I. CALL TO ORDER: Chairman Siva

- Pledge of Allegiance: Commissioner Price

- Roll Call: Chairman Siva, Commissioner Briant, Commissioner Ellis, Commissioner Price and Commissioner Shaw

II. PUBLIC COMMENTS:

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

III. CONSENT CALENDAR ITEMS:

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

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

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

Staff Report…………………………………………………………………………………………..Page 6

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

Recommendation:

That the Planning Commission takes the following action:

 a. Adopt Categorical Exemption, pursuant to Section 15322 (In-Fill Development Projects), for Design Review No. 15-7001; and

 b. Adopt Resolution No. 2015-08 Approving Design Review No. 15-7001

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

Staff Report…………………………………………………………………………………………..Page 44

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

Recommendation:

That the Planning Commission takes the following action:
a. Adopt Categorical Exemption, pursuant to Section 15311 (Accessory Structures), for Conditional Use Permit No. 15-7002; and

b. Adopt Resolution No. 2015-09 Approving Conditional Use Permit No. 15-7002.

V. PLANNING COMMISSIONER COMMENTS:

VI. COMMUNITY DEVELOPMENT DIRECTOR’S COMMENTS:

VII. ADJOURNMENT:

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

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division (951) 922-3125. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA title II].
A regular meeting of the City of Banning Planning Commission was held on Wednesday, May 6, 2015 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

**Commissioners Present:** Commissioner Ellis  
Commissioner Shaw  
Commissioner Price

**Commissioners Absent:** Chairman Siva  
Commissioner Briant

**Staff Present:** Acting Community Development Director, Brian Guillot  
Assistant City Attorney, Christy M. Lopez  
Recording Secretary, Sandra Calderon

I. CALL TO ORDER

II. PUBLIC COMMENTS:

Inga Shuler a Banning resident stated that a meeting held in the Council Chambers that was not announced to the general public regarding a development in town. Mentioned that the public was not given enough time to comment on the Initial Study, she wanted to remind people to check the City’s website and look for the Initial Study and preparation of a project that involves three thousand three-hundred (3,300) homes on the South Side of Banning. She feels that the Developer’s subsequent meetings will be fast-tracked and the EIR is sort of flying under the radar. She emphasized the importance of having people review, and comment on the project because it’s impacting the entire community. She gave an overview of the EIR process and dates.

III. CONSENT CALENDAR

1. Minutes of April 1, 2015

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

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

Acting Community Development Director, Brian Guillot presented the staff report and stated that the proposal is a revision of a previous approved project. The applicant proposes to convert the existing carwash to retail space. The exterior improvement includes stone facing, design elements of towers, changes in elevation. Included with the project there’s additional parking and conditional of approval requiring landscaping to meet the City’s requirement. It meets all the General Commercial zoning standards. Guillot listed the major conditions of approval that includes closing the two existing driveways closest to the corner from the Public Works Department to prevent danger to the public.

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

A representative to the owner of 780 E. Ramsey St. came forward to speak. He mentioned that at least three (3) meeting have been done with staff and they are very surprise that the closure of the two driveways was not mentioned and would not like to do so, he mentioned that they are not adding any square footage and would like to ask the Commissioners to consider the driveways to remain as they are.

Vice-Chairman Shaw opened the floor for discussion.

Commissioner Ellis asked the applicant if he’s referring to the driveways closes to the intersection and asked the measurement of those driveways. The applicant confirmed and added that they are 30’ wide driveway and the cost to close the driveways would be approximately $13,000. He emphasized that there has been no previous accidents or current issues when these driveways are used by the public.

Commissioner Ellis asked if the landscaping could be maintained regularly, especially the grass and weeds and the applicant responded that it will be done right-away.

Commissioner Shaw asked the Acting Community Development Director if we have any traffic incident or accident reports. Guillot said that he wasn’t aware of any, he added that the condition of approval comes from the Public Works Department, and assumes that the list of conditions were mailed out to the applicant last week.

Commissioner Ellis mentioned that he was not aware that this issue will come-up and understands the applicant situation and mentioned another condition to the applicant from the Public Works Department to offer to dedicate to the City of Banning an easement for future roads. He added that he’s familiar with the intersection and the high volume of truck traffic in that intersection but has never seen an accident in that area.

Commissioner Ellis asked for an agreement from the other Commissioner to continue discussion for next monthly meeting for June 3rd.
Vice-Chairman Shaw closed the public hearing and opened the floor for a motion.

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

1. PUBLIC HEARING REMAINS OPEN AND IT’S CONTINUED TO JUNE 3, 2015 AT 6:00 P.M.

(Motion Carried 3-0)

2. ZONE TEXT AMENDMENT NO. 15-97502 TO AMEND TABLE 17.12.020 (PERMITTED, CONDITIONAL AND PROHIBITED COMMERCIAL AND INDUSTRIAL USES) AND ZONE TEXT CORRECTIONS WITHIN SECTION 17.08.050 (ACCESSORY STRUCTURES) AND SECTION 17.64.060 (COUNCIL ACTION ON AMENDMENTS) OF TITLE 17 (ZONING ORDINANCE) OF THE BANNING MUNICIPAL CODE.

Acting Community Development Director, Brian Guillot presented the staff report and stated that each year a Zone Text Amendment is brought before the Planning Commission and the City Council as items conflict in the Code, errors or omissions. He listed the items: 1. Assembly uses as it relates to churches, theaters and meeting halls. 2. Restaurants – eliminating the requirement for a conditional use permit to serve alcohol 3. Accessory structures can be built to within 5 feet of the interior side and rear property lines as long as these structures are not closer than 10 feet to any other structure 4. Council Action on Amendments to the General Plan Use/Zoning District map and text to the General Plan shall be adopted by ordinance.

Commissioner Shaw asked the Acting Community Development Director Brian Guillot if he knows of any upcoming project that these rules might directly affect. Guillot responded that he’s not aware of any but inquiries are received sometimes.

Vice-Chairman Shaw opened the floor for discussion.

None

Vice-Chairman Shaw opened the hearing for public comments.

Inga Shuler said that she was sorry not to have an opportunity to comment on the previous item. She wondered if the Zone Text Amendment was just a housekeeping issue. Commissioner Shaw confirmed and asked Ms. Shuler to have an opportunity to comment on the first item on the agenda.

Shuler mentioned that she gets the impression that the new requirements on the driveway issue were mailed out last week and was never mentioned during their meetings, and feel staff in the office should coordinate all matters before they are mailed out.
Acting Community Development Director Brian Guillot mentioned that discussion was made between the Public Works Department and the applicant regarding the issues.

Commissioner Shaw suggested that if the issues remain, it would be a good idea to invite a representative from the Public Works Department to the next meeting.

Vice-Chairman Shaw closed the public hearing and opened the floor for a motion.

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

1. ADOPT RESOLUTION No. 2015-03 RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF A CATEGORICAL EXEMPTION FOR ZONE TEXT AMENDMENT NO. 15-97502; AND
2. RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF ORDIANCE NO. 1488 APPROVING ZONE TEXT AMENDMENT NO. 15-97502.

(Motion Carried 3-0)

**IV. PLANNING COMMISSION COMMENTS**

Commissioner Ellis commented on possibly enhance the public notices more, in order to obtain more participation at the Planning Commission meetings. He mentioned that a project is currently being proposed that will significantly affect the Pass Area in the future. He mentioned that many people don’t navigate the City’s web page or notices that are printed in the newspaper in small print.

Commissioner Shaw commented that legal requirements need to be followed, but in view of the recent workshops held, the City of Banning needs to show more openness and transparencies.

Commission Ellis also suggested that a Monthly City’s Activities Calendar should be mailed out.

Commissioner Price said that he’s the president of his H.O.A., and he often hears that many residents are not informed of the City’s meetings.

**VI. COMMUNITY DEVELOPMENT DIRECTOR’S REPORT**

None

**VII. ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:04 p.m.

Respectfully submitted,
Sandra Calderon  
Recording Secretary  

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

DATE: June 3, 2015
TO: Planning Commission
FROM: Brian Guillot, Acting Community Development Director
SUBJECT: CONTINUED PUBLIC HEARING

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

RECOMMENDATION:

Staff recommends that the Planning Commission:

I. Adopt Resolution No. 2015-08 (Attachment 1):
   a. Adopting a Categorical Exemption, pursuant to Section 15332 (In-Fill Development Projects), for Design Review No. 15-7001; and

APPLICANT INFORMATION:

Project Location: 780 E. Ramsey Street
APN Information: 541-193-012

Project Applicant: Pipeline Petroleum Banning, LLC
780 E. Ramsey Street
Banning, CA 92220

Property Owner: Emil Ayad
24100 Benfield Place
Diamond Bar, CA 91765
**PROJECT DESCRIPTION:**

The applicant is requesting approval of the proposed improvements to the existing service station that also has an existing convenience store and drive-thru carwash with an overall building area of approximately 2,038 square feet. Under this application, the applicant is proposing to convert the existing carwash, which currently contains approximately 392 square feet, into additional building area for the convenience store. Combine with a minor addition of 175 square feet, the renovated service station and convenience store will contain a total of approximately 2,213 square feet (Attachment 3). The existing canopy of approximately 1,870 square feet covering the fuel pumps will remain.

**BACKGROUND:**

During the public hearing at the previous Planning Commission meeting on May 6, 2015, the applicant raised a concern regarding the following Conditions of Approval requested by the City’s Public Works Department:

1. The two (2) existing driveway approaches closest to the curb return at the corner of E. Ramsey Street and Hargrave Street be eliminated do to the fact that these two (2) driveway approaches are within the functional area of the intersection and can be susceptible to traffic conflicts.

2. The remaining driveway approach on E. Ramsey Street and Hargrave Street shall be reconstructed to the City’s current commercial driveway standard of at least thirty (30) feet wide.

Pursuant to Condition of Approval No. 39, as provided by the City’s Public Works Department, contained in Exhibit A of Resolution No. 2015-08 (Attachment 1):

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

a. In the event that the City initiates the construction involved with the widening of Hargrave Street to meet the ultimate right of way as per the City’s General Plan, the owner shall participate up to $100,000.00 to cover the cost of said public improvements, within public right of way, fronting 780 E. Ramsey Street.

b. The amount to be paid by the owner for said improvements shall be determined at the time of the award of the project by the City. The payment shall be in the form of a cash deposit or an assessment.”
Accordingly, the City’s Public Works Department has provided a Draft Agreement to Participate in Assessment District Affecting Real Property (APN: 541-193-012) relating to the subject property located at 780 E. Ramsey Street (Attachment 2). This Agreement shall be executed prior to the issuance of any building permits should the applicant decide not to construct the improvements himself.

It should be noted that, on May 26, 2015, the City Council adopted Resolution No. 2015-45 awarding the contract for the design of improvements at the intersection of Ramsey Street and Hargrave Street. This project involves the widening of Ramsey Street and Hargrave Street to improve traffic flow and safety, which includes the relocation of curbs and gutters along both sides of Hargrave Street and along the north side of Ramsey Street fronting the two (2) properties to the east of the intersection and one property to the west of the intersection. According to the Acting Public Works Director, the design phase should be completed by September 2015, and it is anticipated that construction may commence in early 2016.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)
In accordance with §15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA), a Class 32 Categorical Exemption consists of projects characterized as in-fill development meeting the conditions described, as follows: (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) the proposed development occurs within 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; and, (e) the site can be adequately served by all required utilities and public services. Staff has analyzed proposed Design Review No. 15-7001 and has determined that it is Categorically Exempt from CEQA pursuant to §15332 of the CEQA Guidelines due to the fact that the proposed meets the required criteria to qualify as an “in-fill development project” as defined by §15332 of the CEQA Guidelines. Therefore, Design Review No. 15-7001 is Categorically Exempt from CEQA pursuant to §15332 of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP).

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

Section 17.56.050 of the City of Banning Zoning Ordinance requires that Design Review applications meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval of the Design Review No. 15-7001:

Finding No. 1: Proposed Design Review No. 15-7001 is consistent with the General Plan.

Findings of Fact: Design Review No. 15-7001 is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands.” The land-use designation of General Commercial (GC) allows service stations with convenience stores as commercial uses. The existing service station that also has an existing convenience store and drive-thru carwash with an overall building area of approximately 2,038 square feet will be completely renovated by converting the existing carwash, which currently contains approximately 392 square feet, into additional building area for the convenience store. Combine with a minor addition of approximately 175 square feet, the renovated service station and convenience store will contain a total of approximately 2,213 square feet, and the existing canopy of approximately 1,870 square feet covering the fuel pumps will remain. This service station provides a commercial convenience for the City and region. Further, Design Review No. 15-7001 is consistent with General Plan Economic Development Policy which states: “The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues.” The project, as a service station and convenience store, will continue to generate sales tax revenues for the City.

Finding No. 2: Design Review No. 15-7001 is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Findings of Fact: Design Review No. 15-7001 is consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the General Commercial (GC) zone, with regards to architecture, off-street parking and vehicular circulation and landscaping.

Finding No. 3: The design and layout of Design Review No. 15-7001 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: Design Review No. 15-7001 provides a site and circulation layout design in such a way that the project will not interfere with the use and enjoyment of existing and future development. Additionally, Design Review No. 15-7001 is consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the General Commercial (GC) zone. The project will provide two (2) separate vehicle access driveways, one fronting Ramsey Street and one fronting Hargrave Street and one (1) fronting Ramsey Street, with a driveway that circulates around the building. Design Review No. 15-7001 provides pedestrian walks around the building. Additionally, the project has been reviewed by the City Engineer and Fire Department with regard to site circulation for pedestrian and motor vehicles, and emergency access, and they have included Conditions of Approval in order to eliminate any deficiencies that may result in vehicular and/or pedestrian hazards.

Finding No. 4: Design Review No. 15-7001 is compatible with the character of the surrounding neighborhood.

Findings of Fact: Design Review No. 15-7001 will not impair the integrity and character of the General Commercial (GC) land use district in which it is to be located because it is surrounded by existing developments and on the Ramsey Street corridor which is a long-established commercial corridor of the City. Additionally, Design Review No. 15-7001 is consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the General Commercial (GC) zone. The project will connect to the existing roadway system and will not create any barriers that will divide the neighborhood. The building architecture and site circulation and landscaping is designed in a way that the project is compatible with the character of the surrounding neighborhood and Zoning Ordinance design guidelines.

PUBLIC COMMUNICATION

The proposed Categorical Exemption and Design Review No. 15-7001 was advertised in the Record Gazette newspaper on April 24, 2015. The Public Hearing was conducted by the Planning Commission on May 6, 2015, and this item was continued to the regularly scheduled meeting of the Planning Commission of June 3, 2015. Since this item was continued to a date specific a new public notice was not required. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.
RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

Adoption of Planning Commission Resolution No. 2015-08:

1. Adopting Categorical Exemption, pursuant to Section 15332 (In-Fill Development Projects), for Design Review No. 15-7001; and


Prepared By:          Reviewed By:

[Signatures]

Oliver Mujina
Contract Planner

Brian Guillot
Acting Community Development Director

Attachments:

1. Resolution No. 2015-08
2. Draft Agreement to Participate in Assessment District Affecting Real Property (APN: 541-193-012)
3. Proposed Architectural Design
ATTACHMENT 1
PC Resolution No. 2015-08
RESOLUTION NO. 2015-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA ADOPTING A CATEGORICAL EXEMPTION (CLASS 32: IN-FILL DEVELOPMENT PROJECTS) AND DESIGN REVIEW NO. 15-7001 FOR THE PROPOSED IMPROVEMENTS TO AN EXISTING SERVICE STATION AND CONVENIENCE STORE LOCATED AT 780 E. RAMSEY STREET (APN: 541-193-012) WITHIN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT

WHEREAS, the applicant has submitted an application for Design Review approval so that the Planning Commission may consider the proposed improvements to an existing service station and convenience store, which has been duly filed by:

Project Applicant: Pipeline Petroleum Banning, LLA
780 E. Ramsey Street
Banning, CA 92220

Parcel Address: 780 E. Ramsey Street
APN: 541-193-012
Lot Area: 38,760 Square Feet

WHEREAS, the Planning Commission has the authority pursuant to Chapter 17.56 of the Banning Municipal Code to take action on Design Review No. 15-7001 to construct proposed improvements to an existing service station and convenience store on a 38,760 square foot parcel within the General Commercial (GC) zoning district located on the southwest corner of E. Ramsey Street and Hargrave Street; and

WHEREAS, the existing service station has an existing convenience store and drive-thru carwash with an overall building area of approximately 2,038 square feet. The applicant is proposing to convert the existing carwash, which currently contains approximately 392 square feet, into additional building area for the convenience store. Combine with a minor addition of 175 square feet, the renovated service station and convenience store will contain a total of approximately 2,213 square feet. The existing canopy of approximately 1,870 square feet covering the fuel pumps will remain; and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA), staff analyzed Design Review No. 15-7001 and determined that, pursuant to CEQA Section 15332 (In-Fill Development Projects), Design Review No. 15-7001 is Categorically Exempt; and

WHEREAS, on April 24, 2015, the City gave public notice by advertisement in the Record Gazette newspaper of a public hearing concerning the Categorical Exemption and Design Review No. 15-7001. The City also mailed public hearing notices to the owners of properties that are directly affected by the Design Review and to the property owners that are located within a 300’ radius of the project boundaries; and
WHEREAS, on May 6, 2015, the Planning Commission held the noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the project and at which the Planning Commission considered the Categorical Exemption and Design Review No. 15-7001; and

WHEREAS, on May 6, 2015, the Planning Commission continued the public hearing to their regularly scheduled meeting of June 3, 2015; and

WHEREAS, on June 3, 2015, the Planning Commission held the continued public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the project and at which the Planning Commission considered the Categorical Exemption and Design Review No. 15-7001.

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

SECTION 1. ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)
In accordance with §15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA), a Class 32 Categorical Exemption consists of projects characterized as in-fill development meeting the conditions described, as follows: (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) the proposed development occurs within 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; and, (e) the site can be adequately served by all required utilities and public services. The Planning Commission has analyzed proposed Design Review No. 15-7001 and has determined that it is Categorically Exempt from CEQA pursuant to §15332 of the CEQA Guidelines due to the fact that the proposed meets the required criteria to qualify as an “in-fill development project” as defined by §15332 of the CEQA Guidelines. Therefore, Design Review No. 15-7001 is Categorically Exempt from CEQA pursuant to §15332 of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP).

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

Section 17.56.050 of the City of Banning Zoning Ordinance requires that Design Review applications meet certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval of the Design Review No. 15-7001:

Finding No. 1: Proposed Design Review No. 15-7001 is consistent with the General Plan.

Findings of Fact: Design Review No. 15-7001 is consistent with the General Plan Land Use Element Policy which states: “The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands.” The land-use designation of General Commercial (GC) allows service stations with convenience stores as commercial uses. The existing service station that also has an existing convenience store and drive-thru carwash with an overall building area of approximately 2,038 square feet will be completely renovated by converting the existing carwash, which currently contains approximately 392 square feet, into additional building area for the convenience store. Combine with a minor addition of approximately 175 square feet, the renovated service station and convenience store will contain a total of approximately 2,213 square feet, and the existing canopy of approximately 1,870 square feet covering the fuel pumps will remain. This service station provides a commercial convenience for the City and region. Further, Design Review No. 15-7001 is consistent with General Plan Economic Development Policy which states: “The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues.” The project, as a service station and convenience store, will continue to generate sales tax revenues for the City.

Finding No. 2: Design Review No. 15-7001 is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Findings of Fact: Design Review No. 15-7001 is consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the General Commercial (GC) zone, with regards to architecture, off-street parking and vehicular circulation and landscaping.
Finding No. 3: The design and layout of Design Review No. 15-7001 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: Design Review No. 15-7001 provides a site and circulation layout design in such a way that the project will not interfere with the use and enjoyment of existing and future development. Additionally, Design Review No. 15-7001 is consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the General Commercial (GC) zone. The project will provide two (2) separate vehicle access driveways, one fronting Ramsey Street and one fronting Hargrave Street and one (1) fronting Ramsey Street, with a driveway that circulates around the building. Design Review No. 15-7001 provides pedestrian walks around the building. Additionally, the project has been reviewed by the City Engineer and Fire Department with regard to site circulation for pedestrian and motor vehicles, and emergency access, and they have included Conditions of Approval in order to eliminate any deficiencies that may result in vehicular and/or pedestrian hazards.

Finding No. 4: Design Review No. 15-7001 is compatible with the character of the surrounding neighborhood.

Findings of Fact: Design Review No. 15-7001 will not impair the integrity and character of the General Commercial (GC) land use district in which it is to be located because it is surrounded by existing developments and on the Ramsey Street corridor which is a long-established commercial corridor of the City. Additionally, Design Review No. 15-7001 is consistent with Section 17.12.150 (Architectural Design Guidelines) of the Zoning Ordinance and the development standards of the General Commercial (GC) zone. The project will connect to the existing roadway system and will not create any barriers that will divide the neighborhood. The building architecture and site circulation and landscaping is designed in a way that the project is compatible with the character of the surrounding neighborhood and Zoning Ordinance design guidelines.
SECTION 3. PLANNING COMMISSION ACTION:

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution No. 2015-08:

   a. In accordance with CEQA Guidelines Section 15332, the Planning Commission hereby adopts the Categorical Exemption (Class 32: In-Fill Development Projects) and directs the Acting Community Development Director to prepare and file with the Clerk for the County of Riverside a Notice of Exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15094; and

   b. Approving Design Review No. 15-7001, subject to Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.

PASSED, APPROVED AND ADOPTED this 3rd day of June, 2015.

_________________________________
Kevin Siva, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

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

ATTEST:

__________________________
Sandra Calderon, Recording Secretary
City of Banning, California
CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2015-08, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 3rd day of June, 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

_________________________________
Sandra Calderon, Recording Secretary
City of Banning, California
EXHIBIT A

PROJECT #: Design Review No. 15-7001
SUBJECT: Conditions of Approval (Planning Commission Resolution No. 2015-08)
APPLICANT: Pipeline Petroleum Banning, LLC
LOCATION: APN: 541-193-012

* All fair share agreements, covenant agreements and agreements subject to recordation will be subject to review and approval by the City Attorney and will include appropriate enforcement provisions by the City and be properly securitized.

Community Development Department

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (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. Construction shall commence within two (2) years from the date of project approval, or the Conditional Use Permit and Design Review approval shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year the Conditional Use Permit and 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 a written application being filed 30 days prior to expiration and for good cause, grant a onetime extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Conditional Use Permit and Design Review comply with all current Ordinance provisions.

4. A copy of the signed resolution of approval or Community Development Director’s letter of approval and all conditions of approval and any applicable mitigation measures shall be reproduced in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for review and approval as required by the reviewing department.

5. The site shall be developed and maintained in accordance with the plans stamped May 6, 2015 approved by the City, which include site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division; the conditions contained herein; and, municipal code regulations.

6. A total of eighteen (18) off-street parking spaces shall be provided, as follows: one (1) space at each fueling station (a total of 8 spaces) and ten (10) parking spaces on-site.

7. Landscaping in the form of ground cover shall be planted along the vacant western and southern portions of the site.

8. There shall be no storage of vehicles, equipment, or any other materials in the parking or landscaping areas of the project.

9. Approval of this entitlement shall not waive compliance with any sections of the Development Code, other applicable City Ordinances, in effect at the time of building permit issuance.

10. Trash collection shall occur between the hours of 8:00 a.m. and 6:00 p.m. only.

11. All graffiti shall be removed immediately or within 24 hours of notice from the City.
12. 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.

13. The property owner shall permanently maintain all parking lot signs and markings in a clear and visible manner.

14. Exterior wall mounted lighting shall be decorative fixtures in a prefinished color to match the building. Wall fixtures shall be consistent with any pole mounted fixtures required to maintain minimum lighting levels.

15. There shall be no light spillover onto the adjacent properties from the parking lot lighting and/or exterior building lighting, including outdoor security lighting. All lighting fixtures shall not have a visible light source, must be shielded and directed downward and away from adjoining properties and public rights-of-way.

16. Trash enclosure shall be provided with three, decorative walls with enhanced wall cap and a gate, in a style compatible with the structure’s architecture. The gate shall be maintained in working order and shall remain closed except when in use.

17. All roof-mounted equipment or utility equipment on the side of the structure, or on the ground, shall not be visible from adjacent properties, the public rights-of-way or the parking lot. Any architectural screening that is proposed to shield the roof-mounted equipment shall be compatible in terms of colors and materials of the building. Landscape screening for ground mounted equipment shall be of sufficient size and quantity to fully screen the equipment.

18. There shall be no visible storage of any items including garbage, building, or manufacturing materials or junk, in any portion of the project.

19. The project shall at all times comply with all Federal, State, County and City laws, codes, regulations and standards including those that relate to hazardous materials.

20. A complete landscape/irrigation package prepared by a landscape architect licensed by the State of California shall be reviewed and approved by the Planning Division prior to issuance of building permit. The plans shall include the following elements:
   a. Water conservation concept statement.
   b. Calculation of maximum applied water allowance.
   c. Calculation of estimated total water use.
   d. Landscape design plan.
   e. Irrigation design plan.
   f. Certificate of substantial completion.
21. Building and Safety plans shall be submitted for plan check and approval. All plans shall be marked with the project number (DR #15-7001). The applicant shall comply with 2013 California Building Codes, and all other applicable codes, ordinances, and regulations in effect at the time of permit application including but not limited to those regulations that relate to ground movement.

22. 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.

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

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

25. All parking spaces shall be 9 feet wide by 19 feet long minimum. 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.

26. All parking lot landscape islands shall have a minimum interior dimension of 6 feet in width and shall contain a 12-inch walk adjacent to any parking stall (including curb width).

27. All parking spaces shall be striped per City standards and all loading zones, driveway aisles, entrances, and exits shall be striped per City standards. Each exit from a parking area shall be clearly marked with a “Stop” sign.

28. All parking areas shall provide at least 30% permanent landscape shading for parked vehicles within two years of occupancy.

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

**Public Works Department**

30. 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.
31. 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.

32. Submit a copy of the Title Report to the City Engineer.

33. Offer to dedicate to the City of Banning an additional 20 feet of right-of-way in order to meet the City of Banning master planned half street width of 50 feet fronting Hargrave Street.

34. Eliminate the two existing driveways nearest the curb return. These access points are within the functional area of the intersection and can be susceptible to traffic conflicts.

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

36. Construct full half street improvements in accordance with City standards fronting Hargrave Street including street lighting, curb and gutter, sidewalk, handicap ramps, asphalt concrete paving, and any transitions. Street lights on Hargrave 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.

37. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee, prior to the issuance of a certificate of occupancy.

38. All required public improvements shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy.
39. **In lieu of the construction of public improvements, the property owner shall agree to participate in a future assessment district to construct the public improvements along Hargrave Street.**

   a. In the event that the City initiates the construction involved with the widening of Hargrave Street to meet the ultimate right of way as per the City’s General Plan, the owner shall participate up to $100,000.00 to cover the cost of said public improvements, within public right of way, fronting 780 E. Ramsey Street.

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

40. 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, Waste Management (1-800-858-8884) for disposal of construction debris.

41. The developer shall participate in the City’s recycling program by providing two trash receptacles, one for regular trash and one for recycling, within a 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.

42. 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.

**Electric Utility Department**

43. Currently the existing switch gear is 400amp, if the existing switch gear in inadequate to service the new addition and improvements the developer may be required to install new service entrance conduits from the existing transformer pad location to the new switch gear location. The developer would also be required to pay the necessary fee to increase the transformer size to accommodate the increase in switch gear size.

44. The developer shall be responsible the following:

   a. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. These plans are required in electronic format. We currently use AutoCad2015. Plans should consist of a plot plan, site plan, one line diagram of proposed electrical main service panel and a sheet showing load calculations by an electrical engineer. Additional sheets may be required upon request.

   b. Paying required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing service upgrade.

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

45. Electric Utility shall be responsible for:

   a. Reviewing plans submitted by customer.

   b. Design an electrical utility plan for the installation of structures and conduit by developer.
c. Providing a cost estimate for installing an underground electrical system for this project.
d. Inspecting all trenches prior to backfilling. 24-hour prior notice is required before inspection.
e. Install electrical apparatus including primary conductors, terminations, metering, and transformer to provide electrical service for your project.

Police Department

46. The developer shall install a video surveillance system to view the public areas of the development that may be viewed by police dispatchers. The developer shall submit specifications for review and approval of the Police Department prior to installation.

Fire Department

47. Final inspection shall be completed when all work is completed and prior to the issuance of a Certificate of Occupancy.

48. All fire extinguishers service dates are correct, before work begins.
ATTACHMENT 2
Draft Agreement to Participate in Assessment District Affecting Real Property (APN: 541-193-012)
AGREEMENT TO PARTICIPATE IN ASSESSMENT DISTRICT
AFFECTING REAL PROPERTY
APN 541-193-012

THIS AGREEMENT is made and entered into as of _____________, 20__
between the CITY OF BANNING, a municipal corporation, hereinafter referred to as "City"
and Nang Yi Chanan, Leang Heang Phay and Emil Ayad, hereinafter together referred to as
"Owner". In consideration of the mutual promises and covenants contained herein, the parties
hereto mutually agree as follows:

Section I. Recitals. This Agreement is made and entered into with respect to
the following facts, which are acknowledged as true and correct by the parties hereto:

A. The Owner is desirous of obtaining approval for 780 E. Ramsey Street to
construct a fourth gas pump at an existing gas station in Banning, California, which is more
particularly described on Exhibit "A", Legal Description, attached hereto and incorporated
herein as though set forth in full ("Property").

B. On August 6, 2012, the City approved the proposed project subject to
certain conditions of approval. The Owner has consented to and approved the conditions of
approval and agrees to be bound by them.

C. The Conditions of Approval attached herein as Exhibit "B" are hereby
made a part of this Agreement to Participate in Assessment District.

D. Ramsey Street and Hargrave Street are designated as arterial highways,
respectively, as described in the City of Banning Circulation Element adopted January 31st,
by Resolution 2006-13 of the City Council of the City of Banning.

E. In lieu of Condition Nos. 5 and 6 of 780 E. Ramsey Street and as shown in
the Conditions of Approval (Exhibit "B"), the Owner is required to enter into a written
agreement whereby it offers to participate in, and waives objections to the formation of, an
assessment district, or community facilities district for the construction of the public

Agreement 780 E. Ramsey Street
improvements for Ramsey Street and Hargrave Street in accordance with city standards.

F. Owner warrants and represents that it is the sole owner of the Property and that no other persons hold any legal or equitable interests in the Property, including deeds of trust.

Section II. CONSENT TO PARTICIPATION IN ASSESSMENT DISTRICT. Owner, on behalf of itself, its successors and assigns, hereby agrees and offers to participate in the construction of street improvements fronting said property, and waives all rights to object to the formation of an assessment district, or community facilities district, or similar financing mechanism for the construction of the public improvements on Ramsey Street and Hargrave Street in accordance with city standards.

Section III. SATISFACTION OF CONDITIONS OF APPROVAL. This Agreement satisfies the requirements of Condition Nos. 5 and 6 provided this Agreement remains valid, binding and enforceable against the Owner, its successors and assigns. In the event this Agreement is for any reason invalid or the agreement is for any reason not binding or enforceable against the Owner or its successors or assigns, then the Owner, on behalf of itself and its successors and assigns, acknowledges that the conditions of approval for 708 E. Ramsey Street require its proportionate share of the cost of constructing the public improvements for Ramsey Street and Hargrave Street in accordance with city standards be paid to the City including any dedication of right-of-way that may be required.

Section IV. ENTIRE AGREEMENT. This Agreement contains the entire understanding between the City and Owner with respect to the public improvements on Ramsey Street and Hargrave Street. Any prior agreements, promises, negotiations or representations not expressly set forth herein are of no force or effect. Subsequent modifications to the Agreement shall be effective only if in writing and signed by all parties. If any term, condition or covenant of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall be valid and binding.

Section V. WAIVER. Waiver by any party hereto of any term, condition, or covenant of this Agreement shall not constitute the waiver of any other term, condition, or covenant hereof.

Section VI. BINDING EFFECT.

A. Of the covenants which have been established pursuant to this Agreement, the same shall be deemed to be covenant running with the land for the benefit of the City area in carrying out its statutory responsibilities under California law and to enforce the provision of the City of Banning Public Works Standards and Specifications and the Conditions of Approval for 708 E. Ramsey Street. The covenants contained in this Agreement shall be binding for the benefit of the City and its successors and assigns, and such covenants shall run in favor of the City for the entire period during which such covenants shall be in force and effect, without regard to whether the City is or remains an owner of any land or interest therein to which such covenants relate.

B. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.
Section VII. ATTORNEY'S FEES. If litigation is reasonably required to enforce or interpret the provisions of this Agreement, the prevailing Party in such litigation shall be entitled to an award of reasonable attorney's fees, in addition to any other relief to which it may be entitled.

Section VIII. NOTICES. Any notices or other correspondence between the parties shall be sent to the following unless either party gives the other notice of a change of address:

CITY OF BANNING
Director of Public Works
99 E. Ramsey Street
P.O. Box 998
Banning, CA 92220

OWNER
Nang Yiv Chhan, Trustee
The Nang Yiv Chhan and Leang Heang Phay Revocable Trust
780 E. Ramsey Street
Banning, CA 92220

OWNER
Nang Yiv Chhan, Trustee
The Nang Yiv Chhan and Leang Heang Phay Revocable Trust
780 E. Ramsey Street
Banning, CA 92220

OWNER
Emil Ayad
Pipeline Petroleum Banning, LLC
2720 Pomona Blvd.
Pomona, CA 91768

Notice shall be effective upon personal deliver, delivery by courier service or three business days following deposit in the United State Mail, postage prepaid, certified.
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF BANNING

__________________________
City Manager

ATTEST:

__________________________
City Clerk

APPROVED AS TO FORM:

__________________________
City Attorney

OWNER:

__________________________
Nang Yiv Chhan
OWNER:

__________________________
Leang Heang Phay
OWNER:

__________________________
Emil Ayad
CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA )
COUNTY OF ________________ ) s.s.

On __________________ before me, personally appeared __________________________________ personally known to me; or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that (he/she/they) executed the same in his/her/their/authorized capacity(ies), and that the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(SEAL)

________________________________________
Signature of Notary Public

***************************************************************************************************************************************************************

CAPACITY CLAIMED BY SIGNER:

Though statute does not require the notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

________ Individual(s)
________ Corporate Officer(s) ___________________________ and ___________________________

Titles ___________________________ and ___________________________

________ Partner(s) ___________________________ Limited ___________________________ General

________ Attorney-in-fact

________ Trustee(s)

________ Guardian/Conservator

________ Other: __________________________________________

Signer is representing: ________________________________________________________________

***************************************************************************************************************************************************************

ATTENTION NOTARY: Although the information requested below is optional, it could prevent fraudulent attachment of this certificate to an unauthorized document.

Title of type of document: _____________________________________________________________
Number of pages: ______________________________
Date of document: ______________________________
Signer(s) other than named above: _____________________________________________________

This Certificate must be attached to the document described above

Agreement 780 E. Ramsey Street
EXHIBIT "A"

(LEGAL DESCRIPTION)
EXHIBIT "B"

(CONDITIONS OF APPROVAL)
MEMORANDUM
CITY OF BANNING

DATE: April 16, 2015
TO: Brian Guillot, Acting Community Development Director
FROM: Art Vela, Acting Public Works Director
SUBJECT: CONDITIONS OF APPROVAL
780 E. Ramsey Street; DR #15-7001

The Department of Public Works recommends the following Conditions of Approval for the abovementioned project. Unless stated otherwise, all conditions shall be completed by the Developer at no cost to any Government Agency.

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

A. 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.

B. Rights of Way

3. Submit a copy of the Title Report to the City Engineer.

___/___/___
4. Offer to dedicate to the City of Banning an additional 20 feet of right-of-way in order to meet the City of Banning master planned half street width of 50 feet fronting Hargrave Street.

C. Public Improvements

5. Eliminate the two existing driveways nearest the curb return. These access points are within the functional area of the intersection and can be susceptible to traffic conflicts.

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

7. Construct full half street improvements in accordance with City standards fronting Hargrave Street including street lighting, curb and gutter, sidewalk, handicap ramps, asphalt concrete paving, and any transitions. Street lights on Hargrave 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.

8. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee, prior to the issuance of a certificate of occupancy.

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

10. In lieu of the construction of public improvements, the property owner shall agree to participate in a future assessment district to construct the public improvements along Hargrave Street.
   a. In the event that the City initiates the construction involved with the widening of Hargrave Street to meet the ultimate right of way as per the City’s General Plan, the owner shall participate up to $100,000.00 to cover the cost of said public improvements, within public right of way, fronting 780 E. Ramsey Street.
      i. The amount to be paid by the owner for said improvements shall be determined at the time of the award of the project by the City. The payment shall be in the form of a cash deposit or an assessment.

D. Trash/Recycling

11. 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, Waste Management (1-800-858-8884) for disposal of construction debris.

12. The developer shall participate in the City’s recycling program by providing two trash receptacles, one for regular trash and one for recycling, within a 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.
E. Fees

13. 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.

Completion Date

END
The comments contained herein are meant for informational purposes only and should not be considered the final comments on your project. Generally, during the planning stages of a project, specific information is lacking to prepare comprehensive engineering comments and conditions of approval. It is recommended that you seek professional guidance regarding the complex engineering requirements and development process for your individual project.

PAC # 15-01

PROJECT LOCATION: 780 E. Ramsey Street

PROJECT DESCRIPTION: Proposed Tenant Improvement for 24/7 Food Mart

Right-of-Way Dedication/Public Improvements
1. Offer to dedicate to the City of Banning an additional 20 feet of right-of-way in order to meet the City of Banning master planned half street width of 50 feet fronting Hargrave Street.
2. Construct full improvements on Hargrave Street to meet the ultimate width designation.
3. In lieu of #1 and #2, agree to participate in a future assessment district (as previously required).

Grading/Site Improvements
4. Submit a title report.
5. Submit a precise grading plan showing drainage patterns (existing and proposed contours, flow lines, etc.), elevations and any required cut or fill. The plan shall provide for positive drainage away from, and around existing and proposed structures in accordance with the City of Banning standard plans and specifications.
6. Submit a Water Quality Management Plan (WQMP)
7. All new driveways shall be constructed per the City of Banning commercial style standard.
8. A separate landscape water meter shall be installed for all projects except for single family homes. Each landscape water meter and water meter serving a commercial property shall have a backflow.

Our Mission as a City is to provide citizens a safe, pleasant and prosperous community in which to live, work and play. We will achieve this in a cost effective, citizen friendly and open manner.
ATTACHMENT 3
Proposed Architectural Design
Proposed Tenant Improvement for:
24/7 FOOD MART

Project Address:
780 E Ramsey St
Banning, CA 92220-4852

Scope of Work:
1) ADDITION AND REMODEL TO EXISTING MARKET.
2) REMODEL EXTERIOR FACADE / FRONT ELEVATION.
3) CONVERT EXISTING CARRIER INTO RETAIL SPACE.
CITY OF BANNING
Planning Commission Report

DATE:  June 3, 2015
TO:  Planning Commission
FROM:  Brian Guillot, Acting Community Development Director
SUBJECT:  CONDITIONAL USE PERMIT NO. 15-7002 FOR A PROPOSED FREEWAY ORIENTED PYLON SIGN LOCATED AT 220 E. RAMSEY STREET (APN: 541-181-009, 010, 011, 012, 024, 025, 026, 027 AND 028; AND, 541-183-001, 002, 003 AND 004) WITHIN THE DOWNTOWN COMMERCIAL (DC) ZONING DISTRICT

RECOMMENDATION:

Staff recommends that the Planning Commission:

I.  Adopt Resolution No. 2015-09 (Attachment 1):

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

   b. Approving Conditional Use Permit No. 15-7002.

APPLICANT INFORMATION:

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

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

Property Owner:  JMA Village, LLC
          30001 Golden Lantern
          Laguna Niguel, CA 92677
PROJECT BACKGROUND AND DESCRIPTION:

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

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

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

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

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

Multiple Species Habitat Conservation Plan (MSHCP).

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

REQUIRED FINDINGS:

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

1. Said sign shall be located and designed in such a manner as to be viewed primarily in a direct line of sight from a main traveled roadway of a freeway or a freeway on-ramp/off-ramp. The phrase "viewed primarily in direct line of sight from" shall mean that the
message may be seen with reasonable clarity for a greater distance by a person traveling on the main traveled roadway of a freeway or on-ramp/off-ramp than by a person traveling on the street adjacent to the sign.

2. Said sign shall be limited to on-site retail or services businesses.

3. Said sign shall not block another freeway-oriented freestanding sign. The applicant shall be responsible for providing the Planning Commission with evidence to assure satisfactory compliance with this requirement.

4. Said sign shall not be detrimental to the appearance of the area.

5. Said sign shall not exceed an overall height of fifty-five feet.

6. Said sign shall not exceed one hundred seventy-five square feet per display face.

7. Said sign shall require approval of a Conditional Use Permit. In addition to satisfying the requirements set forth in Section 17.36.110(B)(6) of the City of Banning Zoning Ordinance, the following findings must be made prior to the approval by the Planning Commission of Conditional Use Permit No. 15-7002 for the proposed Freeway Oriented Pylon Sign, without consideration of message content of the proposed sign:

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

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

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

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

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

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

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

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

**PUBLIC COMMUNICATION**

Proposed Conditional Use Permit No. 15-7002 was advertised in the Record Gazette newspaper on May 22, 2015 (Attachment 3). As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

**RECOMMENDATION**

Staff recommends that the Planning Commission take the following action:

Adoption of Planning Commission Resolution No. 2015-09:

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

2. Approving Conditional Use Permit No. 15-7002.

Prepared By:  

[Signature]

Oliver Mujica  
Contract Planner

Reviewed By:  

[Signature]

Brian Guillot  
Acting Community Development Director

**Attachments:**

1. Resolution No. 2015-09
2. Proposed Freeway Oriented Pylon Sign
3. Public Hearing Notice
ATTACHMENT 1
Planning Commission Resolution No. 2015-09
RESOLUTION NO. 2015-09


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

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

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

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

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

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

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

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

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

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

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

SECTION 1. ENVIRONMENTAL DETERMINATION:

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

Multiple Species Habitat Conservation Plan (MSHCP).

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

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

1. Said sign shall be located and designed in such a manner as to be viewed primarily in a direct line of sight from a main traveled roadway of a freeway or a freeway on-ramp/off-ramp. The phrase "viewed primarily in direct line of sight from" shall mean that the message may be seen with reasonable clarity for a greater distance by a person traveling on the main traveled roadway of a freeway or on-ramp/off-ramp than by a person traveling on the street adjacent to the sign.

2. Said sign shall be limited to on-site retail or services businesses.

3. Said sign shall not block another freeway-oriented freestanding sign. The applicant shall be responsible for providing the Planning Commission with evidence to assure satisfactory compliance with this requirement.

4. Said sign shall not be detrimental to the appearance of the area.

5. Said sign shall not exceed an overall height of fifty-five feet.

6. Said sign shall not exceed one hundred seventy-five square feet per display face.

7. Said sign shall require approval of a Conditional Use Permit. In addition to satisfying the requirements set forth in Section 17.36.110(B)(6) of the City of Banning Zoning Ordinance, the following findings must be made prior to the approval by the Planning Commission of Conditional Use Permit No. 15-7002 for the proposed Freeway Oriented Pylon Sign, without consideration of message content of the proposed sign:

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

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

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

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

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

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

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

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

**SECTION 3. PLANNING COMMISSION ACTION:**

The Planning Commission hereby takes the following action:

1. Adoption of Planning Commission Resolution No. 2015-09:

   a. In accordance with CEQA Guidelines Section 15311, the Planning Commission hereby adopts the Categorical Exemption (Class 11: Accessory Structures) for Conditional Use Permit No. 15-7002, and directs the Acting Community Development Director to prepare and file with the Clerk for the County of Riverside a Notice of Exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15094; and

   b. Approving Conditional Use Permit No. 15-7002, subject to Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.
PASSED, APPROVED AND ADOPTED this 3rd day of June, 2015.

_________________________________
Kevin Siva, Chairman
Banning Planning Commission

APPROVED AS TO FORM
AND LEGAL CONTENT:

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

ATTEST:

__________________________
Sandra Calderon, Recording Secretary
City of Banning, California
CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2015-09, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 3rd day of June, 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

_________________________________
Sandra Calderon, Recording Secretary
City of Banning, California
EXHIBIT A

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

I. General/On-Going.

Community Development Department

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

2. If during the term of the permit the City determines based upon substantial evidence that the permit activity is exercised so as to be detrimental to the public health, safety or welfare, or, so as to be a nuisance to other property owners in the general area which by any means shall interfere with the comfortable peaceful use, possession and enjoyment of property by any person, the Conditional Use Permit No. 15-7002 shall be subject to revocation as outlined in section 17.52.100 “Revocation” of the Banning Zoning Code.
3. For the freeway oriented pylon sign, construction shall commence within two (2) years from the date of Planning Commission approval, or the conditional use permit shall become null and void for the freeway oriented pylon sign. Additionally, if after commencement of construction work is discontinued for a period of one (1) year, the conditional use permit shall become null and void. The Community Development Director may upon an application being filed thirty (30) days prior to expiration and for good cause, grant a one-time extension not to exceed twelve (12) months.

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

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

6. The freeway oriented pylon sign shall be developed and maintained in accordance with the stamped approved plans, dated June 3, 2015, which include site plans, architectural elevations, and any plans on file in the Planning Division; the conditions contained herein; and, Municipal Code regulations.

7. Said freeway oriented pylon sign shall be located and designed in such a manner as to be viewed primarily in a direct line of sight from a main traveled roadway of a freeway or a freeway on-ramp/off-ramp. The phrase "viewed primarily in direct line of sight from" shall mean that the message may be seen with reasonable clarity for a greater distance by a person traveling on the main traveled roadway of a freeway or on-ramp/off-ramp than by a person traveling on the street adjacent to the sign.

8. Said freeway oriented pylon sign may be placed along the northern property line adjacent to Livingston Street, with the final location subject to the approval of the Community Development Director.

9. Said freeway oriented pylon sign shall be limited to on-site retail or services businesses.

10. Said freeway oriented pylon sign shall not block another freeway-oriented freestanding sign. The applicant shall be responsible for providing the evidence to assure satisfactory compliance with this requirement.

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

12. The freeway oriented pylon sign shall not exceed an overall height of fifty (50) feet.

13. The double-sided freeway oriented pylon sign shall be limited to the following: a) “Village at Paseo San Gorgornio” identification at the top of the pylon sign; and, b) a total of five (5) tenant name and logo panels each containing a maximum of seventy-two (72) square feet (4’ x 18”).

14. All sign faces shall read as approved by Planning Commission on June 3, 2015, and the wording shall not be substantially amended without approval of the Community Development Director or if directed the Planning Commission.
ATTACHMENT 2
Proposed Freeway Oriented Pylon Sign
Prepared for:

Village at Paseo San Gorgonio

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

From: MILTON SOLOMON

e mail: msolomon@ads.com
ATTACHMENT 3
Public Hearing Notice
NOTICE OF PUBLIC HEARING
AND
NOTICE OF INTENT TO ADOPT A CATEGORICAL EXEMPTION
FOR
CONDITIONAL USE PERMIT NO. 15-7002 FOR A PROPOSED
FREEWAY PYLON SIGN LOCATED AT 220 E. RAMSEY STREET
(APN: 541-181-009, 010, 011, 012, 024, 025, 026, 027 and 028; and,
541-183-001, 002, 003 and 004)
WITHIN THE DOWNTOWN COMMERCIAL (DC) ZONE

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning
Commission, to be held on Wednesday, June 3, 2015, at 6:30 p.m. in the Council Chambers, City
Hall, 99 East Ramsey Street, Banning, California, to consider the proposed Freeway Pylon Sign
for the Village @ Paseo San Gorgonio project (by proposed Conditional Use Permit No. 15-
7002) pursuant to Chapter 17.52 (Conditional Use Permit) of the City of Banning Municipal
Code.

To locate these parcels, please go to the Riverside County website and type in
http://www3.tlma.co.riverside.ca.us/pa/rclis/viewer.htm in the search engine and follow the
instructions on the page.

Information regarding the Categorical Exemption and Conditional Use Permit No. 15-7002 can
be obtained by contacting the City's Community Development Department at (951) 922-3125, or
by visiting the City Hall located at 99 East Ramsey Street, Banning. You may also go to the City
of Banning website at http://www.ci.banning.ca.us/.

All parties interested in speaking either in support of or in opposition of this item are invited to
attend said hearing, or to send their written comments to the Community Development Department,
City of Banning at P.O. Box 998, Banning, California, 92220.

If you challenge any decision regarding the above proposal in court, you may be limited to raising
only those issues you or someone else raised in written correspondence delivered to the City Clerk
at, or prior to, the time the City Council makes its decision on the proposal; or, you or someone else
raised at the public hearing or in written correspondence delivered to the hearing body at, or prior
to, the hearing (California Government Code, Section 65009).

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

Brian Guillot
Acting Community Development Director

Dated: May 19, 2015
Publish: May 22, 2015