City of Banning

PLANNING COMMISSION
Meeting – Thursday, April 19, 2007 - 6:30 p.m.
Council Chambers, 99 E. Ramsey Street
Banning, CA 92220

I. CALL TO ORDER

Pledge of Allegiance
Roll Call: Chairperson De Santis, Commissioner Barsh,
Commissioner Dickson, Commissioner Escandel,
Commissioner Hawkins

II. REVIEW/APPROVAL OF MINUTES (March 6, 2007)

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III. PUBLIC COMMENT

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IV. DIRECTOR'S REPORT FOR THE MONTH OF MARCH -CITY COUNCIL
ACTIONS ON PLANNING-RELATED ITEMS (No Action Required)

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V. PUBLIC HEARING:

A. New Items:

1. Conditional Use Permit #06-809 (height) and Design Review #06-7012, a request
to develop a La Quinta Inn, which contains a four story building, with 91 units. The
site contains 49,123 sq. ft. of building for the site. The site is on the north side of
Joshua Palmer Way, east of Highland Springs Ave, and west of Apex Ave. APN 419-
120-020,022

2. Design Review #07-701, a request to develop a Special Care Facility as an addition
to “Sun Lakes Village North Specific Plan”. The site contains 15,200 sq. ft., 1-story,
17 rooms with 32 occupant beds, resident care and services space and two outdoor
private courtyards. The property is located on the North side of Sun Lakes Boulevard,
west of Country Club East and east of Country Club West. APN 419-140-062.
VI. STAFF REPORT / INFORMATION ITEMS

VII. PLANNING COMMISSIONER COMMENTS

VIII. ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department (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

March 6, 2007

A regular meeting of the City of Banning Planning Commission was held on Tuesday, March 6, 2007, at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present: Chairperson DeSantis
Commissioner Barsh
Commissioner Dickson
Commissioner Escandel
Commissioner Hawkins

Staff Present:
Community Development Director Orci
Deputy City Attorney Jex
Assistant Planner Swartz
Captain Yarbrough, Fire Marshall
Recording Secretary Sorenson

I. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chairperson DeSantis.

II. REVIEW OF MINUTES

ACTION (ESCAINDEL / DICKSON): A motion was moved, seconded and carried that the minutes of January 25, 2007 be approved as presented.

(Motion carried 4 -1; Commissioner Hawkins abstained as he was not present at that meeting)

III. PUBLIC COMMENT

No one came forward.
IV. DIRECTOR'S REPORT FOR THE MONTH OF FEBRAURY -
CITY COUNCIL ACTIONS ON PLANNING RELATED ITEMS:

Director Orci stated that he did not have any items to report.

V. PUBLIC HEARING:

A. Continued Item:

1. General Plan Amendment No. 06-2501, Zoning Map Change 06-3501, Site Plan Review 05-75016 - Request to change the General Plan and Zoning Map Designation from Low Density Residential to Medium Density Residential, and Site Plan Review for a Tentative Tract Map. Project site: 935 E. Williams / APN 541-121-022.

Community Development Director Orci presented the staff report and stated that originally the zoning on this property was High Density Residential with a density of 24 dwelling units per acre. This changed with the new General Plan and Zoning Code and the new zone is Low Density Residential with a density of 0-5 dwelling units per acre. The proposed project would be compatible with the Medium Density Zone and the plan is for 36 town homes in a gated community with amenities. Director Orci mentioned that the applicant would need to come back to the Commission with a map.

Marisela Labastida, President of HLCD, the applicant, 897 Via Lata, Colton CA, came forward to speak on behalf of her project. Mrs. Labastida pointed out that when her company purchased the property it was zoned High Density Residential. The new Zoning Code changed it to Low Density Residential and she was hoping to find a middle ground with Medium Density Residential. She felt this was an appropriate request as the properties surrounding her parcel are multi-family dwellings.

Jesus Saltana and Gilbert Torres, 833 N. 4th Street, Banning CA, came forward to state that they believe HLCD builds good, quality homes.

J.P. Nelson, 10220 Bluff Rd, Banning CA, came forward to state that he works for HLCD and he can verify that they do good quality work.

Jose Torres, 3162 W. Jefferson St, Banning CA, came forward to state that he works for HLCD and he can verify that they do good quality work.

Ernest Conder, 3162 W. Jefferson St, Banning CA, came forward to state his support of the project and that he felt this project would help minority people own property.

Reyna Perez, 1881 W. Williams St, Banning CA, came forward to state her support of the project and to state this project will be a good source of employment and the homes will be of affordable prices.
Faustino Hernandez, 1166 N. San Gorgonio Ave, Banning CA, came forward to state that he supports the project for the same reasons as Ms. Perez and that he knows HLCD does quality work.

Al Lopez, 3800 W. Ramsey St, Banning CA, Executive Director of the Hispanic Chamber of Commerce, came forward to state that he believes this is a good project, with affordable housing and will give people employment.

Jessie Valenzuela, 2643 W. Williams St, Banning CA, came forward to state that he works for Rep. Joe Baca and he supports the project.

Marion Johnson, 541 E. Replier Rd, Banning CA, came forward to state that she does not want more low income homes concentrated in one area (East side). She feels we should spread these types of homes over all of the community.

Inge Schuler, 1030 W. Westward, Banning CA, came forward to state that she concurs with Mrs. Johnson. She brought up the ideas from the GPAC and stated that she would like to see a mixture of residential types throughout the city.

Commissioner Escandel stated he wants to know more particulars about the project, such as the design, map, cost of homes, cost of HOA, the City’s responsibilities, etc. – he will vote no, if he has to vote tonight.

Commissioner Dickson reflected back to the GPAC and their recommendation to change the zone to LDR. Said he would also vote no, if he had to vote tonight.

Commissioner Barsh stated he would like to see a project in this area and feels nothing is concrete, yet.

Commissioner Hawkins felt this project was practical as he questioned if you could sell a high end home across the street from an industrial property.

Chairperson DeSantis stated she feels a responsibility to a property owner who purchased property when it was HDR and then without contact with the owner, the City changed the General Plan and Zoning Code.

**ACTION (ESCANDEL / DICKSON):** A motion was moved, seconded and carried that the Planning Commission table / continue this item to a date uncertain until more information is gathered.

(Motion carried 5 – 0)
B. New Item:

1. Request to approve Design Review #07-705, a three story commercial building including retail, medical offices and professional offices with under ground parking, and Conditional Use Permit # 06-808, a request to have professional offices in Highway Serving Commercial and an increase in height. The property is located along Ramsey Street, between 22nd Street and Sunset Avenue. APN 538-340-003 & 004.

Assistant Planner Swartz presented the staff report. There was discussion regarding the underground parking and the height of the building, 52 feet.

Robert Gibbs, Senior Vice-President of Howard Roberts Development, 1706 Plum Lane, Suite 109, Redlands CA, the applicant, came forward to discuss the project and stated the first floor would be retail, the second floor would be medical offices and the third floor would be office suites.

Robert Riccardi, 75400 Gerald Ford Drive, Suite 115, Palm Desert CA, architect for the project, came forward to discuss the plans and to answer questions.

Commissioner Dickson questioned so much compact parking and stated he would like to see "dark sky" standards maintained on the project.

Fred Sakurai, 43000 Dillon Road, Banning CA, came forward to state that he likes the project, but would encourage the use of solar panels on the roof.

Larry Rand, 694 N. 20th Street, Banning CA, came forward to ask questions about the three architectural styles that were approved during the charette. Director Orci responded that the charette was mostly for the downtown area. Director Orci also discussed lighting and signage conditions.

ACTION (BARS / DICKSON): A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-08, approving CUP #06-808, based on the findings and conditions of approval; (attached hereto as Attachment “1” and incorporated by reference).

(Motion carried 5 – 0)

ACTION (BARS / DICKSON): A motion was moved, seconded and carried that the Planning Commission approve Resolution No. 2007-09, approving Design Review #07-705, based on the findings and conditions of approval (Refer to Attachment “1” from CUP #06-808 and incorporated by reference).

(Motion carried 5 – 0)
VI. STAFF REPORT / INFORMATION ITEMS

Nothing to report.

VII. COMMISSIONER'S COMMENTS

Chairperson DeSantis mentioned that she had discussed a “Downtown Overlay” and another overlay zone between Highland Springs Avenue and 22nd Street, with Jae Von Klug, the Redevelopment / Economic Development Director. Mrs. DeSantis would like to eliminate all fast food restaurants in these areas and wants to know how to proceed.

Chairperson DeSantis mentioned that she had received a call from a citizen inquiring about the possibility of setting up a system to allow people to call in comments, during a meeting, from home. Attorney Jex responded that he did not think that was a workable process for the City.

VIII. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

[Signature]
Gini Sorenson
Recording Secretary
DATE: APRIL 19, 2007

CASE NO'S: DESIGN REVIEW #06-7012, CUP #06-809

REQUESTS: DESIGN REVIEW #06-7012 and CONDITIONAL USE PERMIT #06-809 TO DEVELOP A 49,123 SQUARE FOOT HOTEL (LA QUINTA INN & SUITES), COMPRISED OF A FOUR STORY BUILDING WITH 91 UNITS ON 1.43 ACRES IN THE GENERAL COMMERCIAL ZONE.

LOCATION: LOCATED ON THE NORTH SIDE OF JOSHUA PALMER WAY, EAST OF HIGHLAND SPRINGS AVENUE & WEST OF APEX AVENUE. APN 419-120-020 & 022.

APPLICANT: SIDDHI DEVELOPMENT, LLC

SURROUNDING ZONE/USES: NORTH-VACANT - GENERAL COMMERCIAL WEST-RESTAURANT - GENERAL COMMERCIAL SOUTH - INTERSTATE 10 EAST-SINGLE-FAMILY DWELLING - GENERAL COMMERCIAL

ENVIRONMENTAL CONSIDERATION: THE PROJECT HAS BEEN DETERMINED TO BE EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15332 WHICH CONSISTS OF PROJECTS CHARACTERIZED AS IN-FILL DEVELOPMENT.

BACKGROUND:

Project Location:
The project site is located on the north side of Joshua Palmer Way, east of Highland Springs Avenue, west of Apex Avenue. The subject site is vacant, rectangular in shape, and relatively flat and approximately 25' below Interstate Highway 10. The property immediately to the east is a single family dwelling, to the south is Joshua Palmer Ave. further to the south is the Interstate Highway 10 to the north is a vacant lot, and to the west is a restaurant (the Farmhouse).
Project Description:

The project proponent proposes to develop a 49,123 square foot Mediterranean/Spanish styled hotel (La Quinta Inn & Suites), comprised of a four story building with 91 units on 1.43 acres in the General Commercial Zone. The project will also include a 92 space parking lot, swimming pool, 1,000 square foot meeting room, porte cochere, and trash enclosure. Access will be from Joshua Palmer Way.

A Conditional Use Permit #06-809 and Design Review #06-7012 applications are required to design the hotel, including an increase in the height of the building (from 2 stories and 35 feet in height to 4 stories and 65 feet).

The project meets or exceeds all the standards, including:

- Minimum front yard setback (28’ provided versus 10’ required);
- Minimum rear yard setback (133’ provided versus 0’ required);
- Minimum side yard setback (5’ provided versus 0’ required);
- Maximum lot coverage (20% proposed versus 35% maximum allowed); and
- Parking space requirements (91 parking spaces required, 92 spaces proposed).

Conditional Use Permit: Table 9103.B allows 2 stories and a maximum height of 35’; a Conditional Use Permit is required to exceed these regulations. The applicant proposes a 4 story building, 65’ feet in height for the hotel. The height of the building is 54’ feet, but the tower element is 65’ feet in height.

Design Review: The Design Review application focuses on community design principles which, per the zoning ordinance section 9103.05 (3) (A), result in creative, imaginative solutions which establish quality design for the City. Staff has work with the developer to create a Mediterranean/Spanish colonial architectural style with earth tone colors, smooth stucco, and wrought iron and stone accents. The project also includes Mexican tile accents along the first floor elevation. Other hotel amenities include a swimming pool, porte cochere, a 1,000 sq. ft. meeting/great room space and a special paving along the entrance and proposed access drive.

Environmental Review:

The project has been determined to be exempt from California Environmental Quality Act (CEQA) pursuant Section 15332 which consists of projects characterized as In-fill development meeting the following conditions: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations, (b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses, (c) The project site has no value as habitat for endangered, rare or threatened species, (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, (e) The site can be adequately served by all required utilities and public services.
(a) The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations;

The General Plan Land Use Element as well as a Zoning District designation of General Commercial (GC) allows for the development of Hotels and Motels. This development proposes a hotel, which is consistent with the land use designation.

(b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses;

The development is entirely within the City’s boundaries (located on the north side of Joshua Palmer Way, east of Highland Springs Avenue & West Apex Avenue. APN 419-120-020 & 022). The property is 1.43 acres in size and located within areas that have been substantially developed.

(c) The project site has no value as habitat for endangered, rare or threatened species;

There is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The site is devoid of vegetation, is being used as a parking lot (not authorized by the City), and it is flat (unable to support bodies of water).

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality;

A traffic impact analysis was prepared for the proposed project. The report requires certain traffic mitigation measures, including striping requirements, that when implemented, will maintain an acceptable traffic circulation. Construction activities will create localized noise impacts around the construction site that will end at project build-out. Construction noise is governed by ordinance, which limits allowable times of equipment operations. The proposed project is consistent with the uses envisioned for the site in the current and previously approved General Plans. Therefore, the proposed project will not conflict with or obstruct any air quality plan, or violate any air quality standard. The proposed project will result in increases in domestic water use due to the laundry needs. However, the project proponent will be required to implement the City’s water efficiency ordinance and building regulations. The proposed project will result in increases in domestic water use due to expanded facilities. However, the upgrading of older facilities will improve water efficiency on the site. The project proponent will be required to implement the City’s water efficiency ordinance and building regulations.
(e) The site can be adequately served by all required utilities and public services.

The site will be served by the public and private utilities. The site will be accessed and served from Joshua Palmer Way, an existing developed roadway with existing utilities. The project proponent will connect to these utilities.

Findings:
Findings can be made to approve the Design Review and are included in the Resolution of Approval.

Public Notice
This proposal was advertised in the Press Enterprise newspaper April 6, 2007. All property owners within 300 feet of the site were mailed a public hearing notice. To date, no written comments have been received. Any comments received prior to the meeting will be incorporated into the appropriate documents.

ANALYSIS:

The proposed design is consistent with the goals and objectives of the General Plan, and also conforms to the development standards of the Zoning Code. Based on these provisions, the following analysis of the project is provided:

Design Review

In accordance with Section 9114.00 of the Banning Zoning Code, the purpose of the Design Review application is the following:

1. Establish design review procedures for development proposals;
2. Assure that proposed project conforms to development standards and design guidelines;
3. Focus on community design principles which result in creative, imaginative solutions which establish quality design for the City;
4. Promote the orderly and harmonious appearance of structures, landscaping, parking areas, etc; and
5. Maintain the public health, safety and general welfare and property throughout the City.

The Planning Commission must determine that the project complies with the following findings:

Finding No. 1: The proposed project is consistent with the General Plan.
Findings of Fact: The General Plan Land Use Element designation of General Commercial (GC) allows Hotels and Motels. This development proposes a hotel, which is consistent with the land use designation.

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

Findings of Fact: The Zoning District designation General Commercial (CG) allows for the development of Hotels and Motels. The project meets or exceeds most of the standards, including:
• Minimum front yard setback (28’ provided versus 10’ required);
• Minimum rear yard setback (133’ provided versus 0’ required);
• Minimum side yard setback (5’ provided versus 0’ required);
• Maximum lot coverage (20% proposed versus 35% maximum allowed); and
• Parking space requirements (91 parking spaces required, 92 spaces proposed).

Please note that the Zoning Code allows 2 stories or 35 feet in height; a Conditional Use Permit, in this case, to increase the height of the building to 4 stories and 65 feet. The building is 54’ feet in height with the tower element proposed at 65’ feet. The tower is compatible with the Mediterranean/Spanish architectural style, but not integral to the project’s design.

The Commission may wish to direct the applicant to remove the tower element (the 11 foot portion that contains the project sign) to lower the project’s height. As a comparison, the Hampton Inn is 58 feet in height, parallel and 10’ below the I-10. This building is 65’ (the tower only, 54 for the building), perpendicular and approximately 25 feet below I-10; therefore, staff recommends approval of the increased height.

The Design Review application focuses on community design principles, which per the zoning ordinance section 9103.05 (3) (A), result in creative, imaginative solutions which establish quality design for the City. Staff has worked with the developer to create a Mediterranean/Spanish architectural style with earth tone colors, smooth stucco, and wrought iron and stone accents. The project also includes Mexican tile accents along the first floor elevation. Other hotel design features include a porte cochere, and special paving along the entrance and proposed access drive.

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

Facts of Fact: The design and layout of the proposed project will not unreasonably interfere with the future development, and will not result in vehicular and or pedestrian hazards. The project proponent proposes a Mediterranean/Spanish architectural styled hotel with earth tone colors, smooth stucco, and wrought iron and stone accents. The project also includes Mexican tile accents along the first floor.
elevation. Although this style is not found immediately adjacent to this site, it will improve the architecture of the surrounding area.

The building is perpendicular to the I-10, is surrounded by a parking lot (to the rear and west) and has the swimming pool along the eastern property line. The project is surrounded by other General Commercial properties. The adjacent properties to the north will be developed into a shopping center and this project will not interfere with these uses; the property to the west contains a restaurant with a parking lot; the parking lot will be adjacent to this subject properties parking lot. The property to the east contains an unoccupied, single family dwelling that is zoned General Commercial and will be developed with a use that is compatible with this proposal.

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

Findings of Fact: The project proponent proposes a Mediterranean/Spanish architectural styled hotel with earth tone colors, smooth stucco, and wrought iron and stone accents. Also the project will include a mudded roof, multiple planed facades (recessed entries, and pop-outs) and Mexican tile accents (along the first floor elevation). Although this style is not found immediately adjacent to this site, it will greatly enhance the surrounding area.

Conditional Use Permit

In accordance with Section 9113.00, the Planning Commission must determine that the project complies with the following findings:

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

Findings of Fact: The General Plan Land Use Element designation of General Commercial (GC) allows Hotels and Motels. This development proposes a hotel, which is consistent with the land use designation.

Finding No. 2: The proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provision of this Ordinance:

Findings of Fact: The proposed project use (Hotel) is allowed in the General Commercial (CG) zoning district. The project meets or exceeds most of the standards, including:
- Minimum front yard setback (28' provided versus 10' required);
- Minimum rear yard setback (133' provided versus 0' required);
- Minimum side yard setback (5' provided versus 0' required);
- Maximum lot coverage (20% proposed versus 35% maximum allowed); and
- Parking space requirements (91 parking spaces required, 92 spaces proposed).
Please note that the Zoning Code allows 2 stories or 35 feet in height; a Conditional Use Permit, in this case, to increase the height of the building to 4 stories and 65 feet. The building is 54’ feet in height with the tower element proposed at 65’ feet. The tower is compatible with the Mediterranean/Spanish architectural style, but not integral to the project’s design.

The Commission may wish to direct the applicant to remove the tower element (the 11 foot portion that contains the project sign) to lower the project’s height. As a comparison, the Hampton Inn is 58 feet in height, parallel and 10’ below the I-10. This building is 65’ (the tower only, 64 for the building), perpendicular and approximately 25 feet below I-10; therefore, staff recommends approval of the increased height.

Finding No. 3: The proposed use would not impair the integrity and character of the land use district in which it is to be located.

Facts of Fact: The proposed use will not impair the integrity and character of the land use district in which it is to be located because it is surrounded by other General Commercial properties (existing and pending retail commercial projects) to the west and north. The property to the east contains an unoccupied, single family dwelling that is zoned General Commercial and pending the development of a retail commercial project. I-10 highway is located south of the freeway.

Finding No. 4: The subject site is physically suitable for the type and intensity of land use being proposed.

Findings of Fact: The project site is located on the north side of Joshua Palmer Way, east of Highland Springs Avenue, west of Apex Avenue. The subject site is vacant, rectangular in shape, and relatively flat and approximately 25’ below Interstate Highway 10 and capable of accommodating the hotel and related improvements.

Finding No. 5: There adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;

Finding of Fact: The site will be served by the public and private utilities. The site will be accessed and served from Joshua Palmer Way, an existing developed roadway with existing utilities. The project proponent will connect to these utilities.

Finding No. 6: There will not be significant harmful effects upon environmental quality, natural resources or neighborhood characteristics.

Finding of Fact: There is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence that vernal pool complex, similar
bodies of water, or conditions suitable for forming such bodies of water exist on the site. The site is devoid of vegetation, is being used as a parking lot (not authorized by the City), and it is flat (unable to support bodies of water).

Finding No. 7: The proposed location, size, design and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Finding of Fact: The project proponent proposes to develop a 49,123 square foot Mediterranean/Spanish styled hotel (La Quinta Inn & Suites), comprised of a four story building with 91 units on 1.43 acres in the General Commercial Zone. The project will also include a 92 space parking lot, swimming pool, 1,000 square foot meeting room, porte cochere, and trash enclosure.

The hotel will not be detrimental to the City’s health, safety, and welfare in that it complies with the Zoning Code development standards. Access will be from Joshua Palmer Way, a commercial designated street adjacent to I-10. The hotel is surrounded by other General Commercial properties (existing and pending retail commercial projects) to the west and north. The property to the east contains an unoccupied, single family dwelling that is zoned General Commercial and pending the development of a retail commercial project. I-10 highway is located south of the freeway.

RECOMMENDATION:

That the Planning Commission:

1. Approval of Notice of Exemption. In compliance with Public Resources Code § 21080 et. seq. and CEQA Guidelines § 15061, the Community Development Director shall prepare a Notice of Exemption, and within five (5) working days of project approval, file the Notice with the Riverside County Clerk for posting.

2. Approve Resolution No. 2007-15 approving the CUP #06-809, based on the findings and conditions of approval; (attached hereto as Attachment “1” and incorporated by reference).

3. Approve Resolution No. 2007-16, approving Design Review #06-7012, based on the findings and conditions of approval (Attachment “1” from CUP #06-809 and incorporated by reference).

Respectfully submitted,

[Signature]
Norm Canchola
Associate Planner
Exhibits:
1. Resolution No. 2007-15, with Conditions of Approval
2. Resolution No. 2007-16
3. Design Plans for Design Review # 06-7012 (Separate Cover)
LA QUINTA INN

CUP # 06-809

RESOLUTION NO. 2007-15
WITH
CONDITIONS OF APPROVAL

EXHIBIT “1”
RESOLUTION NO. 2007-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 06-809 TO DEVELOP A 49,123 SQUARE FOOT HOTEL (LA QUINTA INN & SUITES), COMPRISED OF A FOUR STORY BUILDING WITH 91 UNITS ON 1.43 ACRES IN THE GENERAL COMMERCIAL ZONE. APN 419-120-020 & 022.

WHEREAS, an application for a hotel, La Quinta Inn & Suites, has been duly filed by:

Applicant/Owner: Siddhi Development
Authorized Agent: Vijay Patel
Project Location: The Property is located on the north side of Joshua Palmer Way, East of Highland Springs Ave. and West of Apex Ave., south of vacant land and North of Interstate 10.

APN Number: 419-120-020 & 022
Lot Area: 1.43 acre

WHEREAS, the Planning Commission has the authority per section 9113.00 of the Banning Municipal Code to take action on Conditional Use Permit No. 06-809 to develop a Hotel, La Quinta Inn comprised of a four story (65') building; and

WHEREAS, on April 6, 2007 the City gave public notice by advertising in the Press-Enterprise, 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 April 19, 2007 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Conditional Use Permit and at which the Planning Commission considered the Conditional Use Permit; and

WHEREAS, the Planning Director has reviewed 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 15332 “In-fill Development and the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 are not applicable to the project.
NOW THEREFORE, the Planning Commission of the City of Banning does resolve, Determine, Find and Order as follows:

SECTION 2. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Planning Director as provided in the Staff Report dated April 19, 2007 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:

CEQA:

1. The project is exempt from CEQA under CEQA Guidelines Section 15332 which consists of projects characterized as In-fill development meeting the following conditions: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, (b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses, (c) The project site has no value as habitat for endangered, rare or threatened species, (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, (e) The site can be adequately served by all required utilities and public services.

(a) The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations;

The General Plan Land Use Element as well as a Zoning District designation of General Commercial (GC) allows for the development of Hotels and Motels. This development proposes a hotel, which is consistent with the land use designation.

(b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses;

The development is entirely within the City’s boundaries (located on the north side of Joshua Palmer Way, east of Highland Springs Avenue & West Apex Avenue. APN 419-120-020 & 022). The property is 1.43 acres in size and located within areas that have been substantially developed.

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PC Reso No. 2007-15
(c) The project site has no value as habitat for endangered, rare or threatened species;

There is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The site is devoid of vegetation, is being used as a parking lot (not authorized by the City), and it is flat (unable to support bodies of water).

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality;

A traffic impact analysis was prepared for the proposed project. The report requires certain traffic mitigation measures, including striping requirements, that when implemented, will maintain an acceptable traffic circulation. Construction activities will create localized noise impacts around the construction site that will end at project build-out. Construction noise is governed by ordinance, which limits allowable times of equipment operations. The proposed project is consistent with the uses envisioned for the site in the current and previously approved General Plans. Therefore, the proposed project will not conflict with or obstruct any air quality plan, or violate any air quality standard. The proposed project will result in increases in domestic water use due to the laundry needs. However, the project proponent will be required to implement the City’s water efficiency ordinance and building regulations. The proposed project will result in increases in domestic water use due to expanded facilities. However, the upgrading of older facilities will improve water efficiency on the site. The project proponent will be required to implement the City’s water efficiency ordinance and building regulations.

(e) The site can be adequately served by all required utilities and public services.

The site will be served by the public and private utilities. The site will be accessed and served from Joshua Palmer Way, an existing developed roadway with existing utilities. The project proponent will connect to these utilities.

2. **Multiple Species Habitat Conservation Plan (MSHCP).** The project is found to be consistent with MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.
SECTION 3. REQUIRED FINDINGS.

Pursuant to Banning Municipal Code Section 9113.00 and in light of the record before it including the staff report dated April 19, 2007 all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

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

Findings of Fact: The General Plan Land Use Element designation of General Commercial (GC) allows Hotels and Motels. This development proposes a hotel, which is consistent with the land use designation.

Finding No. 2: The proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provision of this Ordinance:

Findings of Fact: The proposed project use (Hotel) is allowed in the General Commercial (CG) zoning district. The project meets or exceeds most of the standards, including:
  - Minimum front yard setback (28' provided versus 10' required);
  - Minimum rear yard setback (133' provided versus 0' required);
  - Minimum side yard setback (5' provided versus 0' required);
  - Maximum lot coverage (20% proposed versus 35% maximum allowed); and
  - Parking space requirements (91 parking spaces required, 92 spaces proposed).

Please note that the Zoning Code allows 2 stories or 35 feet in height; a Conditional Use Permit, in this case, to increase the height of the building to 4 stories and 65 feet. The building is 54' feet in height with the tower element proposed at 65’ feet. The tower is compatible with the Mediterranean/Spanish architectural style, but not integral to the project’s design.

The Commission may wish to direct the applicant to remove the tower element (the 11 foot portion that contains the project sign) to lower the project’s height. As a comparison, the Hampton Inn is 58 feet in height, parallel and 10' below the I-10. This building is 65’ (the tower only, 54 for the building), perpendicular and approximately 25 feet below I-10; therefore, staff recommends approval of the increased height.

Finding No. 3: The proposed use would not impair the integrity and character of the land use district in which it is to be located.

Facts of Fact: The proposed use will not impair the integrity and character of the land use district in which it is to be located because it is surrounded by other General Commercial properties (existing and pending retail commercial projects) to the west and north. The property to the east contains an unoccupied, single family dwelling that is zoned General Commercial and pending the development of a retail commercial project. I-10 highway is located south of the freeway.

Finding No. 4: The subject site is physically suitable for the type and intensity of land use being proposed.
Findings of Fact: The project site is located on the north side of Joshua Palmer Way, east of Highland Springs Avenue, west of Apex Avenue. The subject site is vacant, rectangular in shape, and relatively flat and approximately 25’ below Interstate Highway 10 and capable of accommodating the hotel and related improvements.

Finding No. 5: There adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;

Finding of Fact: The site will be served by the public and private utilities. The site will be accessed and served from Joshua Palmer Way, an existing developed roadway with existing utilities. The project proponent will connect to these utilities.

Finding No. 6: There will not be significant harmful effects upon environmental quality, natural resources or neighborhood characteristics.

Finding of Fact: There is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The site is devoid of vegetation, is being used as a parking lot (not authorized by the City), and it is flat (unable to support bodies of water).

Finding No. 7: The proposed location, size, design and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Finding of Fact: The project proponent proposes to develop a 49,123 square foot Mediterranean/Spanish styled hotel (La Quinta Inn & Suites), comprised of a four story building with 91 units on 1.43 acres in the General Commercial Zone. The project will also include a 92 space parking lot, swimming pool, 1,000 square foot meeting room, porte cochere, and trash enclosure.

The hotel will not be detrimental to the City’s health, safety, and welfare in that it complies with the Zoning Code development standards. Access will be from Joshua Palmer Way, a commercial designated street adjacent to I-10. The hotel is surrounded by other General Commercial properties (existing and pending retail commercial projects) to the west and north. The property to the east contains an unoccupied, single family dwelling that is zoned General Commercial and pending the development of a retail commercial project. I-10 highway is located south of the freeway.

SECTION 4. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. Notice of Exemption. 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 154332 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. Approve Conditional Use Permit. Conditional Use Permit #06-809 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Attachment "1".

PASSED, APPROVED AND ADOPTED this 19th day of April, 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-15, was duly adopted by the Planning Commission of the City of Banning, California, at a special meeting thereof held on the 19th day of April, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
CONDITIONS OF APPROVAL

PROJECT #: CUP 06-809 Design Review 06-7012

SUBJECT: La Quinta Inn and Suites

APPLICANT: Siddhi Development LLC

LOCATION: The property is located on north side of Joshua Palmer Way, east of Highland Springs Ave. and west of Apex Ave., and north of Interstate Highway 10.

APPLICANT SHALL CONTACT THE PLANNING DIVISION, (951) 922-3125, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

A. General Requirements

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 issuance of these Conditions of Approval do not negate the requirements of the Engineering/Public Works Department or submittal, review, and approval of: Street improvement plans, signing and striping plans, grading plans, storm drain improvement plans, street lighting plans, water, sewer, and electrical improvement plans, or other plans as deemed necessary by the City Engineer.
3. A copy of the signed Resolution of Approval or Community Development Director's letter of approval, and all Standard Conditions, shall be included in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for plan check.

B. Time Limits

Conditional Use Permit, Variance, or Development/Design Review approval shall expire if building permits are not issued or approved use has not commenced within 2 years from the date of approval. The Community Development Director may, upon an application being filed 30 days prior to expiration and for good cause, grant one time extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Conditional Use Permit complies with all current Ordinance provisions.

C. Site Development

1. The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping, sign program, and grading on file in the Planning Division, the conditions contained herein, Development Code regulations.

2. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.

3. Occupancy of the facilities shall not commence until such time as all Uniform Building Code and State Fire Marshal regulations have been complied with. Prior to occupancy, plans shall be submitted to the City of Banning Fire Marshal and the Building and Safety Division to show compliance. The buildings shall be inspected for compliance prior to occupancy.

4. Revised site plans and building elevations incorporating all Conditions of Approval shall be submitted for Community Development Director review and approval prior to the issuance of building permits.

5. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, tree removal, encroachment, building, etc.) or prior to final map approval in the case of a custom lot subdivision, or approved use has commenced, whichever comes first.

6. Approval of this request shall not waive compliance with all sections of the Development Code, all other applicable City Ordinances, and applicable Community or Specific Plans in effect at the time of building permit issuance.

7. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director and Police Department (922-3125) prior to the issuance of building permits. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties.

Attachment “1”
8. All ground-mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, bermsing, and/or landscaping to the satisfaction of the Community Development Director.

9. The developer shall submit a construction access plan and schedule for the development of the lot for Community Development Director and City Engineer approval; including, but not limited to, public notice requirements, special street posting, phone listing for community concerns, hours of construction activity, dust control measures, and security fencing.

10. Six-foot decorative block walls shall be constructed along the project perimeter. If a double wall condition would result, the developer shall make a good faith effort to work with the adjoining property owners to provide a single wall. Developer shall notify, by mail, all contiguous property owner at least 30 days prior to the removal of any existing walls/ fences along the project's perimeter.

D. Hotel Development

1. A uniform hardscape and street furniture design including seating benches, trash receptacles, free-standing potted plants, bike racks, light bollards, etc., shall be utilized and be compatible with the architectural style. Detailed designs shall be submitted for Planning Division review and approval prior to the issuance of building permits.

2. Provide for the following design features in each trash enclosure, to the satisfaction of the Community Development Director:
   a. Architecturally integrated into the design of the project.
   b. Separate pedestrian access that does not require the opening of the main doors and to include self-closing pedestrian doors.
   c. Large enough to accommodate two trash bins.
   d. Trash bins with counter-weighted lids.
   e. Architecturally treated overhead shade trellis.
   f. Chain link screen on top to prevent trash from blowing out of the enclosure and designed to be hidden from view.

3. Graffiti shall be removed within 72 hours.

4. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.

5. All operations and businesses shall be conducted to comply with the following standards which shall be incorporated into the lease agreements for all tenants:
   a. Noise Level - All commercial activities shall not create any noise that would exceed an exterior noise level of 60 dB during the hours of 10 p.m. until 7 a.m. and 65 dB during the hours of 7 a.m. until 10 p.m.
b. Loading and Unloading - No person shall cause the loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or other similar objects between the hours of 10 p.m. and 7 a.m. unless otherwise specified herein, in a manner which would cause a noise disturbance to a residential area.

6. Textured pavement shall be provided across circulation aisle, pedestrian walkway, and plaza. They shall be of brick/tile pavers, exposed aggregate, integral color concrete, or any combination thereof. Full samples shall be submitted for Community Development Director review and approval prior to the issuance of building permits.

7. All future building pads shall be seeded and irrigated for erosion control. Detailed plans shall be included in the landscape and irrigation plans to be submitted for Planning Division approval prior to the issuance of building permits.

8. The lighting fixture design shall compliment the architectural program. It shall include the plaza area lighting fixtures, building lighting fixtures (exterior), and parking lot lighting fixtures.

E. Building Design

1. All dwellings shall have the front, side and rear elevations upgraded with architectural treatment, detailing and increased delineation of surface treatment subject to Community Development Director review and approval prior to issuance of building permits.

2. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections, shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Planning Division. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development Director. Details shall be included in building plans.

F. Parking and Vehicular Access (indicate details on building plans)

1. All parking spaces shall be 9 feet wide by 19 feet long. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide.

2. All parking lot landscape islands shall have a minimum outside dimension of 6 feet and shall contain a 12-inch walk adjacent to the parking stall (including curb).

3. Textured pedestrian pathways and textured pavement across circulation aisles shall be provided throughout the development to connect dwellings/units/buildings with open spaces/plazas/recreational uses.

4. All parking spaces shall be striped per City standards and all driveway aisles, entrances, and exits shall be striped per City standards.

5. Plans for any security gates shall be submitted for the Community Development Director, City Engineer, and City of Banning Fire Marshal review and approval prior to issuance of building permits.
6. Handicap accessible stalls shall be provided for commercial and office facilities. One in
every 8 parking stalls (no less than 1) shall be served by an access aisle 96” wide min.
placed opposite the driver’s side and shall be designated Van-Accessible.

7. Motorcycle parking area shall be provided for commercial and office facilities with 25 or
more parking stalls. Developments with over 100 parking stalls shall provide motorcycle
parking at the rate of one percent. The area for motorcycle parking shall be a minimum
of 56 square feet.

8. Carpool and vanpool designated off-street parking close to the building shall be provided
for commercial, office, and industrial facilities at the rate of 10 percent of the total
parking area. If covered, the vertical clearance shall be no less than 9 feet.

G. Trip Reduction

1. Category 5 telephone cable or fiber optic cable shall be provided for office buildings and
single-family developments of 500 or more units.

2. Transit improvements such as bus shelters, bus pullouts, and bus pads shall be provided.

H. Landscaping

1. A detailed landscape and irrigation plan, including slope planting, landscaping, shall be
prepared by a licensed landscape architect and submitted for Community Development
Director review and approval prior to the issuance of building permits or prior final map
approval in the case of a custom lot subdivision.

2. Existing trees required to be preserved in place shall be protected with a construction
barrier, and so noted on the grading plans. The location of those trees to be preserved in
place and new locations for transplanted trees shall be shown on the detailed landscape
plans. The applicant shall follow all of the arborist's recommendations regarding
preservation, transplanting, and trimming methods.

3. A minimum of 30% within commercial projects, shall be specimen size trees - 24-inch
box or larger.

4. Within parking lots, trees shall be planted at a rate of one 15-gallon tree for every three
parking stalls, sufficient to shade 50% of the parking area at solar noon on August 21.

5. Trees shall be planted in areas of public view adjacent to and along structures at a rate of
one tree per 30 linear feet of building.

6. All private slopes of 5 feet or more in vertical height and of 5:1 or greater slope, but less
than 2:1 slope, shall be, at minimum, irrigated and landscaped with appropriate ground
cover for erosion control. Slope planting required by this section shall include a
permanent irrigation system to be installed by the developer prior to occupancy.
7. All private slopes in excess of 5 feet, but less than 8 feet in vertical height and of 2:1 or greater slope shall be landscaped and irrigated for erosion control and to soften their appearance as follows: one 15-gallon or larger size tree per each 150 sq. ft. of slope area, 1-gallon or larger size shrub per each 100 sq. ft. of slope area, and appropriate ground cover. In addition, slope banks in excess of 8 feet in vertical height and 2:1 or greater slope shall also include one 5-gallon or larger size tree per each 250 sq. ft. of slope area. Trees and shrubs shall be planted in staggered clusters to soften and vary slope plane. Slope planting required by this section shall include a permanent irrigation system to be installed by the developer prior to occupancy.

8. For commercial development, property owners are responsible for the continual maintenance of all landscaped areas on-site, as well as contiguous planted areas within the public right-of-way. All landscaped areas shall be kept free from weeds and debris and maintained in healthy and thriving condition, and shall receive regular pruning, fertilizing, mowing, and trimming. Any damaged, dead, diseased, or decaying plant material shall be replaced within 30 days from the date of damage.

9. Front yard and corner side yard landscaping and irrigation shall be required per the Development Code. This requirement shall be in addition to the required street trees and slope planting.

10. The final design of the perimeter parkways, walls, landscaping, and sidewalks shall be included in the required landscape plans and shall be subject to Community Development Director review and approval and coordinated for consistency with any parkway landscaping plan which may be required by the Engineering Division.

11. Landscaping and irrigation systems required to be installed within the public right-of-way on the perimeter of this project area shall be continuously maintained by the developer.

12. All walls shall be provided with decorative treatment. If located in public maintenance areas, the design shall be coordinated with the Engineering Division.

13. Tree maintenance criteria shall be developed and submitted for Community Development Director review and approval prior to issuance of building permits. These criteria shall encourage the natural growth characteristics of the selected tree species.

14. Landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape.

I. Signs

1. The signs indicated on the submitted plans are conceptual only and not a part of this approval. Any signs proposed for this development shall comply with the Sign Ordinance and shall require separate application and approval by the Planning Division prior to installation of any signs.

2. A Uniform Sign Program for this development shall be submitted for Community Development Director review and approval prior to issuance of building permits.
3. Directory monument sign(s) shall be provided for apartment, condominium, or town homes prior to occupancy and shall require separate application and approval by the Planning Division prior to issuance of building permits.

J. Environmental

1. A final acoustical report shall be submitted for Community Development Director review and approval prior to the issuance of building permits. The final report shall discuss the level of interior noise attenuation to below 45 CNEL, the building materials and construction techniques provided, and if appropriate, verify the adequacy of the mitigation measures. The building plans will be checked for conformance with the mitigation measures contained in the final report.

2. In those instances requiring long term monitoring (i.e.) beyond final certificate of occupancy), the applicant shall provide a written monitoring and reporting program to the Community Development Director prior to issuance of building permits. Said program shall identify the reporter as an individual qualified to know whether the particular mitigation measure has been implemented.

K. Other Agencies

1. The applicant shall contact the U.S. Postal Service to determine the appropriate type and location of mail box, the final location of the mail box and the design of the overhead structure shall be subject to Community Development Director review and approval prior to the issuance of building permits.

APPLICANT SHALL CONTACT THE BUILDING AND SAFETY DIVISION, (951) 922-3120, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

L. General Requirements

1. Submit four complete sets of plans including the following:
   a. Site/Plot Plan;
   b. Foundation Plan;
   c. Floor Plan;
   d. Ceiling and Roof Framing Plan;
   e. Electrical Plans (2 sets, detached) including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
   f. Plumbing and Sewer Plans, including isometrics, underground diagrams, water and waste diagram, sewer or septic system location, fixture units, gas piping, and heating and air conditioning; and
2. Submit two sets of structural calculations, energy conservation calculations, and a soils report. Architect's/Engineer's stamp and "wet" signature are required prior to plan check submittal.

3. Separate permits are required for fencing and/or walls.

4. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.

5. Business shall not open for operation prior to posting the Certificate of Occupancy issued by the Building and Safety Division.

M. Site Development

1. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number (i.e., CUP 98-01). The applicant shall comply with the latest adopted Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electric Code, Title 24 Accessibility requirements, and all other applicable codes, ordinances, and regulations in effect at the time of permit application. Please contact the Building and Safety Division for availability of the Code Adoption Ordinance and applicable handouts.

2. Prior to issuance of building permits for a new commercial or industrial development or addition to an existing development, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to: Transportation Development Fee, Drainage Fee, School Fees, Permit and Plan Checking Fees. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division prior to permit issuance.

3. Construction activity shall not occur between the hours of 8:00 p.m. and 6:30 a.m. Monday through Saturday, with no construction on Sunday or holidays.

4. Construct trash enclosure(s) per City Standard (available at the Planning Division's public counter).

5. Submit pool plans to the County of Riverside's Environmental Health Services Department for approval.

6. The following is required for side yard use for increase in allowable area:
   a. Provide a reduced site plan (8 1/2" x 11") which indicates the non-buildable easement.
   b. Recorded "Covenant and Agreement for the Maintenance of a Non-Buildable Easement," which is signed by the appropriate property owner(s).
   c. Sample document is available from the Building and Safety Division.

N. New Structures

1. Provide compliance with the Uniform Building Code for the property line clearances considering use, area, and fire-resistiveness.
2. Provide compliance with the Uniform Building Code for required occupancy separation(s).

3. Roofing material shall be installed per the manufacturer's "high wind" instructions.

4. Plans for food preparation areas shall be approved by County of Riverside Environmental Health Services prior to issuance of building permits.

5. Provide draft stops in attic areas, not to exceed 3,000 square feet, in accordance with UBC Table 5-A.

6. Provide draft stops in attics in line with common walls.

7. Roofing materials shall be Class "A."

8. Exterior walls shall be constructed of the required fire rating in accordance with UBC Table 5-A.

9. Openings in exterior walls shall be protected in accordance with UBC Table 5-A.

10. If the area of habitable space above the first floor exceeds 3,000 square feet, then the construction type shall be V-1 Hour.

11. Walls and floors separating dwelling units in the same building shall be not less than 1-hour fire-resistive construction.

12. Provide smoke and heat venting in accordance with UBC Section 906.

13. Provide method of airborne and impact sound transmission control between dwelling units.

14. Upon tenant improvement plan check submittal, additional requirements may be needed.

O. Grading

1. Grading of the subject property shall be in accordance with the Uniform Building Code, City Grading Standards, and accepted grading practices. The final grading plan shall be in substantial conformance with the approved grading plan.

2. A soils report shall be prepared by a qualified engineer licensed by the State of California to perform such work.

3. A geological report shall be prepared by a qualified engineer or geologist and submitted at the time of application for grading plan check.

4. The final grading plans shall be completed and approved prior to issuance of building permits.

5. As a custom-lot subdivision, the following requirements shall be met:
a. Surety shall be posted and an agreement executed guaranteeing completion of all on-site drainage facilities necessary for dewatering all parcels to the satisfaction of the Building and Safety Division prior to final map approval and prior to the issuance of grading permits.

b. Appropriate easements for safe disposal of drainage water that are conducted onto or over adjacent parcels, are to be delineated and recorded to the satisfaction of the Building and Safety Division prior to issuance of grading and building permits.

c. On-site drainage improvements, necessary for dewatering and protecting the subdivided properties, are to be installed prior to issuance of building permits for construction upon any parcel that may be subject to drainage flows entering, leaving, or within a parcel relative to which a building permit is requested.

d. Final grading plans for each parcel are to be submitted to the Building and Safety Division for approval prior to issuance of building and grading permits. (This may be on an incremental or composite basis).

e. All slope banks in excess of 5 feet in vertical height shall be seeded with native grasses or planted with ground cover for erosion control upon completion of grading or some other alternative method of erosion control shall be completed to the satisfaction of the Building Official. In addition a permanent irrigation system shall be provided.

6. A separate grading plan check submittal is required for all new construction projects and for existing buildings where improvements being proposed will generate 50 cubic yards or more of combined cut and fill. The Grading Plan shall be prepared, stamped, and signed by a California Registered Civil Engineer.

APPLICANT MAY CONTACT THE ENGINEERING DIVISION, (951) 922-3130, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

P. General Requirements

1. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class "A" State Contractor's License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.
2. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:

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

The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.
3. The following improvement plans shall be prepared by a civil engineer or architect licensed by the State of California as allowed and submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized by the City Engineer in writing, the plans shall utilize the minimum scale specified and shall be drawn on 24" x 36" Mylar. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors).

A. On-Site Grading Plans
   1" = 40' Horizontal
   (all conditions of approval shall be reproduced on last sheet of set)
B. SWPPP
   1" = 40' Horizontal
   (Note: A, B, & C shall be processed concurrently.)
C. Street Improvement Plans
   1" = 40' Horizontal
   1" = 4' Vertical
D. Traffic Signal Plan
   1" = 20' Horizontal
E. Off-Site Landscaping Plans
   1" = 20' Horizontal
F. Off-Site Signing & Striping Plan
   1" = 40' Horizontal

Other engineered improvement plans prepared for City approval that are not listed herein shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

All off-site plan and profile street improvement plans and signing & striping plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or at a distance sufficient to show any required design transitions.

All on-site signing and striping plans shall show the following at a minimum: stop signs, limit lines and legends, no parking signs, raised pavement markers (including blue raised pavement markers at fire hydrants) and street name signs per Public Works standard plans and/or as approved by the City Engineer.

A small index map shall be included on the title sheet of each set of plans, showing the overall view of the entire work area.

4. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings on Mylar of all improvement plans that were approved by the City Engineer. Each sheet shall be clearly marked "As-Built" or "As- Constructed" and shall be stamped and signed by the engineer or surveyor certifying the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files submitted to the City, revised to reflect the "As-Built" conditions.
5. All utility systems including gas, electric, telephone, water, sewer, and cable TV shall be provided for underground, with easements provided as required, and designed and constructed in accordance with City Codes and the utility provider. Telephone, cable TV, and/or security systems shall be pre-wired in the residence.

Q. Rights of Way

1. Prior to issuance of any permit(s), the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.

2. The existing right-of-way appears to meet the required General Plan width of 55 feet for a half street. After completion of the alignment study by the developers’ engineer, if additional right-of-way is required along Ramsey Street, the applicant shall offer to dedicate for public purposes the required right-of-way.

3. Direct vehicular access to Joshua Palmer Way from any portion of the site frontage shall be restricted, except for those access points identified on the approved site plan, or as otherwise conditioned in these conditions of approval. The vehicular access restriction shall be recorded on a separate instrument prior to occupancy.

4. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division for review and approval of the City Engineer prior to approval of any grading plan.

5. Prior to the issuance of any certificates of occupancy, the applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the City of Banning or the Riverside County Flood Control and Water Conservation District unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFC. Prior to granting any of said easements, the subdivider shall furnish a copy of the proposed easement to the City Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the City Engineer prior to the issuance of any certificate of use and/or occupancy.

R. Public Improvements

1. Construct full half street improvements in accordance with City standards fronting Joshua Palmer Way including street lighting, curb and gutter, commercial drive approach, access ramps, sidewalk, and asphalt concrete paving, traffic signs and striping. Construct full half street improvements in accordance with City standards fronting and any transitions. Street lights on Joshua Palmer Way shall be installed offset of the existing street lights. Where the transverse slope of the existing pavement exceeds 3%, or the pavement surface is distressed, the applicant shall remove pavement and join the existing pavement surface. Applicants’ geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.
2. Provide pavement striping and signing from easterly prolongation of site frontage to Highlands Springs Avenue. Joshua Palmer Way shall be centerline striped.

3. All street improvement design shall provide pavement transitions per Caltrans standards for transition to existing street sections.

4. Unless otherwise noted all required public improvements for the development shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy.

S. Grading and Drainage

1. Submit a Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFC), RCFC Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way; when this criteria is exceeded, additional drainage facilities shall be designed and constructed.

2. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.

3. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or diverted storm flows. The project shall accept and convey storm flows from the adjacent developed property to the west.
4. The applicant shall comply with Chapter 34 “Stormwater Management and Discharge Controls” of the Banning Municipal Code (BMC); California Building Code Appendix Chapter 33 “Excavation and Grading”; and the State Water Resources Control Board’s Order No. 99-08-DWQ.

1. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the applicant shall be required to submit a Storm Water Pollution Protection Plan (SWPPP) and file a Notice of Intent (NOI) with the Regional Water Quality Control Board.

2. The applicant’s SWPPP shall be reviewed and approved by the City Engineer prior to any on-site or off-site grading being done in relation to this project.

3. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through, and including acceptance of all improvements by the City.

4. The applicant’s SWPPP shall include provisions for all of the following Best Management Practices (“BMPs”):
   i. Temporary Soil Stabilization (erosion control).
   ii. Temporary Sediment Control.
   iii. Wind Erosion Control.
   iv. Tracking Control.
   v. Non-Storm Water Management.
   vi. Waste Management and Materials Pollution Control.

5. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.

6. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

5. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California.
6. A precise grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any clearing or grading activity. Grading plans shall include perimeter walls with top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions.

7. Prior to the issuance of a building permit for any building, the applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil.

T. Traffic

1. Provide a focused traffic study addressing the proposed onsite circulation for the project and address the adequacy as it relates to safe access along Joshua Palmer Way and Highland Springs Avenue. This includes identifying the desired level of traffic control at project driveways and/or intersections. The developer shall implement the recommendations of the traffic study.

2. Provide and maintain stop sign and pavement legend for main drive access.

3. Site distance at the access drives shall be reviewed and implemented in accordance with California Department of Transportation standards.

4. Street name signs and traffic control devices including traffic legends and traffic striping shall be installed, or relocated in accordance with Caltrans Standards and as shown on the approved plans, and/or as directed by the City Engineer.

5. Prior to the issuance of any certificate of occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the property owner until the street is accepted for maintenance.

U. Trash/Recycling

1. The developer shall participate in the City’s recycling program by providing two trash receptacles, one for regular trash and one for recycling, within the trash enclosure. The trash enclosure shall be designed and constructed in such a manner to accommodate a recycling bin as well as the necessary solid waste containers.

2. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City’s franchised solid waste hauler for disposal of construction debris.
V. Fees

1. Plan check fees for professional report review (geotechnical, drainage, etc.), and all
improvement plans review, shall be paid prior to submittal of said documents for review
and approval in accordance with the Fee Schedule in effect at the time of submittal.

2. Public Works Inspection fees shall be paid prior to grading permit issuance in
accordance with the Fee Schedule in effect at time of scheduling.

3. Water and sewer connection fees including frontage fees and water meter installation
charges shall be paid on a per lot basis at the time of building permit issuance in
accordance with the Fee Schedule in effect at that time.

4. A plan storage fee shall be paid prior to approval of the final map and improvement
plans in accordance with the Fee Schedule in effect at the time the fee is paid.

5. A Traffic Control mitigation fee shall be paid on a per lot basis prior to issuance of
building permits for each lot.

W. Water & Wastewater Utility

1. Submit Water Improvement Plans to the Water Division for review and approval. Design and
construct a fire protection water line west and north sides of building within the driveway access
at Joshua Palmer Way to the north east end of building in a 20’ wide easement connecting to the
existing 12” water line on Joshua Palmer Way.

2. All water lines and fittings shall be a minimum of 8” diameter and shall be DIP or 10-gauge steel
pipes, cement mortar lined & wrapped.

3. Fire hydrants shall be installed within and on the project boundaries as per the approval plans, at
a 300’ maximum spacing.

4. A backflow device must be installed on commercial developments and for each irrigation water
connection; and in compliance with the State of California Department of Health Regulations.
Contact the City of Banning, Water Operations Division, prior to the installation.

X. Sewer

1. Submit Sewer Improvement Plans to the Sewer Division for review and approval. Design
and construct a 6” VCP sewer lateral connecting to the existing 8” sewer line on Joshua
Palmer Way.

2. Restaurants and Food Services require grease interceptors before connecting to the City
Sewerage System
Y. Fees

1) Water Connection Fees shall be paid per EDU (EDU is based upon 0.5 EDU per hotel unit without kitchen plus accessory facilities and irrigation uses), Sewer Connection Fees shall be paid per EDU (EDU is based upon 0.5 EDU per Hotel Unit without kitchen plus accessory facilities), and Water Meter Installation charges shall all be paid at the time of issuance of building permits, within this project in accordance with the fee schedule in effect at the time the fees are paid. Also, pay all water and sewer frontage fees, if applicable, and in accordance with the fee schedule in effect at the time the fees are submitted, prior to plan checking proceedings.

   i) Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. The plans are required in electronic format, we currently use AutoCad2006. Plans should consist of a plot plan, site plan signed and approved by city engineering, one line diagram of proposed electrical main service panels and a sheet showing load calculation by an electrical engineer. Additional sheets may be required upon request.

   ii) Paying required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension.

   iii) Granting easement for electric facilities installation/maintenance, etc.

   iv) All trenching, backfill, and compaction.

   v) All conduits, vaults, and other materials associated with their installation (except primary cables and their terminations).

   vi) Installation of Streetlight poles and conduit.

   vii) Developer / electrical contractor to provide and install secondary service entrance conductors spec by utility department from transformer to service panel pull section.

CITY ELECTRIC DEPARTMENT

Shall be responsible for:
1. Reviewing plans submitted by customer.
2. Design an electrical utility plan for the installation of structures and conduit by developer.
3. Providing a cost estimate for installing an underground electrical system for this project.
4. Inspecting all trenches prior to backfilling. 24 hour prior notice is required before inspection.
5. Installation of primary cable and terminations.
APPLICANT SHALL CONTACT THE FIRE MARSHAL AT (951) 922-3210, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

Z. Fire Department Developer Fees:

Fees are increased annually and may be different at the time of construction. The fee schedule at the time of plan submittal shall apply.

Hotels/Motels (lodging) - $144.00 per unit
Plan Check & Inspection - $ 118.00 per hour
*Exception, Sprinkler and Alarm System Plan Check
See Number (7) for Fee Schedule.

AA. Code Compliance

All Plans, Specifications and Construction shall comply with and conform to the current edition of the Uniform Fire Code (UFC), Uniform Building Code (UBC), and other state and local laws as applicable.

SPRINKLER SYSTEMS REQUIRED:

Fire Sprinkler Systems shall be installed as required by the UFC or in any and all structures that are ten thousand (10,000) sq. ft. or more, or that are at or beyond the Fire Department's response time of ten (10) minutes beginning at the time the call is received at Dispatch.

SPRINKLER AND ALARM SYSTEMS:

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

Alarm monitoring stations must be located within 100 miles of the City of Banning or approved by the Fire Marshal.

SPRINKLER AND ALARM SYSTEM FEE SCHEDULE:

Inspections - Fire Department: $118.00 per hour, per person. (One-hour minimum)
Additional fees as charged by the designated Fire Protection Engineering Firm.

Plan Checks - Established by the Fire Protection Engineering firm designated.
SPRINKLER SYSTEM UNDERGROUND:

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

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

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

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

FIRE HYDRANTS:

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

Spacing of fire hydrants shall comply with UFC Appendix III B and the City of Banning Public Works Standards. (maximum 300 feet)

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

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

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

WATER SUPPLY:

Fire flow shall be established by the Fire Department using the information provided in the UFC Appendix III A. Fire Flow may be adjusted upward where conditions indicate an unusual susceptibility to fire. (minimum 1000gpm for 2 hours)

FIRE DEPARTMENT ACCESS:
Shall be required when any portion of the first story of any structure is more than 150 feet from Fire Department apparatus access.

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

Surfaces shall be designed and maintained to support the imposed loads of fire apparatus. Surfaces shall have all-weather driving capabilities, including bridges.

Minimum unobstructed width shall be 20 feet.

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

Minimum turning radius shall be 42 feet.

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

Maximum grade shall be established by the Fire Department.

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

Two means of ingress/egress shall be provided for emergency vehicles and fire apparatus.

The requirements for this segment are covered in UFC Article 9.

**PREMISES IDENTIFICATION:**

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

Commercial – 6 inch minimum sized numbers

**INSPECTIONS:**

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

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

**HAZARDOUS MATERIALS:**
The storage, dispensing, use or handling of hazardous materials during construction shall be in accordance with the provisions of UFC Article 80 and UBC Section 307 in addition to all federal, state and local laws or ordinances.

OTHER REQUIREMENTS:

The plans submitted are not detailed enough to allow for further review. A larger site plan is required before specific comments can be made about the drive aisle widths, fire hydrant locations etc.

SPRINKLER SYSTEMS REQUIRED:

Fire Sprinkler Systems shall be installed as required by the UFC or in any and all structures with a total floor area of ten thousand (10,000) sq. ft. or more (5,000 sq. ft. for assembly occupancies), or that are at or beyond the Fire Department’s response time of ten (10) minutes beginning at the time the call is received at Dispatch.

SPRINKLER AND ALARM SYSTEMS:

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

Alarm monitoring stations must be located within 100 miles of the City of Banning or approved by the Fire Marshal.

SPRINKLER AND ALARM SYSTEM FEE SCHEDULE:

Inspections: Fire Department: $84.00 per hour, per person (One-hour minimum). Additional fees as charged by the designated Fire Protection Engineering Firm.

Plan Checks: Established by the Fire Protection Engineering firm designated.

SPRINKLER SYSTEM UNDERGROUND:

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

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

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

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

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

All hydrants must be installed, working and inspected by the Public Works Department before any combustible materials can be placed at the worksite.

Spacing of fire hydrants shall comply with UFC Appendix III B and the City of Banning Public Works Standards (maximum 300 feet between hydrants).

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

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

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

WATER SUPPLY:

Fire flow shall be established by the Fire Department using the information provided in the UFC Appendix III A. Fire flow may be adjusted upward where conditions indicate an unusual susceptibility to fire.

FIRE DEPARTMENT ACCESS:
Shall be required when any portion of the first story of any structure is more than 150 feet from Fire Department apparatus access.

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

Surfaces shall be designed and maintained to support the imposed loads of fire apparatus (65,000gvw). Surfaces shall have all-weather driving capabilities, including bridges. All roads must be placed and meet the above standard before any combustible materials can be delivered to the site.

Minimum unobstructed width shall be 20 feet.

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

Minimum turning radius shall be 42 feet.

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

Cul-de-sacs shall not exceed 600 feet in length.

Maximum grade shall be established by the Fire Department.

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

Two means of ingress/egress shall be provided for emergency vehicles and fire apparatus.

The requirements for this segment are covered in UFC Article 9.

All curb faces between parking areas must be painted red and marked “No Parking Fire Lane”

PREMISES IDENTIFICATION:

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

1. Commercial: 6" mm. size

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

Fee for each inspection is $84.00 per hour per person.

**WORK BEGUN WITHOUT A PERMIT OR WITHOUT AN APPROVED SET OF PLANS AT THE JOB SITE WILL RESULT IN A TRIPLE FEE AND/OR THE WORK STOPPED.**

**HAZARDOUS MATERIALS:**

The storage, dispensing, use or handling of hazardous materials shall be in accordance with the provisions of UFC Article 80 and UBC Section 307, in addition to all federal, state and local laws or ordinances.

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

**OTHER REQUIREMENTS:**

Access to the roof from the 3rd floor will be required at least two points.

The ability to construct a three-story building may depend on the whether or not the a ladder truck is stationed within the San Gorgonio Pass Area.
RESOLUTION NO. 2007-16

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BANNING, CALIFORNIA
APPROVING DESIGN REVIEW #06-7012 TO DEVELOP
A 49,123 SQUARE FOOT HOTEL (LA QUINTA INN &
SUITES), COMPRISED OF A FOUR STORY BUILDING
WITH 91 UNITS ON 1.43 ACRES IN THE GENERAL
COMMERCIAL ZONE. APN 419-120-020 & 022.

WHEREAS, an application for a hotel, La Quinta Inn & Suites, has been duly filed by:

Applicant/Owner: Siddhi Development
Authorized Agent: Vijay Patel
Project Location: The Property is located on the north side of Joshua
Palmer Way, East of Highland Springs Ave. and
West of Apex Ave., south of a vacant land and
North of Interstate 10.

APN Number: 419-120-020 & 022
Lot Area: 1.43 acre

WHEREAS, the Planning Commission has the authority per section 9114.00 of the
Banning Municipal Code to take action on Design Review #06-7012 to develop a 49,123 sq. ft.
Hotel, (La Quinta Inn) comprised of a four story (65'') building ; and

WHEREAS, the applicant is requesting approval of Design Review #06-7012 for the site
development plans for a 49,123 square foot four story (65 foot) building comprised of 91 units
on 1.43 acres in the General Commercial zone, in compliance with Banning Municipal Code
Section 9114.00; and,

WHEREAS, on April 6, 2007 the City gave public notice by advertising in the Press-
Enterprise, 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 April 19, 2007 the Planning Commission held the noticed public hearing
at which interested persons had an opportunity to testify in support of, or opposition to, the
Design Review at which the Planning Commission considered the Design Review; and

WHEREAS, the Planning Director has reviewed 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 15332 “In-fill

-1-
PC Reso No. 2007-16
Development and that the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 are not applicable to the project.

NOW THEREFORE, the Planning Commission of the City of Banning does Resolve, Determine, Find and Order as follows:

SECTION 1. REQUIRED FINDINGS.

Pursuant to Banning Municipal Code Section 9114.00 and in light of the record before it including the staff report dated April 19, 2007 all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

A. Section 9114.00 requires that the Design Review satisfy each of the findings under the Banning Municipal Code Section 9114.00. The Planning Commission hereby finds and determines that each of these requirements is satisfied as follows:

1. The proposed use is consistent with the General Plan.

Findings of Fact: The General Plan Land Use Element as well as a Zoning District designation of General Commercial (GC) allows for the development of Hotels and Motels. This development proposes a hotel, which is consistent with the land use designation.

2. The proposed project is consistent with the zoning ordinance, including, development standards and guidelines for the district in which it is located.

The Zoning District designation General Commercial (CG) allows for the development of Hotels and Motels. The project meets or exceeds most of the standards, including:

- Minimum front yard setback (28’ provided versus 10’ required);
- Minimum rear yard setback (133’ provided versus 0’ required);
- Minimum side yard setback (5’ provided versus 0’ required);
- Maximum lot coverage (20% proposed versus 35% maximum allowed); and
- Parking space requirements (91 parking spaces required, 92 spaces proposed).

Please note that the Zoning Code allows 2 stories or 35 feet in height; a Conditional Use Permit is required, in this case, to increase the height of the building to 4 stories and 65 feet.

3. The design and layout of the proposed project will not unreasonably interfere with the use enjoyment of neighboring existing or future development and will not result in vehicular and/or pedestrian hazards.

The design and layout of the proposed project will not unreasonably interfere with the future development, and will not result in the vehicular and or pedestrian hazards. The project proponent proposes Mediterranean/Spanish architectural styled hotel with earth tone colors, smooth stucco, and wrought iron and stone accents. The project also
includes Mexican tile accents along the first floor elevation. Although this style is not found immediately adjacent to this site, it will improve the architecture of the surrounding area.

The building is perpendicular to the I-10, is surrounded by a parking lot (to the rear and west) and has the swimming pool along the eastern property line. The project is surrounded by other General Commercial properties. The adjacent properties to the north will be developed into a shopping center and this project will not interfere its use; the property to the west contains a restaurant with a parking lot; the parking lot will be adjacent to this subject properties parking lot. The property to the east contains an unoccupied, single family dwelling that is zoned General Commercial and will be developed with a use that is compatible with this proposal.

4. The design of the project is compatible with the character of the surrounding neighborhood.

The project proponent proposes a Mediterranean/Spanish architectural styled hotel with earth tone colors, smooth stucco, and wrought iron and stone accents. Also the project will include a mudded roof, multiple planed facades (recessed entries, and pop-outs) and Mexican tile accents (along the first floor elevation). Although this style is not found immediately adjacent to this site, it will greatly enhance the surrounding area.

SECTION 2. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Planning Director as provided in the Staff Report dated April 19, 2007 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:

CEQA:

1. The project is exempt from CEQA under CEQA Guidelines Section 15332 which consists of projects characterized as In-fill development meeting the following conditions: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, (b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses, (c) The project site has no value as habitat for endangered, rare or threatened species, (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, (e) The site can be adequately served by all required utilities and public services.

(a) The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations;
The General Plan Land Use Element as well as a Zoning District designation of General Commercial (GC) allows for the development of Hotels and Motels. This development proposes a hotel, which is consistent with the land use designation.

(b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses;

The development is entirely within the City’s boundaries (located on the north side of Joshua Palmer Way, east of Highland Springs Avenue & West Apex Avenue. APN 419-120-020 & 022). The property is 1.43 acres in size and located within areas that have been substantially developed.

(c) The project site has no value as habitat for endangered, rare or threatened species;

There is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The site is devoid of vegetation, is being used as a parking lot (not authorized by the City), and it is flat (unable to support bodies of water).

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality;

A traffic impact analysis was prepared for the proposed project. The report requires certain traffic mitigation measures, including striping requirements, that when implemented, will maintain an acceptable traffic circulation. Construction activities will create localized noise impacts around the construction site that will end at project build-out. Construction noise is governed by ordinance, which limits allowable times of equipment operations. The proposed project is consistent with the uses envisioned for the site in the current and previously approved General Plans. Therefore, the proposed project will not conflict with or obstruct any air quality plan, or violate any air quality standard. The proposed project will result in increases in domestic water use due to the laundry needs. However, the project proponent will be required to implement the City’s water efficiency ordinance and building regulations. The proposed project will result in increases in domestic water use due to expanded facilities. However, the upgrading of older facilities will improve water efficiency on the site. The project proponent will be required to implement the City’s water efficiency ordinance and building regulations.

(e) The site can be adequately served by all required utilities and public services.
The site will be served by the public and private utilities. The site will be accessed and served from Joshua Palmer Way, an existing developed roadway with existing utilities. The project proponent will connect to these utilities.

2. Multiple Species Habitat Conservation Plan (MSHCP). The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. Notice of Exemption. In compliance with Public Resources Code § 21152 and CEQA Guidelines § 15075, the Planning Director shall prepare a Notice of Determination concerning the findings made in Section No. 2 of this Resolution, and within five (5) working days of project approval, file the Notice with the Riverside County Clerk for posting.

2. Approve Design Review #06-7012 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Attachment “1” (from CUP #06-809) for the review of the site development and architecture for the hotel. Any modification to the project shall be in compliance with the City of Banning Zoning Ordinance, and other applicable state and local ordinances.

PASSED, APPROVED AND ADOPTED this 19th day of April, 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California
CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-16, was duly adopted by the Planning Commission of the City of Banning, California, at a special meeting thereof held on the 19th day of April, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

____________________________________
Virginia Sorenson, Recording Secretary
City of Banning, California
DATE: APRIL 19, 2007
CASE NO’S: DESIGN REVIEW #07-701
REQUESTS: DESIGN REVIEW #07-701 TO DEVELOP A 15,200 SQUARE FOOT, SPECIAL CARE FACILITY, COMPRISED OF A ONE-STORY BUILDING, 17 ROOMS WITH 32 OCCUPANT BEDS ON 1.43 ACRES, IN CONGREGATE CARE DESIGNATION IN THE “SUN LAKES VILLAGE NORTH SPECIFIC PLAN”.

LOCATION: NORTH SIDE OF SUN LAKES BOULEVARD, EAST OF COUNTRY CLUB DRIVE WEST, WEST OF COUNTRY CLUB DRIVE EAST, APN 419-140-062

APPLICANT: RCCI, LLC

SURROUNDING ZONE/USES: NORTH- FUTURE RETAIL- VACANT WEST- CONGREGATE CARE FACILITY-EXISTING SOUTH- CONGREGATE CARE FACILITY- VACANT LOT EAST- RESIDENTIAL - EXISTING

ENVIRONMENTAL CONSIDERATION: THE PROJECT HAS BEEN DETERMINED TO BE EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT SECTION 15332 WHICH CONSISTS OF PROJECTS CHARACTERIZED AS IN-FILL DEVELOPMENT.

BACKGROUND:

Project Location:
The project site is located on the north side of Sun Lakes Boulevard, east of Country Club Drive West, west of Country Club Drive East. The subject site is vacant and relatively flat. The property immediately to the east has single family dwellings, to the west is a congregate facility, on the north is a vacant lot and to the south is a vacant lot.
Project Description:

The project proponent is requesting approval of Design Review application #07-701 to develop a 15,200 SF, single story Special Care Facility in “Sun Lakes Village North Specific Plan”. The project includes 17 rooms with 32 occupant beds, resident care and service space, and two (2) outdoor private courtyards, on the south side of the building. Food preparation and kitchen requirements will be provided by the Lakes Retirement Community in the existing facility. The site includes 35 parking stalls. The project takes access from Sun Lakes Boulevard from the existing driveway used by the Congregate Care Facility to the West and includes a fire access road, and front entry loading/unloading access.

Design Review: The Design review application focuses on community design principles which, per the Specific Plan section VI (A), require design review for non-residential planning area in C (congregate facility) section. The design review must include activities (uses) and their distribution over the land, density of the use, outdoor spatial character, building height, walls, off-street parking, access, loading and landscaping.

Environmental Review:

The project has been determined to be exempt from California Environmental Quality Act (CEQA) pursuant Section 15332, which consists of projects characterized as In-fill development meeting the following conditions: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations, (b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses, (c) The project site has no value as habitat for endangered, rare or threatened species, (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, (e) The site can be adequately served by all required utilities and public services.

In accordance with CEQA Section 15332, the following findings can be made:

(a) The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations;

The project is consistent with the applicable General Plan as well as the Specific Plan which allows for the development of congregate care facilities.

(b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses;

The development is entirely within the City’s boundaries (it is located on the north side of Sun Lakes Boulevard, east of Country Club Drive West, west of Country Club Drive East). The site is approximately 1.53 acres in size and located within an area that has been substantially developed.
(c) The project site has no value as habitat for endangered, rare or threatened species;

There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The site was previously graded during the construction of the existing improvements and has been routinely grubbed for weed abatement. The site is also flat, containing no bodies of water.

This site has been assessed by the MSHCP as a potential for containing Burrowing Owl and Narrow Endemic Plan Species. Habitat assessments were conducted on lands immediately adjacent to the project site for burrowing owl, Yucaipa onion and many-stemmed dudleya\(^1\). The assessment found that the area consists primarily of annual grasslands, with areas of southern willow scrub and ornamental vegetation. The area has been disturbed by off-road traffic, and construction activities on surrounding properties. The assessment further found that no habitat occurs on the adjacent property for either Yucaipa onion or many-stemmed dudleya, due to soil composition and existing vegetation. The property on which the Congregate Care Facility project is proposed is immediately east of this site, and is consistent in terms of existing vegetation and soil types to the proposed project site. As such, the project site is not expected to provide suitable habitat for either Yucaipa onion or many-stemmed dudleya. However, given that burrowing owl could migrate to the site before construction occurs, a condition of approval has been included which requires the completion of protocol surveys for burrowing owls, prior to the initiation of any ground disturbing activity.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality;

This project and its resulting density are consistent with the General Plan. A traffic impact analysis was prepared for the proposed project. The report requires certain traffic mitigation measures, including striping requirements, that when implemented, will maintain an acceptable traffic circulation. Construction activities will create localized noise impacts around the construction site that will end at project build-out. Construction noise is governed by ordinance, which limits allowable times of equipment operations. The proposed project is consistent with the uses envisioned for the site in the current and previously approved General Plans. Therefore, the proposed project will not conflict with or obstruct any air quality plan, or violate any air quality standard. The proposed project will result in increases in domestic water use due to the laundry needs. However, the project proponent will be required to implement the City's water efficiency ordinance and building regulations. The proposed project will result in increases in domestic water use due to expanded facilities. However, the upgrading of older facilities will improve water efficiency on the site. The project

\(^1\) "Habitat Assessment for Assessor Parcel Number 419-140-057," prepared by BonTerra Consulting, November, 2005.
proponent will be required to implement the City's water efficiency ordinance and building regulations.

(e) The site can be adequately served by all required utilities and public services.

The site will be served by the public and private utilities. The site will be accessed and served from Sun Lakes Boulevard, an existing developed roadway with existing utilities. The project proponent will connect to these utilities.

**Findings:**
Findings can be made to approve the Design Review and are included in the Resolution of Approval.

**Public Notice**
This proposal was advertised in the *Press Enterprise* newspaper April 6, 2007. All property owners within 300 feet of the site were mailed a public hearing notice. To date, no written comments have been received. Any comments received prior to the meeting will be incorporated into the appropriate documents.

**ANALYSIS:**

The proposed design is consistent with the goals and objectives of the General Plan, and also conforms to the development standards of Sun Lakes Village North Specific Plan. Based on these provisions, the following analysis of the project is provided:

**Design Review**

The Planning Commission must determine that the project complies with the following findings:

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

Findings of Fact: The General Plan Land Use Element designation for this site is Specific Plan. This means that the project must be consistent with the Sun Lakes North Village Specific Plan designation, which permits Congregate Care Facilities. This development is consistent with the Congregate Care Facilities, in that the project will establish a Special Care Facility with related improvements.

Finding No. 2: The proposed project is consistent with the Sun Lakes Village North Specific Plan.

Findings of Fact: The Sun Lakes Village North Specific Plan allows Congregate Care facilities; this project is consistent with this designation in that the project will develop such a facility.

The project complies with Specific Plan development standards, including:
- Lot Coverage (22.8% proposed versus 60% maximum allowed by the Plan);
- Setback from Sun Lakes Boulevard (20’ required from Sun Lakes Boulevard versus 530’ proposed);
- Setback from commercially-developed property: (20’ minimum required versus 86’ proposed);
- Building Height: (35’ maximum allowed versus 19’-6” proposed);
- Common Open Space: (250 sq. ft./bed (4,250 sq. ft. total) required versus 14,000 sq. ft./unit proposed); and
- Parking (9 spaces required versus 35 proposed spaces).

In accordance with Section VI of the Sun Lakes Village North Specific Plan, development projects must be consistent with the following requirements:

1. Activities (uses) and their distribution over the land;
2. Density of the use and outdoor spatial character;
3. Building coverage and height;
4. Vehicular and pedestrian circulation;
5. Landscaping and irrigation;
6. Parking;
7. Buffering from conflicting land uses and screening of mechanical equipment; and
8. Building elevations.

The project is: 1) is consistent with the Congregate Care Plan designation; 2) the Mediterranean/Spanish architectural style, 15,200 square foot size and location contribute to the spatial character of the existing care facility; 3) the project, as noted above, complies with coverage and height requirements; 4) the project will take access from Sun Lakes Boulevard, which has been improved in accordance with the General Plan; 5) The landscape will be consistent with the existing facility; 6) the applicant will provide 26 surplus spaces (9 spaces required versus 35 proposed); 7) all mechanical equipment shall be screened from surrounding view; and 8) the Spanish architectural style with earth tone colors, and smooth stucco will be compatible with the existing care facility.

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

Findings of Fact: The project will incorporate a Spanish architectural style that will be compatible with the architecture of the existing building. All lighting shall be shielded and directed downward away from the surrounding properties. Access will be from Sun Lakes Boulevard via the existing Lakes care facility access. No new additional vehicular patterns will be created from this project.
Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Findings of Fact: The project proponent proposes a Spanish architectural styled Congregate Care facility with earth tone colors and smooth stucco accents. The development is similar to the existing congregate facility located to the west. The proponent provides the landscaping along the entire perimeter and along the building for the site. The applicant includes 12 trees on the site and includes walls and landscaping along the east property line and additional landscaping along the building to the east to buffer the residential unit to the east.

RECOMMENDATION:

That the Planning Commission:

1. Notice of Exemption. In accordance with Public Resources Code Section 21152(b) and CEQA Guidelines 15062 the Planning Commission hereby approves a categorical exemption for the project under CEQA Guidelines Section 32110 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. Approve Resolution No. 2007-17, approving Design Review #07-701, based on the findings and conditions of approval (Attachment "1").

Respectfully submitted,

Norm Canchola
Associate Planner

Exhibits:
1. Resolution No. 2007-17, with Conditions of Approval
2. Design Plans for Design Review # 07-701
ALZHEIMER
SPECIAL NEEDS FACILITY

DESIGN REVIEW #07-701

RESOLUTION NO. 2007-17
WITH
CONDITIONS OF APPROVAL

EXHIBIT “1”
RESOLUTION NO. 2007-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING DESIGN REVIEW #07-701 TO DEVELOP A 15,200 SQUARE FOOT SPECIAL CARE FACILITY, COMPRISED OF ONE STORY WITH 17 ROOMS, 32 OCCUPANT BEDS ON 1.43 ACRES, IN THE CONGREGATE CARE DESIGNATION OF THE "SUN LAKES VILLAGE NORTH SPECIFIC PLAN".

WHEREAS, an application for RCCI, LLC has been duly filed by:

Applicant/Owner: RCCI, LLC
Authorized Agent: Mac Stanton
Project Location: The Property is located on the north side of Sun Lakes Boulevard, east of Country Club Drive West, west of Country Club Drive East.
APN Number: 419-140-062
Lot Area: 1.53 Acres

WHEREAS, the Planning Commission is authorized to review and approve, conditionally approve, or deny Design Review #07-701 pursuant to the Sun Lakes Village North Specific Plan Section VI (A), which requires design review for projects within the Congregate Care District (Section C); and

WHEREAS, the applicant is requesting approval of Design Review #07-701 for the site development plans for the development of a 15,200 square foot special care facility on 1.53 acres in compliance with the Sun Lakes Village North Specific Plan Section VI (A); and

WHEREAS, the Community Development Department has evaluated the project’s potential effects on the environment as required under the California Environmental Quality Act ("CEQA") and has recommended that the project is categorically exempt under CEQA Guidelines Section 15332.

WHEREAS, on April 6, 2007 the City gave public notice by mailing notices to property owners within 300 feet of the project and advertising in the Press-Enterprise, a newspaper of general circulation within the City of Banning, of the holding of a public meeting at which the project would be considered; and

WHEREAS, the Planning Commission of the City of Banning has considered oral and written comments, pro and con, as presented by the Planning Department, the applicant, and other interested parties at a public meeting held on April 19, 2007.

NOW, THEREFORE, the Planning Commission of the City of Banning now finds, determines, and resolves as follows:
SECTION 1. Site Design Review Project Findings:

In light of the record before it, including the staff report dated April 19, 2007, and all evidence and testimony heard at the public meeting of this item, the Planning Commission hereby finds as follows:

Sun Lakes Village North Specific Plan Section VI (A), requires that the Design Review satisfy each of the findings under the Banning Municipal Code Section 9114.05. The Planning Commission hereby finds and determines that each of these requirements is satisfied as follows:

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

Findings of Fact: The General Plan Land Use Element designation for this site is Specific Plan. This means that the project must be consistent with the Sun Lakes North Village Specific Plan designation, which permits Congregate Care Facilities. This development is consistent with the Congregate Care Facilities, in that the project will establish a Special Care Facility with related improvements.

Finding No. 2: The proposed project is consistent with the Sun Lakes Village North Specific Plan.

Findings of Fact: The Sun Lakes Village North Specific Plan allows Congregate Care facilities; this project is consistent with this designation in that the project will develop such a facility.

The project complies with Specific Plan development standards, including:

- Lot Coverage (22.8% proposed versus 60% maximum allowed by the Plan);
- Setback from Sun Lakes Boulevard (20’ required from Sun Lakes Boulevard versus 530’ proposed);
- Setback from commercially-developed property: (20’ minimum required versus 86’ proposed);
- Building Height: (35’ maximum allowed versus 19’-6” proposed);
- Common Open Space: (250 sq. ft./bed (4,250 sq. ft. total) required versus 14,000 sq. ft./unit proposed); and
- Parking (9 spaces required versus 35 proposed spaces).

In accordance with Section VI of the Sun Lakes Village North Specific Plan, development projects must be consistent with the following requirements:

1. Activities (uses) and their distribution over the land;
2. Density of the use and outdoor spatial character;
3. Building coverage and height;
4. Vehicular and pedestrian circulation;
5. Landscaping and irrigation;
6. Parking;
7. Buffering from conflicting land uses and screening of mechanical equipment; and
8. Building elevations.

The project is: 1) consistent with the Congregate Care Plan designation; 2) the Mediterranean/Spanish architectural style, 15,200 square foot size and location contribute to the spatial character of the existing care facility; 3) the project, as noted above, complies with coverage and height requirements; 4) the project will take access from Sun Lakes Boulevard, which has been improved in accordance with the General Plan; 5) The landscape will be consistent with the existing facility; 6) the applicant will provide 26 surplus spaces (9 spaces required versus 35 proposed); 7) all mechanical equipment shall be screened from surrounding view; and 8) the Spanish architectural style with earth tone colors, and smooth stucco will be compatible with the existing care facility.

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

Findings of Fact: The project will incorporate a Spanish architectural style that will be compatible with the architecture of the existing building. All lighting shall be shielded and directed downward away from the surrounding properties. Access will be from Sun Lakes Boulevard via the existing Lakes care facility access. No new additional vehicular patterns will be created from this project.

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

Findings of Fact: The project proponent proposes a Spanish architectural styled Congregate Care facility with earth tone colors and smooth stucco accents. The development is similar to the existing congregate facility located to the west. The proponent provides the landscaping along all of the perimeter and along the building for the site. The applicant includes 12 trees on the site and includes walls and landscaping along the east property line and additional landscaping along the building to the east to buffer the residential unit to the east.

SECTION 2. Environmental Review:

The Planning Commission, in light of the whole record before it including but not limited to, the City’s local CEQA Guidelines and Thresholds of Significance, the recommendation of the Planning Director as provided in the Staff Report dated April 19, 2007, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code Section 21080(e) and 21082.2) within the record or provided at the public hearing on this matter, hereby finds and determines as follows:
1. CEQA.

(a) The project is exempt from CEQA under CEQA Guidelines Section 15332 in that the staff report submitted by the Planning Department and other findings made in this Resolution demonstrate that: the Design Review #07-701 is consistent with the Specific Plan General Plan designation and all applicable General Plan policies as well as with applicable Sun Lakes Village North Specific Plan Congregate Care designation; Design Review #07-701 is located within the boundaries of the City of Banning; the area within Design Review #07-701 comprises less than five acres and has no value as habitat for endangered, rare or threatened species; there is no substantial evidence in the record that Design Review #07-701 will result in significant effects related to traffic, noise, air quality, or water quality; and the site is or can be adequately served by all required utilities and public services. As such, the project meets the criteria for application of a Class 32 Categorical Exemption under the CEQA Guidelines.

(b) None of the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15332 from exempting the project for the following reasons:

(i) The project is not a Class 3, 4, 5, 6, or 11 project, and therefore is not subject to the exception pertaining to projects located in particularly sensitive environments.

(ii) 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. Sun Lakes Village Specific Plan regulates the land uses around the subject site. An assistant living facility exists to the east, Residential properties exist to the east; retail development is required to the north and northwest.

(iii) There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment. The Congregate Care Facility will have the same architectural features of the assisted living facility as well as physical improvements.

(iv) The project will not result in damage to scenic resources within a designated state scenic highway because there is no designated state scenic highway in the project area.

(v) 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.

(vi) The project will not cause a substantial adverse change to the significance of a historical resource. The site is vacant, 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.
SECTION 2. Multiple Species Habitat Conservation Plan (MSHCP). The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. Planning Commission Actions

1. Notice of Exemption. 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 15332 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. Approval of Design Review. Approve Design Review #07-701 for the site plan and architecture consisting of the site development plans for the development of a 1-story building consisting of a Congregate Care facility is hereby approved subject to the conditions set forth in Attachment “1” attached hereto and incorporated herein by this reference.

PASSED, APPROVED AND ADOPTED this 19th day of April, 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Burke, Williams & Sorensen, LLP
City Attorney
City of Banning, California
CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2007-17, was duly adopted by the Planning Commission of the City of Banning, California, at a special meeting thereof held on the 19th day of April, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California
CONDITIONS OF APPROVAL

PROJECT #: Design Review #07-701

SUBJECT: Special Care Facility, as an Addition to Lakes Retirement Community

APPLICANT: RCCI, LLC

LOCATION: North Side of Sun Lakes Blvd, between Country Club West and Country Club East

APPLICANT SHALL CONTACT THE PLANNING DIVISION, (951) 922-3125, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

A. General Requirements

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 issuance of these Conditions of Approval do not negate the requirements of the Engineering/Public Works Department or submittal, review, and approval of: Street improvement plans, signing and striping plans, grading plans, storm drain improvement plans, street lighting plans, water, sewer, and electrical improvement plans, or other plans as deemed necessary by the City Engineer.
3. A copy of the signed Resolution of Approval or Community Development Director's letter of approval, and all Standard Conditions, shall be included in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for plan check.

B. Site Development

1. The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping, sign program, and grading on file in the Planning Division, the conditions contained herein, Development Code regulations.

2. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.

3. Occupancy of the facilities shall not commence until such time as all Uniform Building Code and State Fire Marshal regulations have been complied with. Prior to occupancy, plans shall be submitted to the City of Banning Fire Marshal and the Building and Safety Division to show compliance. The buildings shall be inspected for compliance prior to occupancy.

4. Revised site plans and building elevations incorporating all Conditions of Approval shall be submitted for Community Development Director review and approval prior to the issuance of building permits.

5. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, tree removal, encroachment, building, etc.) or prior to final map approval in the case of a custom lot subdivision, or approved use has commenced, whichever comes first.

6. Approval of this request shall not waive compliance with all sections of the Development Code, all other applicable City Ordinances, and applicable Community or Specific Plans in effect at the time of building permit issuance.

7. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director and Police Department (922-3125) prior to the issuance of building permits. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties.

8. All ground-mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Community Development Director.

9. All building numbers and individual units shall be identified in a clear and concise manner, including proper illumination.

10. All building numbers and individual units shall be identified in a clear and concise manner, including proper illumination.
11. The developer shall submit a construction access plan and schedule for the development of all lots for Community Development Director and City Engineer approval; including, but not limited to, public notice requirements, special street posting, phone listing for community concerns, hours of construction activity, dust control measures, and security fencing.

12. Six-foot decorative block walls shall be constructed along the project perimeter. If a double wall condition would result, the developer shall make a good faith effort to work with the adjoining property owners to provide a single wall. Developer shall notify, by mail, all contiguous property owner at least 30 days prior to the removal of any existing walls/fences along the project’s perimeter.

13. Provide for the following design features in each trash enclosure, to the satisfaction of the Community Development Director:
   a. Architecturally integrated into the design of the project.
   b. Separate pedestrian access that does not require the opening of the main doors and to include self-closing pedestrian doors.
   c. Large enough to accommodate two trash bins.
   d. Roll-up doors.
   e. Trash bins with counter-weighted lids.
   f. Architecturally treated overhead shade trellis.
   g. Chain link screen on top to prevent trash from blowing out of the enclosure and designed to be hidden from view.

14. Trash collection shall occur between the hours of 8:00 and 6:00 only.

15. Graffiti shall be removed within 72 hours.

16. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.

17. Detailed plans shall be included in the landscape and irrigation plans to be submitted for Planning Division approval prior to the issuance of building permits.

18. A detailed on-site lighting plan, including a photometric diagram, that illustrates “0” lumens at the property line, shall be reviewed and approved by the Community Development Director and Police Department (922-3125) prior to the issuance of building permits. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties.

19. The lighting fixture design shall compliment the architectural program.
C. Building Design

1. The project shall have the front, side and rear elevations upgraded with architectural treatment, detailing and increased delineation of surface treatment subject to Community Development Director review and approval prior to issuance of building permits.

2. A Design Review shall be exercised by the commencement of construction within 2 years from the date of approval or the Design Review shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, the Design Review shall become null and void. Projects may be built in phases if pre-approved by the review authority. Extension: The Community Development Director may, upon an application being filed 30 days prior to expiration and for good cause, grant one time extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Design Review complies with all current Ordinance provisions.

3. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections, shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Planning Division. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development Director. Details shall be included in building plans.

D. Parking and Vehicular Access (indicate details on building plans)

1. All parking spaces shall be 9 feet wide by 19 feet long. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide.

2. All parking lot landscape islands shall have a minimum outside dimension of 6 feet and shall contain a 12-inch walk adjacent to the parking stall (including curb).

3. Textured pedestrian pathways and textured pavement across circulation aisles shall be provided throughout the development to connect dwellings/units/buildings with open spaces/plazas/ recreational uses.

4. All parking spaces shall be striped per City standards and all driveway aisles, entrances, and exits shall be striped per City standards.

5. Plans for any security gates shall be submitted for the Community Development Director, City Engineer, and City of Banning Fire Marshal review and approval prior to issuance of building permits.

6. Handicap accessible stalls shall be provided for commercial and office facilities. One in every 8 parking stalls (no less than 1) shall be served by an access aisles 96” wide min. placed opposite the driver’s side and shall be designated Van-Accessible.

7. Carpool and vanpool designated off-street parking close to the building shall be provided for commercial, office, and industrial facilities at the rate of 10 percent of the total parking area. If covered, the vertical clearance shall be no less than 9 feet.
E. Landscaping

1. A detailed landscape and irrigation plan, including slope planting, shall be prepared by a licensed landscape architect and submitted for Community Development Director review and approval prior to the issuance of building permits.

2. A minimum of 20% of trees planted within industrial projects, and a minimum of 30% within commercial and office projects, shall be specimen size trees - 24-inch box or larger.

3. Within parking lots, trees shall be planted at a rate of one 15-gallon tree for every three parking stalls, sufficient to shade 50% of the parking area at solar noon on August 21.

4. Trees shall be planted in areas of public view adjacent to and along structures at a rate of one tree per 30 linear feet of building.

5. All private slopes of 5 feet or more in vertical height and of 5:1 or greater slope, but less than 2:1 slope, shall be, at minimum, irrigated and landscaped with appropriate ground cover for erosion control. Slope planting required by this section shall include a permanent irrigation system to be installed by the developer prior to occupancy.

6. All private slopes in excess of 5 feet, but less than 8 feet in vertical height and of 2:1 or greater slope shall be landscaped and irrigated for erosion control and to soften their appearance as follows: one 15-gallon or larger size tree per each 150 sq. ft. of slope area, 1-gallon or larger size shrub per each 100 sq. ft. of slope area, and appropriate ground cover. In addition, slope banks in excess of 8 feet in vertical height and 2:1 or greater slope shall also include one 5-gallon or larger size tree per each 250 sq. ft. of slope area. Trees and shrubs shall be planted in staggered clusters to soften and vary slope plane. Slope planting required by this section shall include a permanent irrigation system to be installed by the developer prior to occupancy.

7. For the project property owners are responsible for the continual maintenance of all landscaped areas on-site, as well as contiguous planted areas within the public right-of-way. All landscaped areas shall be kept free from weeds and debris and maintained in healthy and thriving condition, and shall receive regular pruning, fertilizing, mowing, and trimming. Any damaged, dead, diseased, or decaying plant material shall be replaced within 30 days from the date of damage.

8. The final design of the perimeter parkways, walls, landscaping, and sidewalks shall be included in the required landscape plans and shall be subject to Community Development Director review and approval and coordinated for consistency with any parkway landscaping plan which may be required by the Engineering Division.

9. All walls shall be provided with decorative treatment. If located in public maintenance areas, the design shall be coordinated with the Engineering Division.

10. Tree maintenance criteria shall be developed and submitted for Community Development Director review and approval prior to issuance of building permits. These criteria shall encourage the natural growth characteristics of the selected tree species.

11. Landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape.
F. Environmental

1. A final acoustical report shall be submitted for Community Development Director review and approval prior to the issuance of building permits. The final report shall discuss the level of interior noise attenuation to below 45 CNEL, the building materials and construction techniques provided, and if appropriate, verify the adequacy of the mitigation measures. The building plans will be checked for conformance with the mitigation measures contained in the final report.

2. Within 30 days prior to the initiation of any ground disturbing activity on the project site, a protocol-compliant survey for burrowing owl shall be conducted by a qualified biologist. Should the species be identified on the site, the biologist shall prepare and implement mitigation measures consistent with the requirements of the California Department of Fish and Game's requirements for the species at that time. The mitigation shall be approved by CDFG and fully implemented prior to initiation of ground disturbing activity at the site. Reports of the surveys shall be submitted to the Planning Department for review and approval prior to the issuance of permits.

The property shall be assessed by the MSHCP as a potential for containing Burrowing Owl and Narrow Endemic Plan Species.

G. Other Agencies

1. The applicant shall contact the U.S. Postal Service to determine the appropriate type and location of mail boxes. Multi-family residential developments shall provide a solid overhead structure for mail boxes with adequate lighting. The final location of the mail boxes and the design of the overhead structure shall be subject to Community Development Director review and approval prior to the issuance of building permits.

APPLICANT SHALL CONTACT THE BUILDING AND SAFETY DIVISION, (951) 922-3120, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

H. General Requirements

1. Submit four complete sets of plans including the following:
   a. Site/Plot Plan;
   b. Foundation Plan;
   c. Floor Plan;
   d. Ceiling and Roof Framing Plan;
   e. Electrical Plans (2 sets, detached) including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
   f. Plumbing and Sewer Plans, including isometrics, underground diagrams, water and waste diagram, sewer or septic system location, fixture units, gas piping, and heating and air conditioning; and
2. Submit two sets of structural calculations, energy conservation calculations, and a soils report. Architect's/Engineer's stamp and "wet" signature are required prior to plan check submittal.

3. Separate permits are required for fencing and/or walls.

4. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.

5. Business shall not open for operation prior to posting the Certificate of Occupancy issued by the Building and Safety Division.

1. Site Development

1. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number (i.e., CUP 98-01). The applicant shall comply with the latest adopted Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electric Code, Title 24 Accessibility requirements, and all other applicable codes, ordinances, and regulations in effect at the time of permit application. Please contact the Building and Safety Division for availability of the Code Adoption Ordinance and applicable handouts.

2. Prior to issuance of building permits for a new commercial or industrial development or addition to an existing development, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to: Transportation Development Fee, Drainage Fee, School Fees, Permit and Plan Checking Fees. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division prior to permit issuance.

3. Street addresses shall be provided by the Building Official, after tract/parcel map recordation and prior to issuance of building permits.

4. For projects using septic tank facilities, written certification of acceptability, including all supportive information, shall be obtained from the Riverside County Department of Environmental Health and submitted to the Building Official prior to the issuance of Septic Tank Permits, and prior to issuance of building permits.

5. Construction activity shall not occur between the hours of 8:00 p.m. and 6:30 a.m. Monday through Saturday, with no construction on Sunday or holidays.

6. Construct trash enclosure(s) per City Standard (available at the Planning Division's public counter).

7. Submit pool plans to the County of Riverside's Environmental Health Services Department for approval.
8. The following is required for side yard use for increase in allowable area:
   a. Provide a reduced site plan (8 ½" x 11") which indicates the non-buildable easement.
   b. Recorded "Covenant and Agreement for the Maintenance of a Non-Buildable Easement," which is signed by the appropriate property owner(s).
   c. Sample document is available from the Building and Safety Division.

J. New Structures

1. Provide compliance with the Uniform Building Code for the property line clearances considering use, area, and fire-resistiveness.

2. Provide compliance with the Uniform Building Code for required occupancy separation(s).

3. Roofing material shall be installed per the manufacturer's "high wind" instructions.

4. Plans for food preparation areas shall be approved by County of Riverside Environmental Health Services prior to issuance of building permits.

5. Provide draft stops in attic areas, not to exceed 3,000 square feet, in accordance with UBC Table 5-A.

6. Provide draft stops in attics in line with common walls.

7. Roofing materials shall be Class "A."

8. Exterior walls shall be constructed of the required fire rating in accordance with UBC Table 5-A

9. Openings in exterior walls shall be protected in accordance with UBC Table 5-A.

10. If the area of habitable space above the first floor exceeds 3,000 square feet, then the construction type shall be V-1 Hour.

11. Walls and floors separating dwelling units in the same building shall be not less than 1-hour fire-resistive construction.

12. Provide smoke and heat venting in accordance with UBC Section 906.

13. Provide method of airborne and impact sound transmission control between dwelling units.

14. Upon tenant improvement plan check submittal, additional requirements may be needed.

K. Grading

1. Grading of the subject property shall be in accordance with the Uniform Building Code, City Grading Standards, and accepted grading practices. The final grading plan shall be in substantial conformance with the approved grading plan.

2. A soils report shall be prepared by a qualified engineer licensed by the State of California to perform such work.
3. A geological report shall be prepared by a qualified engineer or geologist and submitted at the
time of application for grading plan check.

4. The final grading plans shall be completed and approved prior to issuance of building
permits.

5. As a custom-lot subdivision, the following requirements shall be met:
   
a. Surety shall be posted and an agreement executed guaranteeing completion of all on-
site drainage facilities necessary for dewatering all parcels to the satisfaction of the
Building and Safety Division prior to final map approval and prior to the issuance of
grading permits.
   
b. Appropriate easements for safe disposal of drainage water that are conducted onto or
over adjacent parcels, are to be delineated and recorded to the satisfaction of the
Building and Safety Division prior to issuance of grading and building permits.
   
c. On-site drainage improvements, necessary for dewatering and protecting the
subdivided properties, are to be installed prior to issuance of building permits for
construction upon any parcel that may be subject to drainage flows entering, leaving,
or within a parcel relative to which a building permit is requested.
   
d. Final grading plans for each parcel are to be submitted to the Building and Safety
Division for approval prior to issuance of building and grading permits. (This may be
on an incremental or composite basis).
   
e. All slope banks in excess of 5 feet in vertical height shall be seeded with native
grasses or planted with ground cover for erosion control upon completion of grading
or some other alternative method of erosion control shall be completed to the
satisfaction of the Building Official. In addition a permanent irrigation system shall
be provided.

6. A separate grading plan check submittal is required for all new construction projects and for
existing buildings where improvements being proposed will generate 50 cubic yards or more
of combined cut and fill. The Grading Plan shall be prepared, stamped, and signed by a
California Registered Civil Engineer.

APPLICANT SHALL CONTACT THE ENGINEERING DIVISION, (951) 922-3130, FOR
COMPLIANCE WITH THE FOLLOWING CONDITIONS:

L. General Requirements

1. A Public Works Permit shall be required prior to commencement of any work within the
public right-of-way. The contractor working within the public right-of-way shall submit
proof of a Class “A” State Contractor’s License, City of Banning Business License, and
Liability Insurance. Any existing public improvements, or public improvements not
accepted by the City that are damaged during construction shall be removed and replaced
as determined by the City Engineer or his/her representative.
2. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:

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

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

3. The following improvement plans shall be prepared by a civil engineer or architect licensed by the State of California as allowed and submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized by the City Engineer in writing, the plans shall utilize the minimum scale specified and shall be drawn on 24” x 36” Mylar. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors).

A. On-Site Grading Plan 1” = 40’ Horizontal
   (all conditions of approval shall be reproduced on last sheet of set)

B. SWPPP 1” = 40’ Horizontal
   (Note: A & B shall be processed concurrently

Other engineered improvement plans prepared for City approval that are not listed herein shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

All off-site plan and profile street improvement plans and signing & striping plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or at a distance sufficient to show any required design transitions.
All on-site signing and striping plans shall show the following at a minimum: stop signs, limit lines and legends, no parking signs, raised pavement markers (including blue raised pavement markers at fire hydrants) and street name signs per Public Works standard plans and/or as approved by the City Engineer.

A small index map shall be included on the title sheet of each set of plans, showing the overall view of the entire work area.

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

5. All utility systems including gas, electric, telephone, water, sewer, and cable TV shall be provided for underground, with easements provided as required, and designed and constructed in accordance with City Codes and the utility provider. Telephone, cable TV, and/or security systems shall be pre-wired in the residence.

M. Rights of Way

6. Prior to issuance of any permit(s), the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.

7. Prior to issuance of any permit(s), the applicant shall acquire or provide evidence of access rights necessary for approved access from the project to the public right-of-way (Sun Lakes Boulevard). Access rights may include reciprocal access and parking agreements, grant of easements, and easements for temporary construction purposes including the reconstruction of essential improvements.

8. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division for review and approval of the City Engineer prior to final map approval.
9. Prior to the issuance of any certificates of occupancy, the applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the City of Banning or the Riverside County Flood Control and Water Conservation District unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFC. Prior to granting any of said easements, the subdivider shall furnish a copy of the proposed easement to the City Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the City Engineer prior to the issuance of any certificate of use and/or occupancy.

N. Public Improvements

10. All street improvement design shall provide pavement transitions per Caltrans standards for transition to existing street sections.

11. All required public improvements for the project shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy.

O. Grading and Drainage

12. Submit a Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFC), RCFC Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way; when this criteria is exceeded, additional drainage facilities shall be designed and constructed.

13. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.

14. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or diverted storm flows. The project shall accept and convey storm flows from the adjacent property to the north and west.
15. The applicant shall comply with Chapter 34 “Stormwater Management and Discharge Controls” of the Banning Municipal Code (BMC); California Building Code Appendix Chapter 33 “Excavation and Grading”; and the State Water Resources Control Board’s Order No. 99-08-DWQ.

1. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the applicant shall be required to submit a Storm Water Pollution Protection Plan (SWPPP) and file a Notice of Intent (NOI) with the Regional Water Quality Control Board.

2. The applicant’s SWPPP shall be reviewed and approved by the City Engineer prior to any on-site or off-site grading being done in relation to this project.

3. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through, and including acceptance of all improvements by the City.

4. The applicant’s SWPPP shall include provisions for all of the following Best Management Practices (“BMPs”):
   a. Temporary Soil Stabilization (erosion control).
   b. Temporary Sediment Control.
   c. Wind Erosion Control.
   d. Tracking Control.
   e. Non-Storm Water Management.
   f. Waste Management and Materials Pollution Control.
   e. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.
   f. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

16. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California.

17. A precise grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any grading activity. Grading plans shall include perimeter walls with top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions.
18. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil.

P. Landscaping

19. The developer shall prepare a water conservation plan to reduce water consumption in the landscape environment using xeriscape principles. "Xeriscape" shall mean a combination of landscape features and techniques that in the aggregate reduce the demand for and consumption of water, including appropriate low water using plants, non-living ground-cover, a low percentage of turf coverage, permeable paving and water conserving irrigation techniques and systems. A low water-using drought tolerant plant includes species suited to our climate, requiring less water in order to grow well.

20. A property owners' association shall be established and the applicable Conditions, Covenants & Restrictions (CC & R's), shall be prepared for review and approval of the City Engineer providing for maintenance of the parkway and median island landscaping. The developer shall appoint the members of the Board of Directors of the Homeowners' Association, or take such other steps as may be reasonably necessary to assure that members have been appointed or elected to such Board of Directors, until under the terms of the applicable CC & R's individual lot owners have the power to elect the members of the Board of Directors in accordance with the CC & R's.

21. Landscape improvements shall be certified by a licensed landscape architect or licensed landscape contractor as having been installed in accordance with the approved detailed plans and specifications. The applicant shall furnish said certification, including an irrigation management report, for each landscape irrigation system and any other required implementation report determined applicable, to the City Engineer for review and approval.

Q. Traffic

22. Street name signs and traffic control devices including traffic legends and traffic striping shall be installed, or relocated in accordance with Caltrans Standards and as shown on the approved plans, and/or as directed by the City Engineer.

23. Prior to the issuance of any certificate of occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the property owner until the street is accepted for maintenance.
24. Prior to the issuance of a precise grading permit or building permit, the applicant shall submit and obtain approval of the Fire Marshall for the plans for all public or private access drives, streets, and courts. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end access exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable CC&Rs or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Marshall is granted.

R. Trash/Recycling

25. The developer shall participate in the City’s recycling program by providing two trash receptacles, one for regular trash and one for recycling, within the trash enclosure. The trash enclosure shall be designed and constructed in such a manner to accommodate a recycling bin as well as the necessary solid waste containers.

26. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City’s franchised solid waste hauler for disposal of construction debris.

S. Fees

27. Plan check fees for professional report review (geotechnical, drainage, etc.), and all improvement plans review, shall be paid prior to submittal of said documents for review and approval in accordance with the fee schedule in effect at the time of submittal.

28. Public Works Inspection fees shall be paid prior to issuance of any permits in accordance with the fee schedule in effect at time of time of scheduling.

29. Water and sewer connection fees including frontage fees and water meter installation charges shall be paid on a per lot basis at the time of building permit issuance in accordance with the fee schedule in effect at that time.

30. A plan storage fee shall be paid for any engineering plans that may be required prior to issuance of certificate of occupancy in accordance with the fee schedule in effect at the time the fee is paid.

a. A Traffic Control mitigation fee shall be paid on a per lot basis prior to issuance of building permits for each lot.

b. A bridge and thoroughfare fee shall be paid prior to issuance of any permits.

c. A fee shall be paid to Riverside County Flood Control and Water Conservation District in the amount specified by them to perform plan checking for drainage purposes if necessary for the proposed project.
APPLICANT SHALL CONTACT THE FIRE MARSHAL AT, (951) 922-3210, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

1. Fire Department mitigation fees for the new building will be calculated at the rate of $73.00/bed plus a $25.00 disaster planning fee.

2. The new facility will be required to have an automatic fire sprinkler and alarm system. Systems must be designed to meet the current California Building Code requirements, the current National Fire Protection Association (NFPA) standards for that type of occupancy and must be approved by the fire department prior to any work being done on the system.

3. Fire hydrants will be required along the access road around the building spaced at no more than 300 feet apart. The hydrants will be installed to meet City Public Works Standards. The underground line must be sized to meet the required fire flow for the building. Fire flow is based on the square footage and type of construction of the building. A 50% reduction in the fire flow requirement may be approved by the Fire Marshal. The underground system must be a “loop” system and may be attached to the existing underground fire hydrant system as long as the developer can prove that the system can carry the required fire flow for both the new and existing building.

4. The access roads must be at least 20 feet wide. If parking is going to be allowed along the curbs or if loading zones will be designated along the curbs, then the road width will need to be increased based on the proposed use. If no parking will be allowed, then all curb faces along both sides of the roads must be painted red and marked “NO PARKING FIRE LANE” as required by the California Vehicle Code.

5. Exiting systems must comply with current California Building Code requirements. Patients must be able to exit the building to a safe area that is at least 50 feet from the building and large enough to accommodate everyone in the building.

More specific requirements may be presented when detailed plans are submitted.

APPLICANT SHALL CONTACT THE WATER & WASTEWATER UTILITY COMPLIANCE WITHIN THE FOLLOWING CONDITIONS:

WATER

Submit Water Improvement Plans to the Water Division for review and approval. This facility will connect to the existing on-site water system, which may require an increase in the existing water meter size.

Fire hydrants shall be installed within and on the project boundaries as per the approval plans, at a 300’ maximum spacing.
APPLICANT SHALL CONTACT ELECTRICAL OPERATIONS DEPARTMENT IN COMPLIANCE WITH THE FOLLOWING CONDITION:

Provide electrical plans and load calculation for review.

1. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. These plans are required in electronic format. We currently use AutoCad2000.
2. Paying required fees - electrical permit, plan check fee, inspection fees, in aid of construction fee, etc. Current fee schedule available from the City Department of Building and Safety.
3. Granting easement for electric facilities installation/maintenance, etc.
4. All trenching, backfill, and compaction.
5. All conduits, vaults, and other materials associated with their installation (except cables and their terminations).
6. Installation of Streetlight poles and conduit.

The City Electric Department shall be responsible for:
1. Reviewing plans submitted by customer.
2. Providing a cost estimate for City installed power lines.
3. Inspecting all trenches prior to backfilling. 24 hour prior notice is required before inspection.
4. Installing conductors and terminations for primary and secondary voltages (at customer’s expense).
5. Installation of street light heads and conductors.
A backflow device must be installed on commercial developments and for each irrigation water connection; and in compliance with the State of California Department of Health Regulations. Contact the City of Banning, Water Operations Division, prior to the installation.

SEWER

Submit Sewer Improvement Plans to the Sewer Division for review and approval. This facility will connect to the existing on-site sewer system.

FEES

Water Connection Fees shall be paid if existing meter size is increased per EDU (EDU is based upon meter size), Sewer Connection Fees shall be paid per EDU (EDU for this type of commercial use will be based upon the estimated quality and quantity of discharge into the sewerage system), and Water Meter Installation charges shall all be paid at the time of issuance of building permits, for this project in accordance with the fee schedule in effect at the time the fees are paid. Also, pay all water and sewer frontage fees, if applicable, and in accordance with the fee schedule in effect at the time the fees are submitted, prior to plan checking proceedings.