

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

836



FORM APPROVED COUNTY COUNSEL
 BY: JAMES L. BROWN
 DATE: 11/15

FROM: Economic Development Agency

SUBMITTAL DATE:
November 5, 2015

SUBJECT: First and Second Amendment to Lease, Probation Department, City of Banning; District 5, Resolution No. 2015-247 Making Responsible Agency CEQA Findings [\$979,957], General Fund 87%; CCPIA 6.5%; AB109 6.5%

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2015-247 Making Responsible Agency Findings Pursuant to the California Environmental Quality Act, Adopting A Mitigation Monitoring And Reporting Program, And Issuing Certain Limited Approvals for the Project;
2. Ratify and Approve that certain First Amendment to Lease between the County of Riverside ("County") and Banning Office Venture, LLC ("Lessor") and authorize the Chairman of the Board to execute the same on behalf of the County;

(Continued)

FISCAL PROCEDURES APPROVED
PAUL ANGULO, CPA, AUDITOR-CONTROLLER
 BY: Susana Garcia-Bocanegra
 Susana Garcia-Bocanegra

Robert Field
 Robert Field
 Assistant County Executive Officer/EDA

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ (362,170)	\$ (490,136)	\$ 979,957	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ (315,088)	\$ (426,419)	\$ 852,562	\$ 0	
SOURCE OF FUNDS: General Fund 87%; CCPIA 6.5%; AB109 6.5%				Budget Adjustment: No	
				For Fiscal Year: 2014/15-23/24	

C.E.O. RECOMMENDATION: Direct EDA to prepare a summary of all long-term leases under consideration.

APPROVE
 BY: Rohini Dasika
 Rohini Dasika

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

By: Mark A. Hake
 Mark A. Hake
 Chief Probation Officer

- A-30
- 4/5 Vote
- Positions Added
- Change Order

3-9

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

Economic Development Agency

FORM 11: First and Second Amendment to Lease, Probation Department, City of Banning; District 5, Resolution No. 2015-247 Making Responsible Agency CEQA Findings, [\$979,957], General Fund 87%; CCPIA 6.5%; AB109 6.5%

DATE: November 5, 2015

PAGE: 2 of 4

RECOMMENDED MOTION: (Continued)

3. Approve that certain Second Amendment to Lease between the County and Lessor and authorize the Chairman of the Board to execute the same on behalf of the County; and
4. Direct the Clerk of the Board to file the Notice of Determination with the County Clerk within five (5) days of approval by the Board.

BACKGROUND:

Summary

The Probation Department currently occupies approximately 2,737 square feet of office space in the county owned facility located at 135 Alessandro Road in the City of Banning. The current space only accommodates 15 staff without the necessary testing and training space to provide adequate programs and services to the offender population in the area. In addition, there is no space for expansion to accommodate growth in staffing and caseloads resulting from implementation of new programs and services. Currently, it has been determined that there is no suitable County owned space in the Banning area to meet this requirement.

The Probation Department contacted the Real Estate Division of the Economic Development Agency and the Real Estate Division issued a Request for Proposal for available office space in the City of Banning and received submittals from area landlords and developers. After review of proposals submitted, the developer, Banning Office Ventures, LLC, was selected to develop a new office facility for lease and use by the Probation Department. The new 15,432 square foot facility will accommodate up to 30 staff, and will include a testing restroom, interview rooms, break room, and training room. The current space is 2,737 square feet, and only accommodates 15 staff without the necessary testing and training space to accommodate the growing needs of the Probation Department. The new office project, the Village at Paseo San Gorgonio, a multi-tenant office and retail project on Ramsey Street across from city hall, will be in close proximity to the new State of California Courthouse located on the north side of Ramsey Street. The new six room courthouse opened in March of 2015.

Due to a change in the partnership structure with the developer, the project has been delayed. The First Amendment to Lease was executed for the purpose of extending the project timeline to April 1, 2016. The purpose of this Form 11 is to formally ratify the First Amendment to Lease, and approve the Second Amendment to Lease which provides for an additional extension to the project timeline and a final project completion and lease commencement date of December 1, 2016. The Lease will be amended to reflect the revised commencement date. The reason for this delay is due to a change in the partnership structure of the Developer.

The current lease agreement requires an amendment to provide for a revised lease commencement date based upon the new estimated project completion date of December 1, 2016. The Lease will be amended to reflect the new revised commencement date and will include \$119,700 of cost for RCIT services.

The proposed action consists of making certain limited approvals associated with the Village at Paseo San Gorgonio Project ("Project"). The County, as a CEQA responsible agency, would approve those certain First and Second Amendments to Lease between the County of Riverside and Banning Office Venture, LLC to implement a portion of the Project. CEQA Guidelines Section 15096 requires the County, as a responsible agency, to consider the environmental documents adopted by the lead agency and make certain findings pursuant to State CEQA Guidelines Section 15091.

(Continued)

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Economic Development Agency

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DATE: November 5, 2015

PAGE: 3 of 4

BACKGROUND:

Summary (Continued)

As indicated in Resolution No. 2015-247, the County adopts the required findings and mitigation measures in its limited role as a responsible agency under CEQA. The proposed action is solely the lease amendments between the County and Banning Office Venture, LLC. The City of Banning previously adopted an Initial Study/Mitigated Negative Declaration (SCH#2011031076) and Resolution No. 2011-44 on May 24, 2011 approving the project known as the Village at Paseo San Gorgonio.

The Resolution No. 2015-247, the First and Second Amendment to Lease has been approved as to form by County Counsel.

The lease agreement is summarized below:

Location:	270 E. Ramsey Street Banning, California 92220
Lessor:	Banning Office Venture, LLC
Size:	15,432 square feet
Term:	Seven years, anticipated commencement December 1, 2016
Option to Extend:	One, five-year option
Rent:	\$2.51 per sq. ft. \$38,734.32 per month \$464,811.84 per year
Rent Increases:	Two percent annually
Utilities:	Provided and paid for by Lessor, County pays telephone
Custodial:	Provided and paid for by Lessor
Interior/Exterior Maintenance:	Provided and paid for by Lessor
Improvements:	Provided and paid for by Lessor

(Continued)

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

Economic Development Agency

FORM 11: First and Second Amendment to Lease, Probation Department, City of Banning; District 5, Resolution No. 2015-247 Making Responsible Agency CEQA Findings, [\$979,954], General Fund 87%; CCPIA 6.5%; AB109 6.5%

DATE: November 5, 2015

PAGE: 4 of 4

Impact on Citizens and Businesses

The project will result in the construction of a modern and new office facility to be located across the street from the newly constructed State Courthouse and on the site of a blighted former restaurant. The construction of the facility will provide much needed temporary construction jobs and once constructed the facility will house 30 permanent Probation staff which will provide an economic impact to area business.

SUPPLEMENTAL:

Additional Fiscal Information

See attached Exhibits A, B & C

Contract History and Price Reasonableness

The original Lease was entered into on January 28, 2014, but due to a change in the developer partnership structure, the construction has been delayed. The lease rate has not changed due to the delay in delivery of the facility. The lease rate is deemed to be a competitive lease rate for a new building in the Banning market.

Attachments:

Resolution No. 2015-247

First Amendment to Lease

Second Amendment to Lease

Notice of Determination

Aerial Image

Exhibit A

FY 2014/15

Banning Probation Lease 1st/2nd Amendment

270 E. Ramsey Street, Banning, CA

Total Square Footage to be Leased:

Current Office: 15,432 SQFT

Approximate Cost per SQFT (Oct - June)

Lease Cost per Month (Oct - June)

Total Lease Cost (Oct - June)

Total Lease Cost FY 2014/15

Additional Costs:

EDA Lease Management Fee - 3.89%

Total Amount Previously Approved Lease Agreement

Total Amount Previously Approved Lease Agreement 87% County Cost

<i>Amended FY14/15 for 1st & 2nd Lease Ammendment</i>	\$	0
Amended Total FY 2014/15 Savings	\$	(362,170)
Amended County Cost Savings 87%	\$	(315,088)

Exhibit B

FY 2015/16

**Banning Probation Lease 1st/2nd Amendment
270 E. Ramsey Street, Banning, CA**

Total Square Footage to be Leased:

Current Office: 15,432 SQFT

Cost per SQFT (July - Sept)
Cost per SQFT (Oct - June)

Lease Cost per Month (July - Sept)
Lease Cost per Month (Oct - June)

Total Lease Cost (July - Sept)
Total Lease Cost (Oct - June)

Total Lease Cost for FY 2015/16

Additional Costs:

EDA Lease Management Fee - 3.98%

Total Cost For FY 2015/16
Total County Cost 87%

<i>Amended FY15/16 for 1st & 2nd Lease Ammendment</i>	\$	0
Amended Total FY 2015/16 Savings	\$	(490,136)
Amended County Cost Savings 87%	\$	(426,419)

Exhibit C

FY 2016/17 to FY 2023/24
 Banning Probation Lease 1st/2nd Amendment
 270 E. Ramsey Street, Banning, CA

ESTIMATED AMOUNTS

Total Square Footage to be Leased:

Current Office:

15,432 SQFT

	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24	Total
Approximate Cost per SQFT (July - Nov) 1st/2nd Amendment		\$ 2.51	\$ 2.56	\$ 2.61	\$ 2.66	\$ 2.72	\$ 2.77	\$ 2.83	
Approximate Cost per SQFT (Dec- June) 1st/2nd Amendment	\$ 2.51	\$ 2.56	\$ 2.61	\$ 2.66	\$ 2.72	\$ 2.77	\$ 2.83	\$ -	
Lease Cost per Month (July - Nov) 1st/2nd Amendment	\$ -	\$ 38,734	\$ 39,509	\$ 40,299	\$ 41,105	\$ 41,927	\$ 42,766	\$ 43,621	\$ 287,962
Lease Cost per Month (Dec - June) 1st/2nd Amendment	\$ 38,734	\$ 39,509	\$ 40,299	\$ 41,105	\$ 41,927	\$ 42,766	\$ 43,621	\$ -	\$ 287,962
Total Lease Cost (July - Nov) 1st/2nd Amendment	\$ -	\$ 193,672	\$ 197,545	\$ 201,496	\$ 205,526	\$ 209,636	\$ 213,829	\$ 218,106	\$ 1,439,810
Total Lease Cost (Dec - June) 1st/2nd Amendment	\$ 271,140	\$ 276,563	\$ 282,094	\$ 287,736	\$ 293,491	\$ 299,361	\$ 305,348	\$ -	\$ 2,015,733
Total Estimated Lease Cost	\$ 271,140	\$ 470,235	\$ 479,639	\$ 489,232	\$ 499,017	\$ 508,997	\$ 519,177	\$ 218,106	\$ 3,455,543
Additional Costs:									
RCIT Computer and Cable Installation	\$ 119,700	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 119,700
EDA Lease Management Fee - 4.12%	\$ 11,171	\$ 19,374	\$ 19,761	\$ 20,156	\$ 20,559	\$ 20,971	\$ 21,390	\$ 8,986	\$ 142,368
TOTAL ESTIMATED COST FOR FY 2016/17 to FY 2023/24	\$ 402,011	\$ 489,608	\$ 499,400	\$ 509,388	\$ 519,576	\$ 529,968	\$ 540,567	\$ 227,092	\$ 3,717,611
TOTAL COUNTY COST 87%	\$ 349,750	\$ 425,959	\$ 434,478	\$ 443,168	\$ 452,031	\$ 461,072	\$ 470,293	\$ 197,570	\$ 3,234,322
Previously Approved Total Cost	\$ 499,939	\$ 509,937	\$ 520,136	\$ 530,539	\$ 541,150	\$ 135,953			\$ 2,737,654
Previously Approved County Costs 87%	\$ 434,947	\$ 443,646	\$ 452,518	\$ 461,569	\$ 470,801	\$ 118,279			\$ 2,381,760
Amended Costs FY 2016/17 TO FY 2023/24									
Total Estimated Costs	\$ (97,928)	\$ (20,329)	\$ (20,736)	\$ (21,151)	\$ (21,574)	\$ 394,015	\$ 540,567	\$ 227,092	\$ 979,957
County Costs 87%	\$ (85,197)	\$ (17,687)	\$ (18,040)	\$ (18,401)	\$ (18,770)	\$ 342,793	\$ 470,293	\$ 197,570	\$ 852,662

1 **FIRST AMENDMENT TO LEASE**

2
3 **THIS FIRST AMENDMENT TO LEASE** ("First Amendment"), dated as of March
4 31, 2015, is entered into by and between the **COUNTY OF RIVERSIDE**, a
5 political subdivision of the State of California, County, and **BANNING OFFICE**
6 **VENTURE, LLC**, a California Limited Liability Company, Lessor. County and Lessor
7 are herein collectively referred to as the "Parties."

8 **RECITALS**

9 a. County and Lessor have entered into that certain Lease dated January
10 28, 2014, pursuant to which County has agreed to lease from Lessor that certain
11 building located at 270 E. Ramsey Street, Banning, as more particularly described in
12 the Lease.

13 b. The Parties now desire to amend the Lease as follows.

14 **NOW THEREFORE**, for good and valuable consideration the receipt and adequacy of
15 which is hereby acknowledged, the Parties agree as follows:

16 1. **DELAY IN DELIVERY OF PREMISES.** Section 4.3 of the Lease
17 shall be deleted in its entirety and replaced with the following:

18 If the Original Term of this Lease has not commenced by April 1, 2016, County's
19 execution of this Lease shall be extended by one day for each day of delay beyond
20 Lessor's reasonable control, County may, at its sole option, either: (a) deduct from any
21 rents that may become due hereunder the sum of \$1,255.00 for each day the Premises
22 are not substantially complete and available for occupancy as per paragraph 2.6, after
23 said date, as liquidated damages for failure to provide occupancy in a timely manner as
24 prescribed hereunder. Lessor and County agree that such damages are to be one of
25 the mutually exclusive remedies, as prescribed in this Section 4, for such failure, in that
26 at the time of entering into this Lease it would be impractical and extremely difficult to
27 fix the actual damages that would flow from Lessor's failure to provide occupancy in a
28 timely manner, including, but not limited to, the difference in money between the total

1 sum to be paid by County to another party for rent to Lease such party's real property,
2 if the rental hereunder is less than the rental to be paid such other party; or if the
3 Original Term of this Lease has not commenced by April 1, 2016, County's execution of
4 this Lease, or (b) cancel this Lease, and Lessor hereby waives any and all rights that it
5 may have against County for any costs, expenses and/or charges that Lessor may
6 have incurred as a result of preparing the Premises for occupancy.

7 **2. REIMBURSEMENT FOR LEASEHOLD IMPROVEMENTS.**

8 Exhibit B, Section 8.1 of the Lease shall be deleted in its entirety and replaced with the
9 following:

10 Lessor shall complete all of the Leasehold Improvements at Lessor's sole cost and
11 expense, except that in the event the County requests change orders which are
12 approved and completed by Lessor, County shall reimburse Lessor for the cost of such
13 change orders within thirty (30) days of completion of the project.

14 **3. FIRST AMENDMENT TO PREVAIL.** The provisions of this First

15 Amendment shall prevail over any inconsistency or conflicting provisions of the Lease.
16 Any capitalized terms shall have the meaning defined in the Lease, unless defined
17 herein or context requires otherwise.

18 **4. MISCELLANEOUS.** Except as amended or modified herein, all

19 terms of the Lease shall remain in full force and effect. If any provisions of this
20 Amendment shall be determined to be illegal or unenforceable, such determination
21 shall not affect any other provision of the Lease. Neither this Amendment nor the
22 Lease shall be recorded by the County.

23 **5. APPROVAL.** This First Amendment to Lease shall not be binding

24 or consummated until its approval and execution by the Assistant County Executive
25 Officer/EDA.

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RATIFICATION AND APPROVAL OF THE FIRST AMENDMENT TO LEASE
BETWEEN THE COUNTY OF RIVERSIDE AND BANNING OFFICE VENTURE, LLC
BY THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE

LESSEE:
COUNTY OF RIVERSIDE

By: _____
Marion Ashley, Chairman
Board of Supervisors

ATTEST:
Kecia Harper-Ihem
Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM:
Gregory P. Priamos, County Counsel

By: Synthia M. Gunzel
Synthia M. Gunzel
Deputy County Counsel

1 **SECOND AMENDMENT TO LEASE**
2 **270 E. Ramsey Street, Banning**

3
4 **THIS SECOND AMENDMENT TO LEASE** ("Second Amendment"), dated as of
5 _____, 2015, is entered into by and between the **COUNTY OF RIVERSIDE**,
6 a political subdivision of the State of California, as Lessee ("County"), and **BANNING**
7 **OFFICE VENTURE, LLC**, a California Limited Liability Company ("Lessor"). County
8 and Lessor are hereinafter sometimes collectively referred to as the "Parties."

9 **RECITALS**

10 A. County and Lessor have entered into that certain Lease dated January
11 28, 2014, ("Original Lease") pursuant to which County has agreed to lease from Lessor
12 that certain 15,432 square feet portion of the building on real property located in the
13 City of Banning, County of Riverside, State of California, as more particularly described
14 in the Original Lease.

15 B. The Original Lease has been amended by that certain First Amendment
16 to Lease dated March 31, 2015, by and between the Lessor and the County whereby
17 the Parties amended the Original Lease to extend the delivery date of the leased
18 premises and to modify the terms for reimbursement of leasehold improvements.

19 C. The Original Lease, together with the amendments, are collectively
20 referred to hereinafter as the "Lease."

21 D. The Parties now desire to amend the Lease to further extend the delivery
22 date and to modify certain compliance terms under the Lease.

23 **NOW THEREFORE**, for good and valuable consideration the receipt and
24 adequacy of which is hereby acknowledged, the Parties agree as follows:

25 1. **DELAY IN DELIVERY OF PREMISES**. Section 4.3 of the Lease
26 shall be deleted in its entirety and replaced with the following:

27 If the Original Term of this Lease has not commenced by December 1, 2016, County
28 may, at its sole option, either: (a) deduct from any rents that may become due

1 hereunder the sum of \$1,255.00 for each day the Premises are not substantially
2 complete and available for occupancy as per paragraph 2.6, after said date, as
3 liquidated damages for failure to provide occupancy in a timely manner as prescribed
4 hereunder. Lessor and County agree that such damages are to be one of the mutually
5 exclusive remedies, as prescribed in this Section 4, for such failure, in that at the time
6 of entering into this Lease it would be impractical and extremely difficult to fix the actual
7 damages that would flow from Lessor's failure to provide occupancy in a timely
8 manner, including, but not limited to, the difference in money between the total sum to
9 be paid by County to another party for rent to Lease such party's real property, if the
10 rental hereunder is less than the rental to be paid such other party; or if the Original
11 Term of this Lease has not commenced by December 1, 2016, or (b) cancel this Lease,
12 and Lessor hereby waives any and all rights that it may have against County for any
13 costs, expenses and/or charges that Lessor may have incurred as a result of preparing
14 the Premises for occupancy. Notwithstanding the foregoing, County shall have no right
15 to cancel this Lease if: (a) the construction of the Premises has achieved greater than
16 seventy-five percent (75%) completion by December 1, 2016, (b) construction is
17 continuing unabated, and (c) Lessor is employing best efforts to achieve Final
18 Completion as soon as commercially feasible provided the completion date for
19 construction of the Premises shall be no later than ninety (90) days thereafter.

20 **2. COMPLIANCE WITH APPLICABLE REQUIREMENTS.** The first
21 sentence of Section 7.1 of the Lease shall be deleted in its entirety and replaced with
22 the following:

23 Lessor warrants that the Premises and improvements on the Premises shall comply
24 with all applicable State and Federal laws, covenants or restrictions of record, building
25 codes, regulations and ordinances ("Applicable Requirements") in effect on the
26 Commencement Date of this Lease, provided that the County's use of the Premises is
27 consistent with Section 3.1 of the Lease.

1 3. **SECOND AMENDMENT TO PREVAIL.** The provisions of this
2 Second Amendment shall prevail over any inconsistency or conflicting provisions of the
3 Lease. Any capitalized terms shall have the meaning defined in the Lease, unless
4 defined herein or context requires otherwise.

5 4. **MISCELLANEOUS.** Except as amended or modified herein, all
6 terms of the Lease shall remain in full force and effect. If any provisions of this
7 Amendment shall be determined to be illegal or unenforceable, such determination
8 shall not affect any other provision of the Lease. Neither this Amendment nor the
9 Lease shall be recorded by the County.

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12 [Signature Provisions on Following Page]
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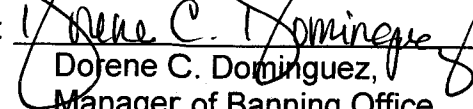
1 5. **APPROVAL.** This Second Amendment to Lease shall not be
2 binding or consummated until its approval by the Board of Supervisors for the County
3 of Riverside and fully executed by the Parties.

4 WITNESS WHEREOF, the Parties have executed this Second Amendment to
5 Lease as of the date first written above.

6 LESSEE:
7 COUNTY OF RIVERSIDE

LESSOR:
BANNING OFFICE VENTURE, LLC

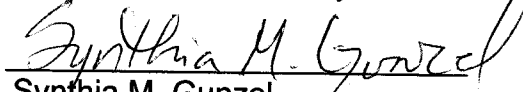
8
9 By: _____
10 Marion Ashley, Chairman
11 Board of Supervisors

By: 
Dorene C. Dominguez,
12 Manager of Banning Office
13 Venture, LLC

14
15 ATTEST:
16 Kecia Harper-Ihem
17 Clerk of the Board

18
19 By: _____
20 Deputy

21 APPROVED AS TO FORM:
22 Gregory P. Priamos, County Counsel

23 By: 
24 Synthia M. Gunzel
25 Deputy County Counsel
26
27
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2
3 RESOLUTION NO. 2015-247

4 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE
5 CONSIDERING THE MITIGATED NEGATIVE DECLARATION FOR THE VILLAGE AT PASEO
6 SAN GORGONIO PROJECT ("PROJECT"), MAKING RESPONSIBLE AGENCY FINDINGS
7 PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A
8 MITIGATION MONITORING AND REPORTING PROGRAM, AND ISSUING CERTAIN LIMITED
9 APPROVALS FOR THE PROJECT BY RATIFYING AND APPROVING LEASE AMENDMENTS
10 AND POTENTIAL NEW LEASE IN REAL PROPERTY LOCATED AT 270 E. RAMSEY STREET, IN
11 THE CITY OF BANNING,
12 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

13 WHEREAS, the County of Riverside ("County") is to make certain limited approvals for the
14 Project, specifically including ratifying and approving lease amendments to that certain Lease Agreement
15 dated January 28, 2014 between the County and Banning Office Venture, LLC (as "Lessor") whereby the
16 County is leasing a portion of a building located on Parcel 1 of Parcel Map No. 36285 ("Building"),
17 situated on certain real property owned by Lessor, located at 270 E. Ramsey Street, in the City of
18 Banning, County of Riverside, State of California, consisting of approximately 15,432 sq. ft. of the
19 Building, as more particularly described in the Lease, and a potential lease for an additional portion of the
20 Building, for the purpose of occupying and using office space to conduct business and operations of a
21 County department and other official County government business; and

22 WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code section
23 21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations section 15000 et seq.)
24 ("CEQA") an Initial Study/Mitigated Negative Declaration ("MND") for the Village At Paseo San
25 Gorgonio Project was previously prepared and adopted on May 24, 2011 by the City of Banning, as the
26 CEQA lead agency, (State Clearinghouse No. 2011031076); and

27 WHEREAS, the City of Banning served as lead agency for the environmental review and analysis
28 of the Project pursuant to the requirements of CEQA; and

WHEREAS, the County has more limited approval and implementing authority over the Project
and thus serves only as a responsible agency for the Project pursuant to the requirements of CEQA; and

WHEREAS, the lead agency, at a noticed public meeting, reviewed and considered the Mitigated
Negative Declaration, the Initial Study, a Mitigation Monitoring and Reporting Program, the Project, all

FORM APPROVED COUNTY COUNSEL
BY: *Sybil M. Gunzel* 11-6-15
DATE
SYBIL M. GUNZEL

1 oral and written comments received, and adopted the MND, made written findings, adopted a Mitigation
2 Monitoring and Reporting Program, and approved the Project; and

3 WHEREAS, the County of Riverside, as a responsible agency, has reviewed the adopted MND and
4 determined that the MND adequately analyzes the potential environmental impacts associated with the
5 County's limited role as a responsible agency in the implementation of the Project; and

6 WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred;

7 NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of
8 Supervisors of the County of Riverside assembled in regular session on November 17, 2015, in the
9 meeting room of the Board of Supervisors located on the 1st floor of the County Administrative Center,
10 4080 Lemon Street, Riverside, California, based upon the evidence and testimony presented on the matter,
11 both written and oral, including the MND, as it relates to the lease amendments and a potential lease for an
12 additional portion of the Building, that:

13 1. Incorporation of Recitals. The above recitations constitute findings of the Board with
14 respect to the lease amendments and a potential lease for an additional portion of the Building which are
15 incorporated herein.

16 2. Consideration of the MND, Initial Study and Adoption of Findings Regarding CEQA
17 Compliance. As the decision-making body for the County, and in the County's limited role as a
18 responsible agency under CEQA, the County has received, reviewed, and considered the information
19 contained in the MND documents for the Project, any comment letters, and other related documents
20 ("Documents"). The lease amendments and a potential lease for an additional portion of the Building are
21 within the scope of the Documents, and taken together, the environmental effects of the Project have been
22 adequately addressed in the Documents. Based on this review, the Board finds that, as to those potential
23 environmental impacts within the County powers and authorities as responsible agency, that the MND for
24 the Project contains a complete, objective, and adequate reporting of those potential impacts and reflects
25 the independent judgment and analysis of the County.

26 3. CEQA Findings on Environmental Impacts. In its limited role as a responsible agency
27 under CEQA, the Board finds that there are no feasible alternatives to the Project which would avoid or
28 substantially lessen this Project's potentially significant environmental impacts but still achieve most of

1 the Project's objectives. The Board further finds that the mitigation measures imposed by the lead agency
2 are sufficient to reduce all potentially significant impacts to a level of less than significant. As such, the
3 Board concurs with the environmental findings adopted by the lead agency, which are attached hereto as
4 Attachment "A," and therefore the Board adopts those findings as its own and incorporates them herein.

5 4. Adoption of Mitigation Monitoring and Reporting Program. The Board hereby approves
6 and adopts the Mitigation Monitoring and Reporting Program as it relates to the lease amendments and a
7 potential lease for an additional portion of the Building which was prepared for the Project and approved
8 by the lead agency, which is attached to the written findings attached hereto as Attachment "A" and
9 incorporated herein.

10 BE IT FURTHER RESOLVED, DETERMINED AND ORDERED that, as required by State
11 CEQA Guidelines section 15096 and in its limited role as responsible agency under CEQA, the Board
12 hereby approves the Project.

13 BE IT FURTHER RESOLVED, DETERMINED AND ORDERED by vote of the Board of
14 Supervisors of the County of Riverside, in regular session assembled on November 17, 2015, in the
15 meeting room of the Board of Supervisors of the County located on the 1st Floor of the County
16 Administrative Center, 4080 Lemon Street, Riverside, California, at or after 9:00 a.m., that this Board
17 ratifies and approves the First Amendment to the Lease and approves the Second Amendment to Lease for
18 the Building situated on certain real property owned by Lessor, located at 270 E. Ramsey Street, in the
19 City of Banning, County of Riverside, State of California, more particularly described in Attachment "B"
20 with Exhibits "A" and "B", attached hereto and by this reference incorporated herein, with the owner,
21 Banning Office Venture, LLC.

22 BE IT FURTHER RESOLVED, DETERMINED AND ORDERED that the Board hereby directs
23 the Clerk of the Board to file a Notice of Determination with the Riverside County Clerk and also with the
24 Governor's Office of Planning and Research within five (5) working days of the approval of the Project.

25 BE IT FURTHER RESOLVED, DETERMINED AND ORDERED that the documents and
26 materials that constitute the record of proceedings on which these findings are based are located at the
27 office of the Clerk of the Board of Supervisors for the County of Riverside located at 4080 Lemon St.,
28 First Floor, Riverside, CA 92501.

1 BE IT FURTHER RESOLVED, DETERMINED AND ORDERED that the Clerk of the Board
2 shall sign this Resolution to attest and certify to the passage and adoption thereof.

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ATTACHMENT A

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RESOLUTION NO. 2011-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA ADOPTING AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING DESIGN REVIEW (DR) #10-702 AND TENTATIVE PARCEL MAP #36285 TO CONSTRUCT A MIXED USE COMMERCIAL DEVELOPMENT ON A 5.25 ACRE PARCEL IN THE DOWNTOWN COMMERCIAL (DC) ZONE.

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

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

WHEREAS, the City Council has the authority per Chapter 17.56 of the Banning Municipal Code to take action on Design Review #10-702 Tentative Parcel Map #36285 to construct a mixed use commercial development on a 5.25 acre parcel in the Downtown Commercial (DC) zone located South of Ramsey Street, east of San Geronio Avenue; and

WHEREAS, the on May 4, 2011, the Planning Commission approved Resolution No. 2011-02 recommending approval to City Council of the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and, DR #10-702 and TPM #36285 per Chapter 17.44 of the Banning Municipal Code in connection with the subject Design Review; and

WHEREAS, Section 17.44.020 of the Banning Municipal Code provides that the highest level of review authority approve multiple applications, which requires City Council approval; and

WHEREAS, an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program was prepared in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the City of Banning Environmental Review Guidelines. The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program was made available for a 30-day public review from March 25, 2011, through April 25, 2011, and was adopted by City Council on May 10, 2011; and

WHEREAS, on May 13, 2011, the City gave public notice by advertisement in the Record Gazette newspaper and mailed notice to property owners within 300 feet of the site of the holding of a public hearing at which the project would be considered; and,

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

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

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

SECTION 1 ENVIRONMENTAL FINDINGS.

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

1. California Environmental Quality Act (CEQA):

- a) **Review Period:** That the City has provided the public review period for the Mitigated Negative Declaration for the duration required under CEQA Guidelines Sections 15073 and 15105.
- b) **Compliance with Law:** That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Banning.
- c) **Independent Judgment:** That the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.
- d) **Mitigation Monitoring and Reporting Program:** That the Mitigation Monitoring and Reporting Program is designed to ensure compliance during project implementation in that change to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through permit conditions, agreements or other measures as required by Public Resources Code Section 21081.6.
- e) **No Significant Effect:** That revisions made to the project plans agreed to by the applicant and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the City Council finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the

environment. Therefore, the City Council concludes that the project will not have a significant effect on the environment.

2. Wildlife Resources.

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

3. Multiple Species Habitat Conservation Plan (MSHCP).

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

SECTION 2 REQUIRED FINDINGS FOR DESIGN REVIEW.

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

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

Findings of Fact: The project is consistent with the General Plan Land Use Element Policy which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands". The land-use designation of Downtown Commercial (DC) allows a mixed use commercial development as a permitted use. The proposed project will provide 13,500 square feet of office space; 29,955 square feet of hotel/office space; 13,500 square feet of retail space; and, 12,000 square feet of restaurant space for the community.

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

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

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

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

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

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

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

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

facility and a small retail store. The building architecture and site circulation and landscaping has been designed in a way that the project is compatible with the character of the surrounding neighborhood.

SECTION 3 REQUIRED FINDINGS FOR TENTATIVE PARCEL MAP.

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

Finding No. 1: Tentative Parcel Map #36285 is consistent and compatible with the objectives, policies, general land uses, and programs specified the City's General Plan.

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

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

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

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

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

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

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

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

Finding of Fact: The design of the subdivision is in conformance with the City's General Plan, Zoning Ordinance, and Subdivision Ordinance, the construction of all buildings on the site has been conditioned to comply with all applicable City of Banning ordinances, codes, and standards including, but not limited to, the California Uniform Building Code, the City's Ordinances relating to Stormwater runoff management and controls. In addition, the design and construction of all improvements for the subdivision has been conditioned to be in conformance with adopted City street and public works standards. The City's ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety and welfare. Finally, the street system fronting the subdivision will provide emergency vehicular access to the development.

Finding No. 6: The design of the subdivision and improvements proposed under Tentative Parcel Map #36285, will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Finding of Fact: An easement for public access across the site (Livingston Street) has been disclosed in a search of the title records for the property. The subdivision has been designed to replace the previously existing easements (Livingston Street) with alternative access easements that provide reasonable access to the public across the site in a manner substantially equivalent to the previously existing easements. Additionally, public utility easements shall be reserved for all utilities.

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

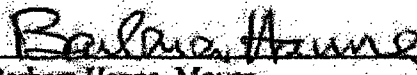
Finding of Fact: Taking into consideration local climate and the existing contour and configuration of the site and its surroundings, the size and configuration of lots within the proposed subdivision have been arranged, to the greatest extent feasible, to permit orientation of structures in an east-west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

SECTION 4 CITY COUNCIL ACTIONS

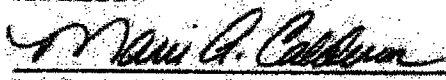
The City Council hereby takes the following actions:

1. In accordance with Public Resources Code Section 21152(a) and CEQA Guidelines Section 15063(b) (2) the City Council hereby adopts the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and directs the Community Development Director to prepare and file with the Clerk for the County of Riverside a notice of determination as provided under Public Resources Code Section 21152(a) and CEQA Guidelines Section 15094.
2. Adopt City Council Resolution No. 2011-44 approving Design Review (DR) #10-702 and Tentative Parcel Map (TPM) #36285 subject to Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.

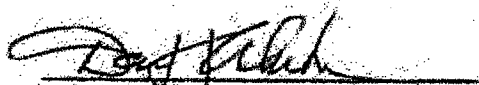
PASSED, APPROVED AND ADOPTED this 24th day of May, 2011.


Barbara Hanna, Mayor
City of Banning

ATTEST:


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

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


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

CERTIFICATION:

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

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

NOES: None

ABSENT: None

ABSTAIN: None



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



Proud History
Prosperous Tomorrow

City of Banning

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

COMMUNITY DEVELOPMENT
DEPARTMENT

EXHIBIT A

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

SUBJECT: Conditions of Approval*

APPLICANT: JMA Village, LLC - The Frost Company

LOCATION: Ramsey Street east of San Geronio Avenue

I. General/On-Going.

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

Community Development Department

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

2. These conditions of approval are subject to and may be revised, added to, or amended by the Disposition and Development Agreement to be approved by City Council.
3. The issuance of these Conditions of Approval do not negate the requirements of the Engineering/Public Works Department or submittal, review, and approval of: Street improvement plans, signing and striping plans, grading plans, storm drain improvement plans, street lighting plans, water, sewer, and electrical improvement plans, or other plans as deemed necessary by the City Engineer.
4. Construction shall commence within two (2) years from the date of project approval, or the Design Review shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year the Design Review shall become null and void. Projects may be built in phases if pre-approved by the review authority. The Community Development Director may, upon a written application being filed 30 days prior to expiration and for good cause, grant a onetime extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Design Review complies with all current Ordinance provisions.
5. A copy of the signed resolution of approval or Community Development Director's letter of approval and all conditions of approval (with conditions from Banning Fire Services attached) and any applicable mitigation measures shall be reproduced in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for review and approval as required by the reviewing department.
6. The applicant shall comply with all conditions of approval as stipulated by the Airport Land Use Commission (ALUC) project review held on April 14, 2011, and any amendments; including any requirements stipulated by the Federal Aviation Administration (FAA) Aeronautical Study.
7. The site shall be developed and maintained in accordance with the plans stamped approved by the City dated May 4, 2011, which include site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division; the conditions contained herein; and, municipal code regulations.
8. Approval of this entitlement shall not waive compliance with any sections of the Development Code, other applicable City Ordinances, in effect at the time of building permit issuance.
9. If human remains are encountered during grading and other construction excavation, the developer/owner shall stop/cease work in the immediate vicinity and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5.
10. In the event that Native American cultural resources are discovered during project development/construction, all work in the immediate vicinity of the find shall cease and a qualified archeologist meeting the Secretary of Interior Standards shall be hired to access the find. Work on the overall project may continue during this assessment period. If

significant Native American cultural resources are discovered, for which a Treatment Plan must be prepared, the developer or his archeologist shall contact the Morongo Band of Mission Indians ("Tribe"). If requested by the Tribe, the developer of the project archeologist shall, in good faith, consult on the discovery and its disposition.

11. Trash collection shall occur between the hours of 8:00 a.m. and 6:00 p.m. only.
12. All graffiti shall be removed immediately or within 24 hours of notice from the City.
13. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.
14. The property owner shall permanently maintain all parking lot signs and markings in a clear and visible manner.
15. Exterior wall mounted lighting shall be decorative fixtures in a prefinished color to match the building. Wall fixtures shall be consistent with any pole mounted fixtures required to maintain minimum lighting levels.
16. The buildings used in the development for office use shall designate one preferred parking space for carpool vehicles.
17. The developer shall provide a bicycle parking spot including a rack to secure bicycles.
18. The office buildings shall be designed to accommodate telecommuting facilities.
19. If the 29,955 square foot building is developed as an office, the developer shall prepare a trip reduction program for the office building. This will include an information center for transportation alternatives.
20. There shall be no light spillover onto the adjacent properties from the parking lot lighting and/or exterior building lighting, including outdoor security lighting. All lighting fixtures shall not have a visible light source, must be shielded and directed downward and away from adjoining properties and public rights-of-way.
21. Trash enclosure shall be provided with three, decorative walls with enhanced wall cap and a gate, in a style compatible with the structure's architecture. The gate shall be maintained in working order and shall remain closed except when in use.
22. All roof-mounted equipment or utility equipment on the side of the structure, or on the ground, shall not be visible from adjacent properties, the public rights-of-way or the parking lot. Any architectural screening that is proposed to shield the roof-mounted equipment shall be compatible in terms of colors and materials of the building. Landscape screening for ground mounted equipment shall be of sufficient size and quantity to fully screen the equipment.

23. There shall be no visible storage of any items including garbage, building, or manufacturing materials or junk, in any portion of the project.
24. Comply with all environmental mitigation measures, as detailed in the Environmental Impact Report (EIR) San Geronio Inn Demolition and the Mitigation Monitoring and Reporting Plan, as adopted by the City of Banning Community Redevelopment Agency.
25. Comply with all environmental mitigation measures, as detailed in the Mitigated Negative Declaration or the Mitigation Monitoring and Reporting Plan, as approved by the Planning Commission at their regularly scheduled meeting held on May 4, 2011.
26. The project shall at all times comply with all Federal, State, County and City laws, codes, regulations and standards including those that relate to hazardous materials.

Public Works Department

27. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class "A" State Contractor's License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.
28. Driveway grades shall not exceed eight percent unless approved by the City Engineer.
29. Parking areas shall be designed and improved with grades not to exceed five percent slope.
30. The developer shall make provision for a pull-out bus bay fronting Ramsey Street.
31. Access drives to the public right-of-way shall be restricted to those approved by the City Engineer as shown on the approved plans.
32. The following improvement plans shall be prepared by a Civil Engineer licensed by the State of California; and, submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized in writing by the City Engineer, the plans shall utilize the minimum scale specified and shall be drawn on 24" x 36" Mylar film. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors).

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

(Include fuel modifications zones)	
(Include construction fencing plan)	
Erosion Control & Storm Water	
Pollution Prevention Plan (SWPPP)	1" = 40' horizontal
(Note: a, b, c & d shall be reviewed and approved concurrently)	
Storm Drain Plans	1" = 40' horizontal
Street Improvement Plans	1" = 40' horizontal
	1" = 4' vertical
Traffic Signal Plans (Caltrans Standard)	1" = 20' horizontal
Signing & Striping Plans	1" = 40' Horizontal
Construction Traffic Control Plan (Major or arterial highways only)	1" = 40' Horizontal
Landscaping Plans-Streets	1"=20' Horizontal
Water and Sewer Improvement Plans	1" = 40' horizontal
	1" = 4' vertical
On-site Utility Plans	1" = 40' horizontal

33. Other engineered improvement plans prepared for City approval that are not listed herein shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.
34. All off-site plan and profile street improvement plans and signing & striping plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or at a distance sufficient to show any required design transitions.
35. All on-site signing and striping plans shall show the following at a minimum: stop signs, limit lines and legends, no parking signs, raised pavement markers (including blue raised pavement markers at fire hydrants) and street name signs per Public Works standard plans and/or as approved by the City Engineer.
36. A small index map shall be included on the title sheet of each set of plans, showing the overall view of the entire work area.
37. The applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer of dedication to the City of Banning or the Riverside County Flood Control and Water Conservation District unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFCO. Prior to granting any of said easements, the applicant shall furnish a copy of the proposed easement to the City Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the City Engineer prior to the issuance of any certificate of use and/or occupancy.
38. The project shall provide two separate and approved access points to the public right-of-way (secondary access).
39. All street improvement design shall provide pavement and lane transitions per Caltrans standards for transition to existing street sections.

40. The developer shall participate in the City's recycling program by providing two trash receptacles, one for regular trash and one for recycling, within the trash enclosure. The trash enclosure shall be designed and constructed in such a manner to accommodate a recycling bin as well as the necessary solid waste containers.
41. The applicant shall plant and perpetually maintain trees, shrubs, and ground cover placed in the parkway, slopes adjacent to public right-of-ways, and median islands constructed in connection with the project in accordance with the approved landscape and irrigation plan. This includes providing irrigation and the clearing of debris and weed removal.
42. The onsite driveway accessing Parcel 1 and Parcel 2 that serves the 3-story building shall be 28 feet wide minimum.
43. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City's franchised solid waste hauler, Waste Management of the Inland Valley at 1-800-423-9986, for disposal of construction debris.
44. Plan check fees for professional report review (geotechnical, drainage, etc.), and all improvement plans review, shall be paid prior to submittal of said documents for review and approval in accordance with the fee schedule in effect at the time of submittal.
45. The CC & R's shall contain provisions which prohibit dissolution of the property owners' association unless another entity has agreed to assume the operation and maintenance responsibilities of the property owners' association. The CC & R's shall contain provisions that prohibit the developer and his/her successors-in-interest from amending said covenants, conditions and restrictions to conflict with these conditions of approval, City codes and/or standards. The CC & R's shall be subject to prior review and approval of the City Attorney. The applicant or developer shall bear the cost of the review.

Electric Utility Department

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

II. Prior to Issuance of Grading Permits.

Community Development Department

47. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency such as grading, tree removal, encroachments, building location, etc. or prior to final map approval in the case of a subdivision, or approved use has commenced, whichever comes first.
48. The developer shall coordinate/design pedestrian and vehicle access with the existing adjacent buildings located immediately west of the project. This may include removing and/or replacing portions of the pedestrian walks and vehicle drives in order to comply with current design standards.

49. A tree removal and replacement plan shall be required for the removal and replacement of all trees in excess of 50 years of age, unless their removal is required to protect the public health and safety.
50. The developer shall submit a construction access plan and schedule for the development of the project for Community Development Director and City Engineer approval; including, but not limited to, public notice requirements, special street posting, phone listing for community concerns, hours of construction activity, dust control measures, and security fencing.
51. The following notation shall be placed on the grading plan: "No more than three days prior to removing trees, shrubs or tall herbaceous vegetation during the breeding season for migratory birds (February 15 to August 31) a qualified biologist shall conduct a nesting bird survey."

Public Works Department

52. Grading of the subject property shall be in accordance with the City of Banning grading standards, and accepted grading practices as reviewed and approved by the City Engineer. The final grading plan shall be in substantial conformance with the approved conceptual grading plan.
53. The applicant shall execute a Stormwater Management Facilities Agreement guaranteeing the maintenance of stormwater pollution controls. Said agreement shall be subject to prior review and approval by the City Attorney. The applicant or developer shall bear the cost of the review. Said approved agreement shall be recorded with the Riverside County Recorder and run with the land.
54. A preconstruction meeting shall be held for all participating field personnel, including all appropriate City staff, prior to the commencement of construction activities.
55. A soils report and geological report shall be prepared by a qualified engineer and geologist, respectively, licensed by the State of California to perform such work. Said report shall be reviewed and approved by the City Engineer. The applicant or developer shall be required to comply with all recommendations of said report.
56. The applicant shall obtain any necessary clearances and/or permits from the following agencies:

- Fire Marshal
- Public Works Department (Grading Permit, Improvement Permit)
- Community Development Department
- Riverside County Environmental Health Department
- California Regional Water Quality Control Board Colorado River Basin (RWQCB)
- South Coast Air Quality Management District (SCAQMD)
- Riverside County Flood Control District (RCFCD)

57. The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.
58. All utility systems including gas, electric, telephone, water, sewer, storm drain, and cable TV shall be provided underground, with easements provided as required, designed and submitted for review and approval. Said items shall be constructed in accordance with City codes and the utility provider. Telephone, cable TV, and/or security systems shall be pre-wired.
59. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division for review and approval of the City Engineer prior to grading plan approval.
60. Submit a Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFCD), RCFCD Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way; when this criteria is exceeded, additional drainage facilities shall be designed and constructed.
61. If the site is located in a Flood Area as identified in the current Flood Insurance Rate Map the developer is responsible for providing a certification by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
62. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or diverted storm flows. The project shall accept and convey storm flows from the adjacent property to the west.
63. The applicant shall comply with Chapter 13.24 "Stormwater Management and Discharge Controls" of the Banning Municipal Code (BMC); California Building Code related to excavation and grading; and, the State Water Resources Control Board's orders, rules and regulations.
64. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the

applicant shall be required to submit a Storm Water Pollution Protection Plan (SWPPP) and file a Notice of Intent (NOI) with the Regional Water Quality Control Board.

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

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

66. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.
67. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California. A grading permit shall be obtained prior to commencement of any grading activity.
68. Prior to issuance of any grading or building permit a Project-Specific Water Quality Management Plan (WQMP) shall be reviewed and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2008-0001.
69. The applicant shall submit and obtain approval in writing from the Fire Marshall for the plans for all public or private access roads, drives, streets, and alleys. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end access exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable covenant, conditions or restrictions or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Marshall is granted.

Electric Utility Department

70. Protect in place any existing electric utility infrastructure vaults, power poles etc.

III. Prior to Filing of Final Map.

Public Works Department

71. The City and Developer are to enter into a Development Agreement (DA) to guarantee the construction of the public improvements as listed in the Conditions of Approval and as shown on the approved plans. Security for the construction of public improvements including grading may be submitted in accordance with Government Code Section 66499 and shall be as follows:

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

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

72. All public improvement plans shall be reviewed and approved by the City Engineer.
73. Offer to dedicate to the City of Banning for public purposes the right-of-way for Ramsey Street fronting the site as an Arterial Highway; 46 feet one-half width. Offers of dedication shall include the corner cut-off at intersections.
74. Offer to dedicate to the City of Banning for public purposes the access and utility easements along the vacated Livingston Street.
75. Offer to dedicate to the City of Banning easements to maintain any slopes supporting public right-of-ways. Maintenance easements shall extend 10 feet beyond the toe of slope.
76. Prepare plans for full half street improvements in accordance with City standards along Ramsey Street from San Gorgonio Avenue to a point easterly of Martin Street. The improvements plans shall also include street lighting, curb and gutter, sidewalk, asphalt concrete paving, traffic signs and striping, and any transitions. Applicants' geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method. Applicant shall pay fair share of said improvements based on the approved plans.
77. Design and construct the following water lines;
- i. There is an existing 12" D.I.P. Water line on Ramsey Street, a 10" CML&W (Steel) line on Alessandro Road and a 10" CML&W (Steel) on Livingston Street. Buildings will not be allowed to be constructed over these water lines. Currently the existing lines are within existing streets, if said streets are to be vacated a 20' easement shall be reserved.

- ii. Design and construct an 8" D.I.P. water line on Martin Street from Ramsey Street to Livingston Street. Submit Water Improvement Plans to the Public Works Department, Engineering Division for review and approval.
 - iii. A backflow device must be installed on all commercial buildings and at each irrigation water connection. The backflow device must be in compliance with the State Department of Health Regulations.
 - iv. Construct an 8" D.I.P. on Martin Street from Ramsey Street to Livingston Street.
 - v. Fire Services will require a Double Detector Check or RPP Device.
 - vi. Install necessary blowoff and airvac assemblies at the low and high points, respectfully.
 - vii. Pay all applicable water connection and frontage fees per Chapter 13.08 "Water, Sewer and Electricity Rates" of the Banning Municipal Code prior to the issuance of a building permit.
78. Design and construct the following sewer lines and facilities:
- i. There are two existing 8" VCP sewer lines that run parallel with San Gorgonio Avenue approximately 150' and 347' east of the centerline of San Gorgonio Avenue, a 15" VCP sewer line on Livingston Street and an 8" VCP sewer line on Alessandro Road. Buildings will not be allowed to be constructed over these sewer lines without the construction of new sewer mains. The existing easements shall remain for these facilities unless relocated.
 - ii. Submit Sewer Improvement Plans to the Public Works Department, Engineering Division for review and approval.
 - iii. Properly sized grease interceptors shall be required of restaurant facilities.
 - iv. Pay all applicable sewer connection and frontage fees per Chapter 13.08 "Water, Sewer and Electricity Rates" of the Banning Municipal Code prior to the issuance of a building permit.
79. A sewer check valve shall be provided for each lot with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.
80. Public Works Inspection fees shall be paid in accordance with the fee schedule in effect at time of time of scheduling; water and sewer connection fees including frontage fees and water meter installation charges shall be paid on a per lot basis at the time of building permit issuance in accordance with the fee schedule in effect at that time; a plan storage fee shall be paid for any engineering plans that may be required in accordance with the fee schedule in effect at the time the fee is paid; a Traffic Control mitigation fee shall be paid; a fee shall be paid to Riverside County Flood Control and Water Conservation

District in the amount specified by them to perform plan checking for drainage purposes if necessary for the proposed project.

81. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division for review and approval of the City Engineer.
82. A map of the proposed subdivision drawn at 1"=200' scale showing the outline of the streets including street names shall be submitted to the City to update the city atlas map.
83. An original Mylar of the final map (after recordation) shall be provided to the City for the record files.
84. A record of all street centerline monument ties shall be submitted to the Engineering Division upon completion of improvements or prior to release of Monumentation Bond.
85. Right of way or easement acquisitions necessary to implement any portion of this map, including public improvements, shall be obtained by the developer at its sole expense prior to the City's consideration of the final map which encompasses the particular improvement. The developer shall notify the City in writing no more than 120 days and no less than 60 days in advance of filing the final map related to the acquisition if City assistance is needed to complete the acquisition pursuant to Government Code Section 66462.5. Funds in an amount of 100% of the estimated acquisition costs shall be deposited with the City to cover appraisal, right of way agent, and legal fees and costs incurred to secure the necessary property.

Electric Utility Department

86. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. These plans are required in electronic format. We currently use AutoCad2010. Plans should consist of a plot plan, site plan, one-line diagram of proposed electrical main service panel, and a sheet showing load calculations by an electrical engineer. Additional sheets may be required upon request. An area(s) is will be required for on site electric distribution equipment, pad mounted transformer(s), vault(s) & service equipment etc. The area must be sufficient for safe operation and maintenance.

IV. Prior to the Issuance of Building Permit.

Community Development Department

87. The project shall implement, at a minimum, and require an increase in building energy efficiency of 15 percent beyond Title 24, and reduce indoor water use by 25 percent. All requirements will be documented through a checklist to be submitted prior to issuance of any building permits with building plans and calculations.

88. Any building placed within 84 feet of Interstate 10 (70 dBA noise contour) will require that a noise study be performed and that noise insulation features be incorporated into the design to reduce the noise impact to acceptable levels.
89. Construct the Roadway Improvements and place the traffic striping improvements in accordance with the traffic impact analysis prepared by Albert A. Webb Associates dated March 1, 2011.
90. The applicant shall cause the final map to be recorded.
91. Provide a reciprocal parking plan/agreement for the proposed parcels based on the required parking for the project.
92. The developer shall obtain Design Review approval from the Planning Commission regarding the requirement for Art in Public Places (see BMC §17.12.020.H.3).
93. The developer shall obtain Design Review approval from the Planning Commission regarding the requirement for a sign program for the overall development.
94. Obtain clearance and/or permits from the Banning Unified School District
95. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director and Police Department. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties in accordance with the Zoning Code. Lighting fixtures shall be shielded or recessed to prevent spillage to the adjacent properties. The lighting fixture design shall compliment the architecture of the site. Additionally, all lighting plans and installations shall conform to the requirements of the conditions stipulated by the Airport Land Use Commission (ALUC) and Federal Aviation Administration (FAA) review.
96. Plans for any security gates to secure the building premises shall be submitted for the Community Development Director, City Engineer, and City of Banning Fire Marshal review and approval. Security gates will not be allowed to block any public street.
97. A complete landscape/irrigation package prepared by a landscape architect licensed by the State of California shall be reviewed and approved by the Planning Division prior to issuance of building permit. The plans shall include the following elements:
 - i. Water conservation concept statement.
 - ii. Calculation of maximum applied water allowance.
 - iii. Calculation of estimated total water use.
 - iv. Landscape design plan.
 - v. Irrigation design plan.
 - vi. Grading design plan.
 - vii. Soil analysis.
 - viii. Certificate of substantial completion.

98. The final design of the perimeter parkways, walls, landscaping, and sidewalks shall be included in the required landscape plans and shall be subject to Community Development Director review and approval and coordinated for consistency with any parkway landscaping plan, which may be required by the Engineering Division.
99. All landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape in accordance with Zoning Ordinance requirements.
100. Building and Safety plans shall be submitted for plan check and approval. All plans shall be marked with the project number (i.e., DR #10-702). The applicant shall comply with 2010 California Building Codes, and all other applicable codes, ordinances, and regulations in effect at the time of permit application including but not limited to those regulations that relate to ground movement.
101. The applicant shall pay development impact fees at the established rate. Such fees may include, but are not limited to: Transportation Development Fee, Drainage Fee, School Fees, Permit and Plan Checking Fees. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division.
102. Projects subject to flood hazards shall implement standards for flood hazard reduction in accordance with Banning Municipal Code Section 15.64 including, but not limited to, anchoring, construction materials and methods, elevation and floodproofing, and utilities.

Public Works Department

103. The developer shall provide for the relocation of any sewer or water mains that interfere with the proposed project.
104. A precise grading plan shall be submitted to the City Engineer for review and approval. Precise grading plans shall include perimeter walls with top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions.
105. The applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil.
106. In accordance with the approved plans, the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed project/development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.

107. The developer shall prepare a water conservation plan to reduce water consumption in the landscape environment using xeriscape principles. "Xeriscape" shall mean a combination of landscape features and techniques that in the aggregate reduce the demand for and consumption of water, including appropriate low water using plants, non-living ground-cover, a low percentage of turf coverage (limited to 25% of the planted area), permeable paving and water conserving irrigation techniques and systems. A low water-using drought tolerant plant includes species suited to our climate, requiring less water in order to grow well.
108. Fire hydrants shall be installed within and on the project boundaries as per the approval plans, and/or as approved by the Fire Department.
109. Provide fire flow calculations for the project and construct the necessary facilities to meet those flows for the project.
110. The site is located within an airport safety zone as designated in the Riverside County Airport Land Use Compatibility Plan. The project shall be submitted to the Riverside Airport Land Use Commission for a consistency determination.
111. A property owners' association shall be established promptly following grading permit issuance and the applicable Conditions, Covenants & Restrictions (CC & R's), shall be prepared for review and approval of the City Engineer providing for maintenance of the parkway, slopes adjacent to public right-of-ways, any debris basins and median island landscaping. The developer shall appoint the members of the Board of Directors of the property owners' association, or take such other steps as may be reasonably necessary to assure that members have been appointed or elected to such Board of Directors, until under the terms of the applicable CC & R's individual lot owners have the power to elect the members of the Board of Directors in accordance with the CC & R's.

Electric Utility Department

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

V. Prior to the Issuance of Certificate of Occupancy.

Community Development Department

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

114. Place a small monument plaque dedicated to several of the town founders at or near the spot where the Bryant House/Banning Hotel once stood. The monument shall be at least 5 feet tall with a metal plaque set in stone and exhibit etched pictures of the San Gorgonio Inn, the Bryant House/Banning Hotel, and a short discussion of the City of Banning founders and the significance of the Hotel Block. The monument shall be protected in place from any future development.
115. The developer shall install the Art in Public Places as required by the Zoning Ordinance prior to the occupancy of any unit within the development. Any proposed art shall be approved by the Planning Commission through the Design Review process.
116. Prior to any use of the project site, or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.
117. All ground-mounted utility appurtenances such as transformers and AC condensers shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Community Development Director.
118. All building numbers and individual units shall be identified in a clear and concise manner, including proper illumination.
119. Provide for the following design features in each trash enclosure, to the satisfaction of the Community Development Director:
 1. Architecturally integrated into the design of the project.
 2. Separate pedestrian access that does not require the opening of the main doors and to include self-closing pedestrian doors.
 3. Large enough to accommodate two trash bins (see Public Works Dept for details).
 4. Trash bins with counter-weighted lids.
 5. Architecturally treated overhead shade trellis, or cover.
 6. Chain link screen on top to prevent trash from blowing out of the enclosure and designed to be hidden from view.
120. The buildings shall be constructed in substantial compliance with the design elements as depicted in Attachment 5 of the staff report approved by the City Council at their regularly scheduled meeting held on May 24, 2011; and, in accordance with Zoning Code regulations.
121. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Planning Division. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development Director. Details shall be included in building construction plans.

122. All parking spaces shall be 9 feet wide by 19 feet long minimum. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide.
123. A 25 foot parking setback from the curb face shall be maintained at the driveway fronting all public streets.
124. All parking lot landscape islands shall have a minimum interior dimension of 6 feet in width and shall contain a 12-inch walk adjacent to any parking stall (including curb width).
125. Decorative paving shall be required at all driveway entrances in accordance with the requirements of the Zoning Code and City Engineer and Community Development Director.
126. All parking spaces shall be striped per City standards and all loading zones, driveway aisles, entrances, and exits shall be striped per City standards. Each exit from a parking area shall be clearly marked with a "Stop" sign.
127. A minimum of 20% of trees planted shall be 36 inch box or larger specimens; and, a minimum of 50% trees planted shall be 24 inch box or larger specimens.
128. Within parking lots, trees shall be planted at a rate of at least one 24 inch box tree for every four parking spaces. The maximum spacing between trees in parking areas shall compliment the architecture of the existing buildings.
129. All parking areas shall provide at least 30% permanent landscape shading for parked vehicles within two years of occupancy.
130. Trees shall be planted in areas of public view adjacent to and along structures at a rate of at least one tree per 30 linear feet of building.
131. The slopes within any detention basin shall be irrigated and landscaped with appropriate ground cover for erosion control. Slope planting shall include a permanent irrigation system.

Public Works Department

132. The applicant shall furnish the City with reproducible record drawings on Mylar of all improvement plans that were approved by the City Engineer. Each sheet shall be clearly marked "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files submitted to the City, revised to reflect the "As-Built" conditions.

133. All fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the property owner until the street is accepted for maintenance.
134. Offer to dedicate to the City of Banning an aviation easement for the airspace related to the operation of Banning Municipal Airport.
135. Construct full street improvements in accordance with City standards fronting Martin Street including street lighting, curb and gutter, commercial style drive approaches, sidewalk, and asphalt concrete paving, traffic signs and striping, and any transitions. Street lights shall be installed offset of the existing street lights. Applicant's geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.
136. Construct necessary street improvements to obtain 38 feet minimum pavement width in accordance with City standards along Ramsey Street fronting the property including street lighting, curb and gutter, sidewalk, asphalt concrete paving, traffic signs and striping, and any transitions. Applicant's geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.
137. An automatic sprinkler system and landscaping shall be installed, prior to occupancy of the first unit of the development, within the parkway fronting Ramsey Street, Martin Street and San Gorgonio Avenue, and any interior public spaces. The system shall include a landscape controller, a separate water meter and electric meter, and plantings as approved by the Community Development Director. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.
138. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee.
139. Landscape improvements shall be certified by a licensed landscape architect or licensed landscape contractor as having been installed in accordance with the approved detailed plans and specifications. The applicant shall furnish said certification, including an irrigation management report, for each landscape irrigation system and any other required implementation report determined applicable, to the City Engineer for review and approval.
140. Street name signs and traffic control devices including traffic legends and traffic striping shall be installed, or relocated in accordance with Caltrans Standards and as shown on the approved plans, and/or as directed by the City Engineer.
141. Monuments and center line ties shall be certified and submitted to the City Engineer for review and approval.

Electric Utility Department

142. Grant easements for electric facilities installation / maintenance, etc. Building & Safety will need to sign a release before any new service is energized. Power cannot be released until the service conductor is pulled in and terminated at the new service panel. The customer must apply for a new electric service account with the C.O.B. Utility Billing Department located at City Hall (99 E. Ramsey St.) Utility Billing will fax a Meter Release Form to the Electric Utility. The Electric Utility will coordinate the meter set with the customer.
143. Provide for the undergrounding of the overhead utility facilities located along Alessandro Road along with the overhead utility facilities located along the frontage of Livingston Street.
144. The developer shall provide all conduits, vaults, and other materials associated with electric facility installations (except cables and their terminations).
145. The developer shall install streetlight poles, fixtures, pullbox, and conduits along the project frontage, and as directed by the City Engineer.
146. Secondary service entrance conductors to be provided and installed by the developer.

POLICE DEPARTMENT

147. Prior to occupancy of the first unit the developer shall provide for a Police Department radio repeater to be placed on the roof of the development. The developer shall submit specifications for review and approval of the Police Department prior to installation.
148. The developer shall install a video surveillance system to view the public areas of the development that may be viewed by police dispatchers. The developer shall submit specifications for review and approval of the Police Department prior to installation.

FIRE DEPARTMENT

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

10. General Conditions

10. FIRE

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

10. FIRE SHELL BUILDINGS

THESE CONDITIONS ARE FOR A SHELL BUILDING ONLY.

Shell building will receive a shell final only. No certificate of Occupancy (human occupant and/or materials) will be issued until the building occupants Has been identified with their occupancy classification and have been Conditioned by Riverside County Fire Department. Occupant or tenant Identification is imperative for orderly and prompts processing.

Upon identification of the occupant or tenant a Fire Protection Analysis report Maybe required prior to establishing the requirements for the occupancy permit. Failure to provide comprehensive data analysis and/or technical information Acceptable to the Fire Department may result in project delays.

A complete commodity listing disclosing type, quantity, level of hazard and potential For "Reactivity" must be provided within 15 days. The forgoing is necessary to properly occupancy classify the building (s). Failure to provide comprehensive Data and/or highly technical information will result in project delay and Requirement for a complete Fire Protection Study for review.

10. FIRE RESPONSIBILITY

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

10. FIRE APPROVED SYSTEM

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

10. FIRE HIGH PILE/RACK STORAGE

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

10. FIRE ROOFING MATERIAL

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

10. FIRE BLUE DOT REFLECTOR

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

10. FIRE SUPER FIRE HYDRANT

Super fire hydrant (s) (6" x 4" x 2 1/2") shall be located not less than 25 feet or More than 165 feet from any portion of the building as measured along approved vehicular travel ways.

10. FIRE ABOVE/UNDERGROUND TANK PERMITS

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

10. FIRE RAPID HAZMAT BOX

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

10. FIRE HIGH PILE/RACK STORAGE

A separate permit is required for high pile storage and/or racks. Sprinkler Plans and/or sprinkler review must be submitted by a licensed sprinkler Contractor with storage and/or rack plans to Riverside County Fire Department

for review and approval of the 2007 CFC Chapters 24 and 34 compliance. Complete Chapters 24 and 34 information re: all commodities stored, rack dimensions, placement in building, etc. must be provided with suppression system for racks and/or high-pile storage review. A complete listing of commodities classified using UFC Chapters 24 and 34, 2007 Edition, and NFPA 13, 2007 Edition guidelines by a licensed Fire protection Engineer (or other consultant to approve by this jurisdiction.)

10. FIRE GATE ENTRANCES

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

10. FIRE ADDRESS AT CONSTRUCTION

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

10. FIRE PROHIBITED H MATERIALS

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

60. PRIOR TO GRADING PERMIT ISSUANCE

60. FIRE WATER PLANS

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

80. PRIOR TO BUILDING PERMIT ISSUANCE

80. FIRE ACCESS ROADS

All fire department access roads shall be as Banning Engineering standards, item #21 of the Building Department Street Conditions.

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

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

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

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

80. FIRE WATER CERTIFICATION

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

80. FIRE WATER PLANS

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

90. FIRE DESIGNATED AREAS

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

90. FIRE EXTINGUISHERS

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

90. FIRE SUPER FH/FLOW

Approved super fire hydrants (6" x 4" x 2 1/4") with a fire flow of 2,750 GPM, shall be installed within 165 feet of all public use type buildings and any recreational vehicle type storage area.

90 FIRE SPRINKLER SYSTEM

Install a complete fire sprinkler system per NFPA 13 2010 edition (13D and 13R system are not allowed) in all buildings requiring a fire flow of 1500 GPM or greater sprinkler system (s) with pipe size in excess of 4" inch diameter will require the project structural engineer to certify (wet signature) the stability of the building system for seismic and gravity loads to support the sprinkler system. All fire sprinkler risers shall be protected from any physical damage. The post indicator valve and fire department connection shall be located to the front, within 50 feet of a hydrant, and the minimum of 25 feet from the building (s). A statement that the building (s) will be automatically fire sprinkled must be included on the title page of the building plans.

Applicant or developer shall be responsible to install a Central Station Monitored Fire Alarm System. Monitoring System shall monitor the fire Sprinkler system (s) water flow, P.I.V.'s and all control valves. Plans must be submitted to the Fire Department for approval prior to installation. Contact Fire Department for guideline handout.

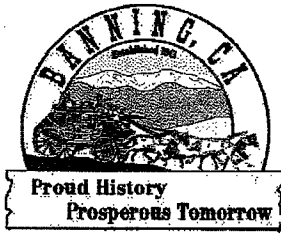
90. FIRE AUTO/MAN FIRE ALARM

Applicant or developer shall be responsible to install a manual and automatic Fire Alarm System. Plans must be submitted to the Fire Department for approval prior to installation. Standard for this project will be NFPA 72, 2010 edition.

90. FIRE HOOD DUCT EXTIG SYSTEM

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

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



CITY OF BANNING
Initial Study/Mitigated Negative Declaration

THE VILLAGE AT PASEO SAN GORGONIO

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

March 2011

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

TABLE OF CONTENTS

	Page No.
EXECUTIVE SUMMARY	2
1. INTRODUCTION	4
2. EVALUATION OF ENVIRONMENTAL IMPACTS	4
3. ENVIRONMENTAL DETERMINATION	6
4. PROJECT DESCRIPTION	7
5. ENVIRONMENTAL ANALYSIS CHECKLIST	9
6. EXPLANATION OF THE ITEMS MARKED ON THE ENVIRONMENTAL CHECKLIST FORM	21
7. INCORPORATION BY REFERENCE	37
8. LIST OF PREPARERS	39
EXHIBIT A (site photographs)	40
EXHIBIT B (reproduced General Plan information)	42
EXHIBIT C (Mitigation Monitoring and Reporting Program)	46
EXHIBIT D (Mitigation Monitoring and Reporting Program San Geronio Inn Demolition)	48

**City of Banning Initial Study/Mitigated Negative Declaration
for
The Village at Paseo San Gorgonio**

EXECUTIVE SUMMARY

This Initial Study assesses the potential environmental impacts of the proposed project. The purpose of the project is to develop approximately 5¼ acres along Ramsey Street east of San Gorgonio Avenue in the City of Banning as a mixed use commercial development; office, retail, hotel, and restaurant space (see Project Location - Figure 1). The proposed project consists of approximately 68,955 square feet of proposed building area along with parking for 355 vehicles.

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



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

Figure 1 – Project Location

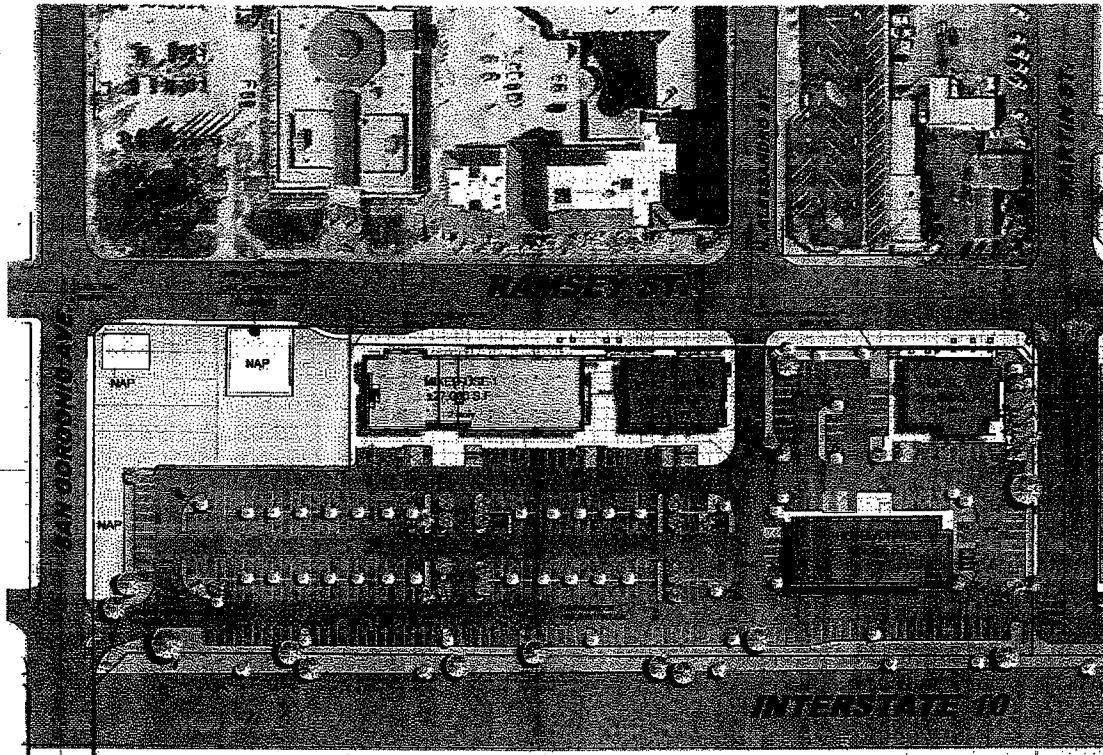


Figure 2 -- Site Plan



Figure 3 -- Conceptual Street View

1. INTRODUCTION

Purpose and Scope

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

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

Incorporation by Reference

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

2. EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

- | | | |
|---|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Mandatory Findings of |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Population/Housing | Significance |
| <input type="checkbox"/> Greenhouse Gas Emissions | | |

In the Form, a series of questions is asked about the Project for each of the above-listed environmental factors. A brief explanation is then provided for each question on the Form.

There are four possible responses to each question:

A. Potentially Significant Impact.

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

B. Potentially Significant Unless Mitigation Incorporated.

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

- Mitigation measures have been incorporated into the Project design in order to reduce the impact to a less than significant level; or,
- Adherence to existing policies, regulations, and/or design standards would reduce the impact of the Project to a less than significant level.

C. Less Than Significant Impact.

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

D. No Impact.

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

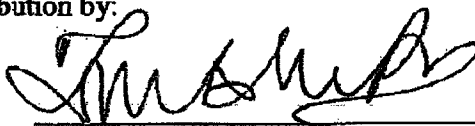
3. ENVIRONMENTAL DETERMINATION

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

- The proposed Project could not have a significant effect on the environment, and a Negative Declaration will be prepared.
- Although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures, described in Exhibit C (attached), have been added to the Project. A Mitigated Negative Declaration will be prepared.
- The proposed Project may have a significant effect on the environment, and an Environmental Impact Report is required.
- The proposed Project may have a potentially significant impact unless mitigation is incorporated, but at least one of the impacts has been: 1) adequately analyzed in an earlier document pursuant to applicable legal standards and 2) addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An Environmental Impact Report is required, but it is to analyze only those impacts that have not already been addressed.
- Although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier Environmental Impact Report (EIR) or in a Negative Declaration pursuant to applicable legal standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Approved for distribution by:

Signature:



Zai Abu Bakar, Community Development Director

Prepared by: Brian Guillot, Assistant Planner

Date: March 15, 2011

Public Review: March 18, 2011 to April 17, 2011

4. PROJECT DESCRIPTION

Project Title: The Village at Paseo San Gorgonio

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

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

General plan designation: Downtown Commercial

Zoning: Downtown Commercial (DC)

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

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

Surrounding land uses and setting:

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

Approvals Required:

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

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

5. ENVIRONMENTAL ANALYSIS CHECKLIST

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the Project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
II. AGRICULTURAL RESOURCES. Would the Project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for , or cause rezoning of, forestland (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
II. AIR QUALITY. Would the Project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions with exceeded quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IV. BIOLOGICAL RESOURCES. Would the Project:				
a) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife?				
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservancy Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
V. CULTURAL RESOURCES. Would the Project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
unique paleontological resource or site or unique geologic feature?				
d) Disturb any human remains including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VI. GEOLOGY AND SOILS. Would the Project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
substantial risks to life or property?				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems if sewers are not available?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VII. GREENHOUSE GAS EMISSIONS. Would the Project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the Project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site included on the list of hazardous materials sites compiled per Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
two miles of a public airport or public use airport, would it result in a safety hazard for people residing or working in the project area?				
f) For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IX. HYDROLOGY AND WATER QUALITY. Would the Project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing or planned land uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in such a way as to result in flooding either on-site or off-site?				
e) Create or contribute runoff water exceeding the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place, within a 100-year flood hazard area, structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X. LAND USE AND PLANNING. Would the Project				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
conservation plan or natural community conservation plan?				
XI. MINERAL RESOURCES. Would the Project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XII. NOISE. Would the Project:				
a) Expose persons to a generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Expose persons to a generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Create a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a Project within the vicinity of a private airstrip, would the Project expose people residing or working	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
in the Project area to excessive noise levels?				
XIII. POPULATION AND HOUSING. Would the Project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace a substantial number of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIV. PUBLIC FACILITIES. Would the Project:				
Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant Environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services . . .				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XV. RECREATION				
a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
physical deterioration of the facility would occur or be accelerated?				
b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVI. TRANSPORTATION/TRAFFIC.				
Would the Project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVII. UTILITIES AND SERVICE SYSTEMS. Would the Project				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
accommodate the Project's solid waste disposal needs?				
g) Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVIII MANDATORY FINDINGS OF SIGNIFICANCE	—			
a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or an endangered threatened species, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the Project have impacts that are individually limited, but cumulatively considerable? (Are the incremental effects of the Project considerable when viewed in connection with those of past Projects, those of other current Projects, and those of probable future Projects?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the Project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. EXPLANATION OF THE ITEMS MARKED ON THE ENVIRONMENTAL CHECKLIST FORM

Checklist Item I Aesthetics.

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

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

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

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

Checklist Item II Agricultural and Forestry Resources.

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

Checklist Item III Air Quality.

- a-e **Less Than Significant Impact (Air Quality Plan, Air Quality Standards, Cumulative Considerable Net Increase/Criteria, Sensitive Receptors, Pollutant Concentrations, Odors).** The project is located within the South Coast Air Quality Management District (SCAQMD). An Air Quality Impact Analysis (AQIA) was prepared by Albert A. Webb Associates dated January 14, 2010, evaluating whether the expected criteria air pollutant emissions generated as a result of construction and operation of the proposed project would cause exceedances of SCAQMD's thresholds for air resources in the project area. The

report concluded that the projects construction and operations emissions will not exceed any established thresholds or standards for criteria pollutants and no mitigation is required. Details of the report are related as follows.

Table 2, SCAQMD CEQA Regional Significance Thresholds

Emission Threshold	Units	VOC	NO _x	CO	SO _x	PM-10	PM-2.5
Construction	lbs/day	75	100	550	150	150	55
Operations	lbs/day	55	55	550	150	150	55

Construction Impacts

Table 3, Estimated Daily Construction Emissions

Activity/Year	Peak Daily Emissions (lb/day)					
	VOC	NO _x	CO	SO ₂	PM-10	PM-2.5
SCAQMD Daily Construction Thresholds	75	100	550	150	150	55
Construction 2010						
Demolition	5.13	63.08	25.48	0.07	58.44	14.14
Site Grading	4.20	33.74	18.79	0.00	63.04	14.45
Asphalt	3.20	17.69	11.84	0.00	1.47	1.35
Building Construction	3.92	17.88	18.21	0.01	1.30	1.17
Maximum ¹	7.40	63.08	30.63	0.03	64.51	15.80
Exceeds Threshold?	No	No	No	No	No	No
Construction 2011						
Building Construction	3.63	16.87	17.33	0.01	1.24	1.11
Architectural Coating	47.45	0.03	0.53	0.00	0.01	0.00
Maximum	51.08	16.90	17.86	0.01	1.25	1.11
Exceeds Threshold?	No	No	No	No	No	No

Notes: See Appendix A for model output report.

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

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

Table 6, LST Results for Construction Emissions

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

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

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

Operational Impacts

Table 4, Estimated Daily Project Operation Emissions (Summer)

Activity/Year	Peak Daily Emissions (lb/day)					
	VOC	NO _x	CO	SO ₂	PM-10	PM-2.5
SCAQMD Daily Thresholds	55	55	550	150	150	55
Natural Gas	0.04	0.62	0.51	0.00	0.00	0.00
Landscaping	0.37	0.06	4.64	0.00	0.02	0.02
Architectural Coatings	0.47	--	--	--	--	--
Vehicles	18.52	24.95	191.47	0.19	30.33	6.10
Total	19.40	25.63	196.62	0.19	30.35	6.12
Exceeds Threshold?	No	No	No	No	No	No

Table 5, Estimated Daily Project Operation Emissions (Winter)

Activity/Year	Peak Daily Emissions (lb/day)					
	VOC	NO _x	CO	SO ₂	PM-10	PM-2.5
SCAQMD Daily Thresholds	55	55	550	150	150	55
Natural Gas	0.04	0.62	0.57	0.00	0.00	0.00
Landscaping	0.37	0.06	4.64	0.00	0.02	0.02
Architectural Coatings	0.47	--	--	--	--	--
Vehicles	21.54	29.57	192.00	0.16	30.33	6.10
Total	22.42	30.25	197.21	0.16	30.35	6.12
Exceeds Threshold?	No	No	No	No	No	No

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

Odors

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

Checklist Item IV Biological Resources.

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

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

Checklist Item V Cultural Resources.

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

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

Checklist Item VI Geology and Soils.

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

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

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

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

Checklist Item VII Greenhouse Gas Emissions.

- a-b Less Than Significant Impact (Global Climate Change).** At Technical Memorandum prepared by Albert A. Webb Associates dated March 3, 2011, supplements the AQIA previously referenced. In September 2006, Governor Arnold Schwarzenegger signed Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006. AB 32 directs the California Air Resources Board (CARB) to implement regulations for a cap on sources or categories of sources of GHG emissions. The bill requires that CARB develop regulations to reduce emissions with an enforcement mechanism to ensure that the reductions are achieved, and to disclose how it arrives at the cap. Other regulations both federal and state apply to the control of greenhouse gases and may be reviewed in detail in the reference AQIA and supplement. The results of the analysis indicate that the proposed

project will be consistent with AB 32 by reducing GHG emissions by 35 percent. Therefore, the projects new operational emissions do not constitute a substantial increase in emissions and will not result in a significant increase impacts on the environment. The Mitigation Measures listed below are proposed to lessen the less than significant impacts related to greenhouse gas emissions.

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

Measure	Sector	Percent Reduction from BAU (Sector Specific)	BAU Sector MTCO ₂ E /year ²	Reduced MTCO ₂ E /year
MM Air 1: In order to reduce energy consumption from the proposed project development, applicable plans (e.g., electrical plans, improvement maps, etc.) submitted to the City shall include the installation of energy-efficient street lighting throughout the project site. These plans shall be reviewed and approved by the applicable Department (e.g., Department of Building and Safety or Department of Transportation) prior to conveyance of applicable streets.	Energy Use	0.5 ¹	461.60	2.31
MM Air 2: The project shall implement, at a minimum, require an increase in building energy efficiency of 15 percent beyond Title 24, and reduce indoor water use by 25 percent. All requirements will be documented through a checklist to be submitted prior to issuance of any building permits with building plans and calculations.	Energy Use/Natural Gas	15.0	734.97	110.25
CAPCOA Measure LUT-2 – Increase Location Efficiency	Transportation	10.0	4,227.58	422.76
Sub-total of MTCO₂E Reduced				535.32

Note: ¹ Conservative estimate of 0.5 percent used. Energy efficient reduce street lighting can reduce electricity demand by 16. The resultant energy savings is calculated from the annual energy costs found on page 4 of NYSERDA's 2002 How-to Guide to Effective Energy-Efficient Street Lighting.

Checklist Item VIII Hazards and Hazardous Materials.

a-h Less Than Significant Impact (Transport, Use, Disposal of Hazardous Materials, Upset and Accident Conditions Involving Hazardous Materials, Emit if Handle Hazardous Materials within 1/4 mile from a School, Identified Hazardous Site, Within Airport

Plan Area, Safety Hazard from Private Airstrip, Impair Emergency Evacuation Plan, Wildland Fire Hazard). Environmental Site Assessments were performed on a portion of the project area that includes the property for the San Gorgonio Inn and 280 E. Ramsey Street. No hazardous materials or underground storage tanks were identified. It was recommended that prior to the demolition of the buildings located on the site that a lead paint survey be conducted. Demolition of the buildings located on the project site is not a part of this project.

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

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

Checklist Item IX Hydrology and Water Quality.

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

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

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

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

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

Checklist Item X Land Use and Planning.

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

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

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

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

Checklist Item XI Mineral Resources.

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

Checklist Item XII. Noise.

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

Noise impacts associated with construction activity will be regulated in accordance with the City's "Noise Ordinance".

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

Checklist Item XIII Population and Housing.

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

Checklist Item XIV Public Facilities.

- a-c Less Than Significant Impact (Fire Services, Police Services, Schools, Parks, Other Public Facilities).** The project does not propose the construction of residential units that

add additional load on schools, parks, and other public facilities. Police services are provided by the City of Banning Police Department. The proposed project will be required to pay Police Facilities fees. Additionally, a condition of approval will require that a video surveillance security system be installed on the project for use by the Police Department. Fire services are provided by a contract with Cal Fire. The proposed project will be required to pay Fire Facilities fees. The impacts associated with public services are considered to be less than significant.

Checklist Item XV Recreation.

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

Checklist Item XVI Transportation/Traffic.

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

Required Level of Service

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

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

Levels of Service – Existing Conditions

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

Levels of Service – Existing Plus Ambient Growth Plus Project Conditions

For existing plus ambient growth plus project traffic conditions, the study intersections are expected to operate at levels of service that vary from LOS A to C. The study roadway segments in existing plus ambient growth plus project traffic conditions are expected to

operate at LOS C or better. None of the study intersections or roadway segments are expected to operate at an unacceptable LOS.

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

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

Traffic Signal Warrants

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

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

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

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

Roadways

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

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

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

Intersections

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

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

Southbound: One shared left-turn, through and right-turn lane.

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

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

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

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

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

Intersection	Traffic Control	Peak Hour	Existing		EAP	
			Delay (Sec)	LOS	Delay (Sec)	LOS
1. 8th Street / Ramsey Street	Signal	AM	29.6	C	31.1	C
		PM	33.5	C	34.8	C
2. 4th Street / Ramsey Street	Signal	AM	7.3	A	7.3	A
		PM	8.1	A	7.8	A
3. San Gorgonio Avenue / Williams Street	AWSC	AM	9.9	A	10.8	B
		PM	8.6	A	9.2	A
4. San Gorgonio Avenue / Ramsey Street	Signal	AM	21.6	C	23.0	C
		PM	23.5	C	23.6	C
5. San Gorgonio Avenue / Livingston Street	TWSC	AM	15.1	C	15.7	C
		PM	9.7	A	10.2	B
6. Alessandro Street / Ramsey Street	TWSC	AM	10.5	B	12.2	B
		PM	11.4	B	15.0	C
7. Martin Street / Ramsey Street	TWSC	AM	10.8	B	11.5	B
		PM	11.0	B	12.6	B
8. Hargrave Street / Ramsey Street	Signal	AM	20.4	C	20.7	C
		PM	23.5	C	24.2	C

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

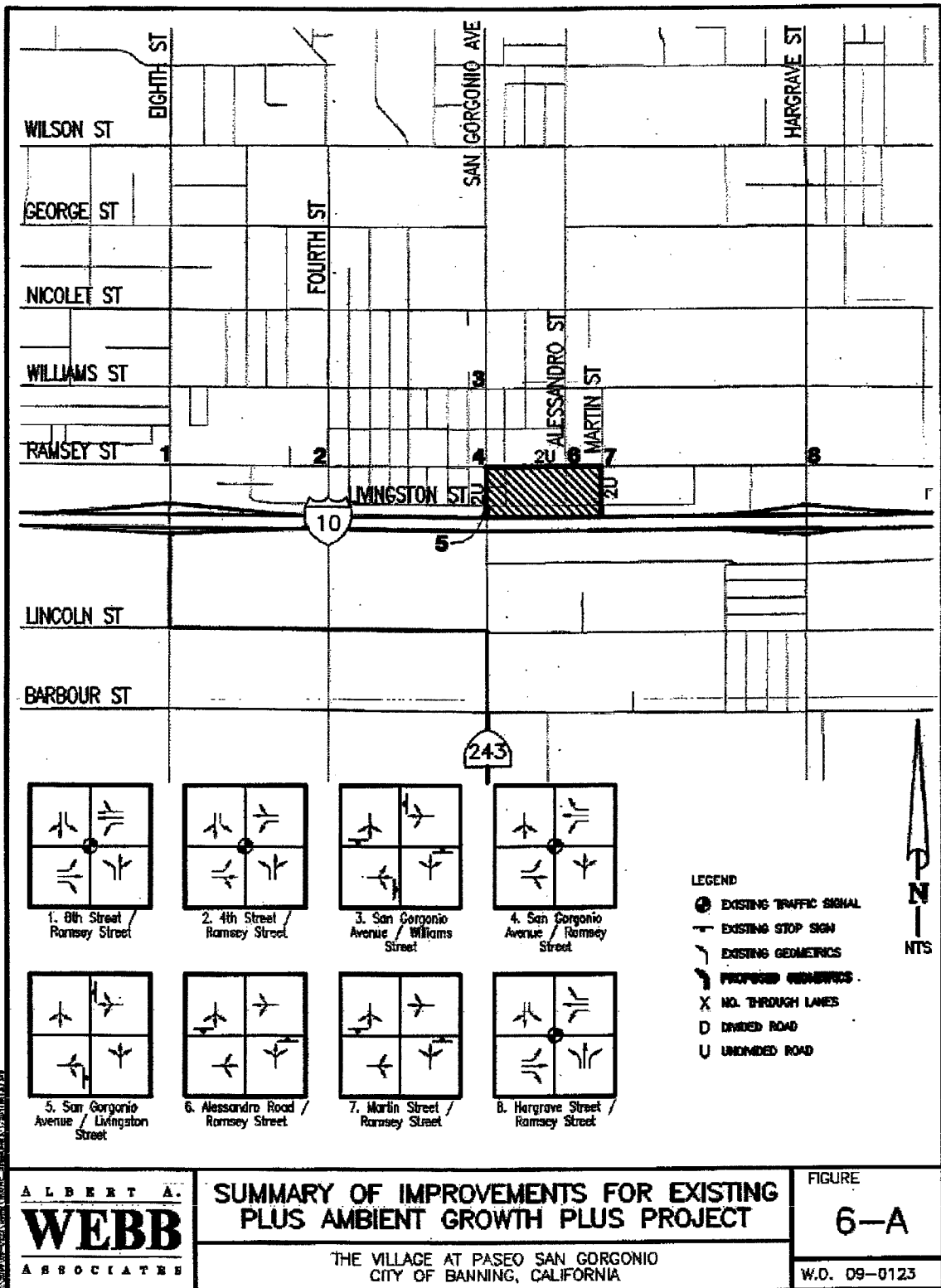
Table 6-1 – Summary of Improvements for Existing Plus Ambient Growth Plus Project Conditions

Intersection	Scenario	Northbound			Southbound			Eastbound			Westbound			Traffic Control
		L	T	R	L	T	R	L	T	R	L	T	R	
1. 8th Street / Ramsey Street	Existing	1	1	S	1	1	S	1	1	1	1	2	S	Signal
	EAP+imp	1	1	S	1	1	S	1	1	1	1	2	S	Signal
2. 4th Street / Ramsey Street	Existing	1	1	S	1	1	S	1	1	S	1	1	S	Signal
	EAP+imp	1	1	S	1	1	S	1	1	S	1	1	S	Signal
3. San Geronio Avenue / Williams Street	Existing	S	1	S	S	1	S	S	1	S	S	1	S	AWSC
	EAP+imp	S	1	S	S	1	S	S	1	S	S	1	S	AWSC
4. San Geronio Avenue / Ramsey Street	Existing	S	1	S	S	1	S	1	1	S	1	1	1	Signal
	EAP+imp	S	1	S	S	1	S	1	1	S	1	1	1	Signal
5. San Geronio Avenue / Livingston Street	Existing	S	1	S	S	1	S	S	1	S	S	1	S	TWSC
	EAP+imp	S	1	S	S	1	S	S	1	S	S	1	S	TWSC
6. Alessandro Street / Ramsey Street	Existing	S	1	S	S	1	S	S	1	S	S	1	S	TWSC
	EAP+imp	S	1	S	S	1	S	S	1	S	S	1	S	TWSC
7. Martin Street / Ramsey Street	Existing	S	1	S	S	1	S	S	1	S	S	1	S	TWSC
	EAP+imp	S	1	S	S	1	S	S	1	S	S	1	S	TWSC
8. Hargrave Street / Ramsey Street	Existing	1	1	1	1	1	S	1	1	1	1	1	1	Signal
	EAP+imp	1	1	1	1	1	S	1	1	1	1	1	1	Signal

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

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

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



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

Parking Summary – Hotel Alternative

Use	Building Area	Parking Required	Parking Provided Off Street	Shared Parking	Parking Provided Street	Total Parking Provided
Building 1		101	36	26		62
*Restaurant	6,000 sf	101		26		
Building 2		112	143		4	147
Hotel	29,955 sf	112			4	
Building 3		64	45			45
*Restaurant	3,000 sf	52				
Retail	3,000 sf	12				
Building 4		106	131			131
Office	13,500 sf	52		(26)		
Retail	13,500 sf	54				
Total		383	355	26	4	385

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

Parking Summary – Office Alternative

Use	Building Area	Parking Required	Parking Provided Off Street	Shared Parking	Parking Provided Street	Total Parking Provided
Building 1		101	36	53		89
*Restaurant	6,000 sf	101		53		
Building 2		107	143			143
Office	29,955 sf	107		(53)		
Building 3		64	45			45
*Restaurant	3,000 sf	52				
Retail	3,000 sf	12				
Building 4		106	131		4	135
Office	13,500 sf	52			4	
Retail	13,500 sf	54				
Total		378	355	53	4	412

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

Checklist Item XVII Utilities and Service Systems.

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

Checklist Item XVIII Mandatory Findings of Significance.

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

7. INCORPORATION BY REFERENCE

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

A. City of Banning General Plan

This document provides a vision for the future development of the community. It is the official policy statement of the City Council intended to guide the private and public development of the City. The General Plan was adopted March 2006.

B. Environmental Impact Report (EIR) for the City of Banning General Plan and Zoning Ordinance

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

C. City of Banning Municipal Code

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

D. City of Banning Local Procedures for Complying with CEQA

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

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

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

F. Historical/Archaeological Resources Records Search

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

G. Geotechnical Investigation The Village at Paseo San Gorgonio

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

H. Air Quality Study The Village at Paseo San Gorgonio

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

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

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

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

This study was prepared by Terra Nova Planning & Research, Incorporated of Palm Springs, California dated August 2008. The purpose of the study was to assess the whether hazardous material contamination has impacted the soil and/or groundwater underlying the property.

K. Limited Phase II Environmental Site Assessment (San Geronio Inn)

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

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

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

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

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

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

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

O. Hydrology Report for JMA Village, LLC

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

P. Preliminary Water Quality Management Plan

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

Q. Revised Traffic Impact Study Report

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

8. LIST OF PREPARERS

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

Project Manager: Brian Guillot, Assistant Planner

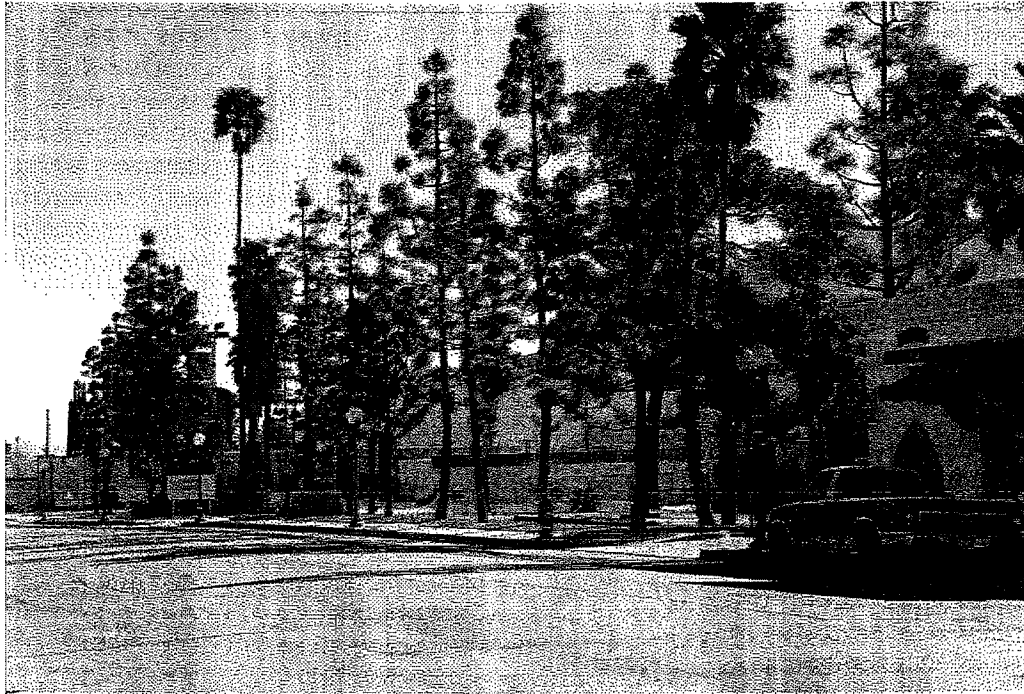
Reviewed by: Zai Abu Bakar, Community Development Director

EXHIBIT A

(Site photographs)



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



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

EXHIBIT B

(reproduced General Plan information)

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

Property Number	Property Name	Location	Property Type	Year Built
33-7870	Pedley-type dam	San Gorgonio Ave. and Bluff St.	Water retarder/ erosion control	1910s
33-7879	Henderson Building (1880s) or Reid Building (1890s-present)	54 S. San Gorgonio Ave.	Commercial building	1884
33-7880	Coolin House/Spokane Hotel	12 S. San Gorgonio Ave.	Hotel	1900
33-8332	None	70 E. Barbour St.	Single-family dwelling	1890s
33-8333	None	225 E. Barbour St.	Single-family dwelling	1892
33-8334	Russell Jones House	391 E. Barbour St.	Single-family dwelling	1900s
33-8335	None	434 E. Barbour St.	Single-family dwelling	1920s
33-8336	None	451 E. Barbour St.	Single-family dwelling	1890s
33-8337	Davis Home	933 E. Barbour St.	Single-family dwelling	1892
33-8338	D. Frank Southworth House	1487 E. Barbour St.	Single-family dwelling	1900s
33-8339	Canyon/Strause House	8720 Bluff St.	Single-family dwelling	1928
33-8340	John Minney Packing Shed	9615 Bluff St.	Packing house	1910s
33-8341	Ellis Ranch	9835 Bluff St.	Single-family dwelling	1940
33-8342	Rutherford Orchards/Barker Orchards	10181 Bluff St.	Packing house	1930s
33-8343	Tom Monongo House	10220 Bluff St.	Single-family dwelling	1910s
33-8344	Rutherford Moore Orchard Barn	4335 Dunlap St.	Barn/single-family dwelling	1928
33-8345	None	213 E. George St.	Single-family dwelling	1923
33-8346	Karl Brown Home	272 E. George St.	Single-family dwelling	1900s
33-8347	Rose House	779 E. George St.	Single-family dwelling	1910s
33-8348	None	Gilman St. north of Mesa St.	Pump house	1910s
33-8349	None	43210 Gunner Rd.	Single-family dwelling and packing house	1930s
33-8350	George Parker House	1228 S. Hargrave St.	Single-family dwelling	1888
33-8351	Banning Woman's Club	175 W. Hayes St.	Social club	1910s
33-8352	None	322 E. John St.	Single-family dwelling	1900s
33-8353	Mary Iselin House	43601 Mesa St.	Single-family dwelling	1920
33-8355	None	334 N. Murray St.	Single-family dwelling	1910
33-8356	The San Gorgonio Inn/Bryant House	150 E. Ramsey St.	Hotel	1884
33-8357	Fox Theater/Corey Building	84 W. Ramsey St.	Theater	1928
33-8358	Hotel Banning	225 W. Ramsey St.	Hotel	1920s
33-8359	Purcell House	11639 N. San Gorgonio Ave.	Single-family dwelling	1932
33-8360	Banning High School	NE corner of San Gorgonio Ave. and Nicolet St.	Educational building	1935
33-8362	Holcomb Building	40 S. San Gorgonio Ave.	Commercial building	1900s
33-8363	Conrad Graf House	717 S. San Gorgonio Ave.	Single-family dwelling	1910
33-8399	None	132 E. Wesley St.	Single-family dwelling	1920s
33-8400	Vollaro House/J.R. Fountain House	270 E. Wesley St.	Single-family dwelling	1888
33-9096	Mary Ellis Home	170 W. Williams St.	Single-family dwelling	1910s
33-9097	Banning Unified School District Offices	161 W. Williams St.	Government building	1908
33-9098	Charlie Morris House	486 W. Williams St.	Single-family dwelling	1897
33-9099	None	530 W. Williams St.	Single-family dwelling	1902

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

33-9104	McAlister Home	111 N. 1st St.	Single-family dwelling	1906
33-9105	None	125 N. 1st St.	Single-family dwelling	1932
33-9106	None	144 N. 1st St.	Single-family dwelling	1920s
33-9107	None	157 N. 1st St.	Single-family dwelling	1910s
33-9108	None	160 N. 1st St.	Single-family dwelling	1910s
33-9109	Saint Agnes Church/Grace Lutheran Church	111 N. 2nd St.	Religious building	1930s
33-9110	C.D. Hamilton Home	181 N. 2nd St.	Single-family dwelling	1890s
33-9111	United Methodist Church	235 N. 2nd St.	Religious building	1928
33-9112	Dr. Ryan Home	115 N. 3rd St.	Single-family dwelling	1900s
33-9113	Methodist Parsonage	180 N. 3rd St.	Single-family dwelling	1897
33-9115	Samuels Home	384 N. 3rd St.	Single-family dwelling	1908
33-9116	None	524 N. 3rd St.	Single-family dwelling	1910
33-9117	F.F. Lemon Home	181 N. 4th St.	Single-family dwelling	1887
33-9118	Osborne House	416 N. 4th St.	Single-family dwelling	1923
33-9119	Rutherford House	385 N. 5th St.	Single-family dwelling	1912
33-9120	None	899 W. Hayes St.	Single-family dwelling	1920s
33-9121	None	1015 W. Hayes St.	Single-family dwelling	1920s
33-9122	None	1067 W. Hayes St.	Single-family dwelling	1920s
33-9123	None	81 King St.	Single-family dwelling	1910s
33-9124	None	94 King St.	Single-family dwelling	1910s
33-9125	None	58 W. King St.	Single-family dwelling	1910s
33-9126	None	943 Linda Vista Dr.	Single-family dwelling	1920s
33-9127	None	946 Linda Vista Dr.	Single-family dwelling	1920s
33-9128	None	1118 Linda Vista Dr.	Single-family dwelling	1930s
33-9129	None	160 W. Ramsey St.	Commercial building	1930s
33-9130	None	170 W. Ramsey St.	Commercial building	1930s
33-9131	Mason Moore Building	185 W. Ramsey St.	Commercial building	1928
33-9132	Hendrick's Market	141 N. San Geronimo Ave.	Commercial building	1930s
33-9133	American Legion Hall	375 N. San Geronimo Ave.	Social club	1921
33-9134	Odd Fellows Building	25 South San Geronimo Ave.	Social club	1920s
33-9135	None	875 N. 1st St.	Single-family dwelling	1930s
33-9136	None	889 N. 1st St.	Single-family dwelling	1930s
33-9137	None	901 N. 1st St.	Single-family dwelling	1930s
33-9138	None	933 N. 1st St.	Single-family dwelling	1930s
33-9139	None	961 N. 1st St.	Single-family dwelling	1920s
33-9140	None	978 N. 1st St.	Single-family dwelling	1920s
33-9141	None	1051 N. 1st St.	Single-family dwelling	1920s
33-9142	None	1119 N. 1st St.	Single-family dwelling	1920s
33-9143	None	1138 N. 1st St.	Single-family dwelling	1910s
33-9144	None	65 Ensign St.	Single-family dwelling	1920s
33-9145	None	91 Ensign St.	Single-family dwelling	1920s
33-9147	Mixer House	1626 W. George St.	Single-family dwelling	1910s
33-9149	None	59 Lancaster Rd.	Single-family dwelling	1920s
33-9150	None	1222 W. Lincoln St.	Single-family dwelling	1920s
33-9151	None	78 W. Pendleton Rd.	Single-family dwelling	1920s
33-9152	None	145 W. Pendleton Rd.	Single-family dwelling	1920s
33-9153	Constantino's/Hopper Cafe	140 W. Ramsey St.	Single-family dwelling	1930s
33-9154	Banning City Hall	169 W. Ramsey St.	Government building	Unknown
33-9155	None	260 W. Ramsey St.	Commercial building	1920s
33-9156	Banning Medical Clinic	330 W. Ramsey St.	Commercial building	1900s

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

33-9157	None	385 W. Ramsey St.	Single-family dwelling	1920s
33-9159	Bad Insurance Agency	1025 W. Ramsey St.	Single-family dwelling	1910s
33-9160	None	1211 W. Ramsey St.	Single-family dwelling	1910s
33-9161	None	1231 W. Ramsey St.	Single-family dwelling	1920s
33-9163	Berlin Building	65 N. San Geronimo Ave.	Commercial building	1920s
33-9164	Hazel's Thrift Shop/U.S. Post Office	125 N. San Geronimo Ave.	Commercial building	1930s
33-9165	Stagecoach Press Building/ B.D. Wilson Building	137 N. San Geronimo Ave.	Commercial building	1930s
33-9166	John Moore House	1023 N. San Geronimo Ave.	Single-family dwelling	1910s
33-9167	None	1111 N. San Geronimo Ave.	Single-family dwelling	1920s
33-9168	None	1419 N. San Geronimo Ave.	Single-family dwelling	1910s
33-9169	None	1455 N. San Geronimo Ave.	Single-family dwelling	1920s
33-9170	None	1558 N. San Geronimo Ave.	Single-family dwelling	1920s
33-9171	None	1580 N. San Geronimo Ave.	Single-family dwelling	1920s
33-9172	None	1617 N. San Geronimo Ave.	Single-family dwelling	1920s
33-9173	None	1661 N. San Geronimo Ave.	Single-family dwelling	?
33-9174	None	1725 N. San Geronimo Ave.	Single-family dwelling	1930s
33-9175	None	290 E. Santa Rita Pl.	Single-family dwelling	1920s
33-9177	None	185 W. Westward Ave.	Single-family dwelling	1930s
33-9178	None	116 N. 4th St.	Single-family dwelling	1920s
33-9179	None	141 N. 4th St.	Single-family dwelling	1920s
33-12425	Historic Downtown Banning	Ramsey/Livingston/San Geronimo/Murray	Commercial district	1880s-1920s