I. CALL TO ORDER: Chairman Siva

➢ Pledge of Allegiance: Commissioner Barsh

➢ Roll Call: Chairman Siva, Commissioner Barsh, Commissioner Ellis, Commissioner Hawkins 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, which 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 November 6, 2013 meeting......................................................Page 1
IV. PRESENTATION:

The Director of Public Works, Duane Burk, will be updating the Planning Commission on the Sunset Grade Separation project.

V. PUBLIC HEARING

1. CONDITIONAL USE PERMIT (CUP) #13-806: A REQUEST BY RIO RANCH MARKET LOCATED AT 3317 W. RAMSEY STREET TO PERMIT A FREEWAY-ORIENTED SIGN IN THE GENERAL COMMERCIAL (GC) ZONE

Staff Report.................................................................................................................Page 7

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)

Recommendaions:

That the Planning Commission adopt Resolution No. 2013-16:

1. Adopt a Class 11 Categorical Exemption in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15311 (Accessory structures, on-premise signs); and,

2. Adopt PC Resolution No. 2013-16 approving Conditional Use Permit #13-806 subject to conditions of approval.

2. ZONE TEXT AMENDMENT (ZTA) NO. 13-97505 AND ORDINANCE 1476 AMENDING THE ZONING ORDINANCE PERTAINING TO VARIOUS LAND USES RELATED TO THEIR PERMITTING PROCESS IN THE COMMERCIAL AND INDUSTRIAL ZONES, AND GARAGES IN THE RESIDENTIAL ZONES

Staff Report.................................................................................................................Page 31
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)

Recommendations:

That the Planning Commission adopt Resolution No. 2013-15:


VI. PLANNING COMMISSIONER COMMENTS

VII. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS

VIII. ADJOURNMENT

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of January 2, 2014 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

November 6, 2013

A regular meeting of the City of Banning Planning Commission was held on Wednesday, November 6, 2013 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present:  
Chairman Siva  
Commissioner Barsh  
Commissioner Ellis  
Commissioner Hawkins  
Commissioner Shaw

Staff Present:  
· Community Development Director Abu Bakar  
· Assistant City Attorney Lona Laymon  
· Recording Secretary Stuart

I. CALL TO ORDER

II. PUBLIC COMMENTS:

None.

III. CONSENT CALENDAR

1. Minutes of September 30, 2013

   ACTION (HAWKINS / BARSII): A motion was moved, seconded and carried that item 1 be approved as presented.

   (Motion carried 5-0)

2. Minutes of October 2, 2013

   ACTION (HAWKINS / ELLIS): A motion was moved, seconded and carried that item 2 be approved as presented.

   (Motion carried 4-0) (Commissioner Barsh abstain due to his absence)
IV. PUBLIC HEARING

1. GENERAL PLAN AMENDMENT NO. 13-2505 AND ZONE CHANGE NO. 13-3503 FOR FIVE (5) PARCELS THAT ARE LOCATED AT THE NORTHEAST CORNER OF HARGRAVE AND CHARLES STREETS

Director Abu Bakar highlighted specific items in the staff report. Staff recommend that the Planning Commission adopt Resolution No. 2013-14 recommending the approval of the adoption of the negative declaration for compliance with the California Environmental Quality Act (CEQA) and then recommending approval of the General Plan and zone change to City Council. When staff refers to the negative declaration it means that the proposed General Plan Amendment and the zone change will not have an impact on the environment. The reason this can be determined is because there is no development proposed at this time. If approved, the colors will change on the General Plan and zoning map.

There are five (5) parcels involved which are shown in the attached PowerPoint. The five parcels that are identified are located at the northeast corner of Charles and Hargrave. The current General Plan and zoning designation is Industrial and it was changed to Industrial when the new General Plan and zoning code was adopted in 2006. Essentially, these properties with the 2006 adoption became legal non-conforming because they were in compliance with the zoning code at the time but were not in compliance once the code was changed. When there are legal non-conforming properties it is difficult to obtain financing, insurance, or to remodel a home because based on the City’s code a conditional use permit would be required. Also, the size of an addition that can be done to a home under this circumstance is limited. Therefore, staff’s recommendation is to change the General Plan and Zoning designations to Very Low Density Residential. The reason for this change is so that the properties are consistent to the neighbors and properties to the east and also to the neighbors to the south of Charles Street.

Additionally, animal keeping was also reviewed because one of the comments received by a resident was that they want to keep animals. With the Very Low Density Residential they will have the opportunity to keep a maximum of three (3) horses and other animals that are allowed by the code. Findings need to be made before the Commission can recommend approval to the City Council. These findings have been provided as shown in the report and resolution. The Director opened the floor for Commissioner comments.

Chairman Siva established that this was an item they had been working toward accomplishing. Director Abu Bakar confirmed and stated that the Council directed staff to move this item forward.

Commissioner Shaw stated that he visited the area and believes that it is the right decision. It looks like one of the parcels has already been split into a smaller parcel. He questioned what the property owners would be required to do in order to split more parcels. Also, if they split the parcels he questioned how that would impact the zone change. Director Abu Bakar responded by stating that the smaller parcel which is just are over 7,000 square feet basically would need to
remain as it is currently because the Very Low Density Residential zone only allows a minimum of 20,000 square feet. The remaining vacant parcels and property owners would be required to comply with the minimum lot size which is 20,000 square feet and the minimum lot width or lot depth which is 100 feet.

Chairman Siva inquired about the animal keeping and the lot size. The Director stated any of the property owners can keep animals as long as they comply with the code. For example, to keep horses the code allows three horses on a 20,000 square foot property.

Commissioner Ellis questioned if there were any other individuals who had expressed concern that their property was zoned as Industrial and that they wanted to know if they could have it changed or not. The director responded stating there was one comment from a resident who spoke in front of City Council on September 24th regarding the same matter. The City Council will need to give staff direction regarding other locations.

Chairman Siva opened the meeting for public comment. Seeing that there were none the public hearing was closed. Chairman Siva opened the floor for a motion.

**ACTION (ELLIS/ SHAW):** A motion was moved, seconded and carried that the Planning Commission take the following action including the amendment and zone change suggested by the director:

1. RECOMMENDING APPROVAL TO THE CITY COUNCIL THE ADOPTION OF A NEGATIVE DECLARATION; AND

2. RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 13-2505 AND ZONE CHANGE NO. 13-3503 TO CHANGE THE LAND USE DESIGNATIONS FOR FIVE (5) PARCELS THAT ARE LOCATED AT THE NORTHEAST CORNER OF CHARLES AND HARGRAVE STREETS FROM INDUSTRIAL TO VERY LOW DENSITY RESIDENTIAL.

*(Motion Carried 5 – 0)*

**VI. PLANNING COMMISSIONER COMMENTS**

Commissioner Ellis brought forth the fact that there was an interest in neighborhood meetings to discuss the aesthetics and future planning of specific neighborhoods and inquired how to proceed with a workshop and involving the community. Also, he was unable to find where neighborhood plans were addressed in the General Plan. The Director responded stating the information would be forwarded to all Commissioners via email.
Commissioner Ellis also expressed concern regarding the width of Wilson Street between 12th and 16th Street, east bound right before the school. Director Abu Bakar stated this concern would be brought to the Public Works Director.

Commissioner Ellis asked the Assistant City Attorney to look into an ordinance regarding ownership and interest in property for consideration.

Commissioner Ellis also questioned the planning of future Fire stations. Director Abu Bakar responded stating she would request that the Fire Department provide a presentation.

Chairman Siva stated he was not supporting the ordinance that Commissioner Ellis provided to the attorney since he was not made aware of what it was about.

VII. COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

Director Abu Bakar stated that the City Council took action on the new building and construction codes and had the first reading for the related ordinance that will be effective January 1, 2014. The second reading will occur on November 12, 2013.

Additionally, the City Council conducted a Housing Element Workshop on October the 22nd and they authorized staff to submit the report to the State. The State has received the Housing Element for the next round. Staff is waiting for review and response by the State.

The Commissioners were also reminded to take AB 1234 training online which is required annually. Director Abu Bakar stated this information would be re-emailed to the Commissioners.

VIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:00 p.m.

Respectfully submitted,

______________________________
Holly Stuart
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.
Aerial Map of the Five Parcels
The five Parcels are in the cross-hatched area

Current General Plan and Zoning Designations = Industrial
Proposed General Plan and Zoning Designations = Very Low Density Residential
CITY OF BANNING
PLANNING COMMISSION REPORT

DATE: December 4, 2013

TO: Planning Commission

FROM: Zai Abu Bakar, Community Development Director

SUBJECT: CONDITIONAL USE PERMIT (CUP) #13-806: A REQUEST BY RIO RANCH MARKET LOCATED AT 3317 W. RAMSEY STREET TO PERMIT A FREEWAY-ORIENTED SIGN IN THE GENERAL COMMERCIAL (GC) ZONE.

STAFF RECOMMENDATION:

That the Planning Commission takes the following actions:

1. Adopt a Class 11 Categorical Exemption in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15311 (Accessory structures, on-premise signs); and,

2. Adopt PC Resolution No. 2013-16 approving Conditional Use Permit #13-806 subject to conditions of approval.

PROJECT/APPLICANT INFORMATION:

Project Location: 3317 W. Ramsey Street
APN Information: 537-090-067
Project Applicant: Rio Ranch Market
Property Owner: FHM Investments, Riverside CA
Specific Plan: No
PROJECT BACKGROUND AND DESCRIPTION:

Project Description

The applicant is requesting approval to permit a freeway-oriented wall sign. The existing sign code (Chapter 17.36) limits the size of all wall signs to a maximum of 50 square feet. A provision for larger wall signs (up to 175 square feet) is made in Section 17.36.110(B)(2) of the code subject to approval of a Conditional Use Permit.

On September 10, 2013, the Building Division issued a stop work order to a contractor who was installing a wall sign on the Rio Ranch Market without a permit. The contractor then submitted a sign permit application, however the sign that was partially installed was determined to be larger than what the sign code would permit (50 square feet). On October 15, 2013, the City received an application for a freeway oriented wall sign from Rio Ranch Market. The Planning Division has been working with the applicant and brought the application forward for presentation to the Planning Commission.

Site Description

The site where the Rio Ranch Market is located consists of an improved outdoor shopping center located at the northwest corner of Ramsey Street and Sunset Avenue. The site consists of a 1.41 acre parcel with one existing building located within an approximately 10.8 acres shopping center. The shopping center consists of various parcels along with the different buildings that are owned separately.

The parcel in question is rectangular being approximately 215 feet wide by 430 feet in depth; the ground is relatively flat-lying with a southeasterly slope. The whole shopping center has recently undergone a façade renovation; however, the asphalt concrete pavement for the parking area is cracked and in need of repair. The landscaping consists of a few trees, all of which are not well maintained and could be upgraded or replaced.

The site fronts on Ramsey Street and Sunset Avenue, which are classified as arterial highways, 110 feet in width. The street frontage is fully improved with curb, gutter, and sidewalk.

CONDITIONAL USE PERMIT FREEWAY-ORIENTED SIGNS:

Freeway-oriented wall 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 signs 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 requirements set forth above in this section 17.36.110(B)(6) of the Banning Municipal Code, the following findings must be made prior to approval of a conditional use permit for a freeway-oriented wall sign, without consideration of message content of the proposed signs:

   a. The elevation of the freeway in relation to the elevation of the abutting properties justifies the height requested, and is the minimum necessary.

   Finding
   The height request for the installation of the a freeway oriented wall sign is a function of the existing building height and therefore is justified in that walls may be utilized for the placement of signs as authorized by the sign code. Therefore, the placement of the sign is the minimum height necessary that being 23 feet.

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

   Finding
   The sign placement as proposed is on the front façade of the building located immediately adjacent to the building entrance for Rio Ranch Market that will direct people to the market, and will not create undo confusion regarding the location of the business or other businesses in the area.

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

   Finding
   The use is retail commercial (market) and is located within an existing well established retail shopping center. The store consists of approximately 20,000 square feet of commercial retail space located adjacent to an arterial roadway (Ramsey Street) with close access to Interstate 10 via the off-on ramps located along Sunset Avenue. The building is set back at least 250 feet from Ramsey Street and at least 700 feet from the freeway ramps. This distance makes it appropriate to place a sign of at least 28 feet wide by 5 feet tall (140 square feet) on the building façade in order to improve visibility.

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

   Finding
   The proposed sign will be visible from the traveled way of Interstate 10, the on and off ramps, and the frontage roads. The traveling public has a general need for the items supplied for sale by the retail store such as groceries, health and
beauty products, household goods, and clothing; and, would benefit from utilizing the retail services of the market.

Conclusion

Staff recommends approval of the subject Conditional Use Permit as the proposed sign is consistent with the requirements of the zoning code, while not significantly effecting the environment. Additionally, the approval of a larger wall sign would not significantly impact the character of the existing neighborhood, as the commercial building is existing; and, commercial uses surround the site.

ENVIRONMENTAL RESOURCES:

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines, the recommendation of the Planning Division as provided in this Staff Report dated December 4, 2013, and documents incorporated herein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. CEQA

   a. The project is Categorically Exempt from CEQA in accordance with Section 15311 (Accessory Structures-Class 11) in that the staff report submitted by the Planning Division and other findings made in this Resolution demonstrate that Conditional Use Permit #13-806 consists of the approval of an on premise sign.

   b. The project will not have a significant impact on an environmental resource that has been designated, precisely mapped, and officially adopted pursuant to law by a federal, state or local agency as being a resource of hazardous or critical concern. The Environmental Impact Report for the City’s General Plan shows no resources in the project area have been precisely mapped and officially designated as being of hazardous or critical concern by the City, the State, or the Federal government.

   c. The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. The building structures are existing, and additional signs may be permitted in the future, however the sign regulations of the zoning ordinance limit the size, shape, type, and location of signs as provided for in Chapter 17.36 of the zoning ordinance.

   d. There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment. The project will not create any unusual circumstances in that it involves the permitting of a wall sign that is generally a ministerial activity with the exception that in this case that the size of the sign from 50 square feet to 175 square feet of sign face area requires approval of a Conditional Use Permit for freeway oriented uses.
e. The project will not result in damage to scenic resources within a designated state scenic highway as there is no designated state scenic highway in the project area.

f. The project site has not been listed as a hazardous waste and substance facility or site by the Department of Toxic Substances Control pursuant to California Government Code Section 659625.

g. The project will not cause a substantial adverse change to the significance of a historical resource as a historical resource or its immediate surroundings will not be demolished, destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.

2. **Multiple Species Habitat Conservation Plan (MSHCP).**

The project does not relate to MSHCP as approving the placement of a sign on an existing building is generally a ministerial action with the exception in this case of a discretionary approval required for the size of the sign. Therefore, the project is found to be consistent with the MSHCP.

**PUBLIC COMMUNICATION:**

The proposed project was advertised in the Record Gazette newspaper, and notices were mailed to all property owners within a 300-foot radius of the site on November 22, 2013. As of the date of this report, staff has not received any verbal or written comments for or against the proposed project.

**PREPARED BY:**

Brian Guillot
Associate Planner

**APPROVED BY:**

Zah Abu Bakar
Community Development Director

**PC Attachments:**

1. PC Resolution No. 2013-16 (with Conditions of Approval)
2. Vicinity Map and Aerial Photo
3. Site Photographs
4. Plans
5. Applicant's statement of purpose
Attachment 1

(PC Resolution No. 2013-16)
RESOLUTION NO. 2013-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 13-806 PERMITTING A FREEWAY-ORIENTED WALL SIGN FOR THE RIO RANCH MARKET LOCATED AT 3317 W. RAMSEY STREET IN THE GENERAL COMMERCIAL (GC) ZONE

WHEREAS, an application for a medical office has been duly filed by:

Project Applicant: Rio Ranch Market
Property Owner: FHM Investments, Riverside CA
Project Location: 3317 W. Ramsey Street
APN Number: 537-090-067
Lot Size: 1.41 acres

WHEREAS, the Planning Commission has the authority per Chapters 17.52 and 17.88 of the Banning Municipal Code to take action on Conditional Use Permit No. 11-806: A request to permit a freeway oriented wall sign for the existing building located at 3317 W. Ramsey Street in the General Commercial (GC) zone; and

WHEREAS, on November 22, 2013, the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered; and

WHEREAS, on December 4, 2013, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or in opposition to Conditional Use Permit No.13-806; and, at which the Planning Commission considered the Conditional Use Permit; and

WHEREAS, the project's potential effects on the environment and has recommended that the project is categorically exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guidelines Section 15311 “Accessory Structures” and the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 are addressed in the determinations as listed in the Environmental Findings herein.

NOW THEREFORE, the Planning Commission of the City of Banning does Resolve, Determine, Find, and Order as follows:
SECTION 1 ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines, the recommendation of the Planning Division as provided in this Staff Report dated December 5, 2013 and documents incorporated herein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. CEQA

a. The project is Categorically Exempt from CEQA in accordance with Section 15311 (Accessory Structures-Class 11) in that the staff report submitted by the Planning Division and other findings made in this Resolution demonstrate that Conditional Use Permit #13-806 consists of the approval of an on premise sign.

b. The project will not have a significant impact on an environmental resource that has been designated, precisely mapped, and officially adopted pursuant to law by a federal, state or local agency as being a resource of hazardous or critical concern. The Environmental Impact Report for the City’s General Plan shows no resources in the project area have been precisely mapped and officially designated as being of hazardous or critical concern by the City, the State, or the Federal government.

c. The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. The building structures are existing, and additional signs may be permitted in the future, however the sign regulations of the zoning ordinance limit the size, shape, type, and location of signs as provided for in Chapter 17.36 of the zoning ordinance.

d. There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment. The project will not create any unusual circumstances in that it involves the permitting of a wall sign that is generally a ministerial activity with the exception that in this case that the size of the sign from 50 square feet to 175 square feet of sign face area requires approval of a Conditional Use Permit for freeway oriented uses.

e. The project will not result in damage to scenic resources within a designated state scenic highway as there is no designated state scenic highway in the project area.

f. The project site has not been listed as a hazardous waste and substance facility or site by the Department of Toxic Substances Control pursuant to California Government Code Section 659625.

g. The project will not cause a substantial adverse change to the significance of a historical resource as a historical resource or its immediate surroundings will not be
demolished, destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.

2. Multiple Species Habitat Conservation Plan (MSHCP).

The project does not relate to MSHCP as approving the placement of a sign on an existing building is generally a ministerial action with the exception in this case of a discretionary approval required for the size of the sign. Therefore, the project is found to be consistent with the MSHCP.

SECTION 2. REQUIRED FINDINGS.

1. Said sign shall require approval of a conditional use permit. In addition to satisfying requirements set forth above in this section 17.36.110(B)(6) of the Banning Municipal Code, the following findings must be made prior to approval of a conditional use permit for a freeway-oriented wall sign, without consideration of message content of the proposed signs:

a. The elevation of the freeway in relation to the elevation of the abutting properties justifies the height requested, and is the minimum necessary.

Finding

The height request for the installation of the a freeway oriented wall sign is a function of the existing building height and therefore is justified in that walls may be utilized for the placement of signs as authorized by the sign code. Therefore, the placement of the sign is the minimum height necessary that being 23 feet.

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

Finding

The sign placement as proposed is on the front façade of the building located immediately adjacent to the building entrance for Rio Ranch Market that will direct people to the market, and will not create undue confusion regarding the location of the business or other businesses in the area.

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

Finding

The use is retail commercial (market) and is located within an existing well established retail shopping center. The store consists of approximately 20,000 square feet of commercial retail space located adjacent to an arterial roadway (Ramsey Street) with close access to Interstate 10 via the off-on ramps located along Sunset Avenue. The building is set back at least 250 feet from Ramsey Street and at least 700 feet from the freeway ramps. This distance makes it appropriate to place a sign of at least 28 feet wide by 5 feet tall (140 square feet) on the building façade in order to improve visibility.
d. The needs of the traveling public for identification and directional information justifies the sign requested.

Finding

The proposed sign will be visible from the traveled way of Interstate 10, the on and off ramps, and the frontage roads. The traveling public has a general need for the items supplied for sale by the retail store such as groceries, health and beauty products, household goods, and clothing; and, would benefit from utilizing the retail services of the market.

SECTION 3 PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. In accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062 the Planning Commission hereby approves a categorical exemption under CEQA Guidelines Section 15311 and directs the Planning 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 15062.

2. Conditional Use Permit (CUP) #13-806 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.
PASSSED, APPROVED AND ADOPTED this 4th day of December, 2013.

Kevin Siva, Chairman  
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Lona N. Laymon, Assistant City Attorney

ATTEST:

Holly Stuart, Recording Secretary  
City of Banning, California

CERTIFICATION:

I, Holly Stuart, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2013-16, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of December, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Holly Stuart, Recording Secretary  
City of Banning, California
EXHIBIT A

PROJECT #: Conditional Use Permit #13-806 (Freeway-oriented Wall Sign)
SUBJECT: Conditions of Approval
APPLICANT: Rio Ranch Market
LOCATION: 3317 W. 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. 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 #13-806 shall be subject to revocation as outlined in section 17.52.100 “Revocation” of the Banning Zoning Code.

3. Construction shall commence within two (2) years from the date of Planning Commission approval, or the conditional use permit shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year, the conditional use permit shall become null and void. The Community Development Director may upon an application being filed 30 days prior to expiration and for good cause, grant a one time extension not to exceed 12 months.

4. 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.

5. All graffiti shall be removed immediately or within 24 hours of notice from the City.

6. The sign shall be developed and maintained in accordance with the stamped approved plans which include site plans, architectural elevations, exterior materials and colors and any plans on file in the Planning Division; the conditions contained herein; and, Municipal Code regulations.

7. 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.

8. Said signs shall be limited to on-site retail or services businesses.

9. 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.

10. Said sign shall not be perpetually maintained and not found detrimental to the appearance of the area through lack of maintenance or neglect.

11. Said sign shall not exceed an overall height of twenty-three feet.

12. Said sign shall not exceed one hundred forty square feet per display face with dimensions of 28 feet in length and 5 feet in height.

13. The sign face shall read “Rio Ranch Market” and the wording shall not be substantially amended without approval of the Community Development Director.
Attachment 2

(Vicinity map and aerial photo)
Attachment 3

(Site photograph)
Attachment 4

(Plans)
Attachment 5

(Applicant’s statement of purpose)
Rio Ranch Market

Statement Supporting C.U.P. Minimum Code Requirements

1. The freeway elevation above the abutting properties justifies the sign size and height. The sign is clearly visible eastbound and westbound.
   - As the pictures convey, no unnecessary confusion, clutter or unsightliness will be created.
   - The identified supermarket use justifies the sign size and location.
   - The traveling public will be able to identify the Rio Ranch Market, both eastbound and westbound.

2. There were no comments from participating agencies as of 11/3/13.

Sincerely,

Jay McCormack
Tel. 760-408-3083
DATE: December 4, 2013

TO: Planning Commission

FROM: Zai Abu Bakar, Community Development Director

SUBJECT: ZONE TEXT AMENDMENT (ZTA) NO. 13-97505
AMENDING THE ZONING ORDINANCE PERTAINING TO
VARIOUS LAND USES RELATED TO THEIR PERMITTING
PROCESS IN THE COMMERCIAL AND INDUSTRIAL
ZONES, AND GARAGES IN THE RESIDENTIAL ZONES

STAFF RECOMMENDATION

That the Planning Commission takes the following actions:

   approval of Ordinance No. 1476 (Exhibit A) to City Council Amending a Section of the
   Zoning Ordinance Pertaining Various Land Uses Related to their Permitting Process in
   the Commercial and Industrial Zones, and Garages in the Residential Zones.

APPLICANT INFORMATION

Applicant:  City of Banning
            99 E. Ramsey Street
            Banning, CA 92220
BACKGROUND/ANALYSIS

The City Council adopted the present Zoning Ordinance in January 2006. The Zoning Ordinance ensures the orderly development of all lands within the City's corporate boundaries to protect the public health, safety, and welfare. The Zoning Ordinance is further intended to provide standards and guidelines for new and existing development consistent with the General Plan, which respect and enhance the character of existing neighborhoods, secure more open space, and encourage high quality development proposals. However, the Zoning Ordinance regulations may, from time to time, need minor revisions to encourage and facilitate development, to attract new businesses, and retain existing businesses.

Additionally, on November 12, 2013, the City Council adopted Interim Urgency Ordinance No. 1474 regarding the permitting process for certain business in the commercial and industrial zoning districts related to approval of a Conditional Use Permit. Proposed Ordinance No. 1476 addresses the items of concern identified in the Interim Urgency Ordinance as well as other items listed herein to provide needed clarification to streamline the development review permitting process.

Commercial and Industrial Land Use

The Zoning Ordinance provides regulations and permit processes for businesses to be established in the City. Some uses are permitted by right (P); by right means that the permit may be processed administratively at the staff level. Some uses are permitted with approval of a Conditional Use Permit (C); meaning Planning Commission review and approval is required; and, some are not permitted (X). Uses that are permitted by right are those that generally have no environmental impact on adjacent properties. Uses that are permitted by approval of a Conditional Use Permit are those that have unique environmental impacts on adjacent properties that cannot be determined in advance of the use proposed for a particular location. Uses that are not permitted are those that were determined to be inappropriate for a particular zone.

Staff received inquiries from applicants who desire to establish uses that otherwise do not have unique environmental impacts, and under the present Zoning Ordinance either require approval of a Conditional Use Permit or are prohibited. Therefore, the use table for commercial and industrial zones was reviewed by staff a recommendations for changing the approved uses was developed to more easily accommodate businesses. Also, corrections were made to land uses for churches, and other omissions and corrections necessary from the adoption of the previous Zoning Ordinance. Church land uses were amended because of case law.

Table 17.12.020 Permitted, Conditional and Prohibited Commercial and Industrial Uses of the Zoning Ordinance sets forth the uses allowed within the City and the various commercial and industrial zoning districts. It is recommended to amend the listed uses as follows (shaded areas represent proposed changes):
<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>AI</th>
<th>BP</th>
<th>IMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation, Education and Public Assembly</td>
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<tr>
<td>Churches</td>
<td>P</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Health/fitness facilities</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>C</td>
</tr>
<tr>
<td>Museums</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>X</td>
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<tr>
<td>Retail Uses</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Bakeries, retail</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>G</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>X</td>
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<tr>
<td>Gift shops</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>G</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>X</td>
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<tr>
<td>Hardware/lumber stores</td>
<td>P</td>
<td>CX</td>
<td>P</td>
<td>G</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Pawn shops</td>
<td>X</td>
<td>C</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>C</td>
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<tr>
<td>Pet stores and grooming</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>C</td>
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<tr>
<td>Restaurants, serving beer, wine or liquor</td>
<td>P</td>
<td>G</td>
<td>P</td>
<td>G</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>C</td>
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<tr>
<td>Warehouse or club stores (i.e., &quot;Big box stores&quot;)</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>X</td>
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<tr>
<td>Services</td>
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<td></td>
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<tr>
<td>Professional offices</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Real estate offices</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Storage, accessory, including self-storage</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Vehicle fueling/service stations</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>Veterinary clinics, animal hospitals, grooming</td>
<td>C</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>X</td>
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<tr>
<td>Manufacturing and Processing Uses</td>
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<tr>
<td>Contractor's storage yards</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Laundries and dry cleaning plants</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>C</td>
</tr>
</tbody>
</table>

**Garages in Residential Zones**

Since adoption of Ordinance No. 749 by the City Council on February 11, 1980, the City has required that single-family residential developments provide at least two enclosed parking spaces (garage) when constructed. Some housing developments constructed prior to that time provided just a single car garage or simply a carport.

Because the scale of these developments are different than present day developments, generally smaller homes built on smaller parcels of land, the area available to expand or improve is limited. The Zoning Ordinance requires that improvements in excess of 25% of the existing floor area meet the new development standards, which triggers a requirement to construct a two-car garage at the minimum interior clear of 20 feet wide by 20 feet in depth. Often there is not available area on these existing parcels, so the consequence is that expansion or improvements to these homes are constrained significantly. Therefore, staff is proposing to amend sub-paragraph...
2 of paragraph B of Section 17.28.060 *Parking lot design standards* as follows (shaded areas represent proposed changes):

2. A minimum unobstructed inside dimension of 20 feet by 20 feet shall be maintained, for a private two car garage or carport. The minimum obstructed ceiling height shall be 7 feet, six inches. For single-family residential units constructed prior to February 11, 1980, a minimum unobstructed inside dimension of 10 feet by 20 feet shall be maintained for a private one car garage or carport.

**ENVIRONMENTAL DETERMINATION**

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines, the recommendation of the Community Development Director as provided in the staff report dated December 4, 2013, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. **California Environmental Quality Act (CEQA):**

   CEQA: The Planning Commission has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Further, projects subject to this ordinance will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, and therefore the adoption of this ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

2. **Multiple Species Habitat Conservation Plan (MSHCP).**

   The amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP. Further, projects subject to this ordinance will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.
The Zoning Ordinance requires that each Zone Text Amendment meet certain findings in Section 17.116.050 in order to be approved by the City Council. The following findings are provided for consideration:

1. The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan.

Findings of Fact:

The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations will not change, and the text amendments will result in clarifying the goals, policies and programs of the General Plan. The primary General Plan Land Use element Goal is “A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents”. By amending the Zoning Ordinance specifically pertaining to land uses in the Commercial and Industrial Zoning District, and garages in the residential zones it is anticipated that the proposed amendment will encourage development within the various land uses that will ultimately enhance the quality of life for Banning residents who may utilize the commercial services provided by these developments, or desire to improve existing residential properties.

Furthermore, it is a goal of the Land Use element of the City’s General Plan to provide for complimentary commercial uses; specifically the Commercial Goal states that provision for “Complementary commercial uses which meet the needs of the City’s residents, increase the City’s revenues, and provide a range of employment opportunities” shall be provided; and, more specifically Policy 3 states that “the Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects”. It is anticipated that allowing land uses permitted by right in the various zoning districts, it will encourage and facilitate small business development that increases tax revenue for the City through the sale of additional goods and services as well as employment opportunities. Additionally, by allowing single car garages in older existing homes, it will encourage and facilitate improvements to these residential properties that are often located on lots that are small in size.

2. The proposed Zone Text Amendment is internally consistent with the Zoning Ordinance.

Findings of Fact:

The Zone Text Amendment is consistent with the existing provisions of the Zoning Ordinance. The proposed amendments will amend the existing Zoning Ordinance pertaining to business development within the present limits and development standards established by the Zoning Ordinance. Staff has reviewed and compared the proposed changes and finds no conflicting statements or inconsistencies in the Zoning Ordinance.
3. That the Planning Commission has independently reviewed and considered the requirements of the California Environmental Quality Act.

Findings of Fact:

The Planning Commission has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Municipal Code do not relate to any one physical project and will not result in any physical change to the environment. Further, projects subject to this resolution will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this resolution may have a significant adverse effect on the environment, and therefore the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

PUBLIC COMMUNICATION

The proposed Zone Text Amendment was advertised in the Record Gazette newspaper on Friday, November 22, 2013. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

Prepared by:  
Brian Guillot  
Associate Planner

Approved by:  
Zai Abu Bakar  
Community Development Director

Attachments:

1. Resolution No. 2013-15
Attachment 1
(Resolution No. 2013-15)
RESOLUTION NO. 2013-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA RECOMMENDING APPROVAL OF ORDINANCE NO. 1476 TO CITY COUNCIL APPROVING ZONING TEXT AMENDMENT NO. 13-97505 AMENDING THE ZONING ORDINANCE PERTAINING TO VARIOUS LAND USES RELATED TO THEIR PERMITTING PROCESS IN THE COMMERCIAL AND INDUSTRIAL ZONES, AND GARAGES IN THE RESIDENTIAL ZONES

WHEREAS, commercial and residential development is a critical component for growth in most communities, as the sale of goods and services can generate significant sales tax revenue and employment opportunities; and

WHEREAS, the City of Banning ("City") recognizes that zoning regulations may have an indirect effect on commercial, industrial, and residential development by adding additional regulations and time to review project applications; and

WHEREAS, it is a goal of the Land Use element of the City’s General Plan to provide for complimentary commercial uses; specifically the Commercial Goal states that provision for "Complementary commercial uses which meet the needs of the City’s residents, increase the City’s revenues, and provide a range of employment opportunities" shall be provided; and, more specifically Policy 3 states that "the Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects"; and

WHEREAS, the Planning Commission desires to respond to the concerns of its citizens regarding improving the development guidelines of the Zoning Ordinance to encourage commercial, industrial, and residential development projects and believes that it is in the best interest of its citizens to amend the Zoning Ordinance to facilitate said development; and

WHEREAS, the City of Banning is proposing to amend the Zoning Ordinance specifically pertaining to land uses in the commercial and industrial zoning districts and garages in the residential zoning district; and

WHEREAS, the Planning Commission has authority per Chapter 17.116 of the Municipal Code to review and make recommendations to the City Council regarding amendments to the Zoning Ordinance consistent with the goals and policies of the General Plan; and

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WHEREAS, in accordance with Government Code §65854, on the 22nd day of
November 2013, the City gave public notice as required under Chapter 17.68 of the
Zoning Ordinance by advertising in the Record Gazette newspaper of the holding of a
public hearing at which the amendment to the Zoning Ordinance would be considered;
and

WHEREAS, on the 4th day of December 2013, the Planning Commission held
the noticed public hearing at which interested persons had an opportunity to testify in
support of, or opposition to, the proposed amendment, and at which time the Planning
Commission considered the Zone Text Amendment; and

WHEREAS, at this public hearing on the 4th day of December 2013, the Planning
Commission considered and heard public comments on the proposed Zone Text
Amendment; and

WHEREAS, at this public hearing, the Planning Commission has analyzed this
proposed project and determined that it is exempt from the California Environmental
Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines.

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

SECTION 1. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not
limited to, the City's Local CEQA Guidelines, the recommendation of the Community
Development Director as provided in the staff report dated December 4, 2013, and
documents incorporated therein by reference, and any other evidence (within the meaning
of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the
public hearing of this matter, hereby finds and determines as follows:

1. California Environmental Quality Act (CEQA):

The Planning Commission has analyzed this proposed project and has determined
that it is exempt from the California Environmental Quality Act ("CEQA") under
Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only
applies to projects that have the potential for causing a significant effect on the
environment. Where, as here, it can be seen with certainty that there is no
possibility that the activity in question may have a significant effect on the
environment; the activity is not subject to CEQA. The amendments to the Zoning
Ordinance do not relate to any one physical project and will not result in any
physical change to the environment. Further, projects subject to this ordinance
will trigger individual analysis and documentation related to CEQA. Therefore, it
can be seen with certainty that there is no possibility that this ordinance may have a
significant adverse effect on the environment, and therefore the adoption of this
ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

2. Multiple Species Habitat Conservation Plan (MSHCP).

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

SECTION 2. REQUIRED FINDINGS.

The Zoning Ordinance requires that each Zone Text Amendment meet certain findings in Section 17.116.050 in order to be approved by the City Council. The following findings are provided for consideration:

1. The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan.

Findings of Fact:

The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations will not change, and the text amendments will result in clarifying the goals, policies and programs of the General Plan. The primary General Plan Land Use element Goal is 

"A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents". By amending the Zoning Ordinance specifically pertaining to land uses in the commercial and industrial zoning district, and garages in the residential zones it is anticipated that the proposed amendment will encourage development within the district that will ultimately enhance the quality of life for Banning residents who may utilize the commercial services provided by these developments, or desire to improve existing residential properties.

Furthermore, it is a goal of the Land Use element of the City’s General Plan to provide for complimentary commercial uses; specifically the Commercial Goal states that provision for "Complementary commercial uses which meet the needs of the City’s residents, increase the City’s revenues, and provide a range of employment opportunities" shall be provided; and, more specifically Policy 3 states that "the Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects". It is anticipated that allowing land uses permitted by right in the various zoning districts, it will encourage and facilitate small business development that increases tax revenue for the City through the sale of additional goods and services as well as employment opportunities. Additionally, by allowing single car garages in older existing homes, it
will encourage and facilitate improvements to these residential properties that are often located on lots that are small in size.

2. The proposed Zone Text Amendment is internally consistent with the Zoning Ordinance.

Findings of Fact:

The Zone Text Amendment is consistent with the existing provisions of the Zoning Ordinance. The proposed amendments will amend the existing Zoning Ordinance pertaining to business development within the present limits and development standards established by the Zoning Ordinance. Staff has reviewed and compared the proposed changes and finds no conflicting statements or inconsistencies in the Zoning Ordinance.

3. That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Findings of Fact:

The City Council has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Municipal Code do not relate to any one physical project and will not result in any physical change to the environment. Further, projects subject to this resolution will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this resolution may have a significant adverse effect on the environment, and therefore the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following action:

1. Adopt Planning Commission Resolution No. 2013-15 (Attachment 1) recommending approval of Ordinance No. 1476 (Exhibit A) to City Council Amending the Zoning Ordinance Pertaining to Various Land Uses Related to their Permitting Process in the Commercial and Industrial Zones, and Garages in the Residential Zones.
PASSED, APPROVED AND ADOPTED this 4th day of December, 2013.

Kevin Siva, Chairman
Banning Planning Commission

ATTEST:

Holly Stuart, Recording Secretary
City of Banning, California

APPROVED AS TO FORM
AND LEGAL CONTENT:

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

CERTIFICATION:

I, Holly Stuart, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2013-15, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of December 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Holly Stuart, Recording Secretary
City of Banning, California
Exhibit A
(Ordinance No. 1476)
ORDINANCE NO. 1476

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA AMENDING THE ZONING ORDINANCE PERTAINING TO VARIOUS LAND USES RELATED TO THEIR PERMITTING PROCESS IN THE COMMERCIAL AND INDUSTRIAL ZONES, AND GARAGES IN THE RESIDENTIAL ZONES

WHEREAS, commercial and residential development is a critical component for growth in most communities, as the sale of goods and services can generate significant sales tax revenue and employment opportunities; and

WHEREAS, the City of Banning ("City") recognizes that zoning regulations may have an indirect effect on commercial, industrial, and residential development by adding additional regulations and time to review project applications; and

WHEREAS, the City Council finds and determines that the City's current process for permitting certain businesses that have no impact to surrounding businesses and properties through a Conditional Use Permit process has frustrated applicants and business owners with their ability to open and conduct their business as expeditiously as possible; and

WHEREAS, the City Council also finds that the current process for approving certain businesses that have no impact to surrounding businesses to operate through a conditional use permit process has also frustrated the residents and business community who want to see that the vacant buildings and tenant spaces in the City are occupied with businesses that provide jobs and sales tax to help jump start the economy in light of the current recession; and

WHEREAS, the City Council finds that the above-mentioned process is contrary to the Council policy of being business friendly as adopted in Resolution 2010-79 on November 9, 2010; and

WHEREAS, it is a goal of the Land Use element of the City's General Plan to provide for complimentary commercial uses; specifically the Commercial Goal states that provision for "Complementary commercial uses which meet the needs of the City's residents, increase the City's revenues, and provide a range of employment opportunities" shall be provided; and, more specifically Policy 3 states that "the Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects"; and

WHEREAS, the City Council desires to respond to the concerns of its citizens regarding improving the development guidelines of the Zoning Ordinance to encourage
commercial, industrial, and residential development projects and believes that it is in the best interest of its citizens to amend the Zoning Ordinance to facilitate said development; and

WHEREAS, the City of Banning is proposing to amend the Zoning Ordinance specifically pertaining to land uses in the commercial and industrial zoning districts and garages in the residential zoning district; and

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

WHEREAS, the Planning Commission at its regularly scheduled meeting held on ____________, recommended adoption of Ordinance No. 1476 amending the Zoning Ordinance at various places by approving Planning Commission Resolution No. 2013-15 as stated in writing; and

WHEREAS, on the ______ th day of ____________, 2013, the City gave public notice as required under Chapter 17.68 of the Zoning Ordinance by advertising in the Record Gazette newspaper of the holding of a public hearing at which the amendment to the Zoning Ordinance would be considered; and

WHEREAS, on the ______ th day of ____________, 2014, the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the proposed amendment, and at which time the City Council considered Zone Text Amendment No. 13-97505; and

WHEREAS, at this public hearing on the ______ th day of ____________ ______, 2014, the City Council considered and heard public comments on the proposed Zone Text Amendment; and

WHEREAS, at this public hearing, the City Council has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, the City Council has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the ______ th day of ____________, 2014;

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

SECTION 1. ENVIRONMENTAL FINDINGS.

The City Council, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines, the recommendation of the Community Development
Director as provided in the staff report dated ____________, 2014 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. **California Environmental Quality Act (CEQA):**

   CEQA: The City Council has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Further, projects subject to this ordinance will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, and therefore the adoption of this ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

2. **Multiple Species Habitat Conservation Plan (MSHCP).**

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

**SECTION 2. REQUIRED FINDINGS.**

The Zoning Ordinance requires that each Zone Text Amendment meet certain findings in Section 17.116.050 in order to be approved by the City Council. The following findings are provided for consideration:

1. The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan.

**Findings of Fact:**

The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations will not change, and the text amendments will result in clarifying the goals, policies and programs of the General Plan. The primary General Plan Land Use element Goal is "A balanced, well planned community including businesses which provides a
functional pattern of land uses and enhances the quality of life for all Banning residents”. By amending the Zoning Ordinance specifically pertaining to land uses in the Commercial and Industrial Zoning District, and garages in the residential zones it is anticipated that the proposed amendment will encourage development within the various land uses that will ultimately enhance the quality of life for Banning residents who may utilize the commercial services provided by these developments, or desire to improve existing residential properties.

Furthermore, it is a goal of the Land Use element of the City’s General Plan to provide for complimentary commercial uses; specifically the Commercial Goal states that provision for “Complementary commercial uses which meet the needs of the City’s residents, increase the City’s revenues, and provide a range of employment opportunities” shall be provided; and, more specifically Policy 3 states that “the Zoning Ordinance shall include principles, design standards and guidelines which encourage the development of high quality commercial projects”. It is anticipated that allowing land uses permitted by right in the various zoning districts, it will encourage and facilitate small business development that increases tax revenue for the City through the sale of additional goods and services as well as employment opportunities. Additionally, by allowing single car garages in older existing homes, it will encourage and facilitate improvements to these residential properties that are often located on lots that are small in size.

2. The proposed Zone Text Amendment is internally consistent with the Zoning Ordinance.

Findings of Fact:

The Zone Text Amendment is consistent with the existing provisions of the Zoning Ordinance. The proposed amendments will amend the existing Zoning Ordinance pertaining to business development within the present limits and development standards established by the Zoning Ordinance. Staff has reviewed and compared the proposed changes and finds no conflicting statements or inconsistencies in the Zoning Ordinance.

3. That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Findings of Fact:

The City Council has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Municipal Code do not relate to any
one physical project and will not result in any physical change to the environment. Further, projects subject to this resolution will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this resolution may have a significant adverse effect on the environment, and therefore the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 3. Amend the listed uses in Table 17.12.020 Permitted, Conditional and Prohibited Commercial and Industrial Uses of Section 17.12.020 Permitted, conditional, and prohibited uses as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>DC</th>
<th>GC</th>
<th>HSC</th>
<th>PO</th>
<th>I</th>
<th>A1</th>
<th>BP</th>
<th>IMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation, Education and Public Assembly</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Churches</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Health/fitness facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Museums</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Retail Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bakeries, retail</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>X</td>
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<tr>
<td>Gift shops</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Hardware/lumber stores</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Pawn shops</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Pet stores and grooming</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Restaurants, serving beer, wine or liquor</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Warehouse or club stores (i.e., &quot;Big box stores&quot;)</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Services</td>
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<tr>
<td>Professional offices</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Real estate offices</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Storage, accessory, including self-storage</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Vehicle fueling/service stations</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Veterinary clinics, animal hospitals, grooming</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Manufacturing and Processing Uses</td>
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<td></td>
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<td></td>
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<tr>
<td>Contractor's storage yards</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Laundries and dry cleaning plants</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
constructed prior to February 11, 1980, a minimum unobstructed inside dimension of 10 feet by 20 feet shall be maintained for a private one car garage or carport.

SECTION 5. SEVERABILITY.

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

SECTION 6. PUBLICATION; EFFECTIVE DATE.

The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the City Clerk shall cause it to be published in a newspaper of general circulation and shall post the same at City Hall, 99 E. Ramsey Street, Banning, California.
PASSED, APPROVED, AND ADOPTED this ___ day of __________, 2013.

__________________________
Deborah Franklin, Mayor
City of Banning

ATTEST:

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

APPROVED AS TO FORM
AND LEGAL CONTENT:

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

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1476 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the ______ th day of _____________ 2013, and was duly adopted at a regular meeting of said City Council on the _______ day of _____________ ________, 2013, by the following vote, to wit:

AYES:

NOES:

ABSEN:

ABSTAIN:

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