City of Banning

PLANNING COMMISSION
Meeting – Tuesday, May 1, 2007 - 6:30 p.m.
Council Chambers, 99 E. Ramsey Street
Banning, CA 92220

I. CALL TO ORDER

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

II. PUBLIC COMMENT

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

IV. PUBLIC HEARING:

A. New Items:

1. Request to approve Design Review #06-7017 and Conditional Use Permit Amendment
   #06-802, a request by Mountain Avenue Baptist Church to develop a two-story building
   with a multi-purpose room on 6.30 acres in Low Density Residential (0-5 dwelling units
   per acre) located north of Wilson Street, east of Highland Home Road, and west of
   Mountain Avenue. APN 535-030-037.

2. Request to approve design review #06-7011 to develop 53 homes on 18.51 acres
   of approved Tract Map # 30642 in Low Density Residential (0-5 dwelling units
   per acre). Located at the northwest corner of Wilson Street and Sunrise Avenue
   APN 535-070-008.
3. Design Review #07-706, a request to develop a 17,272 square foot Rite-Aid Pharmacy on a vacant site in the Highway Serving Commercial zone. The property is located on the south west corner of 8th and Ramsey Street. APN 540-180-053.

V. STAFF REPORT / INFORMATION ITEMS

VI. PLANNING COMMISSIONER COMMENTS

VII. ADJOURNMENT

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

DATE: MAY 1, 2007

CASE NO'S: CONDITIONAL USE PERMIT (AMENDMENT #06-802), AND DESIGN REVIEW # 06-7017

REQUESTS: MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT, CONDITIONAL USE PERMIT (AMENDMENT #06-802) AND DESIGN REVIEW #06-7017 FOR THE DEVELOPMENT OF A 2-STORY SCHOOL BUILDING WITH A MULTI-PURPOSE ROOM ON 6.30 ACRES IN LOW DENSITY RESIDENTIAL.

LOCATION: 1325 N. MOUNTAIN, WEST OF MOUNTAIN AVENUE & NORTH OF RED BLUFF. APN 535-030-037.

APPLICANT: MOUNTAIN AVENUE BAPTIST CHURCH

SURROUNDING USES/ZONES: NORTH- SINGLE FAMILY RESIDENTIAL/LOW DENSITY RESIDENTIAL  
WEST- VACANT/LOW DENSITY RESIDENTIAL  
SOUTH- VACANT/LOW DENSITY RESIDENTIAL 
EAST- SINGLE FAMILY RESIDENTIAL/LOW DENSITY RESIDENTIAL

ENVIRONMENTAL CONSIDERATION: THE BANNING COMMUNITY DEVELOPMENT DEPARTMENT HAS COMPLETED AN ENVIRONMENTAL ASSESSMENT FOR THE REFERENCED CASE. BASED ON THIS ASSESSMENT, THE COMMUNITY DEVELOPMENT DEPARTMENT HAS DETERMINED THAT, WHILE THE PROPOSED PROJECT COULD HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT, THE POTENTIAL FOR SUCH IMPACTS CAN BE MITIGATED TO LESS THAN A SIGNIFICANT LEVEL THROUGH MEASURES INCORPORATED INTO THE PROJECT APPROVAL. ACCORDINGLY, A MITIGATED NEGATIVE DECLARATION HAS BEEN PREPARED AND IS RECOMMENDED FOR ADOPTION.
BACKGROUND:

Project Location:
The project is located at 1325 N. Mountain Avenue, which is north of Red Bluff and west of Mountain Avenue. The property is approximately 6.3 acres in size, relatively flat, rectangular in shape and surrounded by vacant property and residential zoned properties, access is from Mountain Avenue.

Project Background/Description:

Design Review #06-7017 and C.U.P. Amendment #06-802 applications are required to review the design of the building and to expand the school’s operation in the Low Density Residential zone. The Planning Department files indicate that at its meeting held on April 7, 1976, the Planning Commission approved Conditional Use Permit 1976-02, permitting the establishment of a church building and the Calvary Christian School, a private school for kindergarten through the 12th grade (a Design Review application was not required at that time). The site currently has an existing 12,701 sq. ft. building that accommodates the sanctuary, 9 classrooms and fellowship hall, and with capacity for up to 340 people (the current classrooms can hold 170 students). The site also has 56 parking spaces. In addition, this approval also allowed up to 200 students; current enrollment is 163 students. The current enrollment for students is as follows: Preschool, 14; Kindergarten, 22; 1st grade, 16; 2nd grade, 18; 3rd grade, 16; 4th grade, 13; 5th grade, 16; 6th grade, 13; 7th - 8th grade, 22; and 9th - 12th grade, 13.

The facility also operates on Sundays for church and the hours are 10:00 a.m. to 12:15 p.m. with an evening service from 6:00 p.m. to 7:15 p.m.. The school is not open on Saturdays. The operating hours for the school are Monday thru Friday 8:30 a.m. to 3:00 p.m., and kindergarten ends at 2:30 p.m. allowing for staggered pickup times. The school does offer extended care which ends at 5:30 p.m., and on an average day 20-30 students attend, and the average attendees are elementary students who play on the playground and work on homework. The Church has no plans on renting the multi-purpose room out to outside parties.

The school also has a loading and unloading plan implemented; the plan is a two lane drop off and pickup station, the driveway has a circular flow, allowing the cars to wait in the parking lot and not on Mountain Avenue.

The C.U.P was amended by the Commission at its hearing on January 6, 1998 to allow the construction of a 13,200 sq. ft. single-story school building with a multi-purpose room adjacent to the existing church and fellowship hall (again, a Design Review application was not required at that time) as well as 45,160 sq. ft. of developed open space that includes lawn and playground area. The school building was never built; therefore all activities are conducted within the existing 12,701 sq. ft. building that is broken up into 7 classrooms and a fellowship hall with partition walls.

Now the applicants are requesting an amendment to the January 6, 1998 approval to increase the previously approved building’s square footage from 13,200 sq. ft. to 26,104
sq. ft. The applicant proposes a modern architectural styled two-story building will contain nine classrooms and a multi-purpose room. The proposed structure both have slump block columns, light blue-gray roof shingles (the roof will be built to accommodate tile in the future), blue trim on the fascia, doors and columns, and off-white stucco.

The footprint of the building will be 16,760 sq. ft. (14 % of the gross area of the site). The applicants also propose to provide 122 additional parking spaces for a total of 178 parking spaces, including parking lot lighting. In addition, the site is proposed to have a turf athletic field that is 102, 750 sq. ft. for physical education and athletic school activities.

The operation will stay the same; however, an amendment to the Conditional Use Permit is requested to expand the enrollment from 163 students to 300 students. The school anticipates their enrollment will increase to 300 students in the future with all different ages. The new building will provide smaller class sizes, allowing for a more one on one teacher to student learning environment. The existing facilities will be used for 1st and 2nd grade classrooms; the fellowship hall will maintain its use.

Environmental Review:

The Banning Community Development Department has completed an Environmental Assessment for the referenced case. Based on this assessment, the Community Development Department has determined that, while the proposed project could have a significant impact on the environment, the potential for such impacts can be mitigated to less than a significant level through measures incorporated into the project approval. Accordingly, a mitigated negative declaration has been prepared and is recommended for adoption.

The City has in the past installed storm sewer facilities in the property located immediately south of the proposed church property. At that time, although biological resource studies had been completed which did not identify the site as habitat for burrowing owl, the species was found on the site. Since it is possible that the same would occur on the church property, a condition of approval has been included which requires the completion of protocol surveys for burrowing owls, prior to the initiation of any ground disturbing activity.

Findings:

Findings can be made to approve the Design Review, Conditional Use Permit Amendment and Environmental Assessment and are included in the Resolutions of Approval (attached).

Public Notice

This proposal was advertised in the Record Gazette newspaper on April 20, 2007. All property owners within 300 feet of the site were mailed a public hearing notice. To date, no written comments have been received. Any comments received prior to the meeting will be incorporated into the appropriate documents.
ANALYSIS:

The proposed design and operation is consistent with the goals and objectives of the General Plan, and also conforms to the development standards of the Zoning Code.

General Plan:

The General Plan Land Use Element designation is Low Density Residential (LDR) which allows for the development of a two-story educational building and a multipurpose room. A primary objective stated in the Land Use Element of the General Plan under residential Goal 1 is preservation and enhancement of the City’s neighborhoods. Policy 2 of the General Plan Land Use Element Goal No. 2 indicates projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected. Program 4.A of the General Plan Land Use Element Land Use Element Goal 2 indicates design guidelines shall be included in all residential zoning categories.

This project maintains a land use that is consistent with these policies and goals. The project is consistent with the General Plan because the project proposes a school building that is compatible with the existing building as well as aesthetically agreeable with the existing neighborhood, and will assure that the neighborhood character is protected by offering expanded educational opportunities at an existing, established church/school facility. The proposed facility expansion has been designed in concurrence with the design guidelines to be compatible with its surroundings.

A traffic impact analysis was prepared for the proposed project. The report requires certain traffic mitigation measures, including striping requirements, that when implemented, will maintain acceptable traffic circulation.

Currently, when the church is in service, traffic and parking has not been an issue. The school is not open on Saturdays and does not have any other programs that would affect the land use district.

Zoning Code:

The two-story educational building is consistent with the intent of the City’s zoning ordinance as described in the staff report. The applicant proposes a Modern architectural style, consistent with the existing structure on site. The existing and proposed structure both have slump block columns, light blue-gray roof shingles (the roof will be built to accommodate tile in the future), blue trim on the fascia, doors and columns, and off-white stucco.

The Low Density Residential (LDR) Zoning District designation allows for private schools with a Conditional Use Permit. The project complies with all the development standards including minimum front yard setback (30’ proposed versus 20’ required), minimum rear yard setback (92’ proposed versus 15’ to the building), minimum side yard
setbacks (400' proposed versus 10' required), and 60' to existing structure, maximum lot coverage (14% proposed versus 25% required), landscaping requirements, etc.

Under the City's Zoning Ordinance section 9107.C parking for school facilities requires one space for each employee, plus one space for each eight children for pre-school. For the Elementary School / Junior High three spaces for each classroom and High School eight spaces for each classroom. The School has 12 employees, and 14 pre-school students, and nine classrooms. The required parking spaces needed is 120; the applicant is proposing 122 parking spaces, in addition to the existing 56 parking spaces.

To minimize lighting glare, a Condition of Approval has been included that will require the applicant to shield the lights in the parking lot.

The athletic field and softball field are adjacent to vacant property. The field will not have bleachers and or exterior lighting in order to minimize the impact to the surrounding properties.

The project is conditioned to provide a six-foot block wall and landscaping to minimize the impact generated by the facility as well as provide a certain measure of safety to the school kids.

**RECOMMENDATION:**

That the Planning Commission:

1. Approve Resolution No. 2007-19, approving, a Mitigated Negative Declaration based on the findings and conditions of approval.

2. Approve Resolution No. 2007-20, approving CUP Amendment #06-802, based on the findings and conditions of approval.

3. Approve Resolution No. 2007-21, approving Design Review #06-7017, based on findings and conditions of approval.

Respectfully submitted,

Kevin Swartz  
Assistant Planner

Exhibits:

1. Resolution No.2007-19
2. Resolution No.2007-20, with Conditions of Approval
3. Resolution No.2007-21, with Conditions of Approval
4. Design Plans for Design Review #06-7017 (Separate Cover)
MOUNTAIN AVENUE
BAPTIST CHURCH

ENVIRONMENTAL
ASSESSMENT

RESOLUTION NO. 2007-19

EXHIBIT "1"
RESOLUTION NO. 2007-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION FOR MOUNTAIN AVENUE BAPTIST CHURCH, A REQUEST FOR A TWO-STORY EDUCATIONAL BUILDING.

WHEREAS, an application for Mountain Avenue Baptist Church has been filed by:

Applicant / Owner: Mountain Avenue Baptist church
Authorized Agent: Don H. Kramer
Project Location: North of Red Bluff and West of Mountain Avenue
APN Number: 535-030-037
Lot Area: 6.30 Acres

WHEREAS, the proposed two-story educational building and multi-purpose room is considered a "project" as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. ("CEQA"); and,

WHEREAS, after completion of an Initial Study, the Community Development Director determined that it identified potentially significant effects on the environment, but that revisions to the project or the incorporation of mitigation measures would avoid or lessen the effects below the threshold of significance. Therefore staff has proposed a Mitigated Negative Declaration for this project; and,

WHEREAS, the proposed Mitigated Negative Declaration consists of the following documents: Initial Study, traffic study, biological resources, jurisdictional study; and

WHEREAS, on April 12, 2007, using a method permitted under CEQA Guidelines Section 15072(b), the City provided a notice of its intent to adopt the proposed Mitigated Negative Declaration to the public, responsible agencies, trustee agencies, and the Riverside County Clerk; and,

WHEREAS, the City made the proposed Mitigated Negative Declaration available for public review beginning on April 12, 2007 and closing on May 1, 2007, a period of not less than 20 days. During the public review period, the City received no written comments concerning the proposed Mitigated Negative Declaration; and,

WHEREAS, the Banning Planning Commission conducted a duly noticed public hearing on May 1, 2007 at which it received public testimony concerning the project and the proposed Mitigated Negative Declaration and considered the proposed Mitigated Negative Declaration.

NOW THEREFORE, the Planning Commission of the City of Banning does hereby resolve, determine and order as follows:
SECTION 1. 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 proposed Mitigated Negative Declaration and documents incorporated therein by reference, any written comments received and responses provided, and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby finds and determines as follows:

1. **Review Period:** That the City has provided the public review period for the Mitigated Negative Declaration for the duration required under CEQA Guidelines Sections 15073 and 15105.

2. **Compliance with Law:** That the Mitigated Negative Declaration were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Banning.

3. **Independent Judgment:** That the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

4. **No Significant Effect:** That revisions made to the project plans agreed to by the applicant and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the Planning Commission finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the Planning Commission concludes that the project will not have a significant effect on the environment.

SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

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

SECTION 3. PLANNING COMMISSION ACTIONS.

Based on the foregoing findings, and on substantial evidence in the whole of the record, the Planning Commission hereby takes the following actions:

1. **Adopt MND:** The Mitigated Negative Declaration for a two-story educational building is hereby approved and adopted.

2. **Notice of Determination:** In compliance with Public Resources Code § 21152 and CEQA Guidelines § 15075, the Planning Director shall prepare a Notice of Determination concerning the approval and adoption of the Mitigated Negative
Declaration, and within five (5) working days of project approval, file the Notice with the Riverside County Clerk for posting.

3. **Location:** The Mitigated Negative Declaration, and all documents incorporated therein or forming the record of decision therefore, shall be filed with the Banning Planning Department at the Banning City Hall, 99 E. Ramsey Street, Banning, California 92220 and shall be made available for public review upon request.

**PASSED, APPROVED AND ADOPTED** this 1st day of May 2007.

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Betty DeSantis, Chairperson  
Banning Planning Commission

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

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

**CERTIFICATION:**

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-19, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 1st day of May, 2007 by the following vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

Virginia Sorenson, Recording Secretary  
City of Banning, California

PC Resolution No 2007-19
MOUNTAIN AVENUE
BAPTIST CHURCH

CUP AMENDMENT #06-802

RESOLUTION NO. 2007-20
WITH
CONDITIONS OF APPROVAL

EXHIBIT "2"
RESOLUTION NO. 2007-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING CONDITIONAL USE PERMIT AMENDMENT #06-802 FOR THE CONSTRUCTION OF A 26,104 SQ FT TWO (2) STORY SCHOOL BUILDING AND ANCILLARY FACILITIES ON 6.30 ACRES IN THE LOW DENSITY RESIDENTIAL ZONE. APN 535-030-037

WHEREAS, an application for Mountain Avenue Baptist Church has been duly filed by:

Applicant/Owner: Mountain Avenue Baptist Church
Authorized Agent: Don H. Kramer
Project Location: The Property is Located north of Red Bluff and west of Mountain Avenue.
APN Number: 535-030-037
Lot Area: 6.30 acre

WHEREAS, the Planning Commission has the authority per Section 9113.00 of the Banning Municipal Code to take action on Conditional Use Permit Amendment #06-802 to develop a two 26,104 sq. ft. 2 story school building and related ancillary facilities; and

WHEREAS, on April 20, 2007 the City gave public notice by mailing notices to property owners within 300 feet of the project site and advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, of the holding of a public hearing at which the project would be considered; and

WHEREAS, on May 1, 2007 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Conditional Use Permit Amendment and at which the Planning Commission considered the Conditional Use Permit Amendment; and

WHEREAS, at this public hearing on May 1, 2007 the Planning Commission considered, heard public comments on, and adopted a Mitigated Negative Declaration for the project by Resolution 2007-19 and

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 Community Development Director as provided in the Staff Report dated May 1, 2007 and documents incorporated therein by reference, and any other evidence (within the meaning of
Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. **CEQA**: The approval of this Conditional Use Permit is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on May 1, 2007, at a duly noticed public hearing, the Planning Commission approved and adopted a Mitigated Negative Declaration reflecting its independent judgment and analysis and documenting that there was not substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. The documents comprising the City's environmental review for the project are on file and available for public review at Banning City Hall, 99 East Ramsey Street, Banning, California 92220.

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 Section 9113.00 and in light of the record before it including the staff report dated May 1, 2007 and all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

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

The General Plan Land Use Element designation is Low Density Residential (LDR) which allows for the development of a two-story educational building and a multi-purpose room. Residential Goal No. 1 of the Land Use Element of the General Plan prescribes the preservation and enhancement of the City’s neighborhoods. Policy 2 of the General Plan Land Use Goal No. 2 indicates projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected. This project maintains a LDR land use designation. The project, as conditioned, will be complimentary to the surrounding properties as well as consistent (same exterior treatments) with existing sanctuary structure.

2. The proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provisions of the Zoning Ordinance.

The Low Density Residential (LDR) Zoning District designation allows for private schools subject to a Conditional Use Permit. The project complies with all the development standards including minimum front yard setback (30’ proposed versus 20’ required), minimum rear yard setback (92’ proposed versus 15’ to the building), minimum side yard setbacks (400’ proposed versus 10’ required), and 60’ to existing structure, maximum lot coverage (14% proposed versus 25% required), landscaping requirements, etc. Under the City’s Zoning Ordinance section 9107.C parking for school facilities requires one space per employee, plus one space for each eight children for pre-school. For the Elementary School / Junior High, three spaces for each classroom and High School, eight spaces for each classroom. The school has 12 employees, 14 pre-school students and nine classrooms. The required parking spaces needed is 120; the
applicant is proposing 122 parking spaces. The two-story educational building is 29 ft in height; the Code allows structures up to 35 ft in height.

3. The proposed use would not impair the integrity and character of the land use district in which it is to be located.

The subject site as well as the surrounding properties is comprised of residential properties zoned LDR. The property meets or exceeds the development standards; will operate in a substantially similar manner as the existing facility; and the exterior finishes will be the same as the existing sanctuary.

4. The subject site is physically suitable for the type and intensity of the land use being proposed.

The site is generally square and flat and consists of 6.30 acres. The site is not located within a flood plain and no major geologic hazards have been reported on the site or other limited conditions that would render it unsuitable for this development. The project has been designed to accommodate the development of a two-story educational building considering the shape and topography of the site in the Low Density Residential zone, the proposal is appropriate for a site of this size and configuration. The School currently has 56 parking stalls, but with the proposed facility the applicant will provide an additional 122 parking stalls. A condition of the project will require that the parking lot lights be shielded. With the additional building, the school will provide additional playground equipment, new outdoor basketball courts, 102,750 sq. ft of turf for an athletic field, and a softball field. The athletic field and softball field will not have bleachers or lights to limit the impacts to the surrounding properties.

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.

As conditioned herein, the project proponent shall construct all necessary on and off-site infrastructure to provide utilities to the proposed project prior to the issuance of Building Permits. Water, sanitation and public utilities and services are available in Mountain Avenue, a public street.

6. There will not be significant harmful effects upon environmental quality, natural resources, or neighborhood characteristics.

The site currently has an existing 12, 701 square foot building with existing utilities. These utilities will also serve the subject building. A traffic impact analysis was prepared for the proposed project. The report requires certain traffic mitigation measures, including striping requirements, that when implemented, will maintain an acceptable traffic circulation. Construction activities will create localized noise impacts around the construction site that will end at project build-out. Construction noise is governed by ordinance, which limits allowable times of equipment operations.

The City has in the past installed storm sewer facilities in the property located immediately south of the proposed church property. At that time, although biological resource studies had been
completed which did not identify the site as habitat for burrowing owl, the species was found on the site. Since it is possible that the same would occur on the church property, a condition of approval has been included which requires the completion of protocol surveys for burrowing owls, prior to the initiation of any ground disturbing activity. 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. In addition, this project has been conditioned to comply with the environmental policies and regulations of the City of Banning and those of all local and regional governmental agencies having jurisdiction over the site.

7. The proposed location, size, design and operating characteristics of the proposed use will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The two-story educational building is consistent with the intent of the City’s zoning ordinance as described in the staff report. The operating hours for the school are Monday thru Friday 8:30 am to 3:00 pm, and kindergarten ends at 2:30 pm allowing for different pickup times. The school does offer extended care which ends at 5:30 pm, and on an average day 20-30 students attend, and the attendees are elementary students who play on the playground and work on homework. The facility also operates on Sundays for church and the hours are 10:00 am to 12:15 pm with an evening service from 6:00 pm to 7:15 pm. The Church has no plans on renting the multi-purpose room out to outside parties. Currently, the church is in service and traffic and parking have not been an issue. The school is not open on Saturdays and does not have any other programs that would affect the land use district. The project has been designed to meet the required development standards related to setbacks, lot coverage, building height, circulation and parking such that it will not be detrimental to the public interest, health, safety, coverage or welfare as described in more detail in the Staff report.

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. Approve Conditional Use Permit Amendment. Conditional Use Permit Amendment #06-802 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Attachment “1”.

PASSED, APPROVED AND ADOPTED this 1st day of May, 2007.

Betty DeSantis, Chairperson
Banning Planning Commission
APPROVED AS TO FORM AND LEGAL CONTENT:

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

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-20, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 1st day of May, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

PROJECT #: CUP Amendment 06-802, Design Review 06-7017

SUBJECT: Mountain Avenue Baptist Church

APPLICANT: Mountain Avenue Baptist Church

The property is located north of Red Bluff and west of Mountain Avenue.
APN 535-030-037

LOCATION:

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

A. General Requirements

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City’s defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

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

B. Time Limits

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

C. Site Development

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

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

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

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

5. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, tree removal, encroachment, building, etc.)

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

7. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director and Police Department (922-3125) prior to the issuance of building permits. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties.
8. All ground-mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Community Development Director.

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

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

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

12. Six-foot decorative block wall shall be constructed.

D. Mountain Avenue Baptist Church

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

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

3. Graffiti shall be removed within 72 hours.

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

5. All operations and businesses shall be conducted to comply with the following standards which shall be incorporated into the lease agreements for all tenants:
a. Noise Level - All commercial activities shall not create any noise that would exceed an exterior noise level of 60 dB during the hours of 10 p.m. until 7 a.m. and 65 dB during the hours of 7 a.m. until 10 p.m.

b. Loading and Unloading - No person shall cause the loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or other similar objects between the hours of 10 p.m. and 7 a.m. unless otherwise specified herein, in a manner which would cause a noise disturbance to a residential area.

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

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

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

E. Building Design

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

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

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

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

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

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

4. All parking spaces shall be striped per City standards and all driveway aisles, entrances, and exits shall be striped per City standards.
5. Plans for any security gates shall be submitted for the Community Development Director, City Engineer, and City of Banning Fire Marshal review and approval prior to issuance of building permits.

6. Handicap accessible stalls shall be provided (no less than 1) shall be served by an access aisles 96” wide min. placed opposite the driver’s side and shall be designated Van- Accessible.

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

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

G. Landscaping

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

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

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

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

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

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

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

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

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

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

12. All walls shall be provided with decorative treatment. A six-foot block wall and landscape buffer will be required around the site where it abuts residentially zoned property. If located in public maintenance areas, the design shall be coordinated with the Engineering Division.

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

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

H. Signs

1. Any signs proposed for this development shall comply with the Sign Ordinance and shall require separate application and approval by the Planning Division prior to installation of any signs.

2. A Uniform Sign Program for this development shall be submitted for Community Development Director review and approval prior to issuance of building permits.
I. Environmental

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

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

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

J. Other Agencies

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

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

K. General Requirements

1. Submit four complete sets of plans including the following:
   a. Site/Plot Plan;
   b. Foundation Plan;
   c. Floor Plan;
   d. Ceiling and Roof Framing Plan;
   e. Electrical Plans (2 sets, detached) including the size of the main switch, number and
size of service entrance conductors, panel schedules, and single line diagrams;

f. Plumbing and Sewer Plans, including isometrics, underground diagrams, water and waste diagram, sewer or septic system location, fixture units, gas piping, and heating and air conditioning; and

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

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

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

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

L. Site Development

1. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number (i.e., CUP 06-802). The applicant shall comply with the latest adopted Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electric Code, Title 24 Accessibility requirements, and all other applicable codes, ordinances, and regulations in effect at the time of permit application. Please contact the Building and Safety Division for availability of the Code Adoption Ordinance and applicable handouts.

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

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

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

M. New Structures

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

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

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

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

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

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

7. Roofing materials shall be Class "A."

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

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

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

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

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

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

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

N. Grading

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

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

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

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

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

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

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

2. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:

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

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

A. Grading Plan
   1" = 40' Horizontal
   (all conditions of approval shall be reproduced on last sheet of set)

B. SWPPP
   1" = 40' Horizontal
   (Note: A & B shall be processed concurrently.)

C. Off-Site Street Improvement Plan
   1" = 40' Horizontal
   1" = 4' Vertical

D. Off-Site Signing & Striping Plan
   1" = 40' Horizontal

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

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

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

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

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

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

P. Rights of Way

6. Prior to issuance of any permit(s), the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.
7. Obtain a drainage easement from the downstream property owner(s) adjacent to the site in order to drain the development. A note shall be added to the instrument stating "drainage easements shall be kept free of buildings and obstructions."

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

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

Q. Public Improvements

10. Provide signing and pavement markings to add dedicated left turn pocket(s) for Red Bluff at Mountain Avenue intersection including a two-way left turn lane along Mountain Avenue to at least 500 feet north and south of the project site; pedestrian cross-walks shall be delineated at the intersection of Mountain Avenue/Red Bluff. All pavement markings shall be thermoplastic (hot melt) paint.

11. Construct interim pedestrian sidewalk improvements from the southerly boundary of the site joining the existing pedestrian sidewalk to the south (approximately 500 feet, more or less).

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

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

R. Grading and Drainage

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

15. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Note: An identified floodway exists crossing onto, or nearby, the existing property as identified in Flood Boundary and Floodway Map dated October 17, 1978.

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

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

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

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

   4. The applicant’s SWPPP shall include provisions for all of the following Best Management Practices (“BMPs”):

      a. Temporary Soil Stabilization (erosion control).
      b. Temporary Sediment Control.
      c. Wind Erosion Control.
      d. Tracking Control.
      e. Non-Storm Water Management.
      f. Waste Management and Materials Pollution Control.

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

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

18. 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.

19. A precise grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any grading activity. Grading plans shall include perimeter walls with top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions.

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

S. Traffic

21. Provide a focused traffic study addressing the proposed onsite circulation for the project and address the adequacy as it relates to safe access along Mountain Avenue. This includes identifying the desired level of traffic control at project driveways and/or intersections. A scoping agreement shall be prepared addressing the required details of the study.
22. Street name signs and traffic control devices including traffic legends and traffic striping shall be installed, or
relocated in accordance with Caltrans Standards and as shown on the approved plans, and/or as directed by the
City Engineer.

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

T. Trash/Recycling

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

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

U. Fees

26. Plan check fees for final map review, 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.

27. Public Works Inspection fees shall be paid prior to the scheduling the final map for approval by City Council in
accordance with the Fee Schedule in effect at time of time of scheduling.

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

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

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

APPLICANT MAY CONTACT THE FIRE DEPARTMENT DIVISION, (951) 922-3219, FOR
COMPLIANCE WITH THE FOLLOWING CONDITIONS:

W. FIRE DEPARTMENT DEVELOPER FEES:

1. The entire proposed building is required to have an automatic fire sprinkler and alarm system. The
sprinkler system must meet current National Fire Protection Association (NFPA)13 standards and the
alarm system must meet NFPA 72 standards and American Disabilities Act requirements.

2. An onsite fire hydrant will be required to be placed within 50 feet of the Fire Department Connection
valve for the sprinkler system.

3. Fire flow (amount of water needed to fight a fire) requirements are based on 2001 California Fire Code
Appendix III. The requirement is based on building size and the type of construction. Depending on the
required fire flow, an additional onsite fire hydrant may be required.
4. Both of the east/west oriented drive aisles in the parking lot must have a 42 foot turning radius at all turns.

The requirements above are only based on the site plan map submitted. Additional requirements will be addressed when building plans are submitted. Fees are increased annually and may be different at the time of construction. The fee schedule at the time of plan submittal shall apply.

APPLICANT MAY CONTACT THE ELECTRIC DIVISION, (951) 922-3260, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

X. The customer shall be responsible for:
   1. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. The plans are required in electronic format, we currently use AutoCad2006. Plans should consist of a plot plan, site plan signed and approved by city engineering, one line diagram of proposed electrical main service panels and a sheet showing load calculation by an electrical engineer. Additional sheets may be required upon request.
   2. Paying required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension.
   3. Granting easement for electric facilities installation/maintenance, etc.
   4. All trenching, backfill, and compaction.
   5. All conduits, vaults, and other materials associated with their installation (except primary cables and their terminations).
   6. Installation of streetlight poles and conduit.
   7. 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.

Y. The City Electric Department shall be responsible for:
   1. Reviewing plans submitted by customer.
   2. Design an electrical utility plan for the installation of structures and conduit by developer.
   3. Providing a cost estimate for installing an underground electrical system for this project.
   4. Inspecting all trenches prior to backfilling. 24 hour prior notice is required before inspection.
   5. Installation of primary cable and terminations.

APPLICANT MAY CONTACT THE WATER DIVISION, (951) 922-3282, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

Z. WATER

An existing water service is available to this site.

Submit Water Improvement Plans to the Water Division for review and approval. Design and construct a fire protection water line in a 20’ wide easement on the south side of buildings connecting to the existing 12” waterline on Mountain Avenue as required by City’s Fire Marshall.
All water lines and fittings shall be a minimum of 8” diameter and shall be DIP or 10-gauge steel pipes, cement mortar lined & wrapped.

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

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

**SEWER**

Submit Sewer Improvement Plans to the Sewer Division for review and approval. Design and construct a 6” VCP sewer lateral connecting to the proposed 8” sewer line on Street “A” per TTM No. 32370.

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

**FEES**

If the existing water meter size is increase from the present size, the Water Connection Fees go into effect.

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.

Sewer Connection Fees shall be paid per EDU (EDU for Churches is one EDU per 100 seats: EDU for Schools are as follows: Elementary 1 EDU for each 60 pupils or fraction thereof; Junior High 1 EDU for each 50 pupils or fraction thereof; and High School 1 EDU for each 30 pupils or fraction thereof) 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.

Also, pay all water and sewer frontage fees, if applicable, and in accordance with the fee schedule in effect at the time the fees are submitted, prior to plan checking proceedings.
MOUNTAIN AVENUE BAPTIST CHURCH

DESIGN REVIEW #06-7017

RESOLUTION NO. 2007-21
WITH CONDITIONS OF APPROVAL

EXHIBIT "3"
RESOLUTION NO. 2007-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING DESIGN REVIEW #06-7017 FOR THE DEVELOPMENT OF A 2-STORY BUILDING CONSISTING OF A 26,104 SQ. FT. SCHOOL WITH NINE CLASSROOMS WITH A MULTI-PURPOSE ROOM ON 6.30 ACRES IN THE LOW DENSITY RESIDENTIAL ZONE. LOCATED NORTH OF RED BLUFF AND WEST OF MOUNTAIN AVENUE. APN 535-030-037.

WHEREAS, an application for Design Review No. 06-7017 was duly filed by:

Applicant/Owner: Mountain Avenue Baptist Church
Authorized Agent: Don H. Kramer
Project Location: The Property is Located north of Red Bluff and west of Mountain Avenue.
APN Number: 535-030-037
Lot Area: 6.30 acre

WHEREAS, the Planning Commission is authorized to review and approve, conditionally approve, or deny Design Review #06-7017 pursuant to Banning Municipal Code Section 9114.00; and,

WHEREAS, the applicant is requesting approval of Design Review #06-7017 for the site development plans for the development of a 26,104 sq. ft. private school with a multi-purpose room on 6.30 acres in compliance with Banning Municipal Code Section 9114.00; and,

WHEREAS, at this public hearing on May 1, 2007 the Planning Commission considered, heard public comments on, and adopted a Mitigated Negative Declaration for the project by Resolution 2007-19; and

WHEREAS, on April 20, 2007 the City gave public notice by mailing notices to property owners and advertising in the Record-Gazette, a newspaper of general circulation within the City of Banning, of the holding of a public meeting at which the project would be considered; and

WHEREAS, the Planning Commission of the City of Banning has considered oral and written comments, pro and con, as presented by the Planning Department, the applicant, and other interested parties at a public meeting held on May 1, 2007.

NOW, THEREFORE, the Planning Commission of the City of Banning now finds, determines, and resolves as follows:

Resolution No. 2007-21
SECTION 1. Site Design Review Project Findings:

In light of the record before it, including the staff report dated May 1, 2007, and all evidence and testimony heard at the public meeting of this item, the Planning Commission hereby finds as follows:

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

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

The General Plan Land Use Element designation is Low Density Residential (LDR) which allows for the development of a two-story educational building and a multi-purpose room. Residential Goal No. 1 of the Land Use Element of the General Plan prescribes the preservation and enhancement of the City’s neighborhoods. Policy 2 of the General Plan Land Use Goal No. 2 indicates projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected. This project maintains a LDR land use designation. The project, as conditioned, will be complimentary to the surrounding properties as well as consistent (same exterior treatments) with existing sanctuary structure.

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

The Low Density Residential (LDR) Zoning District designation allows for private schools subject to a Conditional Use Permit. The project complies with all the development standards including minimum front yard setback (30’ proposed versus 20’ required), minimum rear yard setback (92’ proposed versus 15’ to the building), minimum side yard setbacks (400’ proposed versus 10’ required), and 60’ to existing structure, maximum lot coverage (14% proposed versus 25% required), landscaping requirements, etc. Under the City’s Zoning Ordinance section 9107.C parking for school facilities requires one space per employee, plus one space for each eight children for pre-school. For the Elementary School / Junior High, three spaces for each classroom and High School, eight spaces for each classroom. The school has 12 employees, 14 pre-school students and nine classrooms. The required parking spaces needed is 120; the applicant is proposing 122 parking spaces. The two-story educational building is 29 ft in height; the Code allows structures up to 35 ft in height.

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

The site currently has an existing 12,701 sq. ft. sanctuary /school structure and the proposed building will be architecturally consistent with the existing structure. Adequate access and parking has been provided. A traffic impact analysis was prepared for the proposed project. The report requires certain traffic mitigation measures, including striping requirements, that when implemented, will maintain an acceptable traffic circulation. School drop-off times will be staggered and the driveway circulation is designed to keep vehicles off the street. A six-foot...
decorative block wall and landscaping will be required along the perimeter of the site. Construction activities will create localized noise impacts around the construction site that will end at project build-out. Construction noise is governed by ordinance, which limits allowable times of equipment operations

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

The project will incorporate a Modern architectural style, including a parapet roof with shingles to match existing structure, slump block accent treatments, and will include multiple planed facades (recessed entries and pop-outs) as well as upgraded landscaping, walls and a new parking lot with lights that will be screened from the surrounding area. This proposal is consistent with the established church facility in style, color, materials and use and will enhance the surrounding community.

SECTION 2. Environmental Review:

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

A. CEQA. The approval of this Conditional Use Permit is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on May 1, 2007, at a duly noticed public hearing, the Planning Commission approved and adopted a Mitigated Negative Declaration reflecting its independent judgment and analysis and documenting that there was not substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. The documents comprising the City’s environmental review for the project are on file and available for public review at Banning City Hall, 99 East Ramsey Street, Banning, California 92220.

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

SECTION 3. Planning Commission Actions

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

2. Design Review #06-7017 for the review of the site development and architecture for the development of a two-story school building and a multi-purpose room is hereby

Resolution No. 2007-21

-3-
approved subject to the conditions set forth in Exhibit "1" attached hereto and incorporated herein by this reference. Any modification to the project shall be in compliance with the City of Banning Zoning Ordinance, and other applicable state and local ordinances.

PASSED, APPROVED AND ADOPTED this 1st day of May, 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

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

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2007-21, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 1st day of May, 2007 by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California

Resolution No. 2007-21
CONDITIONS OF APPROVAL

PROJECT #: CUP Amendment 06-802, Design Review 06-7017

SUBJECT: Mountain Avenue Baptist Church

APPLICANT: Mountain Avenue Baptist Church

The property is located north of Red Bluff and west of Mountain Avenue.

APN 535-030-037

LOCATION:

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

A. General Requirements

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City’s defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

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

B. Time Limits

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

C. Site Development

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

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

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

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

5. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, tree removal, encroachment, building, etc.)

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

7. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director and Police Department (922-3125) prior to the issuance of building permits. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties.
8. All ground-mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Community Development Director.

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

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

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

12. Six-foot decorative block wall shall be constructed.

D. Mountain Avenue Baptist Church

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

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

3. Graffiti shall be removed within 72 hours.

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

5. All operations and businesses shall be conducted to comply with the following standards which shall be incorporated into the lease agreements for all tenants:
a. Noise Level - All commercial activities shall not create any noise that would exceed an exterior noise level of 60 dB during the hours of 10 p.m. until 7 a.m. and 65 dB during the hours of 7 a.m. until 10 p.m.

b. Loading and Unloading - No person shall cause the loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or other similar objects between the hours of 10 p.m. and 7 a.m. unless otherwise specified herein, in a manner which would cause a noise disturbance to a residential area.

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

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

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

E. Building Design

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

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

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

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

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

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

4. All parking spaces shall be striped per City standards and all driveway aisles, entrances, and exits shall be striped per City standards.
5. Plans for any security gates shall be submitted for the Community Development Director, City Engineer, and City of Banning Fire Marshal review and approval prior to issuance of building permits.

6. Handicap accessible stalls shall be provided (no less than 1) shall be served by an access aisle 96” wide min. placed opposite the driver’s side and shall be designated Van-Accessible.

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

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

G. Landscaping

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

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

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

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

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

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

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

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

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

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

12. All walls shall be provided with decorative treatment. A six-foot block wall and landscape buffer will be required around the site where it abuts residentially zoned property. If located in public maintenance areas, the design shall be coordinated with the Engineering Division.

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

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

H. Signs

1. Any signs proposed for this development shall comply with the Sign Ordinance and shall require separate application and approval by the Planning Division prior to installation of any signs.

2. A Uniform Sign Program for this development shall be submitted for Community Development Director review and approval prior to issuance of building permits.
I. Environmental

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

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

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

J. Other Agencies

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

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

K. General Requirements

1. Submit four complete sets of plans including the following:
   a. Site/Plot Plan;
   b. Foundation Plan;
   c. Floor Plan;
   d. Ceiling and Roof Framing Plan;
   e. Electrical Plans (2 sets, detached) including the size of the main switch, number and
f. Plumbing and Sewer Plans, including isometrics, underground diagrams, water and waste diagram, sewer or septic system location, fixture units, gas piping, and heating and air conditioning; and

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

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

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

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

L. Site Development

1. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number (i.e., CUP 06-802). The applicant shall comply with the latest adopted Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electric Code, Title 24 Accessibility requirements, and all other applicable codes, ordinances, and regulations in effect at the time of permit application. Please contact the Building and Safety Division for availability of the Code Adoption Ordinance and applicable handouts.

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

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

4. Construct trash enclosure(s) per City Standard (available at the Planning Division's public counter).
5. The following is required for side yard use for increase in allowable area:
   a. Provide a reduced site plan (8 ½" x 11") which indicates the non-buildable easement.
   b. Recorded "Covenant and Agreement for the Maintenance of a Non-Buildable Easement," which is signed by the appropriate property owner(s).
   c. Sample document is available from the Building and Safety Division.

M. New Structures

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

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

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

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

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

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

7. Roofing materials shall be Class "A."

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

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

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

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

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

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

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

N. Grading

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

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

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

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

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

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

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

2. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:

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

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

A. Grading Plan  
   1" = 40' Horizontal  
   (all conditions of approval shall be reproduced on last sheet of set)

B. SWPPP  
   1" = 40' Horizontal  
   (Note: A & B shall be processed concurrently.)

C. Off-Site Street Improvement Plan  
   1" = 40' Horizontal  
   1" = 4' Vertical

D. Off-Site Signing & Striping Plan  
   1" = 40' Horizontal

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

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

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

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

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

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

**P. Rights of Way**

6. Prior to issuance of any permit(s), the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.
7. Obtain a drainage easement from the downstream property owner(s) adjacent to the site in order to drain the development. A note shall be added to the instrument stating "drainage easements shall be kept free of buildings and obstructions."

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

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

Q. Public Improvements

10. Provide signing and pavement markings to add dedicated left turn pocket(s) for Red Bluff at Mountain Avenue intersection including a two-way left turn lane along Mountain Avenue to at least 500 feet north and south of the project site; pedestrian cross-walks shall be delineated at the intersection of Mountain Avenue/Red Bluff. All pavement markings shall be thermoplastic (hot melt) paint.

11. Construct interim pedestrian sidewalk improvements from the southerly boundary of the site joining the existing pedestrian sidewalk to the south (approximately 500 feet, more or less).

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

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

R. Grading and Drainage

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

15. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Note: An identified floodway exists crossing onto, or nearby, the existing property as identified in Flood Boundary and Floodway Map dated October 17, 1978.

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

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

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

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

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

18. 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.

19. A precise grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any grading activity. Grading plans shall include perimeter walls with top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions.

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

S. Traffic

21. Provide a focused traffic study addressing the proposed onsite circulation for the project and address the adequacy as it relates to safe access along Mountain Avenue. This includes identifying the desired level of traffic control at project driveways and/or intersections. A scoping agreement shall be prepared addressing the required details of the study.
22. Street name signs and traffic control devices including traffic legends and traffic striping shall be installed, or relocated in accordance with Caltrans Standards and as shown on the approved plans, and/or as directed by the City Engineer.

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

T. Trash/Recycling

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

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

U. Fees

26. Plan check fees for final map review, 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.

27. Public Works Inspection fees shall be paid prior to the scheduling the final map for approval by City Council in accordance with the Fee Schedule in effect at time of time of scheduling.

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

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

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

APPLICANT MAY CONTACT THE FIRE DEPARTMENT DIVISION, (951) 922-3219, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

W. FIRE DEPARTMENT DEVELOPER FEES:

1. The entire proposed building is required to have an automatic fire sprinkler and alarm system. The sprinkler system must meet current National Fire Protection Association (NFPA)13 standards and the alarm system must meet NFPA 72 standards and American Disabilities Act requirements.

2. An onsite fire hydrant will be required to be placed within 50 feet of the Fire Department Connection valve for the sprinkler system.

3. Fire flow (amount of water needed to fight a fire) requirements are based on 2001 California Fire Code Appendix III. The requirement is based on building size and the type of construction. Depending on the required fire flow, an additional onsite fire hydrant may be required.
4. Both of the east/west oriented drive aisles in the parking lot must have a 42 foot turning radius at all turns.

The requirements above are only based on the site plan map submitted. Additional requirements will be addressed when building plans are submitted.

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

APPLICANT MAY CONTACT THE ELECTRIC DIVISION, (951) 922-3260, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

X. The customer shall be responsible for:

1. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. The plans are required in electronic format, we currently use AutoCad2006. Plans should consist of a plot plan, site plan signed and approved by city engineering, one line diagram of proposed electrical main service panels and a sheet showing load calculation by an electrical engineer. Additional sheets may be required upon request.
2. Paying required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension.
3. Granting easement for electric facilities installation/maintenance, etc.
4. All trenching, backfill, and compaction.
5. All conduits, vaults, and other materials associated with their installation (except primary cables and their terminations).
6. Installation of streetlight poles and conduit.
7. 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.

Y. The City Electric Department shall be responsible for:

1. Reviewing plans submitted by customer.
2. Design an electrical utility plan for the installation of structures and conduit by developer.
3. Providing a cost estimate for installing an underground electrical system for this project.
4. Inspecting all trenches prior to backfilling. 24 hour prior notice is required before inspection.
5. Installation of primary cable and terminations.

APPLICANT MAY CONTACT THE WATER DIVISION, (951) 922-3282, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

Z. WATER

An existing water service is available to this site.

Submit Water Improvement Plans to the Water Division for review and approval. Design and construct a fire protection water line in a 20' wide easement on the south side of buildings connecting to the existing 12” waterline on Mountain Avenue as required by City’s Fire Marshall.

Attachment “1”
All water lines and fittings shall be a minimum of 8" diameter and shall be DIP or 10-gauge steel pipes, cement mortar lined & wrapped.

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

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

SEWER

Submit Sewer Improvement Plans to the Sewer Division for review and approval. Design and construct a 6" VCP sewer lateral connecting to the proposed 8" sewer line on Street “A” per TTM No. 32370.

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

FEES

If the existing water meter size is increase from the present size, the Water Connection Fees go into effect.

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.

Sewer Connection Fees shall be paid per EDU (EDU for Churches is one EDU per 100 seats: EDU for Schools are as follows: Elementary 1 EDU for each 60 pupils or fraction thereof; Junior High 1 EDU for each 50 pupils or fraction thereof; and High School 1 EDU for each 30 pupils or fraction thereof) 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.

Also, pay all water and sewer frontage fees, if applicable, and in accordance with the fee schedule in effect at the time the fees are submitted, prior to plan checking proceedings.
DATE: MAY 1, 2007

CASE NO'S: DESIGN REVIEW #06-7011

REQUESTS: DESIGN REVIEW #06-7011 TO DEVELOP 53 HOMES FOR TRACT MAP # 30642.

LOCATION: NORTHWEST CORNER OF WILSON STREET AND SUNRISE AVENUE. (TRACT MAP #30642) APN 535-070-008.

APPLICANT: VICTORIA HOMES INC. ON BEHALF OF RAUL MADRID.

SURROUNDING ZONE/USES: NORTH- VACANT (HILLSIDE)/LOMA LINDA SPECIFIC PLAN
WEST- VACANT/LOW DENSITY RESIDENTIAL
SOUTH- SINGLE FAMILY RESIDENTIAL HOMES/ LOW DENSITY RESIDENTIAL
EAST- SINGLE FAMILY RESIDENTIAL HOMES/LOW DENSITY RESIDENTIAL

ENVIRONMENTAL CONSIDERATION: THE COMMUNITY DEVELOPMENT DEPARTMENT COMPLETED ENVIRONMENTAL ASSESSMENT 2005-541 FOR TENTATIVE TRACT MAP 30642. THE DESIGN REVIEW IS CONSISTENT WITH THE TENTATIVE TRACT MAP AND CONDITIONS HAVE NOT CHANGED. NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED.

BACKGROUND:

Project Location:
The project site is located at the northwest corner of Wilson Street and Sunrise Avenue. The subject site is relatively square in shape and gently slopes towards Wilson Street. The site is being mass graded and there are no other improvements on the site. The
property immediately to the north is hillside, to the west is vacant and the properties
south and east are developed with single family residences.

Project Background/Description:

The project proponent is requesting approval of Design Review application #06-7011 to
construct fifty-three (53) homes on Tract Map #30642. Tract Map #30642 is located in
the Low Density Residential (LDR) zone which was approved April 4, 2005. The Map
approved 53 lots that range in size from 7,400 square feet in size to 21,000 square feet.

The applicant is proposing five Floor Plans with three different elevations per plan. The
models vary in size and stories. Floor Plans 1, 2, and 3 are single story, and Floor Plans 4,
and 5 are two stories. The square footage for each Floor Plan is as follows:

- Floor Plan 1 is 1,705 sq.ft,
- Floor Plan 2 is 1,841 sq.ft,
- Floor Plan 3 is 2,031 sq.ft,
- Floor Plan 4 is 2,027 sq.ft, and
- Floor Plan 5 is 2,536 sq.ft.

The homes will be built in two phases with phase I consisting of 22 homes and phase II
consisting of 31 homes.

The elevations are essentially Contemporary Mediterranean architectural style with 12
color schemes, smooth stucco, and stone accents, along with tile roofs. The elevations
are labeled A, B, and C. The applicant is proposing elevation A as the basic elevation;
elevation B offering river rock along the columns and front of the house, and elevation C
offers ledge stone along the columns and front of the house. Some variation in window
mullions and shutters is also offered. A 6 foot decorative block wall will be built along
the project perimeter.

Environmental Review:

The Community Development Department completed Environmental Assessment 2005-
541 for Tentative Tract Map 30642, which was approved by the City Council on April 4,
2005. The Design Review application is consistent with the Tentative Tract Map and
conditions have not changed. No further environmental review is required.

Findings:

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

Public Notice

This proposal was advertised in the Record Gazette newspaper April 20, 2007. All
property owners within 300 feet of the site were mailed a public hearing notice. To date,
no written comments have been received. Any comments received prior to the meeting
will be incorporated into the appropriate documents.

ANALYSIS:
The General Plan Land Use and Zoning designation is Low Density Residential (LDR) which allows for the development of single family homes. The proposed design is generally consistent with the goals and objectives of the General Plan, and also conforms to the development standards of the Zoning Code. The project meets or exceeds the development standards including minimum front yard setback (20’ to the building), minimum rear yard setback (15’ to the building), minimum side yard setback (10’), street side yard (15’), maximum lot coverage (25%), maximum height (35’), landscaping requirements, etc.

As proposed, the elevation differences consist of material upgrades (e.g. cultured stone and shutters), which do not materially change the elevations’ designs; therefore, staff has added Conditions of Approval that result in greater design articulation, roof variation, pop-outs, etc. More specifically, staff has placed the following Conditions of Approval:

1. The applicant shall change the small rectangular window on the second story’s front elevation of Floor Plan 5 to a more architectural window with treatment;
2. No two adjacent houses will be the same in elevation or color;
3. The applicant shall provide three (3) different elevations per floor plan that will consist of more delineation between each elevation, utilizing enhanced architectural details including the addition of multi-planed hip roofs, different window shapes, sizes and surrounds around the windows and wall articulation (insets, canopies, wing walls, trellises); and

RECOMMENDATION:

That the Planning Commission:

1. Approve Resolution No. 2007-18 Approving Design Review No. 06-7011, based on the findings and conditions of approval. (Attached hereto as Attachment “1” and incorporated by reference).

Respectfully submitted,

Kevin Swartz
Assistant Planner

Exhibits:
1. Resolution No. 2007-18, with Conditions of Approval
2. Design Plans for Design Review 06-7011
VICTORIA HOMES

DESIGN REVIEW #06-7011

RESOLUTION NO. 2007-18

WITH

CONDITIONS OF APPROVAL

EXHIBIT “1”
RESOLUTION NO. 2007-18

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BANNING, CALIFORNIA
APPROVING DESIGN REVIEW #06-7011 TO DEVELOP
53 SINGLE FAMILY HOMES ON 18.51 ACRES OF
APPROVED TRACT MAP 30642 IN LOW DENSITY
RESIDENTIAL ZONE. APN 535-070-008.

WHEREAS, an application for a 53 houses for Victoria Homes, has been duly filed by:

Applicant/Owner: Victoria Homes Inc
Authorized Agent: Raul Madrid
Project Location: The Property is located on the northwest corner of Wilson Street and Sunrise Avenue.
APN Number: 535-070-008
Lot Area: 18.51 acres

WHEREAS, the Planning Commission is authorized to review and approve, conditionally approve, or deny Design Review #06-7011 pursuant to Banning Municipal Code Section 9114.00; and

WHEREAS, the applicant is requesting approval of Design Review #06-7011 for the site development plans to construct 53 single family homes on approved Tract Map 30642, which is located on 18.51 acres in the Low Density Residential zone, in compliance with Banning Municipal Code Section 9114.00; and,

WHEREAS, the Community Development Director has evaluated the project to determine if any new environmental impacts would be created as a result of the proposed project in compliance with the California Environmental Quality Act (CEQA), guidelines and has determined that no additional environmental analysis is needed; and,

WHEREAS, on April 20, 2007 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, the Planning Commission of the City of Banning has considered oral and written comments, pro and con, as presented by the Planning Department, the applicant and other interested parties at a public meeting held on May 1, 2007.

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

In light of the record before it, including the staff report dated May 1, 2007, and all evidence and testimony heard at the public meeting of this item, the Planning Commission hereby finds as follows:

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

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

Findings of Fact: The General Plan Land Use Element designation is Low Density Residential (LDR) which allows for the development of single family homes. Policy 2 of the Land Use Element Residential Goals No. 2 indicates that projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected. This project is in accordance with the General Plan, because the houses have been designed and, as conditioned, will enhance the surrounding area.

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

Findings of Fact: The Zoning District designation (Low Density Residential) permits the proposed single family homes. The project meets or exceeds the development standards including minimum front yard setback (20' to the building), minimum rear yard setback (15' to the building), minimum side yard setback (10'), street side yard (15'), maximum lot coverage (25%), maximum height (35'), landscaping requirements, etc. As conditioned, the project will feature a Contemporary Mediterranean architectural style and will include minimal multiple planed facades (recessed entries and pop-outs) and multiple earth-tone color accents (including river rock, and ledge stone) that have been included to provide a pleasant aesthetic.

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

Findings of Fact: The design and layout of the proposed project will not unreasonably interfere with future development, and will not result in vehicular and or pedestrian hazards. The homes will be compatible in terms of setbacks, lot coverage and height. The approved Map layout and design will not be changed. As conditioned, the project will feature a Contemporary Mediterranean architectural style and will include minimal multiple planed facades (recessed entries and pop-outs) and multiple earth-tone color accents (including river rock and ledge stone) that have been included to provide a pleasant aesthetic.

4. The design of the proposed project is compatible with the character of the surrounding neighborhood.
Facts of Fact: The subject sites (as well as the surrounding properties) is located within the Low Density Residential zone and will be developed in accordance with these standards. In addition, the project will include perimeter decorative block with landscaping to give a more aesthetically pleasant look when viewed from off-site. As conditioned, the project will incorporate a Contemporary Mediterranean architectural style that will complement the existing homes.

SECTION 2. ENVIRONMENTAL FINDINGS.

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

CEQA:

1. The Community Development Department completed Environmental Assessment 2005-541 for Tentative Tract Map 30642, which was approved by the City Council April 4, 2005. The Design Review is consistent with the Tentative Tract Map and conditions have not changed. No further environmental review is required.

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

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

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

2. Design Review #06-7011 for the review of the site development and architecture for single family homes is hereby approved subject to the conditions set forth in Exhibit “A” attached hereto and incorporated herein by this reference. Any modification to the project shall be in compliance with the City of Banning Zoning Ordinance, and other applicable state and local ordinances.
PASSED, APPROVED AND ADOPTED this 1st day of May, 2007.

Betty DeSantis, Chairperson
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

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

CERTIFICATION:
I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2007-18, was duly adopted by the Planning Commission of the City of Banning, California, at its meeting held on the 1st day of May, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

PROJECT #: DESIGN REVIEW #06-7011

SUBJECT: DESIGN REVIEW FOR 53 SINGLE FAMILY RESIDENTIAL HOMES OF APPROVED TRACT MAP #30642

APPLICANT: VICTORIA HOMES INC
APN: 535-070-008
LOCATION: LOCATED AT THE NORTHWEST CORNER OF WILSON STREET AND SUNRISE AVENUE.

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

General Requirements Planning Division

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City’s defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

2. The applicant or assigned shall be responsible to pay all the required plan check and permit fees, including, impact fees, MSHCP fees, TUMF fees, etc.

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

Completion Date: ___/____/____

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ATTACHMENT “A”
4. The applicant shall change the small rectangular window on the second story's front elevation of Floor Plan 5 to a more architectural window with treatment;

5. The applicant shall provide three (3) different elevations per floor plan that will consist of more delineation between each elevation, utilizing enhanced architectural details including the addition of multi-planed hip roofs, different window shapes, sizes and surrounds around the windows and wall articulation (insets, canopies, wing walls, trellises); and

6. No two adjacent houses will be the same in elevation or color.

7. 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, street lighting plans or other plans as deemed necessary by the City Engineer.

8. A copy of the signed Resolution of Approval and all Conditions of Approval shall be included in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for plan check.

9. Prior to any use of the project site, all Conditions of Approval shall be completed, as required, to the satisfaction of the Community Development Director. Contact the Planning Department at (951)922-3125 to request a FINAL INSPECTION prior to issuance of the Certificate of Occupancy a minimum of 48 hours in advance of requested inspection.

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

11. The applicant shall develop the project consistent with the approved building elevations, site plan, and related information, including materials and colors.

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

13. Minor modifications may be approved the Community Development Director, major modification must be reviewed and approved by the Planning Commission. The Community Development Director shall determine major or minor modifications.

14. Approval of this request shall not waive compliance with all sections of the Development Code, all other applicable City Ordinances, and applicable Community or Specific Plans in effect at the time of building permit issuance.
15. 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, beaming, and/or landscaping to the satisfaction of the Community Development Director.

16. All Housing numbers shall be identified in a clear and concise manner, including proper illumination.

17. All parkways, open areas, and landscaping shall be permanently maintained by the property owner or other means acceptable to the City. Proof of this landscape maintenance shall be submitted for Community Development Director and City Engineer review and approved prior to the issuance of building permits.

18. Six-foot decorative block walls shall be constructed along the project perimeter, in locations deemed appropriate by the Community Development Director.

19. 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.

20. All proposed building pads not developed shall be seeded and irrigated for erosion control. Detailed plans shall be included in the landscape and irrigation plans to be submitted for Planning Division approval prior to the issuance of building permits.

21. All landscaping shall be installed and permanently maintained pursuant to the provisions of the Development Code.

**Landscaping**

22. A detailed landscape and irrigation plan, including slope planting, shall be prepared by a licensed landscape architect and submitted for Community Development Director review and approval prior to the issuance of building permits in accordance with the City of Banning’s requirements. The Code requirements shall prevail should there be any conflicts with the code requirements and the Conditions of Approval.

23. A minimum of 15% within residential projects, shall be landscaped.

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

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

26. All walls shall be provided with decorative treatment. If located in public maintenance areas, the design shall be coordinated with the Engineering Division.
27. Street landscaping shall be consistent with the City's approved landscaping guidelines.

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

Other Agencies

29. The applicant shall contact the U.S. Postal Service to determine the appropriate type and location of mail boxes. The final location of the mail boxes and the design of the overhead structure shall be subject to Community Development Director review and approval prior to the issuance of building permits.
STAFF REPORT
PLANNING COMMISSION

DATE: MAY 1, 2007

CASE NO’S: DESIGN REVIEW #07-706

REQUESTS: DESIGN REVIEW #07-706 FOR THE DEVELOPMENT OF A RITE-AID IN A BUILDING OF 17,272 SF ON 1.90 ACRES IN THE HIGHWAY SERVING COMMERCIAL ZONE.

LOCATION: SOUTH-WEST CORNER OF 8th AND RAMSEY STREETS.
APN 540-180-053.

APPLICANT: STUDIO 3 ARCHITECTS

SURROUNDING USES/ZONES: NORTH-SERVICE STATION - HIGHWAY SERVING COMMERCIAL
WEST-VACANT - HIGHWAY SERVING COMMERCIAL
SOUTH-INTERSTATE 10
EAST-JACK-IN-THE-BOX-DOWNTOWN COMMERCIAL

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

BACKGROUND:

Project Location:
The project site is located adjacent to the Interstate 10 Highway, south side of Ramsey Street, west of 8th Street. The subject site is vacant and relatively flat and sloping from Ramsey to the Interstate 10. The property immediately to the north has a service station, the west is a vacant lot; to the east is a Jack-in-the-Box restaurant.

Project Description:
The project proponent is requesting approval of Design Review #07-706 to develop a 17,272 SF, one-story building and 2 drive-through aisles. The project takes access from two driveways, one on Ramsey and a second on 8th St. The drive-thru is located on the west of the building.
The architectural design is contemporary Tuscan style; with earth toned colors, stone accents, and decorative cornices. The project complies with or exceeds all the development standards including:

- Minimum front yard setback (69' provided versus 10' required);
- Minimum rear yard setback (49' provided versus 0' required);
- Minimum side yard setback (69' provided versus 0' required)
- Minimum street side setback (86' provided versus 5' required);
- Maximum lot coverage (21% provided versus 35% maximum permitted);
- Maximum height (1-story/ 19' provided versus 2-story/ 35' maximum permitted); and
- Parking space requirement (86 provided versus 69 required).

ENVIRONMENTAL

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

The project complies with the provision of Section 15332 in that it is a permitted use allowed in the General Plan’s Highway Serving Commercial Land Use designation and complies with the related policies; the project is located within the City and is 1.90 acres in size; The site has no value as habitat because it is surrounded by development, devoid of substantial vegetation, has no bodies of water, has been graded and used as a parking lot; the project proponent will contribute to a master circulation plan for the area that will maintain safe vehicular and pedestrian circulation; and the development will be served from the existing streets.

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

Public Notice
This proposal was advertised in the Record Gazette newspaper on April 20, 2007. All property owners within 300 feet of the site were mailed a public hearing notice. To date, no written comments have been received. Any comments received prior to the meeting will be incorporated into the appropriate documents.
ANALYSIS:

Analysis

The proposed design is consistent with the goals and objectives of the General Plan, and also conforms to the development standards of the Zoning Code. In accordance with Section 9114.00 of the Banning Zoning Code, the Planning Commission must determine that the project complies with the following findings:

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

Findings of Fact: The property is designated Highway Serving Commercial (HSC) in the General Plan Land Use Element, which allows for the development of drug stores or convenience stores. This project will establish a combination drug store and convenience store.

Further, Policy 3 of the General Plan Land Use Element indicates that development be of high quality. This project, as designed, will include decorative cornices, stone accents, smooth stucco treatments that will result in a high quality design that is consistent with this Policy.

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

Findings of Fact: The Zoning District designation Highway Serving Commercial (HSC) allows for the development of this project; a combination drug store and convenience store. The project meets or exceeds the development standards for this district, including:

- Minimum front yard setback (69’ provided versus 10’ required);
- Minimum rear yard setback (49’ provided versus 0’ required);
- Minimum street side setback (86’ provided versus 5’ required);
- Minimum side yard setback (69’ provided versus 0’ required);
- Maximum lot coverage (21% provided versus 35% maximum permitted);
- Maximum height (1-story/ 19’ provided versus 2-story/ 35’ maximum permitted); and
- Parking space requirement (86 provided versus 69 required).

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

Facts of Fact: The design and layout of the proposed project will not unreasonably interfere with future development, and will not result in vehicular and or pedestrian hazards because of the following:
• The “back-of-house” features, such as the trash enclosures and loading area are located between the building and freeway, which will minimize the visibility from the surrounding properties public view;
• The drive-thru aisles have been designed to provide sufficient queuing that will minimize circulation conflicts on Ramsey street;
• The project provides ample parking (86 provided versus 69 required); and
• The project proponent will contribute to a circulation plan for the area that will result in the design and installation of the required improvements for the area.

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

Findings of Fact: The project proponent proposes a contemporary Tuscan architectural with a red tile roof, stone and earth tone colors. Although this style is not found immediately adjacent to this site, it will improve the architecture of the surrounding area. The landscape plans contain a plant palette and design elements that are consistent with the Banning Commercial Corridor standards.

RECOMMENDATION:

That the Planning Commission:

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

2. Approve Resolution No. 2007-22, approving Design Review #07-706 based on the findings and conditions of approval (Attachment “1” and incorporated by reference).

Respectfully submitted,

[Signature]
Norm Canchola
Associate Planner

Exhibits:
1. Resolution No. 2007-22, with Conditions of Approval
2. Design Plans for Design Review # 07-706 (Separate Cover)
RITE AID PHARMACY

DESIGN REVIEW #07-706

RESOLUTION NO. 2007-22
WITH
CONDITIONS OF APPROVAL

EXHIBIT "1"
RESOLUTION NO. 2007-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING DESIGN REVIEW #07-706 TO DEVELOP A 17,272 SQ. FT. BUILDING ON 1.90 ACRES IN THE HIGHWAY SERVING COMMERCIAL ZONE. APN 540-180-053.

WHEREAS, an application for to develop a 17,272 square foot building on 1.90 acres for a pharmacy has been duly filed by:

Applicant/Owner: Victor Palos; Studio 3 Architects
Authorized Agent: Victor Palos
Project Location: The Property is located on the southwest corner of Ramsey Street at 8th Street
APN Number: 540-180-053
Lot Area: 1.90 acre

WHEREAS, the Planning Commission has the authority per section and 9114.00 of the Banning Municipal Code to take action on Design Review No. 07-706 to develop a 17,272 square foot building with two drive-thru aisles for pharmacy use; and

WHEREAS, on April 20, 2007, 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 in 300 feet of the project, of the holding of a public hearing at which the project would be considered; and

WHEREAS, on May 1, 2007 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Design Review which the Planning Commission considered the Design Review; and

WHEREAS, the Community Development Director has reviewed the project’s potential effects on the environment and has determined that the project is categorically exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guidelines Section 15332 “In-fill Development and the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 are not applicable to the project.

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

SECTION 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 Community Development Director as provided in the Staff Report dated May 1, 2007 and documents incorporated therein by reference, and any other evidence (within the meaning of
Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

CEQA:

(a) The project is exempt from CEQA under CEQA Guidelines Section 15332 in the staff report submitted by the Planning Department and other findings made in this Resolution demonstrate that this project is a permitted use allowed in the General Plan’s Highway Serving Commercial Land Use designation and complies with the related policies; the project is located within the City and is 1.90 acres in size; The site has no value as habitat because it is surrounded by development, devoid of substantial vegetation, has no bodies of water, has been graded and used as a parking lot; the project proponent will contribute to a master circulation plan for the area that will maintain safe vehicular and pedestrian circulation; and the development will be served from the existing streets. As such, the project meets the criteria for application of a Class 32 Categorical Exemption under the CEQA Guidelines.

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

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

(ii) The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. The Highway Serving Commercial zone regulates the land use around the public site. The properties to the east and north are already developed. Interstate 10 is on the south the property to the west will meet the regulations when it is developed.

(iii) There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment. This is an infill project in an urbanized area in an already developed commercial zone. This retail use will not generate hazardous waste, nor is there any possibility of it affecting a watercourse, habitat or wildlife corridor in this location.

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

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

(vi) The project will not cause a substantial adverse change to the significance of a historical resource. The site is vacant, no historical resources or its immediate surroundings will be demolished, destroyed, relocated, or altered such that the significance of the historical resources 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 Section 9114.00 and in light of the record before it including the staff report dated May 1, 2007 all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

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

Findings of Fact: The property is designated Highway Serving Commercial (HSC) in the General Plan Land Use Element, which allows for the development of drug stores or convenience stores. This project will establish a combination drug store and convenience store.

Further, Policy 3 of the General Plan Land Use Element indicates that development be of high quality. This project, as designed, will include decorative cornices, stone accents, smooth stucco treatments that will result in a high quality design that is consistent with this Policy.

2. The proposed use is permitted within the subject land use district and complies with all of the applicable provisions of the Ordinance.

Findings of Fact: The Zoning District designation Highway Serving Commercial (HSC) allows for the development of this project; a combination drug store and convenience store. The project meets or exceeds the development standards for this district, including:

- Minimum front yard setback (69’ provided versus 10’ required);
- Minimum rear yard setback (49’ provided versus 0’ required);
- Minimum street side setback (86’ provided versus 5’ required);
- Minimum side yard setback (69’ provided versus 0’ required);
- Maximum lot coverage (21% provided versus 35% maximum permitted);
- Maximum height (1-story/ 19’ provided versus 2-story/ 35’ maximum permitted); and
- Parking space requirement (86 provided versus 69 required).

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

Facts of Fact: The design and layout of the proposed project will not unreasonably interfere with future development, and will not result in vehicular and or pedestrian hazards because of the following:
- The "back-of-house" features, such as the trash enclosures and loading area are located between the building and freeway, which will minimize the visibility from the surrounding properties public view;
- The drive thru aisles have been designed to provide sufficient queuing that will minimize circulation conflicts on Ramsey street;
- The project provides ample parking (86 provided versus 69 required); and
- The project proponent will contribute to a circulation plan for the area that will result in the design and installation of the required improvements for the area.

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

Findings of Fact: The project proponent proposes a contemporary Tuscan architectural with a red tile roof, stone and earth tone colors. Although this style is not found immediately adjacent to this site, it will improve the architecture of the surrounding area. The landscape plans contain a plant palette and design elements that are consistent with the Banning Commercial Corridor standards.

SECTION 2. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby takes the following actions:

1. **Notice of Exemption.** In accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062 the Planning Commission hereby approves a categorical exemption under CEQA Guidelines Section 154332 and directs the Community Development Director to prepare and file with the Clerk for the County of Riverside a notice of exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

2. **Approve Design Review.** Design Review #07-706 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Attachment "1" for the review of the site development and architecture for the Pharmacy. Any modification to the project shall be in compliance with the City of Banning Zoning Ordinance, and other applicable state and local ordinances.

PASSED, APPROVED AND ADOPTED this 1st day of May, 2007.

Betty DeSantis, Vice-Chairperson  
Banning Planning Commission

PC Reso No. 2007-22
APPROVED AS TO FORM AND LEGAL CONTENT:

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

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2007-22, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 1st day of May, 2007 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

PROJECT #: Design Review #07-706

SUBJECT: Rite-Aid Pharmacy

APPLICANT: Victor Palos; Studio 3 Architects

LOCATION: The property is located on south side of Ramsey St., east of Eight St., North of Interstate 10.

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

A. General Requirements

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City’s defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

2. The issuance of these Conditions of Approval do not negate the requirements of the Engineering/Public Works Department or submittal, review, and approval of: Street improvement plans, signing and striping plans, grading plans, storm drain improvement plans, street lighting plans, water, sewer, and electrical improvement plans, or other plans as deemed necessary by the City Engineer.

Completion Date

/ / /
3. A copy of the signed Resolution of Approval or Community Development Director's letter of approval, and all Standard Conditions, shall be included in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for plan check.

B. Time Limits

Development/Design Review approval shall expire if building permits are not issued or approved use has not commenced within 2 years from the date of approval. In addition, if after commencement of construction, work is discontinued for a period of one year, the Design Review shall become null and void. The Community Development Director may, upon an application being filed 30 days prior to expiration and for good cause, grant one time extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Design Review complies with all current Ordinance provisions.

C. Site Development

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

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

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

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

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

6. Approval of this request shall not waive compliance with all sections of the Development Code, all other applicable City Ordinances, and applicable Community or Specific Plans in effect at the time of building permit issuance.
7. A detailed on-site lighting plan, including a photometric diagram, that illustrates "0" lumens at the property line, shall be reviewed and approved by the Community Development Director and Police Department (922-3125) prior to the issuance of building permits. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties.

8. All ground-mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, bermsing, and/or landscaping to the satisfaction of the Community Development Director. For single family residential developments, transformers shall be placed in underground vaults.

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

D. Pharmacy Development

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

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

3. Graffiti shall be removed within 72 hours.

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

5. All operations and businesses shall be conducted to comply with the following standards which shall be incorporated into the lease agreements for all tenants:
a. Noise Level - All commercial activities shall not create any noise that would exceed an exterior noise level of 60 dB during the hours of 10 p.m. until 7 a.m. and 65 dB during the hours of 7 a.m. until 10 p.m.

b. Loading and Unloading - No person shall cause the loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or other similar objects between the hours of 10 p.m. and 7 a.m. unless otherwise specified herein, in a manner which would cause a noise disturbance to a residential area.

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

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

E. Building Design

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

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

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

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

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

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

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

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

7. Motorcycle parking area shall be provided for commercial and office facilities with 25 or more parking stalls.

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

G. Trip Reduction

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

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

H. Landscaping

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

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

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

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

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

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

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

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

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

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

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

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

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

I. Signs

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

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

J. Environmental

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

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

K. Other Agencies

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

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

L. General Requirements

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

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

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

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

M. Site Development

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

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

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

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

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

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

N. New Structures

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

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

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

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

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

7. Roofing materials shall be Class "A."

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

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

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

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

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

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

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

O. Grading

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

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

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

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

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

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

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

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

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

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

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

P. General Requirements

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

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

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

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

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

   C. Street Improvement Plans  
      1” = 40’ Horizontal
      1” = 4’ Vertical

   D. Traffic Signal Plan  
      1” = 20’ Horizontal

   E. Off-Site Landscaping Plans  
      1” = 20’ Horizontal

   F. Off-Site Signing & Striping Plan  
      1” = 40’ Horizontal

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

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

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

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

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

Q. Rights of Way

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

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

8. The applicant shall offer for dedication on the Final Map all public street right-of-ways in conformance with the City's General Plan, Municipal Code, applicable precise plans, standard plans, and/or as required by the City Engineer.

9. Offer to dedicate for public purposes the right-of-way for Eighth Street classified as a Major Highway; 100 foot width. Offers of dedication shall include corner cut-off at intersections.

10. Offer to dedicate for public purposes the right-of-way for Ramsey Street classified as a Major Highway; 100 foot width. Offers of dedication shall include corner cut-off at intersections.

11. Reserve a 15 foot wide drainage easement along southerly portion of property for the benefit of the lands to the west. A note shall be added to the instrument stating "drainage easements shall be kept free of buildings and obstructions."

12. Grant a sewer easement along southerly portion of the property to the City of Banning in accordance with the conditions of approval specified by the Wastewater Utility.

13. Direct vehicular access to Eighth Street and Ramsey Street from any portion of the site frontage shall be restricted, except for those access points identified on the approved site plan, or as otherwise conditioned in these conditions of approval. The vehicular access restriction shall be shown on a separate instrument and recorded prior to permit issuance.
14. The applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the City of Banning or the Riverside County Flood Control and Water Conservation District unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFC. Prior to granting any of said easements, the property owner shall furnish a copy of the proposed easement to the City Engineer for review and approval.

R. Public Improvements

15. Construct full half street improvements in accordance with City standards fronting Ramsey Street including street lighting, curb and gutter, median island, access ramps, sidewalk, and asphalt concrete paving, street name signs, traffic signs and striping, and any transitions. Curb returns have a 35 foot radius on Ramsey Street. 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.

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

16. Construct full half street improvements in accordance with City standards fronting Eighth Street including street lighting, curb and gutter, median island, access ramps, sidewalk, and asphalt concrete paving, street name signs, traffic signs and striping, and any transitions. Curb returns have a 35 foot radius on Eighth Street. Street lights on Eighth 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.

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

18. Security for the construction of public improvements in accordance with Section 21-14 of the Banning Municipal Code shall be as follows:

   Faithful Performance Bond - 100% of estimated cost
   Labor and Material Bond - 100% of estimated cost
   Monumentation Bond - $5,000.00

   Securities for the public improvements shall be on file with the City Clerk prior building permit approval. Unit prices for bonding estimates shall be those specified or approved by the City Engineer.

19. Prior to building permit approval the applicant shall pay for any fair share cost of public improvements identified in the traffic study including median island improvements.

20. All required public improvements for the project shall be completed, tested, and

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approved by the Engineering Division prior to issuance of any Certificate of Occupancy.

S. Grading and Drainage

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

22. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Note: An identified floodway exists crossing Ramsey Street onto the existing property as identified in Flood Boundary and Floodway Map dated October 17, 1978.

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

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

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

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

4. The applicant’s SWPPP shall include provisions for all of the following Best Management Practices (“BMPs”):
   a. Temporary Soil Stabilization (erosion control).
   b. Temporary Sediment Control.
   c. Wind Erosion Control.
   d. Tracking Control.
   e. Non-Storm Water Management.
   f. Waste Management and Materials Pollution Control.

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

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

25. 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.

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

T. Landscaping

28. An automatic sprinkler system and landscaping shall be installed, prior to occupancy of the development, within the parkway fronting Ramsey Street and Eighth Street. The system shall include a landscape controller, a separate water meter and electric meter, and plantings as approved by the Community Development Director. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.

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

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

U. Traffic

31. Provide a focused traffic study addressing the proposed onsite circulation for the project and address the adequacy as it relates to safe access along Ramsey Street. This includes identifying the desired level of traffic control at project driveways and/or intersections.

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

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

V. Trash/Recycling

35. Relocate existing public sanitary sewer system crossing site in accordance with the wastewater utility standards and specifications. Structures shall not bear on any underground sanitary sewer system.

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

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

W. Fees

38. 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.

39. Public Works Inspection fees shall be paid prior to the scheduling the final map for approval by City Council in accordance with the Fee Schedule in effect at time of scheduling.

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

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

42. A Traffic Control mitigation fee shall be paid on a per lot basis prior to issuance of building permits for each lot within the subdivision.
43. A fee shall be paid to Riverside County Flood Control and Water Conservation District in the amount specified by them to perform plan checking for drainage purposes for the proposed subdivision.

**Water & Wastewater Utility**

**WATER**

Submit Water Improvement Plans to the Water Division for review and approval. Design, construct, and install water service lateral for project.

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

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

**SEWER**

Submit Sewer Improvement Plans to the Sewer Division for review and approval. Design and construct a sewer line around the proposed building (east and west) within a 20’ wide easement.

All sewer lines shall be extra strength Vitrified Clay Pipe (VCP) and the sewer mains shall be a minimum of 8” diameter.

Commercial projects require a 6” VCP sewer lateral connecting to the main line.

A sewer check valve shall be provided for the project with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.

Food Services require grease interceptors before connecting to the City Sewerage System.

**FEES**

Water Connection Fees shall be paid per EDU (EDU is based upon meter size), Sewer Connection Fees shall be paid per EDU (EDU for commercial types will be based upon the estimated quality and quantity of discharge into the sewerage system), and Water Meter Installation charges shall all be paid at the time of issuance of building permits, for this project in accordance with the fee schedule in effect at the time the fees are paid. Also, pay all water and sewer frontage fees, if applicable, and in accordance with the fee schedule in effect at the time the fees are submitted, prior to plan checking proceedings.
APPLICANT SHALL CONTACT ELECTRICAL OPERATIONS DEPARTMENT IN COMPLIANCE WITH THE FOLLOWING CONDITION:

Provide electrical plans and load calculation for review.

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

The City Electric Department shall be responsible for:
1. Reviewing plans submitted by customer.
2. Providing a cost estimate for City installed power lines.
3. Inspecting all trenches prior to backfilling. 24 hour prior notice is required before inspection.
4. Installing conductors and terminations for primary and secondary voltages (at customer’s expense).
5. Installation of street light heads and conductors.
APPLICANT SHALL CONTACT THE FIRE MARSHAL AT, (951) 922-3210, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

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.

Commercial, Industrial and/or Office Complex:

$ .579 per square foot +
$ 25.00 per unit Disaster Planning

Plan Check and Inspection: $118.00 per hour
Exception, Sprinkler and Alarm System Plan Check
See Number (7) for Fee Schedule.

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.

SPRINKLER SYSTEMS REQUIRED:

Fire Sprinkler Systems shall be installed as required by the UFC or in any and all structures with a total floor area of ten thousand (10,000) sq. ft. or more (5,000 sq. ft. for assembly occupancies or 3,000 sq. ft. for hazardous occupancies), or for those occupancies that are at or beyond the Fire Department's response time of ten (10) minutes beginning at the time the call is received at Dispatch.

SPRINKLER AND ALARM SYSTEMS:

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

Alarm monitoring stations must be located within 100 miles of the City of Banning or approved by the Fire Marshal.
SPRINKLER AND ALARM SYSTEM FEE SCHEDULE:

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

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

SPRINKLER SYSTEM UNDERGROUND:

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

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

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

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

FIRE HYDRANTS:

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

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

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

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

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

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

WATER SUPPLY:

Fire flow shall be established by the Fire Department using the information provided in the UFC Appendix III A. Fire flow is based on the type of construction and the size of the building. 1500 gallons/minute for 2 hours is the minimum flow required. Fire flow may be adjusted upward where conditions indicate an unusual susceptibility to fire.
FIRE DEPARTMENT ACCESS:

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

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

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

Minimum unobstructed width shall be 20 feet.

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

Minimum turning radius shall be 42 feet.

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

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

Maximum grade shall be established by the Fire Department.

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

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

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

X. A “Knox” box will be required for fire department access.

PREMISES IDENTIFICATION:

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

Commercial: 6" mm. size
SPARK ARRESTORS:

Chimneys used in conjunction with fireplaces or heating appliances, in which solid or liquid fuel is used, shall be maintained with an approved spark arrestor.

FLAMMABLE LIQUID:

The storage, use, dispensing and mixing of flammable and combustible liquids shall be in accordance with UFC Article 79 and UBC Section 307.

Underground tank installation requires three (3) sets of plans approved by the Riverside County Health Department Hazardous Material Division. The Fire Department will inspect the product lines and supervise the test thereof.

Above ground tanks may be approved for non-commercial use in certain zones by the Fire Marshal. Only above ground tanks that are UL listed, provide two (2) hour firewall protection, and which exceed 110% minimum interstitial, or 150% exterior containment, shall be considered.

INSPECTIONS:

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

Fee for each inspection is $118.00 per hour per person.

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

HAZARDOUS MATERIALS:

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

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

OTHER REQUIREMENTS:

An on-site fire hydrant may be required depending on distances to the proposed building from existing hydrants and the location of the Fire Department Connection (FDC) for the fire sprinkler systems it relates to the existing hydrants.