I. CALL TO ORDER: Chairman Siva

➢ Pledge of Allegiance: Commissioner Shaw

➢ Roll Call: Chairman Siva, Commissioner Barsh, Commissioner Ellis and Commissioner Shaw

II. PUBLIC COMMENTS:

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

III. CONSENT CALENDAR ITEMS:

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

1. Minutes of March 5, 2014 meeting.......................................................Page 1
IV. PUBLIC HEARING

1. CONDITIONAL USE PERMIT (CUP) #13-8007
   VERIZON WIRELESS TELECOMMUNICATIONS ANTENNA
   4978 W. RAMSEY STREET (APN 419-072-010)

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

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

Recommendations:

That the Planning Commission adopt Resolution No. 2014-06:

1. Adopt a Class 32 Categorical Exemption in compliance with CEQA
   Guidelines Section 15332 (In-Fill Development Projects); and

2. Adopt PC Resolution No. 2014-06 (Attachment 1) approving Conditional Use
   Permit #13-8007 subject to conditions of approval.

2. CONDITIONAL USE PERMIT (CUP) #13-8008
   CO-LOCATE A VERIZON WIRELESS TELECOMMUNICATIONS FACILITY
   AT AN EXISTING SPRINT PCS FACILITY
   60 S. ALOLA STREET (APN 541-192-004)

   Staff Report........................................................................................................Page 78

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

That the Planning Commission adopt Resolution No. 2014-07:

1. Adopt a Class I Categorical Exemption in compliance with CEQA Guidelines Section 15301 (Existing Facilities); and

2. Adopt PC Resolution No. 2014-07 (Attachment 1) approving Conditional Use Permit #13-8008 subject to conditions of approval.

V. PLANNING COMMISSIONER COMMENTS

VI. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS

VII. ADJOURNMENT

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of June 4, 2014 starting at 6:30 p.m. in the City Council Chambers.

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

PLANNING COMMISSION MINUTES

March 5, 2014

A regular meeting of the City of Banning Planning Commission was held on Wednesday, March 5, 2014 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present:  Chairman Siva
                          Commissioner Ellis
                          Commissioner Shaw

Commissioners Absent:   Chairman Barsh (Excused)

Staff Present:           Community Development Director Abu Bakar
                          Director of Public Works Burk
                          Assistant City Attorney Laymon
                          Recording Secretary Stuart

I. CALL TO ORDER

II. PUBLIC COMMENTS:

None.

III. CONSENT CALENDAR

1. Minutes of January 2, 2014

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

   (Motion carried 2-0)(Siva Abstained)

IV. PUBLIC HEARING

1. CONDITIONAL USE PERMIT (CUP) #13-8005 / DESIGN REVIEW (DR) #13-7003 PROPOSED 24 UNIT AIRPORT INDUSTRIAL LIVE/WORK LOFTS
   APN 541-290-013

Planning Commission Meeting Minutes
March 5, 2014
Director Zai Abu Bakar presented the staff report recommending that the Planning Commission adopt Resolution No. 2014-04 adopting a Mitigated Negative Declaration in compliance with California Environmental Quality Act (CEQA) Guidelines along with a Mitigation Monitoring and Reporting Program; and approving Conditional Use Permit #13-8005, and Design Review #13-7003. The Director reviewed the project and PowerPoint, attached hereto by reference, identifying the proposed project location; landscaping, site and floor plans for the 64,327 square feet mixed use commercial/residential units; building placement; parking lot and access points to meet the requirements of the Fire Department. The Director stated that the condominium project includes work areas and lofts for living on the top/second floor and provided typical unit sizes. Development standards for the Airport Industrial zone were reviewed and the legal non-conforming lot size was identified and discussed. Staff’s perspective was that the project complies with the City’s design guidelines. The environmental document was included and detailed in the staff report and made available for public review from February 1, 2014 to March 2, 2014. The Director stated that the applicant would provide a presentation once the public hearing was opened and concluded her presentation.

Chairman Siva opened the floor for discussion with the Commissioners and Commissioner Ellis inquired whether or not the application was complete. Director Zai Abu Bakar confirmed the application was complete. Chairman Siva opened the public hearing.

Mark Quental, the project applicant, addressed the Commissioners and provided background on the property, previously considered projects and the current project. Mr. Quental stated that they felt that the project was now more viable and feasible with the addition of adding the residential component making it a mixed use project. In addition to reviewing the proposed project, Mr. Quental also discussed the types of business that the zoning and project would permit and similar projects as shown in the attached PowerPoint. The primary focus of this project is the work component with the living usage being secondary. He stated this type of project attracts more occupants, more owners, and more people utilizing and spending in the local economy. This type of project also keeps occupants on the property 24 hours a day unlike other industrial complexes where after 5:00 p.m. or on the weekends they are largely abandoned. Additionally, he stated that this use will be compatible with the airport.

Mr. Quental stated that they have generated a lot of interest but have not done any pre-marketing or pre-leasing of the units. If the project is approved tonight their intentions are to enlist the services of a leasing agent and they will begin generating a comprehensive marketing plan. Their intentions are to lease the condos over selling them. Concurrently, they will compile an interest list and finish preparing the homeowner’s association and Covenants, Conditions, and Restrictions (CC&R) for review by the Public Works Director, staff and council. Preliminary CC&Rs have already been submitted. The civil engineering plans will be completed and they have already started grading plans. HOA documents will be submitted for review by Public Works and the City Attorney. A complete set of building plans will be submitted within sixty to ninety days and their desire is to obtain grading permits within six to nine month and begin grading. The intent is to construct this project at one time with no phasing. Approval has been obtained from the Riverside County Airport Land Use Commission (ALUC) with the lofts being limited to two persons. The types of occupancies will vary per unit and each unit will be required to pull their necessary permits and will be required to comply with the Banning Planning Commission Meeting Minutes
March 5, 2014
Business Code and Uniform Building Code. Occupancy will be limited, as well as, the hours of operation and disclosures will be stated upfront. Security cameras will be on the exterior walls of the development and in operation 24 hours per day and the development will contain fire sprinklers, alarms and safety measures. He then stated he is available for any questions from the Commissioners.

Chairman Siva asked if there were any other public comments. Seeing none the meeting was moved to Planning Commissioner discussion or questions.

Commissioner questions and discussion were related to project financing; selling price; general fund revenues; number of and type of occupants per unit; on-site childcare facilities; the ability to list the number of occupants based on health and safety codes; the inability to discriminate against persons based on age, sex, marital status and so forth due to civil rights laws; fair housing laws and federal laws that prohibit these types of restrictions; safety for children; on-site management; the construction of the project in phases; provision enabling an allowance for a three year extension; noise and hours of operation; electrical capacity; curbs, gutters and sidewalks; projected number of jobs; review and the approval process of CC&Rs.

Following the discussion Chairman Siva entertained a motion.

Director Zai Abu Bakar addressed the Commission and stated that based on the discussion she recommended striking out a portion of condition number three on super page 37 related to building the project in phases and suggested altering the allowance of time extension. Chairman Siva stated he did not have a problem with it either way. Commissioner Ellis stated that as long as there were not any changes then he thinks it is okay but that if any dramatic changes were made then he would like to see it. Commissioner Ellis stated again his great concern for the safety of children.

The attorney Lona Laymon stated that as far as she knew, the only means to restrict the type of occupants was to create this as a senior housing project. Commissioner Ellis stated that was a valid way of doing it. He stated again that he had great concern for having children in an industrial park. Number one he did not feel that it is advantageous to raise a child in an industrial park and he thought that unfortunately there could be a lot of hazards that would be associated with industrial parks due to the nature of the types of businesses and such. He apologized and stated that he liked the project but had concerns.

The attorney Lona Laymon mentioned that before the Commission moved to the vote, unlike the prior action, which did not include a resolution, this actually does include a resolution and under the rules of procedures, Section 11.3 (A) the action would require an affirmative vote of all three Commissioners in order to pass the resolution. Chairman Siva stated that given the concerns of Commissioner Ellis with regard to children, that he guesses one of the issues that he just became aware of is the fact that a lot of the responsibility is going to fall on the people that are actually going to lease or buy in this complex. He liked the fact that there is going to be an on-site manager and he really liked the project. Chairman Siva asked for a motion.
ACTION (SHAW/ ELLIS): A motion was moved, seconded and did not carry as determined by the Assistant City Attorney Lona Laymon due to a lack of a majority vote of the Planning Commission in its entirety:

1. ADOPT RESOLUTION NO. 2014-04 ADOPTING A MITIGATED NEGATIVE DECLARATION IN COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES ALONG WITH A MITIGATION MONITORING A REPORTING PROGRAM; AND APPROVING CONDITIONAL USE PERMIT #13-8005, AND DESIGN REVIEW #13-7003 SUBJECT TO THE REVISION TO CONDITION NUMBER THREE

(Motion Did Not Carry 2 – 1)(Ellis voted no)

V. PUBLIC HEARING

1. GENERAL PLAN ANNUAL PROGRESS REPORT (CALENDAR YEAR 2013)

The Community Development Director Zai Abu Bakar addressed Chairman Siva and the Commission and presented the General Plan Annual Progress Report for Calendar Year 2013 stating that it is required by Government Code Section 65400. The City is required to report to the State the status of programs that are implemented in Calendar Year 2013. For all of the 299 programs that are listed in the General Plan, 264 have been implemented or ongoing action is in progress. State law requires the implementation of 7 elements and the City has implemented a total of 21. The Director stated that the City is limited to four general plan amendments per year therefore the City should be mindful of this limitation. Amendments that were processed in 2013 included the Land Use, Economic and Circulation elements, as well as, the Housing Element for 2008-2014. The last amendment the Commission may also recall is the General Plan amendment and zone change for the 9.28 acre property located at the northeast corner of Hargrave and Charles.

As part of the implementation of the General Plan, last year there were three policy issues that arose. First, was the site selection related to the 2008-2014 Housing Element and 2013-2021 Housing Element that were necessary to comply with the Regional Housing Needs Assessment. Recommendation was made that for the next Housing Element, which is due in 2021, that the City start working on the item in advance in order to avoid issues that arose this past year. Recommendation was also made to monitor the Regional Housing Needs Assessment and Southern California Association of Governments (SCAG) who assigns the numbers to each of the jurisdictions in Southern California.

The second policy issue that arose related to land use compatibility surrounding the airport and inconsistencies in the Airport Land Use Compatibility Plan and General Plan. Recommendation was made that the Planning Commission recommend to the City Council to streamline the development review process amending Zone D within the Airport Land Use Plan.
The third issue that arose during last year’s implementation was land use and zoning for the area bounded by Hargrave, Barbour, Juarez and Westward. Residents brought forth concerns that the industrial zoning was incompatible with existing residential housing use. If the Commission believes this area should be rezoned than recommendation needs to be made for the City Council to review this item.

Chairman Siva opened the floor for Commissioner comments and questions. Commissioner Ellis and Chairman Siva expressed their interest in recommending that the City Council address the land use and zoning concerns bounded by Hargrave, Barbour, Juarez and Westward. Chairman Siva questioned if there were other existing similar situations and the Director responded.

Chairman Siva opened the meeting for public comments.

Heidi Meraz, 1116 E. Barbour: Expressed her interest and support of the rezoning the properties bounded by Hargrave, Barbour, Juarez and Westward from industrial back to residential.

Seeing that there we no further public comments Chairman Siva closed the public comment portion of the meeting. Chairman Siva then opened the meeting for discussion between the Commissioners. Commissioner Ellis stated that he would like to see this expedited as soon as possible.

With no further discussion Chairman Siva entertained a motion.

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

1. **ADOPT RESOLUTION NO. 2014-03 RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF GENERAL PLAN ANNUAL PROGRESS REPORT AND DIRECT STAFF TO FILE IT WITH THE STATE OFFICE OF PLANNING AND RESEARCH AND STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

(Motion Carried 3– 0)

2. **SIX-MONTH REPORT OF COTTAGE FOOD BUSINESSES**

Director Zai Abu Bakar updated the Commission on the cottage food ordinance that was adopted by City Council on July 9, 2013 and stated that at this point, there were not any related applications filed in the six-month period following its adoption.

Chairman Siva opened the floor for Commission discussion and there was none. Chairman opened the floor for public comments and there was none.
ACTION (SHAW / ELLIS): A motion was moved, seconded and carried that the Planning Commission take the following action:

1. RECEIVE AND FILE THE REPORT

   (Motion Carried 3–0)

3. ROTATION OF CHAIR AND VICE-CHAIRPERSON FOR THE PLANNING COMMISSION

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

1. CONTINUE ITEM UNTIL NEXT MEETING

   (Motion Carried 3–0)

VI. PLANNING COMMISSIONER COMMENTS

No Comments.

VII. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Director Abu Bakar stated that each Commissioner received a binder this evening which is basically the zoning ordinance for the City. Staff wants them to have a copy because development standards are often referenced. When updates or amendments are received, staff will provide the Commissioners with a copy to be inserted in the binder. Upon resignation or end of term this binder needs to be returned to the department.

VIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Holly Stuart
Recording Secretary

THE ACTION MINUTES SUMMARIZE ACTIONS TAKEN BY THE PLANNING COMMISSION. A COPY OF THE MEETING IN ITS ENTIRETY IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN WRITING TO THE CITY CLERK'S OFFICE.
CONDITIONAL USE PERMIT (CUP) #13-8005/DESIGN REVIEW (DR) #13-7003; PROPOSED 24 UNIT AIRPORT INDUSTRIAL LIVE/WORK LOFTS WITHIN THE AIRPORT INDUSTRIAL ZONE
Propose construction of a 64,327 sf of mixed use residential/commercial development on a 3.7 acre parcel.
## UNIT SIZES

### TYPICAL UNIT BREAKDOWN

<table>
<thead>
<tr>
<th>UNIT FIRST FLOOR AREA GROSS</th>
<th>2,130 SQUARE FEET</th>
</tr>
</thead>
<tbody>
<tr>
<td>UNIT 1&lt;sup&gt;ST&lt;/sup&gt; FLOOR OFFICE</td>
<td>540 SQUARE FEET</td>
</tr>
<tr>
<td>UNIT 1&lt;sup&gt;ST&lt;/sup&gt; FLOOR PARKING</td>
<td>360 SQUARE FEET</td>
</tr>
<tr>
<td>UNIT 1&lt;sup&gt;ST&lt;/sup&gt; FLOOR SHOP</td>
<td>1,230 SQUARE FEET</td>
</tr>
</tbody>
</table>

### UNIT 2<sup>ND</sup> FLOOR AREA GROSS | 546 SQUARE FEET |

### UNIT TOTAL FLOOR AREA GROSS | 2,675 SQUARE FEET |

### TYPICAL DECK AREA GROSS | 85 SQUARE FEET |
## Compliance with Airport Industrial Development Standards

<table>
<thead>
<tr>
<th>Development Standards</th>
<th>Required</th>
<th>Provided</th>
<th>Complies With Code</th>
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</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>5 Acre</td>
<td>3.7 acres</td>
<td>legal non-conforming</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>150 Feet</td>
<td>242 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>150 feet</td>
<td>609 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td>10 feet</td>
<td>95 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>0 feet</td>
<td>68 feet</td>
<td>Yes</td>
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<tr>
<td>Minimum Side Yard Setback</td>
<td>0 feet</td>
<td>57 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>75%</td>
<td>40%</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Height (stories/feet)</td>
<td>2/50 feet</td>
<td>2 story/28’-6” feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Fence / Wall Height</td>
<td>8 feet</td>
<td>8 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Parking Spaces</td>
<td>107</td>
<td>125</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Watermark Development, Inc.
Mark Quental

Banning Airport Industrial Work/Live Lofts
Owners of subject property for 12 years
Have had other proposals to the City of Banning to develop the property
  - RV Storage [declined by city due to moratoriums on this type of development]
  - Industrial office/warehouse building both single building and multiple building design
Economic factors/recession led to postponement of our project and several others in the immediate area, no market for the industrial building types of property
Mixed Use incorporating a residential component is what is driving the market and making this project feasible
Our project is a Mixed Use Development incorporating a mix of office, industrial warehouse/storage and caretaker/owner occupied loft living space in 22 of the 24 units.

A new concept makes this a unique development, one of a kind. While other live/work developments exist in most cities throughout Southern California, ours is unique due to the emphasis on the industrial work aspect of the use with residential being secondary.

Live/Work developments are no longer a “fringe” business, but are now a growing part of the economy, driving development in many cities and are very desirable.

Enhancement of local “daytime economy” through owners utilizing/spending in the local economy including the airport facilities. Occupants on site 24 hours for potential evening airport users [pilots/visitors to airport] and supporting local businesses around the clock.

Good airport neighbor. Mixed Use allows for a variety of uses that would otherwise be restricted under narrow guidelines for development around airports. Mixed Use development benefits a wider range of demographics for businesses.

Beneficial to distribution and transportation hubs in the Inland Empire/Coachella Valley.
Sample Types of Businesses Allowed by Zone

These uses are samples of what types of businesses would be allowed under current County, City Zone and UBC guidelines, subject to the conditions set forth through a comprehensive set of Codes, Conditions and Restrictions [CC&R’s]

- Light Manufacturing
- Jewelry Making/Design
- Internet based businesses
- Professional Offices
- Government Offices
- Contractor/Construction
- Wholesaling/Distribution
- Creative/Technology/Software
- Brewery/Specialty Retail
- Reprographics/Printing
- Automotive/Aerospace Parts/Manufacturing/Repairs
- Clothing Design and Manufacturing
- Marketing/Research/Advertising/Web Design
- Accountant/Interior Designer/Architect
- Non Profits
- Artist/Gallery
- Bakery/Food Production
- Snowbird/Hobbyists
- Café/Coffee shop
- Private Pilot quarters/Air Charter company
Similar Projects:
Loftworks Las Vegas

Office/Warehouse Units with Loft space above
Tenants & Owners

The Loftworks Tenants and Owners represent a diverse set of professionals, businesses, and artists.

The Loftworks Learning Center
The Loftworks Learning Center helps students of all ages improve their learning skills and better succeed in school. Educators, physicians, psychologists, and others refer adults and children to Loftworks because of our uniquely individualized program.

Villa Wynn Studio
Professional photography

Primal Eye
Primal Eye Gallery aims to show significant works of art by local and national artists, including a bookstore carrying a variety of small books, cards, and jewelry.

WRG
William Randolph Gallery
showcasing contemporary works, community events, and art-related activities.

T. Purcell & D. Beaver
TAP Studios
TAP Jewelry Design Studio

Soots
Soots offers unique, handpicked vintage clothing, accessories, and home goods.

Shearwater
Shearwater is an architectural practice which explores and endorses architecture's essential role with humanity. We are pursuing the ethos which is known as 'sustainability' and committing to what is essential.

Sideline
Sideline is where community and commerce come together. We provide a platform for smaller businesses, independent contractors, and others to showcase their services to the community, and to fill job openings and make connections with other local businesses. Find a local service provider, job, and much more. All here. All local.

Visit Us Today!
Downtown Los Angeles

DOWNTOWN LA DEMOGRAPHIC STUDY 2013
This demographic study was conducted by the Downtown LA Business Improvement District (BID) to provide economic and demographic data about who lives, works, plays and visits Downtown Los Angeles. Over the past 15 years, Downtown LA has experienced extraordinary growth, with new restaurants, nightlife, entertainment venues and amenities, becoming Southern California's economic engine.

RESIDENTS 52,400

EMPLOYEES 500,000+

VISITORS 10 Million+

21
Chino Airport Condo Hangars

- Developed in 2008 for use by various charter air companies and private individuals, pilots and visitors to the airport
- Two story design, incorporates a residential component with an office space attached to an airport hangar on airport property
- Most recent sale in 2010 $825,000
Our Project:
Banning Airport Industrial Lofts

ENTRY MONUMENT

SIGN ELEVATION

NORTH ELEVATION
[FACING LINCOLN STREET]

WEST ELEVATION
Thank you again for the opportunity to present our project to the Planning Commission.

We appreciate the time, effort and availability of staff for our submittal.

We believe our project will be an improvement to the Banning Airport and community. It is our hope that the commission finds that this project, while may be unique, will be a good airport neighbor, meeting the criteria for compatibility and development.

Questions from the Commission
Community Development

Proud History
Prosperous Tomorrow
General Plan Annual Progress Report for 2013

- Required by Government Code Section 65400.

- Status of Programs/Implementation Actions in the City’s General Plan.

- 299 Programs/Implementation Actions based on 21 elements.

- 264 programs - Implemented/on-going

- 35 not implemented due to budget and staffing cuts or department priorities.
Policy Issues

- Housing Element Implementation for element due in 2021.
- Airport Land Use Compatibility with the General Plan
- Rezoning of Neighborhood bounded by Hargrave, Barbour, Juarez, and Westward
Airport Land Uses Compatibility Map

Legend

Compatibility Zones
- Airport Influence Area Boundary
- Zone A
- Zone B1
- Zone B2
- Zone C
- Zone D
- Zone E
- Height Restriction Boundary

Boundary Lines
- Airport Property Line
- City Limits
- Mescalero Apache Reservation

Note
Dimensions measured from runway ends and centerlines.
See Chapter 2, Table 5A for compatibility criteria associated with this map.
Neighborhood bounded by Hargrave, Barbour, Juarez, and Westward

Legend
- Centennial Parcels

Neighborhood in Question for General Plan Land Use Amendment & Zone Change

1" = 378 ft
02/20/2014

This map represents a visual display of related geographic information. Data provided herein is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.
CITY OF BANNING
PLANNING COMMISSION REPORT

DATE: May 7, 2014

TO: Planning Commission

FROM: Zai Abu Bakar, Community Development Director

SUBJECT: CONDITIONAL USE PERMIT (CUP) #13-8007
VERIZON WIRELESS TELECOMMUNICATIONS ANTENNA
4978 W. RAMSEY STREET (APN 419-072-010)

STAFF RECOMMENDATION

The Planning Division recommends the Planning Commission take the following actions:

1. Adopt a Class 32 Categorical Exemption in compliance with CEQA Guidelines Section 15332 (In-Fill Development Projects); and,

2. Adopt PC Resolution No. 2014-06 (Attachment 1) approving Conditional Use Permit #13-8007 subject to conditions of approval.

PROJECT/APPLICANT INFORMATION

Project Location: 4978 W. Ramsey Street
APN Information: 419-072-010
Parcel Area: 0.23 Acres (approximately 10,000 square feet)
Land Use/Zoning District: General Commercial (GC)
Specific Plan: No
Project Applicant: Smartlink, LLC of Verizon Wireless
418 N. Cloverdale Lane
Walnut, CA 91789

Property Owner: Patrick V. Jordan, Trustee of the Patrick V. Jordan Trust
dated July 13, 2004
PROJECT BACKGROUND AND DESCRIPTION

Project Description

The applicant is requesting approval of a Conditional Use Permit to locate a wireless telecommunications facility on a previously developed parcel located at 4978 W. Ramsey Street in the General Commercial (GC) zoning district. The project site is located on the south side of Ramsey Street, approximately 200 feet west of Highland Home Road. The telecommunications antenna tower is proposed as a monopine (simulated pine tree) to be located on the approximately 10,000 square foot parcel. The height of the monopine tower is 80 feet. The new antenna tower and associated telecommunications equipment panels are proposed to be located within an approximately 31 feet by 31 feet lease area enclosed by an eight foot tall decorative masonry wall. The lease area is located at the rear of the property. The application includes the request to place a total of 12 antennas screened with antenna socks and one parabolic antenna on the monopine tower. A diesel generator will provide emergency back-up power (see Attachment 4-Project Plans).

The parcel is described as Lot 12 of the Midway Subdivision as shown by Map on file in Book 18, Page 81 of Maps, Records of Riverside County originally subdivided in 1935.

Land Use Information

The parcel is located in the General Commercial (GC) General Plan land use district. The site is bordered on the west by a small commercial building along with a single family dwelling located together on a parcel with unimproved frontage (no curb and gutter or sidewalk); and, is bordered on the east by a vacant parcel being utilized as a through way by vehicles crossing from Ramsey Street to C Avenue (alley). North of the site and across Ramsey Street is a vacant parcel of land located on the corner of Highland Home Road and Ramsey Street that is split zoned General Commercial/Low Density Residential. South of the site is a small triangular piece of vacant land located across C Avenue (alley) adjacent to and fronting Interstate 10.

The subject parcel was used in the distant past as there is an existing small vacant non-conforming masonry building located on the site. The condition of the building is poor as most of the interior improvements have been removed and the roof structure is compromised (windows and doors boarded up). A search of Building & Safety and Utility records shows no historical data. This is probably due to the use occurring prior to the annexation to the City of Banning. The conditions of approval require the removal of the non-conforming structure (see Attachment 1-Resolution No.2014-06, Condition of Approval #10 in Exhibit A).
## Land Use Summary Table

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Non-conforming vacant structure</td>
<td>General Commercial</td>
<td>General Commercial</td>
</tr>
<tr>
<td></td>
<td>Vacant lot (across Ramsey Street)</td>
<td>General Commercial/Low Density Residential</td>
<td>General Commercial/Low Density Residential</td>
</tr>
<tr>
<td>South</td>
<td>C Avenue (Alley)/I-10</td>
<td>General Commercial</td>
<td>General Commercial</td>
</tr>
<tr>
<td>East</td>
<td>Vacant Lot</td>
<td>General Commercial</td>
<td>General Commercial</td>
</tr>
<tr>
<td>West</td>
<td>Commercial Bldg/Single Family Dwelling</td>
<td>General Commercial</td>
<td>General Commercial</td>
</tr>
</tbody>
</table>

## PROJECT ANALYSIS

### Zoning Analysis

The site is located in the General Commercial (GC) zoning district. This district is the broadest of the City's commercial districts, and allows food and drug stores; home improvement; auto sales, leasing, service and repair; department and general retail outlets; merchandise leasing; neighborhood serving retail and services; restaurants; entertainment uses; gas stations; general offices (secondary to retail); mixed uses; and financial institutions. Section 17.12.020 Permitted, conditional, and prohibited uses of the Zoning Ordinance allows telecommunications antennae subject to approval of a Conditional Use Permit (CUP) by the Planning Commission. This location does not presently have an approved CUP or any other approved special use permit.

The maximum height of structures located in the General Commercial zoning district is 35 feet. However, the height restriction may be amended to a maximum height of 80 feet for antennas through approval of a CUP by Planning Commission.

Below is a chart listing the development standards for the General Commercial (GC) zoning district (Table 17.12.030) including those standards required at Section 17.24.060 Antennae, vertical design standards, and how the proposed project meets the standards.
General Commercial Development Standards

<table>
<thead>
<tr>
<th>Development Standards</th>
<th>Required</th>
<th>Provided</th>
<th>Complies With Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>6,000 square feet</td>
<td>10,000 square feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Dimensions</td>
<td>Min. Lot Width: 60 feet</td>
<td>Min. Lot Depth: 100 feet</td>
<td>Legal non-conforming</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td>10 feet</td>
<td>about 140 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Rear Yard Setback</td>
<td>0 feet</td>
<td>about 20 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>Adjacent to street: 5 feet</td>
<td>Interior lot: 0 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>35%</td>
<td>9%</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Height (stories/feet)</td>
<td>2 stories/50 feet</td>
<td>80 feet</td>
<td>Amended through CUP - Yes</td>
</tr>
<tr>
<td>Fence/Wall Height *</td>
<td>6 feet</td>
<td>8 feet</td>
<td>Yes (see note)</td>
</tr>
<tr>
<td>Maximum Antenna Height</td>
<td>80 feet</td>
<td>80 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Parking**</td>
<td>1 space</td>
<td>1 space</td>
<td>Yes</td>
</tr>
</tbody>
</table>

*Additional height may be permitted for security as approved by the Director through a technical review.
** As determined by the Community Development Director per Section 17.28.030(D).

Site Plan Analysis

The proposed lease area for the subject project consists of an area of approximately 31.33 feet by 31.33 feet totaling approximately 982 square feet for the telecommunications facility located within the southerly portion of the 0.23 acre parcel. The overall site dimensions for the parcel are approximately 50 feet in width by 200 feet in depth totaling approximately 10,000 square feet. The facility is proposed to be accessed by a service driveway fronting C Avenue (alley). The driveway and parking area shall be paved in accordance with Section 17.28.060 of the Municipal Code. The lease area will be surrounded by an 8 foot tall decorative masonry security fence enclosing the equipment with a wrought iron access gate.

Architectural Analysis

Section 17.24.060 of the Zoning Code requires that an antenna not be visible from a federal highway and be camouflaged. The antenna tower installation is proposed as a monopine (simulated pine tree) located within the 8 foot tall masonry wall enclosure. Additional natural pine trees are proposed to be planted and maintained adjacent to the monopine antenna tower to
assist in camouflaging the tower by providing a tree-scaped background. The 10 foot setback area fronting Ramsey Street is proposed to be landscaped along with the area around the front of the proposed enclosure, which will add to screening of the installation. The site is located approximately 140 feet north of Interstate 10 and likely will not be recognizable as an antenna tower from the highway due to location within a stand of mature trees. The antenna tower is camouflaged in that it is constructed as a simulated pine tree (monopine) placed within the area of other natural pine trees planted in connection with the project.

Section 17.12.140 of the Zoning Ordinance requires that all equipment be screened from view. The proposed 8 foot tall decorative masonry wall that serves to secure the equipment will also provide screening from public view.

**Landscaping/Grading Analysis:**

The landscaping design and construction standards of the Zoning Ordinance emphasize drought tolerant features as required by State regulations for the purpose of conserving water. All plant types will require little to moderate watering with some types requiring no additional watering at all. No turf is proposed for this project. A landscape documentation package that includes a water conservation statement shall be required at time of construction for approval of the final landscape design plans. The telecommunications facility will be required to place and maintain the landscaping in the front setback along Ramsey Street and in the parking area for the facility.

The existing ground surface slopes to the southeast. The applicant will need to provide parking on a paved surface; therefore, it appears that a grading permit will be required. A precise grading plan will be submitted to the City Engineer for review and approval in accordance with the City's Grading Ordinance and a grading permit shall be issued prior to any construction activities taking place. The City’s Grading Ordinance makes provision for dust prevention and control during construction, erosion and sediment control, protection of adjoining properties, water quality, and other regulations related to grading.

**Conclusion**

Staff recommends approval of the subject conditional use permit as the proposed project is consistent with the requirements of the Zoning Ordinance, while not significantly effecting the environment. The design of the antenna tower along with the proposed landscaping in all probability will not draw the attention of those passing by. This is the intention of the Section 17.24.060 of the Zoning Ordinance and represents the best available application of materials and design to camouflage the site.

**ENVIRONMENTAL DETERMINATION**

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 21065 of the California Environmental Quality Act (CEQA) Guidelines requires that all projects that have the potential to affect the environment must be evaluated to determine the extent of the project impacts and mitigation measures that must be incorporated into the projects
to lessen or alleviate the impacts. CEQA Guidelines also provide for statutory exemptions of projects that meet certain thresholds.

1. Section 15332 of CEQA exempts from preparation of an environmental document since the proposed communications antenna is considered an in-fill development that meets the following four criteria under CEQA:

   a. The project is consistent with the applicable general plan designation and all applicable general plan policies, as well as, with the applicable zoning designations and regulations.

   The General Plan Land Use and Zoning Map designates the project site as General Commercial (GC), which allows communication antenna installations through approval of a conditional use permit. The project as proposed meets the design standards for the General Commercial zoning district (Section 17.12.030) and the use specific antennae installation standards (Section 17.24.060) as shown in the Staff Report dated May 7, 2014. Additionally, the project is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands”. The proposed antenna installation will facilitate wireless communications as a commercial service to the public, while not adversely affecting residential lands in that the closest residential use is located 110 feet to the west of the project. Mixed use residential uses are permitted in the General Commercial zoning district.

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

   The proposed communications facility will be constructed within the city limits on a 0.23-acre property, which is less than five acres. The site is bordered on the west by a small commercial building along with a single family dwelling located together on a parcel; and, is bordered on the east by a vacant parcel being utilized as a through way by vehicles crossing from Ramsey Street to C Avenue (alley). The site fronts Ramsey Street an arterial roadway and is adjacent to Interstate 10 located within an urban environment.

   c. The project site has no value as habitat or endangered, rare or threatened species.

   The site is previously developed and has no value as habitat for endangered, rare or threatened species and fronts Ramsey Street an arterial roadway and is adjacent to Interstate 10 located within an urban environment.

   d. The site can be adequately served by all required utilities and public services.

   The project site is located along a well-established commercial corridor and is surrounded by existing developments, all of the required utilities, including sewer, water, electricity, gas, and cable are readily available in C Avenue (alley) and can serve the development.
2. 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:

a. 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.

b. The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. The General Commercial zoning standards regulate land use around the site. The project is to be unmanned in that no offices or other occupied buildings are proposed; therefore, there can be no cumulative impacts related to traffic, noise, or air quality.

c. There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment because the proposed communications facility is not in itself a hazardous use; the City’s utilities and roads are adequate to serve the project, and the surrounding properties are not environmentally sensitive properties.

d. 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.

e. 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 65962.5.

f. The project will not cause a substantial adverse change to the significance of a historical resource. The site was previously developed and 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 (the existing non-conforming masonry structure to be demolished is not listed in the inventory of the City's historic era buildings as found in Table IV-11 of the General Plan).

MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

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

REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT (CUP) #13-8007

The Zoning Ordinance requires that each Conditional Use Permit application meet certain findings in Section 17.52.050 in order to be approved by the Planning Commission. The following findings are provided for Planning Commission consideration:

Finding No. 1: The proposed project is consistent with the General Plan.
Findings of Fact: The General Plan Land Use and Zoning Map designates the project site as General Commercial (GC), which allows communication antenna installations through approval of a conditional use permit. The project as proposed meets the design standards for the General Commercial zoning district (Section 17.12.030) and the use specific antenna installation standards (Section 17.24.060) as shown in the Staff Report dated May 7, 2014.

Additionally, the project is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands”. The proposed antenna installation will facilitate wireless communications as a commercial service to the public, while not adversely affecting residential lands in that the closest residential use is located 110 feet to the west of the project (mixed use residential uses are permitted in the General Commercial zoning district).

Furthermore, the project is consistent with General Plan Economic Development Element Policy #3 which states: “Encourage and promote infill development in orderly and logical development patterns that decrease the costs, and increase the efficiency of new utilities, infrastructure, and public services.” The project is proposed on a previously subdivided parcel (Lot 12 of the Midway Subdivision) with existing utilities such as sewer, water and electricity located within C Avenue.

**Finding No. 2: The proposed use as an antennae tower/telecommunications facility is conditionally permitted within the subject land use district.**

Findings of Fact: The project site is zoned General Commercial (GC). Antenna tower/telecommunications facilities are allowed in the GC zoning district subject to approval of a conditional use permit (CUP) by Planning Commission as stipulated in Table 17.12.020 of the Zoning Ordinance. The applicant is requesting approval of CUP which is consistent with the zoning. Furthermore, the project is conditioned to meet all local standards pertaining to development and use, including providing sufficient parking, setbacks, fencing, screening from a state or federal highway, and landscaping.

**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.**

Findings of Fact: The proposed use will not impair the integrity and character of the General Commercial (GC) land use district in which it is to be located because the proposed telecommunications facility will be camouflaged from public view by use of the monopine tower (simulated pine tree), planting of natural pine trees, and landscaping proposed along the project frontage. Additionally, an 8 foot tall masonry wall will surround and screen the communications equipment from public view.

**Finding No. 4: The subject site is physically suitable for the type and intensity of land use being proposed.**
Findings of Fact: The subject site is previously developed. The telecommunications facility is proposed within a vacant portion of the parcel in a lease area with dimensions of 31.33 feet by 31.33 feet totaling approximately 982 square feet. The topography of the parcel is gently sloping to the south and will not require substantial grading or other modifications to the land to accommodate the project. The project is proposed to be an un-manned facility, no offices are proposed; and, therefore will not add additional traffic, noise, or congestion to the area.

Finding No. 5: There are 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 is served by public and private utilities, including the City’s water and electrical utilities. The site is accessed and served from C Avenue, an existing developed alley with existing utilities located within the right-of-way. Furthermore, the project as proposed is un-manned, that is it consists of communications equipment only and will not require the typical provisions for an occupied structure.

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

Finding of Fact: The project is proposed on a previously developed parcel (Lot 12 of the Midway Subdivision). The site and surrounding neighborhood are currently developed. The parcel is flat (unable to support bodies of water) and the street frontage is improved. Some of the existing mature trees will be retained to serve in camouflaging the proposed antenna.

The subject parcel was used in the distant past as there is an existing small vacant non-conforming masonry building located on the site. The condition of the building is poor as most of the interior improvements have been removed and the roof structure is compromised (windows and doors boarded up). The existing structure may be considered an attractive nuisance and the demolition of the building will contribute to improving the neighborhood.

Furthermore, the project is Categorically Exempt from CEQA in accordance with Section 15332 (In-Fill Development) in that the staff report dated May 7, 2014, submitted by the Planning Division and other findings made in the report demonstrate that Conditional Use Permit (CUP) #13-8007 meets the criteria for the exemption.

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 location of a wireless telecommunication facility will not be detrimental to the City’s health, safety, and welfare in that it complies with the Zoning Ordinance development standards as shown in the staff report dated May 7, 2014. The project will not generate excessive noise or traffic. There is adequate parking and screening from adjacent uses.
PUBLIC COMMUNICATION

The proposed project was advertised in the Record Gazette newspaper, a newspaper of general circulation within the City of Banning, on April 25, 2014, and notices were mailed to all property owners within a 300-foot radius of the site. The public notice portion of the Zoning Ordinance requires mailed notice to properties within a 300 foot radius. As of the date of this report, staff has not received any verbal or written comments for or against the proposed project.
Prepared By:  
Brian Guillot  
Associate Planner

Approved-By:  
Zai' Abu Bakar  
Community Development Director

PC Attachments:

1. Resolution No. 2014-06 (with Conditions of Approval)
2. Location Map and Aerial Photograph
3. Site Photographs
4. Project Plans
5. Photo Simulations
Attachment 1

(Resolution No. 2014-06)
RESOLUTION NO. 2014-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 13-8007 A REQUEST BY VERIZON WIRELESS TO LOCATE A WIRELESS TELECOMMUNICATIONS FACILITY ON A 0.23 ACRE PARCEL IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT LOCATED AT 4978 W. RAMSEY STREET (APN 419-072-010)

WHEREAS, an application for a telecommunications antenna/facility has been duly filed by:

Project Applicant: Smartlink, LLC of Verizon Wireless
418 N. Cloverdale Lane
Walnut, CA 91789

Property Owner: Patrick V. Jordan, Trustee of the Patrick V. Jordan Trust dated July 13, 2004

APN Information: 419-072-010

Parcel Area: 0.23 Acres (approximately 10,000 square feet)

WHEREAS, the Planning Commission has the authority per Chapter 17.52 of the Banning Municipal Code to take action on Conditional Use Permit #14-8007 to locate a telecommunications facility in the General Commercial (GC) zoning district; and

WHEREAS, on April 25, 2014, the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered; and

WHEREAS, on May 7, 2014, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Conditional Use Permit #14-8007, and at which meeting the Planning Commission considered the Conditional Use Permit; and

WHEREAS, 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 for the reasons as recited in Section 1 of this resolution.

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

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

1. Section 15332 of CEQA exempts from preparation of an environmental document since the proposed communications antenna is considered an in-fill development that meets the following four criteria under CEQA:

   a. The project is consistent with the applicable general plan designation and all applicable general plan policies, as well as, with the applicable zoning designations and regulations.

   The General Plan Land Use and Zoning Map designates the project site as General Commercial (GC), which allows communication antenna installations through approval of a conditional use permit. The project as proposed meets the design standards for the General Commercial zoning district (Section 17.12.030) and the use specific antennae installation standards (Section 17.24.060) as shown in the Staff Report dated May 7, 2014. Additionally, the project is consistent with the General Plan Land Use Element Policy which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands". The proposed antenna installation will facilitate wireless communications as a commercial service to the public, while not adversely affecting residential lands in that the closest residential use is located 110 feet to the west of the project. Mixed use residential uses are permitted in the General Commercial zoning district.

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

   The proposed communications facility will be constructed within the city limits on a 0.23-acre property, which is less than five acres. The site is bordered on the west by a small commercial building along with a single family dwelling located together on a parcel; and, is bordered on the east by a vacant parcel being utilized as a through way by vehicles crossing from Ramsey Street to C Avenue (alley). The site fronts Ramsey Street an arterial roadway and is adjacent to Interstate 10 located within an urban environment.

   c. The project site has no value as habitat or endangered, rare or threatened species.

   The site is previously developed and has no value as habitat for endangered, rare or threatened species and fronts Ramsey Street an arterial roadway and is adjacent to Interstate 10 located within an urban environment.

   d. The site can be adequately served by all required utilities and public services.
The project site is located along a well-established commercial corridor and is surrounded by existing developments, all of the required utilities, including sewer, water, electricity, gas, and cable are readily available in C Avenue (alley) and can serve the development.

2. 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:

   a. 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.

   b. The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. The General Commercial zoning standards regulate land use around the site. The project is to be unmanned in that no offices or other occupied buildings are proposed; therefore, there can be no cumulative impacts related to traffic, noise, or air quality.

   c. There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment because the proposed communications facility is not in itself a hazardous use; the City’s utilities and roads are adequate to serve the project, and the surrounding properties are not environmentally sensitive properties.

   d. 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.

   e. 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 65962.5.

   f. The project will not cause a substantial adverse change to the significance of a historical resource. The site was previously developed and 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 (the existing non-conforming masonry structure to be demolished is not listed in the inventory of the City’s historic era buildings as found in Table IV-11 of the General Plan).

MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

3. The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.
SECTION 2  REQUIRED FINDINGS.

Pursuant to Banning Municipal Code Chapter 17.52 and in light of the record before it including the staff report dated May 7, 2014, 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 and Zoning Map designates the project site as General Commercial (GC), which allows communication antenna installations through approval of a conditional use permit. The project as proposed meets the design standards for the General Commercial zoning district (Section 17.12.030) and the use specific antenna installation standards (Section 17.24.060) as shown in the Staff Report dated May 7, 2014.

Additionally, the project is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands”. The proposed antenna installation will facilitate wireless communications as a commercial service to the public, while not adversely affecting residential lands in that the closest residential use is located 110 feet to the west of the project (mixed use residential uses are permitted in the General Commercial zoning district).

Furthermore, the project is consistent with General Plan Economic Development Element Policy #3 which states: “Encourage and promote infill development in orderly and logical development patterns that decrease the costs, and increase the efficiency of new utilities, infrastructure, and public services.” The project is proposed on a previously subdivided parcel (Lot 12 of the Midway Subdivision) with existing utilities such as sewer, water and electricity located within C Avenue.

Finding No. 2: The proposed use as an antennae tower/telecommunications facility is conditionally permitted within the subject land use district.

Findings of Fact: The project site is zoned General Commercial (GC). Antenna tower/telecommunications facilities are allowed in the GC zoning district subject to approval of a conditional use permit (CUP) by Planning Commission as stipulated in Table 17.12.020 of the Zoning Ordinance. The applicant is requesting approval of CUP which is consistent with the zoning. Furthermore, the project is conditioned to meet all local standards pertaining to development and use, including providing sufficient parking, setbacks, fencing, screening from a state or federal highway, and landscaping.

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.

Findings of Fact: The proposed use will not impair the integrity and character of the General Commercial (GC) land use district in which it is to be located because the proposed telecommunications facility will be camouflaged from public view by use of the monopine tower (simulated pine tree), planting of natural pine trees, and landscaping proposed along
the project frontage. Additionally, an 8 foot tall masonry wall will surround and screen the communications equipment from public view.

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

Findings of Fact: The subject site is previously developed. The telecommunications facility is proposed within a vacant portion of the parcel in a lease area with dimensions of 31.33 feet by 31.33 feet totaling approximately 982 square feet. The topography of the parcel is gently sloping to the south and will not require substantial grading or other modifications to the land to accommodate the project. The project is proposed to be an un-manned facility, no offices are proposed; and, therefore will not add additional traffic, noise, or congestion to the area.

Finding No. 5: There are 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 is served by public and private utilities, including the City’s water and electrical utilities. The site is accessed and served from C Avenue, an existing developed alley with existing utilities located within the right-of-way. Furthermore, the project as proposed is un-manned, that is it consists of communications equipment only and will not require the typical provisions for an occupied structure.

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

Finding of Fact: The project is proposed on a previously developed parcel (Lot 12 of the Midway Subdivision). The site and surrounding neighborhood are currently developed. The parcel is flat (unable to support bodies of water) and the street frontage is improved. Some of the existing mature trees will be retained to serve in camouflaging the proposed antenna.

The subject parcel was used in the distant past as there is an existing small vacant non-conforming masonry building located on the site. The condition of the building is poor as most of the interior improvements have been removed and the roof structure is compromised (windows and doors boarded up). The existing structure may be considered an attractive nuisance and the demolition of the building will contribute to improving the neighborhood.

Furthermore, the project is Categorically Exempt from CEQA in accordance with Section 15332 (In-Fill Development) in that the staff report dated May 7, 2014, submitted by the Planning Division and other findings made in the report demonstrate that Conditional Use Permit (CUP) #13-8007 meets the criteria for the exemption.

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 location of a wireless telecommunication facility will not be detrimental to the City’s health, safety, and welfare in that it complies with the Zoning Ordinance development standards as shown in the staff report dated May 7, 2014. The project will not generate excessive noise or traffic. There is adequate parking and screening from adjacent uses.

SECTION 3 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 15332 and directs staff to prepare and file with the Clerk for the County of Riverside a notice of exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

2. Conditional Use Permit (CUP) #13-8007 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Attachment “A”.


PASSED, APPROVED AND ADOPTED this 7th day of May, 2014.

Kevin Siva, Chairman
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

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

CERTIFICATION:

I, Holly Stuart, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2014-06 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 7th day of May, 2014 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Holly Stuart, Recording Secretary
City of Banning, California
PROJECT #: Conditional Use Permit (CUP) #13-8007
SUBJECT: Verizon Wireless Telecommunications Antenna
APPLICANT: Smartlink, LLC of Verizon Wireless
LOCATION: 4978 W. Ramsey Street (APN 419-072-010)

CONDITIONS OF APPROVAL

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

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. A Conditional Use Permit shall be exercised by the commencement of construction within two (2) years from the date of approval or the Conditional Use Permit shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, the Conditional Use Permit shall become null and void. 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 Conditional Use Permit complies with all current Ordinance provisions.

3. This Conditional Use Permit is specifically for the placement of one 4 foot diameter parabolic antennae and 12 sector antennae on the 80 foot tall monopine (simulated pine tree) antenna tower, along with the placement of related equipment in the lease area enclosure with dimensions of approximately 31.33 feet by 31.33 feet square. Any modification, or addition to the specific approvals listed herein shall be approved by the City.

4. The applicant shall cooperate with other telecommunication companies to co-locate additional facilities at this location for the purpose of reducing the total number of telecommunications facilities. The applicant shall exercise good-faith efforts in this regard provided that such shared use does not adversely affect the interests of the applicant or City. The City may request a third party technical study from the applicant or applicants to determine the said interests (costs for any study shall be paid by the applicant). This condition in no way obligates the City to approve a co-location proposal. All co-location proposals shall require review and approval of a Conditional Use Permit.

5. If the requirements of this approval conflict with other permits or City regulations, the more restrictive requirement or regulation shall apply.

6. No form of advertising or identification shall be permitted on the antenna structure other than a manufacturer’s identification, or information that may be required by state or federal regulations.

7. 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 any plans required by the City and submitted for plan check.

8. Prior to the issuance of building permits a copy of the lease and easement agreement with the property owner shall be filed with the City.

Site Development

9. The site shall be developed and maintained in accordance with the approved plans approved by Planning Commission on May 7, 2014, (on file with the Planning Division), the conditions contained herein, and zoning code regulations. Changes to approved
plans, incorporating all Conditions of Approval shall be submitted for Community Development Director for review and approval prior to the issuance of building permits.

10. Prior to issuance of a building permit for the communications facility, the non-conforming structure shall be demolished in accordance with Section 17.88.020(H) of the Zoning Ordinance.

11. Prior to any use of the project site or business activity being commenced thereon, including any operation of the wireless telecommunications facility, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.

12. Permanent electric connections for telecommunications location purposes shall not commence until such time as all California Building Code and State Fire Marshal regulations have been complied with. Prior to operation of the telecommunications facility, plans shall be submitted to the City of Banning Fire Marshal and the Building and Safety Division for review and approval. All facilities shall be inspected for compliance prior to the commencement of operations of the telecommunications facility.

13. 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.).

14. Approval of this request shall not waive compliance with all sections of the Zoning Ordinance and other applicable City Ordinances in effect at the time of building permit issuance.

15. All ground-mounted utility appurtenances such as transformers, AC condensers, etc., including the electric connection point for the temporary electric generator, 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.

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

17. Graffiti shall be removed within 72 hours and/or within 24 hours of notice from the City.

18. 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.

19. 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.

20. The lighting fixture design shall compliment or be consistent with the existing site architectural program.
Architectural Design

21. 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 enclosure design and constructed to the satisfaction of the Community Development Director. Details shall be included in construction plans.

22. The telecommunications antennae and dishes shall be completely concealed from public view and all related structures shall not be visible from Interstate 10 or the surrounding public right-of-way.

23. The quality and appearance of the monopine antenna tower material (simulated pine tree) shall be of the same quality and appearance as reflected in the applicant’s statements, representations and/or exhibits presented to the City’s staff or Planning Commission or the Conditional Use Permit Amendment shall be revoked. Should the monopine antenna tower material degrade over time or become damaged, the applicant shall replace the material within 30-day’s notice from the City.

24. Provide for the following design features to the satisfaction of the Community Development Director:
   
   a. Architecturally integrate features of the design of the facility with the antennae installation and equipment enclosure to match existing neighborhood.
   b. Provide one paved on-site parking space for one service vehicle.
   c. All parking spaces shall be striped per City standards.
   d. Fencing shall be decorative masonry with wrought iron gates.

Landscaping

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

26. The front setback area along Ramsey Street and the parking area shall be landscaped in accordance with the Zoning Ordinance.

27. The applicant is responsible for the continual maintenance of all landscaped areas on-site (as provided for in approved landscaping and irrigation plans), 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 or within 10 days’ notice from City.
28. Three mature natural pine trees shall be permanently maintained to provide camouflage for the monopine antenna tower in accordance with the approved landscaping plans. Should any of these trees become diseased, damaged, or otherwise removed from the site, the applicant shall be responsible for replacement of the same within 30 days’ notice from the City. Failure to comply with this Condition of Approval is grounds for revoking the subject Conditional Use Permit by Planning Commission.

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

**Building and Safety**

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

**General Requirements**

30. Submit four complete sets of plans including the following:

- Site/Plot Plan;
- Foundation Plan;
- Floor Plan;
- 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;
- 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.

31. Submit two sets of structural calculations, energy conservation calculations, and a soils report. Architect's/Engineer's stamp and "wet" signature as required prior to plan check submittal.

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

33. The wireless telecommunications company shall not be in operation prior to posting the Certificate of Occupancy issued by the Building and Safety Division.

   a. Approval of the Community Development Director shall be required prior to release of all utilities and/or finalization of the building permit and issuance of the Certificate of Occupancy to ensure that project was designed and constructed consistent with all photos or other depictions or representations submitted or made by applicant to the City or Planning Commission.

   b. The plans shall not include any sites or plans for future carriers or new antennas. Applicant acknowledges that city approvals are required for any new antenna consistent with city codes and governing law.
c. Applicant shall not use, create, store or allow any hazardous substances on the site in violation of any law or regulation. In no case shall applicant cause or allow the deposit or disposal of any hazardous substances on the site in violation of any law or regulation. City, or its agents or contractors, shall upon at least 48 hours written notice to Applicant, have the right to go upon and inspect the site to assure compliance with the requirements herein stated. Applicant shall be responsible for and bear the entire cost of removal and disposal of hazardous substances introduced to the site from the proposed project or any expansion thereof. Applicant shall also be responsible for any clean-up and decontamination on the site or the property necessitated by the introduction of such hazardous substances on the site. Applicant shall not be responsible for or bear the cost of removal or disposal of hazardous substances introduced to the site during any period prior to construction of the proposed project. Applicant shall indemnify, defend and hold City harmless from and against all liabilities, damages, claims, losses, costs or expenses (including, without limitation, reasonable attorneys’ fees) incurred by or brought against City in connection with and to the extent arising out of the use, storage, disposal, release or other presence of hazardous substances on, in, under or about the Site, except to the extent caused by any actions or inactions of City, its agents, contractors or employees. The phrase “hazardous substance”, as used herein, has the same meaning as that phrase has under Section 25359.7 of the California Health and Safety Code. Notwithstanding anything to the contrary in this paragraph, City and applicant acknowledge that applicant shall be utilizing and maintaining on the site sealed batteries, propane/diesel/gasoline, HVAC system, and a halon/FM200 fire suppression system and that the use and maintenance of such items shall not constitute a violation or breach of this paragraph; provided, that if that use, retention or maintenance causes or allows the deposit or disposal of any hazardous substances on the site in violation of any law or regulation, then applicant’s obligations to indemnify, defend and hold harmless as set out in this paragraph shall be fully applicable.

Site Development

34. 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 13-8007). The applicant shall comply with the latest adopted California Building Code, California Mechanical Code, California 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.

35. Prior to issuance of building permits the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to: Permit and Plan Checking Fees.

36. Street addresses shall be provided by the Building Official, prior to issuance of building permits.
37. 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.

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

The following conditions of approval shall be completed prior to issuance of a building permit:

38. The Department of Public Works recommends the Conditions of Approval listed herein for CUP# 13-8007. Unless stated otherwise, all conditions shall be completed by the applicant at no cost to any government agency.

39. 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.

40. Submit a site plan to the City Engineer for review and approval showing drainage patterns (existing and proposed contours, flow lines, etc.), elevations and any required cut or fill. The plan shall provide for positive drainage away from, and around existing and proposed structures in accordance with City of Banning standard plans and specifications dated January 1, 1983. All drainage from the property shall drain to the public right-of-way, or applicant shall obtain drainage easement acceptance letter from downstream property owners.

41. 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.

42. The applicant shall identify and include in its improvement plans those routine structural and non-structural Best Management Practices (BMP’s) as outlined in Supplement “A” to the Riverside County Drainage Area Management Plans and any attachments (see Riverside County Flood Control and Water Conservation District stormwater quality website at http://floodcontrol.co.riverside.ca.us/districtsite for more information).

43. Submit a copy of the Title Report to the City Engineer prior to site plan review and approval.

44. Submit detailed drawings showing the existing and proposed utility connections (water, sewer, electric, etc.) to the City Engineer for review and approval. Construct all necessary infrastructures to provide utilities to the proposed project. Contact the Public Works Department prior to any utility construction as a Public Works Permit may be required.

The following conditions of approval shall be completed prior to issuance of a certificate of occupancy:
45. Obtain a Public Works Permit 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 that are damaged during construction, or public improvements not accepted by the City’s representative in the field, shall be removed and replaced as determined by the City Engineer.

46. Place the property address numbering in a conspicuous place.

47. Construct commercial style driveway approaches at all vehicular access points. The driveway shall be minimum 30’ wide.

48. Construct full half street public improvements in accordance with City standards fronting Ramsey Street including street lighting, curb and gutter, sidewalk, handicap ramps, asphalt concrete paving, and any transitions. Street lights on Ramsey Street shall be installed offset of the existing street lights. Where the transverse slope of the existing pavement exceeds 3% 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.

49. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee.

50. In lieu of the construction of public improvements, the property owner shall agree to participate in a future assessment district to construct the public improvements along Ramsey Street.

In the event that the City initiates the construction involved with the widening of Ramsey Street to meet the ultimate right of way as per the City’s General Plan, the owner shall be responsible for payment of an amount equal to the cost of construction to cover the cost of said public improvements, within public right of way, fronting 4978 W. Ramsey Street.

The amount to be paid by the owner for said improvements shall be determined at the time of the award of the project by the City. The payment shall be in the form of a cash deposit or an assessment.

51. Ensure that the disposal of construction debris is conducted at a certified recycling site. It is recommended that the developer contact the City’s franchised solid waste hauler (Waste Management) for disposal of construction debris.

52. Applicant shall ensure that any and all access easements are paved. In addition, the access easement from the driveway shall be a minimum of 15 feet in width.

53. All required Plans and applicable Fees must be submitted to the Public Works Department prior to the Engineering Division’s approval of the Building Permit.
Fire Services
THE APPLICANT MAY CONTACT FIRE SERVICES, (951) 922-3210, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

54. The following are the minimum Fire Department requirements. There may be additional requirements when the project specifics are defined and the final proposal is submitted for approval.

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.
Plan Check and Inspection: $134.00 per hour

55. CODE COMPLIANCE:

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

Special Requirements for this project:

Fire Department access shall be provided to within 150 feet of all portions of the facility. The road shall be considered “all weather” accessible for a fire truck.

Emergency power supply systems such as generators and batteries may require a Hazardous Materials Management Permit. Secondary containment for the batteries and generator may be required and ventilation may be required for the batteries.

56. 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.

NOTE: More specific requirements may be presented when detailed plans are submitted, especially building plans.

Electric Utility
THE APPLICANT MAY CONTACT ELECTRICAL DEPARTMENT, (951) 922-3260, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

57. The developer will be responsible for the following:
   a. Cost of undergrounding the electric service.
   b. An area maybe required for a pad mounted transformer this area would be required to be in a decorative enclosure.
c. The area of the new service equipment must be sufficient in size for safe operation and maintenance.

d. Installation of service conduits and service panel for the existing building if the existing building remains. Or if a new building is built and metered separate. This service panel will be required to be located next to the new service panel for this project.

58. Developer’s general responsibilities:

   a. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. The plans are required in electronic format, we currently use AutoCad2014. Plans should consist of a plot plan, site plan signed and approved by city engineering, one line diagram of proposed electrical main service panel and a sheet showing load calculation by an electrical engineer. Additional sheets may be required upon request.

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

   c. Granting easement for electric facilities installation/maintenance, etc.

   d. All trenching, backfill, and compaction.

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

   f. Developer / electrical contractor to provide and install secondary service entrance conductor’s spec by utility department from transformer to service panel pull section on commercial developments.

59. The C.O.B. Electric Utility shall be responsible for:

   a. Reviewing plans submitted by customer.

   b. Design an electrical utility plan for the installation of structures and conduit by developer.

   c. Providing a cost estimate for installing an underground electrical system.

   d. Inspecting all trenches prior to backfilling; a 24-hour prior notice is required before inspection.

   e. Install electrical apparatus including primary conductors, terminations, metering, and transformer to provide electrical service for this project.

END
Attachment 2

(Location Map and Aerial Photo)
Location Map
4978 W. Ramsey Street
CUP #13-8007
Attachment 3

(Site Photographs)
Attachment 4

(Project Plans)
Attachment 5

(Photo Simulations)
CITY OF BANNING
PLANNING COMMISSION REPORT

DATE: May 7, 2014
TO: Planning Commission
FROM: Zai Abu Bakar, Community Development Director
SUBJECT: CONDITIONAL USE PERMIT NO. 13-8008:
CO-LOCATE A VERIZON WIRELESS TELECOMMUNICATIONS
FACILITY AT AN EXISTING SPRINT PCS FACILITY
60 S. ALOLA STREET (APN 541-192-004)

STAFF RECOMMENDATION

The Planning Division recommends the Planning Commission take the following actions:

1. Adopt a Class I Categorical Exemption in compliance with CEQA Guidelines Section 15301 (Existing Facilities); and,


PROJECT/APPLICANT INFORMATION

Project Location: 60 S. Aolola Street
APN Information: 541-192-004
Project Applicant: Smartlink, LLC of Verizon Wireless
418 N. Cloverdale Lane
Walnut, CA 91789
Property Owner: Douglas C. Jones and Terrence B. Jones
Specific Plan: No
Parcel Area: 0.15 Acres (approximately 6,500 square feet)
Land Use/Zoning District: Downtown Commercial (DC)
PROJECT BACKGROUND AND DESCRIPTION

Project Description:

The applicant is requesting approval to co-locate a wireless telecommunications facility with an existing Sprint PCS facility located at 60 S. Alola Street (see Exhibit 2 Vicinity Map). The application includes the request to place 12 antennae and one parabolic antenna on the existing 80 foot tall mono-pine pole and the addition of outdoor equipment panels. The use of the site for the Sprint PCS telecommunications facility was originally approved by City Council on September 17, 2004, by approval of Unclassified Use Permit #04-47501 (see Attachment 3-Unclassified Use Permit). On December 1, 2009, the Planning Commission approved the co-location of a Royal Street Communications facility at the subject location. Approval of this application would make the third telecommunication facility located at this site; and, this is desirable as it reduces the number of different telecommunications facilities required for the area.

The subject parcel is described as the westerly 100 feet of Lot 9 of Boone and Johnson Subdivision subdivided in 1907. The parcel is 65 feet wide by 100 feet deep (6,500 square foot lot) with the land sloping gently to the southeast. The property fronts Alola Street and is improved with curb, gutter and sidewalk. The ground of the lot is covered with gravel and there is a drive approach on Alola Street that allows vehicle access to the site. A few trees are planted along the southerly property boundary, with some additional pine trees planted on the lot interior, too.

Surrounding Land Use Information

The project is located in the Downtown Commercial (DC) Zone. The project site is located approximately 130 feet south of Ramsey Street, north of Livingston Street, fronting Alola Street. South of the site is the City of Banning electric substation with equipment and poles used to provide electricity for that area of the city. North of the site are two unimproved lots with frontage on Ramsey Street. West of the site across Alola Street are a contractor’s office and yard at the south west corner, and the Seventh Day Adventist Community Service Center at the north west corner; in between are two vacant lots. Immediately east of the site is a vacant parcel. Approximately 114 feet east of the site is a small, older, office complex with a property management company and bail bonds business. South of the site and across Livingston Street is the I-10 freeway. The nature of the surrounding uses, Zoning and General Plan land use designations are delineated for Planning Commission consideration in the following table.
Land Use Summary Table

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Vacant Lots</td>
<td>Downtown Commercial</td>
<td>Downtown Commercial</td>
</tr>
<tr>
<td>South</td>
<td>Electric Substation</td>
<td>Downtown Commercial</td>
<td>Downtown Commercial</td>
</tr>
<tr>
<td>East</td>
<td>Vacant Lot</td>
<td>Downtown Commercial</td>
<td>Downtown Commercial</td>
</tr>
<tr>
<td>West</td>
<td>Alola Street</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>

PROJECT ANALYSIS

Zoning Analysis:

The site is located in the Downtown Commercial (DC) zone. This area is the City's traditional commercial core, and has special significance to the community because small scale commercial retail and office uses, services, restaurants, and entertainment retail are the primary uses in this district. Mixed Use, residential land uses in combination with commercial businesses, are also encouraged. Bed & breakfasts, hotels and motels are also appropriate in this district.

Presently, this zone does not permit new telecommunications antennas (Table 17.12.020); however, the existing use was permitted prior to the adoption of the new Zoning Code. The use of the site for the Sprint PCS telecommunications facility was approved by City Council on September 17, 2004, (by approval of Unclassified Use Permit #04-47501, see Attachment 3). The staff report and accompanying documents disclose that the site was approved with the condition that the applicant cooperates with co-locating other telecommunication facilities at the site. On December 1, 2009, the Planning Commission approved the co-location of a Royal Street Communications facility at the subject location. Approval of this application would make the third telecommunication facility located at this site; and, this is desirable as it reduces the number of different telecommunications facilities required for the area. No additional antenna towers or buildings are proposed.

Another factor that should be considered is the proximity of the electric substation to the site. While the Downtown zoning district is considered the traditional commercial core, it may be difficult to locate a commercial business immediately adjacent to the electric substation because of the obvious aesthetic concerns. The placement of the communications facility at this location
is advantageous as it may serve as a buffer between the electric substation and any future commercial use.

The 6,500 square foot parcel is enclosed by a 6 foot tall wall consisting of a masonry lower portion and a wrought iron upper part that includes a wrought iron entry gate. The area enclosed by another wall (a wall within a wall) used for securing the existing equipment cabinets for the two previous communications facilities is approximately 20 feet by 30 feet, totaling 600 square feet. Verizon is proposing enclosing an area of approximately 25 feet by 27 feet, totaling 675 square feet for their equipment cabinets adjacent to the existing equipment enclosures. Below is a chart showing the minimum development standards for the Downtown Commercial (DC) zone (Table 17.12.030) including those standards required at Section 17.24.060 Antenna, vertical design standards, and how the proposed project meets those standards.

### Downtown Commercial Development Standards

<table>
<thead>
<tr>
<th>Development Standards</th>
<th>Required</th>
<th>Provided</th>
<th>Complies With Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>-</td>
<td>6,500</td>
<td>Yes</td>
</tr>
<tr>
<td>Front Setback</td>
<td>0 feet</td>
<td>n/a</td>
<td>Yes</td>
</tr>
<tr>
<td>Side Setback</td>
<td>0 feet</td>
<td>n/a</td>
<td>Yes</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>0 feet</td>
<td>n/a</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Building Coverage (%)</td>
<td>75% (maximum)</td>
<td>0%</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Height (stories/feet)</td>
<td>4 stories/60 feet</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Fence/Wall Height*</td>
<td>6 feet</td>
<td>6 feet perimeter, 8 feet interior</td>
<td>Yes (see note)</td>
</tr>
<tr>
<td>Maximum Antenna Height</td>
<td>80 feet</td>
<td>80 feet</td>
<td>Yes, approved under previous permit</td>
</tr>
<tr>
<td>Parking**</td>
<td>1 space</td>
<td>1 space</td>
<td>Yes</td>
</tr>
</tbody>
</table>

*Additional height may be permitted for security as approved by the Director through a technical review.

**As determined by the Community Development Director per Section 17.28.030(D).

### Site Plan Analysis:

The proposed lease area for the subject project consists of an area of approximately 25 feet by 27 feet totaling approximately 675 square feet for the telecommunications facility located within the 0.15 acre parcel. The overall site dimensions for the parcel are approximately 65 feet in width by 100 feet in depth totaling approximately 6,500 square feet. The facility is accessed by a service driveway fronting Alola Street. The driveway and parking area shall be paved in accordance with Section 17.28.060 of the Municipal Code. The lease area will be surrounded by an 8 foot tall decorative masonry security fence enclosing the equipment with a wrought iron access gate.
Architectural Analysis:

Section 17.24.060 of the Zoning Code requires that the antennas not be visible from a federal highway and be camouflaged. The existing 80 foot mono-pine is located adjacent to the I-10 freeway in the southeast corner of the subject property; and, is located within a stand of trees that has a natural appearance as the existing antenna elements are camouflaged. Additionally, natural pine trees are proposed to be planted and maintained adjacent to the monopine antenna tower to assist in camouflaging the tower by providing a tree-scaped background. The site is located approximately 110 feet north of Interstate 10 and likely will not be recognizable as an antenna tower from the highway due to location within a stand of mature trees. The antenna tower is camouflaged in that it is constructed as a simulated pine tree (monopine) placed within the area of other natural pine trees planted in connection with the project. Additionally, the electric transmission lines running east-west along Livingston Street and the electric substation equipment dominate the foreground, with the monopine antenna tower visible in the background.

Section 17.24.060 of the Zoning Code requires antennas not be visible from a federal highway; therefore, staff is proposing a condition of approval requiring that the proposed antenna elements be camouflaged, too.

Perimeter fencing for the lot consists of an approximately 4 foot tall block wall (grey precision block) with a wrought iron extension on top of the block wall bringing the fence height to 7 feet total. The existing 20 foot by 30 foot equipment enclosure area is surrounded by a 6 foot tall block wall (grey precision block) interior to the perimeter wall. The applicant is proposing expanding the equipment enclosure to the west by approximately 27 feet to accommodate the additional telecommunications equipment required for this co-location. Section 17.12.140 of the Zoning Ordinance requires that all equipment be screened from view. The proposed 8 foot tall decorative masonry wall that serves to secure the equipment will also provide screening from public view.

Landscaping/Grading Analysis:

The site is graded with a gravel parking area. The applicant will need to provide parking on a paved surface. It appears that no grading permit will be required.

The landscaping required by the Unclassified Use Permit (see Attachment 3) approved by the City Council in October 2004 has been poorly maintained. Additionally, due to the location of the proposed equipment enclosure, some of the existing landscaping will need to be replaced. The applicant will be required to submit landscaping and irrigation plans to provide the necessary landscaping. Three natural pine trees are required to be placed on the site and perpetually maintained to serve as a natural tree-scaped background.

Conclusion

Staff recommends approval of the subject conditional use permit as the proposed project is consistent with the requirements of the Zoning Code, while not significantly effecting the environment. There are many mono-pine installations along the I-10 corridor that are of varying
quality. Staff is of the opinion that the existing telecommunications facility is compatible with the visual character of the I-10 corridor as conditioned. Additionally, a co-location as proposed is desirable as it utilizes the existing site leaving parcels available for other development.

ENVIRONMENTAL DETERMINATION

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines, the recommendation of the Planning Division as provided in this Staff Report dated May 7, 2014, and documents incorporated herein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. California Environmental Quality Act (CEQA):

   a. The project is Categorically Exempt from CEQA in accordance with Section 15301 (Existing Facilities) in that the staff report submitted by the Planning Division and other findings made in this Resolution demonstrate that Conditional Use Permit #13-8008 consists of the permitting and or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the City of Banning approval of Unclassified Use Permit #04-47501. Examples include the exterior alterations involving such things as electrical conveyances; existing facilities of both investor and publicly-owned utilities used to provide public utility services; and, additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.

   b. None of the exceptions to the Categorical Exemptions contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15301 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. The Downtown Commercial (DC) zoning standards regulates the land use around the site. North of the site are two unimproved lots with frontage on Ramsey Street. West of the site across Aloha Street are a contractor’s office and yard. Immediately east of the site is a vacant lot. Approximately 114 feet east of the site is a small, older, office complex with a property management company and bail bonds business. Immediately to the south of the site is a City of Banning Electrical Substation. South of the site and across Livingston Street is the I-10 freeway. This is a long-established, freeway-adjacent, commercial area along Ramsey Street, the City’s major commercial corridor.

      iii. There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment because the telecommunications
facility is not in itself a hazardous use, the City’s utilities and roads are adequate to serve the project and the surrounding properties are not environmentally sensitive properties.

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 developed as a telecommunications facility and a historical resource or its immediate surroundings will not be demolished, destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.

2. Multiple Species Habitat Conservation Plan (MSHCP).

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

REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT NO. 13-8008:

The Zoning Ordinance requires that each Conditional Use Permit application meet certain findings in Section 17.52.050 in order to be approved by the Planning Commission. The following findings are provided for Commission consideration:

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

Findings of Fact: The project is consistent with General Plan Economic Development Element Policy #2 which states: “The City shall take a proactive role in the retention of existing businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes and contribute to City General Fund revenues”. The subject site is an existing previously approved use as a telecommunications facility under Unclassified Use Permit #04-47501 approved by City Council on September 14, 2004, and Planning Commission policies encourage the co-location of telecommunications facilities to maximize the utilization and efficient use of the limited number of communication sites.

Further, the project is consistent with General Plan Economic Development Element Policy #3 which states: “Encourage and promote infill development in orderly and logical development patterns that decrease the costs, and increase the efficiency of new utilities, infrastructure, and public services.” By co-locating the telecommunications facility, site development costs are decreased improving the efficiency of the existing telecommunications facility.
Finding No. 2: The proposed use as a telecommunications facility is conditionally permitted within the subject land use district.

Findings of Fact: The land-use designation of Downtown Commercial (DC) does not presently allow telecommunications facilities. The subject site is an existing previously approved use as a telecommunications facility under Unclassified Use Permit #04-47501 approved by City Council on September 14, 2004, and Planning Commission policies encourage the co-location of telecommunications facilities to maximize the utilization and efficient use of the limited number of communication sites.

The proposed project will utilize the existing area enclosed for use as a telecommunications facility and no buildings or expansions to the antenna tower height or width are proposed. Additionally, the proposed project is conditioned to meet all local standards pertaining to development and use, including providing sufficient parking, setbacks, fencing and screening of utility equipment from adjacent uses through the use of a perimeter wall, and replacement landscaping with pine trees.

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 Downtown Commercial (DC) land use district in which it is to be located because it is surrounded by office uses, and vacant land on three sides; and the City of Banning Electric Substation immediately adjacent to the south. The electric transmission lines running east-west along Livingston Street and the electric substation equipment dominate the foreground, with the existing monopine antenna tower visible in the background with the telecommunications facility serving as a buffer between the Banning Electric Substations and any future commercial development that may be proposed.

Additionally, the project is required to be landscaped to current development standards along with three pine trees that serve as a backdrop for the existing monopine antenna tower (simulated pine tree). The equipment enclosures are screened with a block wall and the site is surrounded by a combination block wall with wrought iron fencing. The individual antenna elements are required to be camouflaged from view.

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

Findings of Fact: The subject site is currently developed as a telecommunications facility. The 0.15 acre land area is of adequate size to accommodate the co-location of the telecommunications facility, within the existing enclosure. The site has adequate areas for parking and landscaping. There is adequate access from Alola Street.

Finding No. 5: There are 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 is served by public and private utilities, including the City’s water and electrical utilities. The site is accessed and served from Alola Street, an existing developed roadway with existing 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 and surrounding neighborhood is currently developed. The parcel is flat (unable to support bodies of water).

The electric transmission lines running east-west along Livingston Street and the electric substation equipment dominate the foreground, with the existing monopine antenna tower visible in the background with the telecommunications facility serving as a buffer between the Banning Electric Substations and any future commercial development that may be proposed in the neighborhood.

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 co-location of a wireless telecommunication facility will not be detrimental to the City’s health, safety, and welfare in that it complies with the Zoning Code development standards. Furthermore, by co-locating the facility, it would eliminate the need for an additional free-standing structure in another location along the I-10 freeway. The project will not generate excessive noise or traffic. There is adequate parking and screening from adjacent uses.

PUBLIC COMMUNICATION:

The proposed project was advertised in the Record Gazette newspaper on April 25, 2014; and notices were mailed on April 24, 2014, to all property owners within a 300-foot radius of the site. As of the date of this report, staff has not received any verbal or written comments for or against the proposed project.
Prepared By:

Brian Guillot
Associate Planner

Approved By:

Zaf Abu Bakar
Community Development Director

PC Attachments:

1. Resolution No. 2014-07 (with Conditions of Approval)
2. Vicinity Map
3. Unclassified Use Permit 04-47501
4. Aerial Photograph
5. Site Photographs
6. Project Plans
Attachment 1

(Resolution No. 2014-07)
RESOLUTION NO. 2014-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 13-8008 A REQUEST BY VERIZON WIRELESS TO CO-LOCATE A TELECOMMUNICATIONS FACILITY WITHIN AN EXISTING SPRINT PCS FACILITY ON A 0.15 ACRE PARCEL IN THE DOWNTOWN COMMERCIAL (DC) ZONE LOCATED AT 60 S. ALOLA STREET (APN 541-192-004)

WHEREAS, an application for a telecommunications facility has been duly filed by:

Project Applicant: Smartlink, LLC of Verizon Wireless
418 N. Cloverdale Lane
Walnut, CA 91789

Property Owner: Douglas C. Jones and Terrence B. Jones

Project Location: 60 S. Alola Street

APN Information: 541-192-004

Specific Plan: No

Lot Size: 0.15 acres (6,500 square feet)

WHEREAS, the Planning Commission has the authority per Chapter 17.52 of the Banning Municipal Code and existing Unclassified Use Permit #04-47501 to take action on Conditional Use Permit No. 14-8008 to co-locate a telecommunications facility in the Downtown Commercial (DC) Zone on a previously authorized site; and

WHEREAS, on April 25, 2014, the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered; and

WHEREAS, on May 7, 2014, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Conditional Use Permit #13-8008, and at which meeting the Planning Commission considered the Conditional Use Permit; and

WHEREAS, the Community Development 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 15301 “Existing Facilities” 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 1. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Staff Report dated May 7, 2014, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. California Environmental Quality Act (CEQA):

   a. The project is Categorically Exempt from CEQA in accordance with Section 15301 (Existing Facilities) in that the staff report submitted by the Planning Division and other findings made in this Resolution demonstrate that Conditional Use Permit #13-8008 consists of the permitting and/or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the City of Banning approval of Unclassified Use Permit #04-47501. Examples include the exterior alterations involving such things as electrical conveyances; existing facilities of both investor and publicly-owned utilities used to provide public utility services; and, additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.

   b. None of the exceptions to the Categorical Exemptions contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15301 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. The Downtown Commercial (DC) zoning standards regulates the land use around the site. North of the site are two unimproved lots with frontage on Ramsey Street. West of the site across Alola Street are a contractor’s office and yard. Immediately east of the site is a vacant lot. Approximately 114 feet east of the site is a small, older, office complex with a property management company and bail bonds business. Immediately to the south of the site is a City of Banning Electrical Substation. South of the site and across Livingston Street is the I-10 freeway. This is a long-established, freeway-adjacent, commercial area along Ramsey Street, the City’s major commercial corridor.

      iii. There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment because the telecommunications facility is not in itself a hazardous use, the City’s utilities and roads are adequate to
serve the project and the surrounding properties are not environmentally sensitive properties.

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 developed as a telecommunications facility and a historical resource or its immediate surroundings will not be demolished, destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.

2. Multiple Species Habitat Conservation Plan (MSHCP).

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

SECTION 2. REQUIRED FINDINGS.

Pursuant to Banning Municipal Code Chapter 17.52 and in light of the record before it including the staff report dated May 7, 2014, 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 project is consistent with General Plan Economic Development Element Policy #2 which states: "The City shall take a proactive role in the retention of existing businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes and contribute to City General Fund revenues". The subject site is an existing previously approved use as a telecommunications facility under Unclassified Use Permit #04-47501 approved by City Council on September 14, 2004, and Planning Commission policies encourage the co-location of telecommunications facilities to maximize the utilization and efficient use of the limited number of communication sites.

Further, the project is consistent with General Plan Economic Development Element Policy #3 which states: "Encourage and promote infill development in orderly and logical development patterns that decrease the costs, and increase the efficiency of new utilities, infrastructure, and public services." By co-locating the telecommunications facility, site development costs are decreased improving the efficiency of the existing telecommunications facility.
Finding No. 2: The proposed use as a telecommunications facility is conditionally permitted within the subject land use district.

Findings of Fact: The land-use designation of Downtown Commercial (DC) does not presently allow telecommunications facilities. The subject site is an existing previously approved use as a telecommunications facility under Unclassified Use Permit #04-47501 approved by City Council on September 14, 2004, and Planning Commission policies encourage the co-location of telecommunications facilities to maximize the utilization and efficient use of the limited number of communication sites.

The proposed project will utilize the existing area enclosed for use as a telecommunications facility and no buildings or expansions to the antenna tower height or width are proposed. Additionally, the proposed project is conditioned to meet all local standards pertaining to development and use, including providing sufficient parking, setbacks, fencing and screening of utility equipment from adjacent uses through the use of a perimeter wall, and replacement landscaping with pine trees.

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 Downtown Commercial (DC) land use district in which it is to be located because it is surrounded by office uses, and vacant land on three sides; and the City of Banning Electric Substation immediately adjacent to the south. The electric transmission lines running east-west along Livingston Street and the electric substation equipment dominate the foreground, with the existing monopine antenna tower visible in the background with the telecommunications facility serving as a buffer between the Banning Electric Substations and any future commercial development that may be proposed.

Additionally, the project is required to be landscaped to current development standards along with three pine trees that serve as a backdrop for the existing monopine antenna tower (simulated pine tree). The equipment enclosures are screened with a block wall and the site is surrounded by a combination block wall with wrought iron fencing. The individual antenna elements are required to be camouflaged from view.

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

Findings of Fact: The subject site is currently developed as a telecommunications facility. The 0.15 acre land area is of adequate size to accommodate the co-location of the telecommunications facility, within the existing enclosure. The site has adequate areas for parking and landscaping. There is adequate access from Alola Street.

Finding No. 5: There are 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 is served by public and private utilities, including the City’s water and electrical utilities. The site is accessed and served from Alola Street, an existing developed roadway with existing 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 and surrounding neighborhood is currently developed. The parcel is flat (unable to support bodies of water).

The electric transmission lines running east-west along Livingston Street and the electric substation equipment dominate the foreground, with the existing monopine antenna tower visible in the background with the telecommunications facility serving as a buffer between the Banning Electric Substations and any future commercial development that may be proposed in the neighborhood.

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 co-location of a wireless telecommunication facility will not be detrimental to the City’s health, safety, and welfare in that it complies with the Zoning Code development standards. Furthermore, by co-locating the facility, it would eliminate the need for an additional free-standing structure in another location along the I-10 freeway. The project will not generate excessive noise or traffic. There is adequate parking and screening from adjacent uses.

SECTION 3: 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 15301 and directs the Planning Director to prepare and file with the Clerk for the County of Riverside a notice of exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

2. Conditional Use Permit. (CUP) #13-8008 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Attachment “A” and Attachment “B” Antenna.
PASSED, APPROVED AND ADOPTED this 7th day of May, 2014.

Kevin Siva, Chairman
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

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

CERTIFICATION:

I, Holly Stuart, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2014-07 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 7th day of May, 2014 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Holly Stuart, Recording Secretary
City of Banning, California
Attachment “A” to PC Resolution No. 2014-07

PROJECT #: Conditional Use Permit #13-8008

SUBJECT: Co-location of a Telecommunications Facility

APPLICANT: Smartlink, LLC of Verizon Wireless

LOCATION: 60 S. Alola Street (APN 541-192-004)

CONDITIONS OF APPROVAL

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

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. A Conditional Use Permit shall be exercised by the commencement of construction within two (2) years from the date of approval or the Conditional Use Permit shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, the Conditional Use Permit shall become null and void. 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 Conditional Use Permit complies with all current Ordinance provisions.

3. This Conditional Use Permit is specifically for the placement of one 4 foot diameter parabolic antennae and 12 sector antennae on the 80 foot tall monopine (simulated pine tree) antenna tower, along with the placement of related equipment in the lease area enclosure with dimensions of approximately 25 feet by 27 feet square. Any modification, or addition to the specific approvals listed herein shall be approved by the City.

4. The applicant shall cooperate with other telecommunication companies to co-locate additional facilities at this location for the purpose of reducing the total number of telecommunications facilities. The applicant shall exercise good-faith efforts in this regard provided that such shared use does not adversely affect the interests of the applicant or City. The City may request a third party technical study from the applicant or applicants to determine the said interests (costs for any study shall be paid by the applicant). This condition in no way obligates the City to approve a co-location proposal. All co-location proposals shall require review and approval of a Conditional Use Permit.

5. If the requirements of this approval conflict with other permits or City regulations, the more restrictive requirement or regulation shall apply.

6. No form of advertising or identification shall be permitted on the antenna structure other than a manufacturer’s identification, or information that may be required by state or federal regulations.

7. The issuance of these Conditions of Approval do not negate the requirements of Unclassified Use Permit #04-47501 approved by City Council on September 14, 2004.

8. 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.

9. 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.
10. Prior to the issuance of building permits a copy of the signed lease and easement agreement with the property owner shall be filed with the City.

Site Development

11. 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, grading plans on file in the Planning Division, the conditions contained herein, and zoning code regulations.

12. Prior to any use of the project site or business activity being commenced thereon, including any operation of the wireless telecommunications facility, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.

13. Permanent electric connections for telecommunications co-location purposes shall not commence until such time as all California Building Code and State Fire Marshal regulations have been complied with. Prior to operation of the facility, plans shall be submitted to the City of Banning Fire Marshal and the Building and Safety Division to show compliance. All facilities shall be inspected for compliance prior to the commencement of operations of the telecommunications facility.

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

15. 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.).

16. Prior to electrification of the project, the parking lot shall be landscaped, with a minimum of three fast-growing trees similar to the mono-pine in terms of ultimate height. These trees shall be a minimum of twenty-five (25) feet in height at planting time and shall be placed so as to blend in with and partially screen the mono-pine from Ramsey Street and adjacent properties. The trees chosen for planting shall of a species that is likely to grow 45'-50' and maintained at their tallest height as technologically feasible. Plans for this renovation shall be submitted for approval to the Community Development Director prior to building permit issuance for the new structures.

17. Approval of this request shall not waive compliance with all sections of the Zoning Code and other applicable City Ordinances in effect at the time of building permit issuance.

18. 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.
19. The developer shall submit a construction access plan and schedule for the development of the wireless telecommunications facility 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.

20. The existing chain link and barbed wire fencing shall be replaced by wrought iron or other decorative fencing as approved by the Community Development Director.

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

22. Graffiti shall be removed within 72 hours or within 24 hours of notice from the City.

23. 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.

24. 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.

25. The lighting fixture design shall compliment or be consistent with the existing site architectural program.

Architectural Design

26. 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 enclosure design and constructed to the satisfaction of the Community Development Director. Details shall be included in construction plans.

27. The mono-pine structure shall completely conceal antennas and antenna structures utilizing socks and other approved camouflaging material such that the antenna and related structures are not visible from the federal highway. Quality and appearance of the mono-pine shall be of the same quality and appearance as reflected in the applicant’s statements, representations and/or exhibits presented to the City’s staff or Planning Commission or the Conditional Use Permit shall be revoked. Additional artificial branches shall be added to the existing mono-pine structure to increase branch density (per Attachment “B” of this resolution).

28. The applicant shall ensure that the mono-pine structure has full green foliage, realistic bark and branches approximately every 2.5 feet with the first branch at 15 feet.

29. Provide for the following design features to the satisfaction of the Community Development Director:
a. Architecturally integrate features of the design of the facility with the antennae installation and equipment enclosure to match existing neighborhood.
b. Provide one paved on-site parking space for one service vehicle.
c. All parking spaces shall be striped per City standards.
d. Fencing shall be decorative masonry with wrought iron gates.

**Landscaping**

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

31. At minimum, trees shall be 36-inch box or larger and shall be a minimum of 25 feet tall at time of planting. Trees shall be planted in areas of public view. 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 operation of the facility.

32. For the project the applicant is responsible for the continual maintenance of all landscaped areas on-site (as provided for in approved landscaping and irrigation plans), 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 or within 10 days within date of notice from City.

33. Tree maintenance criteria shall be developed and submitted to the Community Development Director for review and approval prior to issuance of building permits. These criteria shall encourage the natural growth characteristics of the required or selected tree species. A water meter and irrigation controller shall be installed to maintain the landscape features.

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

**Building and Safety**

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

**General Requirements**

35. Submit four complete sets of plans including the following:

   Site/Plot Plan;
   Foundation Plan;
Floor Plan;
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;
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.

36. Submit two sets of structural calculations, energy conservation calculations, and a soils report. Architect's/Engineer's stamp and "wet" signature as required prior to plan check submittal.

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

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

39. The wireless telecommunications company shall not be in operation prior to posting the Certificate of Occupancy issued by the Building and Safety Division.

   a) Approval of the Community Development Director shall be required prior to release of all utilities and/or finalization of the building permit and issuance of the Certificate of Occupancy to ensure that project was designed and constructed consistent with all photos or other depictions or representations submitted or made by applicant to the City or Planning Commission.

   b) The plans shall not include any sites or plans for future carriers or new antennas. Applicant acknowledges that city approvals are required for any new antenna consistent with city codes and governing law.

   c) Applicant shall not use, create, store or allow any hazardous substances on the site in violation of any law or regulation. In no case shall applicant cause or allow the deposit or disposal of any hazardous substances on the site in violation of any law or regulation. City, or its agents or contractors, shall upon at least 48 hours written notice to Applicant, have the right to go upon and inspect the site to assure compliance with the requirements herein stated. Applicant shall be responsible for and bear the entire cost of removal and disposal of hazardous substances introduced to the site from the proposed project or any expansion thereof. Applicant shall also be responsible for any clean-up and decontamination on the site or the property necessitated by the introduction of such hazardous substances on the site. Applicant shall not be responsible for or bear the cost of removal or disposal of hazardous substances introduced to the site during any period prior to construction of the proposed project. Applicant shall indemnify, defend and hold City harmless from and against all liabilities, damages, claims, losses, costs or expenses (including, without limitation, reasonable attorneys' fees) incurred by or brought against City in connection with and to the extent arising out of the use, storage, disposal, release or other presence of hazardous substances on, in, under
or about the Site, except to the extent caused by any actions or inactions of City, its agents, contractors or employees. The phrase “hazardous substance”, as used herein, has the same meaning as that phrase has under Section 25359.7 of the California Health and Safety Code. Notwithstanding anything to the contrary in this paragraph, City and applicant acknowledge that applicant shall be utilizing and maintaining on the site sealed batteries, propane/diesel/gasoline, HVAC system, and a halon/FM200 fire suppression system and that the use and maintenance of such items shall not constitute a violation or breach of this paragraph; provided, that if that use, retention or maintenance causes or allows the deposit or disposal of any hazardous substances on the site in violation of any law or regulation, then applicant’s obligations to indemnify, defend and hold harmless as set out in this paragraph shall be fully applicable.

Site Development

40. 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 13-8008). The applicant shall comply with the latest adopted California Building Code, California Mechanical Code, California 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.

41. 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: Permit and Plan Checking Fees.

42. Street addresses shall be provided by the Building Official, prior to issuance of building permits.

43. 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.

44. 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.

Grading

45. If required, grading of the subject property shall be in accordance with the California Building Code, City Grading Standards, and accepted grading practices. The final grading plan shall be in substantial conformance with the approved grading plan.
46. A soils report shall be prepared by a qualified engineer licensed by the State of California to perform such work.

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

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

49. 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.

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

The following conditions of approval shall be completed prior to issuance of a building permit:

50. The Department of Public Works recommends the Conditions of Approval listed herein for CUP# 13-8008. Unless stated otherwise, all conditions shall be completed by the applicant at no cost to any government agency.

51. Submit a site plan to the City Engineer for review and approval showing drainage patterns (existing and proposed contours, flow lines, etc.), elevations and any required cut or fill. The plan shall provide for positive drainage away from, and around existing and proposed structures in accordance with City of Banning standard plans and specifications dated January 1, 1983. All drainage from the property shall drain to the public right-of-way, or applicant shall obtain drainage easement acceptance letter from downstream property owners.

52. 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.

53. The applicant shall identify and include in its improvement plans those routine structural and non-structural Best Management Practices (BMP’s) as outlined in Supplement “A” to the Riverside County Drainage Area Management Plans and any attachments (see Riverside County Flood Control and Water Conservation District stormwater quality web site at http://floodcontrol.co.riverside.ca.us/districtsite for more information).

54. Submit a copy of the Title Report to the City Engineer prior to site plan review and approval.
55. Submit detailed drawings showing the existing and proposed utility connections (water, sewer, electric, etc.) to the City Engineer for review and approval. Construct all necessary infrastructures to provide utilities to the proposed project. Contact the Public Works Department prior to any utility construction as a Public Works Permit may be required.

56. Pay all applicable water and sewer connection, frontage, and water meter fees, as outlined in the City of Banning, Ordinance Numbers 1320 and 1321. Pay all other applicable plan check fees.

The following conditions of approval shall be completed prior to issuance of a certificate of occupancy:

57. Obtain a Public Works Permit 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 that are damaged during construction, or public improvements not accepted by the City’s representative in the field, shall be removed and replaced as determined by the City Engineer.

58. Place the property address numbering in a conspicuous place in accordance with Section 21-21 of the Banning Municipal Code.

59. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee.

60. Ensure that the disposal of construction debris is conducted at a certified recycling site. It is recommended that the developer contact the City’s franchised solid waste hauler (Waste Management) for disposal of construction debris.

61. Applicant shall ensure that any and all access easements are paved. In addition, the access easement from the driveway shall be a minimum of 15 feet in width.

62. All required Plans and applicable Fees must be submitted to the Public Works Department prior to the Engineering Division’s approval of the Building Permit.

Fire
THE APPLICANT MAY CONTACT FIRE SERVICES, (951) 922-3210, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

The following are the minimum Fire Department requirements. There may be additional requirements when the project specifics are defined and the final proposal is submitted for approval.

63. 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.

Plan Check and Inspection: $134.00 per hour

64. CODE COMPLIANCE:

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

Special Requirements for this project:

Fire Department access shall be provided to within 150 feet of all portions of the facility. The road shall be considered “all weather” accessible for a fire truck.

Emergency power supply systems such as generators and batteries may require a Hazardous Materials Management Permit. Secondary containment for the batteries and generator may be required and ventilation may be required for the batteries.

65. 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.

NOTE: More specific requirements may be presented when detailed plans are submitted, especially building plans.

Water/Wastewater
THE APPLICANT MAY CONTACT THE WATER & WASTEWATER UTILITY FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

Fees

66. Water Connection Fees shall be paid per EDU (EDU is based upon meter size and number of fixture units) and Water Meter Installation charges shall all be paid at the time of issuance of building permits in accordance with the fee schedule in effect at the time the fees are paid.

67. Sewer Connection Fees, if applicable, shall be paid per EDU and shall be paid at the time of issuance of building permits in accordance with the fee schedule in effect at the time the fees are paid.

68. Per application submitted, applicant is responsible to ensure that no conflict will arise from existing City-owned radio and future microwave SCADA System. Please contact Perry Gerdes at (951) 849-3273.

Electric Utility
THE APPLICANT MAY CONTACT ELECTRICAL DEPARTMENT FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:
69. The customer shall be responsible for:

Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. These plans are required in electronic format. We currently use AutoCad2006. Plans should consist of a plot plan, site plan, one line diagram of proposed electrical main service panel and a sheet showing load calculations by an electrical engineer. Additional sheets may be required upon request.

Submitting electrical information included service voltage and panel size, load schedule showing the largest motor load, and electrical one line diagram.

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

Granting easement for electric facilities installation/maintenance, etc.

All trenching, backfill, and compaction.

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

70. The City Electric Department shall be responsible for:

Reviewing plans submitted by customer.

Design an electrical utility plan for the installation of structures and conduit by developer.

END
Attachment 2

(Location Map)
Attachment 3

(Unclassified Use Permit)
Attachment 4

(Aerial Photo)
Attachment 5

(Site Photographs)
Looking easterly from Aolona Street
Looking westerly from Livingston Street
Attachment 6

(Project Plans)
<table>
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**Project Team**

**Project Summary**

**Vicinity Map**

**Driving Directions**

**Code Compliance**

**Project Description**

**Zoning Drawings - Not for Construction**