

**ORDINANCE NO. 1450**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA AMENDING THE DEUTSCH SPECIFIC PLAN AND SUPERSEDING IT WITH THE BUTTERFIELD SPECIFIC PLAN AND ADOPTING CONDITIONS OF APPROVAL AND MAKING FINDINGS IN SUPPORT THEREOF**

**WHEREAS**, the City of Banning received an application on August 20, 2007 for an amendment to the Deutsch Specific Plan to provide zoning regulations for the Butterfield Specific Plan including a General Plan Amendment and Zone Change, amendment to the Development Agreement, and approval of an EIR to allow the development of up to 5,387 dwelling units (937.4 acres of residential), a golf course and open space (253.9 acres), parks (66.5 acres) and other open space (108.4) acres, two school sites (23.0 acres), and existing utilities substation facility (4.2 acres), a fire station site (1.6 acres) and backbone roadways (113.6 acres). The project also includes the construction of major on-site and off-site infrastructure, including, but not limited to: various on-site and off-site street improvements to provide access to and from the project site; designation of a site for a potential waste water treatment facility; various on-site and off-site conveyance pipelines for sewer, water, storm drain; a multi-purpose detention basin, and drainage improvements to Pershing Channel and Smith Creek immediately upstream and downstream of the 1,543-acre project site to accommodate the mixed-use master planned community.

Project Applicant:	Pardee Homes (Authorized Agent Mike Taylor, Vice President of Pardee Homes, 10880 Wilshire Boulevard, Suite 1900, Los Angeles, CA 90024)
Property Owners:	Pardee Homes owns 1,522 acres within the Butterfield Specific Plan. Highland Springs Country Club Owners Association owns the 21-acre property that is located at the northwest corner of the Butterfield Specific Plan (APN: 408-060-006, 007 & 008 portion).
Project Location:	Northeast Corner of Highland Springs Avenue and Wilson Street
APN Number:	The project includes 34 parcels: 408-060-006, 007 & 008 (por.); 408-030-001 & 005; 408-120-001 through 020, 022, 024, 025, 027 & 033; and 531-080-013 & 014.
Specific Plan Size:	1,543 Acres

**WHEREAS**, Pardee Homes requests an amendment to the Deutsch Specific Plan by superseding it with the zoning regulations for the Butterfield Specific Plan so that future development within the project site conforms to the Butterfield Specific Plan.

**WHEREAS**, the Butterfield Specific Plan and Conditions of Approval (Exhibit "A") including its companion entitlement applications for General Plan, Zone Change, and Development Agreement amendment, and Water Supply Assessment are considered a Project pursuant to CEQA Guidelines sections 21065.

**WHEREAS**, Government Code Sections 65450 through 65454 establish the authority for the adoption a Specific Plan, identify the required contents of the Specific Plan and mandate consistency with the General Plan.

**WHEREAS**, Chapters 17.44 and 17.96 of the Banning Zoning Code specifies the purpose, the content of the Specific Plan, procedures for the preparation and adoption of the Specific Plan, and findings.

**WHEREAS**, the City of Banning development team has reviewed the Butterfield Specific Plan and associated entitlement and determined that the Specific Plan meets the requirements of Government Code Sections 65450 and 65454 and Chapters 17.44 and 17.96 of the Banning Zoning Code.

**WHEREAS**, the approval of an amendment to the Deutsch Specific Plan and superseding it with the Butterfield Specific Plan as referenced herein, including its companion applications for General Plan Amendment No. 11-2501 and Zone Change No. 11-3501, and Development Agreement amendment, is considered a project pursuant to CEQA Guidelines Section 21065.

**WHEREAS**, consistent with Section 15083 of CEQA and prior to completing the draft Environmental Impact Report ("EIR"), the City held an early consultation or scoping meeting regarding the environmental issue areas to be considered in the EIR. The City published the Notice of Preparation ("NOP") including the Scoping meeting in the Record Gazette and on the City's website. The City also mailed the NOP to residents who are located within 300' of the Project site and to members of the public, organizations/groups, public agencies and persons who have requested to be on the mailing lists. As part of early consultation, the City held three (3) public scoping meetings. Two (2) scoping meetings were held on October 16, 2007, from 2 p.m. to 4 p.m. and from 6 p.m. to 8 p.m. Another scoping meeting was held on October 22, 2007, from 6 p.m. to 8 p.m.

**WHEREAS**, a Final EIR (SCH No. 2007091149), including Draft EIR and Mitigation Monitoring and Reporting Program were prepared in accordance with the California Environmental Quality Act Sections 15000-15387 (Title 14, Chapter 3 of California Code of Regulations), the State CEQA Guidelines, and the City of Banning Environmental Review Guidelines.

**WHEREAS**, consistent with Sections 15086 and 15087 of CEQA, the City published the Notice of Availability ("NOA") of the Draft EIR and made the Draft EIR available for a 45-day public review period from June 6, 2011, to July 21, 2011. The NOA was published in the Press Enterprise and the City's website. The City also mailed the NOA to the State Clearinghouse for distribution to State Agencies. Also, the City mailed the NOA to the residents, who live within

300' radius of the Project boundaries, groups and organizations, and members of the public who requested to be on the mailing list of the Project.

**WHEREAS**, prior to the close of the comment period, the City held a public workshop on June 21, 2011 to provide information and answer questions from interested members of the public regarding the Project and the Draft EIR.

**WHEREAS**, during the public workshop of June 21, 2011, the City received questions and comments mostly on traffic, among other questions about the Project. In response to the oral comments on traffic, the City held another workshop on July 14, 2011 to respond to questions from members of the public regarding the traffic analysis report and conclusions.

**WHEREAS**, the City received 31 comment letters from members of the public, public agencies, groups/organizations, and persons who requested to be a part of the mailing list of the Project for the Draft EIR and the impacts of the Butterfield Specific Plan, including its associated applications as referenced herein.

**WHEREAS**, consistent with Section 15088 of CEQA, the City evaluated the responses received from members of the public, public agencies, groups/organizations, and persons who requested to be a part of the mailing list of the Project and prepared written responses, which culminated in a Final EIR for the Project and is referenced herein. The Final EIR was made available for 10-day public review on Friday, February 24, 2012. The Final EIR was made available at City Hall Community Development Counter, the Banning Public Library, and the City's website.

**WHEREAS**, on March 7, 2012, the Banning Planning Commission held a duly-noticed public hearing, at which time the Commission considered the public testimony, staff report, full documentation of the Final EIR, and all other documentation relating to the Project, and the Commission unanimously recommended approval of the Project and certification of the Final EIR to the City Council.

**WHEREAS**, on March 16, 2012, the City gave public notice by advertisement in the Record Gazette newspaper of a public hearing concerning the Project to be held before the City Council. On March 27, 2012, the City Council held its public hearing on the Project and Final EIR, to consider public testimony, the staff reports and presentations, full copy of the Final EIR and all other documentation relating to the Project.

**NOW THEREFORE**, the City Council of the City of Banning does make the following findings and based thereon and the administrative record does ordain as follows:

#### SECTION 1. ENVIRONMENTAL FINDINGS.

A Final Environmental Impact Report [EIR] (SCH No. 2007091149), including Draft EIR and Mitigation Monitoring and Report Program was prepared in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines Sections 15000 through

15387, and the City of Banning Environmental Review Guidelines. City Council Resolution No. 2012-24, as referenced herein, provides additional environmental findings for the Project.

## SECTION 2. REQUIRED FINDINGS FOR THE BUTTERFIELD SPECIFIC PLAN

**Finding No. 1:** The proposed Specific Plan is consistent with the General Plan, as amended.

**Findings of Fact:** The proposed Specific Plan is partially inconsistent with the existing General Plan. The current General Plan Land Use and Zoning designations for the project site is Deutsch Specific Plan. The proposed General Plan Amendment No. 11-2501 and Zone Change No. 11-3501 will change the land use designations and zoning of the project site from Deutsch Specific Plan to Butterfield Specific Plan which will make the Butterfield Specific Plan consistent with the General Plan Land Use and Zoning. With approval of the General Plan Amendment No. 11-2501 and Zone Change No. 11-3501, the proposed Butterfield Specific Plan would be consistent with the intent of the General Plan through designation of the site as Specific Plan. Consistency of the Butterfield Specific Plan pertaining to the proposed project is assessed in Section 7.0 of the Butterfield Specific Plan dated November 21, 2011 and is attached herein.

**Finding No. 2:** The proposed Specific Plan would not be detrimental to the environment, or to the public interest, health, safety, convenience, or welfare of the City.

**Finding of Facts:** In compliance with State law (Government Code Sections 65450 et. seq.) the proposed Butterfield Specific Plan includes the following information:

(1) *The distribution, location, and extent of land uses, including residential, commercial, open space and trails, golf course, a site for fire station, a public community center, and sites for two elementary schools. Specifically, Section 1.0, pages 1-1 to 1-17 includes maps and diagrams for the distribution, location, and extent of the uses of land, including open space. In addition, the text accompanies the maps and diagrams providing detail information as to the specific plan land uses, their location, and intensity/density of the uses. Furthermore Sections 3.0 through 3.1.2, pages 3-1 through 3-16 of the Specific Plan provide detailed development plans for each of the land uses. Detail information of the distribution, location, and extent of the parks and open space development is provided in Section 3.6 through 3.6.6, pages 3-85 through 3-98.*

(2) *The distribution, location and extent and intensity of major components of public and private transportation, water, sewer, drainage, solid waste disposal, energy, and other essential facilities within the project area required to support the land uses described in the Specific*

*Plan.* Specifically, Section 3.2 through 3.5.5, pages 3-17 through 3.84 provide detail information via text and diagrams/maps showing distribution location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan. Other public services and essential facilities for the project including schools, fire and police protection, library, cable, gas, and health services are provided in Section 3.7.1 on pages 2-97 through 3-99.

(3) *Standards and criteria for which the development will proceed; and* Specifically, the following sections of the Butterfield Specific Plan provides standards and criteria for which the development will proceed:

- a. Section 3.7.2, pages 3-99 through 3-105 provide phasing for each development
- b. Sections 4.1 through 4.13.9, pages 4-1 through 4-139 provide detail development design guidelines for the community, neighborhood, and individual buildings and how they are to be developed.
- c. Sections 5.0 through 5.8.1 provide specific details development regulations for each of the land use districts and how they are to be developed.

(4) *A program for implementation including regulations, programs, public works projects and financing measures necessary to carry out the project;* Specifically, Section 6.0 through 6.2.2, pages 6-1 through 6-4 of the Butterfield Specific Plan provides details information on the administration and implementation of the Specific Plan that includes regulations, programs, public works projects, and financing measures necessary to carry out items (1), (2), and (3). The financing measures include Community Facility District which is described in detail in Section 3.7.3 on page 3-105. Details of the finding of facts are included in Ordinance No 1450.

(5) *A Statement of Relations of the Specific Plan to the adopted General Plan.* Specifically, Section 7.0 of the Butterfield Specific Plan findings of consistency with the General Plan as referenced herein, the proposed General Plan Amendment and Zone Change would maintain the appropriate balance of land uses within the City and specifically, it will implement the Citywide goal of “a balanced well-planned community including business which provides a functional pattern of land uses and enhances the quality of life for all Banning residents.”

Additionally, the Specific Plan has been reviewed to ensure that there are adequate two-points of access within each of the neighborhoods/ planning areas of the Plan to provide access for public safety emergency vehicles during an emergency.

As required by the California Environmental Quality Act (CEQA) Section 20165, an environmental impact report (EIR) [State Clearinghouse No. 2007091149] was prepared for the project. The EIR identified potentially significant effects on the environment and on the public interest, health, safety, convenience, and welfare of the City and identified mitigation measures that shall be incorporated into the Project to reduce impacts. In certain instances incorporation of mitigation measures were unable to reduce impacts to less than significant. Section 15091 allows the City to approve a project that has significant impacts on the environment and that which the impacts cannot be mitigated when there are economic, social, or other considerations that make it infeasible to mitigate the significant effects of the projects. Findings for approval must be provided consistent with Section 15093 of the CEQA Guidelines in that the City Council will need to adopt a Statement of Overriding Considerations for the significant and unavoidable Project-related impacts

The City has prepared a Statement of Overriding Considerations for the significant and unavoidable Project-related impacts associated with aesthetics, light and glare, air quality, and traffic and circulation and the cumulative impacts associated with aesthetics, light and glare, air quality, climate change, noise, and traffic and circulation. (Refer to City Council Resolution No. 2012-24).

Based upon the Statement of Overriding Considerations, sixteen (16) areas of Public Benefit related to the proposed Butterfield Specific Plan Project outweigh the seven (7) areas of significant unavoidable adverse impacts. The significant unavoidable adverse impacts are considered acceptable.

**Finding No. 3:** The subject property is physically suitable for the requested land use designation(s) and the anticipated development(s).

**Findings of Fact:** The project site is 1,543 acres and the majority of the site is located on flat land. The project site has been analyzed for constraints and opportunities for development including compatibility of the various densities and intensity of land uses surrounding the development, flood zone, earthquake fault, proximity to natural open space, availability of water and utilities to serve the development.

The proposed Project would continue a pattern of development that is already in place to the south, southeast, west and northwest of the site, providing desirable linkages between existing developments, extending

and improving the City's circulation system, and providing additional parks, schools, and other public facilities that would serve both proposed and existing land uses in the area. The Butterfield Specific Plan is proposing to substantially increase the open space to 428.8 acres, compared to the previously designated 268 acres of open space in the previously approved Deutsch Specific Plan. The Project would not physically divide an established community since the Project site is currently vacant and undeveloped.

As part of the community input and public review process for the preparation of the Specific Plan and at the request of the residents who live on Mockingbird Lane, the developer modified the lot sizes for the area that is located on the east side of the Highland Home Road and north of the "F" Street. Planning Area 50 of the Butterfield Specific Plan (refer to Exhibit 3.1, Land Use Plan, in the Specific Plan) which is the area to the north of the Mockingbird Lane has been designated as Low Density Residential, with a minimum average lot size of 7,500 sq. ft. Furthermore, starting at the back of lots along the existing lots on the north side of Mockingbird Lane, there would be approximately 390 ft. of open space between the rear property lines of lots located on Mockingbird Lane and the southern boundary of Planning Area 50.

Access to and from the project has been evaluated consistent with the General Plan policies and the County Master Plan of Roadways. Internal circulation systems have been reviewed to provide automobile, low speed electric vehicles, pedestrian, and bikeway connections within the project site. Additionally, each of the neighborhoods have been reviewed and provided two points of access for public safety vehicles during an emergency. Necessary utilities that include water, sewer, gas, electricity, cable, and telephone that will serve the development will be provided through the implementation of the Specific Plan.

**Finding No. 4:** The proposed Specific Plan shall ensure development of desirable character which will be compatible with existing and proposed development in the surrounding neighborhood.

**Finding of Fact:** The project site is 1,543 acres and is adequate and suitable to develop with the proposed land uses which are described in detailed in the Butterfield Specific Plan as incorporated herein by reference. The land use plan for the project takes into consideration the physical constraints and opportunities of the site including surrounding land uses, topography, geology, seismic hazards, soils, groundwater, drainage and flood control channels – Smith Creek and Pershing Channel, paleontology and archeology, biology, circulation and access, and utilities as described in detailed in Sections 2.1 through 2.7.2 of the Specific Plan.

The proposed Project would continue a pattern of development that is already in place to the south, southeast, west and northwest of the site, providing desirable linkages between existing developments, extending and improving the City's circulation system, and providing additional parks, schools, and other public facilities that would serve both proposed and existing land uses in the area. The Butterfield Specific Plan is proposing to substantially increase the open space to 428.8 acres, compared to the previously designated 268 acres of open space in the previously approved Deutsch Specific Plan. The Project would not physically divide an established community since the Project site is currently vacant and undeveloped.

The location of the various land uses has been distributed and placed to provide compatibility within the neighborhoods in the project and the surrounding area, including the neighborhood on the north side of the Mockingbird Lane as this neighborhood provided input as to compatibility of the previous lot sizes which were smaller compared to lot sizes in their neighborhood. Specifically, to improve compatibility with the existing residential development on the north side of Mockingbird Lane, the Project has designated Planning Area 50 (refer to Exhibit 3.1, Land Use Plan, in the Specific Plan) as Low Density Residential, with a minimum average lot size of 7,500 sq. ft. Furthermore, starting at the back of lots along the existing lots on the north side of Mockingbird Lane, there would be approximately 390 ft. of open space between the rear property lines of lots located on Mockingbird Lane and the southern boundary of Planning Area 50.

Access to and from the project has been evaluated consistent with the General Plan policies and the County Master Plan of Roadways. Internal circulation systems have been reviewed to provide automobile, low speed electric vehicles, pedestrian, and bikeway connections within the project site. Additionally, each of the neighborhoods have been reviewed and provided two points of access for public safety vehicles during an emergency. Necessary utilities that include water, sewer, gas, electricity, cable, and telephone that will serve the development will be provided through the implementation of the Specific Plan.

In compliance with SB 610 (Water Code Section 10910 et seq.), a Water Supply Assessment was prepared for the project, which is consistent with the City's Urban Water Management Plan, and which is incorporated herein by reference. The Water Supply Assessment concluded that the City's total projected water supplies are adequate to meet the projected water demand associated with the project, in addition to the City's existing and planned future uses.

Based on the facts indicated in this subsection and subsections above and the administrative record, the project site is suitable for requested land use designation(s) and the anticipated land use development(s).

SECTION 3. CITY COUNCIL ACTIONS.


The City Council hereby:

1. Adopts the Conditions of Approval attached hereto as Exhibit "A".
2. Adopts Ordinance No. 1450 approving an amendment to the Deutsch Specific Plan and superseding it with the Butterfield Specific Plan.

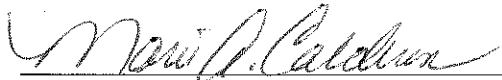
SECTION 4. PUBLICATION

The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in the Record Gazette, a newspaper published and circulated in the City. Thereupon, this Ordinance shall take effect thirty (30) days after the adoption and be in effect according to the law.


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

  
Don Robinson, Mayor  
City of Banning

**ATTEST:**

  
Marie Calderon, City Clerk  
City of Banning, California

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

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

**CERTIFICATION:**

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Ordinance No. 1450 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 27<sup>th</sup> day of March, 2012 and was duly adopted at a regular meeting of said City Council held on the 10th day of April 2012, by the following vote, to wit:

AYES: Councilmembers Botts, Franklin, Machisic, Mayor Robinson

NOES: None

ABSENT: None

ABSTAIN: None

*(Note: Councilmember Hanna recused from voting)  
(Conflict of Interest)*

A handwritten signature in cursive script, reading "Marie A. Calderon", written in dark ink.

Marie Calderon, City Clerk  
City of Banning, California

**Butterfield Specific Plan  
Draft Conditions of Approval**

**I. GENERAL/ONGOING**

**COMMUNITY DEVELOPMENT DEPARTMENT**

1. **Approved General Plan Amendment and Zone Change.** The General Plan Amendment and Zone Change are approved as shown in Exhibit "A" to Resolution No. 2012-03. An amended Development Agreement (the "Development Agreement") was approved concurrent with the General Plan Amendment and Zone Change. Capitalized terms used herein bear the same meaning as defined in the Development Agreement.
2. **Approved Butterfield Specific Plan.** This approval includes development of up to 5,387 new residential units on approximately 937.2 acres, a minimum of 36 and up to 88 acres of commercial/office, 253.9 acres of golf course or open space, 66.5 acres of park, 70.1 acres of natural/landscape/easement, 38.3 acres of drainage and open space areas, potentially two or more elementary school sites, as determined needed by the school districts, a 4.2 acre utility substation site, and approximately 113.6 acres of backbone roads as shown in the table below ("Project").

Land Use	Gross Acres	% of Area	Dwelling Units	% of Dwelling Units	Average Gross Density
<b>Residential<sup>3</sup></b>					
Low Density (LDR) 0-5 DU/AC	539.2	35.0%	2,222	41.2%	4.1
Medium Density (MDR) 0-10 DU/AC	324.4	21.0%	1,960	36.4%	6.0
High Density (HDR) 11-18 DU/AC	73.8	4.8%	1,205	22.4%	16.4
<b>Residential Subtotals</b>	<b>937.2</b>	<b>60.8%</b>	<b>5,387</b>	<b>100.0%</b>	<b>5.7</b>
<b>Open Space</b>					
Golf Course/Drainage/Open Space	253.9	16.5%			
Parks	66.5	4.3%			
Natural/Landscape/Easement	70.1	4.5%			
Drainage/Open Space	38.3	2.5%			
<b>Open Space Subtotals</b>	<b>428.8</b>	<b>27.8%</b>			
<b>Schools<sup>1</sup></b>	<b>23.0</b>	<b>1.5%</b>			
<b>Commercial/Office<sup>2</sup></b>	<b>36.0</b>	<b>2.3%</b>			
<b>Utility Substation – Existing</b>	<b>4.2</b>	<b>0.3%</b>			
<b>Backbone Roads</b>	<b>113.6</b>	<b>7.4%</b>			
<b>SPECIFIC PLAN TOTALS</b>	<b>1,543</b>	<b>100.0%</b>	<b>5,387</b>	<b>100.0%</b>	<b>3.5</b>

<sup>1</sup> Alternate Residential use of School sites at up to 10 DU/AC is provided.

<sup>2</sup> Alternate Residential use or mixed use of the Commercial sites is provided for with PA 17 at up to 4.5 DU/AC (LDR) and PA 18 at up to 10 DU/AC (MDR). The overall DU total for the Specific Plan shall not exceed 5,387 DU. In addition, Commercial use is allowed as an alternate use for all or a portion of Residential PAs 3, 4 and 5 (51.4 acres combined), and Park PAs 26 and 27 (0.9 acres combined).

<sup>3</sup> The Specific Plan allows for cluster development and Active Adult residential within certain Planning Areas, as described in detail within the Specific Plan (Section 3.1.1.1, Residential).

2a. **The Phasing Plan.** The phasing and timing requirements for the construction of all public improvements shall be in accordance with the Master Phasing Plan and the developed pursuant to the Development Agreement. Although the overall timing of Project development remains subject to the Developer's discretion based on market conditions, there is a logical sequence to the development and certain improvements are required to be complete before phases of the Project can be considered complete and ready for occupancy. The Master Phasing Plan will contain the following elements:

a. **Project Phases.** The Developer must achieve certain goals and objectives in terms of Project development in order to keep the Agreement in place for the full term of the agreement, as set forth in the Development Agreement. The development of the Project will be reviewed at each Ten Year Anniversary Review. The Development Goals are as follows:

Phase I (10 <sup>th</sup> Anniversary)	<ul style="list-style-type: none"><li>▪ Development will begin near the corner of Highland Springs and Wilson unless otherwise agreed.</li><li>▪ 1,200 Residential Units to be constructed.</li><li>▪ Commercial retail development of a minimum 23-acre retail-commercial site at the corner of Highland Springs and Wilson (Planning Area 18).</li><li>▪ Outlet for Smith Creek and other commercial, recreation and/or emergency center improvements.</li></ul>
Phase II (20 <sup>th</sup> Anniversary)	<ul style="list-style-type: none"><li>▪ 1,600 residential units to be constructed.</li></ul>
Phase III (30 <sup>th</sup> Anniversary)	<ul style="list-style-type: none"><li>▪ 1,400 residential units to be constructed.</li></ul>
Phase IV (40 <sup>th</sup> Anniversary)	<ul style="list-style-type: none"><li>▪ 1,187 residential units to be constructed.</li></ul>

Within each Phase, as defined above, more detailed phasing plans for each subdivision shall be developed in accordance with Section 6.5 of the Development Agreement, and are subject to the City's review and approval as conditions of approval of the Tract or Subdivision Map and, as approved, shall become a part of the Existing Approvals.

b. **Development of Phasing Plans During Subdivision Map Approvals.** The phasing and timing requirements for the construction of all development including public improvements shall generally be in accordance with the Development Approvals and applicable provisions of the Development Agreement (For example, Sections 6.2, 6.4, 6.5, 7.3, 8.0, etc.) and be developed over time in accordance with the following process:

i. *Master Phase Tract Map.* Each Phase shall have a Master Tract Map which shall be submitted for financing and conveyance purposes only and no improvements may be constructed nor shall development be permitted pursuant to such approved Tract Map except through submission and approval of tentative and final Subdivision Maps. Concurrently with processing of the Master Tract Map, all tentative Subdivision Maps for the Tract shall be submitted and processed.

ii. *Subdivision Maps.* Each Master Tract Map shall designate future subdivisions within the Tract and the order of subdivision development to the extent that the need for development of public infrastructure dictates the logical progression of subdivision development. Each Subdivision Map shall show all infrastructure necessary for the development of the Subdivision. Each subdivision will have a written Phasing Plan approved by the Director and the City Engineer prior to commencement of development of the subdivision specifying when the lots within the subdivision will be developed and when all public infrastructure within the subdivision will be constructed. Generally all

streets, lighting, curbs and gutters, sidewalks, parkway landscaping, asphalt concrete paving, traffic signs and stripping, medians, landscaping, drainage facilities, storm drains, water lines, sewer lines, utility lines, trails and other facilities within the subdivision must be completed before release of any occupancy permits within the subdivision. All conditions which require the provision of Backbone Infrastructure and Subdivision Improvements for the area covered by each tentative Subdivision Map must be satisfied, either through performance or through the provision of suitable security, prior to the approval and recordation of the Subdivision Map.

iii. *Backbone Infrastructure.* Attached as Exhibit "A" is a list of Backbone Infrastructure, including roadways, detention basins, water lines, sewer lines, recycle water lines, utilities, storm drains and drainage facilities, treatment plants, power substations, community parks, community centers, fire stations, and other infrastructure serving area-wide populations. Backbone Infrastructure serves multiple subdivisions, and may need to be constructed in the initial phase of a particular Tract, or even before certain Tracts can be developed. The detailed phasing of construction will be provided through the Master Tract and Subdivision Phasing Plans. Exhibit A outlines the Backbone Infrastructure and when in the development of various Tracts it must be constructed.

3. **Precedence of Conditions.** If any of the Conditions of Approval alter a commitment made by the Developer in the Butterfield Specific Plan text or map exhibits, the conditions enumerated herein shall take precedence unless superseded by the Development Agreement, which shall govern over any conflicting provisions of any other approval.
4. **Compliance with City Codes and Conditions.** Development of the property shall conform substantially to the approved Butterfield Specific Plan as filed in the Planning Division, unless otherwise amended. Should the regulations in the Specific Plan differ from the City of Banning Zoning Ordinance, the regulations in the Specific Plan shall take precedence. Regulations that are not addressed in the Butterfield Specific Plan shall be subject to the City of Banning Zoning Code.
5. **Outside Agencies.** Development of the property shall be in accordance with the plans and procedures of various responsible agencies. These include the following:
  - a. **State and Federal Standards.** The Project shall conform to all disabled access requirements in accordance with the State of California, Title 14, and Federal Americans with Disabilities Act (ADA).
  - b. **Southern California Edison.** If construction is proposed within the area of the Southern California Edison power transmission easement or immediately adjacent thereto, the Developer shall contact the area service planner for Southern California Edison to coordinate construction related activities.
  - c. **School Districts.** The Developer shall demonstrate payment of standard requirements and mitigation fees established by the State of California and the Banning Unified and Beaumont Unified School Districts.
  - d. **Riverside County Flood Control.** Prior to approval of any Final Tract or Parcel Map for which a Riverside County Flood Control master plan facility is included, the Developer shall obtain a written statement from the Riverside County Flood Control District, in a form satisfactory to the City, indicating that the Developer has adequately

demonstrated the viability of proposed drainage facilities. The written statement could be the approval of the facility by RCFCD.

- e. **Caltrans District 8.** Prior to issuance of applicable roadway improvement or encroachment permits, the Developer is required to receive approval of any construction or work within the Caltrans right-of-way(s).
  - f. **California Department of Fish and Game.** The Developer shall apply for and receive approval of an agreement under Section 1602 of the California Fish and game Code.
  - g. **United States Army Corps of Engineer.** The owner, Developer, or successor in interest shall receive approval of a permit under Section 404 of the Clean Water Act.
  - h. **Regional Water Quality Control Board.** The owner, Developer, or successor in interest shall receive approval of a permit under Section 401 of the State Porter-Cologne Act from the Colorado River basin Regional Water Quality Control Board.
  - i. **Riverside Conservation Authority.** The owner, Developer, or successor in interest shall comply with the Multi-Species Habitat Conservation Program mitigation fees.
  - j. **South Coast Air Quality Management District (SCAQMD).** The owner, Developer, or successor in interest shall comply with the air quality regulations promulgated by the SCAQMD.
6. **Mitigation Measures and Mitigation Monitoring Program.** The owner, Developer, or successor in interest shall comply with the Mitigation Measures and Mitigation Monitoring Plan as approved in the Final Environmental Impact Report (SCH# 2007091149) as certified by the City Council on March 27, 2012 and incorporated herein by reference. The owner, Developer, or successor in interest shall pay for the cost of implementing and monitoring the mitigation measures.
7. **City Approvals.** All approvals by City, unless otherwise specified, shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
8. **Homeowner's Associations.** The owner, Developer, or successor in interest shall form a Home Owner's Association (HOA) to maintain private amenities and areas that are determined by the City to be under the area of responsibility of the Homeowners Association.
9. **Property Management Association.** The owner, Developer, or successor in interest shall form a Property Management Association for maintenance of common areas within the commercial/office component of the Project.
10. **Covenant, Conditions, and Restrictions (CC&Rs).** Covenants, Conditions, and Restrictions (CC&Rs) shall be established for residential and commercial development. The owner, Developer, or successor in interest shall pay for the cost of review and approval of the CC&Rs by the City Attorney. The CC&Rs shall provide for proper maintenance of all property and include other necessary conditions to carry out the terms herein, and shall be enforceable by City, and recorded prior to development of any parcels. An initial deposit of \$5,000 is required to cover processing costs. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.

11. **Reciprocal Ingress and Egress.** Reciprocal ingress and egress shall be established between the parcels within each of the commercial areas, in a form approved by the City Attorney.
12. **Mandatory Solid Waste Disposal.** Mandatory solid waste disposal services shall be provided by the City franchised waste hauler to all parcels/lots or uses affected by approval of this Project.
13. **Community Facilities District (CFD).** This Project is not within an existing Community Facilities District (CFD). As a requirement of this Project, one or more CFD's (and LMDs) shall be required to fund the maintenance of infrastructure, landscaping, police, and fire services. The formation of the CFD must be completed prior to recordation. An initial deposit of \$5,000 is required to cover processing costs associated with the proceedings for the establishment of the CFD. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
14. **Tentative Tract Map(s) or Tentative Parcel Map(s).** The Developer or successor in interest shall submit Master Tentative Tract Maps for each Planning Area and concurrently therewith tentative subdivision map(s) and/or tentative parcel map(s) for review and approval by the Planning Commission and City Council. The maps shall be developed consistent with the development standards as established in the Butterfield Specific Plan and the Development Agreement.
15. **Addresses.** All numbered lots shall have addresses assigned by the Building and Safety Department.
16. **Project Phasing.** The Project phasing shall be in conformance with the approved Butterfield Specific Plan and the approved Final EIR. A master phasing plan(s) will be developed as per the Development Agreement. Projects subject to a building permit shall have all required on and off-site improvements that will facilitate the ability to safely occupy or utilize said construction, required for each phase, completed and approved prior to final inspection of any buildings or structures. The term "phase" as used here shall mean the following: "The block of building permits drawn on less than the whole Project" or "A plan of building construction which indicates blocks of construction of less than the whole Project". In each phase, the installation of any off-site improvements shall be sufficiently completed so as to assure protection from storm or drainage run off, a safe and drivable access for fire and safety, and the ordinary and intended use of the buildings or structures. The phasing plans shall be further developed as provided in the Development Agreement.
17. **Recycled Water.** All recycled water service is subject to compliance with all rules, regulations, and conditions of all regulatory agencies and payment for all charges and fees in effect at the time service is applied for.
18. **Fair Share Agreements, Reimbursement and Covenant Agreements.** 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. The City may require the Developer to enter into fair share and reimbursement and other covenant agreements which may be recorded against property and bind owners of property and their successors. A "fair share" agreement shall provide for Developers of property to pay their fair share for infrastructure improvements as determined by an independent study of the respective benefit received by the benefited property. A reimbursement agreement requires the initial Developer to install infrastructure which will also serve other property when it is developed, and the initial Developer is reimbursed by the future development in accordance with the benefit received by the future development. The benefit formulas and terms of the fair share and reimbursement agreements shall contain provisions for securitization

and enforcement and shall be in form and content approved by the City Attorney in accordance with law. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.

19. **Development Impact Fees.** The development is required to comply with the provisions agreed upon in the Development Agreement regarding the payment of and timing of Development Impact Fees ("DIFs").
20. **Disclosure Statement.** A Disclosure Statement shall be submitted to the City for review and approval and made available to all prospective buyers of homes within the development.
21. Such a Disclosure Statement shall at least include the disclosure that every transferor of property within the Project site shall, upon transfer, also provide to any transferee the notice of future Southern California Edison (SCE) improvements recited below in writing. This notice may be contained in any form of agreement or contract; however, the notice need be given only once in any transaction. The transferor shall acknowledge delivery of the notice and the transferee shall acknowledge receipt of the notice. The notice shall read as follows:

***"NOTICE OF SOUTHERN CALIFORNIA EDISON (SCE)***

***RIGHT-OF-WAY FUTURE PROJECTS***

*You are hereby notified that the property you are acquiring an interest in is located within close proximity to Southern California Edison right-of-way easement. SCE expects to apply to the California Public Utilities Commission (CPUC) for a Certificate of Public Convenience and Necessity to construct electrical facilities associated with the West of Devers Upgrade Project (or similarly defined project), as well as any other future utility project(s) that require construction of new or upgraded facilities within the SCE right-of-way easement."*

22. **School District Fees.** The Developer shall provide certification from the appropriate school district as required by California Government Code Section 53080(b) that any fee, charge, dedication or other form or requirement levied by the governing board of the district pursuant to Government Code Section 53080(a) has been satisfied.
23. **Processing Fees.** The development is subject to all appropriate City Processing fees, charges, deposits for services to be rendered, and securities required pursuant to the adopted fee schedule, as amended or superseded prior to final inspection.
24. **Twenty-one (21) Acre Property.** The 21-acre property that is part of the Butterfield Specific Plan and designated Planning Area 43B is for the establishment of pre-zoning for the property if it was to be proposed for annexation to the City of Banning in the future, such as by its property owners; however, it is not planned for annexation at this time. If the property is annexed into the City; the property shall be annexed into the Community Facilities District as established.

25. **Fire Station Site.** The Developer, owner, or successor in interest shall dedicate the fire station site to the City of Banning. The Owner will receive fee credits as provided in the appraised value of the property at the time of purchase. The dedication shall occur in accordance with the phasing plan in the Development Agreement.
26. **Bicycle Path and Neighborhood Electric Vehicle and Walking Trails.** The development shall provide bicycle paths/lanes, neighborhood electric vehicle/golf cart lanes, and walking trails in substantial conformance as shown in Exhibit 3.4 of the Butterfield Specific Plan. The dedication shall occur in accordance with the phasing plan in the Development Agreement.
27. **Fire Department Conditions of Approval.** The Developer shall comply with the conditions in the transmittal from the Fire Department which is under contract from the County through California Department of Forestry.
- 27a. **Trust Deposit Accounts.** Trust deposit accounts shall be established for future submittal and review of tentative tract or parcel maps. All trust deposits shall be maintained no deficits. The trust deposits shall be governed by deposit agreements. The trust deposit account shall be maintained separate from other City funds and shall be non-interest bearing. City may make demands for additional deposits to cover all expenses over a period of 60 days and funds shall be deposited within 10 days of the request therefore, or work may cease on the Project.
28. **Indemnification.** The Developer shall indemnify the City and its elected boards, commissions, officers, agents and employees and will hold and save them and each of them harmless from any and all actions, suites, claims, liabilities, losses, damages, penalties, obligations and expenses (including but not limited to attorneys' fees and costs) against the City and/or Agent for any such Claims or Litigation (as defined in Section 1.10 of the Development Agreement) and shall be responsible for any judgment arising therefrom. The City shall provide the Developer with notice of the pendency of such action and shall request that the Developer defend such action. The Developer may utilize the City Attorney's office or use legal counsel of its choosing, but shall reimburse the City for any necessary legal cost incurred by City. The Developer shall provide a deposit in the amount of 150% of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorneys fees, and shall make additional deposits as requested by City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If the Developer fails to provide or maintain the deposit, the City may abandon the action and the Developer shall pay all costs resulting therefrom and City shall have no liability to the Developer. The Developer's obligation to pay the cost of the action, including judgment, shall extend until judgment. After judgment in a trial court, the parties must mutually agree as to whether any appeal will be taken or defended. The Developer shall have the right, within the first 30 days of the service of the complaint, in its sole and absolute discretion, to determine that it does not want to defend any litigation attacking this Agreement or the Development Approvals in which case the City shall allow the Developer to settle the litigation on whatever terms the Developer determines, in its sole and absolute discretion, but Developer shall confer with City before acting and cannot bind City. In that event, the Developer shall be liable for any costs incurred by the City up to the date of settlement but shall have no further obligation to the City beyond the payment of those costs. In the event of an appeal, or a settlement offer, the Parties shall confer in good faith as to how to proceed. Notwithstanding the Developer's indemnity for claims and litigation, the City retains the right to settle any litigation brought against it in its sole and absolute discretion and the Developer shall remain liable except as follows: (i) the settlement would reduce the scope of the Project by 10% or more, and (ii) the Developer opposes the settlement. In such case the City may still settle the litigation but shall then be responsible for its own litigation expense but shall bear no other liability to the Developer.

29. **Community Center/Emergency Site.** An approximately 6-acre site shall be dedicated to the City of Banning for a community or emergency housing center within either Planning Areas 35 or 39 or the site shall be provided within the surplus sites that may include the optional satellite waste water treatment plant site that is located at the northwest corner of Highland Home Road and Wilson Street. [Ultimate size of site will be adjusted to not adversely affect development area of surrounding property] The site shall be graded and be provided with a finished pad. Utilities will be stubbed to the property according to the requirements of the Public Works department. In the event that the City requests the Community Center within any of the residential Planning Areas that allow for such uses, per the provisions stated within the Specific Plan, the Owner and City shall enter into an agreement for the acquisition of the otherwise developable land. This site would be in addition to the parks and open space sites that are shown on Exhibit 3.1B of the Specific Plan. The dedication shall occur in accordance with the Phasing Plan in the Development Agreement. Developer shall not receive development fee credit for the value of the site, and may be asked to construct the improvements in accordance with the Development Agreement.
30. **Paleo/Archeological Conditions.** 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."

#### **PARKS, RECREATION, AND OPEN SPACE**

31. **Parks, Recreation and Open Space.** The Land Use Plan includes development of a total of 66.5-acres of neighborhood parks, neighborhood recreation centers, community parks, and an 18-hole golf course or open space as depicted in Table 3-3 and described in Section 3.6 of the approved Butterfield Specific Plan. All dedications and improvements shall be in accordance with the Phasing Plan in the Development Agreement except as specifically provided herein.
32. **Parks Completion and Use by the Public:**
- a. Prior to the construction of any parks, the Developer shall meet with both the Director and the Director of Parks and Recreation to review the provisions set forth in the Specific Plan outlining the facilities to be provided at each park and discuss the Developer's plans for near-term construction of the parks. Prior to development of each park, a detailed site plan consistent with the Specific Plan shall be prepared by the Developer and approved by the Director and the Parks and Recreation Commissions. The Developer shall complete the construction of neighborhood parks and utility easement parks (park improvements which will go in beneath the SCE easement area in the middle of the project in Planning Areas 36, 37 and 38), Planning Areas 22 through 34, 36 through 38, 62, 64 through 67 and 72, no later than the issuance of the final Certificate of Occupancy for residential units within the adjacent subdivisions. Active use park improvements may not be placed in the SCE easement parks if the Director and Commissions believe there are issues of public health with electro magnetic radiation. A subdivision separated from a park by a street shall not be considered to be adjacent to the park. The City and Developer shall, mutually, determine what constitutes the adjacent subdivision if a park adjoins more than one subdivision. Upon completion of each neighborhood park, the City shall after the one-year maintenance period has expired, within 10 working days, develop final punch lists of items to be corrected prior to acceptance by the City. Upon

correction of final punch list items by the Developer, the City shall accept the park within 30 days of the date of the final inspection.

- b. The City's Parks Master Plan identifies the need in the Project for a community recreation and/or emergency response center (the "Center"), and this is even more necessary if the Golf Course is not developed. This Center would be on an approximately six (6) acre parcel in Planning Area 39 in lieu of the golf clubhouse, or alternatively could be located as a part of a community park or other available site including in Planning Area 71, or in lieu of the waste water treatment plant site in Planning Area 11. Depending on the site selected, the six (6) acres may be reduced so as to not adversely affect the development area of adjacent parcels from the development areas shown in the Specific Plan. The Center is contemplated as a 30,000 sq. foot facility. The plan for the Center shall be included in the Park Master Plan and the site plan shall be processed at the time the chosen Planning Area is developed, subject to approved Phasing Plans, and provided that if the City chooses to put the Center in Planning Area 11, it may be developed as part of Phase I provided that Developer shall satisfy the Phase I obligation by providing a developed site, and need not fund the construction of the improvements if there are insufficient DIF's for credit. The Developer shall dedicate the site to City without charge. If developed as part of a park it shall be developed at the time required for parks in Section 8.1.1 of the Development Agreement. The Center may include emergency operations and shelter components, and will also include appropriate landscaped grounds and facilities as specified in the Master Plan. Except as provided in this Condition, the Center may be developed and constructed by Developer in the same manner as for the waste water treatment plant.
33. **Golf Course Alternative.** Any alternative plan for the development of the golf course open space within Planning Areas 35 and 39 shall be subject to the City's discretionary Design Review process as provided for in the Specific Plan and City Code. The determination on the golf course use shall be in accordance with the Phasing Plan in the Development Agreement except as specifically provided herein.
34. **Alternative Use of the School Sites.** If the school site(s) is not needed, then any alternative use(s) of the site(s) shall be subject to the City discretionary Design Review process as provided for in the Specific Plan and City Code.
35. **Design Review for Parks, Recreation, and Open Space.** Review for improvement of applicable parks, recreation and open space for each development phase shall be approved by the Community Services Department and Community Development Department prior to recordation of final subdivision maps for that phase, in accordance with the phasing schedule and procedures specified in these conditions of approval. Nothing herein shall prevent submission of plans for review by the appropriate commission. Generally, parks and open space shall include youth oriented amenities and designed as illustrated in the Conceptual Park Plans in the Butterfield Specific Plan. The Community Recreation Center in Planning Areas 21 and 63 could include amenities such as a clubhouse, tennis courts, pool and, basketball courts. The 34-acre land in Planning Area 71 that is reserved for the detention basin/lake shall be provided with looped multi-use trails adjacent to the basin as deemed acceptable by the Public Works Department with picnic areas and shade structures. Plans for the amenities within Planning Area 71 shall be submitted for review and approval prior to the issuance of grading permit for the lake. The detention basin/lake shall be constructed consistent with any changes made to Smith Creek and in accordance with the Phasing Plan in the Development Agreement.

36. **One Year Maintenance of Parks and Open Space.** The Developer shall maintain all parks, parkways, medians, berms, lakes, drainage facilities not accepted by Riverside County Flood Control District and irrigation systems within streets or otherwise annexed into the Maintenance Districts, excluding facilities maintained by the Homeowners Association (HOA), for a period of one year after construction until accepted by the receiving agency. All facilities shall be operable and in good working order and any dead or dying landscaping shall be replaced with like materials. If these conditions are not met, or if landscaping has not been in a consistently healthy condition, the one year period can be extended. The Developer shall pay one year cash deposit or post a bond in an amount equal to one year's maintenance plus City administrative costs (value to be determined prior to recordation of each final map) to ensure maintenance for one year, and shall securitize the obligation in a form approved by the City Attorney. After one year, these operations shall be accepted by the appropriate Maintenance District. That maintenance district will then maintain the facilities to the same level as required by Owner during the maintenance period.
37. **North Basin within Planning Area 71.** The Developer, owner, or successor in interest shall develop amenities around the basin for recreational purposes to include multi-purpose trails, picnic shelter(s) with picnic tables and benches for seating. Maintenance of the amenities shall be provided by the Community Facilities District (CFD), Landscape Maintenance District (LMD), or other private funding mechanism.
38. **Installation of Plant Material.** Landscaping and permanent irrigation facilities shall be installed with street improvements including landscaped median on Highland Springs Avenue and Wilson Street in accordance with the approved Butterfield Specific Plan as they pertain to plant and irrigation standards. The Developer shall have appropriate right-of-way improvements, landscaping, street lighting and irrigation installed and in good working order prior to final release of occupancy of the homes subject to agreed upon phasing between the City and the Developer and in accordance with the Development Agreement.
39. **Content of Plans.** Landscape Improvement plans shall conform to the concepts, features, and standards established in the approved Butterfield Specific Plan and the conditions enumerated herein, and shall be prepared by a licensed landscaped architect.
40. **Water Conservation.** In accordance with the Banning Municipal Code, all landscape and irrigation plans shall provide drought resistant and/or native vegetation, automatic irrigation systems which minimize runoff, and, where feasible, a separate irrigation system for the conveyance and distribution of recycled water.
41. **Recycled Water.** All landscaping within the golf course open space shall be irrigated with non-potable water. The Developer shall install infrastructure for a recycled water system on site (conveyance and distribution facilities), as approved by the City and the Environmental Health Department. The Phasing Plan shall be in accordance with the Development Agreement. Developer will work with City Public Works Department if special watering needs are required by golf course operator. (See Condition 61 Below)
42. **Security Camera.** For security reasons, the Developer, property owner or successor in interest shall provide a security camera at the City's discretion in selected neighborhood and/or community parks where restroom facilities and other structures are provided. Specifications of the security camera shall be subject to review and approval of the Police Department. The cameras, once installed, will be maintained and operated by the City of Banning Police Department. Developer shall convey the equipment to City with all warranties thereon.

**SITE AND ARCHITECTURAL DESIGN**

43. **Architectural Styles.** The architectural styles for the Project shall be consistent with the conceptual architectural design as approved in the Butterfield Specific Plan. Any major significant deviations from the architectural styles in the Butterfield Specific Plan are subject to review and approval of a Design Review by the Planning Commission.
44. **Community Entry Monument Program and Project/Tract Identification.** Consistent with the Butterfield Specific Plan, community entry statements, including theme walls, monumentation, and enhanced landscaping at each entrance to the Project shall be consistent with the locations as approved in the Butterfield Specific Plan. Theme walls and monuments shall not occur within the public right-of-way. All entry monumentation programs shall be submitted for review and approval by the Community Development Department and shall be in substantial conformance with the approved Butterfield Specific Plan. Construction of the monumentation shall occur based on phasing and shall be completed and open prior to final occupancy of the first home in each phase.
45. **Unit/Building Identification.** Each building and unit in the Project shall include a lighted address fixture. This fixture shall allow for replacement of the bulbs, and shall be reviewed and approved by the Community Development Department, the Fire Department, and the Police Department.
46. **Phasing.** Any Phasing Plan shall be reviewed and approved by the Community Development Department and Public Works Department. Each Phase of the Project shall provide adequate drainage, domestic water, and at least two points of access to all lots. A phasing plan shall be submitted with the Design Review application. The phasing plan shall be in accordance with the Master Phasing Plan in the Development Agreement and shall include the installation of any necessary backbone infrastructure.
47. **Commercial Sites.** Developer shall use its best efforts in planning for the development of the commercial sites within the Butterfield Specific Plan to include a big-box retailer such as Target or equivalent major tenant and as the commercial sites produce tax revenue to City and are important to alleviate the fiscal impact of the Project. Developer shall develop the commercial sites as more specifically described in the Development Agreement. In particular, Planning Areas 17 and 18 shall be developed for a big box user such as Target, Lowes, Costco, or equivalent, and shall be developed in the first phase of the Project per the Phasing Plan in the Development Agreement. The development on the commercial sites shall be subject to Design Review and approval by the Planning Commission.
48. **Multi-Family Sites.** Plans for the development of the multi-family sites shall be subject to review and approval by the Planning Commission through discretionary Design Review or other entitlement as necessary to comply with the Butterfield Specific Plan as approved and the City's Municipal Code as applicable.
49. **Active Adult Community.** Plans for the development of the active adult community within the Specific Plan shall be subject to review and approval by the Planning Commission in accordance with the approved Butterfield Specific Plan and the City's Municipal Code as applicable.
50. **Satellite Waste Water Treatment Facility.** The architecture of the building for the satellite wastewater treatment facility, if the construction of such a facility is requested by City, shall be designed to be compatible with the architecture of residential homes and the surrounding environment. The facility shall be constructed on a site approved by the Director of Public Works and dedicated to City, in accordance with the terms of the Development Agreement. If

built off site, Developer will pay its fair share fees for such development in accordance with an approved fair share agreement. Plans for construction shall be prepared by appropriately certified architects and engineers and approved by the Director of Public Works.

51. **Window Treatments.** Per Sections 4.5.2.1 and 4.8.2 within the Specific Plan, building facades abutting a public street, tract boundary, or a downhill slope having an elevation change in excess of 20 feet shall provide elevation enhancements which could include window treatments such as shutters, awnings, or similar on the facades.
52. **Garage Door(s).** Garage Doors shall be provided with various door designs and colors that are compatible with the design of each home.
53. **Mechanical Equipment.** All mechanical equipment, including air conditioning units, pool equipment, etc., shall be screened from the public right-of-way by a view obscuring fence, wall, or landscaping to the satisfaction of the Community Development Department.
54. **Spark Arresters.** All spark arresters in the proposed tract shall be screened by enhanced architectural enclosures or other material acceptable to the Building Official and Planning Division and painted according to the approved paint palette.
55. **Decorative Paving within Streets at the Primary and Secondary Entries.** Decorative paving could be provided within the right-of-way at sufficient distance at the primary and secondary entries. The type of enhancement could include stamped asphalt or other similar applications.
56. **Street Paving.** Public streets in each tract, planning area, or phase of development shall be paved and accessible prior to the issuance of building permits for the first production unit.
57. **Setbacks.** The minimum setbacks shall be as set forth in the Butterfield Specific Plan.
58. **Lighting for the Garages and Porches.** Light fixtures for the garage exteriors and porches shall be provided with decorative light fixtures.
59. **Trash Enclosures for Commercial and Multi-Family Residential Development.** Trash enclosures for the commercial development and multi-family residential development shall be provided with a walk-in enclosure with decorative cap and lattice covers.

#### **LANDSCAPE DEVELOPMENT**

60. **Landscape Construction and Water Conservation.** All landscape architecture documents and landscape construction shall comply with the City of Banning Municipal Code with regard to water conservation in landscaping.
61. **Registered Landscape Architect Licensed by the State of California.** All landscape architecture documents, used as part of the entitlement and landscape construction process, shall be designed by a registered landscape architect licensed by the State of California.
62. **Review and approval of Landscape Architecture Documents.** All landscape architecture documents shall be submitted to Community Development Department for review and approval.
63. **Recycled Water for the Golf Course Open Space and Common Landscaping Irrigation.** All common open space landscape irrigation shall use reclaimed or recycled water, where available. The golf course must use recycle water for general irrigation of the fairways. The greens may use potable water.

64. **Future Changes to Approval Landscape Architecture Documents.** All future changes, to the landscape architecture documents after City approval, shall be reviewed by the City for conformance to all laws. If major changes are proposed, the Developer, owner, or successor in interest shall submit the landscape plans and shall deposit funds in the City's trust deposit account for review and approval of the plans. The determination of whether a change is major or minor shall be made by the Director.
65. **Landscape Maintenance.** The owner, Developer, or its successors agrees to maintain the landscape construction, including trails, in accordance with the following:
- A. The landscape construction shall be neat, of good quality and design, and show good horticultural practice.
  - B. The landscape construction shall preserve the design intent in accordance with the approved landscape architecture documents.
  - C. The landscaped areas shall have appropriate irrigation and drainage systems to assure healthy landscaping and prevent runoff and debris flows.
  - D. The landscape construction shall be maintained in good 1st class condition in accordance with the approved Landscape Maintenance Guidelines approved with the Project.
  - E. The landscape maintenance shall be provided by the owner, the owner's representatives, or by the proper professionals registered with the State of California until such time that the appropriate entity accepts the areas for maintenance.
  - F. Any diseased or dead landscaping shall be replaced by landscaping of similar size and in good and healthy condition.
66. **Clear Sight Triangles.** All vehicular sight line triangles shall be shown on the landscape construction planting plans.
67. **Trail Easement.** Trail easements shall be dedicated to the City of Banning, where appropriate, and shall be shown on the final map in accordance with the requirements of the City of Banning. The Developer shall provide information sufficient to confirm to the City of Banning that the trails are terminated in a safe manner at the tract boundaries. Trail crossings shall be shown on the road improvement plans and the final map, where appropriate. Unless otherwise approved by City, all trails shall be fully improved, when dedicated in accordance with Butterfield Specific Plan and all Project approvals. The Developer may be required to provide temporary trail connections to be replaced by permanent improvements in accordance with agreements approved by the City Attorney.
68. **Landscape Inspection.** All landscape inspections shall be requested at least 48 hours in advance.
69. **Avoidance of Trees Conflict with Light Standard and Utility Lines.** Trees shall be planted in such a way as to avoid conflict between light standards and electric utility distribution lines. Street tree size shall be a minimum 15-gallon and at least 50% of all street trees should be a minimum of 24-inch box size consistent with the provision of Section 4.3.2 of the Butterfield Specific Plan dated November 21, 2011. All residential landscaping shall conform to Chapter 17.32, Landscape Standards of the Banning Municipal Code. All residential lots for single-family residential development shall be provided with a minimum of one 15-gallon front yard tree, one, 15-gallon accent tree. The plant list shall be provided consistent with Section 4.6.2. If there are

conflicts between the landscaping requirements of the Banning Municipal Code versus the Butterfield Specific Plan, the requirements in the Butterfield Specific Plan shall prevail.

70. **Landscape Inspections.** The Project Developer shall be aware and inform the on-site project or construction manager and the landscape contractor of their responsibility to call for landscape inspections. A minimum of three (3) landscape inspections are required in the following order, and the landscape inspection card shall be signed by the City's landscape inspector to signify approval at the following stages of landscape installation:
- A. At installation of irrigation equipment, when the trenches are still open;
  - B. After soil preparation, when plant materials are positioned and ready to plant; and,
  - C. At final inspection, when all plant materials are installed and the irrigation system is fully operational.

#### **PUBLIC WORKS DEPARTMENT**

71. **Landscape Maintenance District ("LMD").** The City shall require the Developer to participate in a landscape and maintenance district for the maintenance of landscaping within public rights of way or easements in a form approved by City Attorney.
72. **Plan Submittal for Public Works.** The issuance of these Conditions of Approval do not negate the requirements of the Public Works Department for 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 Public Works Director.
73. **Public Works Permit.** 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.
74. **Improvement Plans.** 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 and for each phase of the Project area. 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 Developer 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
(All applicable 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
Water & Sewer 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
Precise Grading Plans	1" = 40' Horizontal
Landscaping Plans-Streets	1 " = 20' Horizontal

75. **Other Engineered Improvement Plans.** Other engineered improvement plans. 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.
76. **Street Plans.** 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.
77. **Signs & Striping.** 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.
78. **Index Map.** 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.
79. **Granting of Easements.** The Developer 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 (RCFCD) unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFCD. Prior to granting any of said easements, the Developer shall furnish a copy of the proposed easements to the City Engineer for review and approval.
80. **Transitions.** All street improvement design shall provide pavement and lane transitions per City standards for transition to existing street sections.
81. **Driveway Grades.** Driveway grades shall not exceed eight percent unless approved by the City Engineer.
82. **Construction Debris.** Construction debris shall be disposed of at a certified recycling site. It is recommended that the Developer shall contact the City's franchised solid waste hauler for disposal of construction debris.
83. **Plan Check Fees.** Required 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 and the Development Agreement.
84. **Recycled Water Usage.** All lots on final maps for common open space, parks, and golf courses shall be served by a recycled water system. Recycled water shall be used when available for the Project golf course, parks and common open space. Should recycled water become available from City sources, the proposed Project shall have the capability to connect to these facilities and

such connection shall be made within 90 days of request therefore by City. This condition shall be contained in the CC&Rs.

85. **School Site Grading.** Should the Banning and Beaumont Unified School Districts and the Project proponent come to an agreement on the conveyance of land within the Specific Plan to the Districts, the Developer shall cause that land to be rough-graded prior to conveyance and prior to issuance of the last building permit for the phase in which the site is located.
86. **Road Design.** Roadways shall be designed as depicted in the Specific Plan. The Developer shall be responsible for the acquisition of all necessary rights of way for streets within and adjacent to the Project; subject to Gov't Code section 66462.5 and the Development Agreement. Additionally, the road specifications and exhibits in the Specific Plan shall be modified as follows, and these changes shall be deemed to apply to all other Project Approvals, as they were made by the Council at the public hearing on the approval of the Project:
- A. **Highland Home Road Widening.** Notwithstanding that the Specific Plan outlines two potential cross sections for the roadway, Alternative B shall not be used and Highland Home Road shall be constructed to the specification shown in Alternative A on Exhibit 3.3B.
- B. **Highland Home Road Extension and Connection to Highland Springs Road.** The Specific Plan suggests that Planning Area 43B might be annexed to Banning and that Highland Home Road might be extended and connect with Highland Springs Road at Brookside Ave. Such an alignment would require that the roadway cross the existing golf course of the Highland Springs Golf Club. The City does not want to interfere with the existing Golf Course, nor wish that right of way be acquired through the Golf Course. Either the extension of Highland Home Road must swing southerly below the Golf Course and connect with Highland Springs Road, or potentially a connection can be designed from the North Loop Collector through Planning Areas 41 or 42 and connecting with Highland Springs Road. This connection point will be North of F Street and South of City of Banning/County of Riverside boundary. The configuration shall be in a design recommended by the Directors of Community Development and Public Works, and approved by the City Manager, and meet all appropriate traffic circulation and design standards.

#### ELECTRIC UTILITY DEPARTMENT

87. **Electric Installations.** The Developer shall be responsible for all trenching, backfill, and compaction of electric installations in accordance with the phasing plan as provided in the Development Agreement.

## II. PRIOR TO THE ISSUANCE OF GRADING PERMITS

#### COMMUNITY DEVELOPMENT DEPARTMENT

88. **Retaining Walls.** Plans for the construction of retaining wall plans shall be reviewed and approved by the Building and Safety and Planning divisions.

#### PUBLIC WORKS DEPARTMENT

89. **Flood Risks.** If any of the development's lots are located within a mapped flood plain, the lots are subject to flood insurance rates (premiums) until such time that a map revision has been accomplished removing the lot from the flood plain.

90. **Construction Access.** The Developer shall submit a construction access plan and schedule for the development of the Project for Community Development Director and Public Works Director 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.
91. **Grading Standards.** 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. Final grading plans shall be in substantial conformance with the approved Specific Plan.
92. **Preconstruction Meetings.** A preconstruction meeting shall be held for all participating field personnel, including all appropriate City staff, prior to the commencement of construction activities.
93. **Soils/Geologic Reports.** Soils reports and geological reports 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 Developer shall be required to comply with all recommendations of said reports.
94. **Other Permitting Agencies.** Prior to the issuance of any grading, construction, or building permit by the City, the Developer shall obtain any necessary clearances and/or permits if required from the following agencies:
- Fire Marshal
  - Public Works Department (Grading Permit, Improvement Permit)
  - City Water, Sewer and Electric Departments
  - Community Development Department
  - Riverside Co. Flood Control and Water Conservation District
  - Banning / Beaumont Unified School Districts
  - California Water Quality Control Board (CWQCB)
  - California Department of Fish and Game
  - US Fish and Wildlife Service
  - US Army Corps of Engineers
  - SCAQMD

The Developer is responsible for all requirements of the permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the Developer shall furnish proof of such approvals when submitting those improvement plans for City approval.

95. **Utility Systems.** 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.
96. **Conferred Rights.** In accordance with the approved plans, the Developer 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. All agreements shall be in a form approved by the City Attorney. Dedications shall be made on the map or by recorded instrument prior to issuance of grading permits.

97. **Drainage Study.** The Developer shall submit a Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval for each phase of the Project. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with the Butterfield Specific Plan, the EIR Mitigation Measures, and the 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 to the satisfaction of the Director.
98. **Flood Area.** Portions of the site are 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 to the satisfaction of the Director that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
99. **Natural Drainage.** The Project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or diverted storm flows. The Project shall accept and convey storm flows from the adjacent property to the north and east. Drainage design shall be consistent with condition #97.
100. **Stormwater Management and Discharge Controls.** The Developer 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.
101. 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 Developer 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.
102. **SWPPP.** The Developer's SWPPP shall include provisions for all of, including but not limited to, 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.
103. **Erosion and Sediment Control BMPs.** All erosion and sediment control BMPs proposed by the Developer 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 Developer 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.
104. **Grading and Excavations in the Public Right-of-Way.** Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional

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

105. **Fire Marshal Approval.** The Developer 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. Secondary Access for certain Planning Areas, as depicted in the Specific Plan (Exhibit 3.3D, Secondary Access Drives) and reviewed and approved by Fire Marshall, shall be constructed accordingly, at the time of construction of all other improvements in the tract.

#### **ELECTRIC UTILITY DEPARTMENT**

106. **Plan Submittal Requirements.** Prior to the issuance of grading permit, the Developer, owner, or successor in interest shall submit detailed plans indicating lot lines, streets, easements, building layout, etc. These plans are required in electronic format AutoCAD 2010 or equivalent at the time of development.
107. **Electric Utility Backbone Infrastructure.** Prior to the issuance of grading permit, electric utility infrastructure backbone plans for this Project must be completed.

### **III. PRIOR TO FILING FINAL MAPS**

#### **PUBLIC WORKS DEPARTMENT**

108. **Bordering Roadways.** Roadways bordering and fronting the specific plan area on one side shall be designed and constructed, with right-of-way dedication offered, a minimum half width in substantial conformance with the approved Butterfield Specific Plan, including Section 3.2, Circulation Plan, Exhibit 3.2, Vehicular Circulation Plan, Exhibits 3.3 A&B, Roadway Cross Sections, and Section 3.2.5, Circulation Plan Development Standards, as well as in conformance with City of Banning requirements and standards as determined by the Public Works Director or designee. These roadways include Highland Springs Avenue, Wilson Street, and Highland Home Road (between Wilson Street and Future "F" Street). Improvements shall include street lighting, curb and gutter, sidewalk, parkway landscaping, asphalt concrete paving, traffic signs and striping, medians, and landscaping where required, and any transitions. Developer's geotechnical engineering shall provide the design of the pavement section based upon the Caltrans method. Prior to filing of the final subdivision maps, the Developer(s) will work with the City of Banning Public Works Department to identify phasing and timing requirements for the design and construction of all roadway improvements in substantial conformance with the Specific Plan and Phasing Plan per the Development Agreement as determined by the Public Works Director or designee. Roadways bordering the Specific Plan area shall be constructed at minimum half width in conjunction with adjacent development as it occurs in the Specific Plan area. City master planned roadway improvements that are part of a city improvement fee program or will serve other separate development that are designed and constructed by the

Butterfield Specific Plan Developer(s) shall be subject to reimbursements and fee credits in accordance with the provisions of the Development Agreement.

109. **Internal Roadways.** Roadways internal to the specific plan area shall be designed and constructed, with right-of-way dedication offered, full width in substantial conformance with the approved Butterfield Specific Plan, including Section 3.2, Circulation Plan, Exhibit 3.2, Vehicular Circulation Plan, Exhibits 3.3B, C & D Roadway Cross Sections, and Section 3.2.5, Circulation Plan Development Standards, as well as in conformance with City of Banning requirements and standards as determined by the Public Works Director or designee. Improvements shall include street lighting, curb and gutter, sidewalk, parkway landscaping, asphalt concrete paving, traffic signs and striping, medians, and landscaping where required, and any transitions. Developer's geotechnical engineering shall provide the design of the pavement section based upon the Caltrans method. Prior to filing of the final subdivision maps, the Developer(s) will work with the City of Banning Public Works Department to identify phasing and timing requirements for the design and construction of all roadway improvements in substantial conformance with the Specific Plan and Phasing Plan per the Development Agreement as determined by the Public Works Director or designee. Roadways interior to the Specific Plan area shall be constructed full width in conjunction with adjacent development as it occurs in the Specific Plan area. City master planned roadway improvements that are part of a City improvement fee program or will serve other separate development that are designed and constructed by the Butterfield Specific Plan Developer(s) shall be subject to reimbursements and fee credits in accordance with the provisions of the Development Agreement. Prior to recordation of the first parcel or tract map, the Developer shall form, to the satisfaction of the City Engineer and the City Attorney, a homeowners' association, assessment district, landscaping and lighting district, or other vehicle, for the maintenance of all common areas, including landscaped parkways within public rights of way, in perpetuity.
110. **National Flood Insurance Program.** A portion of the proposed Project is in a flood plain, therefore, in accordance with the requirements of the National Flood Insurance Program and related regulations and Riverside County regulations.
- A. A flood study consisting of HEC-2 calculations, cross sections, maps and other data shall be prepared to the Satisfaction of the Federal Emergency Management Agency (FEMA) and the City of Banning for the purpose of recalculating the floodway and revising the effective Flood Insurance Rate Map(s) of the Specific Plan site. The submittal of the study shall be concurrent with the initial submittal of the related Project improvement plans. City approval of any final maps within the flood plain or unmapped area of Specific Plan shall not be given until a Conditional Letter of Map Revision (CLOMR) has been received.
- B. Projects outside the established Flood Plain or unmapped area of the Specific Plan may be approved for development by the City, provided that studies required by Conditions of Approval for the Specific Plan or subsequent parcel/tract maps demonstrate to the satisfaction of the City Engineer and/or Riverside County Flood Control and Water Conservation District, that acceptable flood protection for said project(s) exist or will exist after installation of measures identified by the studies. The Developer acknowledges that existing downstream drainage infrastructure is inadequate to accommodate additional flows and that additional flows shall be retained onsite.
111. **Street Improvement Plans.** Developer shall submit Street Improvement Plans, prepared by a licensed professional engineer, to the Engineering Division for review and approval. Construct street improvements, consisting of new A.C. pavement, landscaped areas within the parkway between the curb and property line and in any open spaces, sidewalks where required, curb,

gutter, driveway approaches, handicap access ramps, streetlights, traffic signs, striping, street name signs and roadway striping, etc. The Geotechnical Engineer shall determine the traffic index and R value for pavement design on all the streets.

112. **Water Improvement Plans.** Developer shall submit Water Improvement Plans to the Public Works Department for review and approval. Waterlines to be constructed to and across property boundaries of the Project per the City of Banning Standard Specifications. During phasing of the Project, all waterlines are to be looped for each phase (two points of connection).
113. **Hydraulic Analysis.** Developer shall submit a hydraulic analysis, prepared by a licensed Civil Engineer, showing that the Project or Project phase will meet all required water pressures and fire flows.
114. **Landscape Sprinklers.** Automatic sprinkler systems shall be installed within the landscaped parkway and median in the right of way on any street.
115. **Approval by City Engineer.** All public improvement plans shall be reviewed and approved by the City Engineer.
116. **City Easement Dedications.** Developer shall 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. All easements shall be in a form approved by the City Attorney.
117. **Potable Water.** A potable water system for the Specific Plan area shall be designed and constructed in substantial conformance with the approved Butterfield Specific Plan, including Section 3.5.1, Water Service Plan Description, Exhibit 3.8, Conceptual Potable Water Plan, and Section 3.5.5, Water Plan Standards, as well as in conformance with the City of Banning Water Master Plan, and other requirements and standards as determined by the Public Works Director or designee. Proposed tentative subdivision maps in the Specific Plan area shall include preliminary in-tract water system layouts. Prior to filing of final subdivision maps, the Developer(s) will work with the City of Banning Public Works and Water Utilities Departments to identify phasing and timing requirements for the design and construction of all Specific Plan backbone master water system improvements, including required off-site improvements, in substantial conformance with the Specific Plan and Phasing Plan per the Development Agreement and as determined by the Public Works Director or designee. City master potable water system improvements designed and constructed by the Butterfield Specific Plan Developer(s) shall be subject to reimbursements and fee credits in accordance with the provisions of the Development Agreement.
118. **Recycled Water Distribution System.** A recycled water distribution system for the Specific Plan area shall be designed and constructed in substantial conformance with the approved Butterfield Specific Plan, including Section 3.5.2, Recycled Water Service Plan Description, Exhibit 3.9A, Conceptual Onsite Recycled Water Plan, and Section 3.5.5, Water and Sewer Plan Standards, as well as in conformance with the City of Banning requirements and standards as determined by the Public Works Director or designee. Proposed tentative subdivision maps in the Specific Plan area shall include preliminary in-tract recycled water system layouts. Prior to filing of final subdivision maps, the Developer(s) will work with the City of Banning Public Works and Water Utilities Departments to identify phasing and timing requirements for the design and construction of all master recycled water system improvements, necessary to serve the Specific Plan area in substantial conformance with the Specific Plan and Phasing Plan per the Development Agreement and as determined by the Public Works Director or designee. The source and supply of recycled water for the Butterfield Specific Plan, when available, and which may include the City's proposed Main Treatment Plant Upgrade or a potential satellite treatment

plant, as well as required conveyance infrastructure, shall be determined by the Public Works Director or designee. City master recycled water system improvements designed and constructed by the Butterfield Specific Plan Developer(s) shall be subject to reimbursements and fee credits in accordance with the provisions if the Development Agreement.

119. **Sewer Collection System.** A sewer collection system for the Specific Plan area shall be designated and constructed in substantial conformance with the approved Butterfield Specific Plan, including Section 3.5.4, Sewer Service Plan Description, Exhibit 3.11A, Conceptual Onsite Sewer Plan, and Section 3.5.5, Water and Sewer Plan Standards, as well as in conformance with the City of Banning requirements and standards as determined by the Public Works Director or designee. Proposed tentative subdivision maps in the Specific Plan area shall include preliminary in-tract sewer system layouts. Prior to filling of final subdivision maps, the Developer(s) will work with the City of Banning Public Works and Wastewater Utilities Departments to identify phasing and timing requirements for the design and construction of all master sewer system improvements, including required off-site improvements, necessary to serve the Specific Plan Area in substantial conformance with the Specific Plan and City of Banning Master Sewer Plan and Phasing Plan per the Development Agreement, as determined by the Public Works Director or designee. City master sewer system improvements designed and constructed by the Butterfield Specific Plan Developer(s) shall be subject to reimbursements and fee credits in accordance with the provisions of the Development Agreement.
120. **Wastewater Treatment.** The ultimate treatment of wastewater (sewer) from the Butterfield Specific Plan area, as well as required conveyance infrastructure, shall be determined by the Public Works Director or designee. Wastewater treatment facilities may include the City's Main Treatment Plant or a satellite treatment plant. Required wastewater infrastructure may include existing city systems and/or proposed new systems in substantial conformance to those described in the Specific Plan and the City of Banning Master Sewer Plan. City master sewer system improvement designed and constructed by the Butterfield Specific Plan Developer(s) shall be subject to reimbursement and fee credits in accordance with the provisions of the Development Agreement.
121. **Sewer Check Valves.** 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.
122. **CC&Rs.** A property owners' association shall be established following grading permit issuance and the applicable Conditions, Covenants & Restrictions ("CC&Rs"), shall be prepared for review and approval of the City Engineer and City Attorney providing for maintenance of the parkways, slopes adjacent to public right-of-ways, drainage areas, water quality facilities, detention basins, debris basins, common area landscaping, 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&Rs individual lot owners have the power to elect the members of the Board of Directors in accordance with the CC&Rs.
  - A. CC&Rs 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&Rs 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.

- B. CC&Rs shall be subject to prior review and approval of the City Attorney. The Developer shall bear the cost of the review and make a deposit pursuant to a deposit agreement. The City shall be a party of the CC&Rs with full rights to enforce the provisions pertaining to the City including lien rights. The CC&Rs shall be submitted for review prior to issuance of grading permits and recorded prior to issuance of building permits unless approved by the City Attorney.
123. **Driveways.** Access drives to the public right-of-way shall be restricted to those approved by the City Engineer as shown on the approved plans.
124. **Inspection Fees.** Required Public Works Inspection fees shall be paid in accordance with the fee schedule in effect at time of time of scheduling and the Development Agreement; 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 and the Development Agreement; 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 mitigation fee shall be paid in accordance with the Development Agreement; 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.
125. **Government Code Section 66499.** 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.*
126. **Right-of-Way Documents.** Developer shall submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division for review and approval of the City Engineer prior to final map approval.
127. **Scale for Street Maps.** Maps of the proposed subdivisions 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.
128. **Final Map Form.** An original Mylar of the final map (after recordation) shall be provided to the City for the record files.
129. **Monumentation Records.** 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.
130. **Right-of-Way Acquisitions.** Right-of-way or easement acquisitions necessary to implement any portion of the maps, 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 and shall document in writing all acquisition efforts. Funds in an amount of 100% of the estimated acquisition costs shall be deposited with the City in accordance with a deposit agreement to cover appraisal, right of way agent, and legal fees and costs incurred to secure the necessary property. Additional deposits will be made if needed and City will document the expenditure of all funds.

131. **Existing Plus Project Improvements.** If not constructed by the City or others, the Developer shall construct road improvements identified in Table 4.13-9, Summary of Future Improvements ("Existing plus Project" improvements in the City of Banning only), of the Butterfield Specific Plan Draft Environmental Impact Report (June 3, 2011) and as described in the Traffic Impact Analysis for the Butterfield Specific Plan, prepared by LSA Associates Inc. (September 15, 2010). These improvements include portions on Highland Springs Avenue in the City of Beaumont, between I-10 and Brookside, but exclude locations that are deemed by the affected jurisdiction(s) to be infeasible due to impacts of ROW acquisition. If constructed by the Developer, the cost of these improvements shall be credited against applicable City fees, and/or shall be eligible for reimbursement agreements with the City and/or third parties in accordance with the Development Agreement. The Improvements listed in DEIR Table 4.13-9 shall be consistent with the General Plan Circulation Element. (FEIR Mitigation Measure TRF-1). Improvements shall be constructed in accordance with the Phasing Plan in the Development Agreement.
132. **Validation Report.** As part of each Final Tract Map, or appropriate group of maps, the Developer shall prepare a TIA Validation Report (TVR) based on the criteria provided herein for review and approval by the City Engineer. Final Tract Map approvals resulting in less than 500 p.m. peak hour trips (Exempt Maps) shall not require a TVR unless the cumulative total of prior approved Exempt Maps exceeds 1,000 p.m. peak hour trips since the last TVR.

The TVR shall identify which of the Existing Plus Project improvements identified in Table 4.13-9 of the Butterfield Specific Plan Draft Environmental Impact Report (June 3, 2011) and the Traffic Impact Analysis for the Butterfield Specific Plan, prepared by LSA Associates Inc. (September 15, 2010), are required to be constructed for the respective Final Tract Map, to ensure adequate emergency access and satisfactory levels of service. "Existing plus Project" improvements in the City of Banning identified in an approved TVR shall be conditions of Final Tract Map approval. To the extent that any of the improvements mentioned above are included in a fee program, the cost for those improvements, if constructed by the Developer, will be eligible for fee credits in accordance with the Development Agreement.

The ongoing traffic impact assessment program will be based on the p.m. peak-hour trip threshold. The Final Tract Maps' total number of p.m. peak hour trips will be established based on the trip generation listed in Table 4.13-7, Project Trip Generation, of the Butterfield Specific Plan Draft Environmental Impact Report (June 3, 2011). If a portion of commercial development and some residential development is included in the Final Tract Map, the total number of trips generated by each use (commercial and residential) will be calculated for the p.m. peak hour and compared to a predefined threshold.

Recognizing the variety of land use options, overlays and permitted or conditionally permitted uses, the TVR will also be used to verify, as the Project builds out, that the Project's total peak hour trips are consistent with the assumptions in the Project TIA. (FEIR Mitigation Measure TRF-2).

133. **Offsite Traffic Improvement Plans.** Improvement plans shall be prepared for each Project-related offsite traffic improvement and approved by the City Engineer. Improvement plans shall incorporate the following considerations, as applicable:

- Obtain encroachment permit(s) from the applicable jurisdiction(s) for offsite improvements; Through creative design techniques, where determined appropriate and consistent with City policy, modify roadway geometry to reduce potential impacts to existing developed areas (such as reduced lane widths, reduced or eliminated medians, reduced turn lane transition zones, and/or shifting intersection approaches to widen intersection quadrants where associated impacts would be reduced);
  - Maintain access for existing residences and businesses at all times;
  - Replace landscaped areas within the affected parcel and along the parcel frontage wherever practical;
  - Assist the affected property owner in re-striping affected parking areas and/or reconfiguring affected driveways to avoid or offset improvement-related impacts;
  - Follow applicable Project EIR mitigation measures related to biological resources (i.e., BIO-1 through BIO-5 of the Butterfield Specific Plan Environmental Impact Report), with respect to minimizing loss of native vegetation, replacement or relocation of mature trees, use of native and/or drought tolerant vegetation in new landscaped areas, and ensuring consistency with applicable MSHCP and regulatory agency permitting provisions; and
  - Compensate the affected property owner based on fair market valuation of the acquired ROW in accordance with applicable local, State and federal regulations. (FEIR Mitigation Measure TRF-3).
134. **Fair Share of Cumulative Impacts.** The Developer shall pay a fair share toward cumulative impacts not otherwise captured in existing fee programs, funding sources or in lieu improvements noted above, if such a program is in place at the time of building permit issuance, based on Project contribution percentages identified in Table 4.13-16 of the Butterfield Specific Plan Draft Environmental Impact Report (June 3, 2011). (FEIR Mitigation Measure TRF-4).

#### **IV. PRIOR TO THE ISSUANCE OF BUILDING PERMIT**

##### **COMMUNITY DEVELOPMENT DEPARTMENT**

135. **Alternative Street Accommodations.** If the City of Banning elects not to pursue the Highland Home Road connection to Brookside Avenue, or Riverside County does not approve, the Project Developer would be required to redistribute traffic via proposed F Street in the Butterfield Specific Plan area by constructing additional turning lanes at the intersections of Highland Springs Avenue/F Street and Highland Home Road/F Street (which are intersections located within the Project boundary to meet City LOS standards.
- a) If requested by the City and after full discretionary review and approval, the developer will complete interim improvements to Highland Springs Avenue between Ramsey Street and the I-10 Freeway. These improvements may include synchronization of traffic signals along Highland Springs Avenue, relocation of traffic signals, closing and relocation of Joshua Palmer Way and the restriping and repaving of Highland Springs Avenue. The City will use its best efforts to coordinate with the City of Beaumont an agreement to reimburse a portion of the improvements either through the appropriate transportation fee credits or other mechanism.
136. **Model Homes.** Prior to the issuance of building permits, the Developer shall submit a model home plan that shows building elevations, plotting plan(s), and precise grading for review and approval for each phase of development, or per neighborhood, or per each master or merchant builders for review and approval by the Community Development Director as long as the plans conform to the Design Guidelines depicted in the Specific Plan. Subsequent minor technical change/adjustment after approval of the model homes and plotting is subject to an additional

approval of the Community Development Director. If Owner would like to propose architecture that is not depicted in or consistent with the Design Guidelines, the approval will be subject to both Planning Director and Planning Commission Approval.

137. **Landscaping.** Prior to issuance of building permits, the Developer shall submit and obtain approval of three (3) copies of construction level Landscape and Irrigation Plans to the Community Development Department accompanied by the appropriate trust deposit. The plans shall be prepared by a registered landscape architect and include the location, number, genus species, and container size of the plants. Plants shall be consistent with the Banning Municipal Code. The cover page shall identify the total square footage of the landscaped area and note that it shall be maintained in accordance with the City Code. Water efficient fixtures and drought tolerant plants shall be utilized where possible. Required landscape areas specific to this Project include front yards of all lots; side yards of corner lots; streetscapes on the Project side for Highland Springs Avenue, Wilson Street, and Highland Home Road; landscaping of slopes and entry theme walls; streetscapes for both sides of all in-tract roadways; and landscaping of all lettered lots including the detention basin, and all drainage channels which include Smith Creek and Pershing Channel.
138. **Walls & Fences.** Prior to issuance of building permits, the Developer shall submit and obtain approval from the Community Development Department of block wall or vinyl fence plans. These plans shall be consistent with intent of the Butterfield Specific Plan.
139. **Disclosure Statement.** The Developer, property owner or successor in interest shall submit the disclosure statement for review and approval by the City Attorney prior to the issuance of building permit for the first home within the Specific Plan. (See also Condition No. 19)

#### PUBLIC WORKS DEPARTMENT

140. **Sewer Capacity.** No building permits shall be issued unless the Public Works Director or designee determines that all on- and off – site sewer and water facilities exist with sufficient capacity necessary and reliably to serve the proposed construction are available or will be constructed as a part of the Project, and will continue to be available during the life of the Project.
141. **Undergrounding Utilities.** All utility systems including gas, electric, telephone, water, sewer, and cable TV shall be provided for underground, with easements provided as required, and designed and constructed in accordance with City codes and the requirements of the utility provider. Telephone, cable TV, and/or security systems shall be pre-wired. All necessary easements shall be dedicated and granted to the necessary party with evidence provided to City.
142. **Rough & Precise Grading Plans.** Rough and precise grading plans shall be submitted to the City Engineer for review and approval. Precise grading plans shall include perimeter walls with top of walls 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.
143. **Lot Pad Certification.** The Developer shall provide to the City Engineer 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 differences between the two, if any. Such pad certification shall also list the relative compaction of the pad soil.
144. **Water Conservation Plan.** The Developer shall prepare a water conservation plan to reduce water consumption in the landscape environment in compliance with the City of Banning's landscape standards in the Municipal Code and all applicable current city and state codes, 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.

145. **Fire Hydrants.** Fire hydrants shall be installed within and on the Project boundaries as per the approval plans, at a 250' maximum spacing.
146. **Fire Flow Calculations.** The Developer shall provide fire flow calculations for the Project to the City and construct the necessary facilities to meet those flows for the Project to the satisfaction of that Director.
147. **Water Connection Fees.** Developer shall pay the current required Water Connection Fees. Fees shall be paid per EDU (EDU is based upon meter size required). Sewer Connection Fees shall be paid per EDU (EDU is based upon the estimated quality and quantity of discharge), and payment of current required Water Meter Installation Charges for each building pad in accordance with the fee schedule in effect at the time the fees are paid and the Development Agreement. Also, Developer shall pay all current water and sewer frontage fees and recycled/irrigation water fees, if applicable, and in accordance with the fee schedule in effect at the time the fees are submitted and the Development Agreement.

#### ELECTRIC UTILITY DEPARTMENT

148. **Permit Fees.** Developer shall pay current required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension in accordance with the city policies and the Development Agreement.
149. **Electricity Easements.** Developer shall dedicate all easements for electric facilities installation/maintenance, etc.
150. **Electric Utility Infrastructure.** Electric Utility Infrastructure for each Phase in accordance with the Phasing Plan in the Development Agreement. The dedication shall be in a form approved by the City Attorney. Prior to the issuance of building permit, electric utility infrastructure (conduits, vaults, etc.) must be completed as well any temporary or permanent electric infrastructure to supply power to each phase as constructed.

#### V. **PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY.**

#### PUBLIC WORKS DEPARTMENT

151. **Form of Plans.** The Developer shall furnish the City with reproducible record drawings on Mylar of all improvement plans that were approved by the City Engineer..
152. **Damaged Improvements.** Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee.
153. **Testing.** All required public improvements for the Project shall be completed, tested, and approved by the Engineering Division.
154. **Landscape Sprinklers.** Automatic sprinkler systems and landscaping shall be installed within the street parkways. The systems shall include landscape controllers, separate water meters, and

electric meters, and plantings as approved by the Community Development Director. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.

155. **Landscaping.** 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 Developer 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.
156. **Street Signs.** 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.
157. **Intersection Improvements.** Developer shall construct required intersection improvements including traffic signals. The Developer may request a Reimbursement Agreement for the design and construction of the improvements in this condition. The Reimbursement Agreement is subject to prior review and approval by the City Attorney. The Developer shall bear the cost of the review.
158. **Monuments.** Monuments and center line ties shall be certified and submitted to the City Engineer for review and approval.

#### **ELECTRIC UTILITY DEPARTMENT**

159. **Electric Utility Materials.** The Developer shall provide install all conduits, vaults, and other materials associated with electric facility installations (except cables and their terminations).
160. **Streetlights.** The Developer shall install, complete and test streetlight poles and conduits.
161. **Secondary Service Entrance Conductors.** Secondary service entrance conductors to be provided and installed by the Developer. The Developer shall install, complete and test secondary service entrance conductors.
162. **Completion of Electric Utility Infrastructure prior to Issuance of Certificate of Occupancy.** Prior to the issuance of certificate of occupancy, the Developer, owner, or successor in interest shall install, complete and test all electric utility infrastructure including primary and secondary cabling, transformers, etc.
163. **Cost of Electrical Line in Aid of Construction.** Prior to the issuance of certificate of occupancy, the Developer, owner, or successor in interests shall pay the required cost of electrical line extension and in aid of construction for the particular phase under construction.

**CITY OF BANNING FIRE SERVICES  
STANDARD CONDITIONS OF APPROVAL**

**As amended for the proposed Pardee Project locate at Highland Springs/West Wilson Street**

The following are the minimum Banning Fire Marshal's office requirements. These requirements will satisfy for the Club House, Commercial Occupancies, and Park Buildings for this Project. There may be additional requirements when the Project specifics are defined and the final proposal is submitted for approval.

**FIRE DEPARTMENT DEVELOPER FEES:**

Any fees will be set pursuant to the Development Agreement. The current fee schedules at this time are as follows:

Commercial, Industrial and/or Office Complex --	\$579.00 for 50,000 square feet or less
	\$ 25.00 per unit Disaster Planning
Plan Check and Inspection -	\$ 134.00 per hour

**CITY OF BANNING BUSINESS LICENSE AND PROOF OF INSURANCE:**

All contractors, subcontractors etc. are required to obtain a City of Banning Business license prior to submitting plans or starting construction.

**CODE COMPLIANCE:**

All Plans, Specifications and Construction shall comply with and conform to the current edition of the California Fire Code (CFC), California Building Code (CBC), and other state and local laws and ordinances as applicable.

**PLAN SUBMITTAL:**

Three (3) sets of Plans and Specifications shall be submitted for review prior to obtaining a permit. This requirement applies to all work regardless of the size of the job; new construction or remodel.

**SPRINKLER SYSTEMS REQUIRED:**

Fire Sprinkler Systems shall be installed as required by the CFC or in any and all structures that are thirty six hundred (3,600) sq. ft. or more, or if the applicable codes require a more restrictive system.

With the adoption of the 2010 codes, all residential homes shall be protected with fire sprinkler systems.

**SPRINKLER AND ALARM SYSTEMS:**

Three (3) sets of plans and calculations, including three (3) sets of manufacturer's hardware specifications, shall be submitted to a State Certified Fire Protection Engineering Firm, designated by the Fire Marshal, for review for compliance with recognized codes and standards.

**SPRINKLER AND ALARM SYSTEM FEE SCHEDULE:**

Inspections - Fire Department: per the current rate per hour, per person. (One-hour minimum)  
Additional fees as charged by the designated Fire Protection Engineering Firm.

Plan Checks - Fire Department: per the current rate per hour, per person. (One-hour minimum)  
Additional fees as charged by the designated Fire Protection Engineering Firm.

#### **SPRINKLER SYSTEM UNDERGROUND:**

No fire sprinkler work shall be started prior to issuance of the permit.

The minimum size for water supply to the base of the riser shall be six (6) inches for commercial systems.

An approved AWWA double check detector check assembly, as approved by the C.O.B Water Department located as close to the property line as possible, and a minimum of twelve (12) inches above the ground shall be provided.

The Water Department shall approve all plans involving water main service.

#### **FIRE HYDRANTS:**

Prior to construction or renovation, fire hydrants shall be provided when any portion of any structure exceeds 150 feet from a water supply on a public street.

All hydrants must be installed, working and inspected by the Public Works Department and the Banning Fire Marshal's office before any combustible materials can be placed at the worksite.

Spacing of fire hydrants shall comply with CFC Appendix C and the City of Banning Public Works Standards. (Maximum 250 feet between hydrants)

Minimum 6-inch riser, street valve, approved shear valve and blue dot identification marker shall be provided for each fire hydrant.

The City standard fire hydrant is the Commercial, James Jones #J3765, Residential, James Jones #J3700, or an equivalent approved by the Fire Marshal.

Fire Hydrants are to be painted by the Developer, contractor, etc., prior to the final inspection. (EOS Standard W714) Rustoleum Red, damp proof #769 and two (2) coats of Rustoleum semi-gloss yellow #659, or an approved equivalent.

#### **WATER SUPPLY:**

Fire flow shall be established by the Fire Department using the information provided in the CFC Appendix B. Fire Flow may be adjusted upward where conditions indicate an unusual susceptibility to fire. (1000 gallons/minute for 2 hours)

#### **FIRE DEPARTMENT ACCESS:**

Fire department access shall be required when any portion of the first story of any structure is more than 150 feet from Fire Department apparatus access.

Minimum clearances or widths may be increased when the minimum standards are not adequate for Fire Department access.

Surfaces shall be designed and maintained to support the imposed loads of fire apparatus (75,000gvw). Surfaces shall have all-weather driving capabilities, including bridges. All roads must be place and meet the above standard before any combustible materials can be delivered to the site.

Minimum unobstructed width shall be 20 feet.

Minimum unobstructed vertical clearance shall not be less than 13 feet 6 inches.

Minimum turning radius shall be 42 feet.

All dead-end access roads in excess of 150 feet shall have approved provisions for turning around of fire apparatus.

Maximum grade shall be established by the Banning Fire Marshal's office.

Vehicles shall not be parked or otherwise obstruct the required width of any fire apparatus access.

Two means of ingress/egress shall be provided for emergency vehicles and fire apparatus. Surfaces shall have all-weather driving capabilities, including bridges. All roads must be place and meet the above standard before any combustible materials can be delivered to the site, and approved by the Banning Fire Marshal's office. See Secondary Access Plans as depicted Exhibit 3.3D, Secondary Access Drives, in the approved Butterfield Specific Plan.

The requirements for this segment are covered in CFC Chapter 5.

A "Knox" box will be required for fire department access and location approved by the Banning Fire Marshal's office.

#### **PREMISES IDENTIFICATION:**

Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

Commercial - 6" mm. Size

#### **INSPECTIONS:**

Inspections shall be requested a minimum of forty-eight (48) hours prior to the time the required inspection is needed.

The current fee for each inspection is \$134.00 per hour per person, (One-hour minimum). If fees changed, the Developer shall pay the fees that are effective at that time.

Work begun without a permit or without an approved set of plans at the job site will result in a triple fee and/or the work stopped.

#### **HAZARDOUS MATERIALS:**

The storage, dispensing, use or handling of hazardous materials shall be in accordance with the provisions of CFC Chapter 27 and CBC in addition to all federal, state and local laws or ordinances.

Business Plans may be required per SB 2186 and 2187 including MSDS, HMMP and RMPP.

**OTHER REQUIREMENTS:**

If there are no existing fire hydrants within 150 feet of the proposed building, then there will be a requirement for the installation of two commercial grade hydrants as described above. If a hydrant then only one additional hydrant will be required.

A fire alarm system, designed to NFPA 72 standards, will be required.

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