



CITY OF BANNING PLANNING COMMISSION AGENDA

REGULAR MEETING: Wednesday, July 1, 2015 @ 6:30 PM
City Council Chambers, 99 E. Ramsey Street
Banning, CA 92220

I. CALL TO ORDER: Commissioner Shaw

- Pledge of Allegiance: Commissioner Price
- Roll Call: Commissioner Briant, Commissioner Ellis, Commissioner Price and Commissioner Shaw

II. PUBLIC COMMENTS:

At this time, the general public is invited to address the Planning Commission concerning any items that **are not listed on the agenda**, or items which are on the Agenda that are not public hearings or other items under the jurisdiction of the Planning Commission. Comments from the public of any non-agenda items will be limited to Five (5) minutes in accordance with City policy.

III. CONSENT CALENDAR ITEMS:

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

1. Minutes of June 3, 2015 meeting.....**Page 1**

IV. PUBLIC HEARINGS: (This item is continued from the meeting of June 3, 2015)

1. CONDITIONAL USE PERMIT NO. 15-7002 FOR A PROPOSED FREEWAY PYLON SIGN LOCATED A 220 E. RAMSEY STREET (APN: 541-181-009, 010, 011, 012, 024, 025, 026, 027 AND 028; AND 541-183-001, 002, 003 AND 004) WITHIN THE DOWNTOWN COMMERCIAL (DC) ZONE.

Staff Report.....Page 9

Order of Procedure:

1. Request staff report / Questions of staff
2. Open public hearing
3. Close public hearing
4. Planning Commission discussion
5. Motion and Second
6. Discussion on motion
7. Call the question (Roll call vote)

Recommendation:

That the Planning Commission takes the following action:

- a. Adopt Categorical Exemption, pursuant to Section 15311 (Accessory Structures), for Conditional Use Permit No. 15-7002; and
- b. Adopt Resolution No. 2015-09 Approving Conditional Use Permit No. 15-7002.

V. PLANNING COMMISSIONER COMMENTS:

VI. COMMUNITY DEVELOPMENT DIRECTOR'S COMMENTS/INFORMATION ITEM:

1. Planning Commission Meeting cancelled for August 5, 2015.

VII. ADJOURNMENT:

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of June 3, 2015 starting at 6:30 p.m. in the City Council Chambers.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division (951) 922-3125. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA title II].

City of Banning

PLANNING COMMISSION MINUTES

June 3, 2015

A regular meeting of the City of Banning Planning Commission was held on Wednesday, June 3, 2015 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Commissioner Ellis
Commissioner Shaw
Commissioner Price
Commissioner Briant

Commissioners Absent: Chairman Siva

Staff Present: Acting Community Development Director, Brian Guillot
Contract Planner, Oliver Mujica
Assistant City Attorney, Lona N. Laymon
Recording Secretary, Sandra Calderon

I. CALL TO ORDER

II. PUBLIC COMMENTS: None

III. CONSENT CALENDAR

1. Minutes of May 6, 2015

ACTION (ELLIS / BRIANT): A motion was moved, seconded and carried that item 1 be approved.

IV. PUBLIC HEARINGS: (This item is continued from the meeting of May 6, 2015).

1. **DESIGN REVIEW NO. 15-7001 FOR THE PROPOSED IMPROVEMENTS TO AN EXISTING SERVICE STATION AND CONVENIENCE STORE LOCATED AT 780 E. RAMSEY STREET (APN: 541-193-012) WITHIN THE GENERAL COMMERCIAL (GC) ZONE**

Contract Planner Oliver Mujica presented the staff report and stated that this is a continued item from the last meeting to address the two driveway access points, the City's Public Works Department has plans for doing some improvements at that intersection to address public safety and traffic, more specifically the two driveways that are closes to the corner of Hargrave and Ramsey St. Staff and the Public Works Director met with the applicant and the applicant would like an opportunity to speak tonight. This is a continued public hearing and the recommendation remains to move forward, with an approval with the conditions that are included in the resolution.

Vice-Chairman Shaw asked for questions of staff.

Commissioner Ellis asked Mujica if it would be possible for a gasoline truck to deliver if the applicant chose to not exercise his option to transfer the land and close the two driveways.

Mujica explained that it is part of the comments the applicant wants to discuss and there has been previous discussion with the applicant regarding future plans to improve to the gas station. Mujica stated that the Public Works Department is asking the applicant to agree to execute an agreement that will place his property into the assessment district.

Commissioner Ellis mentioned that one of the agreements to dedicate an additional twenty (20) feet for a total of fifty (50) feet and if he gives that property, he will have to remove his pumps and that would be costly.

Acting Community Development Director Brian Guillot said that the City Engineer explained that if the offer of dedication will encroach into the existing development, he will consider taking the offer so it will be on file at the City and when he City deems it necessary to widen and anticipate that will go along with the freeway interchange improvements, then the right-of-way will be accepted. The City is simply looking to obtain the rights of the right-of-way because of the permit process and public improvements are usually always required as a consequence of permit like this one. The applicant can simply agree to the improvements in the future. The City is planning to make future improvements at that intersection by the Spring of the following year. The prosed project includes intersection improvements that include adding curb returns of a larger radius, relocating the traffic signal poles and other facilities. The only agreement required from the owner is that he reimburse for the reconstruction of two drive approaches and the closure of the two that are close to the corner. These are standard conditions the Engineer will ask for any permit that is presented to the Planning Commission.

Commissioner Ellis mentioned several gas stations that have closed driveways, he added that he talked to the Banning P.D. about that intersection and collected statistics from 2003 to date. There has been eight (8) injury traffic collisions, and forty-eight (48) non-injury collisions. The big problem is not having a left hand turn light heading north on Hargrave St. and that's where the majority of the accidents happen.

Both Commisioner Ellis and Commissioner Price expressed concern that a tanker truck will not be able to navigate through the service station and deliver gasoline.

Commissioner Ellis questioned the need to increase the electrical service on the property since they are eliminating the car wash and possibly adding another refrigerator and lights only.

Acting Community Development Director Brian Guillot mentioned that the electrical service is approved by the Building Official and does not require Planning Commission approval. The owner will be responsible for the cost if an upgrade it's determined to be required.

Mr. Ashok Parikh, a representative to the owner of 780 E. Ramsey St. came forward to speak the Commissioners. He expressed concerned regarding the Public Works Conditions of Approval. He listed a number of items of improvements they will be making (e.g. handicap requirements) Mr. Parikh asked the Commissioners to consider approving the project without closing the driveways.

Commissioner Ellis talked about the City's inconsistencies in the widths of the roads and with the agreement to participate in the Assessment District will ensure conformity.

Acting Community Development Director Brian Guillot expressed that in large federally funded projects, when the City agrees to obtain federal funding, they also agree to follow their process that may include compensating businesses for the land and disturbance of their business, but it depends on the project, funding, and other related conditions.

Mr. Hani Baskaron owner of the property came forward asking the Planning Commission to approve the project without closing the driveways, if not, improvements will still be done in the interior of the existing facilities.

Commissioner Ellis indicated to Mr. Baskaron that the Assessment is necessary and it's in the best interest of the community.

Commissioner Shaw said that he understands that in the event that the Assessment is not signed by the owner the City in the future will begin eminent domain actions against the property because of the impending project.

Commissioner Ellis mentioned to the owner that he would benefit if he tries to sell the property in the future.

Mr. Baskaron mentioned that the biggest problem is once the property is dedicated, the property is useless unless a complete remodel is done. By law there has to be at least ten (10) feet from the property. There will be a problem delivering the gasoline.

Acting Community Development Director Brian Guillot said that the City has a project on the books to improve the intersection and the immediate concern to the City is putting in the curb returns to improve the function of the intersection. He understands the objection in the part of the applicant; however, this is a condition of approval for the permit.

Guillot asked everyone to review section II of the assessment agreement where it reads that the owner agrees to participate in the construction of the street improvement fronting said property in

accordance of City's standards, he's not asked to build the improvements at this time, just to simply agree not to oppose the City when they do it. The second part of that is that he would have to pay his fair share as it relates to those intersection improvements through an engineering analysis.

Mr. Ashok Parikh stated that he will review the agreement and if the terms are reasonable, they will sign it, but they don't want to spend any money when the City widens the street and feels the City should compensate them not the opposite.

Commissioner Shaw stated that he understands the applicant's disappointment, but the Commission is charged to provide standards throughout the City that would be applied to all properties to obtain continuity throughout.

Mr. Hani Baskaron came forward and added that they were served with a lawsuit created by a con man in a wheel chair, as a result they settle for \$25,000.00 plus, had to sign an agreement to comply with the handicap requirements. He has a letter from the City stating that improvements will be done in approximately eight (8) years; based on that letter, plans were done and money spent. He doesn't understand why the City will issue a letter stating that improvements will not happen until eight (8) years, and now they are in a spot where we have to sign the agreement or a permit won't be issued.

Commissioner Ellis said that that the City is not actually saying a permit will not be issued if the agreement is not signed. He added that owner talked about his ADA problem which is throughout California, and by owners not coming forward to the City, the Planning Commission or improvements done to the property without checking with the Planning Department, the type of ADA problem that he faced would have been eliminated. He assured him that he's not being singled-out and the objective is to try to obtain uniformity in the City to eliminate these types of problems in the future.

Acting Community Development Director Brian Guillot suggested that the applicant returns to the City Engineer, agree to sign a Memorandum of Understanding between the City Engineer and the Owner; this will allow for a clear understanding of what he needs and what the owner will provide. Further discussion was made among the Commissioners and the applicant for a mutual agreement to prepare an M.O.U. and work with the City's Engineering Department.

Vice-Chairman Shaw opened the public hearing for public comments.

Inge Schuler a Banning resident stated that she's glad an agreement has been reached, and was very concerned about the two issues raised. The Assessment Agreement requires a twenty (20) feet dedication and they also need to participate in the cost of the intersection improvement.

Ms. Schuler further discussed the driveway issue. She mentioned the Grade Separation on Sunset Street required the Chevron Gas Station to make major improvements; however, they have the driveways close to the corner and it seems there's a lack of concern regarding that issue; tanks are accessible from one driveway and the trucks have to turn-out on the other

driveway and can't go behind. The Arco Gas Station on Highland Springs Street have the driveways very close to the corner of the intersection also.

Vice Chairman Shaw closed public hearing

Vice-Chairman Shaw opened the floor for discussion.

Commissioner Ellis said that at Sunset and Ramsey the streets are at a maximum width and the turning lanes and signals allow the flow of traffic at that particular intersection. He added that the types of driveways are not a problem as discussed by Ms. Schuler.

Vice-Chairman Shaw opened the floor for a motion.

ACTION (ELLIS/BRIANT): A motion was moved, seconded and carried that the Planning Commission take the following action:

1. ADOPT CATEGORIAL EXEMPTION, PURSUANT TO SECTION 15322 (IN-FILL DEVELOPMENT PROJECTS), FOR DESIGN REVIEW NO. 15-7001; AND
2. ADOPT RESOLUTION NO. 2015-08 WITH THE RECOMMENDED CHANGES TO OBTAIN AN M.O.U. AS A CONDITION TO THE PERMIT.

(Motion Carried 4-0)

2. **CONDITIONAL USE PERMIT NO. 15-7002 FOR A PROPOSED FREEWAY PYLON SIGN LOCATED A 220 E. RAMSEY STREET (APN: 541-181-009, 010, 011, 012, 024, 025, 026, 027 AND 028; AND 541-183-001, 002, 003 AND 004) WITHIN THE DOWNTOWN COMMERCIAL (DC) ZONE.**

Contact Planner Oliver Mujica presented the staff report for a proposed double sided, free standing freeway sign adjacent to the freeway for the future Village at Paseo San Gorgonio, he showed the approximate proposed location, said the sign is fifty (50) feet high and twenty (20) feet wide, the identification will be on the top of the sign and additional five (5) 72 square foot tenant panels. The sign is double sided and will be on the east and west bound.

When reviewing the sign and its proximity to the freeway an item was included in the conditions of approval for staff to have the ability to work with the applicant moving the sign east or west because there's going to be some visual impacts, especially if someone is traveling east bound on the 10 freeway.

Vice-Chairman Shaw asked questions of staff.

Commissioner Ellis asked if the sign will be constructed on Livingston Street.

Acting Community Development Director Brian Guillot confirm that the street was vacated to be included as part of the project and the sign will be near the area of the vacated street.

Commissioner Ellis further asked if the sign will be used exclusively to advertise the tenants on the property and not advertisement of other kind.

Contract Planner Oliver Mujica said that the sign will identify the businesses on that property only.

Commissioner Briant asked about the type of lighting that will be used for the sign.

Vice-Chairman Shaw opened the public hearing.

Robin Bell with AD-S Companies said that the sign will be illuminated with LED lights having the low maintenance and low power requirements.

Commissioner Ellis asked if the lights will be digital.

Mr. Bell confirmed that they will be static lights.

Commissioner Shaw asked if the visual site distances from the west bound lanes have been considered.

Mr. Bell said that studies have been done, but he wasn't involved in the visual studies.

Inge Shuler resident of Banning mentioned that the lot is currently vacant. She further talked about the requirements of the project of a vertical construction on at least one phase that shall commence no later than December 1, 2014. She gave an example of another business in town where a sign was approved and the business center did not materialized, and asked the Planning Commission to take that into consideration.

Vice-Chairman closed the public hearing and opened the floor for Planning Commission discussion.

Commissioner Ellis talked about section 3.3 on the promissory note where it states the project has to be under construction by December 1, 2014, or the note is due and payable and does not know if it has been changed. He further said that the Design Review is now expired, but understands the City Council will review this item next week.

Commissioner Ellis read section 4 of resolution 2013-07 Construction shall commence by May 24, 2015, or the Design Review shall become null and void. He asked to table this item until the City Council is asked on the request and grants the extension.

Acting Community Development Director Brian Guillot suggested continue this item for the next Planning Commission meeting.

Vice-Chairman Shaw opened the floor for a motion.

ACTION (ELLIS/Price): A motion was moved, seconded and carried that the Planning Commission take the following action:

1. PUBLIC HEARING REMAINS OPEN AND IT'S CONTINUED TO JULY 1, 2015 AT 6:00 P.M.

(Motion Carried 4-0)

IV. PLANNING COMMISSION COMMENTS

Commissioner Ellis commented about having issues with our flume and spending a lot of money on trying to get our water back, asked if the flume could be declared as a historical monument, further, he shared that in the late 1800's the flume was built to bring water down to the steam trains and believes it has historical value.

Acting Community Director Brian said he will send communication to the Council Ad Hoc.

Commissioner Ellis mentioned another item that we should consider build a moratorium on residential water meters until we are not under drought restrictions.

Acting Community Director Brian Guillot mentioned that he will convey the message to the Public Works Department and further mention there will be a second reading to an ordinance regarding water conservation.

Commission Ellis said that people had expressed concerned about the railroad. Citizens have said that students are going through the train when it's stopped at San Gorgonio and had been seen trying to beat the train. He added that a gentleman who appeared to be in his 70's claimed to have walked through the train at Twenty Second Street when it was stopped at the intersection.

He also mentioned the proposed development in the south side where a school will be built and feels the issue with the railroad will affect the children that will have to cross over.

He added that trains maintain their generators running creating a vast noise coming through the Pass Area and because of this unnecessary noise, many cities have adopted a quiet zone area.

Commissioner Ellis also mentioned that the Record Gazette building walls are falling off the foundation and feels the building is very unsafe.

Acting Community Director Brian Guillot said he will refer this concern to the Code Enforcement Department.

VI. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Acting Community Development Director Brian Guillot talked about the ordinance passed at the last Planning Commission meeting for the Zone Text Amendment was approved by the City Council on May 26, 2015, and will go into effect thirty (30) days after the second reading.

There is a request for an extension to the Design Review for the Village at Paseo San Gorgonio project. Originally, the City Council approved the project on May 24, 2011, it included a Tentative Map and it required City Council approval. The Planning Commission did recommend the approval of that project on May 4, 2011, also recommended an extension to make the purchase and sale agreement correspond to the Design Review, because the Design Review was approved before the sale agreement.

On June 9, 2015 a Staff Report will be presented to City Council asking them to extend the Design Review.

Regarding the status on Commissioner Siva, a Staff Report was also prepared for the City Council meeting on June 9, 2015 to either consider his re-appointment or if they choose not to re-appoint him to the Planning Commission, we will have to go out for a Planning Commissioner.

A joint study session is planned for July 14, 2015 with City Council, and additional information will be provided as the date becomes closer.

VII. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:53 p.m.

Respectfully submitted,

Sandra Calderon
Recording Secretary

THE ACTION MINUTES SUMMARIZE ACTIONS TAKEN BY THE PLANNING COMMISSION. A COPY OF THE MEETING IN ITS ENTIRETY IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN WRITING TO THE CITY CLERK'S OFFICE.

CITY OF BANNING

Planning Commission Report

DATE: July 1, 2015

TO: Planning Commission

FROM: Brian Guillot, Acting Community Development Director

SUBJECT: **CONDITIONAL USE PERMIT NO. 15-7002 FOR A PROPOSED FREEWAY ORIENTED PYLON SIGN LOCATED AT 220 E. RAMSEY STREET (APN: 541-181-009, 010, 011, 012, 024, 025, 026, 027 AND 028; AND, 541-183-001, 002, 003 AND 004) WITHIN THE DOWNTOWN COMMERCIAL (DC) ZONING DISTRICT**

THIS ITEM IS CONTINUED FROM THE MEETING ON JUNE 3, 2015

RECOMMENDATION:

Staff recommends that the Planning Commission:

- I. Adopt Resolution No. 2015-09 (Attachment 1):
 - a. Adopting a Categorical Exemption, pursuant to Section 15311 (Accessory Structures), for Conditional Use Permit No. 15-7002; and
 - b. Approving Conditional Use Permit No. 15-7002.

APPLICANT INFORMATION:

Project Location: 220 E. Ramsey Street
APN Information: 541-181-009, 010, 011, 012, 024, 025, 026, 027 and 028; and, 541-183-001, 002, 003 and 004

Project Applicant: Architectural Design & Signs, Inc.
1160 Railroad Street
Corona, CA 92882

Property Owner: JMA Village, LLC
30001 Golden Lantern
Laguna Niguel, CA 92677

BACKGROUND:

On May 24, 2011, the City Council adopted Resolution No. 2011-44 approving Design Review No. 10-702 and Tentative Parcel Map No. 36285 to construct a 68,955 square foot mixed-use commercial development on a 5.25 acre parcel, known as the Village at Paseo San Gorgornio project.

On January 24, 2012, the City Council entered into an Agreement for Purchase and Sale of Real Property and Joint Escrow Instructions (PSA) to sell the property to the developer which also specified post-closing obligations with respect to the development of the property.

On May 1, 2013, the Planning Commission adopted Resolution No. 2013-07 approving a two (2) year time extension for Design Review No. 10-702 until May 24, 2015 so that the discretionary land use entitlement approval would correspond with the PSA.

On June 23, 2015, the City Council adopted Resolution No. 2015-47 approving an extension of Design Review No. 10-702 subject to the City Attorney's approval of documentation executed and delivered by JMA Village, LLC to the City Attorney on or before July 15, 2015 confirming commencement of construction on or before August 31, 2015. Otherwise, Design Review No. 10-702 shall expire on August 31, 2015.

Accordingly, staff has revised proposed Planning Commission Resolution No. 2015-09 to include the following Condition of Approval, so that the validity of Conditional Use Permit No. 15-7002 corresponds to the validity of Design Review No. 10-702:

1. The approval of Conditional Use Permit No. 15-7002 shall be subject to a valid Design Review application for the subject project.

PROJECT DESCRIPTION:

Under this application, the applicant is proposing to construct a "freeway oriented pylon sign" as the identification marker for the Village at Paseo San Gorgornio project. The proposed double-sided pylon sign has an overall height of fifty (50) feet and a width of twenty (20) feet. The proposed pylon sign has been designed to complement the Mission style architectural theme of the Village at Paseo San Gorgornio project. In addition to the project name at the top of the proposed pylon sign, there will be five (5) 72 square foot (4' x 18') tenant panels.

The proposed freeway oriented pylon sign will be located on the northern edge of the property fronting Livingston Street which is adjacent to the Interstate (10) Freeway. The grade elevation between the subject property of the freeway is approximately thirty (30) feet. The height and location of the proposed pylon sign, combined with its proximity to the freeway, will allow east and west bound travelers on the freeway to identify the Village at Paseo San Gorgornio project in advance so that they may exit at Hargrave Street or Eight Street.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

In accordance with §15311(a) (Accessory Structures, On-Premise Signs) of the California Environmental Quality Act (CEQA), a Class 11 Categorical Exemption applies to on-premise signs such as the proposed Freeway Oriented Pylon Sign for the Village at Paseo San Gorgonio project. Staff has analyzed proposed Conditional Use Permit No. 15-7002 and has determined that it is Categorically Exempt from CEQA pursuant to §15311 of the CEQA Guidelines due to the fact that the proposed Freeway Oriented Pylon Sign meets the required criteria to qualify as an “on-premise sign” as defined by §15311 of the CEQA Guidelines. Therefore, Conditional Use Permit No. 15-7002 is Categorically Exempt from CEQA pursuant to §15311 of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP).

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

REQUIRED FINDINGS:

Section 17.36.110(B)(6) (Sign Regulations) of the City of Banning Zoning Ordinance requires that freeway-oriented signs shall be allowed subject to the following requirements:

1. Said sign shall be located and designed in such a manner as to be viewed primarily in a direct line of sight from a main traveled roadway of a freeway or a freeway on-ramp/off-ramp. The phrase "viewed primarily in direct line of sight from" shall mean that the message may be seen with reasonable clarity for a greater distance by a person traveling on the main traveled roadway of a freeway or on-ramp/off-ramp than by a person traveling on the street adjacent to the sign.
2. Said sign shall be limited to on-site retail or services businesses.
3. Said sign shall not block another freeway-oriented freestanding sign. The applicant shall be responsible for providing the Planning Commission with evidence to assure satisfactory compliance with this requirement.
4. Said sign shall not be detrimental to the appearance of the area.
5. Said sign shall not exceed an overall height of fifty-five feet.
6. Said sign shall not exceed one hundred seventy-five square feet per display face.
7. Said sign shall require approval of a Conditional Use Permit. In addition to satisfying the requirements set forth in Section 17.36.110(B)(6) of the City of Banning Zoning Ordinance, the following findings must be made prior to the approval by the Planning Commission of Conditional Use Permit No. 15-7002 for the proposed Freeway Oriented Pylon Sign, without consideration of message content of the proposed sign:
 - a. The elevation of the freeway in relation to the elevation of the abutting properties justifies the height requested, and is the minimum necessary.

Findings of Fact: The height of the proposed freeway oriented pylon sign is fifty (50) feet. The elevation of the Interstate (10) Freeway in relation to the elevation of the subject property is approximately a thirty (30) foot difference. Additionally, the height and location of the proposed freeway oriented pylon sign, combined with its proximity to the freeway, will allow east and west bound travelers on the freeway to identify the Village at Paseo San Gorgornio project in advance so that they may exit at Hargrave Street or Eight Street. Although the maximum height permitted by the City's signage regulations freeway oriented freestanding signs is fifty five (55) feet, the height of the proposed freeway oriented pylon sign is only fifty (50) feet.

- b. The number and spacing of freeway signs will not cause unnecessary confusion, clutter or other unsightliness in the general location.

Findings of Fact: The placement of the proposed freeway oriented pylon sign, combined with its proximity to the freeway, will allow east and west bound travelers on the freeway to identify the Village at Paseo San Gorgornio project in advance so that they may exit at Hargrave Street or Eight Street; thus, is intended reduce undo confusion for motorists. Additionally, there are no other freeway oriented signs of billboards in close proximity to the proposed that would create clutter or unsightliness within the general location of the Village at Paseo San Gorgornio project.

- c. The use identified, as well as its type, size and intensity, justifies the size, design and location of the sign requested.

Findings of Fact: The Village at Paseo San Gorgornio project is planned as a 68,955 square foot mixed-use commercial development on a 5.25 acre parcel within the Downtown Commercial district of the City. This development is intended to serve as a catalyst for redevelopment along Ramsey Street to enhance the economic vitality of the community. The proposed freeway oriented pylon sign, combined with its proximity to the freeway, will allow east and west bound travelers on the freeway to identify the Village at Paseo San Gorgornio project in advance so that they may exit at Hargrave Street or Eight Street; thus, bringing visitors into Banning's Downtown Commercial district.

- d. The needs of the traveling public for identification and directional information justifies the sign requested.

Findings of Fact: The placement of the proposed freeway oriented pylon sign, combined with its proximity to the Interstate (10) Freeway, will allow east and west bound travelers on the freeway to identify the Village at Paseo San Gorgornio project in advance so that they may exit at Hargrave Street or Eight Street. Motorists will thereby be more easily directed to the Village at Paseo San Gorgornio project and the Downtown Commercial district of the City.

PUBLIC COMMUNICATION

Proposed Categorical Exemption and Conditional Use Permit No. 15-7002 was advertised in the Record Gazette newspaper on May 22, 2015 (Attachment 3). The City also mailed public hearing notices to the owners of properties that are directly affected and to the property owners that are located within a 300' radius of the project boundaries. On June 3, 2015, the Planning Commission opened the Public Hearing and this item was continued to this date specific of July 1, 2015; therefore, a new public notice was not required to be published or mailed. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

Adoption of Planning Commission Resolution No. 2015-09:

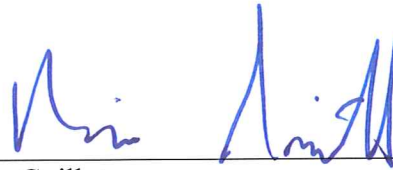
1. Adopting Categorical Exemption, pursuant to Section 15311 (Accessory Structures), for Conditional Use Permit No. 15-7002; and
2. Approving Conditional Use Permit No. 15-7002.

Prepared By:

Reviewed By:



Oliver Mujica
Contract Planner



Brian Guillot
Acting Community Development Director

Attachments:

1. Resolution No. 2015-09
2. Proposed Freeway Oriented Pylon Sign
3. Public Hearing Notice

ATTACHMENT 1
Planning Commission Resolution No. 2015-09

RESOLUTION NO. 2015-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA ADOPTING A CATEGORICAL EXEMPTION (CLASS 11: ACCESSORY STRUCTURES) AND CONDITIONAL USE PERMIT NO. 15-7002 FOR A PROPOSED FREEWAY ORIENTED PYLON SIGN LOCATED AT 220 E. RAMSEY STREET (APN: 541-181-009, 010, 011, 012, 024, 025, 026, 027 AND 028; AND, 541-183-001, 002, 003 AND 004) WITHIN THE DOWNTOWN COMMERCIAL (DC) ZONING DISTRICT

WHEREAS, the applicant has submitted an application for Conditional Use Permit approval so that the Planning Commission may consider the proposed freeway oriented pylon sign for the Village at Paseo San Gorgornio project, which has been duly filed by:

Project Applicant: Architectural Design & Signs, Inc.
1160 Railroad Street
Corona, CA 92882

Project Owner: JMA Village, LLC
30001 Golden Lantern
Laguna Niguel, CA 92677

Parcel Address: 220 E. Ramsey Street
APN: 541-181-009, 010, 011, 012, 024, 025, 026, 027 and 028; and,
541-183-001, 002, 003 and 004
Lot Area: 5.25 Acres

WHEREAS, the Planning Commission has the authority pursuant to Chapter 17.52 of the Banning Municipal Code to take action on Conditional Use Permit No. 15-7002 to allow the proposed freeway oriented pylon sign for the Village at Paseo San Gorgornio project on a 5.25 acre parcel within the Downtown Commercial (DC) zoning district; and

WHEREAS, Conditional Use Permit No. 15-7002 proposes to construct a “freeway oriented pylon sign” as the identification marker for the Village at Paseo San Gorgornio project. The proposed double-sided pylon sign has an overall height of fifty (50) feet and a width of twenty (20) feet. The proposed pylon sign has been designed to complement the Mission style architectural theme of the Village at Paseo San Gorgornio project. In addition to the project name at the top of the proposed pylon sign, there will be five (5) 72 square foot (4’ x 18’) tenant panels; and

WHEREAS, the proposed freeway oriented pylon sign will be located on the northern edge of the property fronting Livingston Street which is adjacent to the Interstate (10) Freeway. The grade elevation between the subject property and the freeway is approximately thirty (30) feet. The height and location of the proposed pylon sign, combined with its proximity to the

freeway, will allow east and west bound travelers on the freeway to identify the Village at Paseo San Gorgonio project in advance so that they may exit at Hargrave Street or Eight Street; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Conditional Use Permit No. 15-7002 and determined that, pursuant to CEQA Section 15311 (Accessory Structures), Conditional Use Permit No. 15-7002 is Categorically Exempt; and

WHEREAS, on May 22, 2015, the City gave public notice by advertisement in the Record Gazette newspaper of a public hearing concerning the Categorical Exemption and Conditional Use Permit No. 15-7002. The City also mailed public hearing notices to the owners of properties that are directly affected by the Conditional Use Permit and to the property owners that are located within a 300' radius of the project boundaries; and

WHEREAS, on June 3, 2015, the Planning Commission held the noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the project and at which the Planning Commission considered the Categorical Exemption and Conditional Use Permit No. 15-7002; and

WHEREAS, on June 3, 2015, the Planning Commission continued the public hearing to their regularly scheduled meeting of July 1, 2015; and

WHEREAS, on July 1, 2015, the Planning Commission held the continued public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the project and at which the Planning Commission considered the Categorical Exemption and Conditional Use Permit No. 15-7002.

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

SECTION 1. ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

In accordance with §15311(a) (Accessory Structures, On-Premise Signs) of the California Environmental Quality Act (CEQA), a Class 11 Categorical Exemption applies to on-premise signs such as the proposed Freeway Oriented Pylon Sign for the Village at Paseo San Gorgonio project. The Planning Commission has analyzed proposed Conditional Use Permit No. 15-7002 and has determined that it is Categorically Exempt from CEQA pursuant to §15311 of the CEQA Guidelines due to the fact that the proposed Freeway Oriented Pylon Sign meets the required criteria to qualify as an “on-premise sign” as defined by §15311 of the CEQA Guidelines. Therefore, Conditional Use Permit No. 15-7002 is Categorically Exempt from CEQA pursuant to §15311 of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP).

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

REQUIRED FINDINGS:

Section 17.36.110(B)(6) (Sign Regulations) of the City of Banning Zoning Ordinance requires that freeway-oriented signs shall be allowed subject to the following requirements:

1. Said sign shall be located and designed in such a manner as to be viewed primarily in a direct line of sight from a main traveled roadway of a freeway or a freeway on-ramp/off-ramp. The phrase "viewed primarily in direct line of sight from" shall mean that the message may be seen with reasonable clarity for a greater distance by a person traveling on the main traveled roadway of a freeway or on-ramp/off-ramp than by a person traveling on the street adjacent to the sign.
2. Said sign shall be limited to on-site retail or services businesses.
3. Said sign shall not block another freeway-oriented freestanding sign. The applicant shall be responsible for providing the Planning Commission with evidence to assure satisfactory compliance with this requirement.
4. Said sign shall not be detrimental to the appearance of the area.
5. Said sign shall not exceed an overall height of fifty-five feet.
6. Said sign shall not exceed one hundred seventy-five square feet per display face.
7. Said sign shall require approval of a Conditional Use Permit. In addition to satisfying the requirements set forth in Section 17.36.110(B)(6) of the City of Banning Zoning Ordinance, the following findings must be made prior to the approval by the Planning Commission of Conditional Use Permit No. 15-7002 for the proposed Freeway Oriented Pylon Sign, without consideration of message content of the proposed sign:
 - a. The elevation of the freeway in relation to the elevation of the abutting properties justifies the height requested, and is the minimum necessary.

Findings of Fact: The height of the proposed freeway oriented pylon sign is fifty (50) feet. The elevation of the Interstate (10) Freeway in relation to the elevation of the subject property is approximately a thirty (30) foot difference. Additionally, the height and location of the proposed freeway oriented pylon sign, combined with its proximity to the freeway, will allow east and west bound travelers on the freeway to identify the Village at Paseo San Gorgonio project in advance so that they may exit at Hargrave Street or Eight Street. Although the maximum height permitted by the City's signage regulations freeway oriented freestanding signs is fifty five (55) feet, the height of the proposed freeway oriented pylon sign is only fifty (50) feet.

- b. The number and spacing of freeway signs will not cause unnecessary confusion, clutter or other unsightliness in the general location.

Findings of Fact: The placement of the proposed freeway oriented pylon sign, combined with its proximity to the freeway, will allow east and west bound travelers on the freeway to identify the Village at Paseo San Gorgornio project in advance so that they may exit at Hargrave Street or Eight Street; thus, is intended reduce undo confusion for motorists. Additionally, there are no other freeway oriented signs of billboards in close proximity to the proposed that would create clutter or unsightliness within the general location of the Village at Paseo San Gorgornio project.

- c. The use identified, as well as its type, size and intensity, justifies the size, design and location of the sign requested.

Findings of Fact: The Village at Paseo San Gorgornio project is planned as a 68,955 square foot mixed-use commercial development on a 5.25 acre parcel within the Downtown Commercial district of the City. This development is intended to serve as a catalyst for redevelopment along Ramsey Street to enhance the economic vitality of the community. The proposed freeway oriented pylon sign, combined with its proximity to the freeway, will allow east and west bound travelers on the freeway to identify the Village at Paseo San Gorgornio project in advance so that they may exit at Hargrave Street or Eight Street; thus, bringing visitors into Banning's Downtown Commercial district.

- d. The needs of the traveling public for identification and directional information justifies the sign requested.

Findings of Fact: The placement of the proposed freeway oriented pylon sign, combined with its proximity to the Interstate (10) Freeway, will allow east and west bound travelers on the freeway to identify the Village at Paseo San Gorgornio project in advance so that they may exit at Hargrave Street or Eight Street. Motorists will thereby be more easily directed to the Village at Paseo San Gorgornio project and the Downtown Commercial district of the City.

SECTION 3. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution No. 2015-09:
 - a. In accordance with CEQA Guidelines Section 15311, the Planning Commission hereby adopts the Categorical Exemption (Class 11: Accessory Structures) for Conditional Use Permit No. 15-7002, and directs the Acting Community Development Director to prepare and file with the Clerk for the County of Riverside a Notice of Exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15094; and
 - b. Approving Conditional Use Permit No. 15-7002, subject to Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.

PASSED, APPROVED AND ADOPTED this 1st day of July, 2015.

Eric Shaw, Vice-Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

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

ATTEST:

Sandra Calderon, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2015-09, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 1st day of July, 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sandra Calderon, Recording Secretary
City of Banning, California



City of Banning

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

COMMUNITY DEVELOPMENT
DEPARTMENT

EXHIBIT A

PROJECT #: Conditional Use Permit #15-7002 (Freeway-Oriented Pylon Sign)
SUBJECT: Conditions of Approval
APPLICANT: JMA Village, LLC
LOCATION: 220 E. Ramsey Street

I. General/On-Going.

Community Development Department

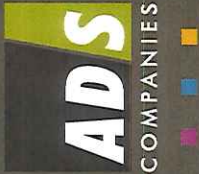
1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any action brought and City shall cooperate with applicant in the defense of the action.
2. The approval of Conditional Use Permit No. 15-7002 shall be subject to a valid Design Review application for the subject project.

3. If during the term of the permit the City determines based upon substantial evidence that the permit activity is exercised so as to be detrimental to the public health, safety or welfare, or, so as to be a nuisance to other property owners in the general area which by any means shall interfere with the comfortable peaceful use, possession and enjoyment of property by any person, the Conditional Use Permit No. 15-7002 shall be subject to revocation as outlined in section 17.52.100 "Revocation" of the Banning Zoning Code.
4. For the freeway oriented pylon sign, construction shall commence within two (2) years from the date of Planning Commission approval, or the conditional use permit shall become null and void for the freeway oriented pylon sign. Additionally, if after commencement of construction work is discontinued for a period of one (1) year, the conditional use permit shall become null and void. The Community Development Director may upon an application being filed thirty (30) days prior to expiration and for good cause, grant a one-time extension not to exceed twelve (12) months.
5. Approval of this entitlement shall not waive compliance with all sections of the Municipal Code and all other applicable City Ordinances in effect at the time of building permit issuance.
6. All graffiti shall be removed immediately or within 24 hours of notice from the City.
7. The freeway oriented pylon sign shall be developed and maintained in accordance with the stamped approved plans, dated July 1, 2015, which include site plans, architectural elevations, and any plans on file in the Planning Division; the conditions contained herein; and, Municipal Code regulations.
8. Said freeway oriented pylon sign shall be located and designed in such a manner as to be viewed primarily in a direct line of sight from a main traveled roadway of a freeway or a freeway on-ramp/off-ramp. The phrase "viewed primarily in direct line of sight from" shall mean that the message may be seen with reasonable clarity for a greater distance by a person traveling on the main traveled roadway of a freeway or on-ramp/off-ramp than by a person traveling on the street adjacent to the sign.
9. Said freeway oriented pylon sign may be placed along the northern property line adjacent to Livingston Street, with the final location subject to the approval of the Community Development Director.
10. Said freeway oriented pylon sign shall be limited to on-site retail or services businesses.
11. Said freeway oriented pylon sign shall not block another freeway-oriented freestanding sign. The applicant shall be responsible for providing the evidence to assure satisfactory compliance with this requirement.
12. Said freeway oriented pylon sign shall be perpetually maintained and not found detrimental to the appearance of the area through lack of maintenance or neglect.
13. The freeway oriented pylon sign shall not exceed an overall height of fifty (50) feet.

14. The double-sided freeway oriented pylon sign shall be limited to the following: a) “Village at Paseo San Gorgornio” identification at the top of the pylon sign; and, b) a total of five (5) tenant name and logo panels each containing a maximum of seventy-two (72) square feet (4' x 18').
15. All sign faces shall read as approved by Planning Commission on July 1, 2015, and the wording shall not be substantially amended without approval of the Community Development Director or if directed the Planning Commission.

ATTACHMENT 2

Proposed Freeway Oriented Pylon Sign



2950 Palisades Dr.
Corona, CA 92880
Tel. 800.862.3202
www.ad-s.com

REALITY BEGINS WITH VISION

Prepared for:

Village at Paseo San Geronio

SE Corner of San Geronio Ave. & Ramsey St.
Banning, CA 92220

From: MILTON SOLOMON
cell: 949.678.2878
email: msolomon@ad-s.com

COLOR DISCLAIMER

Due to the limitations of desktop scanners and the relative inconsistencies of various display monitors and printers, the colors you see on your screen or on paper may not be a totally accurate reproduction of the actual product. We strive to make our colors as accurate as possible, but screen and printed images are intended as a guide only and should not be regarded as absolutely correct. Site conditions and onsite lighting can also affect how the product appears (i.e. LED, different fluorescent bulbs, Natural Light, Incandescent, etc.). We recommend that you request a color sample as CMYK (Cyan, Magenta, Yellow and Black) are the colors used in the printing process, whereas RGB (Red, Green and Blue) are the colors used by screen displays such as your monitor. For this reason and due to variations introduced by light and various equipment, the colors on your screen or a print may not exactly match the finished product.

If you would like to see a sample of any color, please request an actual sample from your Salesperson or Project Manager.

WITHOUT A SIGNED COLOR SAMPLE, ADS COMPANIES, ITS VENDORS AND AFFILIATES ARE NOT RESPONSIBLE FOR DIFFERENCES, REAL OR PERCEIVED, BETWEEN THE WAY YOUR PRODUCT APPEARS ON SCREEN OR PAPER AND THE FINAL PRODUCT.

Client Name (Please Print)	Date	<input type="checkbox"/>	Approved	
Client Name (Signature)		<input type="checkbox"/>	Approved as Noted	
PLEASE INITIAL ALL PAGES				
AD/S Drawing #	Rev. #	Rev. Date:	<input type="checkbox"/>	Revise & Resubmit
Pages: -			<input type="checkbox"/>	Rejected

SITE PLAN

Client:
Village at Paseo San Gorgonio
SE Corner of San Gorgonio Ave. & Ramsey St.
Banning, CA 92220

Project:
Village at Paseo San Gorgonio
SE Corner of San Gorgonio Ave. & Ramsey St.
Banning, CA 92220



2950 Palisades Dr. Corona, CA 92880
T 800.862.3202 F 951.278.0681
www.ad-s.com

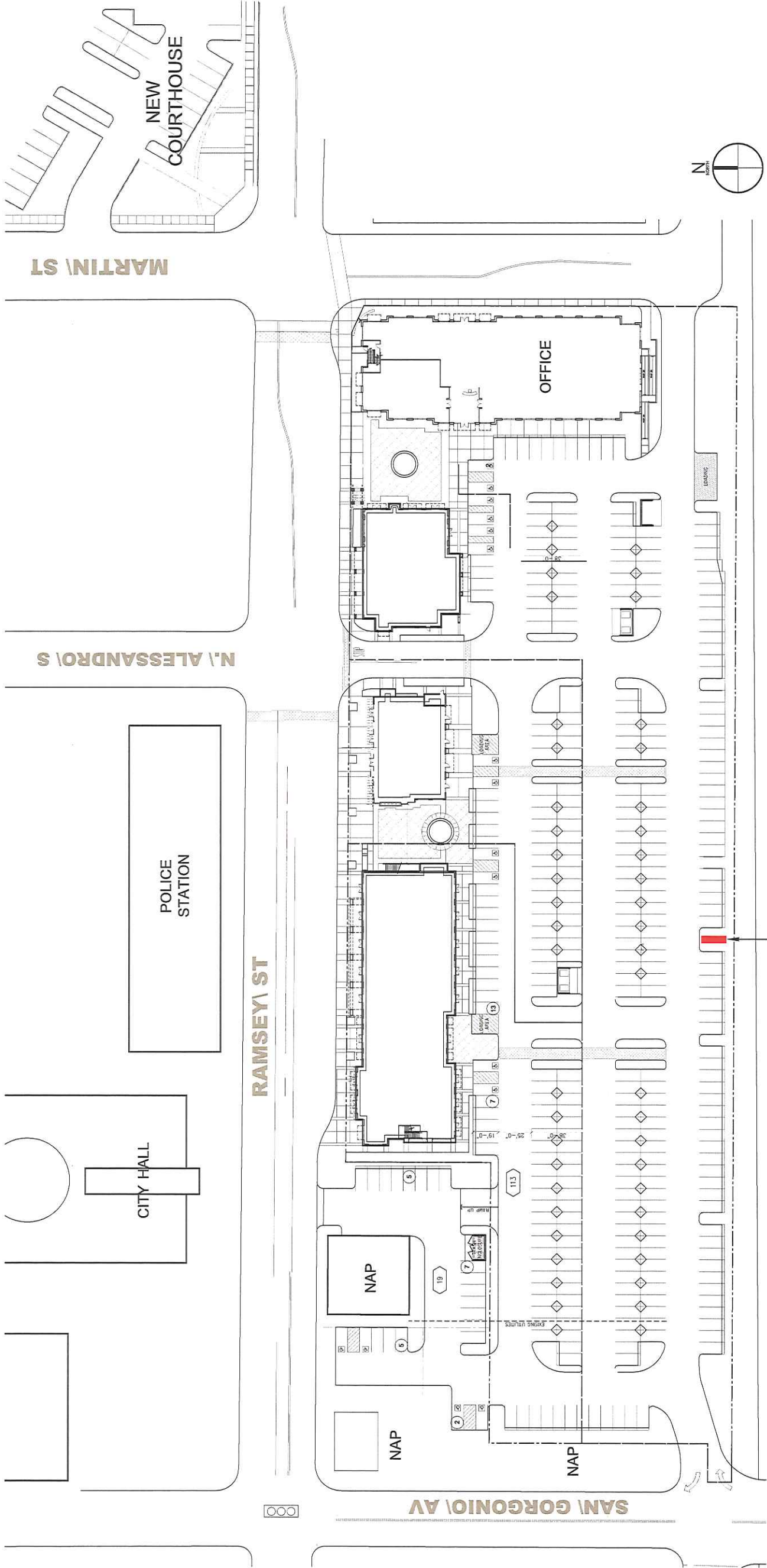
- Signage + Fabrication
- Displays + Fixtures
- Lighting + Maintenance

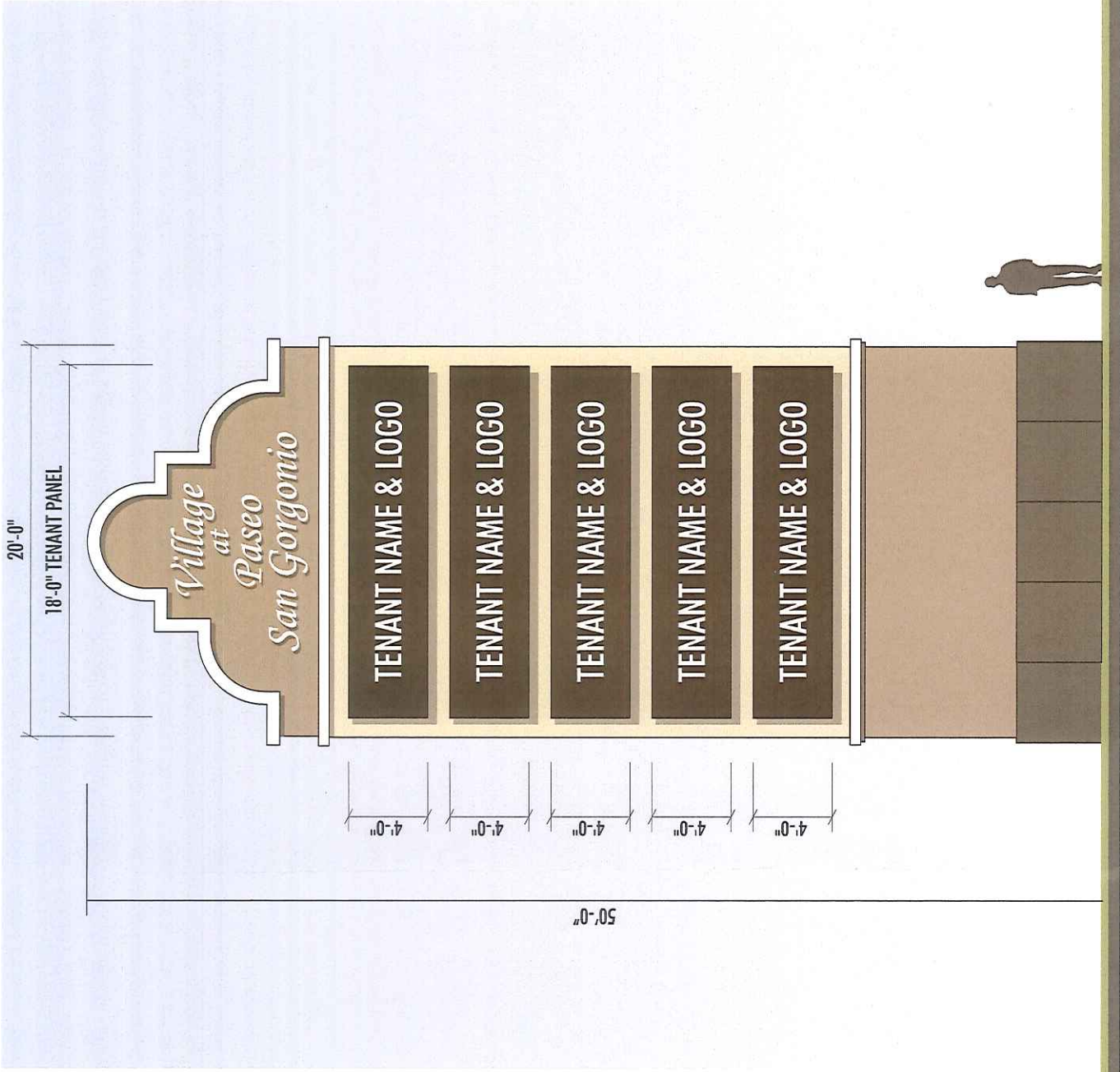
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Revisions:

- 1
-
-

Project No: **SanGorgonio-C00** A44B/D/C/C
Date: **01-03-15**
Sign Type:
Sheet No: **2 of 000**





SCALE: 1/8" = 1'-0"

Client:	Village at Paseo San Gorgonio SE Corner of San Gorgonio Ave. & Ramsey St. Banning, CA 92220		
Project:	Village at Paseo San Gorgonio SE Corner of San Gorgonio Ave. & Ramsey St. Banning, CA 92220		
	<div><div><div><div>ADS</div><div>COMPANIES</div></div><div><div></div><div></div><div></div></div></div><div>2950 Palisades Dr. Corona, CA 92880 T 800.862.3202 F 951.278.0681 www.ad-s.com</div><div><div>■ Signage + Fabrication</div><div>■ Displays + Fixtures</div><div>■ Lighting + Maintenance</div></div><div><p>This is an original unpublished drawing created by ADS Inc. It is submitted for your personal use in conjunction with a project being planned for you by ADS Inc. It is not to be shown to anyone outside your organization, nor is it to be used, reproduced, copied or exhibited in any fashion without written permission from ADS Inc.</p></div></div>		
Revisions:	<div><div>1</div><div></div><div></div></div>		
Project No:	SanGorgonio-C00	AAQB/CCE	
Date:	01-03-15		
Sign Type:	PYLON		
Sheet No:	1		
		3 of 000	

ATTACHMENT 3

Public Hearing Notice

Record Gazette
218 N. Murray St.
Proof of Publication
(2015.5 C.C.P.)

118369 - PERMIT NO. 14-8003

State of California)
County of Riverside) ss.

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

May 22, 2015

Executed on: 05/22/2015

At Banning, CA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.


Signature

NOTICE OF PUBLIC HEARING AND NOTICE OF INTENT TO ADOPT A CATEGORICAL EXEMPTION FOR CONDITIONAL USE PERMIT NO. 14-8003 FOR A PROPOSED FREEWAY PYLON SIGN LOCATED AT 220 E. RAMSEY STREET (APN: 541-181-009, 010, 011, 012, 024, 025, 026, 027 and 028; and, 541-183-001, 002, 003 and 004) WITHIN THE DOWNTOWN COMMERCIAL (DC) ZONE

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held on Wednesday, June 3, 2015, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider the proposed Freeway Pylon Sign for the Village @ Paseo San Geronimo project (by proposed Conditional Use Permit No. 15-7002) pursuant to Chapter 17.52 (Conditional Use Permit) of the City of Banning Municipal Code. To locate these parcels, please go to the Riverside County website and type in <http://www3.lima.co.riverside.ca.us/pa/rcdis/viewer.htm> in the search engine and follow the instructions on the page. Information regarding the Categorical Exemption and Conditional Use Permit No. 15-7002 can be obtained by contacting the City's Community Development Department at (951) 922-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning. You may also go to the City of Banning website at <http://www.ci.banning.ca.us/>. All parties interested in speaking either in support of or in opposition of this item are invited to attend said hearing, or to send their written comments to the Community Development Department, City of Banning at P.O. Box 998, Banning, California, 92220. If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the City Clerk at, or prior to, the time the City Council makes its decision on the proposal; or, you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65009).

BY ORDER OF THE ACTING COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

Dated: May 19, 2015

Brian Guillot

Acting Community Development Director

Publish: May 22, 2015

Published in

The Record Gazette

No. 118369

05/22, 2015