the close of the comment period, the City held a public workshop on October 10, 2012 to provide information and answer questions from interested members of the public regarding the project and the Draft EIR.

Comments that were received on the NOP were addressed during the preparation of the Draft EIR and incorporated into the Draft EIR document. Copies of the comment letters are included in Appendix A of the Draft EIR.

**Finding No. 4**

**The City has evaluated and responded to all written comments received during the public review period and included both comments and responses as part of the Final EIR pursuant to CEQA Guidelines Section 15088.**

Finding of Fact:

The City provided written response to comments received from the commenting agencies/organizations pursuant to CEQA Guidelines Section 15088. The Responses to Comments document includes a list of those commenting, the verbatim comments received on the Draft EIR, and the City's response to the significant environmental points raised in the review and consultation process. The Final EIR for the project consists of the Draft EIR (incorporated by reference and hereinafter referred to as the "EIR"), the Responses to Comments document, and changes to the EIR which clarify, supplement, or update the information provided in the EIR. None of the changes or supplemental information in the Final EIR constitutes significant new information as defined by CEQA Guidelines Section 15088.5. Therefore, CEQA does not require recirculation of the EIR.

**Finding No. 5**

**That the Final EIR identifies potentially significant effects on the environment that could result if the project were adopted without changes or alterations to the project and imposition of mitigation measures and further finds that changes, alterations, and mitigation measures have been incorporated into, or imposed as conditions of approval on, the project. These changes, alterations, and mitigation measures will avoid the significant environmental effects identified in the Final EIR or lessen their impact to the maximum extent feasible. These changes, alterations, and mitigation measures are fully enforceable because they have either resulted in an actual change to the project as proposed or they have been imposed as conditions of approval on the project. The Final EIR also identifies significant unavoidable effects even after mitigation and project changes.**

**Finding of Fact:**

The Final EIR identified various intersection improvements that reduces the project impacts to less than significant levels and is hereby incorporated by reference. Because the impacts were reduced to less than significant, a Mitigation Monitoring and Reporting Program, and a Statement of Overriding Considerations are not required.

**Finding No. 6**

**The Final EIR reflects the independent judgment and analysis of the City.**

**Finding of Fact:**

Prior to taking action on the project, the City was presented with, heard, reviewed and considered all of the information and data in the administrative record including, but not limited to, the Final EIR, and all oral and written testimony presented to it during meetings and hearings. The City contracted with LSA & Associates to prepare the Draft and Final EIR. City staff peer reviewed the draft EIR and final EIR prior to its release for public review. The Final EIR reflects the independent judgment of the City and is deemed adequate for purposes of making decisions on the merits of the Project and its related actions.

**SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)**

The project is found to be consistent with the MSHCP. The project is a policy change to the City's General Plan Circulation Element and does not have a direct or foreseeable indirect impact to physical environment. This is a policy change that would impact the thresholds for analysis of future projects.

**SECTION 3. REQUIRED FINDINGS FOR GENERAL PLAN AMENDMENT NO. 13-2501.**

**Finding No. 1:**

**The proposed General Plan Amendment is internally consistent with the General Plan.**

Findings of Fact:

The current General Plan was adopted in January 2006 and it includes various policies that guide development of the City, including roadways and their level-of-service. The City of Banning City staff has reviewed the proposed General Plan Amendment (No. 13-2501) to change the roadway level-of-service from C to D and to remove Highland Home Road interchange from the General Plan Circulation Element and compared the change to the rest of the General Plan elements for internal consistency within all of the General Plan elements' text, diagrams, and maps and concluded that the proposed General Plan Amendment will not create any conflicts among the various General Plan elements goals, policies, and objectives, including the maps and diagrams of all the elements in the General Plan.

**Finding No. 2:**

**The proposed General Plan Amendment and Zone Change would not be detrimental to the public interest, health, safety, convenience, or welfare of the community.**

Finding of Facts:

The proposed General Plan Amendment (No. 13-2501) when approved will change the roadway level-of-service from C to D and will remove the Highland Home Road interchange from the General Plan Circulation Element which will not be detrimental to the public interest, health, safety, convenience, or welfare of the community in that it will reduce the amount and costs of the rights-of-way needed to accommodate a narrower rights-of-way and therefore reduce the construction and maintenance costs for future roadways. Furthermore, the City has prepared a Draft EIR. The Draft EIR (Exhibit G) was prepared and circulated for a 45-day public review from September 21, 2012 to November 5, 2012. Copies of the Draft EIR were made available for public review at the Community Development Department at City Hall, the Banning Public Library, and on the City's website. Based on the findings in the Draft EIR, the proposed General Plan amendment was determined to have no impacts or less than significant impacts, including the alternative that shows no Highland Home Road connection at the 1-10. No mitigation measures or Mitigation Monitoring Program are required.

**Finding No. 3:**

**The proposed General Plan Amendment would maintain the appropriate balance of land uses within the City.**

Findings of Fact:

The proposed amendment would maintain the appropriate balance of land uses within the City in that it is maintaining the current land use designations. The proposed change to the roadway level-of-service and removal of Highland Home Road from the General Plan Circulation Element will reduce impact of rights-of-ways acquisition on land owned by existing residents and businesses.



**Finding No. 4:**

**With regard to the General Plan Amendment to the General Plan Land Use, the subject property is physically suitable for the requested land use designation(s) and the anticipated land use development(s).**

**Finding of Fact:**

The proposed General Plan amendment relates to the change in level-of-service for roadways from LOS C to D and removal of Highland Home Road interchange at I-10 from the City's General Plan Circulation Element. The proposed amendment does not request a change in land use designation or anticipated land use development. The Project would not physically divide an established community since the Highland Home Road interchange at I-10 will be removed from the Circulation Element and the interchange will not have to be constructed in the future.

**SECTION 4. CITY COUNCIL ACTION.**

The City Council hereby takes the following action:

Adopt City Council Resolution No. 2013-34 certifying the Final Environmental Impact Report (FEIR) and General Plan Amendment (GPA 13-2501) amending the Circulation Element.

**PASSED, APPROVED AND ADOPTED** this 26<sup>th</sup> day of March, 2013.

\_\_\_\_\_  
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. 2013-34 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 March, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**Exhibit "A"**

**Proposed Amendment to the General Plan Circulation Element**

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## **CIRCULATION ELEMENT**

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### **PURPOSE**

The purpose of the Circulation Element is to provide goals, policies, programs and standards that correlate the City's transportation system with the types, intensities and locations of land uses within the City. It addresses those segments of the local transportation system that interface with and serve as extensions of the regional system connecting the City of Banning with the broader Pass Region and other communities in Southern California. The Circulation Element also serves as the blueprint for future land use policy decisions and social and economic development efforts.

### **BACKGROUND**

Due to its close interrelatedness, the Circulation Element is an outgrowth of City and regional land use planning. In addition to its effects on the physical, social and economic environment of the City, the Circulation Element also has a direct relationship with the Housing, Open Space, Noise and Air Quality elements. Being integrally tied to the Land Use Element, the Circulation Element is predictably influenced by the types, intensities and distribution of land uses within the community and surrounding area.

Local and regional air quality issues are closely related to the efficiency of the local and regional transportation system. As the City of Banning and the Pass Region continue to grow, vehicle miles will increase, and travel speeds will be reduced, resulting in higher emissions per mile traveled. The policies and programs established by the Circulation Element can play an important role in maintaining and enhancing the flow of traffic and preserving air quality in the community.

The Circulation Element has been developed to serve as a comprehensive transportation management strategy for vehicular traffic and other modes of transportation important to the City such as: air traffic and the Banning Municipal Airport; rail traffic; public transportation; and alternative transportation.

California Government Code sets forth the information and data analysis requirements of the Circulation Element. Government Code Section 65302(b) requires that the element describe major thoroughfares and that their planned development be closely coordinated with the Land Use Element of the General Plan.

It is also required that the Circulation Element include development or improvement standards that are responsive to changes in demand for capacity created by implementation of the Plan. Government Code Sections 65103 (f) and 65080, et seq., require that the City coordinate Circulation Element provisions with applicable regional and state transportation plans. In the Banning General Plan Planning Area, the following agencies are responsible for preparing these transportation plans: County of Riverside, Morongo Band of Mission Indians, Southern California Association of Governments (SCAG) and California Department of Transportation

(CalTrans). The state is also required to coordinate its planning efforts with those of local jurisdictions (§65080(a)), with the federal government being under a similar mandate (§134, Title 23 of the U.S. Code).

### Average Daily Traffic Volumes

Average Daily Trips (ADT) is the total number of vehicles that travel a defined segment of roadway over a twenty-four hour period. ADT is a useful benchmark number for determining various roadway configurations and design aspects. The peak hour ADT, which is the highest volume of traffic to pass over a segment of roadway during an hour period, is also a useful means of determining a roadway's capacity and level-of-service. Traffic counts at intersections can provide an even more detailed picture of existing and future operating conditions at intersections.

Roadways are generally classified in a hierarchical manner, according to the number of vehicle lanes provided. Table III-15, below, lists the various roadway types/cross-sections found in the planning area and the maximum daily traffic volumes each type of roadway can accommodate at various levels-of-service. For example, for a Major Highway to operate at LOS D, it should accommodate no more than 34,200 vehicle trips per day, with a design capacity of 27,000 vehicle trips per day. These roadway capacities are "rule-of-thumb" estimates, which may vary depending upon site-specific factors, such as the number and configurations of intersections, roadway grades, sight distance, percentage of truck and bus traffic, and degree of access control.

**Table III-15**  
**Level-of-Service Volumes/Capacity Values**  
**For Various Roadway Classifications**

Classification	Roadway Width (Ft.)	Number of Lanes	Maximum Two-Way Average Daily Traffic Volume Level of Service		
			C	D	E
Collector	60	2	12,800	14,400	16,000
Secondary Highway	80	4	24,000	27,000	30,000
Major Highway	100	4	30,400	34,200	38,000
Major Highway	110	4	30,400	34,200	38,000
Major Highway	134	6	47,200	53,100	59,000

<sup>c</sup> Source: City of Banning General Plan Update Traffic Study 2005

## GENERAL PLAN CIRCULATION ELEMENT STREET CLASSIFICATION AND CROSS SECTIONS

The City of Banning and other communities in the pass region form a continuous and interconnected suburban development pattern, tied together by U.S. Interstate-10 and a network of arterial roadways. A variety of physical influences and constraints, including the geography of the city and the region, and the existing roadway network, affect traffic flows and the impacts of development on local roadways. The City has facilitated the construction and maintenance of a variety of major roadways of local importance. These roadways have been built along a north-south grid that interconnects with major arterials, some of which also pass through adjacent jurisdictions, primarily to the west.

The roadway system in Banning is defined using a classification system that describes a hierarchy of roadway types. The categories of roadways included in this classification system differentiate the size, function, and capacity of each type of roadway. The General Plan Circulation Element street classifications are listed below and the street cross-sections are shown in Exhibit III-4.

Collector: 66 feet of right of way, with a 44-foot street section from curb to curb. This represents two lanes of traffic, with parking lanes on each side, and a parkway on each side.

Divided Collector: 78 feet of right of way, with a 66-foot street section from curb to curb. This represents two travel lanes, with parking lanes on each side, a center median, and a parkway on each side.

Secondary Highway: 88 feet of right of way, with a 64-foot street section from curb to curb. This represents four travel lanes, with parking lanes on each side, and a parkway on each side.

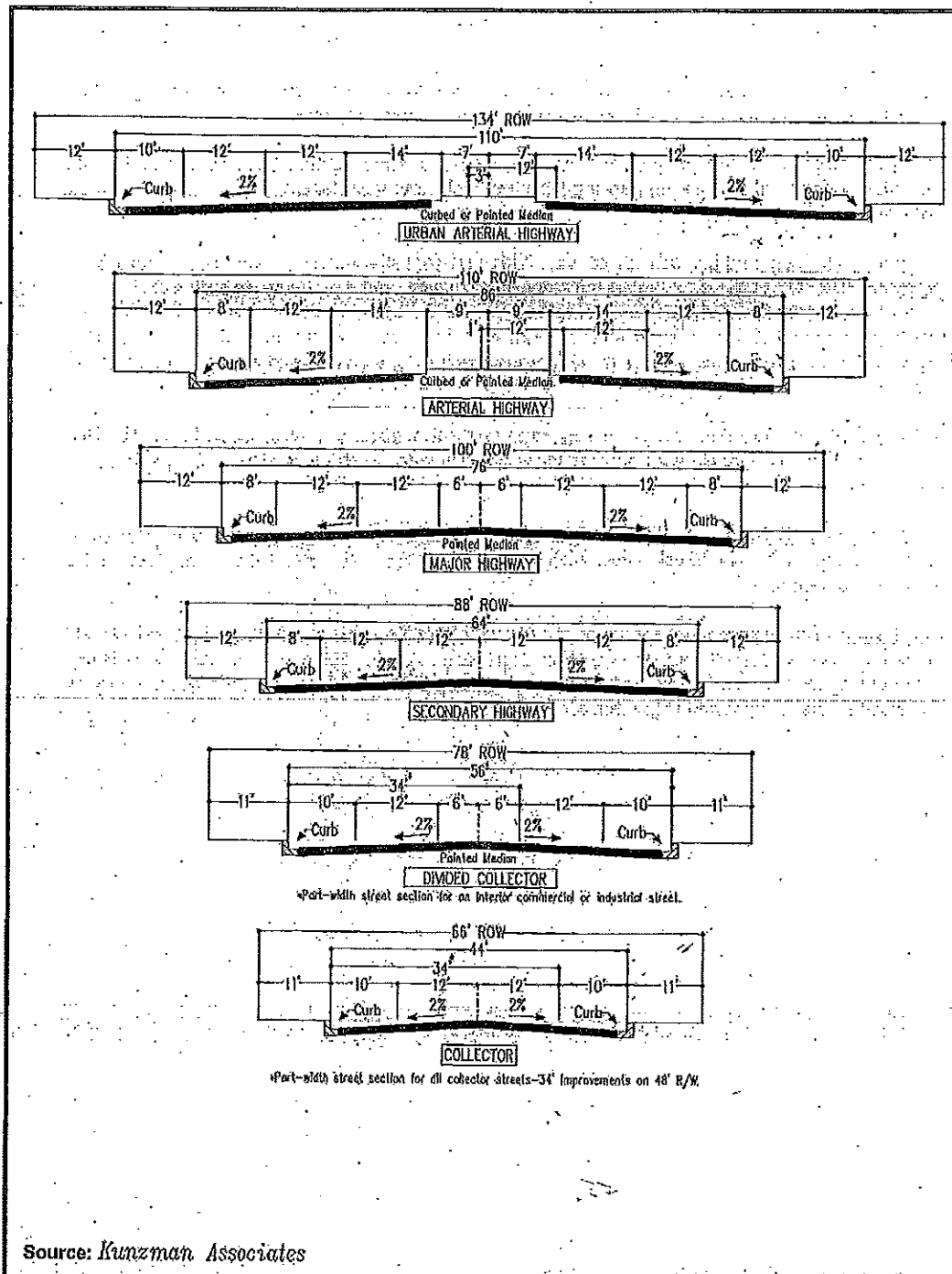
Major Highway: 100 feet of right of way, with a 76-foot street section from curb to curb. This represents four travel lanes, with parking lanes on each side, a center median, and a parkway on each side.

Arterial Highway: 110 feet of right of way, with an 86-foot street section from curb to curb. This represents four travel lanes, with parking lanes on each side, a center median, and a parkway on each side.

Urban Arterial Highway: 134 feet of right of way, with a 110-foot street section from curb to curb. This represents six travel lanes, with parking lanes on each side, a center median, and a parkway on each side.

Local Streets (those streets not shown on the General Plan Recommended Street System): 60 feet of right of way, with a 40-foot street section from curb to curb. This represents two travel lanes, with parking lanes on each side, and a parkway on each side. Local street standards may vary as described in the Policies and Programs of this Element.

The roadway classifications are also depicted on exhibit III-5, General Plan Circulation Element street system.



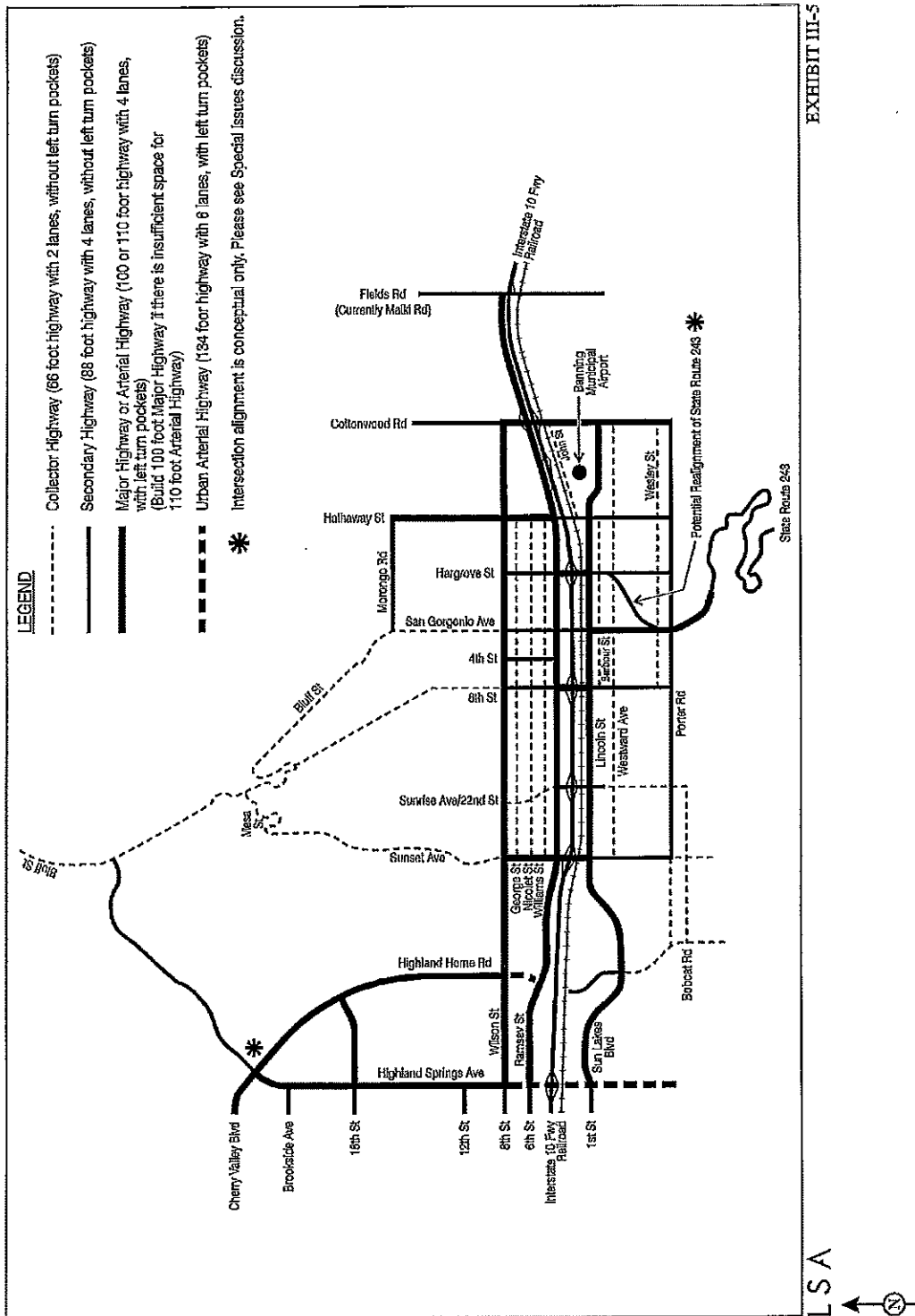
**Banning General Plan  
Street Cross Sections**



Exhibit

III-4





General Plan Street System

SOURCE: Kuneman Associates  
F:\0081101\GAP Street System.cdr (2/25/13)

**Table III-16**  
**Roadway Classifications**

<b>Roadway Classification</b>	<b>Roadway</b>
<u>Urban Arterial Highway</u> (6 lanes with left turn pockets)	Highland Springs from Cherry Valley to Potrero Blvd.
<u>Major or Arterial Highway</u> (4 lanes with left turn pockets)	Highland Home from Cherry Valley Blvd. To Sun Lakes Blvd.  Highland Springs from Cherry Valley Blvd. to Wilson Street  Hathaway from Morongo St. to I-10  Sunset from Wilson to Lincoln  8 <sup>th</sup> Street from Ramsey to Lincoln  San Gorgonio from Lincoln to south City Limit  Hargrave from Ramsey to Lincoln  Cottonwood (North – South) from Ramsey to Porter  Wilson from Highland Springs to Cottonwood (North – South)  Ramsey from Highland Springs to Malki Rd.  Sun Lakes/Lincoln from Highland Springs to Cottonwood (North – South)
<u>Secondary Highway</u> (4 lanes without left turn pockets)	Porter from Sunset to Cottonwood (North – South)  Sunset from Wilson to Mesa  Sunset from Lincoln to Porter  22 <sup>nd</sup> Street from Ramsey to south of Lincoln  8 <sup>th</sup> Street from Wilson to Ramsey  8 <sup>th</sup> Street from Lincoln to Porter  4 <sup>th</sup> Street from Wilson to Ramsey  San Gorgonio from Wilson to Lincoln  Hargrave from Wilson to Porter  Hathaway from Ramsey to Porter  Cottonwood (North – South) from Ramsey northward  Cottonwood (North – South) from Porter southward  Malki Road from end to end

## INDICATORS OF ROADWAY EFFICIENCY

The efficient movement of vehicular and non-vehicular traffic on local and regional roadways is critical to the normal day-to-day functioning of a community. Consequences resulting from obstructions in traffic flow may include economic loss due to delays in transporting goods, increased psychological stress for the traveling public, and increased risk for motor vehicle accidents. The efficiency of a particular roadway can be determined by assessing the roadway's capacity, level-of-service, and average daily traffic volume, each of which is described below.

### Level-of-Service

Roadway capacity is defined as the number of vehicles that may pass over a section of roadway in a given time period under prevailing conditions. Roadway capacity is most restricted by intersection design and operation. The capacity of a roadway and the degree to which that capacity is being utilized is typically described as the roadway's "Level-of-Service" (LOS). Level-of-Service is a qualitative measure of the efficiency of traffic flow and is defined by alphabetical connotations, ranging from "A" through "F," that characterize roadway operating conditions.

LOS A represents an optimum or free-flowing condition, and LOS F indicates extremely slow speeds and system failure. Levels-of-Service are represented as volume-to-capacity (V/C) ratios, or vehicle demand divided by roadway capacity. V/C ratios smaller than 1.00 imply better operational characteristics and levels-of-service. V/C ratios that exceed 1.00 imply worse operating conditions and LOS F, where traffic demand exceeds roadway capacity. The table below defines the various LOS classifications.

**Table III-14**

<b>Roadway Level Of Service Description</b>	
<b>Level of Service</b>	<b>Quality of Traffic Flow</b>
A	Primarily free-flow operations at average travel speeds usually about 90 percent of the free-flow speed for the arterial classification. Vehicles are completely unimpeded in their ability to maneuver within the traffic stream. Stopped delay at signalised intersections is minimal.
B	Reasonably unimpeded operations at average travel speeds usually about 70% of the free-flow speed of the arterial classification. Ability to maneuver within the traffic stream is only slightly restricted. Stopped delays are not bothersome, and drivers generally are not subject to appreciable tension.
C	Traffic operations are stable. However, mid-block maneuverability may be more restricted than in LOS B. Longer queues, adverse signal coordination, or both may contribute to lower average travel speeds of about 50% of the average free-flow speed for the arterial classification. Motorists will experience some appreciable tension while driving.
D	Borders on a range where small increases in flow may cause substantial increases in approach delay and decreases in arterial speed. LOS D may be due to adverse signal progression, inappropriate signal timing, high volumes, or some combination of these factors. Average travel speeds are about 40% of the free-flow speed. For planning purposes, this level-of-service is the lowest that is considered acceptable.
E	Characterized by significant approach delays and average travel speeds of one-third or less of the free-flow speed. Typically caused by some combination of adverse progression, high signal density (more than two signalised intersections per mile), high volumes, extensive queuing, delays at critical intersections, and/or inappropriate signal timing.
F	Arterial flow at extremely slow speeds, below one-third to one-fourth of the free-flow speed. Intersection congestion is likely at critical signalised intersections, with high approach delays and extensive queuing. Adverse progression is frequently a contributor to this condition.

Source: p. 11-4, Highway Capacity Manual, Special Report 209, Transportation Research Board, 1994.

Traffic engineers and transportation planners are involved in on-going efforts to strike a balance between providing ideal roadway operating conditions and controlling the costs of infrastructure and right-of-way needed to assure those conditions. For General Plan purposes, LOS D is assumed to be the "acceptable" level-of-service for all General Plan roadways and intersections within the City and at Freeway interchanges.

## ALL WEATHER CROSSINGS

All weather crossings include bridges and culverted streets that allow natural drainages to flow under the roadway during major storms. All weather crossings in the City are described in the following Table.

**Table III-18  
Buildout Bridges**

<b>Location</b>	<b>Needed Improvement</b>
Sunset Ave. at Pershing Channel	1 Bridge
8 <sup>th</sup> Street at Montgomery Creek	1 Bridge
Wilson Street at Smith Creek	1 Bridge
Sun Lakes Boulevard at Smith Creek	1 Bridge
Westward Avenue at Pershing Channel	1 Bridge
Wesley Street at Smith Creek	1 Bridge
Porter Road at Smith Creek	1 Bridge
Porter Road at Pershing Channel, and in two locations at Montgomery Creek	3 Bridges
Ramsey Street at Smith Creek and Pershing Channel	2 Bridges
Lincoln Avenue at east fork of Smith Creek, at west fork of Smith Creek, at Pershing Channel and at Montgomery Creek	4 Bridges

These facilities are needed both to allow the smooth flow of traffic in these areas, and to assure public safety in emergency situations. Construction of these facilities is particularly critical to the development of the south side of the City.

## Transportation Demand Management

The continued urbanization and growth of the Pass Region will necessitate transportation demand and systems management to preserve and increase available roadway capacity. Transportation Demand Management (TDM) requires the development and implementation of policies, plans and programs that result in the use of a wider range of transportation alternatives, including public transit and bicycles.

TDM can include alternative travel modes, such as carpooling, van pooling and mass transit. In addition, employee flex-time work schedules that reduce peak hour travel and associated traffic congestion may also be considered. The Riverside County Transportation Commission (RCTC), in response to state mandates, has prepared a regional Congestion Management Program. This program required the City of Banning and other cities to prepare TDM ordinances or risk the loss of federal transportation funds. The City has adopted a TDM ordinance.

## Traffic Calming

Traffic calming is a useful tool available to the City to slow traffic in residential neighborhoods, and discourage shortcuts through these neighborhoods. The advantages of traffic calming must always be balanced, however, with the requirements of emergency vehicles.

Traffic calming can include such design features as curvilinear streets, speed humps and raised intersections, traffic circles or roundabouts, stop signs on through streets, and narrowed intersections. Using these design features improves safety by slowing traffic to 30 miles per hour or less. The restriction or blocking of turning movements can also be used effectively in traffic calming, particularly to reduce cut-through, or short cut traffic in neighborhoods.

## **ALTERNATIVE TRANSPORTATION**

### **Pedestrian, Equestrian, Bicycle and Golf Cart Circulation**

The General Plan and associated documents support planning that allows and enhances access to commercial services and places of employment and recreation without the essential use of motorized vehicles. In this regard, master planning sidewalks, bike lanes, off-street trails and golf cart routes is especially important along major roadways in the community.

#### Pedestrian and Equestrian Trails and Bike Paths

The City's adopted Parks and Recreation Master Plan includes a proposed trails system that would provide access from parks, city streets, and the surrounding community via urban, foothill and wash/hill trails. Two short, minimally developed urban trail segments currently exist in the City and are associated with the proposed trail system. The City has also approved, or is currently reviewing, several equestrian trails within and adjacent to private subdivisions.

There are currently no bikeways within the planning area. Several Class II and III bikeways have been proposed along City streets. However, development of a network of bikeways is constrained by the existing condition of street right-of-ways. Future bike routes should be planned to provide safe routes for intra-City bicycle traffic and should be clearly marked and striped. Where possible, they should be designed as one-way bike routes, which flow in the same direction as adjacent automobile traffic. Combination sidewalks/bikeways require an eight-foot width. These multi-use lanes will also serve as links to recreational facilities throughout the community. Policies and programs specifically addressing the need for trails and bicycle lanes are included in the Parks and Recreation Element.

#### Sidewalks

Within some portions of the City, sidewalks are non-existent or discontinuous, limiting their usefulness as safe alternatives to vehicle travel. As previously noted, rights-of-way along City roadways are inconsistent, limiting the potential for bikeway development. When considering future development, pedestrian and bicycle accommodation and safety should be given emphasis equal to that currently given to automobile access. This is particular true of collector and arterial roadways, where more traffic increases the hazards to pedestrians.

Another area where sidewalks are an important asset is in the historic Downtown of the City (between the I-10 right of way and Williams, and between 8<sup>th</sup> Street and Alessandro). Pedestrian access in this area is a function of economic development for this area, and should be considered in all future development and redevelopment plans.

Conversely, sidewalks on local, neighborhood roadways may not be necessary, particularly in established neighborhoods where roadways have been developed to their ultimate right-of-way,

and the addition of sidewalks would impact front yards and affect the character of the neighborhood.

Finally, sidewalks in proximity to schools provide children with a safe route to school. They are not currently available at all City schools.

#### Golf Cart Facilities

Golf cart use on public rights of way is controlled by state regulations, and provides a convenient, low impact alternative to access convenient commercial development, as well as parks and public services. Golf carts to be used on the public golf cart routes must meet specific physical requirements set forth in the City golf cart plan, must be certified as "road ready" by the City and carry an appropriate permit sticker. Golf cart operators must carry a valid California Driver's license, have proof of insurance, be equipped with seatbelts and appropriate child safety equipment, and be properly maintained. In order to implement a golf cart route system, the City is required to prepare and adopt a Golf Cart Plan and associated implementing ordinances.

Currently there are no existing golf cart facilities in the planning area, outside of private golf development in the Sun Lakes Country Club. Issues related to development of golf cart facilities are similar to those for trail and bikeway development, in that existing facilities that would accommodate development of cart paths do not exist or are discontinuous in some areas.

#### **Public Transportation**

##### Banning Transit Services

In 2004 the Banning Municipal Transit System provides fixed route bus service along three routes, two of which are in Banning and one east to Cabazon. There are five City-owned vehicles, three of which are in revenue service and two of which are in reserve. All are powered by compressed natural gas (CNG), and are equipped with bicycle racks. All are ADA compliant, with wheelchair lifts and tie-down stations.

The transit system also operates a Dial-A-Ride service that provides elderly and disabled persons in Banning with curb-to-curb transit services. In addition, Dial-A-Ride is the ADA complementary para-transit provider for the City's fixed route bus service. The Dial-A-Ride program operates two vehicles in revenue service, and one in reserve, all gasoline powered. All Dial-A-Ride vehicles are ADA compliant, with wheelchair lifts and tie-down stations.

In May 2002, the Banning City Council approved the final Pass Area Transit Plan. The Transit Plan establishes the Pass Transit System, which consists of two independent transit systems, the Banning Municipal Transit System and the Beaumont Municipal Transit System. The Plan provides for a coordinated service area including the cities of Banning and Beaumont, the unincorporated areas of Cabazon and Cherry Valley, and the commercial area of the Morongo Band of Mission Indians Reservation. The Plan provides fixed route and dial-a-ride services.

The transit-needs study conducted for the Plan identified service related issues associated with the existing transit systems. It also identified areas not addressed in the Transit Plan requiring additional study or resources. These needs will be addressed in future transit plans, and include



service for non-traditional work shifts in the region, students, elimination of one-way loops to reduce ride time on local routes, adjusting route schedules to provide timed transfers between routes, relocation of transfer points and development of a transit center.

Regional bus service is provided by the Riverside Transit Agency (RTA), which provides services to Hemet/San Jacinto (Route 31), Moreno Valley (Route 35), and Calimesa/Redlands (Route 36), from the bus stop at Kmart on Highland Springs.

#### Railroad

Rail service facilities through the Pass area, and the City of Banning, can carry approximately 60 trains per day, most of which are freight. Regional freight transfer facilities are located in West Colton. Local facilities carry approximately 60 trains per day, most of which are freight. Trains average approximately 7,000 feet in length and generally travel up to 60 miles per hour (mph) in the planning area. UPRR is expanding rail facilities between Los Angeles and Houston, Texas to facilitate increases in rail traffic. Rail lines in the planning area are designated Centralized Track Control (CTC).

There are currently no passenger services available in Banning, although a passenger rail station did operate in the past.

There are four at-grade railroad crossings in the City. These occur at Hargrave Street, San Geronio Avenue, 22<sup>nd</sup> Street, and Sunset Avenue. Grade separated crossings occur at 8th Street and Highland Springs Avenue. The City should explore federal, state, City and UPRR cost sharing arrangements for grade separation of at-grade crossings in conjunction with the California Public Utilities Commission.

Construction of drill spurs is possible to provide rail access to adjoining passenger or industrial uses. Sidings, switches, and additional track linkage would also be required to provide this access. Additional costs would also be associated with any special engineering requirements and potential engineering constraints.

#### Banning Municipal Airport

The Banning Municipal Airport is classified by the National Plan of Integrated Airport Systems (NPIAS) as a General Aviation airport. The airport includes 65 hangars and 32 tie downs, with a 5,200 foot runway.

The airport is capable of accommodating most private single-engine and corporate jet aircraft, as well as helicopters. It averages approximately 10 to 15 takeoffs and landings daily and about 12,000 operations per year. Air traffic is primarily comprised of private, two-engine fixed-wing aircraft. There is no control tower at the airport, so all operations operate under Visual Flight Rules (VFR). Unicom service is provided from 8 a.m. to 5 p.m., every day. Fueling service is also available.

An approximately \$750,000 improvement asphalt overlay project is planned, and will be funded from Federal Aviation Administration grant monies.

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### **Major Utility Corridors**

Major corridors and easements for the transport of natural gas, electricity, communications, domestic water and sewage, and storm drainage are also important components of the Circulation Element. Generally, the need for utility corridors is met through the provision of easements in or adjacent to City streets and along common lot lines.

A major electric corridor occurs immediately south of the Banning Bench. The right of way for the two 220 kV transmission lines in this area is approximately 500 feet in width. Additional 115 kV transmission lines occur in the southern end of the City, and along the San Bernardino Mountains.

Two major high-pressure natural gas pipelines traverse the City, and transport natural gas far beyond the City's boundaries. A 30 inch line occurs under Lincoln Street through the City. Another 30-inch pipeline transects the City in a northwesterly direction from Hargrave and Wilson to Highland Springs Avenue. Two crude oil (16") or petroleum (12") lines occur on the south side of the City, from the airport southwesterly to Wesley, then westerly to the western City limits. Please see Exhibit V-11, Natural Gas and Fuel Lines.

Future land use planning, including the development of subdivisions and the processing of development applications, will require coordination between the City, developers, utility companies, and other service providers to assure the availability and provision of easements and rights of way for the extension of roads, utility lines, and public services.

### **FUTURE DIRECTIONS**

#### **Special Issues**

In the development of the 2005 traffic study for the General Plan, six issues were identified which required particular attention. These are individually described below.

#### State Route 243

The City's 1994 Circulation Element included a connection from 8<sup>th</sup> Street to State Route (SR) 243. This connection does not currently (2004) exist, but was proposed as a future roadway. 8<sup>th</sup> Street from Interstate 10 to SR 243 was required to be a Major Highway. The current connection between I-10 and SR 243 is south on 8<sup>th</sup> Street from I-10 to Lincoln, east on Lincoln to San Gorgonio, and south on San Gorgonio to SR 243. Current volumes on SR 243 are approximately 4,000 vehicles per day. At buildout, it is expected that SR 243 will carry approximately 8,000 trips per day. The buildout trips, although double the current trips generated by SR 243, will not impact the City's street system, and can be absorbed on the streets currently used to make this connection, as described above. It was therefore determined that 8<sup>th</sup> Street south of I-10 was required to be a Secondary Highway, not a Major Highway, at buildout of the General Plan, and that the connection to SR 243 was not required for traffic flow.

A direct connection from a State Highway to an Interstate Highway is always preferred by CalTrans. In consultation with CalTrans (California Department of Transportation), the City has considered alternative alignments for SR 243, which are included in the General Plan traffic study. Should CalTrans or the City wish to change the current on-street connection to a direct

connection, a potential alignment has been depicted on Exhibit III-6, Proposed General Plan Street System. However, since the impacts to the City's streets from SR 243 traffic is not considered to significantly impact City roadways, realignment should be considered a low priority.

#### Additional Freeway Interchange Capacity

The traffic analysis for this General Plan showed unacceptable levels of service during the peak hour at several I-10 ramp intersections, as discussed above. The study considered the potential of expanding existing interchange capacity, however, right of way is severely constrained, the under-crossings existing at 8<sup>th</sup> Street and Hargrave are undersized and would be extremely costly to widen.

As a result, the City will require an additional freeway interchange at Cottonwood Road (North - South) on the east end of the City. The added interchange at Cottonwood will alleviate congestion at 8<sup>th</sup> Street and Hargrave interchanges.

CalTrans plans to widen I-10 in the future, by adding one lane in each direction. Given the costs associated with this widening, and the cost of the interchanges, a coordinated construction program of widening and interchange additions would likely be most cost effective.

#### Highland Home Road/Cherry Valley Boulevard/Brookside/18<sup>th</sup> Street/Highland Springs

The General Plan roadway system has shown Highland Home connecting to Cherry Valley Boulevard in the City of Beaumont. The extension of Highland Home however, could connect to the west at Brookside Avenue in Beaumont. Further, Highland Springs is planned to extend to the northeast to Bluff Street, to provide access to the Black Bench area, and a second connection from the Banning Bench to the City. This connection could also be made through the extension of 18<sup>th</sup> Street to the northeast.

In all cases, traffic flow will not be significantly affected, insofar as traffic volumes on these streets in this area are not expected to be high. The Recommended General Plan Street System shows these streets in their currently envisioned configuration. However, as development occurs and the feasibility of the extensions is considered, flexibility is included in this General Plan to allow changes to the street system in the future.

#### At Grade Railroad Crossings

The City has two grade separated railroad crossings at streets with I-10 interchanges. The other four existing or planned interchanges must also be improved to include grade separations, in order to maintain acceptable levels of service. A grade separation is included in the Transportation Uniform Mitigation Fee (TUMF) program for the Sunset Avenue interchange. The others are not in the TUMF program.

The City will need to aggressively pursue grade separations for the railroad tracks at all interchanges. This should include the preparation of feasibility studies, the securing of all available funding, and the cooperation of the development community. Although construction of these facilities may not occur in the near term, the planning must be initiated immediately, in order for the City to be able to implement the construction in the future.

Lincoln Street and Westward avenue west of Sunset Avenue

The 1994 Circulation Element included the extension of both Lincoln and Westward from Highland Home to Sunset. Both these roadways occur currently east of Sunset. West of Highland Home, only one roadway, Sun Lakes Boulevard, currently occurs. The traffic study for this General Plan considered the traffic volumes generated south of I-10 on Sunset, and the potential volumes for Lincoln and Westward east of Sunset. The study found that Westward will have sufficiently low volumes so as to require a 2 lane collector east of Sunset. Lincoln is projected as a Major Highway from Highland Home easterly, as is Sun Lakes Boulevard. Traffic volumes will result in LOS C or better for both Lincoln and Westward in this area. Therefore, the elimination of Westward west of Sunset will not have a negative effect on east-west traffic south of I-10.

Level of Service Policy

The traffic study for the 2013 General Plan Amendment to revise the city-wide LOS standards, Amendment found that the City will be able to maintain LOS D on City streets. LOS D does not represent a significant degradation in traffic flow. When balancing the need for an efficient traffic system and the widening of streets to accommodate peak hour traffic, it appears that changing the City's requirement from LOS C to LOS D will not result in a significant negative effect.

Alternative Transportation

As cited above, existing rights-of-way on City streets are not adequate to allow for development of non-motorized transportation. The City has generally been able to secure right-of-way from new development as it occurs to provide full-width mid-block roadway improvements, but the process can be time consuming and costly.

New development should be required to provide separate paths for bicycles and/or equestrians, pedestrians and golf carts to assure safety and avoid conflicts. Equestrian trails should be included in projects developed south of the railroad right-of-way, as well as a connection to the San Bernardino and San Jacinto mountains.

Bicycle and golf cart parking facilities should be integrated into the design of commercial office and public land uses. Connectivity should also be a primary goal of residential design and should emphasize easy accessibility within and between neighborhood and commercial services to maximize the opportunities for pedestrian, bicycle, equestrian and golf cart access by short and direct trips. This planning focus will also help to shorten vehicle trips for residents who must use their automobiles.

Public transport out of the City is limited, particularly into the Inland Empire communities to the west. As development occurs in the City, and increased pressure is brought to provide service and lower vehicular trips on a regional level, additional public transportation will become necessary.

## GOALS, POLICIES, AND PROGRAMS

### Goal

A safe and efficient transportation system.

### Policy 1

The City's Recommended General Plan Street System shall be strictly implemented.

### Program 1.A

Street rights of way shall be 134 feet for Urban Arterial Highways, 110 feet for Arterial Highways, 100 feet for Major Highways, 88 feet for Secondary Highways, 78 feet for Divided Collectors, 66 feet for Collectors, and 60 feet for Local Streets. Local street standards can be amended as described in Policy 2.

**Responsible Agency:** Community Development Department, Public Works Department, Planning Commission, City Council

**Schedule:** Ongoing

### Program 1.B

The City's Public Works roadway standards shall be amended to match the standards contained in this General Plan.

**Responsible Agency:** Public Works Department

**Schedule:** Ongoing

### Program 1.C

Minimum lane width for all City streets shall be designed at 12 feet.

### Policy 2

Local streets shall be scaled to encourage neighborhood interaction, pedestrian safety and reduced speeds.

### Program 2.A

The design of new local streets can vary from the City's standard of 60 foot right-of-way, 40 foot paved width, under the following conditions:

1. The minimum travel lane width shall be 12 feet.
2. Parking shall be provided on at least one side of any public street. Parking lanes shall be a minimum of 8 feet in width.
3. Parking may be eliminated on private streets, if provisions are made in Conditions, Covenants and Restrictions (CC&R's) for enforcement by the Homeowners' Association.
4. Landscaped traffic circles, chokers, and center islands are encouraged, but must meet the requirements of the Fire Department.
5. The minimum parkway width shall be 10 feet.
6. Linear sidewalks are discouraged. Meandering sidewalks, which provide landscaping and street trees adjacent to the curb, shall be included in local street design.

The design of local streets varying from the City's standard, shall be included in the Tentative Tract Map application, and shall be reviewed by the Planning Commission and approved by the City Council.

**Responsible Agency:** Community Development Department, Public Works Department, Planning Commission, City Council

**Schedule:** Ongoing

#### **Program 2.B**

Existing local streets will be inventoried, and a master plan of potential improvements designed to improve their aesthetic and safety, including landscaped medians, sidewalks and traffic calming devices, shall be developed, cost engineered, and implemented.

**Responsible Agencies:** Public Works Department, Planning Commission, City Council

**Schedule:** Ongoing

#### **Policy 3**

The City shall establish and maintain a 5-Year Capital Improvement Program for streets.

#### **Program 3.A**

The Public Works Department shall establish a Capital Improvement Program for 5 years, and update it annually.

**Responsible Agency:** Public Works Department

**Schedule:** Ongoing

#### **Policy 4**

Proactively participate in regional transportation planning.

#### **Program 4.A**

Maintain active relationships with the City of Beaumont, the County of Riverside, the Western Riverside County Council of Governments, the California Department of Transportation and the Morongo Band of Mission Indians to share information and promote comprehensive transportation planning in the region.

**Responsible Agency:** Public Works Department, City Manager's Office, City Council, City of Beaumont, County of Riverside, WRCOG, CalTrans, Tribe

**Schedule:** Ongoing

#### **Program 4.B**

Aggressively pursue Banning projects in the Transportation Uniform Mitigation Fee (TUMF) program, particularly the addition of projects to the TUMF project list, including grade separated road crossings.

**Responsible Agency:** Public Works Department

**Schedule:** Ongoing

**Program 4.C**

Aggressively pursue the design and development of interchange at Cottonwood Road (North - South), including all sources of funding, and the coordination of I-10 widening with the installation.

**Responsible Agency:** Public Works Department, City Manager's Office, City Council, CalTrans, Railroad

**Schedule:** Ongoing

**Policy 5**

Consider amendments to the Highland Home/Highland Springs/18<sup>th</sup> Street/Brookside street configurations based on public safety, design feasibility and area needs.

**Policy 6**

The City shall maintain peak hour Level of Service D or better on all local roadways and intersections.

**Program 6.A**

Periodically review current traffic volumes and the actual pattern of development to coordinate, program and, as necessary, revise road improvements.

**Policy 7**

New development proposals shall pay their fair share for the improvement of street within and surrounding their projects on which they have an impact, including roadways, bridges, grade separations and traffic signals.

**Policy 8**

Traffic calming devices shall be integrated into all City streets to the greatest extent possible and all new streets shall be designed to achieve desired speeds.

**Policy 9**

Street trees within the City right of way shall be preserved, unless a danger to the public health and safety or if the tree is diseased.

**Program 9.A**

Sidewalks in areas with street trees shall be designed to "wrap around" the tree if they are added to an existing neighborhood.

**Responsible Agency:** Public Works Department

**Schedule:** Ongoing

**Policy 10**

Sidewalks shall be provided on all roadways 66 feet wide or wider. In Rural Residential land use designation pathways shall be provided.



**Program 10.A**

The Public Works Department shall prepare an inventory of discontinuous sidewalks on all qualifying roadways, and fund individual projects through the Capital Improvement Program annually.

**Responsible Agency:** Public Works Department, City Council

**Schedule:** Ongoing

**Program 10.B**

All new development proposals located adjacent to qualifying roadways shall be required to install curb, gutter and sidewalk concurrent with construction.

**Responsible Agency:** Public Works Department, Planning Department

**Schedule:** Ongoing

**Program 10.C**

The City shall develop procedures to address neighborhood sidewalk needs as they are requested by that neighborhood.

**Responsible Agency:** Public Works Department

**Schedule:** Ongoing

**Program 10.D**

Work with the School District to develop safe routes to school.

**Responsible Agency:** Public Works Department

**Schedule:** Ongoing

**Policy 11**

Sidewalks or other pedestrian walkways shall be required on all streets within all new subdivisions.

**Policy 12**

In the absence of a vehicular grade separation, the City shall aggressively pursue a grade separated pedestrian access across San Geronimo, to assure that high school students do not have to cross the railroad tracks on their way to and from school.

**Policy 13**

Pedestrian access in the Downtown Commercial designation shall be preserved and enhanced.

**Program 13.A**

All development and redevelopment proposals for the Downtown area shall include enhanced sidewalk, pedestrian walkway, lighting and landscaping designs and assure connections to existing and planned sidewalks.

**Responsible Agency:** Public Works Department, Planning Department

**Schedule:** As development proposals are presented

**Policy 14**

The City shall aggressively pursue the construction of all-weather crossings over General Plan roadways.

**Program 14.A**

The Public Works Department shall prioritize the need for bridges listed in this Element, develop preliminary cost estimates, identify and pursue sources of funding, including developer funding, for each facility.

**Responsible Agency:** Public Works Department, City Council

**Schedule:** Ongoing

**Program 14.B**

All new development proposals shall pay their fair share of bridge construction needed to serve their project.

**Responsible Agency:** Public Works Department, Planning Department

**Schedule:** Ongoing

**Policy 15**

The City shall develop a Golf Cart Plan compliant with state requirements.

**Program 15.A**

The City shall develop a golf cart plan and associated ordinances and other required implementation programs.

**Responsible Agency:** Public Works Department, City Council

**Schedule:** As budget allows

**Policy 16**

Golf cart paths and facilities shall be funded, to the greatest extent possible, by new development.

**Program 16.A**

The routing and facilities required in the Golf Cart Plan shall be incorporated into the Development Impact Fee when the Plan is adopted.

**Responsible Agency:** Public Works Department

**Schedule:** As opportunity arise

**Program 16.B**

Golf cart facilities shall be incorporated into new project plans located on golf cart routes.

**Responsible Agency:** Planning Department, Public Works Department, Planning Commission, City Council

**Schedule:** Ongoing

**Policy 17**

Encourage the expansion of an integrated Pass transit system.

**Program 17.A**

The City will explore the potential for either bus or rail connection to the Metrolink transit system.

**Responsible Agency:** City Manager's Office, Community Services Department

**Schedule:** Ongoing

**Policy 18**

The City shall review its transit service to major regional attractions, and intra-City recreational locations in future planning efforts, based on need.

**Policy 19**

Bus pullouts shall be designed into all new projects on arterial roadways, to allow buses to leave the flow of traffic and reduce congestion.

**Program 19.A**

Bus pullouts will be retrofitted on built-out streets, wherever possible.

**Responsible Agency:** Public Works Department, City Council

**Schedule:** Ongoing

**Policy 20**

Promote the location of a passenger rail station for long distance and commuter rail service.

**Policy 21**

Update the Airport Master Plan every five years to meet the needs of the general aviation, business and tourism segments of the community.

**Program 21.A**

Land use designation decisions within the area of influence of the airport shall be specifically reviewed to assure compatibility.

**Responsible Agency:** Planning Commission, City Council

**Schedule:** Ongoing

**Program 21.B**

Work with the Chamber of Commerce, the Morongo Band of Mission Indians, and other interested parties to provide services which meet the needs of passenger and freight transport.

**Responsible Agency:** Airport Management, Economic Development staff, Chamber of Commerce, Morongo Band of Mission Indians, City Council

**Schedule:** Ongoing

**Policy 22**

Maintain an accurate mapping of all utility corridors.

**Program 22.A**

The Building Department shall inventory and map transmission utility easements on the Land Use Map (including electric, fiber optics, natural gas and petroleum).

**Responsible Agency:** Building Department, Planning Department

**Schedule:** As budget allows

**Policy 23**

The City shall purchase and/or replace its fleet of vehicles with alternate fuel vehicles when available to the greatest extent possible, and shall encourage other agencies to do the same.

## **Policy 24**

Public alleys throughout the City shall be maintained to be useful and safe at all times.

### **Program 24.A**

The City shall create a downtown alley master plan and where appropriate pave, light and otherwise improve alleys.

**Responsible Agency:** Public Works Department

**Schedule:** Ongoing

### **Program 24.B**

The Public Works Department shall inventory all public alleys, determine which are necessary, and vacate those that are not.

**Responsible Agency:** Public Works Department, City Council

**Schedule:** As budget allows

## **Policy 25**

The City shall develop and implement plans for a coordinated and connected bicycle lane network in the community that allows for safe use of bicycles on City streets.

### **Program 25.A**

The City shall inventory all streets for potential Class I, Class II and Class III bikeways, and shall program their installation in its Capital Improvement Program.

**Responsible Agency:** Planning Department; Engineering Division; Public Works Department; Planning Commission; City Council

**Schedule:** As budget allows

### **Program 25.B**

Class I bikeways and sidewalks should be installed on both sides of Wilson Street, Ramsey Street, and Lincoln Street, and other major streets where sufficient right-of-way is available.

**Responsible Agency:** Engineering Division; Public Works Department

**Schedule:** Ongoing

### **Program 25.C**

Class II bikeways and sidewalks should be designated on all existing arterial streets that have sufficient width to safely accommodate bicycle travel lanes.

**Responsible Agency:** Planning Department; Engineering Division; Public Works Department

**Schedule:** As budget allows

### **Program 25.D**

The City should designate Class III bikeways only where Class I and Class II facilities are not feasible.

**Responsible Agency:** Planning Department; Public Works Department

**Schedule:** As budget allows

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**Policy 26**

The City should continue to work with the Morongo Band of Mission Indians and neighboring cities and communities to create a regional bicycle and trail network.

**Policy 27**

The City shall provide for a comprehensive, interconnected recreational trails system suitable for bicycles, equestrians and/or pedestrians.

**Program 27.A**

Evaluate the practicality of utilizing flood control channels for multi-use trails, where flooding and safety issues can be accommodated, and negotiate inter-agency agreements for this purpose.

**Responsible Agency:** Planning Department

**Schedule:** As opportunity arise

**Program 27.B**

Evaluate the practicality of developing a multi-use trails system along the Banning Bench adjacent to and extending into San Bernardino National Forest lands, where environmental and safety issues can be accommodated, and negotiate inter-agency agreements with the U.S. Forest Service for this purpose.

**Responsible Agency:** Planning Department, U.S. Forest Service/San Bernardino National Forest

**Schedule:** As opportunity arise

**Program 27.C**

Establish a multi-purpose trail between Dysart Park and Smith Creek Park, suitable for equestrian, bicycle and pedestrian use.

**Responsible Agency:** Community Services Department; Public Works Department; Parks and Recreation Advisory Committee

**Schedule:** Ongoing as development occurs

**Policy 28**

Motorized vehicles shall be prohibited on City trails.

**Program 28.A**

The City shall develop a non-motorized trail system and associated ordinances and other required implementation programs.

**Responsible Agency:** Public Works Department, Planning Commission, City Council

**Schedule:** As budget allows

**Program 28.B**

The non-motorized trail system shall be funded, to the greatest extent possible, by new development.

**Responsible Agency:** Public Works Department

**Schedule:** As development opportunity arises

**Program 28.C**

The routing and facilities required in the non-motorized trail system Plan shall be incorporated into the Development Impact Fee when the Plan is adopted.

**Responsible Agency:** Public Works Department

**Schedule:** As opportunity arises

**Exhibit "B"**

**Existing General Plan Circulation Element**



## **CIRCULATION ELEMENT**

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### **PURPOSE**

The purpose of the Circulation Element is to provide goals, policies, programs and standards that correlate the City's transportation system with the types, intensities and locations of land uses within the City. It addresses those segments of the local transportation system that interface with and serve as extensions of the regional system connecting the City of Banning with the broader Pass Region and other communities in Southern California. The Circulation Element also serves as the blueprint for future land use policy decisions and social and economic development efforts.

### **BACKGROUND**

Due to its close interrelatedness, the Circulation Element is an outgrowth of City and regional land use planning. In addition to its effects on the physical, social and economic environment of the City, the Circulation Element also has a direct relationship with the Housing, Open Space, Noise and Air Quality elements. Being integrally tied to the Land Use Element, the Circulation Element is predictably influenced by the types, intensities and distribution of land uses within the community and surrounding area.

Local and regional air quality issues are closely related to the efficiency of the local and regional transportation system. As the City of Banning and the Pass Region continue to grow, vehicle miles will increase, and travel speeds will be reduced, resulting in higher emissions per mile traveled. The policies and programs established by the Circulation Element can play an important role in maintaining and enhancing the flow of traffic and preserving air quality in the community.

The Circulation Element has been developed to serve as a comprehensive transportation management strategy, incorporating analysis of existing conditions within the City, as well as projected future development based on the buildout of the General Plan Land Use Map (see Land Use Element). It sets forth specific goals, policies and programs, which are based upon an engineering and computer modeling analysis of existing and projected future traffic conditions. Future traffic conditions have been forecasted utilizing the Pass Area Model (PAM), anticipated buildout land use patterns and intensities, projected regional growth expected to impact City streets and roadways, and a wide range of socioeconomic data and assumptions.

In addition to vehicular traffic, other modes of transportation important to the City are included in the Circulation Element: air traffic and the Banning Municipal Airport; rail traffic; public transportation; and alternative transportation.

California Government Code sets forth the information and data analysis requirements of the Circulation Element. Government Code Section 65302(b) requires that the element describe

major thoroughfares and that their planned development be closely coordinated with the Land Use Element of the General Plan.

It is also required that the Circulation Element include development or improvement standards that are responsive to changes in demand for capacity created by implementation of the Plan. Government Code Sections 65103 (f) and 65080, et seq., require that the City coordinate Circulation Element provisions with applicable regional and state transportation plans. In the Banning General Plan Planning Area, the following agencies are responsible for preparing these transportation plans: County of Riverside, Morongo Band of Mission Indians, Southern California Association of Governments (SCAG) and California Department of Transportation (CalTrans). The state is also required to coordinate its planning efforts with those of local jurisdictions (§65080(a)), with the federal government being under a similar mandate (§134, Title 23 of the U.S. Code).

### **Indicators Of Roadway Efficiency**

The efficient movement of vehicular and non-vehicular traffic on local and regional roadways is critical to the normal day-to-day functioning of a community. Consequences resulting from obstructions in traffic flow may include economic loss due to delays in transporting goods, increased psychological stress for the traveling public, and increased risk for motor vehicle accidents. The efficiency of a particular roadway can be determined by assessing the roadway's capacity, level-of-service, and average daily traffic volume, each of which is described below.

#### Level-of-Service

Roadway capacity is defined as the number of vehicles that may pass over a section of roadway in a given time period under prevailing conditions. Roadway capacity is most restricted by intersection design and operation. The capacity of a roadway and the degree to which that capacity is being utilized is typically described as the roadway's "Level-of-Service" (LOS). Level-of-Service is a qualitative measure of the efficiency of traffic flow and is defined by alphabetical connotations, ranging from "A" through "F," that characterize roadway operating conditions.

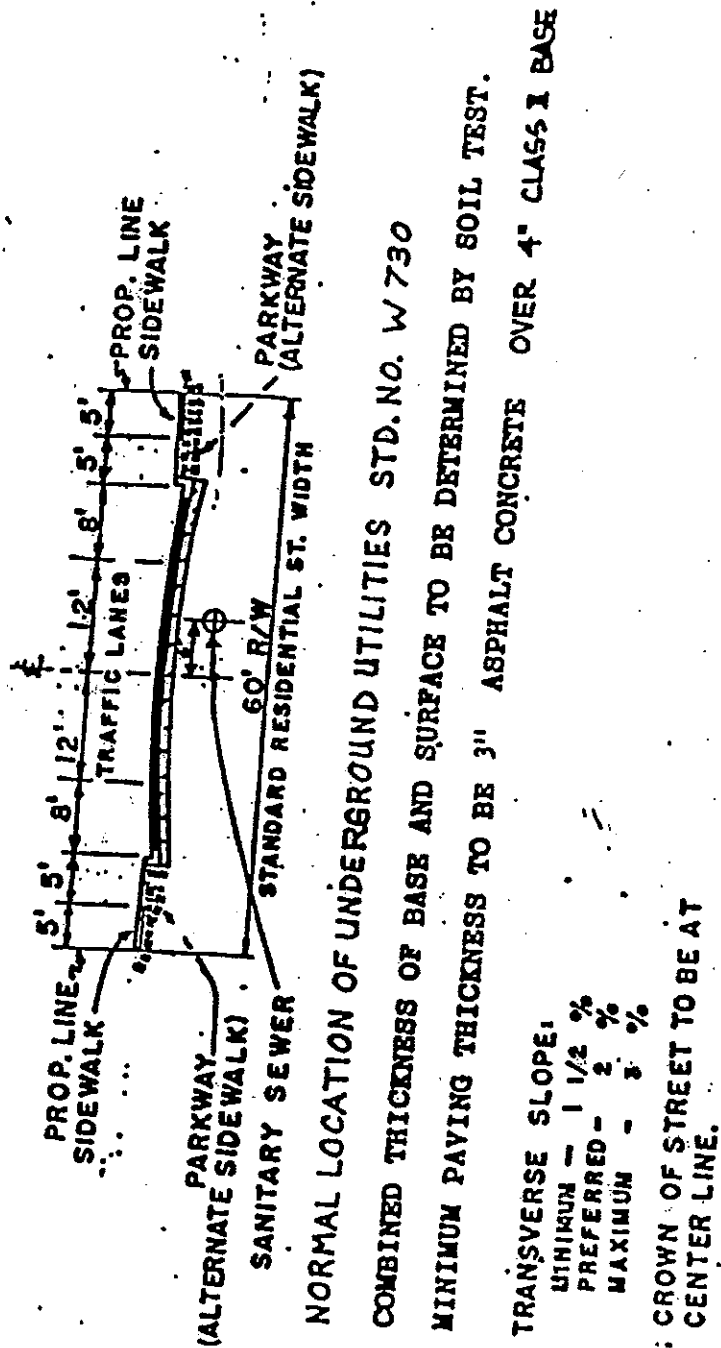
LOS A represents an optimum or free-flowing condition, and LOS F indicates extremely slow speeds and system failure. Levels-of-Service are represented as volume-to-capacity (V/C) ratios, or vehicle demand divided by roadway capacity. V/C ratios smaller than 1.00 imply better operational characteristics and levels-of-service. V/C ratios that exceed 1.00 imply worse operating conditions and LOS F, where traffic demand exceeds roadway capacity. The table below defines the various LOS classifications.

Table III-14

Roadway Level Of Service Description	
Level of Service	Quality of Traffic Flow
A	Primarily free-flow operations at average travel speeds usually about 90 percent of the free-flow speed for the arterial classification. Vehicles are completely unimpeded in their ability to maneuver within the traffic stream. Stopped delay at signalised intersections is minimal.
B	Reasonably unimpeded operations at average travel speeds usually about 70% of the free-flow speed of the arterial classification. Ability to maneuver within the traffic stream is only slightly restricted. Stopped delays are not bothersome, and drivers generally are not subject to appreciable tension.
C	Traffic operations are stable. However, mid-block maneuverability may be more restricted than in LOS B. Longer queues, adverse signal coordination, or both may contribute to lower average travel speeds of about 50% of the average free-flow speed for the arterial classification. Motorists will experience some appreciable tension while driving.
D	Borders on a range where small increases in flow may cause substantial increases in approach delay and decreases in arterial speed. LOS D may be due to adverse signal progression, inappropriate signal timing, high volumes, or some combination of these factors. Average travel speeds are about 40% of the free-flow speed. For planning purposes, this level-of-service is the lowest that is considered acceptable.
E	Characterized by significant approach delays and average travel speeds of one-third or less of the free-flow speed. Typically caused by some combination of adverse progression, high signal density (more than two signalised intersections per mile), high volumes, extensive queuing, delays at critical intersections, and/or inappropriate signal timing.
F	Arterial flow at extremely slow speeds, below one-third to one-fourth of the free-flow speed. Intersection congestion is likely at critical signalised intersections, with high approach delays and extensive queuing. Adverse progression is frequently a contributor to this condition.

Source: p. 11-4, Highway Capacity Manual, Special Report 209, Transportation Research Board, 1994.

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Revised	Drawn	Date	city of Banning	STD. NO.
70-12-87	Approved	12-17-87		
	Bryce L. Gunn		TYPICAL STREET SECTION LOCAL STREET.	ST-100
	Director of Public Works			

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Traffic engineers and transportation planners are involved in on-going efforts to strike a balance between providing ideal roadway operating conditions and controlling the costs of infrastructure and right-of-way needed to assure those conditions. For General Plan purposes, LOS C is assumed to be the "acceptable" level-of-service for all General Plan roadways within the City, and LOS D at Freeway interchanges. CalTrans' policy for State Highway 243 and Interstate 10 is that LOS D will be maintained.

Typically, capacity can be increased by adding travel or turning lanes, constructing raised medians, alternative means of transportation, and/or restricting vehicle access to a roadway. By reducing the number of vehicle conflict points, traffic flow on a roadway can be substantially improved, avoiding the loss of capacity caused by disruptions to traffic flow resulting from vehicles entering or leaving the roadway (see Section III-B-3, Draft General Plan EIR for more information about mitigating traffic impacts).

#### **Average Daily Traffic Volumes**

Average Daily Trips (ADT) is the total number of vehicles that travel a defined segment of roadway over a twenty-four hour period. ADT is a useful benchmark number for determining various roadway configurations and design aspects. The peak hour ADT, which is the highest volume of traffic to pass over a segment of roadway during an hour period, is also a useful means of determining a roadway's capacity and level-of-service. Traffic counts at intersections can provide an even more detailed picture of existing and future operating conditions at intersections.

Roadways are generally classified in a hierarchical manner, according to the number of vehicle lanes provided. Table III-15, below, lists the various roadway types/cross-sections found in the planning area and the maximum daily traffic volumes each type of roadway can accommodate at various levels-of-service. For example, for a Major Highway to operate at LOS C, it should accommodate no more than 30,400 vehicle trips per day, with a design capacity of 24,000 vehicle trips per day. These roadway capacities are "rule-of-thumb" estimates, which may vary depending upon site-specific factors, such as the number and configurations of intersections, roadway grades, sight distance, percentage of truck and bus traffic, and degree of access control.

**Table III-15**  
**Level-of-Service Volumes/Capacity Values**  
**For Various Roadway Classifications**

Classification	Roadway Width (Ft.)	Number of Lanes	Maximum Two-Way Average Daily Traffic Volume Level of Service		
			C	D	E
Collector	60	2	12,800	14,400	16,000
Secondary Highway	80	4	24,000	27,000	30,000
Major Highway	100	4	30,400	34,200	38,000
Major Highway	110	4	30,400	34,200	38,000
Major Highway	134	6	47,200	53,100	59,000

<sup>a</sup> Source: City of Banning General Plan Update Traffic Study 2004

## CURRENT CONDITIONS

The City of Banning and other communities in the Pass Region form a continuous and interconnected suburban development pattern, tied together by U.S. Interstate-10 and a network of arterial roadways. A variety of physical influences and constraints, including the geography of the City and the region, and the existing roadway network, affect traffic flows and the impacts of development on local roadways. The existing roadway network is further described in the General Plan EIR and its traffic study.

### Major Regional Roadways

Two major regional roadways provide primary access to the City: State Highway 243 and U.S. Interstate-10. U.S. Interstate-10 connects the Los Angeles region with Arizona and other cities and states to the east. State Highway 243 connects Banning and U.S. I-10 to the mountain community of Idyllwild, State Route 79, and the San Bernardino National Forest.

### U.S. Interstate-10

U.S. Interstate-10 is the major transportation route through the City of Banning. It is a critical part of the local road network, moving people and goods into and through the Pass region. Where it passes through the City, it is an eight-lane divided freeway. U.S. I-10 disrupts the internal circulation of the City as it bisects the City into distinct north and south communities. Currently, there are six access points to the City from I-10, via interchanges at the following streets (from east to west):

- Fields Road
- Ramsey Street
- Hargrave Street
- 8<sup>th</sup> Street
- 22<sup>nd</sup> Street
- Sunset Avenue
- Highland Springs Avenue

The eastern portion of the Highland Springs Avenue interchange is in the City limits; the western portion is in the City of Beaumont.

Although CalTrans is responsible for development and maintenance of this facility, I-10 has been designated as a component of the Riverside County Congestion Management Plan (CMP) System.

### **State Highway 243**

The designated State Highway begins on 8th Street south of I-10 and runs south to Lincoln Street. It continues east on Lincoln Street to San Geronio Avenue to the City limits, where it becomes the Banning-Idyllwild Panoramic Highway. State Highway 243 is designated a State Scenic Highway from the Banning City limits to State Route 74, 28.2 miles south, near the community of Idyllwild.

### **Major Local Roadways**

The City has facilitated the construction and maintenance of a variety of major roadways of local importance. These roadways have been built along a north-south grid that interconnects with major arterials, some of which also pass through adjacent jurisdictions, primarily to the west.

A variety of traffic data was collected to evaluate existing traffic conditions in the planning area, including traffic counts and estimations from studies conducted for the cities of Banning and Beaumont, CalTrans, and special site-specific traffic studies conducted for development projects in the planning area.

As defined in the City's existing (1994) Circulation Element, the street system is projected to include the following roadways. It is important to note that the 1994 Circulation Element did not use the street classification system used in much of Riverside County today.

### Major Highways

The General Plan defines Major Highways, or arterial streets, as those primarily for through traffic with limited access. These roadways are planned for 4 to 6 lanes in width at buildout. Arterials should connect residential, shopping, employment and recreational activities, but should not encroach upon neighborhoods. Roadways designated as arterial streets in the adopted General Plan include:

- Highland Springs Avenue - North and South of U.S. Interstate-10
- Highland Home Road -Cherry Valley Boulevard to southerly City limits
- Sunset Avenue - Gilman Avenue to Interstate 10



- 8<sup>th</sup> Street – Ramsey Street to State Route 243
- San Gorgonio – Lincoln to State Route 243
- Hathaway Street – Ramsey Street to Morongo Road
- ? → • 18<sup>th</sup> Street – Highland Springs Avenue to Highland Home Road
- Wilson Street – Highland Springs Avenue to Hathaway
- Ramsey Street – Highland Springs Avenue to Hathaway
- Sun lakes Boulevard – Highland Springs Avenue to Highland Home Road
- Lincoln Street – Highland Home Road to Hathaway

#### Secondary Highways

Secondary Highways are those that primarily receive traffic from arterials and distribute the movement within residential, commercial and industrial land use designations. These streets are planned for 4 lanes. The 1994 General Plan designates the following roadways as Secondary Highways:

- Sunset Avenue – Interstate 10 to Porter
- 8<sup>th</sup> Street - Wilson Street to Ramsey Street
- 4<sup>th</sup> Street – Wilson Street to Ramsey Street
- San Gorgonio Avenue - Wilson Street to Lincoln Street
- Hargrave Street – Wilson Street to Porter Road
- Cottonwood Road (North - South) – North of Ramsey to Porter Road
- Fields Road
- Porter Road – Sunset Avenue to Cottonwood Road (North - South)

#### Collector Streets

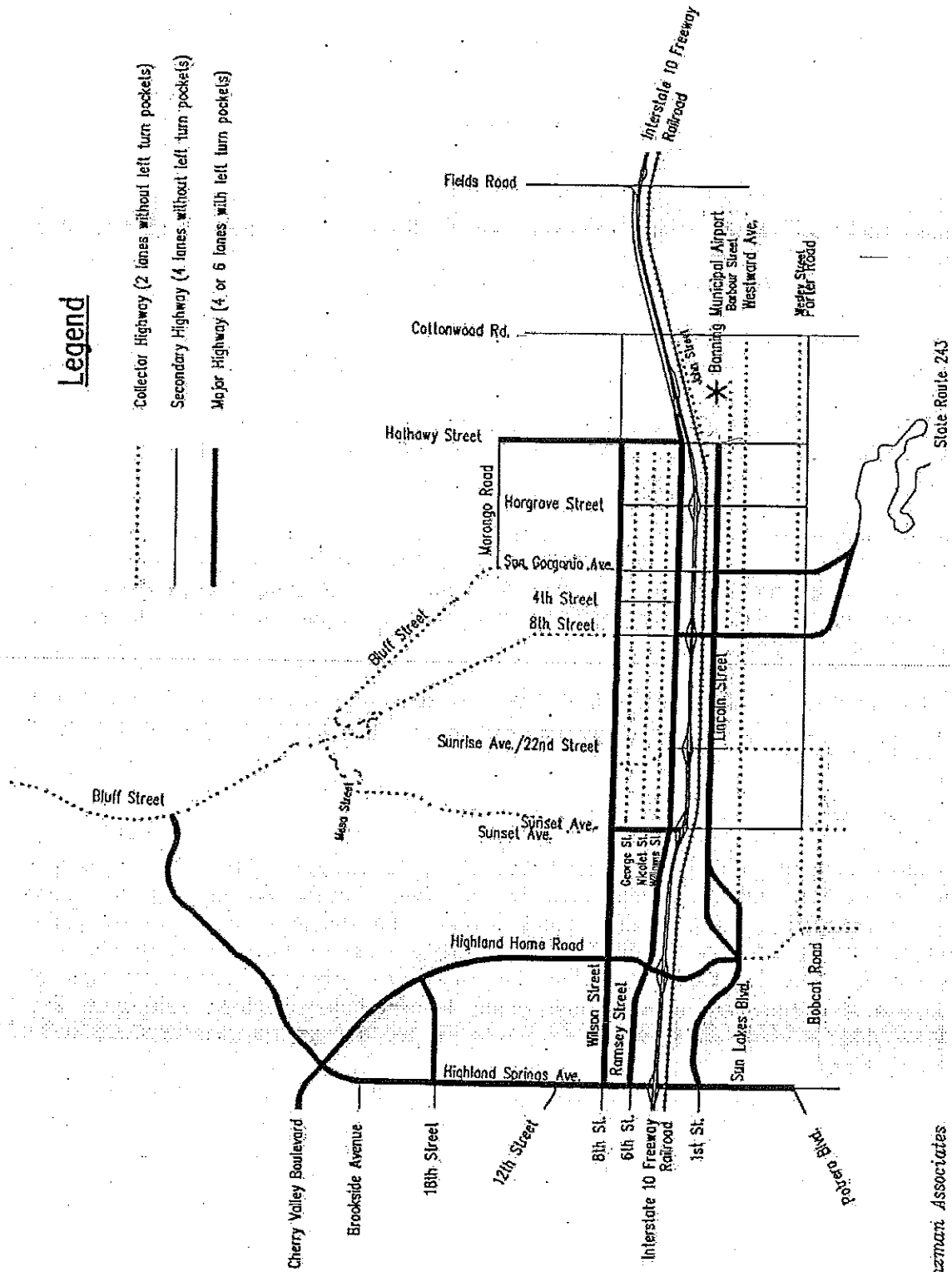
Finally, the General Plan identifies Collector streets. Collectors are planned as 2 lane roads. The 1994 General Plan Collector streets are:

- Highland Home Road – Westward Avenue to southern City limits
- Sunset Avenue – Wilson Street to Bluff Street
- Bluff Street – Northern City limits to San Gorgonio Avenue
- 22<sup>nd</sup> Street – Lincoln Street to Bobcat Road
- 8<sup>th</sup> Street – Bluff Street to Wilson Street
- San Gorgonio Avenue – Morongo Road to Wilson Street
- George Street – Sunset Avenue to Hathaway Street
- Nicolet Street - Sunset Avenue to Hathaway Street
- Williams Street - Sunset Avenue to Hathaway Street
- Westward Avenue - Sunset Avenue to Cottonwood Road (North - South)
- Barbour Street – 8<sup>th</sup> Street to Airport
- Wesley Street – 8<sup>th</sup> Street to Cottonwood Road (North - South)
- Porter Road – Highland Home Road to Sunset Avenue
- Bobcat Road – Highland Home Road to 22<sup>nd</sup> Street

The existing General Plan arterials are shown on Exhibit III-4, Existing General Plan Street System.

# Legend

- Collector Highway (2 lanes without left turn pockets)
- Secondary Highway (4 lanes without left turn pockets)
- Major Highway (4 or 6 lanes with left turn pockets)



Source: Kunzmann Associates



**TERRA NOVA®**  
Planning & Research, Inc.

## Banning General Plan Existing General Plan Street System

Exhibit

III-4



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## TRAFFIC AND CIRCULATION PLANNING FOR GENERAL PLAN BUILDOUT

In integral part of the General Plan is the City's roadway system. In order to assure that traffic is efficiently transported through the City in the future, a traffic study and associated model were prepared to analyze the impacts of the land use map on the City's street system. This traffic model identified deficiencies in the City's network of roadways, and led the City's traffic consultant to a series of recommendations for future improvements to assure the smooth flow of traffic. The traffic analysis summarized below is described fully in the General Plan EIR, and included in its entirety as an appendix to that document.

The traffic model utilized for this General Plan was a TRANPLAN model, which is utilized throughout the County for transportation planning. Since Banning is part of the Pass region, it was important to standardize the traffic analysis to conform to regional standards.

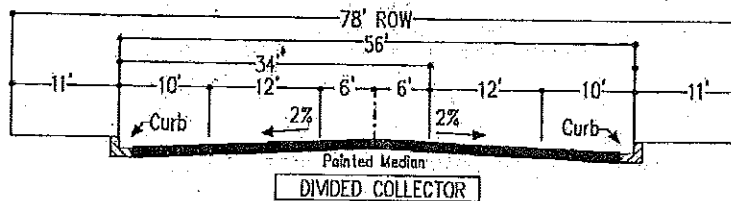
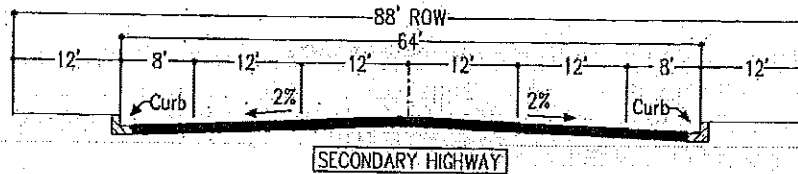
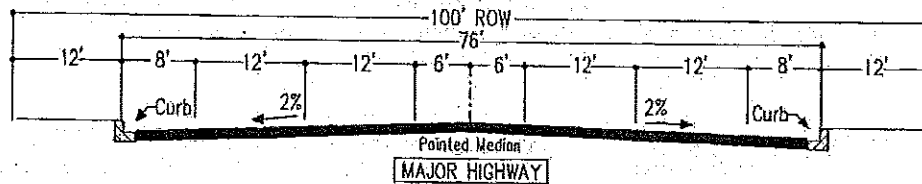
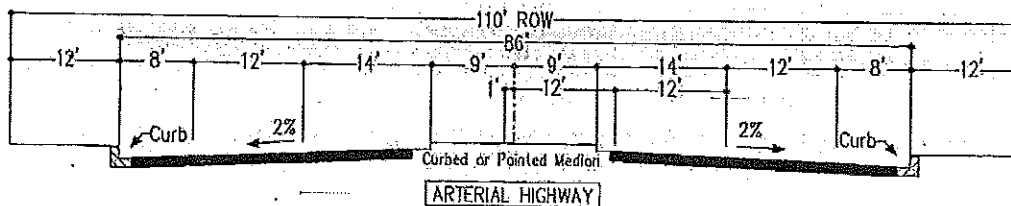
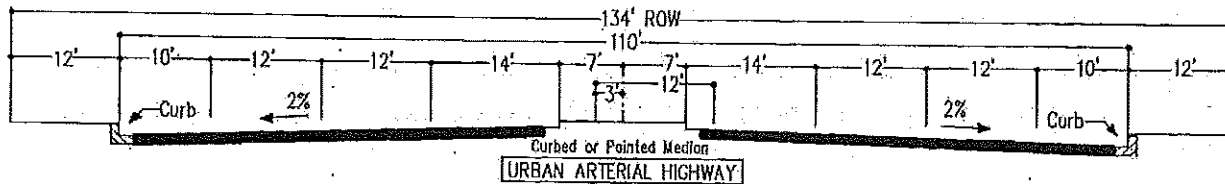
The traffic model divided the City into Traffic Analysis Zones (TAZs), which contained data on the land use in that zone, and the traffic which that land use would generate. It is important to note that some land uses are producers of traffic, while others are attractors for traffic. For example, residential land uses *produce* traffic, while retail commercial land uses *attract* traffic. Once the traffic model TAZs were assigned and their land use trip generation calculated, the trips were distributed on the roadway system.

The traffic modeling considered two issues: street segment impacts, and intersection impacts. Street segments were analyzed for average daily trips (ADT), while intersection impacts were analyzed for morning and evening peak hours (the hour in the morning or evening when the highest concentration of trips occurs, primarily controlled by commuter trips). A total of 23 intersections were analyzed.

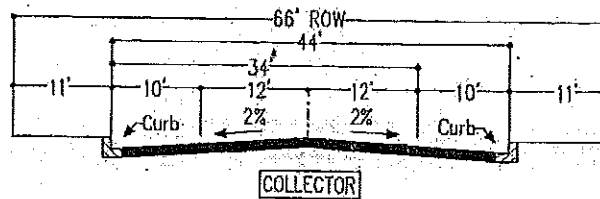
This led to conclusions on the needed size of streets, the areas where the street system would not function properly, and the types of improvements that would be necessary to make the street system work properly.

### Street Cross Sections

As previously stated, the 1994 Circulation Element street classification system is not consistent with the street classification system used in Riverside County. Because of the interconnectedness of roadways, and the City's location as one of a chain of cities in the County, the street cross sections described in this Circulation Element have been made consistent with County standards (see Exhibit III-5). In this way, the City can better integrate into regional transportation programs and plans, including the Transportation Uniform Mitigation Fee program and state and federal programs in the future. The new street classifications result in the following standards:



\*Part-width street section for on interior commercial or industrial street.



\*Part-width street section for all collector streets—34' improvements on 48' R/W.

Source: Kunzman Associates



**TERRA NOVA®**  
Planning & Research, Inc.

**Banning General Plan  
Street Cross Sections**



Exhibit

**III-5**

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Collector: 66 feet of right of way, with a 44-foot street section from curb to curb. This represents two lanes of traffic, with parking lanes on each side, and a parkway on each side.

Divided Collector: 78 feet of right of way, with a 66-foot street section from curb to curb. This represents two travel lanes, with parking lanes on each side, a center median, and a parkway on each side.

Secondary Highway: 88 feet of right of way, with a 64-foot street section from curb to curb. This represents four travel lanes, with parking lanes on each side, and a parkway on each side.

Major Highway: 100 feet of right of way, with a 76-foot street section from curb to curb. This represents four travel lanes, with parking lanes on each side, a center median, and a parkway on each side.

Arterial Highway: 110 feet of right of way, with an 86-foot street section from curb to curb. This represents four travel lanes, with parking lanes on each side, a center median, and a parkway on each side.

Urban Arterial Highway: 134 feet of right of way, with a 110-foot street section from curb to curb. This represents six travel lanes, with parking lanes on each side, a center median, and a parkway on each side.

Local Streets (those streets not shown on the General Plan Recommended Street System): 60 feet of right of way, with a 40-foot street section from curb to curb. This represents two travel lanes, with parking lanes on each side, and a parkway on each side. Local street standards may vary as described in the Policies and Programs of this Element.

### Future Traffic Volumes

The traffic model was used to estimate the number of trips which would be generated on the City's principal roadways. These estimates, and the current (2004) trips on these roadways are shown in Table III-16, below.

**Table III-16**  
**Existing Conditions Summary**  
**for Major Roadways in the Planning Area**

Roadway Link	Existing ADT	General Plan Buildout (ADT)
<b>8<sup>th</sup> Street</b>		
N of Wilson St.	7,494	7,494
S of Wilson St.	10,513	10,513
N of Ramsey	16,320	16,320
S of Ramsey	23,321	34,566
N of I-10 WB Ramps	21,232	34,566
S of I-10 WB Ramps	16,561	28,612
N of I-10 EB Ramps	17,261	28,612
S of I-10 EB Ramps	12,097	24,740
N of Lincoln	12,016	23,042
S of Lincoln	4,315	8,452
<b>Hargrave St.</b>		
N of Ramsey	10,823	19,930
S of Ramsey	15,046	43,562
N of I-10 WB Ramps	14,564	43,562
S of I-10 WB Ramps	10,433	34,038
N of I-10 EB Ramps	10,214	34,038
S of I-10 EB Ramps	5,325	39,082
N of Lincoln	5,325	36,487
S of Lincoln	3,214	36,487
<b>Lincoln St.</b>		
W of Hargrave	2,797	25,914
E of Hargrave	2,513	25,478
E. of 22 <sup>nd</sup> St.	2,300	
W. of 22 <sup>nd</sup> St.	1,700	
W of Sunset	--	25,290
E of Sunset	3,018	29,416
W of 8 <sup>th</sup>	3,730	30,458
E of 8 <sup>th</sup>	5,516	35,531
<b>Ramsey St.</b>		
W of Hargrave	9,009	9,009
E of Hargrave	9,423	22,418
W of 8 <sup>th</sup>	23,011	23,011
E of 8 <sup>th</sup>	22,460	26,294
W of Sunset Avenue	16,378	25,650
E of Sunset Avenue	16,435	24,430
W of Highland Home	12,544	32,083
E of Highland Home	12,303	25,238

W of Highland Springs Ave.	22,082	23,862
E of Highland Springs Ave.	19,201	28,398
<b>Wilson St.</b>		
W. of Sunset Ave.	12,303	28,211
E. of Sunset Ave.	10,915	22,350
E of 8 <sup>th</sup>	8,631	20,298
W. of Highland Springs Ave.	6,427	12,489
E. of Highland Springs Ave.	12,544	25,318
<b>Sunset Ave.</b>		
N of Wilson	677	22,452
S of Wilson	7,345	19,637
N of Ramsey	14,782	29,603
S of Ramsey	16,171	34,204
N of I-10 WB Ramps	16,022	34,204
S of I-10 WB Ramps	11,190	29,346
N of I-10 EB Ramps	11,454	29,346
S of I-10 EB Ramps	3,896	36,375
N of Lincoln	3,896	29,284
S of Lincoln	2,984	10,696
<b>Highland Springs Ave.</b>		
N of Wilson	8,633	40,378
S of Wilson	15,804	36,691
N of Ramsey	19,740	43,593
S of Ramsey	31,930	50,565
N of I-10 WB Ramps	31,930	50,565
S of I-10 WB Ramps	28,600	49,384
N of I-10 EB Ramps	28,635	45,062
S of I-10 EB Ramps	24,503	42,362
N of Sun Lakes	24,503	25,210
S of Sun Lakes	3,600	25,648
<b>Sun Lakes Blvd./First St.</b>		
W of Highland Springs	--	20,214
<b>Highland Home Rd.</b>		
N of Wilson	--	31,332
S of Wilson	--	29,575
N of I-10 WB Ramps	--	39,045
S of I-10 WB Ramps	--	24,283
N of I-10 EB Ramps	--	24,283
S of I-10 EB Ramps	--	12,242
<b>Fields Road</b>		
N of I-10 WB Ramps	3,994	15,736
S of I-10 WB Ramps	10,490	15,736
<b>Interstate 10 WB Ramps</b>		
W of Highland Springs	10,983	13,372
E of Highland Springs	5,715	14,710
W of Highland Home	--	11,475
W of Sunset	3,982	15,832
W of 8 <sup>th</sup>	8,734	16,982
E of Sunset	2,869	7,158



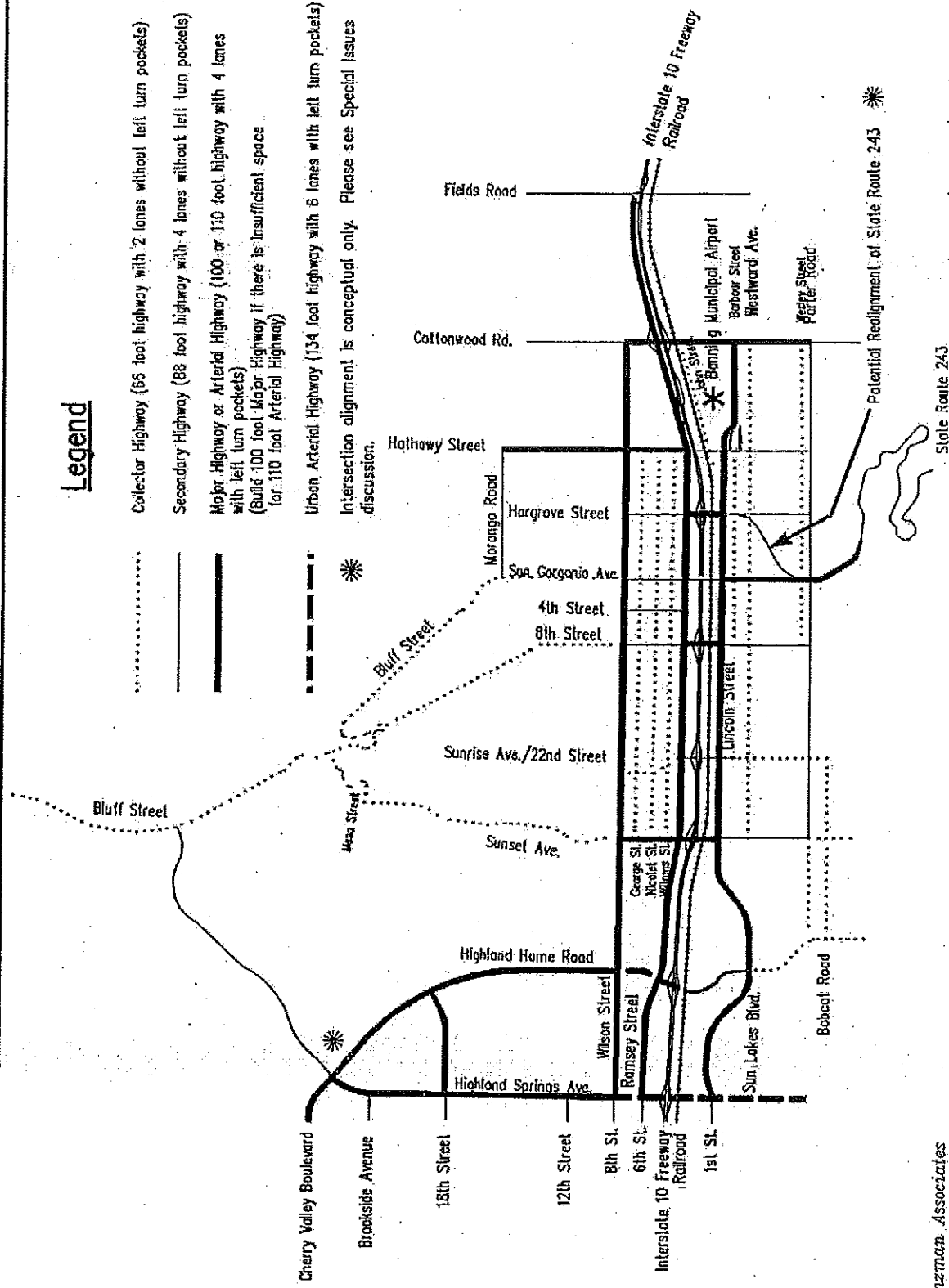
E of 8 <sup>th</sup>	2,709	10,511
W of Hargrave	6,450	24,614
E of Hargrave	2,066	10,847
W of Fields	57	13,138
E of Fields	11,397	11,397
<b>Interstate 10 EB Ramps</b>		
W of Highland Springs	10,972	12,951
E of Highland Springs	--	8,304
W of Highland Home	--	9,622
W of Sunset	4,832	20,859
E of Sunset	2,995	6,034
W of 8 <sup>th</sup>	7,758	15,873
E of 8 <sup>th</sup>	2,525	9,006
W of Hargrave	5,153	24,451
E of Hargrave	2,582	14,725

Based on the trips generated on the roadway, recommendations have been made on the street classifications for these streets, as shown in the following Table. The roadway classifications are also depicted on Exhibit III-6, Proposed General Plan Street System.

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# **Legend**

- Collector Highway (66 foot highway with 2 lanes without left turn pockets)
- Secondary Highway (88 foot highway with 4 lanes without left turn pockets)
- Major Highway or Arterial Highway (100 or 110 foot highway with 4 lanes with left turn pockets)  
(Build 100 foot Major Highway if there is insufficient space for 110 foot Arterial Highway)
- Urban Arterial Highway (134 foot highway with 6 lanes with left turn pockets)
- Intersection alignment is conceptual only. Please see Special Issues discussion.



Source: Kunzman Associates

Exhibit

III-6



## **Banning General Plan Proposed General Plan Street System**

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**Table III-17  
Buildout Roadway Classifications**

<b>Roadway Classification</b>	<b>Roadway</b>
<u>Urban Arterial Highway</u> (6 lanes with left turn pockets)	Highland Springs from Cherry Valley to Potrero Blvd.
<u>Major or Arterial Highway</u> (4 lanes with left turn pockets)	Highland Home from Cherry Valley Blvd. To Sun Lakes Blvd.  Highland Springs from Cherry Valley Blvd. to Wilson Street  Hathaway from Morongo St. to I-10  Sunset from Wilson to Lincoln  8 <sup>th</sup> Street from Ramsey to Lincoln  San Gorgonio from Lincoln to south City Limit  Hargrave from Ramsey to Lincoln  Cottonwood (North – South) from Ramsey to Porter  Wilson from Highland Springs to Cottonwood (North – South)  Ramsey from Highland Springs to Fields Rd.  Sun Lakes/Lincoln from Highland Springs to Cottonwood (North – South)
<u>Secondary Highway</u> (4 lanes without left turn pockets)	Porter from Sunset to Cottonwood (North – South)  Sunset from Wilson to Mesa  Sunset from Lincoln to Porter  22 <sup>nd</sup> Street from Ramsey to south of Lincoln  8 <sup>th</sup> Street from Wilson to Ramsey  8 <sup>th</sup> Street from Lincoln to Porter  4 <sup>th</sup> Street from Wilson to Ramsey  San Gorgonio from Wilson to Lincoln  Hargrave from Wilson to Porter  Hathaway from Ramsey to Porter  Cottonwood (North – South) from Ramsey northward  Cottonwood (North – South) from Porter southward  Fields Road from end to end

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### **Intersection Analysis**

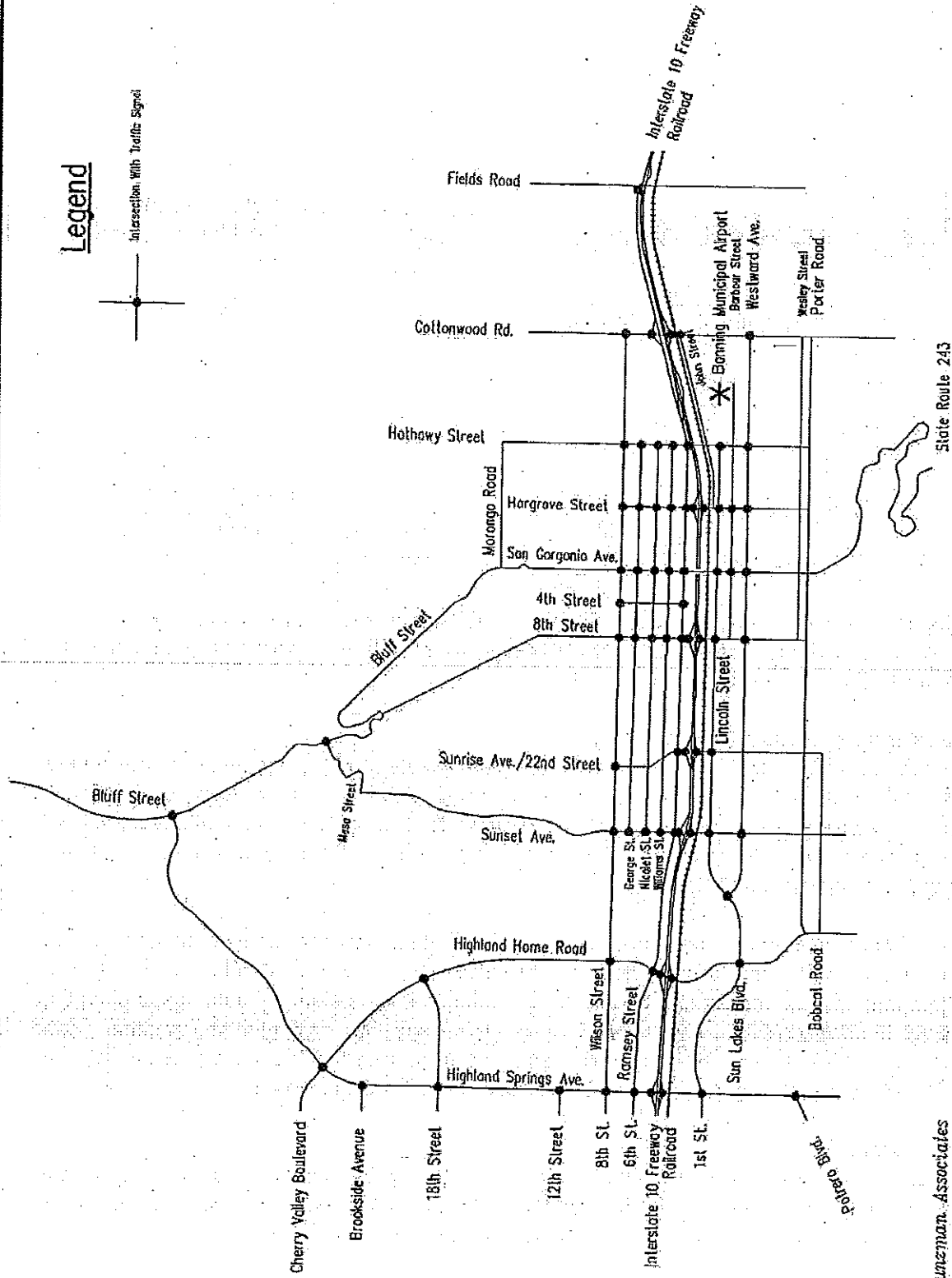
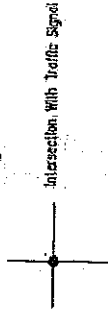
Intersections are the most impacted component of the traffic system. If there are delays, they will occur at intersections, rather than in roadway segments, simply because traffic signals and stop signs increase delays, whereas roadway segments are always "green lights." The City has strived for a level of service (LOS) of C at intersections. This standard, although desirable, is generally unattainable in most of southern California, especially during peak hours.

A total of 23 intersections in the City were analyzed to determine whether they would operate at LOS C during peak hours. The analysis found that all street intersections would operate at LOS C, except Highland Springs at Ramsey, Sunset at Ramsey and 8<sup>th</sup> Street at Ramsey, which would each operate at LOS D. At freeway ramp intersections, a LOS D condition would occur at General Plan buildout, except at 8<sup>th</sup> Street at I-10 westbound, which would operate at LOS E; and 8<sup>th</sup> Street at I-10 eastbound, Hargrave at I-10 westbound, and Hargrave at I-10 eastbound, which will operate at LOS F. In order to improve the level of service at these locations, additional interchanges with Interstate 10 are required, as discussed under "Special Issues," below.

### **Traffic Signals**

An analysis of the needed traffic signals for General Plan buildout was also conducted. The locations of traffic signal warrants at buildout are depicted on Exhibit III-7.

# Legend



Source: Kunzman, Associates

Exhibit

III-7

## Banning General Plan Traffic Signal Warrants at Buildout



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### All Weather Crossings

All weather crossings include bridges and culverted streets that allow natural drainages to flow under the roadway during major storms. All weather crossings in the City are described in the following Table.

**Table III-18  
Buildout Bridges**

Location	Needed Improvement
Sunset Ave. at Pershing Channel	1 Bridge
8 <sup>th</sup> Street at Montgomery Creek	1 Bridge
Wilson Street at Smith Creek	1 Bridge
Sun Lakes Boulevard at Smith Creek	1 Bridge
Westward Avenue at Pershing Channel	1 Bridge
Wesley Street at Smith Creek	1 Bridge
Porter Road at Smith Creek	1 Bridge
Porter Road at Pershing Channel, and in two locations at Montgomery Creek	3 Bridges
Ramsey Street at Smith Creek and Pershing Channel	2 Bridges
Lincoln Avenue at east fork of Smith Creek, at west fork of Smith Creek, at Pershing Channel and at Montgomery Creek	4 Bridges

These facilities are needed both to allow the smooth flow of traffic in these areas, and to assure public safety in emergency situations. Construction of these facilities is particularly critical to the development of the south side of the City.

### Transportation Demand Management

The continued urbanization and growth of the Pass Region will necessitate transportation demand and systems management to preserve and increase available roadway capacity. Transportation Demand Management (TDM) requires the development and implementation of policies, plans and programs that result in the use of a wider range of transportation alternatives, including public transit and bicycles.

TDM can include alternative travel modes, such as carpooling, van pooling and mass transit. In addition, employee flex-time work schedules that reduce peak hour travel and associated traffic congestion may also be considered. The Riverside County Transportation Commission (RCTC), in response to state mandates, has prepared a regional Congestion Management Program. This program required the City of Banning and other cities to prepare TDM ordinances or risk the loss of federal transportation funds. The City has adopted a TDM ordinance.

### Traffic Calming

Traffic calming is a useful tool available to the City to slow traffic in residential neighborhoods, and discourage shortcuts through these neighborhoods. The advantages of traffic calming must always be balanced, however, with the requirements of emergency vehicles.

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Traffic calming can include such design features as curvilinear streets, speed humps and raised intersections, traffic circles or roundabouts, stop signs on through streets, and narrowed intersections. Using these design features improves safety by slowing traffic to 30 miles per hour or less. The restriction or blocking of turning movements can also be used effectively in traffic calming, particularly to reduce cut-through, or short cut traffic in neighborhoods.

## **ALTERNATIVE TRANSPORTATION**

### **Pedestrian, Equestrian, Bicycle and Golf Cart Circulation**

The General Plan and associated documents support planning that allows and enhances access to commercial services and places of employment and recreation without the essential use of motorized vehicles. In this regard, master planning sidewalks, bike lanes, off-street trails and golf cart routes is especially important along major roadways in the community.

#### Pedestrian and Equestrian Trails and Bike Paths

The City's adopted Parks and Recreation Master Plan includes a proposed trails system that would provide access from parks, city streets, and the surrounding community via urban, foothill and wash/hill trails. Two short, minimally developed urban trail segments currently exist in the City and are associated with the proposed trail system. The City has also approved, or is currently reviewing, several equestrian trails within and adjacent to private subdivisions.

There are currently no bikeways within the planning area. Several Class II and III bikeways have been proposed along City streets. However, development of a network of bikeways is constrained by the existing condition of street right-of-ways. Future bike routes should be planned to provide safe routes for intra-City bicycle traffic and should be clearly marked and striped. Where possible, they should be designed as one-way bike routes, which flow in the same direction as adjacent automobile traffic. Combination sidewalks/bikeways require an eight-foot width. These multi-use lanes will also serve as links to recreational facilities throughout the community. Policies and programs specifically addressing the need for trails and bicycle lanes are included in the Parks and Recreation Element.

#### Sidewalks

Within some portions of the City, sidewalks are non-existent or discontinuous, limiting their usefulness as safe alternatives to vehicle travel. As previously noted, rights-of-way along City roadways are inconsistent, limiting the potential for bikeway development. When considering future development, pedestrian and bicycle accommodation and safety should be given emphasis equal to that currently given to automobile access. This is particularly true of collector and arterial roadways, where more traffic increases the hazards to pedestrians.

Another area where sidewalks are an important asset is in the historic Downtown of the City (between the I-10 right of way and Williams, and between 8<sup>th</sup> Street and Alessandro). Pedestrian access in this area is a function of economic development for this area, and should be considered in all future development and redevelopment plans.

Conversely, sidewalks on local, neighborhood roadways may not be necessary, particularly in established neighborhoods where roadways have been developed to their ultimate right-of-way,



and the addition of sidewalks would impact front yards and affect the character of the neighborhood.

Finally, sidewalks in proximity to schools provide children with a safe route to school. They are not currently available at all City schools.

#### Golf Cart Facilities

Golf cart use on public rights of way is controlled by state regulations, and provides a convenient, low impact alternative to access convenient commercial development, as well as parks and public services. Golf carts to be used on the public golf cart routes must meet specific physical requirements set forth in the City golf cart plan, must be certified as "road ready" by the City and carry an appropriate permit sticker. Golf cart operators must carry a valid California Driver's license, have proof of insurance, be equipped with seatbelts and appropriate child safety equipment, and be properly maintained. In order to implement a golf cart route system, the City is required to prepare and adopt a Golf Cart Plan and associated implementing ordinances.

Currently there are no existing golf cart facilities in the planning area, outside of private golf development in the Sun Lakes Country Club. Issues related to development of golf cart facilities are similar to those for trail and bikeway development, in that existing facilities that would accommodate development of cart paths do not exist or are discontinuous in some areas.

#### **Public Transportation**

##### Banning Transit Services

Currently (2004) the Banning Municipal Transit System provides fixed route bus service along three routes, two of which are in Banning and one east to Cabazon. There are five City-owned vehicles, three of which are in revenue service and two of which are in reserve. All are powered by compressed natural gas (CNG), and are equipped with bicycle racks. All are ADA compliant, with wheelchair lifts and tie-down stations.

The transit system also operates a Dial-A-Ride service that provides elderly and disabled persons in Banning with curb-to-curb transit services. In addition, Dial-A-Ride is the ADA complementary para-transit provider for the City's fixed route bus service. The Dial-A-Ride program operates two vehicles in revenue service, and one in reserve, all gasoline powered. All Dial-A-Ride vehicles are ADA compliant, with wheelchair lifts and tie-down stations.

In May 2002, the Banning City Council approved the final Pass Area Transit Plan. The Transit Plan establishes the Pass Transit System, which consists of two independent transit systems, the Banning Municipal Transit System and the Beaumont Municipal Transit System. The Plan provides for a coordinated service area including the cities of Banning and Beaumont, the unincorporated areas of Cabazon and Cherry Valley, and the commercial area of the Morongo Band of Mission Indians Reservation. The Plan provides fixed route and dial-a-ride services.

The transit-needs study conducted for the Plan identified service related issues associated with the existing transit systems. It also identified areas not addressed in the Transit Plan requiring additional study or resources. These needs will be addressed in future transit plans, and include

service for non-traditional work shifts in the region, students, elimination of one-way loops to reduce ride time on local routes, adjusting route schedules to provide timed transfers between routes, relocation of transfer points and development of a transit center.

Regional bus service is provided by the Riverside Transit Agency (RTA), which provides services to Hemet/San Jacinto (Route 31), Moreno Valley (Route 35), and Calimesa/Redlands (Route 36), from the bus stop at Kmart on Highland Springs.

#### Railroad

Rail service facilities through the Pass area, and the City of Banning, can carry approximately 60 trains per day, most of which are freight. Regional freight transfer facilities are located in West Colton. Local facilities carry approximately 60 trains per day, most of which are freight. Trains average approximately 7,000 feet in length and generally travel up to 60 miles per hour (mph) in the planning area. UPRR is expanding rail facilities between Los Angeles and Houston, Texas to facilitate increases in rail traffic. Rail lines in the planning area are designated Centralized Track Control (CTC).

There are currently no passenger services available in Banning, although a passenger rail station did operate in the past.

There are currently (2004) four at-grade railroad crossings in the City. These occur at Hargrave Street, San Geronio Avenue, 22<sup>nd</sup> Street, and Sunset Avenue. Grade separated crossings occur at 8th Street and Highland Springs Avenue. The City should explore federal, state, City and UPRR cost sharing arrangements for grade separation of at-grade crossings in conjunction with the California Public Utilities Commission.

Construction of drill spurs is possible to provide rail access to adjoining passenger or industrial uses. Sidings, switches, and additional track linkage would also be required to provide this access. Additional costs would also be associated with any special engineering requirements and potential engineering constraints.

#### Banning Municipal Airport

The Banning Municipal Airport is classified by the National Plan of Integrated Airport Systems (NPIAS) as a General Aviation airport. The airport includes 65 hangars and 32 tie downs, with a 5,200 foot runway.

The airport is capable of accommodating most private single-engine and corporate jet aircraft, as well as helicopters. It averages approximately 10 to 15 takeoffs and landings daily and about 12,000 operations per year. Air traffic is primarily comprised of private, two-engine fixed-wing aircraft. There is no control tower at the airport, so all operations operate under Visual Flight Rules (VFR). Unicom service is provided from 8 a.m. to 5 p.m., every day. Fueling service is also available.

An approximately \$750,000 improvement asphalt overlay project is planned, and will be funded from Federal Aviation Administration grant monies.

### **Major Utility Corridors**

Major corridors and easements for the transport of natural gas, electricity, communications, domestic water and sewage, and storm drainage are also important components of the Circulation Element. Generally, the need for utility corridors is met through the provision of easements in or adjacent to City streets and along common lot lines.

A major electric corridor occurs immediately south of the Banning Bench. The right of way for the two 220 kV transmission lines in this area is approximately 500 feet in width. Additional 115 kV transmission lines occur in the southern end of the City, and along the San Bernardino Mountains.

Two major high-pressure natural gas pipelines traverse the City, and transport natural gas far beyond the City's boundaries. A 30 inch line occurs under Lincoln Street through the City. Another 30-inch pipeline transects the City in a northwesterly direction from Hargrave and Wilson to Highland Springs Avenue. Two crude oil (16") or petroleum (12") lines occur on the south side of the City, from the airport southwesterly to Wesley, then westerly to the western City limits. Please see Exhibit V-11, Natural Gas and Fuel Lines.

Future land use planning, including the development of subdivisions and the processing of development applications, will require coordination between the City, developers, utility companies, and other service providers to assure the availability and provision of easements and rights of way for the extension of roads, utility lines, and public services.

### **FUTURE DIRECTIONS**

#### **Special Issues**

In the development of the traffic study for this General Plan, six issues were identified which required particular attention. These are individually described below.

#### State Route 243

The City's 1994 Circulation Element included a connection from 8<sup>th</sup> Street to State Route (SR) 243. This connection does not currently (2004) exist, but was proposed as a future roadway. 8<sup>th</sup> Street from Interstate 10 to SR 243 was required to be a Major Highway. The current connection between I-10 and SR 243 is south on 8<sup>th</sup> Street from I-10 to Lincoln, east on Lincoln to San Geronio, and south on San Geronio to SR 243. Current volumes on SR 243 are approximately 4,000 vehicles per day. At buildout, it is expected that SR 243 will carry approximately 8,000 trips per day. The buildout trips, although double the current trips generated by SR 243, will not impact the City's street system, and can be absorbed on the streets currently used to make this connection, as described above. It was therefore determined that 8<sup>th</sup> Street south of I-10 was required to be a Secondary Highway, not a Major Highway, at buildout of the General Plan, and that the connection to SR 243 was not required for traffic flow.

A direct connection from a State Highway to an Interstate Highway is always preferred by CalTrans. In consultation with CalTrans (California Department of Transportation), the City has considered alternative alignments for SR 243, which are included in the General Plan traffic

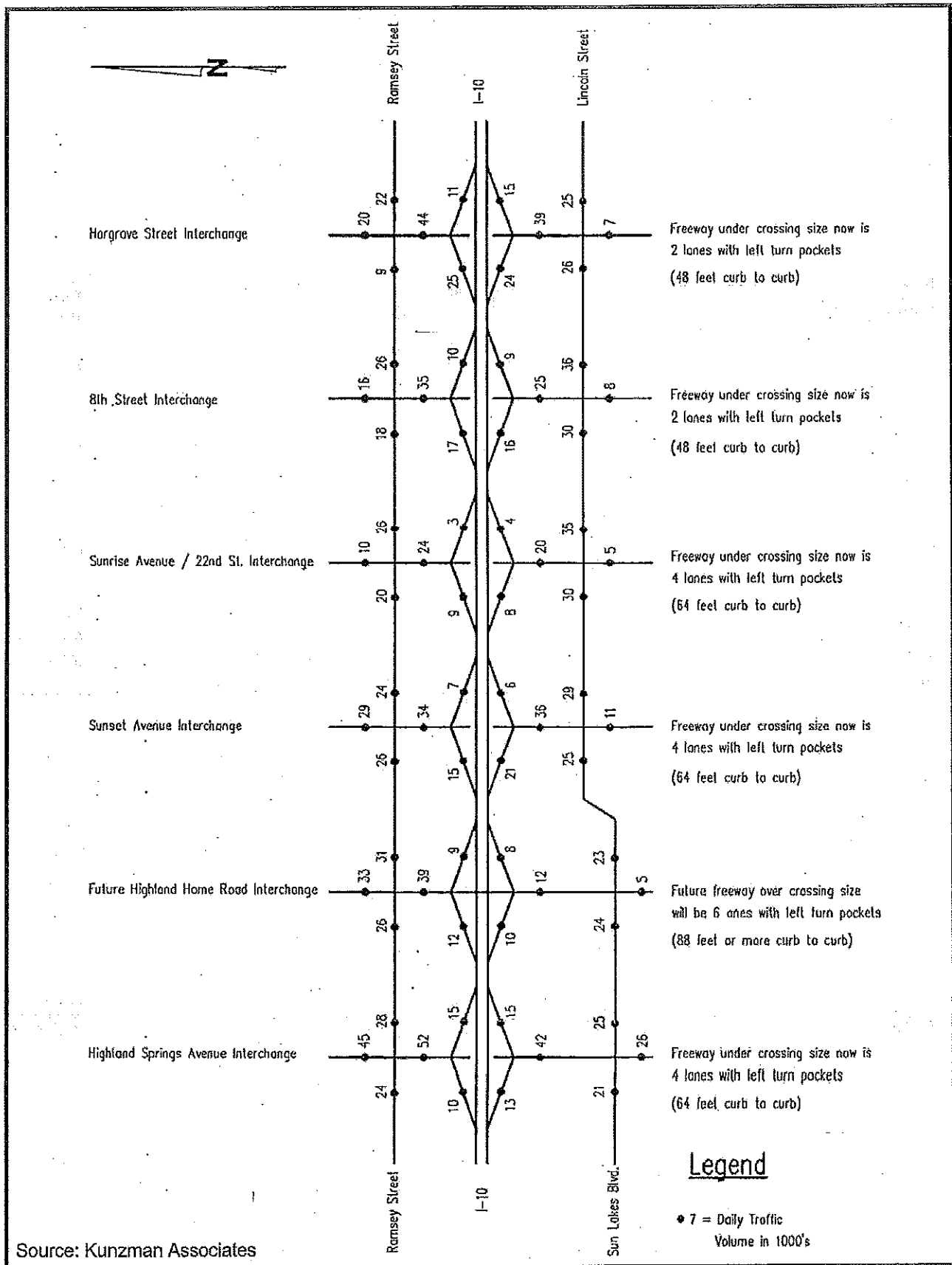
study. Should CalTrans or the City wish to change the current on-street connection to a direct connection, a potential alignment has been depicted on Exhibit III-6, Proposed General Plan Street System. However, since the impacts to the City's streets from SR 243 traffic is not considered to significantly impact City roadways, realignment should be considered a low priority.

#### Additional Freeway Interchange Capacity

The traffic analysis for this General Plan showed unacceptable levels of service during the peak hour at several I-10 ramp intersections, as discussed above. Exhibit III-8 shows the estimated volumes of traffic at interchanges at buildout of this General Plan. The study considered the potential of expanding existing interchange capacity, however, right of way is severely constrained, the under-crossings existing at 8<sup>th</sup> Street and Hargrave are undersized and would be extremely costly to widen.

As a result, the City will require two additional freeway interchanges: one at Highland Home Road on the west end of the City, and one at Cottonwood Road (North - South) on the east end of the City. The Highland Home interchange, which has been shown as a future interchange in the 1994 Circulation Element, will alleviate congestion at Highland Springs and Sunset interchanges. The added interchange at Cottonwood will alleviate congestion at 8<sup>th</sup> Street and Hargrave interchanges.

CalTrans plans to widen I-10 in the future, by adding one lane in each direction. Given the costs associated with this widening, and the cost of the interchanges, a coordinated construction program of widening and interchange additions would likely be most cost effective.



Source: Kunzman Associates

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Highland Home Road/Cherry Valley Boulevard/Brookside/18<sup>th</sup> Street/Highland Springs

The General Plan roadway system has shown Highland Home connecting to Cherry Valley Boulevard in the City of Beaumont. The extension of Highland Home however, could connect to the west at Brookside Avenue in Beaumont. Further, Highland Springs is planned to extend to the northeast to Bluff Street, to provide access to the Black Bench area, and a second connection from the Banning Bench to the City. This connection could also be made through the extension of 18<sup>th</sup> Street to the northeast.

In all cases, traffic flow will not be significantly affected, insofar as traffic volumes on these streets in this area are not expected to be high. The Recommended General Plan Street System shows these streets in their currently envisioned configuration. However, as development occurs and the feasibility of the extensions is considered, flexibility is included in this General Plan to allow changes to the street system in the future.

At Grade Railroad Crossings

The City has two grade separated railroad crossings at streets with I-10 interchanges. The other four existing or planned interchanges must also be improved to include grade separations, in order to maintain acceptable levels of service. A grade separation is included in the Transportation Uniform Mitigation Fee (TUMF) program for the Sunset Avenue interchange. The others are not in the TUMF program.

The City will need to aggressively pursue grade separations for the railroad tracks at all interchanges. This should include the preparation of feasibility studies, the securing of all available funding, and the cooperation of the development community. Although construction of these facilities may not occur in the near term, the planning must be initiated immediately, in order for the City to be able to implement the construction in the future.

Lincoln Street and Westward avenue west of Sunset Avenue

The 1994 Circulation Element included the extension of both Lincoln and Westward from Highland Home to Sunset. Both these roadways occur currently east of Sunset. West of Highland Home, only one roadway, Sun Lakes Boulevard, currently occurs. The traffic study for this General Plan considered the traffic volumes generated south of I-10 on Sunset, and the potential volumes for Lincoln and Westward east of Sunset. The study found that Westward will have sufficiently low volumes so as to require a 2 lane collector east of Sunset. Lincoln is projected as a Major Highway from Highland Home easterly, as is Sun Lakes Boulevard. Traffic volumes will result in LOS C or better for both Lincoln and Westward in this area. Therefore, the elimination of Westward west of Sunset will not have a negative effect on east-west traffic south of I-10.

Level of Service Policy

The City has in the past enforced a LOS C policy for City streets, except at freeway interchanges, where a LOS D is considered acceptable. The traffic study for this General Plan found that the City will be able to maintain LOS C on most City streets, except Ramsey. In order to maintain LOS C on Ramsey Street, additional travel lanes would be required at its intersection with Highland Springs, Sunset, 8<sup>th</sup> Street and Hargrave. Some of these lanes would need to be on

Ramsey, some on the cross street. Without the additional lanes, intersections along Ramsey will operate at LOS D at General Plan buildout. As described at the beginning of this Element, LOS D does not represent a significant degradation in traffic flow. When balancing the need for an efficient traffic system and the widening of streets to accommodate peak hour traffic, it appears that a lowering of the City's requirement for Ramsey Street from LOS C to LOS D will not result in a significant negative effect.

#### Alternative Transportation

As cited above, existing rights-of-way on City streets are not adequate to allow for development of non-motorized transportation. The City has generally been able to secure right-of-way from new development as it occurs to provide full-width mid-block roadway improvements, but the process can be time consuming and costly.

New development should be required to provide separate paths for bicycles and/or equestrians, pedestrians and golf carts to assure safety and avoid conflicts. Equestrian trails should be included in projects developed south of the railroad right-of-way, as well as a connection to the San Bernardino and San Jacinto mountains.

Bicycle and golf cart parking facilities should be integrated into the design of commercial office and public land uses. Connectivity should also be a primary goal of residential design and should emphasize easy accessibility within and between neighborhood and commercial services to maximize the opportunities for pedestrian, bicycle, equestrian and golf cart access by short and direct trips. This planning focus will also help to shorten vehicle trips for residents who must use their automobiles.

Public transport out of the City is limited, particularly into the Inland Empire communities to the west. As development occurs in the City, and increased pressure is brought to provide service and lower vehicular trips on a regional level, additional public transportation will become necessary.



## GOALS, POLICIES, AND PROGRAMS

### Goal

A safe and efficient transportation system.

### Policy 1

The City's Recommended General Plan Street System shall be strictly implemented.

#### Program 1.A

Street rights of-way shall be 134 feet for Urban Arterial Highways, 110 feet for Arterial Highways, 100 feet for Major Highways, 88 feet for Secondary Highways, 78 feet for Divided Collectors, 66 feet for Collectors, and 60 feet for Local Streets. Local street standards can be amended as described in Policy 2.

**Responsible Agency:** Planning Department, Public Works Department, Planning Commission, City Council

**Schedule:** 2005-2006, Ongoing

#### Program 1.B

The City's Public Works roadway standards shall be amended to match the standards contained in this General Plan.

**Responsible Agency:** Public Works Department

**Schedule:** 2005-2006

#### Program 1.C

Minimum lane width for all City streets shall be designed at 12 feet.

### Policy 2

Local streets shall be scaled to encourage neighborhood interaction, pedestrian safety and reduced speeds.

#### Program 2.A

The design of new local streets can vary from the City's standard of 60 foot right-of-way, 40 foot paved width, under the following conditions:

1. The minimum travel lane width shall be 12 feet.
2. Parking shall be provided on at least one side of any public street. Parking lanes shall be a minimum of 8 feet in width.
3. Parking may be eliminated on private streets, if provisions are made in Conditions, Covenants and Restrictions (CC&R's) for enforcement by the Homeowners' Association.
4. Landscaped traffic circles, chokers, and center islands are encouraged, but must meet the requirements of the Fire Department.
5. The minimum parkway width shall be 10 feet.
6. Linear sidewalks are discouraged. Meandering sidewalks, which provide landscaping and street trees adjacent to the curb, shall be included in local street design.

The design of local streets varying from the City's standard, shall be included in the Tentative Tract Map application, and shall be reviewed by the Planning Commission and approved by the City Council.

**Responsible Agency:** Planning Department, Public Works Department, Planning Commission, City Council

**Schedule:** 2005-2006, Ongoing

**Program 2.B**

Existing local streets will be inventoried, and a master plan of potential improvements designed to improve their aesthetic and safety, including landscaped medians, sidewalks and traffic calming devices, shall be developed, cost engineered, and implemented.

**Responsible Agencies:** Public Works Department, Planning Commission, City Council

**Schedule:** 2006-2007, Ongoing

**Policy 3**

The City shall establish and maintain a 5-Year Capital Improvement Program for streets.

**Program 3.A**

The Public Works Department shall establish a Capital Improvement Program for 5 years, and update it annually.

**Responsible Agency:** Public Works Department

**Schedule:** 2006-2007

**Policy 4**

Proactively participate in regional transportation planning.

**Program 4.A**

Maintain active relationships with the City of Beaumont, the County of Riverside, the Western Riverside County Council of Governments, the California Department of Transportation and the Morongo Band of Mission Indians to share information and promote comprehensive transportation planning in the region.

**Responsible Agency:** Public Works Department, City Manager's Office, City Council, City of Beaumont, County of Riverside, WRCOG, CalTrans, Tribe

**Schedule:** 2005-2006

**Program 4.B**

Aggressively pursue Banning projects in the Transportation Uniform Mitigation Fee (TUMF) program, particularly the addition of projects to the TUMF project list, including grade separated road crossings.

**Responsible Agency:** Public Works Department

**Schedule:** 2005-2006

**Program 4.C**

Aggressively pursue the design and development of interchanges at Highland Home Road and Cottonwood Road (North - South), including all sources of funding, and the coordination of I-10 widening with their installation.

**Responsible Agency:** Public Works Department, City Manager's Office, City Council, CalTrans, Railroad

**Schedule:** 2005-2006

**Policy 5**

Consider amendments to the Highland Home/Highland Springs/18<sup>th</sup> Street/Brookside street configurations based on public safety, design feasibility and area needs.

**Policy 6**

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

**Program 6.A**

Periodically review current traffic volumes and the actual pattern of development to coordinate, program and, as necessary, revise road improvements.

**Policy 7**

New development proposals shall pay their fair share for the improvement of street within and surrounding their projects on which they have an impact, including roadways, bridges, grade separations and traffic signals.

**Policy 8**

Traffic calming devices shall be integrated into all City streets to the greatest extent possible and all new streets shall be designed to achieve desired speeds.

**Policy 9**

Street trees within the City right of way shall be preserved, unless a danger to the public health and safety or if the tree is diseased.

**Program 9.A**

Sidewalks in areas with street trees shall be designed to "wrap around" the tree if they are added to an existing neighborhood.

**Responsible Agency:** Public Works Department

**Schedule:** Ongoing

**Policy 10**

Sidewalks shall be provided on all roadways 66 feet wide or wider. In Rural Residential land use designation pathways shall be provided.

**Program 10.A**

The Public Works Department shall prepare an inventory of discontinuous sidewalks on all qualifying roadways, and fund individual projects through the Capital Improvement Program annually.

**Responsible Agency:** Public Works Department, City Council

**Schedule:** Inventory in 2006-2007, Annually thereafter

**Program 10.B**

All new development proposals located adjacent to qualifying roadways shall be required to install curb, gutter and sidewalk concurrent with construction.

**Responsible Agency:** Public Works Department, Planning Department

**Schedule:** Ongoing

**Program 10.C**

The City shall develop procedures to address neighborhood sidewalk needs as they are requested by that neighborhood.

**Responsible Agency:** Public Works Department

**Schedule:** 2005-2006, Ongoing

**Program 10.D**

Work with the School District to develop safe routes to school.

**Responsible Agency:** Public Works Department

**Schedule:** 2005-2006, Ongoing

**Policy 11**

Sidewalks or other pedestrian walkways shall be required on all streets within all new subdivisions.

**Policy 12**

In the absence of a vehicular grade separation, the City shall aggressively pursue a grade separated pedestrian access across San Geronio, to assure that high school students do not have to cross the railroad tracks on their way to and from school.

**Policy 13**

Pedestrian access in the Downtown Commercial designation shall be preserved and enhanced.

**Program 13.A**

All development and redevelopment proposals for the Downtown area shall include enhanced sidewalk, pedestrian walkway, lighting and landscaping designs and assure connections to existing and planned sidewalks.

**Responsible Agency:** Public Works Department, Planning Department

**Schedule:** As development proposals are presented

**Policy 14**

The City shall aggressively pursue the construction of all weather crossings over General Plan roadways.

**Program 14.A**

The Public Works Department shall prioritize the need for bridges listed in this Element, develop preliminary cost estimates, identify and pursue sources of funding, including developer funding, for each facility.

**Responsible Agency:** Public Works Department, City Council

**Schedule:** 2005-2006, Annually thereafter

**Program 14.B**

All new development proposals shall pay their fair share of bridge construction needed to serve their project.

**Responsible Agency:** Public Works Department, Planning Department

**Schedule:** Ongoing

**Policy 15**

The City shall develop a Golf Cart Plan compliant with state requirements.

**Program 15.A**

The City shall develop a golf cart plan and associated ordinances and other required implementation programs.

**Responsible Agency:** Public Works Department, City Council

**Schedule:** 2006-2007

**Policy 16**

Golf cart paths and facilities shall be funded, to the greatest extent possible, by new development.

**Program 16.A**

The routing and facilities required in the Golf Cart Plan shall be incorporated into the Development Impact Fee when the Plan is adopted.

**Responsible Agency:** Public Works Department

**Schedule:** 2006-2007

**Program 16.B**

Golf cart facilities shall be incorporated into new project plans located on golf cart routes.

**Responsible Agency:** Planning Department, Public Works Department, Planning Commission, City Council

**Schedule:** 2005-2006, Ongoing

**Policy 17**

Encourage the expansion of an integrated Pass transit system.

**Program 17.A**

The City will explore the potential for either bus or rail connection to the Metrolink transit system.

**Responsible Agency:** City Manager's Office, Community Services Department

**Schedule:** 2006-2007, Ongoing

**Policy 18**

The City shall review its transit service to major regional attractions, and intra-City recreational locations in future planning efforts, based on need.

**Policy 19**

Bus pullouts shall be designed into all new projects on arterial roadways, to allow buses to leave the flow of traffic and reduce congestion.

**Program 19.A**

Bus pullouts will be retrofitted on built-out streets, wherever possible.

**Responsible Agency:** Public Works Department, City Council

**Schedule:** 2006-2007, Ongoing

**Policy 20**

Promote the location of a passenger rail station for long distance and commuter rail service.

**Policy 21**

Update the Airport Master Plan every five years to meet the needs of the general aviation, business and tourism segments of the community.

**Program 21.A**

Land use designation decisions within the area of influence of the airport shall be specifically reviewed to assure compatibility.

**Responsible Agency:** Planning Commission, City Council

**Schedule:** Ongoing

**Program 21.B**

Work with the Chamber of Commerce, the Morongo Band of Mission Indians, and other interested parties to provide services which meet the needs of passenger and freight transport.

**Responsible Agency:** Airport Management, Economic Development staff, Chamber of Commerce, Morongo Band of Mission Indians, City Council

**Schedule:** Ongoing

**Policy 22**

Maintain an accurate mapping of all utility corridors.

**Program 22.A**

The Building Department shall inventory and map transmission utility easements on the Land Use Map (including electric, fiber optics, natural gas and petroleum).

**Responsible Agency:** Building Department, Planning Department

**Schedule:** Inventory in 2005-2006, Annually thereafter

**Policy 23**

The City shall purchase and/or replace its fleet of vehicles with alternate fuel vehicles when available to the greatest extent possible, and shall encourage other agencies to do the same.

**Policy 24**

Public alleys throughout the City shall be maintained to be useful and safe at all times.

**Program 24.A**

The City shall create a downtown alley master plan and where appropriate pave, light and otherwise improve alleys.

**Responsible Agency:** Public Works Department

**Schedule:** Ongoing

**Program 24.B**

The Public Works Department shall inventory all public alleys, determine which are necessary, and vacate those that are not.

**Responsible Agency:** Public Works Department, City Council

**Schedule:** 2006-2007

**Policy 25**

The City shall develop and implement plans for a coordinated and connected bicycle lane network in the community that allows for safe use of bicycles on City streets.

**Program 25.A**

The City shall inventory all streets for potential Class I, Class II and Class III bikeways, and shall program their installation in its Capital Improvement Program.

**Responsible Agency:** Planning Department; Engineering Division; Public Works Department; Planning Commission; City Council

**Schedule:** 2005-2006.

**Program 25.B**

Class I bikeways and sidewalks should be installed on both sides of Wilson Street, Ramsey Street, and Lincoln Street, and other major streets where sufficient right-of-way is available.

**Responsible Agency:** Engineering Division; Public Works Department

**Schedule:** 2005-2006, Ongoing

**Program 25.C**

Class II bikeways and sidewalks should be designated on all existing arterial streets that have sufficient width to safely accommodate bicycle travel lanes.

**Responsible Agency:** Planning Department; Engineering Division; Public Works Department

**Schedule:** 2005-2006.

**Program 25.D**

The City should designate Class III bikeways only where Class I and Class II facilities are not feasible.

**Responsible Agency:** Planning Department; Public Works Department

**Schedule:** Continuous.



**Policy 26**

The City should continue to work with the Morongo Band of Mission Indians and neighboring cities and communities to create a regional bicycle and trail network.

**Policy 27**

The City shall provide for a comprehensive, interconnected recreational trails system suitable for bicycles, equestrians and/or pedestrians.

**Program 27.A**

Evaluate the practicality of utilizing flood control channels for multi-use trails, where flooding and safety issues can be accommodated, and negotiate inter-agency agreements for this purpose.

**Responsible Agency:** Planning Department

**Schedule:** 2005-2006.

**Program 27.B**

Evaluate the practicality of developing a multi-use trails system along the Banning Bench adjacent to and extending into San Bernardino National Forest lands, where environmental and safety issues can be accommodated, and negotiate inter-agency agreements with the U.S. Forest Service for this purpose.

**Responsible Agency:** Planning Department, U.S. Forest Service/San Bernardino National Forest

**Schedule:** 2005-2006.

**Program 27.C**

Establish a multi-purpose trail between Dysart Park and Smith Creek Park, suitable for equestrian, bicycle and pedestrian use.

**Responsible Agency:** Community Services Department; Public Works Department; Parks and Recreation Advisory Committee

**Schedule:** 2005-2006, ongoing as development occurs

**Policy 28**

Motorized vehicles shall be prohibited on City trails.

**Program 28.A**

The City shall develop a non-motorized trail system and associated ordinances and other required implementation programs.

**Responsible Agency:** Public Works Department, Planning Commission, City Council

**Schedule:** 2006-2007

**Program 28.B**

The non-motorized trail system shall be funded, to the greatest extent possible, by new development.

**Responsible Agency:** Public Works Department

**Schedule:** 2006-2007

**Program 28.C**

The routing and facilities required in the non-motorized trail system Plan shall be incorporated into the Development Impact Fee when the Plan is adopted.

**Responsible Agency:** Public Works Department

**Schedule:** 2006-2007

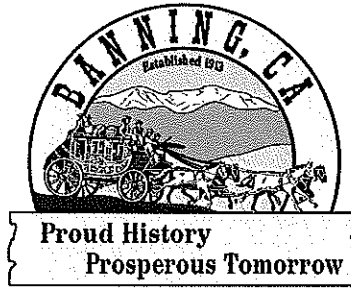
**Exhibit “C”**

**City of Banning Strategic Plan 2011-2016**

# CITY OF BANNING



## STRATEGIC PLAN 2011-2016



## ***City Council***

Barbara Hanna ..... Mayor  
John Machisic ..... Mayor Pro Tem  
Bob Botts ..... Council Member  
Debbie Franklin..... Council Member/Housing Authority Chairperson  
Don Robinson ..... Council Member/Community Redevelopment Agency Chairman  
John McQuown..... City Treasurer  
Marie Calderon ..... City Clerk

## ***Executive Management Team***

Andy Takata ..... City Manager  
June Overholt ..... Administrative Services Director  
Zai Abu Bakar..... Community Development Director  
Heidi Meraz ..... Community Services Director  
Vacant..... Economic Development/Redevelopment Director  
Fred Mason..... Electric Utilities Director  
Jeff Stowells..... Fire Battalion Chief  
Leonard Purvis..... Police Chief  
Duane Burk..... Public Works Director

## TAG LINE

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***“Proud History, Prosperous Tomorrow”***

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## VISION STATEMENT

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*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.*

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## MISSION STATEMENT

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*Our Banning City Government is actively concerned with the quality of life offered to our citizens and is constantly striving to improve that quality by:*

- Maintaining the highest level of police, fire and paramedic services possible.
- Maintaining well-planned and safe neighborhoods for a strong community.
- Creating a downtown where you can live, work, shop and play.
- Generating new business opportunities and support existing businesses that generate jobs and revenue.
- Fostering post-high school education and training opportunities.
- Reducing traffic congestion and maintaining streets and sidewalks.
- Beautifying and keeping the city clean with landscaped corridors and gateways along with reducing all areas of blight.
- Maintaining City parks, recreation services and facilities.
- Improving airport, rail, streets and highways, and public transit uses for the betterment of the Pass Area residents and businesses.
- Supporting growth and maintenance of utilities and infrastructure to allow for responsible city growth and sustainability.
- Improving and creating safe public schools.
- Partnering and communicating with local entities.
- Celebrating the diversity that is the heritage of Banning's past and future.
- Overseeing revenue and budget expenditures that best serve the citizens of Banning.
- Promoting transparency and accountability as a requirement to good, fiscally responsible government.

## *City of Banning*

### *Historical Information*

**T**he City of Banning is strategically located in Riverside County along the route of U.S. Interstate 10 approximately 25 miles northwest of Palm Springs and 82 miles east of Los Angeles. Beautifully located in the San Geronio Pass between the two highest mountain peaks in Southern California, Banning is only minutes away from many desert and mountain resorts. One of Banning's unique characteristics is that it provides the serenity of a rural setting yet has easy access to major metropolitan areas. Its unique location is at a relatively high altitude (2,350 feet) in the pass which provides a favorable year-round climate and air quality. Its municipal boundaries encompass 22.117 square miles.



Banning has a rich and colorful history. Its first permanent landmark, an adobe house, was built on a tract of land now known as the Gilman place, in 1854. The house was used as a stagecoach station and meal stop for many years. The Colorado Stage and Express Line included Banning on its route from Los Angeles to the Colorado River in 1862, where gold had been discovered. The railroad replaced the stagecoach in 1876.

Incorporated in 1913, Banning is a general law city with a council/manager type administration. The City has five elected council members, one of which is chosen mayor by the Council. The City Manager is the Chief Administrative Officer and is appointed by the City Council.

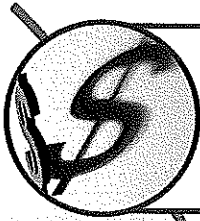
The City of Banning is a full service municipal government, which owns and operates its own electric and water utilities. It also offers its residents an airport, local police protection, municipal bus service, seven parks, a swimming complex, a seasonally operated play house bowl, as well as youth and leisure programs. Recreation opportunities are also abundant in nearby areas, which offer golfing, fishing, hiking, and equestrian trails.



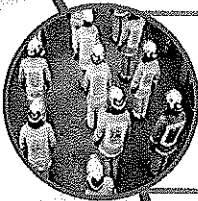


# City of Banning Goals

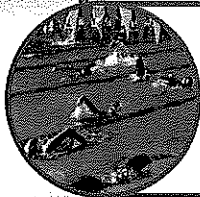
(Approved by the City Council on March 22, 2011)



**Fiscal Stability** - Achieve fiscal sustainability by managing city finances, services and assets to produce a balanced budget, to increase reserves and to maintain desired city services and facilities.



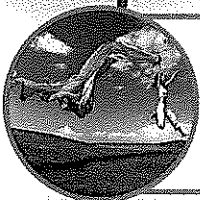
**Public Safety** - Provide police, fire and emergency services to maintain a safe and secure community.



**Infrastructure and City Facilities** - Provide infrastructure improvements needed to provide auto, bicycle and pedestrian mobility recreation opportunities, electricity, water and recycled water for the community.



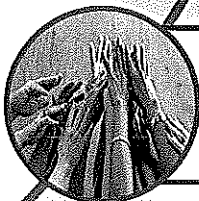
**Economic Development** - Adopt and implement marketing, investment, and planning strategies to increase Banning's tax base, provide local jobs and increase shopping, restaurants and entertainment choices for residents and visitors (provide reasons for visitors to come to Banning).



**Quality of Life** - Build and maintain a high standard of community appearance, character and livability by effective planning and code enforcement, attention to long term vision and citizen involvement and recreation facilities and services.



**Community Relations** - Implement pro-active policies and programs which enhance resident-friendly service, responsiveness, two-way communication and transparency to achieve citizen trust of and respect of and involvement in the City.



**Regional Cooperation and Partnerships** - Advocate, create and participate in regional efforts, partnerships and cooperative arrangements to assist in achieving the City's goals.



## EXECUTIVE SUMMARY

In January 2011, the City Council, City Manager and City Executive Management Team Members met in an open Strategic Planning Workshop to discuss the goals and direction of the City. At the conclusion of the workshop, the Council directed staff to begin working on a draft strategic plan. The goals identified in the workshop were brought back to council and approved on March 22, 2011.

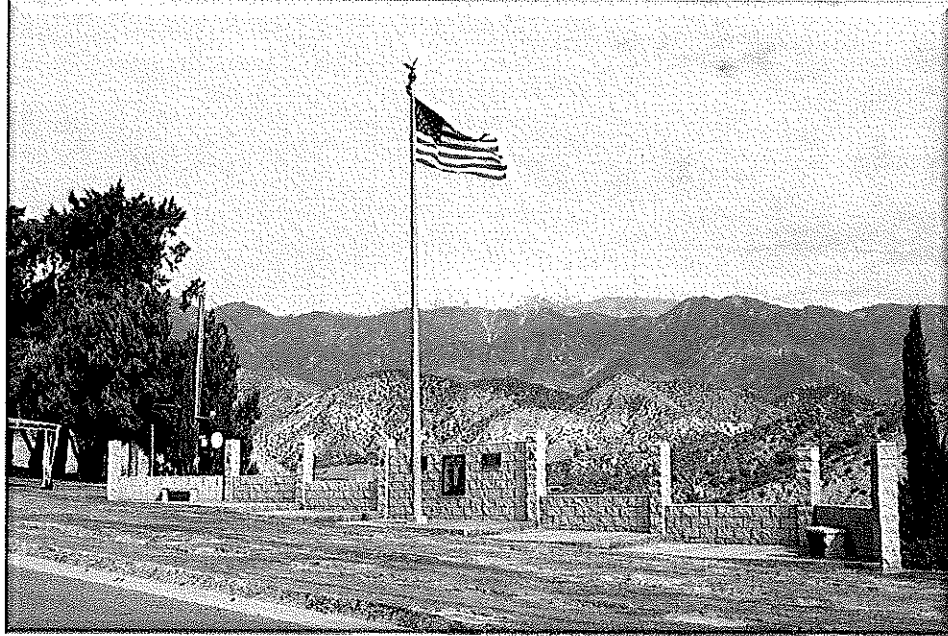
In July 2011, the City Council, City Manager and City Executive Management Team met in an open Study Session to review the draft strategic plan and comment on any changes to the draft document. As a result of the Study Session, revisions were made to the draft plan and the final document has now been compiled and is incorporated herein as Exhibit "A".

The document before you contains a number of policy initiatives identified by the City Council as well as specific goals and objectives that support these initiatives. Lastly, this document also contains milestones and information relative to progress of a certain goal and/or necessary resources needed to accomplish the same.

At this time, I would like to extend my personal gratitude to the Executive and Administrative staff whose dedication and input proved invaluable in the preparation and implementation of this plan.

Respectfully submitted,

Andy Takata  
City Manager  
City of Banning



# *City of Banning*

## *Strategic Plan*

***Action Steps / Strategic Priority***



# STRATEGIC PLAN 2011-2016



**Goal #1: FISCAL STABILITY - Achieve fiscal sustainability by managing city finances, services and assets to produce a balanced budget, to increase reserves and to maintain desired city services and facilities.**

Strategic Priority Action Steps	Dept.	Priority 1-3 (1- Highest; 3- Least Urgent)	Project Name and Description	Milestone Targets (MM/YR)	Completion Date	Necessary Resources/Additional Costs/Comments (Hours w/ Personnel or Consultant Budget where applicable)
A-1	Admin Svcs Finance	1	Balanced Budget		FY2013	Difficult to quantify. Desire is to be able to provide forecasting but not enough staffing bandwidth to accomplish.
B-1	Admin Svcs Finance	1	Revenues – Advocate against State Takeaways	Ongoing	Ongoing	Elected Officials; City Manager = Time & Travel Costs Lobbyist = Retainer
C-1	Admin Svcs Finance	1	Revenues – Increase revenue streams (address revenue leakage)	Ongoing	Ongoing	Hours = unknown; need dept. staff to create database and analyze contracts. Limited by staff reductions. Audit contracts to ensure City is collecting all \$ per terms of contracts.
D-1	Admin Svcs Finance	1	Revenue – Increase revenue streams (existing revenues)	Ongoing	Ongoing	No proactive action at this time due to lack of staffing. If dept. had a staff person, would be able to do analysis, question deviations and contact other agencies.
E-1	Admin Svcs Finance	1	Revenue – Increase revenue streams (NEW revenues)	Ongoing	Ongoing	No staff available to evaluate options and ideas.
F-1	Admin Svcs Finance	1	Expenditures – Reduce costs (employee negotiations)		Fall 2011	+/- (City Atty., Admin Svcs., Director, Deputy Human Resources Director) = negotiations time.
G-1	Admin Svcs Finance	1	Expenditures – Reduce costs (other)			Hire Finance staff person (purchasing focus). Research deals/negotiate cost reductions.
H-1	Admin Svcs Finance	2	Revenues – Fee Review	Under review	Phased Approach	Depts. currently reviewing master list; need to define strategy for revisions vs. NEW fees. Phased approach goal - gain approval of escalator index by Dec 2011. No staff available; finance hours to complete = +/- 200 hrs. depending on who is involved and continuity of project. \$ needed for consultant; OR current strategy is phased approach of utilizing an intern. Establish escalator index where allowed by Prop. 26.



# CITY OF BANNING

## STRATEGIC PLAN 2011-2016



**Goal #1: FISCAL STABILITY - Achieve fiscal stability by managing city finances, services and assets to produce a balanced budget, to increase reserves and to maintain desired city services and facilities.**

Strategic Priority Action Steps	Dept.	Priority 1-3 (1- Highest; 3- Least Urgent)	Project Name and Description	Milestone Targets (MM/YR)	Completion Date	Necessary Resources/Additional Costs/Comments (Hours w/ Personnel or Consultant Budget where applicable)
I-1	Admin Svcs Finance	2	Revenues – Fee review	Nov-11 Review of Water Fees	Winter 2013 or Spring 2014	Possible increase in Winter 2013 or Spring 2014 – Rates for utilities (water, sewer, electric) not scheduled for update since they have been recently approved. However, review of the financials, compliance with bond covenants will continue. If needed, corrective action will be recommended. All other water fees will be reviewed during the budget.
J-1	Admin Svcs Finance	2	Reserves – Update policy	Complete	June 2011	40 to 80 hours for director to analyze changes required by GASB 54, prepare staff report, etc.
K-1	Admin Svcs Finance	2	Reserves – Increase		Unknown	Ability to increase reserves is subject to a balanced budget and excess revenues.
L-1	Admin Svcs Finance	3	Enterprise Resource Planning (ERP) Software		Unknown	Staff time and consultants to conduct business process review, project development, bid requests, proposal evaluations and implementation strategies. Achieving efficiencies and functionality for staff and citizens is a high priority which may be accomplished with the exiting software or through changing the software.
M-1	Electric	2	Ongoing Electric Rate Evaluation	Ongoing	Ongoing	Utilize computer software tool developed by Navigant Consulting to determine Electric rate requirements. This evaluation is performed on a regular basis. Staff will keep Council informed of issues affecting the Electric Utility costs and potential rate impact.
N-1	Public Works	1	Submittal of Grant Applications	Ongoing		Utilize eCivis online grant management to locate information on all available grants.



# STRATEGIC PLAN 2011-2016



**Goal #2: PUBLIC SAFETY - Provide police, fire and emergency services to maintain a safe and secure community.**

Strategic Priority Action Steps	Dept.	Priority 1-3 (1- Highest; 3- Least Urgent)	Project Name and Description	Milestone Targets (MM/YR)	Completion Date	Necessary Resources/Additional Costs/Comments (Hours w/ Personnel or Consultant Budget where applicable)
A-2	Fire	1	Continue current staffing through contract with CalFire	1/1/2012	6/30/2012	Current agreement ends 2012. \$780,000 currently shared between County and Beaumont.
B-2	Fire	2	Fund inspector position	Jul-11	Jan-12	\$106,000
C-2	Fire	2	Increase staffing as city grows FYI: SQ = Paramedic Squad E = Engine 5 = 5 person staffing 4 = 4 person staffing	As growth happens	As growth happens	CFD for staffing; mitigation funds for equipment. Squad (SQ) = \$809,400 for 5 person staffing; Engine (E) = \$1,113,000; Squad (SQ) = \$650,000 for 4 person staffing; 4 person increase staffing uses a person from the current engine staffing, but this will increase OT.
D-2	Police	1	CFD's - Impact based on level of new developments.	Ongoing	Ongoing	
E-2	Police	1	Rewarding of Grants through State and Federal Programs throughout the year.	Ongoing	Ongoing	Continue to seek federal grants.
F-2	Police	1	Sign new contract with BUSD for High School SRO for FY2011-12	July-11	6/30/2010 (FY10-11)	School funded positions
G-2	Police	1	Continue to make our community the safest as possible. As the population grows, strive to keep the violent and property crimes down.	Ongoing Annually	Ongoing	Banning continues to be a safe place to live based on the annual reports of crime. Annual violent crime decreases since 2007. Annual property crime decreases since 2006.
H-2	Police	2	Morongo Agreement	Ongoing	Ongoing	
I-2	Police	3	Influence perceptions (increase awareness of low crime rates)/interaction with Press to manage positive articles, etc.)	Ongoing	Ongoing	Police Admin Staff - Coordinate community meetings. CM/Police Chief/Admin Staff - Meet with Press to produce positive articles, etc.



# CITY OF BANNING

## STRATEGIC PLAN 2011-2016



**Goal #3: INFRASTRUCTURE AND CITY FACILITIES - Provide infrastructure improvements needed to provide auto, bicycle and pedestrian mobility recreation opportunities, electricity, water and recycled water for the community.**

Strategic Priority Action Steps	Dept.	Priority 1-3 (1-Highest; 3-Least Urgent)	Project Name and Description	Milestone Targets (MM/YR)	Completion Date	Necessary Resources/Additional Costs/Comments (Hours w/ Personnel or Consultant Budget where applicable)
A-3	Comm. Develop.	1	Amendment to the General Plan Circulation Element	Jul-11	Jul-12	\$200,000 – Consultant costs; cost estimates to amend the Level of Service (LOS) standards and deletion of Highland Home Road from the Circulation Element. Overlap with Public Works.
B-3	Comm. Develop.	2	Amendment to the General Plan Parks and Recreation Element to correspond with the adoption of the current Parks Master Plan.	Jul-11	Dec-11	Using internal staff which is already budgeted in the current and next fiscal year. Will need to take another General Plan Amendment to ensure that the City is keeping with the maximum 4 amendments per year.
C-3	Electric	2	Update Electric Utility 10-Year Master Plan	Jul-12	Dec-12	Consultant budget \$120,000. Will also require assistance from Electric Utility personnel. The consultant cost estimate is based on the previous Master Plan, which was completed in 2004. Actual cost may be higher.
D-3	Fire	1	Retain Engine 20	Jul-11	Jan-12	\$35,500; approximate annual cost.
E-3	Public Works	1	Restoration of the Whitewater Diversion Pipeline Flume	Dec-14	2015	10% of total costs of repairs (unknown)
F-3	Public Works	1	Irrigation Water System. Phase 1 of the recycled water system (Design only)	Dec-11	2012	Completed in 2011 for Phase 1 – Segment A.
G-3	Public Works	1	Improvements to the Existing Wastewater Treatment Plant	Ongoing	Ongoing	2011 Design complete and modification to scalping plant idea.
H-3	Public Works	1	Continual discussion regarding the Recycled Water Plant	Dec-12	Ongoing	2011 – Funding available Council approval needed.
I-3	Public Works	1	SB-821 Grant Submittal	Mar-11	Apr-11	30 hours; complete/pending results.
J-3	Public Works	1	Annual Street Overlay Project	Sep-11	Jan-12	Measure "A" (RAC Grant rubberized asphalt)
K-3	Public Works	1	Sunset Avenue Grade Separation	Dec-12	Dec-14	CFD/AD needed for add'l. 10 mil. (\$20 mil. in hand via grant)
L-3	Public Works	1	Courthouse Infrastructure	Sep-11	Feb-12	Project out to bid
M-3	Public Works	1	Joshua Palmer	Sep-11	Dec-12	Cooperation w/ other agencies required; private funding.
N-3	Public Works	2	Annual Waterline Replacement Program. Replacement of various waterlines within the City.	Jan-12	Ongoing	Completed 2011; new design would go out 2011-12.

2013



# CITY OF BANNING

## STRATEGIC PLAN 2011-2016



**Goal #3: INFRASTRUCTURE AND CITY FACILITIES - Provide infrastructure improvements needed to provide auto, bicycle and pedestrian mobility recreation opportunities, electricity, water and recycled water for the community.**

Strategic Priority Action Steps	Dept.	Priority 1-3 (1-Highest; 3-Least Urgent)	Project Name and Description	Milestone Targets (MM/YR)	Completion Date	Necessary Resources/Additional Costs/Comments (Hours w/ Personnel or Consultant Budget where applicable)
O-3	Public Works	2	Supervisor Control Data Acquisition (SCADA) System. Replacement of existing system to manage water production and reliability.	Jan-12	2014	Funding unknown; design.
P-3	Public Works	2	Airport	June-11	June-11	2011 AWOS System complete; 2011-12 Taxi-way modifications awaiting FAA approval.
Q-3	Public Works	2	Banning Water Canyon Replacement Phase 1. Replacement of transmission waterline which supplies the majority of the City's water.	Jan-12	2015	Apply SRF
R-3	Public Works	3	Sun Lakes Blvd. (Extension to Westward)		Unknown	No Funding
S-3	Public Works	3	Pre-Amps at Signals (Highland Springs)		Unknown	No Funding
T-3	Public Works	3	Golf Carts	Unknown	Unknown	No Funding (contingent upon right-of-way, vehicle code changes and funding).



# CITY OF BANNING

## STRATEGIC PLAN 2011-2016



**Goal #4: ECONOMIC DEVELOPMENT** - Adopt and implement marketing, investment, and planning strategies to increase Banning's tax base, provide local jobs and increase shopping, restaurants and entertainment choices for residents and visitors (provide reasons for visitors to come to Banning).

Strategic Priority Action Steps	Dept.	Priority 1-3 (1-Highest; 3-Least Urgent)	Project Name and Description	Milestone Targets (MM/YR)	Completion Date	Necessary Resources/Additional Costs/Comments (Hours w/ Personnel or Consultant Budget where applicable)
A-4	Comm. Develop.	2	Inventory of vacant commercial and industrial properties in the City and making it available on the City's website.	Complete	May 2011 + semi-annual updates	.25 person/\$15,000. The inventory is published on the City's website. The cost relates to continuing updates and working with relators/brokers and property owners.
B-4	Comm. Develop.	2	Improvements to the City's website for marketing purposes.	Jul-11	Monthly Update	.25 person/\$15,000. This includes initial redesign and ongoing updates.
C-4	Comm. Develop.	3	Business Retention and Expansion Survey	May-11	Dec-11	Using Economic Development Committee to do initial contacts with businesses.
D-4	Comm. Develop.	3	ICSC Membership for 2 attendees for attendance at 2 ICSC events.	May/Sep Annually	Same as milestone	TBD
E-4	Comm. Develop.	1	Economic Development Plan	TBD	TBD	New Director position to be filled -- recruitment/interviews in progress. Action steps to be added at a later date as part of bringing a Strategic Plan update to City Council (every 6 months).
F-4	Comm. Develop.	1	Hire an Economic Development/Redevelopment Director	Jul-11	Dec-11	\$216,246.20 annually; recruitment in progress.
G-4	Comm. Develop.	1	Economic Development Brochure and Marketing Packet	Apr-11	Complete	
H-4	Electric	1	Promote Electric Utility Incentives for Large Commercial customers and Existing Large Commercial customers that expand their business.	Ongoing	Ongoing	The Electric Utility implemented two new programs (Economic Dev. Rate Program and the Business Retention Rate Program) to attract new large commercial customers and retain existing customers.



# CITY OF BANNING

## STRATEGIC PLAN 2011-2016



**Goal #5: QUALITY OF LIFE - Build and maintain a high standard of community appearance, character and livability by effective planning and code enforcement, attention to long term vision and citizen involvement and recreation facilities and services.**

Strategic Priority Action Steps	Dept.	Priority 1-3 (1- Highest; 3- Least Urgent)	Project Name and Description	Milestone Targets (MM/YR)	Completion Date	Necessary Resources/Additional Costs/Comments (Hours w/ Personnel or Consultant Budget where applicable)
A-5	Comm. Develop.	1	Continue to build attractive and walkable Downtown.	Ongoing as part of land develop.	Ongoing as part of land develop.	Utilize existing staff; done as part of development review and verify during construction. Multi-tenant commercial development must have property management to ensure the ongoing maintenance of properties.
B-5	Comm. Develop.	2	Effective planning	Jan-12	Ongoing	\$65,000 for an assistant planner; cost will be shown in the budget and is also indicated in the row labeled "encourage new residential development". An additional planner is needed to provide and improve customer service to "mom and pop" developers who are not as familiar with development regulations, including state and environmental laws.
C-5	Comm. Develop.	1	Establish priorities for Code Enforcement (communicate with residents, be pro-active)	Jun-11	Ongoing	Use existing staff plus an additional officer = \$70,000 (salary + benefits) for enhanced code enforcement; for pro-active code enforcement - need 1 more code officer.
D-5	Comm. Develop.	3	Art in Public Places	Ongoing	Ongoing	Ongoing as part of land development - Due to budget constraints and reduced staffing, this item shall be limited to a Downtown only focus at this time. We cannot accomplish the full citywide implementation with our current staffing. Art in Public Places is required only in the Downtown Commercial District. Staff is to develop policies and standard criteria.
E-5	Comm. Develop.	3	Encourage new residential development	Jun-12	Ongoing	\$65,000 (salary + benefits) for an assistant planner. Please Note: This is the same position as listed above (A-5 & B-5).
F-5	Comm. Svcs.	3	Long term vision for Community Services Department (Involvement, Facilities and Programs).	Midyear Budget Review	FY12-13	\$78,000 (Salary & Benefits) - Annual cost for the creation of a Recreation Manager position. Staff and P&R Commission can begin working on this using the updated master plan. Moved to priority level 3 - cannot recommend unless programs pay to fund this position. Staffing priorities and implementation to be reviewed.
G-5	Comm. Svcs.	2	Marketing & Development of Programs	TBD	TBD	TBD

506



# STRATEGIC PLAN 2011-2016



**Goal #5: QUALITY OF LIFE - Build and maintain a high standard of community appearance, character and livability by effective planning and code enforcement, attention to long term vision and citizen involvement and recreation facilities and services.**

Strategic Priority Action Steps	Dept.	Priority 1-3 (1- Highest; 3- Least Urgent)	Project Name and Description	Milestone Targets (MM/YR)	Completion Date	Necessary Resources/Additional Costs/Comments (Hours w/ Personnel or Consultant Budget where applicable)
H-5	Electric	2	Downtown Electric Underground Project	Jun-11	Dec-13	Cost for this project is estimated at \$2.8 mil. This project will help clean up the Downtown Corridor and make it more attractive to potential Commercial customers.
I-5	Fire	2	Fund Inspector (this is listed on Goal #2 but will also apply to Goal#5)			Listed in Goal#2 (to avoid duplication there is no cost shown w/ Goal#5). Inspecting all public buildings can improve this goal.
J-5	Public Works	2	City Monuments	2012	2012	No Funding
K-5	Public Works	2	Repplier Park Bowl	Jun-11	Jun-11	Grant Prop. 84 and CDBG application in process. Otherwise, no funding.
L-5	Public Works	3	Roosevelt Williams Park	2011	2012	No funding – dependent upon outcome of redevelopment elimination.

# CITY OF BANNING

## STRATEGIC PLAN 2011-2016



**Goal #6:** - Implement pro-active policies and programs which enhance resident-friendly service, responsiveness, two-way communication and transparency to achieve citizen trust and respect of involvement in the City.

Strategic Priority Action Steps	Dept.	Priority 1-3 (1- Highest; 3- Least Urgent)	Project Name and Description	Milestone Targets (MM/YR)	Completion Date	Necessary Resources/Additional Costs/Comments (Hours w/ Personnel or Consultant Budget where applicable)
A-6	Comm. Develop.	2	Community Forums and Meetings	Ongoing	Ongoing	Utilize existing staff; this is to be done in conjunction with land development or general plan amendment of specific issues that are of citywide or of neighborhood concern.
B-6	Electric	2	Utility Customer Service Software and Phone Systems.	Ongoing	Dec-12	The Electric Utility will continue to work with the Finance Dept. to fully utilize the existing systems, while looking at the feasibility of implementing new more effective systems.
C-6	Public Works	1	Effective Management of Waste Management	Ongoing	Ongoing	Utilize existing staff/continual communications and coordination with Waste Management, etc.



# CITY OF BANNING

## STRATEGIC PLAN 2011-2016



**Goal #7: REGIONAL COOPERATION AND PARTNERSHIPS - Advocate, create and participate in regional efforts, partnerships and cooperative agreements to assist in achieving the City's Goals.**

Strategic Priority Action Steps	Dept.	Priority 1-3 (1-Highest; 3-Least Urgent)	Project Name and Description	Milestone Targets (MM/YR)	Completion Date	Necessary Resources/Additional Costs/Comments (Hours w/ Personnel or Consultant Budget where applicable)
A-7	Comm. Develop.	3	SCAG – Activities	Ongoing	Ongoing	0.25 persons (or \$20,000) to monitor SCAG activities. Cost sharing as part of an Assistant Planner position.
B-7	Electric	2	Participation in Electric Industry organizations that benefit the City (SCPPA, CMUA, APPA, WUC, etc.)	Ongoing	Ongoing	Approximately 680 man-hours per year are spent participating in Electric industry organizations. The City obtains a tremendous ROI on our participation in the SCPPA and CMUA organizations. Staff will continue to maximize this benefit.
C-7	Fire	2	Regional Fire Costs	Jul-11	Jul-12	Pass Area Cities and County. Unknown cost – Banning is currently receiving funding from the County and Beaumont. Banning will be asked for funds under the regional concept.
D-7	Public Works	1	Member of Riverside Council of Governments Solid Waste Technical Committee	Bi-monthly Mtgs.	Bi-monthly Mtgs.	\$3,900 annually – Funded.
E-7	Public Works	1	Member of the Western Riverside Council of Governments Public Works Committee (TAC TUMF participation)	Monthly Meetings	Monthly Meetings	Staff time to attend meetings.
F-7	Public Works	1	Imported Water Meeting, discussion of delivery in regards to State Project Water.	Monthly	Monthly	\$5,400 Annually
G-7	Public Works	1	Watermaster, development of Beaumont management zone.	Qtrly. Meetings	Qtrly. Meetings	Staff time to attend meetings.
H-7	Public Works	2	Member of Western Riverside County Clean Cities Coalition	Monthly Meetings	Monthly Meetings	\$6,000 annually – Funded.
I-7	Public Works	2	Desert Task Force, discussion on updates/revisions to the City's Stormwater Discharge Permits.	Monthly	Monthly	\$12,000 Annually; total = \$24,000 annually for permit.
J-7	Public Works	3	Inland County Water Agencies, discussion of water issues within the county and agencies.	Monthly	Monthly	\$1,300 Annually

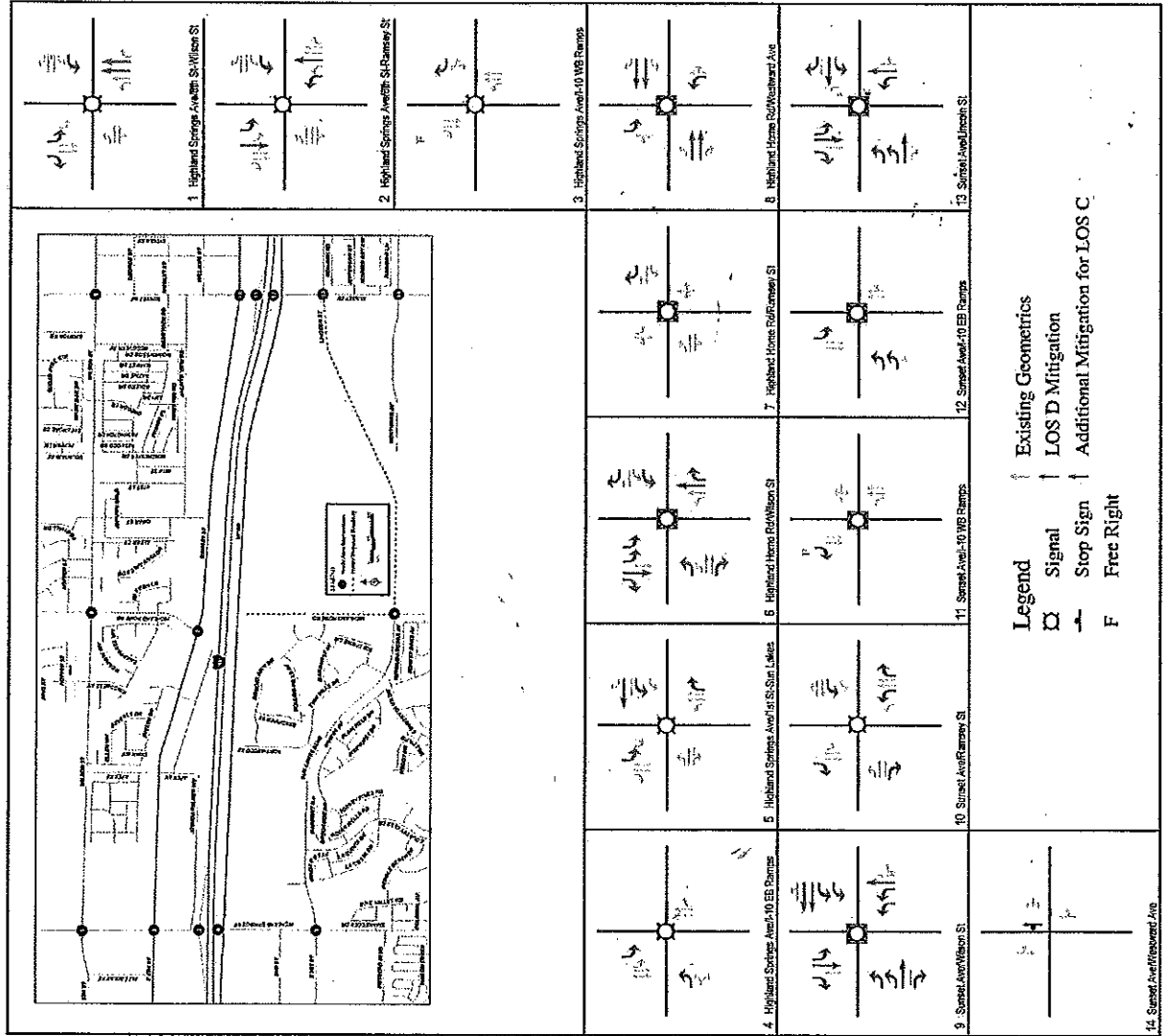




**Exhibit "D"**

**Intersection Analyzed for the Change in LOS C to D**

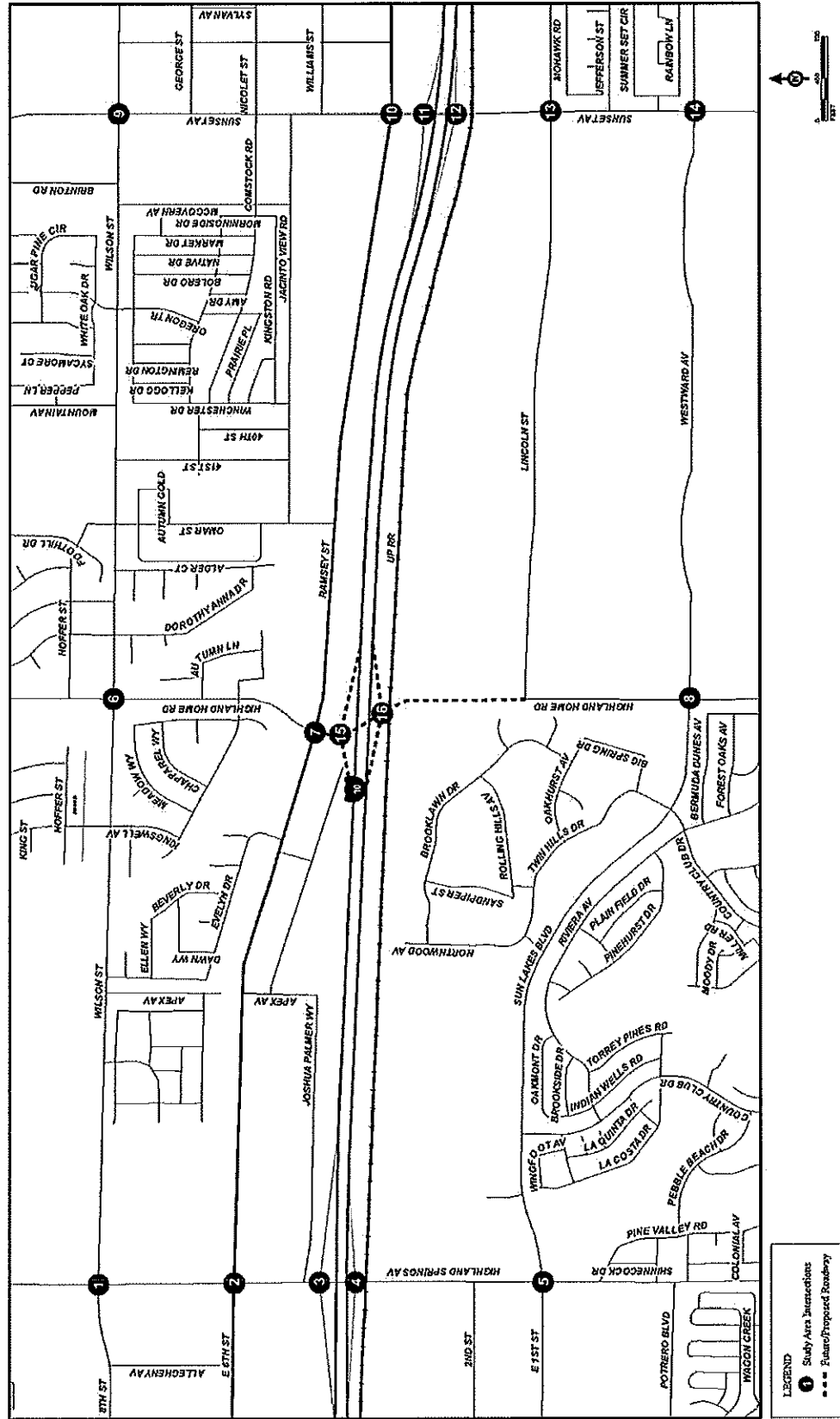
# GP IMPROVEMENTS WITHOUT INTERCHANGE



**Exhibit "E"**

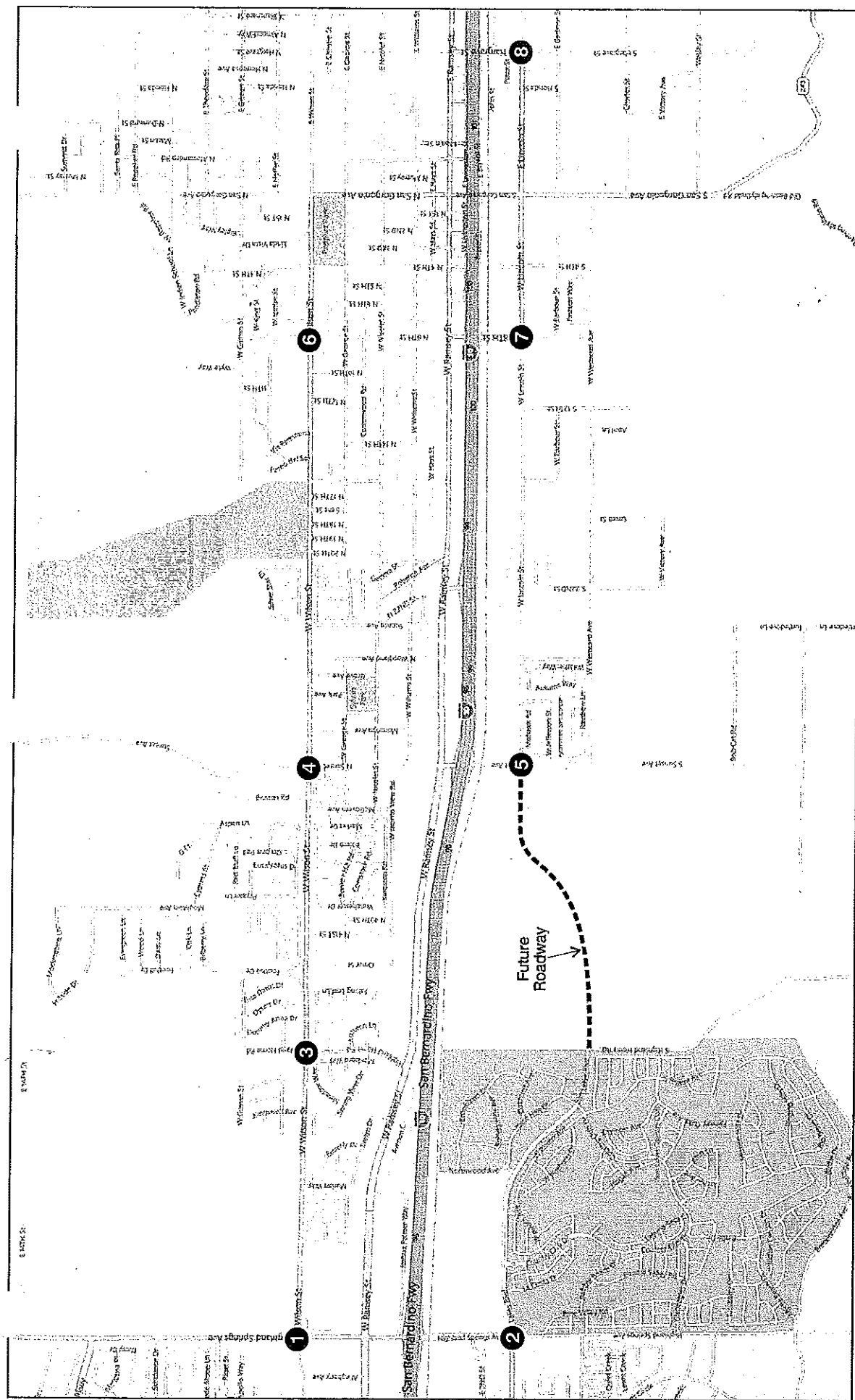
**Intersection Analyzed for the removal of Highland Home Road Interchange at I-10**

# STUDY AREA INTERSECTIONS FOR GPA REMOVAL OF I-10/HIGHLAND HOME ROAD INTERCHANGE



**Exhibit "F"**

**Combined results of the improvements from the change in LOS from C to D  
and removal of Highland Home Road**



**LSA**

## LEGEND

③ - Study Area Intersection

--- Future General Plan Roadway

## LOS Study Area Intersections

**Exhibit "G"**

**Draft Environmental Impact Report**

**(Submitted under separate cover)**



**Exhibit “H”**

**Final Environmental Impact Report**

**(Submitted under separate cover)**

**Exhibit "I"**

**Errata sheet responding to comments from SCAQMD**

## PAGE 4.6-8 OF THE DRAFT EIR

*The text under the subsection entitled Southern California Association of Governments in Section 4.6, Transportation and Circulation of the Draft EIR was updated to state that the current conforming RTP is 2012 and not 2008. This change was made in response to comments received from SCAQMD. This change to the Draft EIR does not result in a significant impact and has no material effect on the findings of the EIR.*

**Southern California Association of Governments.** The 2012 RTP ~~has been~~ adopted by SCAG on April 4, 2012, and is ~~expected~~ was determined as conforming by the Federal Highway Administration (FHWA) and the Federal Transportation Administration (FTA) ~~by on June 4, 2012.~~ Therefore However, the current conforming RTP adopted by SCAG ~~remains~~ is the 2012~~08~~ RTP. ~~On May 8, 2008, the SCAG Regional Council adopted the 2008 Regional Transportation Plan (RTP).~~ The 2012~~08~~ RTP emphasizes the importance of system management, goods movement, and innovative transportation financing. The ~~201208~~ RTP strives to provide a regional investment framework to address the region's transportation and related challenges. It also looks to strategies that preserve and enhance the existing transportation system and integrate land use into transportation planning. The ~~201208~~ RTP includes goals and policies applicable to transportation.

The 2012 ~~Draft~~ RTP identifies the transportation vision for the region through 2035 and provides a long-term investment framework for addressing the region's transportation and related challenges. The plan is a balanced approach that focuses future investments on the best-performing projects and strategies that seek to preserve, maintain, and optimize the performance of the existing system. The 2012 ~~Draft~~ RTP includes goals and policies applicable to transportation. However, as stated above, the I-10/Highland Home Road interchange is not included in any long-range freeway planning studies by SCAG.

## FIGURES 3.3 AND 4.6-1 OF THE DRAFT EIR

The graphic for Figures 3.3 and 4.6-1 were updated to include the most current circulation map for the City of Banning's General Plan, which was adopted by the City in January 2006. Changes in the 2006 General Plan circulation map are minor, were not used for the purposes of evaluating traffic impacts in this EIR, and do change any conditions therein. Therefore, these changes to the Draft EIR do not result in a significant impact and have no material effect on the findings of the EIR.

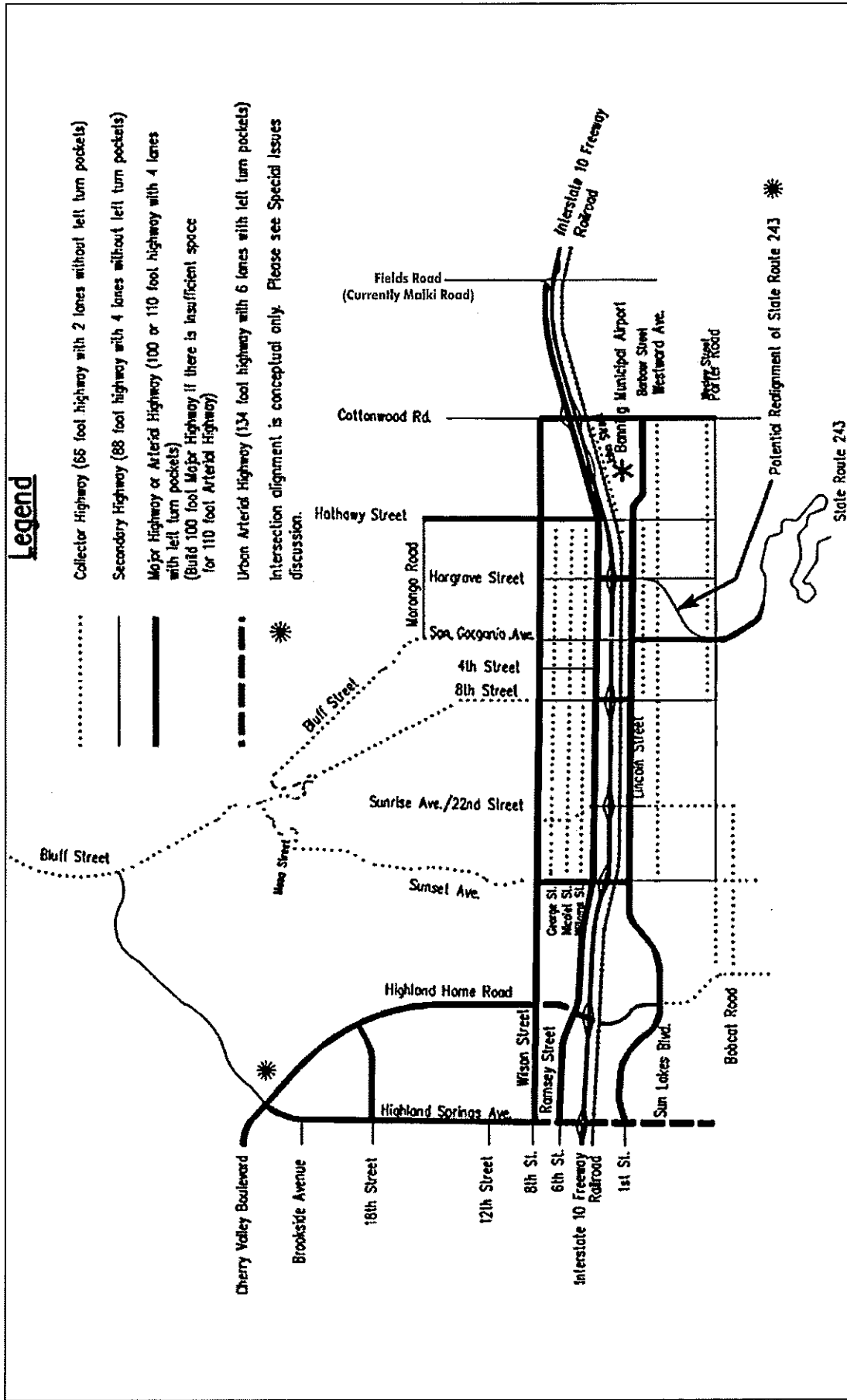


FIGURE 3.3

City of Banning Circulation Element  
General Plan Amendment  
Existing General Plan Street System

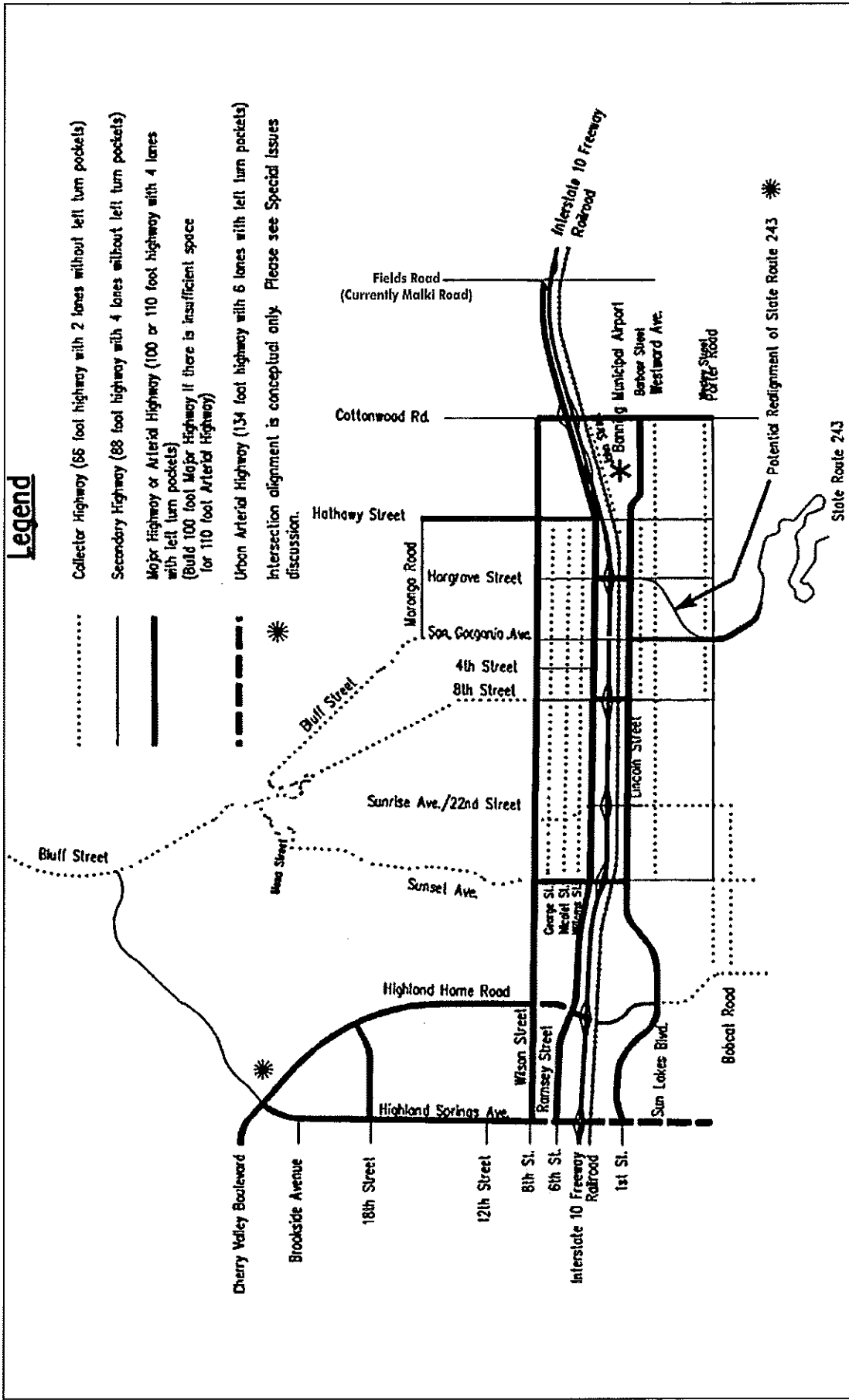


FIGURE 4.6-1

City of Banning Circulation Element  
General Plan Amendment  
Existing General Plan Street System

## MITIGATION MONITORING AND REPORTING PROGRAM

### MITIGATION MONITORING REQUIREMENTS

PRC Section 21081.6 (enacted by the passage of Assembly Bill 3180) mandates that the following requirements shall apply to all reporting or mitigation monitoring programs:

- The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the Lead Agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.
- The Lead Agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.
- A public agency shall provide the measures to mitigate or avoid significant effects on the environment that are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or in the case of the adoption of a plan, policy, regulation, or other project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.
- Prior to the close of the public review period for a draft environmental impact report (EIR) or mitigated negative declaration (MND), a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall either submit to the Lead Agency complete and detailed performance objectives for mitigation measures which would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, or refer the Lead Agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to a Lead Agency by a responsible agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures which mitigate impacts to resources which are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance by a responsible agency or agency having jurisdiction over natural resources affected by a project with that requirement shall not limit that authority of the responsible agency or agency having jurisdiction over natural resources affected by a project, or the authority of the Lead Agency, to approve,

condition, or deny projects as provided by this division or any other provision of law.

A Mitigation Monitoring and Reporting Program was not prepared for this project because no significant environmental impacts would result from implementation of the proposed project.



**Exhibit "J"**

**March 15, 2013 Notice Published in the Record Gazette**



99 E. Ramsey Street  
Banning, California 92220  
Mailing Address: P.O. Box 998  
Phone: 951 922-3125  
Fax: 951 922-3128

**CITY COUNCIL PUBLIC HEARING NOTICE**  
**AND**  
**NOTICE OF AVAILABILITY OF FINAL EIR**

Notice is hereby given that the City of Banning City Council will consider the following item(s):

**CASE(S):** The City of Banning is proposing to amend the General Plan Circulation Element. The proposed General Plan Amendment (GPA) includes a change to the acceptable Level of Service (LOS) for roadway operating conditions from LOS C to LOS D. Additionally, the City is proposing to remove Highland Home Road Interchange from the City's Circulation Element.

**PROJECT NAME:** City of Banning Circulation Element General Plan Amendment

**APPLICANT:** City of Banning  
Community Development Dept.  
99 East Ramsey Street  
Banning, CA 92220

The Final Environmental Impact Report (FEIR) on the above-indicated case has been completed and is available for public review. The potential environmental impacts associated with the project were evaluated in a Draft Environmental Impact Report (DEIR) (SCH No. 2012011008), which was circulated for public review from September 21 to November 5, 2012. Comments received on the DEIR have been addressed in a FEIR, which is available for public review beginning on January 25, 2013. The complete FEIR consists of two volumes. The first volume is the DEIR and the second volume is the response to comments on the DEIR. An errata is provided in the second volume to address any changes warranted in the DEIR.

**PROPOSAL:** The City of Banning is proposing to amend the General Plan Circulation Element. The General Plan Amendment (GPA) would include two components: a policy change to the acceptable Level of Service (LOS) for roadway operating conditions from LOS C to LOS D throughout the City; and the removal of Highland Home Road Interchange from the City's Circulation Element.

**LOCATION:** The project is located in the City of Banning (City). The City is located in the San Geronio Pass area and is served by Interstate 10 (I-10) as well as a network of arterial roadways and local streets. I-10 is an eight-lane divided freeway that runs through Banning, bisecting it into south and north communities. Malki Road (formerly Fields Road), Ramsey Street, Hargrave Street, 8th Street, 22nd

Street, Sunset Avenue, and Highland Springs Avenue are the access streets that provide interchange access to I-10.

**DOCUMENT REVIEW:** The Final EIR may be reviewed at the City of Banning Community Development Department's website <http://www.ci.banning.ca.us/>.

**PUBLIC HEARING:** The FEIR and the proposed project will be considered during the City of Banning City Council hearing scheduled on **March 26, 2013 at 5:00 p.m.** at which time the City Council may make recommendation to the City Council for its action. Any person affected or concerned by this application may submit written comments to the Office of the City Clerk before the City Council hearing. At the time of the public hearing, any person may appear and be heard in support of or opposition to the project.

Any person challenging this project in court, may be limited to raising only those issues identified at the public hearing described in this notice or in writing delivered to the City of Banning Community Development Department prior to the public hearing.

**City of Banning  
City Council Meeting**

**COUNCIL CHAMBERS  
CITY HALL  
99 East Ramsey Street  
Banning, California 92220**

**Date & Time:** March 26, 2013 at 5:00 p.m.  
**Project Manager:** Zai Abu Bakar  
**Phone:** (951) 922-3131

**Si necesita un interprete por favor llamenos al  
(951) 922-3131**